

After Recording Return to:  
Macon Bibb County Urban Development Authority  
815 Riverside Drive  
Macon, GA 31201-2629  
Phone: (478) 803-2402

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 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 Macon Bibb County Urban Development Authority and Macon-Bibb County f/k/a City of Macon as set forth herein.

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



Doc ID: 014707340013 Type: GLR  
Recorded: 06/11/2019 at 02:25:00 PM  
Fee Amt: \$34.00 Page 1 of 13  
Bibb County Superior Court  
Erica Woodford Clerk

BK **10361** PG **146-158**

Macon Bibb County Urban Development Authority  
("MBCUDA")  
815 Riverside Drive  
Macon, GA 31201-2629

Macon-Bibb County ("Macon-Bibb")  
f/k/a City of Macon  
700 Poplar Street  
Macon, GA 31201

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

Macon Bibb County Urban Development Authority  
("MBCUDA")  
815 Riverside Drive  
Macon, GA 31201-2629

Macon-Bibb County ("Macon-Bibb")  
f/k/a City of Macon  
700 Poplar Street  
Macon, GA 31201

**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

**Property Subject**

The property subject to this Environmental Covenant is as follows:

1. A tract of approximately 2.44 acres of real property located at 815 Riverside Drive, Macon, Macon-Bibb County, Georgia, which is further identified by the tax parcel ID number below. This tract was conveyed on 3/31/1981 to City of Macon; such conveyance is recorded in Deed Book 1403 Page 286 of the Macon-Bibb County deed records.
2. A tract of approximately 1.63 acres of real property located at 815 Riverside Drive, Macon, Macon-Bibb County, Georgia, which is further identified by the tax parcel ID number below. This tract was conveyed on 1/1/1998 to Macon Bibb County Urban Development Authority; such conveyance is recorded in Deed Book 4142 Page 344 of the Macon-Bibb County deed records.
3. A tract of approximately 2.54 acres of real property located at 861 Willow Street, Macon, Macon-Bibb County, Georgia, which is further identified by the tax parcel ID number below. This tract was conveyed on 1/27/2013 to Macon-Bibb County Urban Development Authority; such conveyance is recorded in Deed Book 8919 Page 115 of the Macon-Bibb County deed records.

The tax parcel(s) of the above referenced tracts are tax parcel ID numbers R073-0398, R073-0033 and R071-0316 of Macon-Bibb County, Georgia. (These parcels are collectively referred to as the "Property").

A map of the Property is attached as Exhibit A.

The Restricted Use Zone ("RUZ") at the Property that will be subject to the activity and use limitations described herein is an approximately 3.30 acres lying entirely within the Property. A legal description of the RUZ is attached as Exhibit B. A survey performed by a licensed surveyor showing the RUZ 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 Macon Bibb County Urban Development Authority, Macon Bibb-County f/k/a City of Macon, State of Georgia Department of Natural Resources Environmental Protection Division, 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 Macon Former Manufactured Gas Plant 2 site (formerly Hazardous Site Inventory #10692). 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  
M-F 8:00 AM to 4:30 PM excluding state holidays

**Description of Contamination and Corrective Action**

The first fifteen (15) feet of soil depth on the RUZ has been tested and rendered suitable for residential use without the need for additional soil testing or remediation. Accordingly, and as verified by the Georgia Environmental Protection Division (“EPD”) and restricted by this Covenant, the first fifteen (15) feet of soil depth on the RUZ is in compliance with residential and nonresidential Risk Reduction Standards as defined in the Georgia Rules for Hazardous Site Response. Previously, this Property had been listed on the state’s hazardous site inventory as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. After completion of a Corrective Action Plan, EPD removed the Property from the hazardous site inventory on May 10, 2011. Additional corrective action on the Property was conducted under a Voluntary Investigation and Remediation Plan (VIRP), which was approved by EPD on June 22, 2015. The purpose of the corrective action under the VIRP was to render the Property suitable for residential use in accordance with the provisions, purposes, standards, and policies of the Georgia Voluntary Remediation Program Act and subject to the Activity and Use Limitations of this Environmental Covenant.

Contact the property owner or the EPD for further information concerning this Property. This notice is provided in compliance with the Georgia Hazardous Site Response Act and the Georgia Voluntary Remediation Program.

**Activity and Use Limitations.** The RUZ is subject to the following activity and/or use limitations:

- A. Real Property. The RUZ may be used for residential uses, as defined in Section 391-3-19-.02 of the Rules for Hazardous Site Response as of the date of this Environmental Covenant provided that disturbance of subsurface soils greater than 15 feet in depth is restricted as specified by this Environmental Covenant.
- B. Interference with Remedy. Any activity on the RUZ 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, unless otherwise approved by EPD. Activities that are restricted below 15 feet in depth are the following: drilling, digging, placement of any objects or use of any equipment.
- C. Land disturbing activity greater than 15 feet below the ground surface. Any land disturbing activity (e.g., digging, drilling, etc.) that exceeds 15 feet below the ground surface will be conducted under the direction of 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. The “ground surface” in this section refers to the ground surface elevations at the time of the execution of this Environmental Covenant, as

shown on the survey in Exhibit B1. Workers involved in land disturbing activity that exceeds 15 feet below the ground surface will be fully trained and protected pursuant to the Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) Standard (29 CFR 1910.120) and will conduct work under the direction of an on-site supervisor and a site-specific safety and health plan. Land disturbing activity greater than 15 feet below the ground surface will be conducted in accordance with the Soil Management Plan dated August 31, 2017, unless a revised plan is approved by EPD. Any wastes generated during land disturbing activity that exceeds 15 feet below the ground surface will be managed, characterized, and disposed of in accordance with all local, state, and federal law. A written notification will be submitted to EPD at least thirty (30) days prior to any land disturbing activity that exceeds 15 feet below the ground surface, unless immediate action is necessary to protect human health or the environment. Within ninety (90) days of completing any land disturbing activity that exceeds 15 feet below the ground surface, a report will be submitted to EPD documenting the land disturbing activity, the management, characterization, and disposal of any related wastes, and the restoration of soil cover.

**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. 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 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 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, Macon Bibb County Urban Development Authority and Macon Bibb County f/k/a City of Macon 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, Macon Bibb County Urban Development Authority and Macon Bibb County f/k/a City of Macon 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).** Macon Bibb County Urban Development Authority and Macon Bibb County f/k/a City of Macon represents and warrants that all of the following are true and correct:

- A. Macon Bibb County Urban Development Authority and Macon Bibb County f/k/a City of Macon holds fee simple title to the Property.
- B. Grantors have the authority to enter into this Environmental Covenant, have the authority to grant any rights granted by it within, have 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 Grantors 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 Grantors nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Grantors are a party or by which Grantors 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, Grantors 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

**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).

[SIGNATURE PAGES TO FOLLOW]

Grantor has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act, on the 13th day of May, 2019.

Signed, sealed, and delivered in the presence of:

C. Holderfield  
Unofficial Witness (Signature)

C. Holderfield  
Unofficial Witness Name (Print)

514 Hillcrest Ind. Blvd  
Macon, GA 31204  
Unofficial Witness Address (Print)

[Signature]  
Notary Public (Signature)

My Commission Expires: 4/09/2021

For the Grantor/Grantee/Holder

MBCUDA:  
Macon Bibb County Urban Development Authority  
Name of Grantor (Print)

[Signature] (Seal)  
Grantor's Authorized Representative (Signature)

J. Alexander Morrison  
Authorized Representative Name (Print)

[Signature]  
Title of Authorized Representative (Print)



For the Grantor/Grantee/Holder Macon-Bibb County f/k/a City of Macon:  
Macon - Bibb County, Georgia  
Name of Grantor (Print)

[Signature] (Seal)  
Grantor's Authorized Representative (Signature)

Robert A. B. Reichert  
Authorized Representative Name (Print)

Mayor  
Title of Authorized Representative (Print)

Dated: 4-30-19  
(NOTARY SEAL)



Signed, sealed, and delivered in the presence of:

Judd T. Drake  
Unofficial Witness (Signature)

Judd T. Drake  
Unofficial Witness Name (Print)

145 Wildwood Lane  
Dublin, GA 31021  
Unofficial Witness Address (Print)

[Signature]  
Notary Public (Signature)

My Commission Expires: 8/20/2021

Signed, sealed, and delivered in the presence of:

[Signature]  
Unofficial Witness (Signature)

Sydney Brogden  
Unofficial Witness Name (Print)

2 MLK Jr. Dr. SE Suite 1456  
Atlanta, GA 30334  
Unofficial Witness Address (Print)

Tamara C. Fischer  
Notary Public (Signature)

My Commission Expires: 7-27-2022

For the State of Georgia  
Environmental Protection Division:

[Signature] (Seal)  
(Signature)

Richard E. Dunn  
Director

Dated: 5/13/19

(NOTARY SEAL)

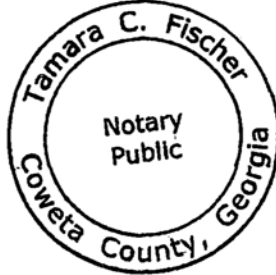


Exhibit A  
Map of Property

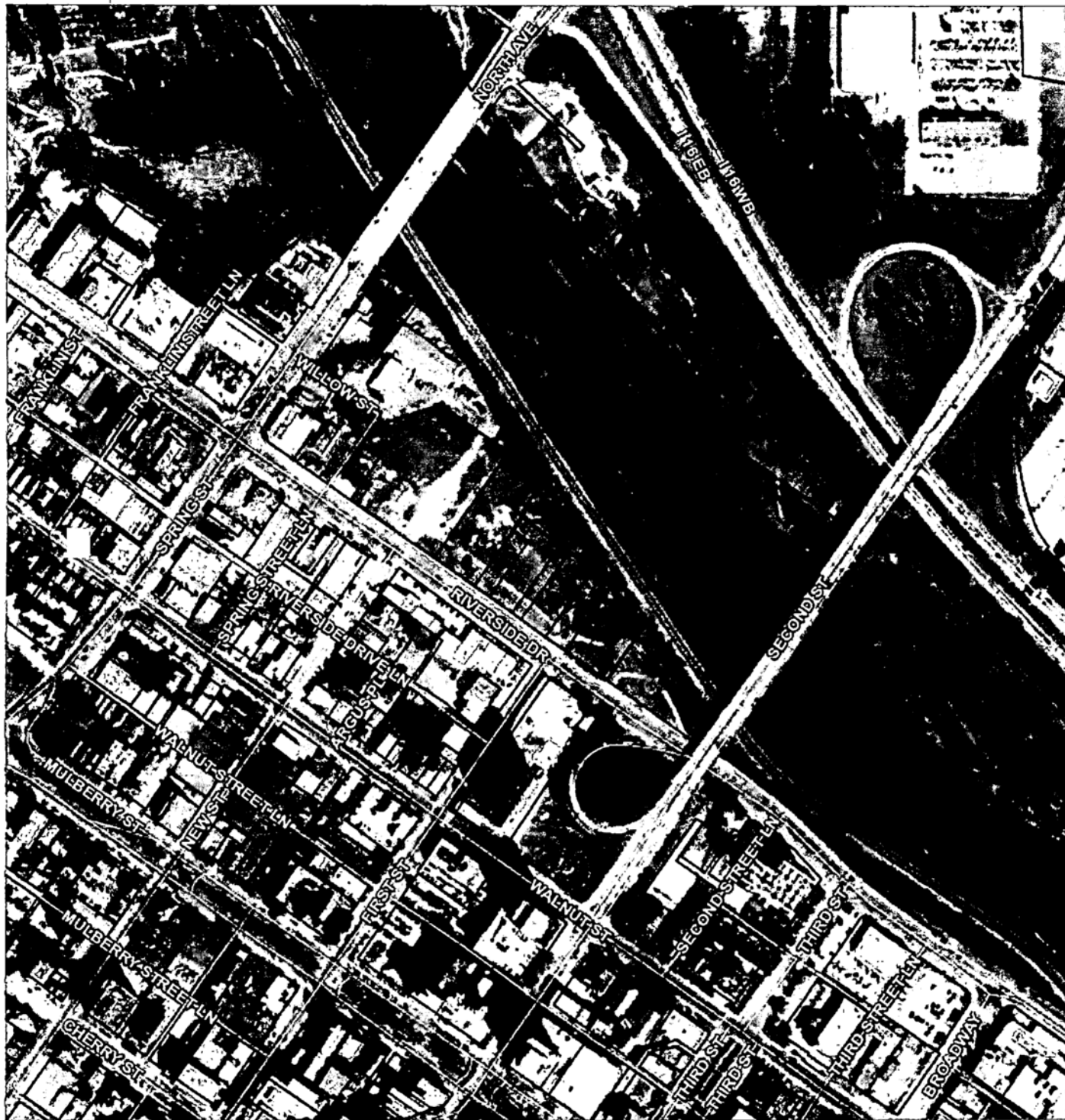


Exhibit B  
Legal Description of RUZ

**ALL THAT TRACT OR PARCEL OF LAND SITUATE AND LYING IN LAND LOT 47 OF  
MACON RESERVE WEST, MACON-BIBB COUNTY, GEORGIA, SAID TRACT OR PARCEL  
OF LAND CONTAINING 3.29 ACRES OR 143,392 SQUARE FEET, MORE OR LESS, AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:**

**STARTING AT THE POINT OF REFERENCE MARKED BY A ½" REBAR ON THE  
NORTHERLY RIGHT-OF-WAY OF RIVERSIDE DRIVE, HAVING A VARIED WIDTH  
RIGHT-OF-WAY, AND SPRING STREET LANE, BEING A 10' ALLEY. SAID POINT  
HAVING NAD83 GEORGIA WEST ZONE STATE PLANE COORDINATED OF NORTH  
1034477.36 EAST 2461591.10; THENCE LEAVING SAID RIGHT-OF-WAY NORTH  
83°01'02" EAST A DISTANCE OF 101.54' TO THE POINT OF BEGINNING MARKED BY  
A ½" REBAR AT THE NORTHEAST CORNER OF LOT 2 FOUND ON PLAT IN PLAT  
BOOK 27 PAGE 46. SAID POINT HAVING NAD83 GEORGIA WEST ZONE STATE PLANE  
COORDINATES OF NORTH 1034489.70 EAST 2461619.89; THENCE N 35°16'40" E A  
DISTANCE OF 184.04' TO A ½" REBAR; THENCE N 54°15'26" W A DISTANCE OF  
47.35' TO A MAG NAIL; THENCE N 54°16'16" W A DISTANCE OF 27.69' TO A ½"  
REBAR; THENCE N 35°37'44" E A DISTANCE OF 20.01' TO A NAIL AND CAP;  
THENCE N 54°14'25" W A DISTANCE OF 163.54' TO A 2" ANGLE IRON; THENCE N  
63°13'17" E A DISTANCE OF 181.01' TO A POINT; THENCE N 62°00'38" E A  
DISTANCE OF 175.35' TO A POINT; THENCE S 40°42'04" E A DISTANCE OF 13.51'  
TO A POINT; THENCE S 37°01'31" E A DISTANCE OF 114.48' TO A POINT; THENCE  
S 76°12'45" W A DISTANCE OF 135.65' TO A POINT; THENCE S 00°10'43" E A  
DISTANCE OF 44.99' TO A POINT; THENCE S 23°31'19" W A DISTANCE OF 155.70'  
TO A POINT; THENCE N 52°41'19" E A DISTANCE OF 137.42' TO A POINT; THENCE  
S 84°38'50" E A DISTANCE OF 163.43' TO A POINT; THENCE S 28°43'31" E A  
DISTANCE OF 267.87' TO A POINT; THENCE S 75°14'30" W A DISTANCE OF 104.73'  
TO A POINT; THENCE N 83°52'45" W A DISTANCE OF 426.67' TO THE POINT OF  
BEGINNING.**

Exhibit B1  
Survey of RUZ

