

Tiana P Garner, Clerk of Superior Court
Gwinnett County, GA

ERECORDED

After Recording Return to:
City of Lawrenceville
c/o Mr. V. Lee Thompson
P.O. Drawer 1250
Lawrenceville, GA 30046

CROSS-REFERENCE:
County: Gwinnett
Deed Book: 56345, page 384
56345, page 387
252, page 755
Plat Book: 152, page 252

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 executing this Environmental Covenant and subjects the property identified below to the activity and/or use limitations and other requirements. This Environmental Covenant further grants such other rights in favor of EPD and the City of Lawrenceville as set forth herein.

Fee Simple Owner(s)/Grantor(s): City of Lawrenceville
70 South Clayton
Lawrenceville, GA 30046

**Grantee/Holder with the
power to enforce:** City of Lawrenceville
70 South Clayton
Lawrenceville, GA 30046

**Grantee/Entity with
express power to enforce:** State of Georgia
Department of Natural Resources
Environmental Protection Division
Director's Office
2 Martin Luther King Jr. Drive, SE
Suite 1456 East Tower
Atlanta, GA 30334

Property Subject

The property subject to this Environmental Covenant is a 4.055-acre portion of real property located at Papermill Road, Lawrenceville, Gwinnett County, Georgia (the "Property"). The Property consists of a 0.370-acre portion of tax parcel ID number ID R5180 455 (Area 1), and a 3.685-acre portion of tax parcel ID numbers ID R5180 454 (Area 2) of Gwinnett County, Georgia. The Property was conveyed to the City of Lawrenceville; such conveyance is recorded in Deed Book 56345, Pages 384 and 387, and Deed Book 252, page 755, of the Gwinnett County deed records. The Property is located in Land Lot 180 of the 5th District of Gwinnett County, Georgia.

Legal descriptions of the Property are attached as Exhibit A and a Monitoring and Maintenance Plan including a map of the Property is attached as Exhibit B.

The Property will be subject to the activity and use limitations described herein. A survey performed by a licensed surveyor showing the Property is attached as Exhibit B1.

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 the City of Lawrenceville 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 corrective action performed and/or being performed at the Papermill Road Undeveloped Tract, HSI #10863 facility/site. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Response and Remediation Program
2 MLK Jr. Drive, SE, Suite 1054 East Tower
Atlanta, GA 30334
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

Notice: This Property has been listed on the State's Hazardous Site Inventory at HSI #10863 and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. Contact the Property owner or the Georgia Environmental Protection Division for further information concerning this Property. This notice is provided in compliance with the Georgia Hazardous Site Response Act.
Activity and Use Limitations. The Property is subject to the following activity and/or use limitations:

- A. Real Property – The Property shall be used only as non-residential property as defined in Rule 391-3-19-.02(2)(i) or relevant SIC Codes.

- B. Groundwater – The use or extraction of groundwater beneath the Property for drinking or for any other non-remedial purposes shall be prohibited.
- C. Interference with Remedy – Any activity on the Property that may result in the release or exposure to the regulated substances that were contained as part of the Corrective Action, or create a new exposure pathway, is prohibited. With the exception of work necessary for the maintenance, repair, or replacement of engineering controls, or as otherwise approved by EPD, activities that are prohibited in the capped areas include, but are not limited to the following: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.
- D. Permanent Markers – A sign and permanent markers shall be installed and maintained at the primary points of entry to the Property specifying the restricted area and its boundaries. Disturbance or removal of such markers is prohibited during the effective term of this Environmental Covenant.
- E. Monitoring and Maintenance – See Appendix B for details associated with the Monitoring and Maintenance requirements, but a minimum of 2-feet of clean cover material must be maintained over the waste. Any exposed waste or waste that is excavated must be properly handled and disposed of in accordance with the Rules for Solid Waste Management, Section 391-3-4. Because of potential risks to human health and the environment from leachate, exposed waste, and waste settlement, a Georgia-registered Professional Engineer (PE) and/or Professional Geologist (PG) must evaluate any proposed redevelopment of the Property.

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 and a copy of this Environmental Covenant (and any amendments thereto).
- B. Notice to EPD of Future Conveyances. Within thirty (30) days after each conveyance of a fee simple interest in the Property or any portion thereof, a notice shall be sent to EPD and the City of Lawrenceville. The notice shall include the new owner's name, address, telephone number and other pertinent contact information, the date of the conveyance and the location (County, Deed Book and Page) where the conveyance is recorded, and, if the conveyance is a portion of the Property, a survey map showing the boundaries of the real property conveyed.
- C. Notice of Change of Use. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.

D. Annual Certification of Compliance – Annually, but no later than January 30 beginning the first January following the effective date of this Environmental Covenant, the owner of the Property must submit a certification stating that the activity and use limitations in this Environmental Covenant are being abided by, accompanied the Annual Inspection and Evaluation Form attached to this Environmental Covenant.

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 and Enforcement

Authorized representatives of EPD and the City of Lawrenceville shall have the right to enter the Property at reasonable times in connection with implementation, compliance, or enforcement of this Environmental Covenant, including but not limited to the right to conduct inspections, examine related records, or to take samples.

This Environmental Covenant shall be enforceable by EPD, the City of Lawrenceville 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, the City of Lawrenceville 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, the City of Lawrenceville 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). The City of Lawrenceville represents and warrants that all of the following are true and correct:

- A. The City of Lawrenceville holds fee simple title to the Property.
- B. The City of Lawrenceville has the authority to enter into this Environmental Covenant, has the authority to grant any rights granted by it within, has the ability

to carry out the obligations described within and, based upon information and belief after reasonable inquiry, does not know of any anticipated material change in the practices, ownership, or authority of the City of Lawrenceville that will alter this representation and warranty.

- C. The execution and delivery of this Environmental Covenant and carrying out the obligations described within will not conflict with any of the provisions of the organizational documents, operating agreement of the City of Lawrenceville nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which the City of Lawrenceville is a party or by which the City of Lawrenceville may be bound.
- D. There are no persons with existing interests other than fee simple in the Property.
- E. This Environmental Covenant does not 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.
- F. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, the City of Lawrenceville served a copy of the proposed final text of this Environmental Covenant on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

Submission of Required Documents and Communications

Documents and communications required by this Environmental Covenant shall be submitted to:

Georgia Environmental Protection Division
Branch Chief
Land Protection Branch
2 Martin Luther King Jr. Drive SE
Suite 1058 East Tower
Atlanta, GA 30334

With a copy to:

City of Lawrenceville
70 South Clayton
Lawrenceville, GA 30046

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.

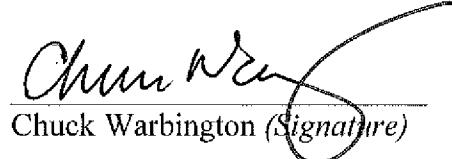
Effective Date

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:

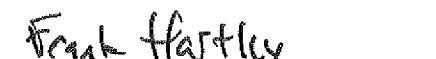
Grantor:

City of Lawrenceville


Chuck Warbington (Signature)

Signed in the Presence of:

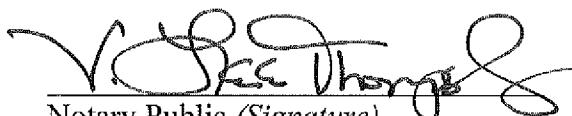

Unofficial Witness (Signature)


Unofficial Witness (Print Name)

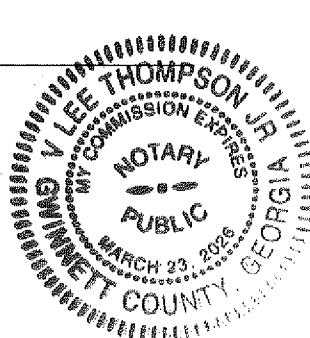
State of Georgia
County of Gwinnett

This instrument was signed or attested
before me this 19 day of March, 2025,
by Chuck Warbington

Personally Known
 Produced Identification

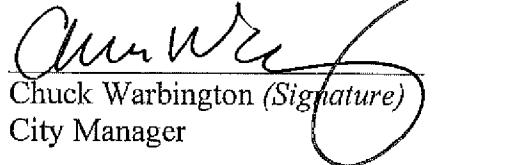

Notary Public (Signature)

My Commission Expires: 3/23/26

(NOTARY SEAL) 

Grantee:

City of Lawrenceville


Chuck Warbington (Signature)
City Manager

Signed in the Presence of:


Unofficial Witness (Signature)


Unofficial Witness (Print Name)

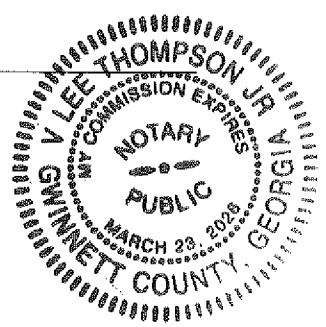
State of Georgia
County of Gwinnett

This instrument was signed or attested
before me this 19 day of March, 2025,
by Chuck Warbington

Personally Known
 Produced Identification


Notary Public (Signature)

My Commission Expires: 3/23/26

(NOTARY SEAL) 

For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 7th day of May, 2025:

Shameka S. Beard
(Signature)

Director, Environmental Protection
Division

Signed in the Presence of:

Dawn M. Ward
Unofficial Witness (Signature)

Amy Mussler
Unofficial Witness (Print Name)

State of Georgia
County of Fulton

This instrument was signed or attested
before me this 7 day of May, 2025,
by _____.

Personally Known
 Produced Identification

Shameka S. Beard
Notary Public (Signature)

My Commission Expires: 7/9/2027

(NOTARY SEAL) _____

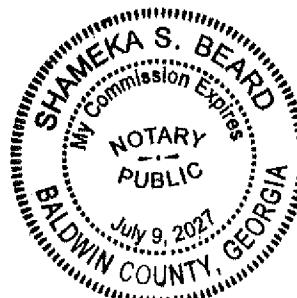


Exhibit A
Legal Description of Property
Parcel# R5180-455
Area 1

All that tract or parcel of land lying and being in Land Lot 180, 5th District Gwinnett County Georgia, in the City of Lawrenceville and being more particularly described as follows:

BEGINNING at a point on the property line common to Gwinnett County Parcel# 5180-455 and Parcel# 5180-454, said point being South 19°18'27" East, a distance of 829.87 feet to Gwinnett County Monument 998; thence running through Parcel# 5180-455 North 80°27'33" West, a distance of 66.84 feet to a point; thence North 08°02'17" East, a distance of 12.26 feet to a point; thence North 77°59'30" West, a distance of 51.23 feet to a point; thence North 20°55'35" East, a distance of 29.04 feet to a point; thence North 62°04'38" East, a distance of 72.84 feet to a point; thence North 52°17'05" East, a distance of 210.56 feet to a point on the property line common to Parcel# 5180-455 and Parcel# 5180-454; thence running along said property line South 29°33'32" West, a distance of 257.42 feet to the POINT OF BEGINNING.

Said tract contains 0.370 acres or 16101 square feet more or less.

Exhibit A (continued)

Legal Description of Property

Parcel# 5180-454

Area 2

All that tract or parcel of land lying and being in Land Lot 180, 5th District Gwinnett County Georgia, in the City of Lawrenceville and being more particularly described as follows:

BEGINNING at a point on the property line common to Gwinnett County Parcel# 5180-455 and Parcel# 5180-454, said point being South 19°18'27" East, a distance of 829.87 feet of Gwinnett County Monument 998; thence running along said property line North 29°33'32" East, a distance of 257.42 feet to a point; thence running through Parcel# 5180-454 North 79°42'36" East, a distance of 160.40 feet to a point; thence running North 73°40'35" East, a distance of 35.48 feet to a point; thence South 85°22'19" East, a distance of 42.44 feet to a point; thence South 62°48'54" East, a distance of 36.86 feet to a point; thence South 20°05'05" East, a distance of 77.04 feet to a point; thence South 09°29'26" West, a distance of 138.88 feet to a point; thence South 01°01'27" East, a distance of 258.83 feet to a point; thence South 67°59'13" West, a distance of 41.59 feet to a point; South 71°39'23" West, a distance of 8.40 feet to a point; thence North 73°52'03" West, a distance of 21.01 feet to a point; thence North 69°32'41" West, a distance of 136.92 feet to a point; thence North 90°00'00" West, a distance of 11.70 feet to a point; thence South 87°00'53" West, a distance of 43.71 feet to a point; thence North 90°00'00" West, a distance of 25.95 feet to a point; thence North 71°34'32" West, a distance of 15.02 feet to a point; thence North 68°35'40" West, a distance of 91.07 feet to a point; thence North 17°06'45" West, a distance of 14.90 feet to a point; thence North 06°57'44" West, a distance of 140.57 feet to a point; thence North 80°27'33" West, a distance of 5.44 feet to the POINT OF BEGINNING.

Said tract contains 3.685 acres or 160,506 square feet more or less.

Exhibit B
Monitoring and Maintenance Plan

Monitoring and Maintenance Plan

Paper Mill Road - Type 5 RRS Area

Lawrenceville, Gwinnett County, Georgia

1.0 CORRECTIVE ACTION SUMMARY

The Paper Mill Road – Tract 1 is a 9.784-acre site that meets residential risk reduction standards (Type 1 RRS), except for a portion of Tract 1 encompassing an area of approximately 0.37 acres or 16,101 square feet that has been designated as the Type 5 RRS Area of Tract 1. Tract 2 is a 7.135-acre site that meets residential risk reduction standards (Type 1 RRS), except for a portion of Tract 2 encompassing an area of approximately 3.685 acres or 160,506 square feet that has been designated as the Type 5 RRS Area of Tract 2. These Type 5 RRS Areas of Tract 1 and Tract 2 are hereinafter referred to as the "Type 5 RRS Area".

The Type 5 RRS allows the use of engineered control measures such as placement of a cover to control the regulated substances on the property where the regulated substances are located (§ 391-3-19-.07(10)(a)). At least two feet of clean fill cover the Type 5 RRS Area (see attached Figure 2) and prevent direct exposure to the waste and reduce infiltration of rainfall through the waste. Therefore, as described in Hazardous Site Response Act (HSRA) Site Investigation, dated January 26, 2017, for the property and discussed in a meeting on March 31, 2017, between EPD officials and site representatives, approved by the Georgia Environmental Protection Division (EPD) on December 5, 2017, the corrective action selected for the Type 5 RRS Area encompasses maintenance of the Type 5 RRS Area for compliance with the Type 5 RRS. Annual Inspections (see Section 2.0) will be performed to evaluate the integrity of the controls. The use or extraction of groundwater beneath the Type 5 RRS Area for drinking water or for any other non-remedial purpose shall be prohibited.

Before any part of the 2-foot clean fill cover is removed, approval must be received from the Georgia EPD describing measures that will be taken to control exposure to waste and infiltration of precipitation. If such activity will materially affect any required monitoring or maintenance of any institutional or engineering controls described herein, the owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Property, to apply for a building permit for construction at the Property, or to perform any site work.

A Permit System (see Section 3.0) has been developed to protect the Type 5 RRS Area in the event of excavations for utility repair or other purposes, and a Contingency Plan (see Section 4.0) has been developed to address instances of unintended non-compliance with the approved Permit System, responses to be taken prior to approval of the permit, and responses to unintended breaching, damage, or removal of engineered controls.

2.0 ANNUAL INSPECTIONS

The Type 5 RRS Area will be inspected annually by a qualified environmental professional to evaluate the integrity of the engineered controls. The Annual Inspections will consist of a visual reconnaissance of the Type 5 RRS Area, as well as interviews with property management concerning site conditions, non-use of groundwater, and the status of repairs or recommendations (if any) since the last Annual Inspection. The Annual Inspections will not address issues beyond the scope of the approved Environmental Covenant, such as building code compliance, zoning issues, structural integrity, fitness for occupancy, etc.

During the Annual Inspections, the Type 5 RRS Area will be visually confirmed to exist at the locations shown on the attached Figure 2. The integrity of the 2-foot cover of clean fill will be evaluated during the Annual Inspections. Identifiable conditions that could allow exposure to the underlying waste or infiltration of precipitation will be brought to the attention of property management and repairs will be recommended.

The 2-foot cover of clean fill will be inspected for signs that might allow the infiltration of precipitation or exposure to waste. If identified, the deficiencies in the 2-foot cover will be pointed out to property management along with recommendations for repair.

Additionally, the markers of the Type 5 RRS Area and the property signage will be inspected for visibility and condition. Permanent markers are located as shown on the attached Figure 3. If identified, the deficiencies of the signage and/or markers will be pointed out to property management along with recommendations for repair.

No penetrations of the Type 5 RRS Area shall occur without a permit (see Section 3.0); however, if identified during the Annual Inspections, unpermitted penetrations of the Type 5 RRS Area will be pointed out to property management and recommendations for removal, replacement, or repair will be provided in accordance with the Contingency Plan (see Section 4.0).

Groundwater will not be used from beneath the Type 5 RRS Area, but as an added precaution, the use of groundwater will also be inspected annually.

During each Annual Inspection, the attached Inspection and Evaluation Form will be completed. A copy of the Evaluation Form signed by a person responsible for the property, along with a brief narrative describing the inspection, will be provided to Georgia EPD within 30 days of the inspection. After the first year, the Evaluation Form from the previous year's inspection will be reviewed with property management during each Annual Inspection to evaluate how recommendations for repairs, if any, have been implemented.

3.0 PERMIT SYSTEM

From time to time, it might become necessary to penetrate the Type 5 RRS Area to perform maintenance and/or utility work. A written permit for non-emergency work must be approved by property management no later than 30 days before the work commences. The permit shall be prepared by an environmental professional and specify that the excavation will be performed in accordance with work procedures to:

- prevent infiltration;
- protect the liners overlying the waste; and
- prevent waste from being brought to the surface.

The work shall be performed in accordance with a Health and Safety Plan (HASP) to be included in the permit. A qualified environmental professional shall be present on-site to oversee this work.

Emergency utility repairs that cannot wait 30 days for a permit (e.g., natural gas leaks, sewage backups, etc.) shall be performed without a permit.

4.0 CONTINGENCY PLAN

This Contingency Plan has been developed for the event that the engineered controls at the subject property are breached. Examples of breaches of the engineered controls that may activate the Contingency Plan include:

- Any part of the 2-foot cover of the Type 5 RRS Area is removed or demolished without prior approval by the Georgia EPD describing the measures to maintain the cover and control exposure to waste and infiltration of precipitation.
- Excavation work at the site is performed without an approved permit.

Note that excavations for emergency utility repairs (e.g., gas leaks, sewage backups, etc.) do not require a permit but will trigger this Contingency Plan.

If the cover over the Type 5 RRS Area is breached without a prior CAP amendment approved by Georgia EPD, the qualified environmental professional will evaluate whether the resulting conditions allow infiltration of water through the underlying waste or allow exposure to waste. If either of these conditions exists, interim measures, such as placement of plastic sheeting over the area, will be initiated to control infiltration and/or exposure. A subsequent CAP amendment will then be prepared demonstrating how the conditions will be remedied or how compliance with Type 1, 2, 3, 4, or 5 RRS will be achieved. An incident report, and if necessary, the CAP amendment, shall be submitted to EPD no later than 30 days following the incident.

5.0 REPORTING AND RECORD KEEPING REQUIREMENTS

Annually, but no later than December 31 of each year, completed copies of the attached evaluation form and reports documenting necessary repairs, if any, will be submitted to EPD. These documents and the abovementioned permits and incident reports should also be kept on the premises of property management for a minimum of three years.

6.0 ATTACHMENTS

Attachments to this Monitoring and Maintenance Plan include:

- Attachment 1 – Inspection and Evaluation Form
- Figure 1 – Site Vicinity Map
- Figure 2 – Final Cover Plan – Type 5 RRS Area of Tract 1
- Figure 3 – Final Cover Plan – Type 5 RRS Area of Tract 2
- Figure 4 – Final Cover Plan – Type 5 RRS Area (Location of Permanent Markers)

Attachment 1
Inspection and Evaluation Form
Paper Mill Road Type 5 RRS Area

Section	Questions	YES	NO	NA
2-FOOT CLEAN FILL CAP	<ul style="list-style-type: none">Is the 2-foot clean fill cover present at the locations indicated on the attached map? <p>If no, then make recommendations to property management on the necessary repairs.</p> <ul style="list-style-type: none">Are there obvious and observable indications of conditions that would prevent the 2-foot clean fill cover from prohibiting direct exposure to underlying soil or solid waste? <p>If yes, then make recommendations to property management on the necessary repairs.</p>			
MARKERS and SIGNAGE	<ul style="list-style-type: none">Are the markers of the Area of Concern clear and visible? <p>If no, then please make recommendations to property management for improvements.</p> <ul style="list-style-type: none">Are the markers damaged or destroyed? <p>If yes, then please make recommendations to property management for repairs.</p> <ul style="list-style-type: none">Are the signs for the Property clear and visible? <p>If no, then please make recommendations to property management for improvements.</p> <ul style="list-style-type: none">Are the signs damaged or destroyed? <p>If yes, then please make recommendations to property management for repairs.</p>			

Section	Questions	YES	NO	NA
GROUND PENETRATIONS	<ul style="list-style-type: none"> • Were any permitted ground penetrating activities performed on the property within the past year? • Were any unpermitted ground penetrating activities performed on the property within the past year? • Was an environmental professional present during the ground penetrating activities? • Is there evidence of ground penetrating activities performed on the property within the past year for which property management is unaware? <p>If yes, please point these out to property management and make recommendations for any necessary repairs or replacement of underlying materials. These should be done in accordance with the Contingency Plan.</p>			
CONTINGENCY PLAN	<ul style="list-style-type: none"> • Have any of the engineered controls been breached such that the procedures of the Contingency Plan were activated? • If so, were the repairs performed in accordance with the Contingency Plan? • If the procedures of the Contingency Plan were activated, was an incident report sent to the EPD? 			
GROUNDWATER	<ul style="list-style-type: none"> • Have any wells (monitoring, drinking water, irrigation, heat-pump, etc.) been installed on the property? • Is groundwater being used for any purpose on the property? 			

ATTACHMENTS?

Yes

No

CERTIFICATION

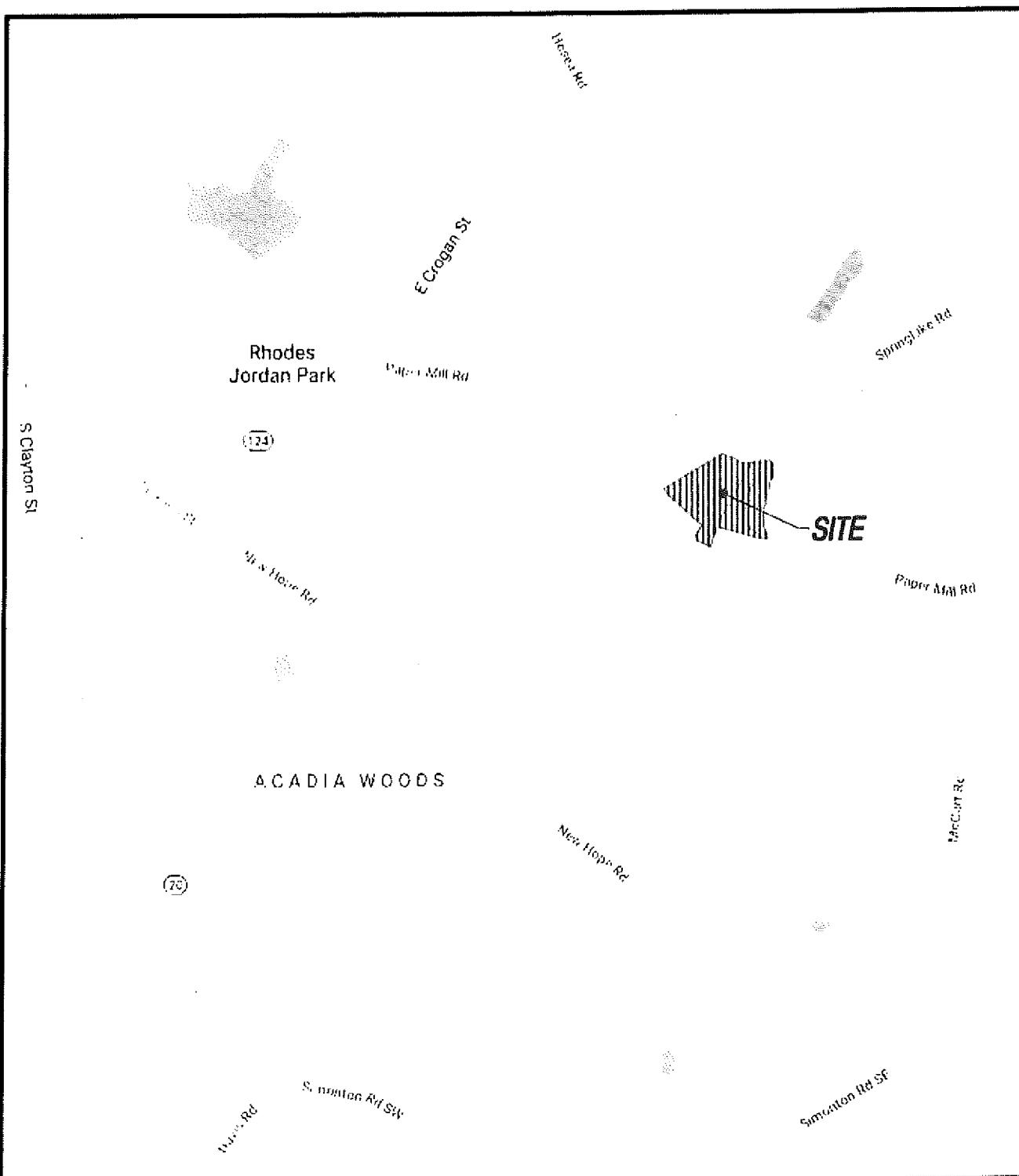
I certify that I have personally examined and am familiar with the information in this evaluation form and all attachments and that based on my inquiry of those persons immediately responsible for completion of this evaluation, I believe the information is true, accurate, and complete.

Name and Official Title

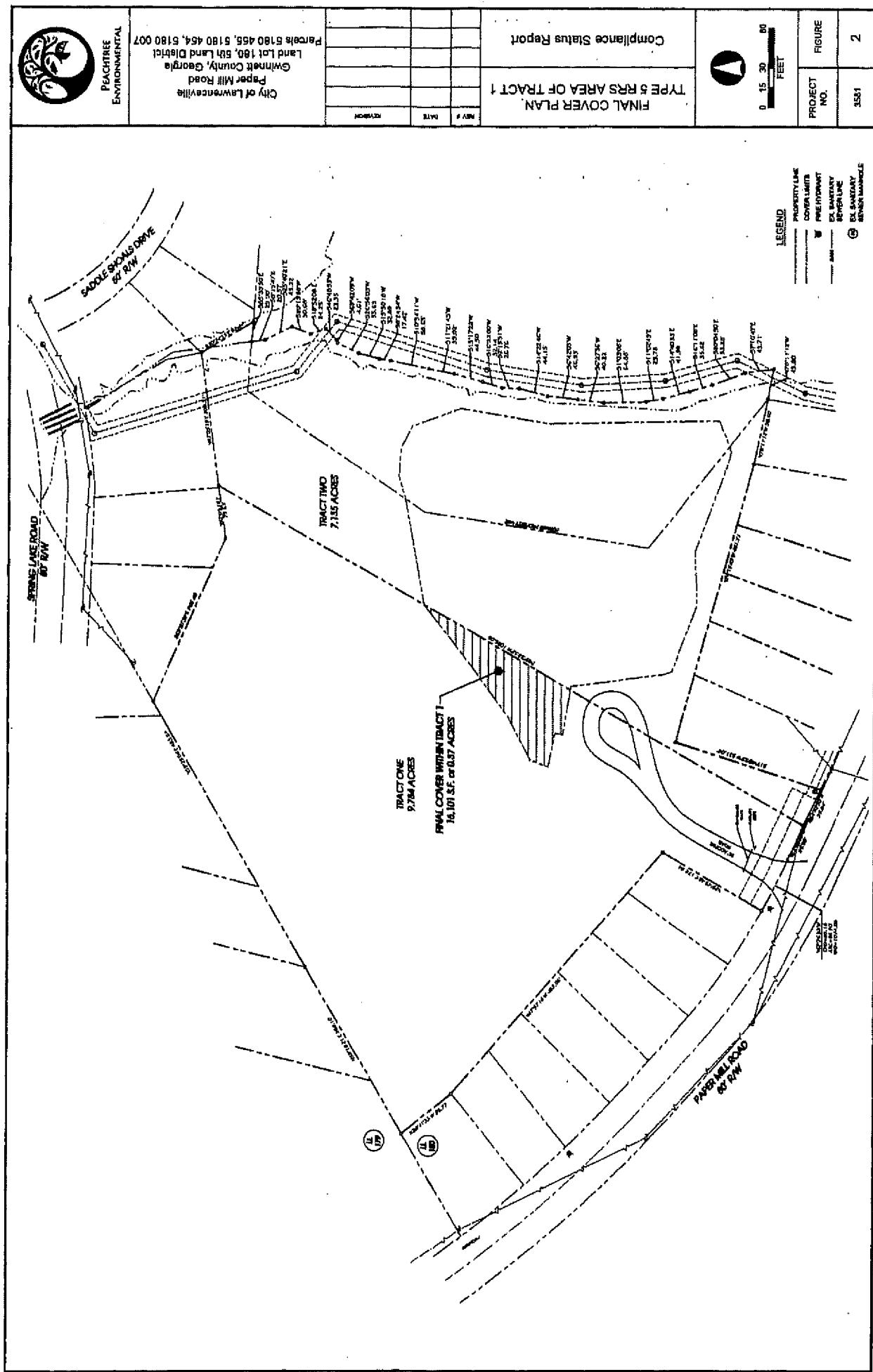
Signature

Date

FIGURES



 <p>PEACHTREE ENVIRONMENTAL</p>	SITE VICINITY MAP	
	Compliance Status Report	 0 375 750 1500 FEET
	City of Lawrenceville Paper Mill Road Gwinnett County, Georgia	PROJECT NO. FIGURE
	3581	1



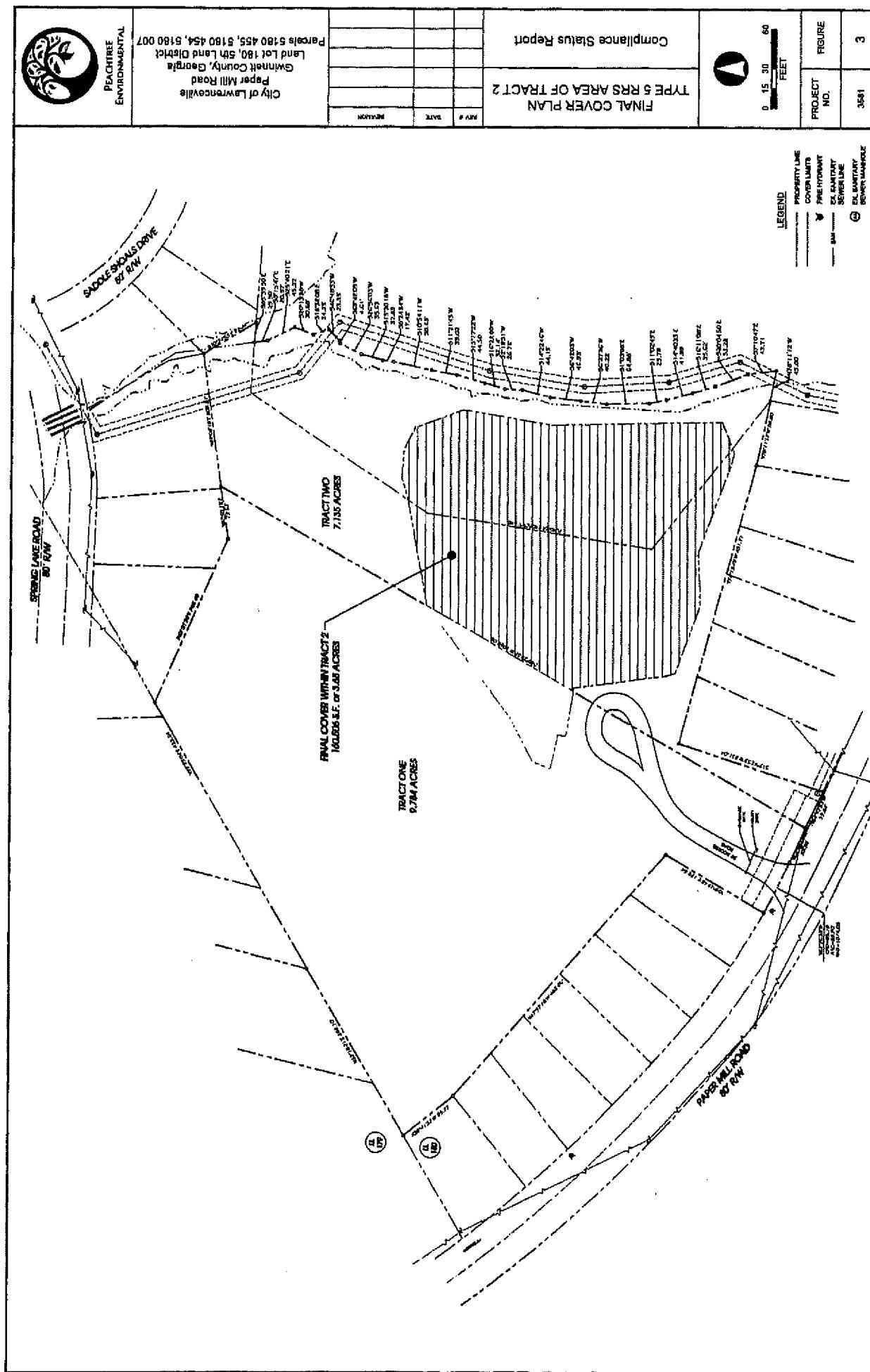


Exhibit B1
Survey of Property

