

THOMPSON, SWEENEY, KINSINGER & PEREIRA P.C.

LAW OFFICES

V. LEE THOMPSON, JR.
VICTORIA SWEENEY
ELIZABETH F. KINSINGER
STEPHEN D. PEREIRA
FRANK HARTLEY (GA & PA)
W. CREIGHTON LANCASTER
CATHERINE T. FOLLOWILL
JILL T. YOUNG
JAAONNE J. JACKSON

LONGLEAF COMMONS
690 LONGLEAF DRIVE
LAWRENCEVILLE, GEORGIA 30046
WRITER'S EMAIL: sp@thompson-sweeny.com

MAILING ADDRESS:
P.O. DRAWER 1250
LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Richard Dunn, Director
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King, Jr. Dr.
Suite 1456, East Tower
Atlanta, Georgia 30334

Re: Executed Uniform Environmental Covenant
Duluth Dry Cleaner (Former)
HIS Site No. 10892
3146 Main Street
Gwinnett County, Georgia
Tax Parcel #6293 402

Dear Mr. Dunn:

I am writing on behalf of and as attorney for the City of Duluth, Georgia to provide you a copy of the recorded environmental covenant in the above matter and to certify that a file-stamped copy of the Covenant has been sent to each of the parties identified in O.C.G.A. § 44-16-7. Specifically, I have provided a file stamped copy of the Executed Uniform Environmental Covenant by certified mail to the following parties:

The City of Duluth, Georgia, AGL Resources, Charter Communications, City of Duluth DDA, ERAAA LLC, Georgia Power Company, Gwinnett County Board of Commissioners, Norfolk Southern Corporation, Realco – GA 001, LLC and Truck & Tap Duluth

Sincerely,

THOMPSON, SWEENEY,
KINSINGER & PEREIRA P.C.


Stephen D. Pereira

Enclosure

CC: Katie Ross, P.G., Wenck

THOMPSON, SWEENEY, KINSINGER & PEREIRA P.C.

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LONGLEAF COMMONS
690 LONGLEAF DRIVE
LAWRENCEVILLE, GEORGIA 30046
TELEPHONE: 770-963-1997
TELECOPIER: 770-822-2913

MAILING ADDRESS:
P.O. DRAWER 1250
LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

Via Certified Mail

Mr. Greg Corbett, P.E.
Director of Environmental Services
AGL Resources
P.O. Box 4569
Atlanta, Georgia 30302

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

Dear Sir or Madam,

The City of Duluth has enrolled the property into the Georgia Environmental Protection Division's (EPD) Voluntary Remediation Program (VRP). The purpose of this letter is to notify you that the City of Duluth has recorded a Uniform Environmental Covenant (UEC) for soil and groundwater use restrictions on the deed.

In accordance with the Georgia Uniform Environmental Covenants Act (UECA), O.C.G.A. § 44-16-1 et seq.), you are being provided a copy of Recorded UEC. If you have any questions or comments on the UEC, please submit them to James Riker, City Manager for the City of Duluth at jriker@duluthga.net.

If we are in error and you are not the correct contact person for AGL Resources, please contact me, Stephen D. Pereira 770-963-1997, so that I may contact the appropriate party. Also note that it is our duty to document to EPD our provision of this and other public notices relating to the implementation of the UEC.

Page 2 of 2

Sincerely,

**THOMPSON, SWEENEY,
KINSINGER & PEREIRA P.C.**

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Stephen D. Pereira
City Attorney, Duluth Georgia

Enclosure

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May 10, 2021

Via Certified Mail

Mr. Thomas Adams
Executive Vice President, Field Operations
Charter Communications
400 Atlantic Street, Fl 10
Stamford, Connecticut 06901

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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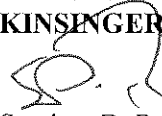
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Sincerely,

**THOMPSON, SWEENEY,
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Stephen D. Pereira
City Attorney, Duluth Georgia

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LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

Via Certified Mail

Mr. Ron Osterloh, Chairman
Duluth Downtown Development Authority
3167 Main Street
Duluth, Georgia 30096

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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Stephen D. Pereira
City Attorney, Duluth Georgia

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P.O. DRAWER 1250
LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

Via Certified Mail

ERAAA LLC
3771 Old Bridge Way
Duluth, Georgia 30096-5434

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

Dear Sir or Madam,

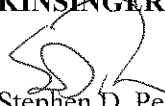
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City Attorney, Duluth Georgia

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May 10, 2021

Via Certified Mail

Gwinnett County Law Department
Gwinnett Justice & Administration Center
75 Langley Drive
Lawrenceville, Georgia 30046

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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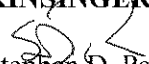
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City Attorney, Duluth Georgia

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LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

Via Certified Mail

Ms. Jalpa Patel
Waste & Remediation Manager
Georgia Power Company
241 Ralph McGill Blvd, Bin 10221
Atlanta, Georgia 30308

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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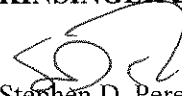
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City Attorney, Duluth Georgia

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P.O. DRAWER 1250
LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

Via Certified Mail

Mr. Steven Aufdenkampe
Regional Manager Environmental Remediation
Norfolk Southern Corporation
1200 Peachtree St, NE - Box 73
Atlanta, Georgia 30309

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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LAWRENCEVILLE, GEORGIA 30046

May 10, 2021

Via Certified Mail

Realco – GA 001, LLC
c/o Leslie Deel
294 Summers Street
Charleston, West Virginia 25301

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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May 10, 2021

Via Certified Mail

Truck & Tap Duluth
3137 Main Street
Duluth, Georgia 30096

Re: Notification of Uniform Environmental Covenant
Former Duluth Dry Cleaner Site
Main Street (Tax Parcel 6293-402)
Duluth, Gwinnett County, Georgia
HSI # 10892

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Stephen D. Pereira
City Attorney, Duluth Georgia

Enclosure

DEED B: 58679 P: 00125
04/30/2021 11:26 AM Pgs: 16 Fees: \$25.00

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

ERECORDED
eFile Participant IDs: 8316111866,

RETURN TO:
Thompson, Sweeny,
Kinsinger & Pereira P.C.
P.O. Drawer 1250
Lawrenceville, GA 30046

ENVIRONMENTAL COVENANT

Grantor: The City of Duluth, Georgia

Grantees: The City of Duluth, Georgia

State of Georgia
Department of Natural Resources

After Recording Return to:
THOMPSON, SWEENEY, KINSINGER
& PEREIRA, P.C.
P.O. Drawer 1250
Lawrenceville, Georgia 30046

CROSS-REFERENCE
County: Gwinnett
Deed Book: 53305
Page(s): 0639

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 Duluth, Georgia as set forth herein.

Fee Simple Owner(s)/Grantor(s): The City of Duluth, Georgia
3167 Main Street
Duluth, Georgia 30096

Grantee/Holder with the power to enforce: The City of Duluth, Georgia
3167 Main Street
Duluth, Georgia 30096

Grantee/Entity with express power to enforce: State of Georgia
Department of Natural Resources
Environmental Protection Division
Address of 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 tract of approximately .2937 acres of real property located at the corner of Main Street and Knox Street, Duluth, Gwinnett County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on December 15, 2014 to the City of Duluth, Georgia, such conveyance is recorded in Deed Book 53305 Page 639 of the Gwinnett County deed records. The Property is located in Land Lot 293 of the 6th District of Gwinnett County, Georgia.

The tax parcel(s) of the Property is tax parcel ID number R6293-402 Gwinnett County, Georgia. According to the Gwinnett County Tax Assessor, the parcel address is Old Peachtree Road. The Property address has also been referred to as 3146 Main Street by Georgia Environmental Protection Division.

A legal description of the Property is attached as Exhibit A and a map of the Property is attached as Exhibit B.

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 Duluth, Georgia 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 Duluth Dry Cleaner (former) HSI# 10892. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Land Protection Branch
2 Martin Luther King 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 # 10892 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 for non-residential uses, as defined in Section 391-3-19-.02 of the Rules as of the date of this Environmental Covenant. Any residential use on the Property shall be prohibited.
- B. Soil. The Type 5 RRS for soil at the Site is limited to the upper parking lot portion (see Exhibit C). Penetration of the upper asphalt parking lot and removal of soil beneath the asphalt are restricted as described in the Approved Monitoring and Maintenance Plan, or as amended. Land disturbing activities conducted in the sloped landscaped area are restricted below 2 feet. Any land disturbing activities conducted at the Property are to be conducted in accordance with the procedures detailed in the Approved Monitoring and Maintenance Plan, or as amended. Engineering controls must be maintained as specified in the Approved Monitoring and Maintenance Plan, or as amended. Any soil originating from the Property will

- be properly managed and disposed of in accordance with the Approved Monitoring and Maintenance Plan, or as amended.
- C. Groundwater. The use or extraction of groundwater beneath the Property for drinking water or for any other non-remedial purposes shall be prohibited. Any groundwater originating from the Property will be properly managed and disposed of in accordance with the Approved Monitoring and Maintenance Plan, or as amended.
 - D. Monitoring. Annual inspections of the Property are to be conducted to ensure that the activity and use limitations in the Environmental Covenant are being abided by. At a minimum, the annual inspections will include the tasks detailed in the Approved Monitoring and Maintenance Plan (or as amended) until such time as EPD may authorize the modification or termination of the Plan.
 - E. Periodic Reporting. A Monitoring and Maintenance Plan has been implemented to ensure that contaminated soil poses no hazards to occupants, contractors, or visitors. Annually, on or before June 30th, following EPD's execution of this Environmental Covenant, the Owner shall submit to EPD an Annual Report as specified in the Approved Monitoring and Maintenance Plan, or as amended, certifying that the Activity and Use Limitation in this Environmental Covenant are being abided by.
 - F. Permanent Marker. A permanent marker shall be installed and maintained within the soil Area of Concern (AOC) that identifies the restricted area as specified in Section 391-3-19-.07(10) of the Rules. Disturbance or removal of the marker is prohibited.
 - G. Vapor Intrusion Exposure Pathway Evaluation and Mitigation. Vapor-forming regulated substances, including tetrachloroethene ("PCE") and its daughter products trichloroethene ("TCE"), cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, and Vinyl Chloride are present in the subsurface of the Property. Prior to any building construction, the vapor intrusion exposure pathway must be evaluated. A report of the vapor intrusion exposure pathway evaluation must be submitted to EPD for review and comment at least thirty (30) days prior to applying for a building permit. The report must be prepared by a Georgia registered professional engineer or a Georgia registered professional geologist who has experience in responsible charge of the investigation and remediation of releases of regulated substances. If warranted, a vapor intrusion mitigation system (e.g., vapor barrier, sub-slab depressurization system, etc.) will be designed and installed in the proposed building. Any EPD comments regarding the vapor intrusion exposure pathway evaluation or the design and implementation of a vapor intrusion mitigation system must be addressed to EPD's satisfaction.

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 Duluth, Georgia. 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.

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 Duluth, Georgia 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 Duluth, Georgia 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 Duluth, Georgia 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 Duluth, Georgia 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 Duluth, Georgia represents and warrants that all of the following are true and correct

- A. The City of Duluth, Georgia holds fee simple title to the Property.
- B. The City of Duluth, Georgia 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 Duluth, Georgia 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 Duluth, Georgia nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which The City of Duluth, Georgia is a party or by which The City of Duluth, Georgia 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 Duluth, Georgia 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 1054 East Tower
Atlanta, GA 30334

With a copy to:

The City of Duluth, Georgia
3167 Main Street
Duluth, Georgia 30096

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 has caused this Environmental Covenant to be executed pursuant to the Georgia Uniform Environmental Covenant Act on the 17 day of March 2021.

City of Duluth, Georgia

[Signature]
(Signature)

Nancy Harris, Mayor

Signed in the presence of:

[Signature]
Unofficial Witness (signature)

KENNETH SARUAR
Unofficial Witness (print name)

State of Georgia
County of Gwinnett

This instrument was signed or attested before me this 17 day of March, 2021 by

Nancy Harris, Mayor of Duluth, Georgia

Personally Known

[Signature]
Notary Public (Signature)

My Commission Expires: June 4, 2022

(NOTARY SEAL)



City of Duluth, Georgia

[Signature]
(Signature)

Nancy Harris, Mayor

Signed in the presence of:

[Signature]
Unofficial Witness (signature)

KENNETH SAEMER
Unofficial Witness (print name)

State of Georgia
County of Gwinnett

This instrument was signed or attested before
me this 17 day of March, 2021, by

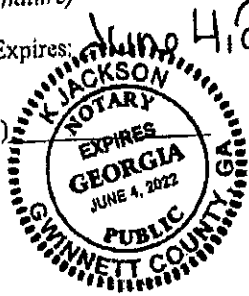
Nancy Harris, Mayor of Duluth, Georgia

Personally Known

[Signature]
Notary Public (Signature)

My Commission Expires: June 4, 2022

(NOTARY SEAL)



For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 13 day of April, 2021 :

Richard E. Dunn
(Signature)

Richard E. Dunn
Director, Environmental Protection Division

Signed in the presence of:

LaQuetta Ferrell
Unofficial Witness (signature)

LaQuetta Ferrell
Unofficial Witness (print name)

State of Georgia
County of Fulton

This instrument was signed or attested before
me this 13 day of April, 2021, by

Personally Known
 Produced Identification

Tamara C. Fischer
Notary Public (Signature)

My Commission Expires: 7-27-2022

(NOTARY SEAL)

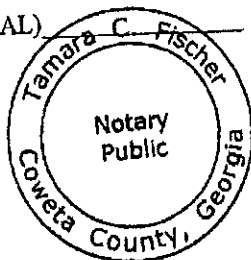


Exhibit B
Map of Property

Exhibit A
Legal Description of Property

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 293 of the 6th District of the City of Duluth, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin found at the intersection of the southeasterly margin of the right-of-way of Main Street (a/k/a Old Peachtree Road) (right of way varies) and the southwesterly margin of the right-of-way of Main Street, and running southeasterly along the southwesterly margin of the right-of-way of Knott Street (a/k/a Knox Street) (30 foot right-of-way); thence leaving the southeasterly margin of the right-of-way of Main Street, and running southeasterly along the southwesterly margin of the right-of-way of Knott Street, South 43°19'14" East, a distance of 113.16 feet to an iron pin set on the northwesterly margin of the right-of-way of Georgia Airline Railway and Power Company (Norfolk-Southern Rail road) (200 foot right-of-way); thence leaving the southwesterly margin of the right-of-way of Knott Street, and running southwesterly along the northwesterly margin of the right-of-way of Norfolk-Southern Railroad, along the arc of a curve to the left (said arc having a radius of 3716.59 feet) , an arc distance of 102.98 feet to a point on the southeasterly margin of the right-of-way of Main Street; thence running northeasterly along the southeasterly margin of the right-of-way of Main Street, North 51°41'23" East, a distance of 23.93 feet to an iron pin set; thence continuing along the southeasterly margin of the right-of-way of Main Street, North 52° 12' 33" East, a distance of 86.80 feet to an iron pin found, which is the POINT OF BEGINNING, said property containing 0.2937 acres, and being shown as Tract Two, on that certain ALTA/ACSM Survey for ETJ Downtown Duluth, LLC, Duluth Downtown I, LLC Gwinnett Community Bank, and Lawyers Title Insurance Corporation, dated November 6, 2008, last revised December 4, 2008, prepared by Gresham Planning & Development, Inc. and bearing the seal of William P. Gresham, GRLS No. 2880.

Exhibit B
Map of Property

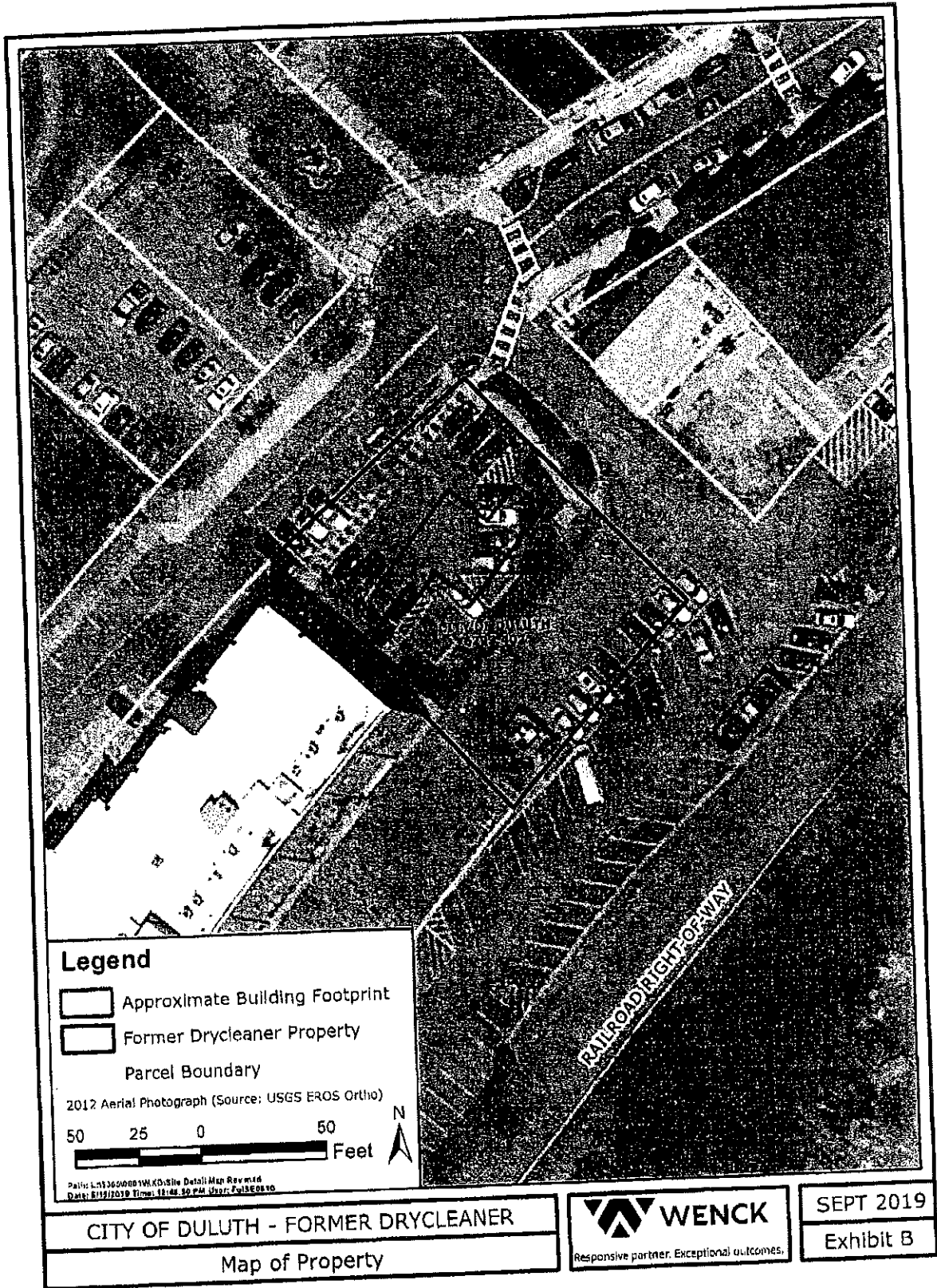
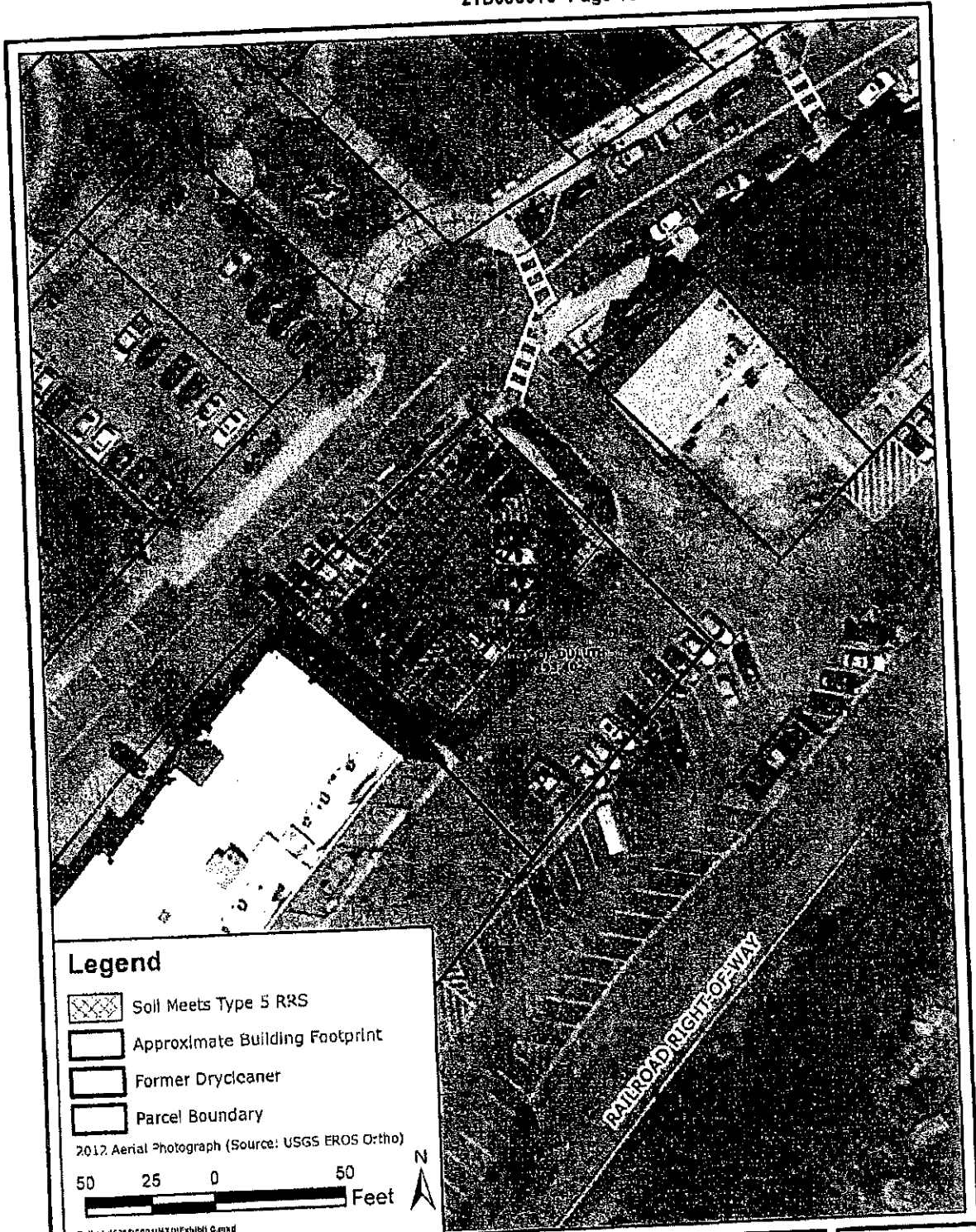


Exhibit C
Map of Type 5 RRS for Soil



Legend

- Soil Meets Type 5 RRS
- Approximate Building Footprint
- Former Drycleaner
- Parcel Boundary

2012 Aerial Photograph (Source: USGS EROS D:tho)

50 25 0 50 Feet

Path: L:\GIS\2001\412101\412101\City and Date: 8/18/2019 Time: 1:25:21 PM User: FJLSE010

CITY OF DULUTH - FORMER DRYCLEANER
Soil Type 5 RRS Map



SEPT 2019
Exhibit C