



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Jeffrey W. Cown, Director**

**EPD Director's Office**

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

**VIA HAND DELIVERY TO:**

Trone Jefferson  
Jefferson Property Services, LLC

**VIA US MAIL TO:**

Joan Zimmerman Shepperd as  
Conservator of Raymond H Zimmerman  
4833 Southlake Parkway  
Hoover, AL 35244

OCT 21 2024

2024084916

Deed Book 16239 Pg 2430  
Filed and Recorded: 10/22/2024 12:43:40 PM (Pg 1 of 10)

Connie Taylor  
Clerk of Superior Court  
Cobb County, GA

Re: Executed Uniform Environmental Covenants  
Franklin Street Site  
HSI Site No. 10813  
3065 Franklin Street  
Tax Parcel #18013900390  
3075 Franklin Street  
Tax Parcel #18013900400  
Austell, Cobb County, Georgia

Dear Dr. Trone and Ms. Shepperd:

The Georgia Environmental Protection Division (EPD) has approved the Uniform Environmental Covenants submitted for the above-referenced properties. The fully executed originals are being provided to Dr. Trone at the request of Ms. Shepperd as Grantor. Copies of the executed covenants are being sent to Ms. Shepperd. Within thirty (30) days of receipt, these covenants are to be filed with the clerk of the Superior Court of Cobb County and recorded in the clerk's deed records pursuant to O.C.G.A. 44-16-8.

Within thirty (30) days of recording, please submit a file-stamped copy of each covenant to EPD. The submittal should include a certification that file-stamped copies have been sent to each of the parties identified in O.C.G.A. 44-16-7. If you have any questions, please contact Vanessa Donnelly at (470) 524-0548.

Sincerely,

Jeffrey W. Cown  
Director

Encl: Fully executed Uniform Environmental Covenant –Parcel # 18013900390  
Fully executed Uniform Environmental Covenant –Parcel # 18013900400

File: HSI 10813, File ID 245-0305



After Recording Return to:  
Joan Zimmerman Shepperd as  
Conservator of Raymond H Zimmerman  
4833 Southlake Pkwy,  
Hoover AL 35244-3393

CROSS-REFERENCE:

County: \_\_\_\_\_  
Deed Book: \_\_\_\_\_  
Page(s): \_\_\_\_\_

### Environmental Covenant

This instrument is an Environmental Covenant executed pursuant to the Georgia Uniform Environmental Covenants Act, O.C.G.A. § 44-16-1 *et seq.*, as may be amended from time to time (hereinafter "Act"). This Environmental Covenant is entered into by the entities Joan Zimmerman Shepperd as Conservator of Raymond H Zimmerman and the State of Georgia Department of Natural Resources, Environmental Protection Division (hereinafter "EPD") executing this Environmental Covenant as part of an environmental response project to address regulated substances released into the environment that have migrated in the groundwater onto the Property identified below. This Environmental Covenant restricts the use of groundwater on the Property to prevent humans from coming into contact with regulated substances.

**Fee Simple Owner(s)/Grantor(s):**

Joan Zimmerman Shepperd as Conservator of  
Raymond H Zimmerman  
4833 Southlake Pkwy Hoover AL 35244-3393

**Grantee/Holder with the  
power to enforce:**

Joan Zimmerman Shepperd as Conservator of  
Raymond H Zimmerman  
4833 Southlake Pkwy Hoover AL 35244-3393

**Grantee/Entity with  
express power to enforce:**

State of Georgia  
Department of Natural Resources  
Environmental Protection Division  
2 Martin Luther King Jr. Drive, SE  
Suite 1456 East Tower  
Atlanta, GA 30334

**Persons with Interests  
other than Fee Simple:**

N/A

### Property Subject

The property subject to this Environmental Covenant is a tract of approximately 0.243 acres of real property located at 3065 Franklin Street, Austell, Cobb County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on June 27, 2024 to Joan Zimmerman Shepperd as Conservator of Raymond H



Zimmerman; such conveyance is recorded in Deed Book 16215, Page 4060-4061, of the Cobb County deed records. The Property is located in Land Lot 99 of the 18th District of Cobb County, Georgia.

The tax parcel(s) of the Property is 18013900390 of Cobb County, Georgia.

A legal description of the Property is attached as Exhibit A.

### **Environmental Covenant Runs with the Land and is Perpetual**

Pursuant to the Act, this Environmental Covenant shall run with the land and shall be perpetual unless terminated or amended pursuant to terms herein or in accordance with provisions of the Act. This Environmental Covenant shall be binding upon Joan Zimmerman Shepperd as Conservator of Raymond H Zimmerman, and all successors, assigns and transferees of any interest in the Property or any portion thereof.

### **Administrative Records**

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Property that arise under an environmental response performed and/or being performed at the Franklin Street facility/site HSI No. 10813. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division  
Land Protection Branch  
Response & Remediation Program  
2 Martin Luther King Jr. Drive SE  
Suite 1058 East Tower  
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

### **Activity and Use Limitations.**

- A. The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.
- B. Vapor Intrusion Evaluation & Mitigation for New Construction. Evaluation of the vapor intrusion pathway as of the date of this Environmental Covenant indicates there is no current risk of vapor intrusion from identified groundwater impacts beneath the Property. Prior to the construction of any enclosed structures, the vapor intrusion exposure pathway shall be evaluated. If a potential vapor risk exists under EPD standards, the Owner or Owner's successor in interest shall coordinate with a qualified environmental professional to mitigate such risk.

**Other Requirements.** The Property is subject to the following additional requirements.



- A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Property or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the Property is subject to this Environmental Covenant (and any amendments thereto), the location (County, Deed Book and Page) in the deed records where this Environmental Covenant (and any amendments thereto) is recorded.
- B. Termination or Modification: The Environmental Covenant shall remain in full force and effect in accordance with O.C.G.A. § 44-5-1 *et seq.*, unless and until the Director determines that the Property is in compliance with the Type 1 or 2 Risk Reduction Standards for groundwater, as defined in Section 391-3-19-.07 of the Georgia Rules of Hazardous Site Response, whereupon the Environmental Covenant may be terminated in accordance with O.C.G.A. § 44-16-1 *et seq.*

### **Environmental Covenant Does Not Authorize Use Otherwise Prohibited**

Pursuant to the Act, this Environmental Covenant shall not be construed to authorize a use of the Property that is otherwise prohibited by zoning, ordinance, local law or general law or by a recorded instrument that has priority over this Environmental Covenant.

### **Rights of Access/Compliance**

Grantor(s) shall provide reasonable access to authorized representatives of EPD and Joan Zimmerman Shepperd as Conservator of Raymond H Zimmerman to verify compliance with the terms of this Environmental Covenant.

This Environmental Covenant shall be enforceable by EPD, Joan Zimmerman Shepperd as Conservator of Raymond H Zimmerman, and other parties as provided in the Act. Such rights of access and enforcement herein shall not limit EPD's authority under other applicable law.

### **No Interest in Real Property in EPD**

EPD's rights under this Environmental Covenant and the Act shall not be considered an interest in real property.

### **Recording of Environmental Covenant and Service on Other Persons**

Within thirty (30) days after execution of this Environmental Covenant by the Director of EPD, Joan Zimmerman Shepperd as Conservator of Raymond H Zimmerman shall record the Environmental Covenant in every county in which any portion of the Property is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, Joan Zimmerman Shepperd as Conservator of Raymond H Zimmerman shall provide in a manner deemed acceptable by EPD a copy of the executed, recorded Environmental Covenant to each of the persons or entities identified in O.C.G.A. § 44-16-7.

### **Representations and Warranties by Grantor(s).**



Grantor(s) represents and warrants that all of the following are true and correct

- A. Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder and in accordance with O.C.G.A. § 44-16-1 et seq.
- B. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, a copy of the proposed final text of this Environmental Covenant was served on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

#### **EPD's Environmental Covenants Registry**

This Environmental Covenant and any amendment thereto or termination thereof may be included in EPD's registry for environmental covenants.

#### **Severability**

Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

#### **Effective Date**

This Environmental Covenant shall be effective on the date the fully executed Environmental Covenant is recorded in accordance with O.C.G.A. § 44-16-8(a).



Grantor

X Joan Zimmerman Sheppard  
(Signature)

Personal Representative of  
the estate of Raymond  
Haskell Zimmerman in  
the probate court of Shelby  
County, Alabama  
PR-2020-000015

Signed in the presence of:

Xavier B

Unofficial Witness (signature)


Xavier Barnes

Unofficial Witness (print name)

State of  
County of

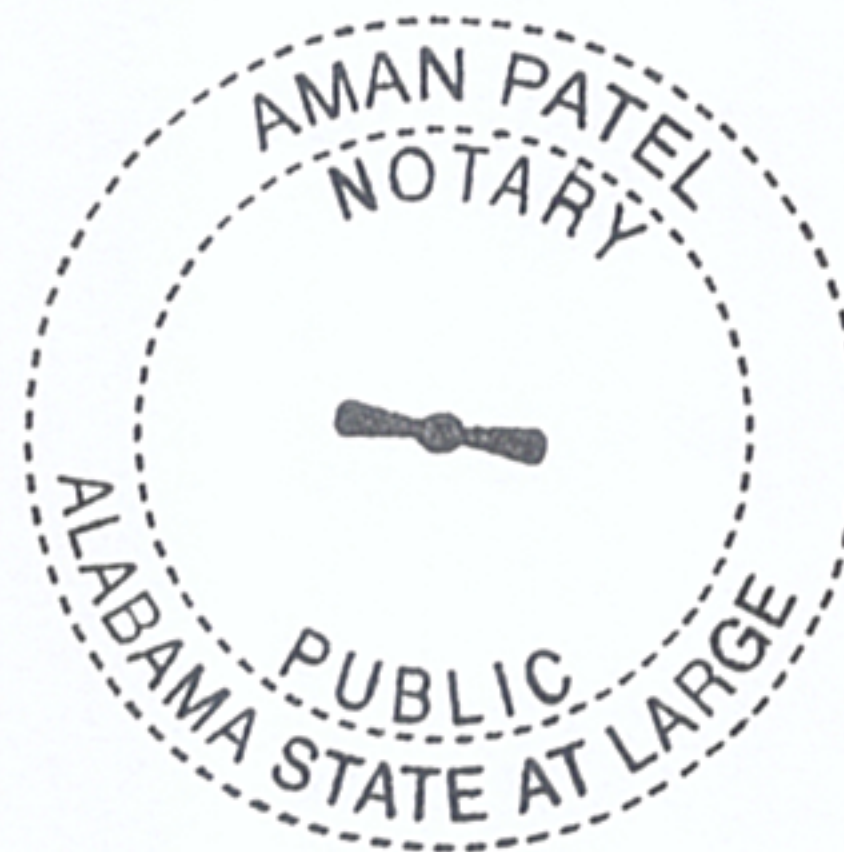
This instrument was signed or attested before  
me this 6 day of September, 20 24,  
by

       Personally Known  
✓ Produced Identification

  
Notary Public (Signature)

My Commission Expires: 08/23/26

(NOTARY SEAL) \_\_\_\_\_





Grantee

Aman Zimmerman Sheppard  
(Signature)  
Personal Representative of the  
estate of Raymond Haskell  
Zimmerman in the probate  
court of Shelby County, AL  
PR-2020-000015

Signed in the presence of:

Xavier B

Unofficial Witness (signature)

Xavier Barnes

Unofficial Witness (print name)

State of  
County of

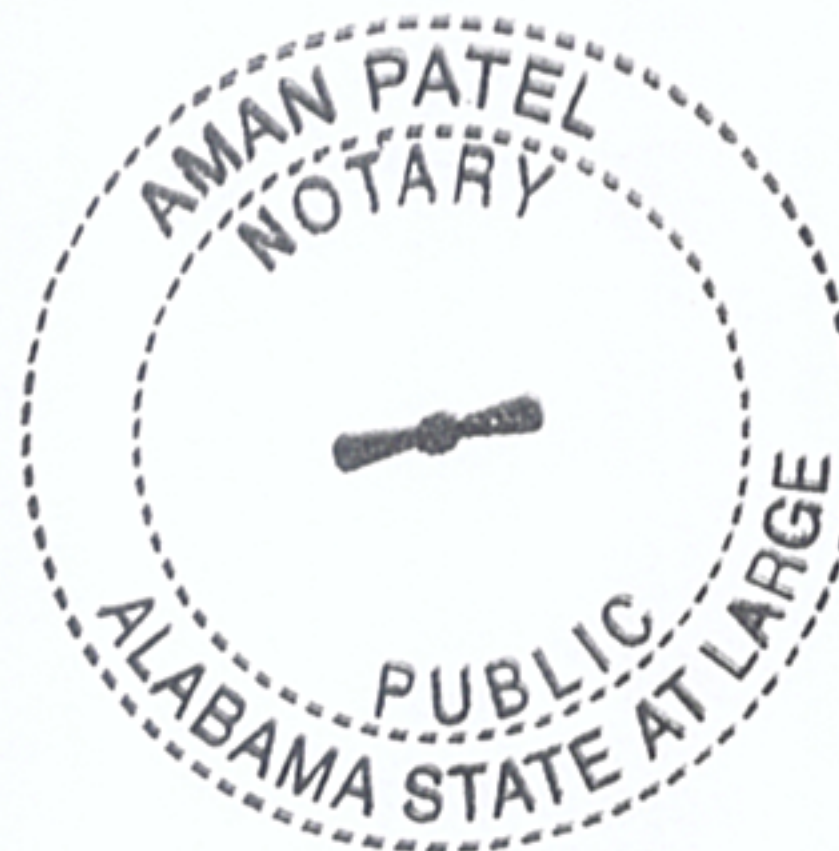
This instrument was signed or attested before  
me this 6<sup>th</sup> day of September, 2024, by

       Personally Known  
✓ Produced Identification

Aman Patel  
Notary Public (Signature)

My Commission Expires: 08/23/26

(NOTARY SEAL) \_\_\_\_\_





For the Environmental Protection Division, Department of Natural Resources, State of Georgia,  
this 21st day of October, 2024 :

Jeffrey W. Cown  
(Signature)

Jeffrey W. Cown  
Director, Environmental Protection Division

Signed in the presence of:

Amy Oursch  
Unofficial Witness (signature)

Amy Massler  
Unofficial Witness (print name)

State of Georgia  
County of Fulton

This instrument was signed or attested before  
me this 21 day of October, 2024, by

Personally Known  
Produced Identification  
Notary Public (Signature)  
My Commission Expires: 7/9/2027

(NOTARY SEAL)

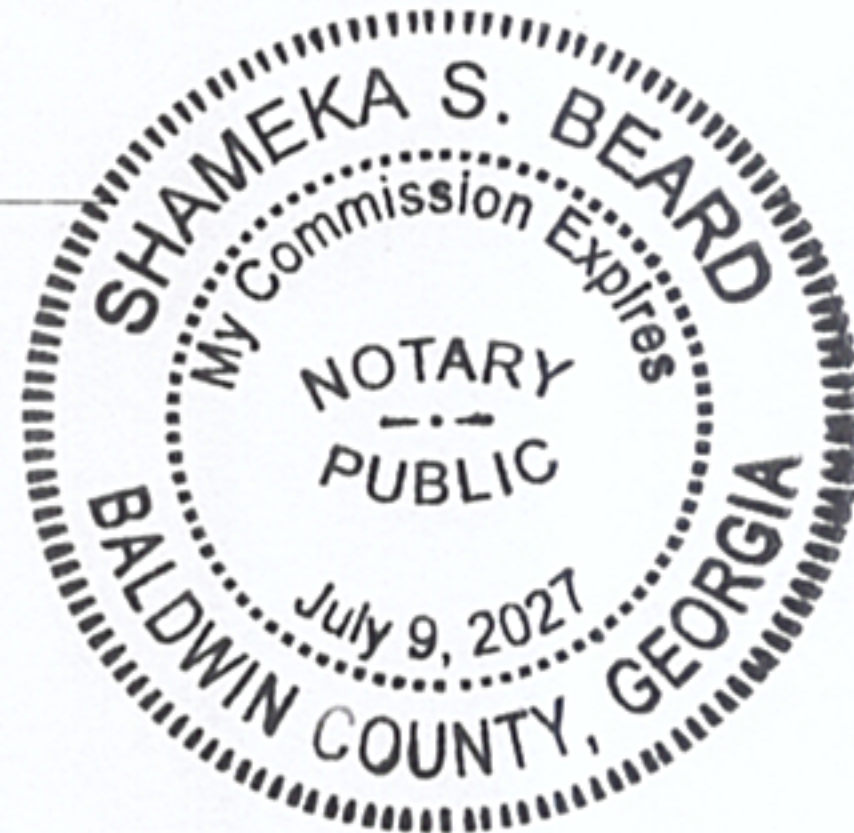




Exhibit A  
Legal Description of Property

All that tract or parcel of land lying and being in Land Lot 139 of the 18th District, 2nd Section, City of Austell, Cobb County, Georgia, and being Lot 99 of STONEBROOK SUBDIVISION, as shown on plat dated February 24, 2006, prepared by Gaskins Surveying Inc., John C. Gaskins, Georgia Registered Land Surveyor No. 2060, the last revision dated July 11, 2007, being recorded in Plat Book 263, Pages 34-36, Records of Cobb County, Georgia, which plat is incorporated herein by reference for a more complete delineation of said property.

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*<if necessary* Exhibit B  
Disclosures*>*





#### Overview



#### Legend

##### Cities

- ☐ Acworth
- ☐ Austell
- ☐ Kennesaw
- ☐ Marietta
- ☐ Powder Springs
- ☐ Smyrna
- ☐ Unincorporated
- ☐ Mableton

##### Administrative Facilities

- ☐ Libraries
- ☐ Police Stations
- ☐ Fire Stations

##### County Parks

- ☐ Federal Parks
- ☐ House Number Labels
- ☐ Parcels

##### Roads

- ☐ ARTERIAL
- ☐ INTERSTATE
- ☐ LOCAL
- ☐ MAJOR
- ☐ MINOR
- ☐ PRIVATE
- ☐ RAMP

Parcel ID 18013900390  
 Class Code R3 - Residential Lots  
 Taxing District (2) AUSTELL  
 Acres n/a

Physical Address 3065 FRANKLIN ST SW  
 Owner ZIMMERMAN RAYMOND H  
 675 SEMINOLE AVE  
 ATLANTA GA 30307

#### Last 2 Sales

Date	Price	Reason	Qual
9/24/2007	\$490000	n/a	U
n/a	0	n/a	n/a

Date created: 8/28/2024

Last Data Uploaded: 8/28/2024 8:59:32 AM

Developed by Schneider  
 GEOSPATIAL