

After Recording Return to:  
Georgia Ports Authority  
Griffith V. Lynch  
2 Main Street  
Garden City, GA 31408

**CROSS-REFERENCE:**

County: Chatham  
Deed Book: 48-F  
Page(s): Folio 272

**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 Vopak Terminal Savannah, Inc., hereinafter referred to as "Vopak", as set forth herein.

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

Georgia Ports Authority  
2 Main Street  
Garden City, GA 31408

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

Vopak Terminal Savannah Inc.  
Turner-Hart Streets  
GPA, Savannah, Georgia

**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:**

None

**Property Subject**

The property subject to this Environmental Covenant is a parcel of approximately 23.244 acres of real property located at Turner-Hart Streets, Savannah, Chatham County, Georgia, which is further identified by the tax parcel ID number below (hereinafter "Parcel"). The property was conveyed on December 15<sup>th</sup>, 1948 to Georgia Ports Authority (hereinafter "GPA"); such conveyance is recorded in Deed Book 48-F, Folio 272, of the Chatham County deed records and page 101 of Deeds to State Property book in the office of the Secretary of State of Georgia. The property is located in Chatham County, Georgia. The parcel is a part of the overall tract belonging to the GPA, said tract described in the legal description attached as Exhibit A and a map of the parcel is



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Recorded: 05/14/2021 at 11:31:43 AM  
Fee Amt: \$25.00 Page 1 of 24  
Chatham, Ga. Clerk Superior Court  
Tammie Mosley Clerk Superior Court  
BK 2366 PG 743-766

attached as Exhibit B. Whereas, the GPA entered into a long-term lease with Vopak Terminal Savannah Inc. (hereinafter "Vopak") for a portion of the Parcel; Whereas, that portion of property owned by GPA and that portion of the land leased by Vopak that is specifically subject to this Environmental Covenant is a portion of the Parcel identified by the Chatham County tax parcel number below;

The parcel identification number of the parcel is 1-0618-01-003L of Chatham County, Georgia.

The Restricted Use Zone ("RUZ") subject to the activity and use limitations described herein is an approximately 8.66 acres lying entirely within the Parcel. As illustrated in Exhibit C, the RUZ encompasses a portion of the Parcel within the hatched area that is located to the east of Turner Street. The attached Exhibit D includes additional property record supporting documents.

### **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 GPA, Vopak, and all successors, assigns and transferees of any interest in the Parcel or any portion thereof.

### **Administrative Records**

This Environmental Covenant imposes activity and/or use limitations and other requirements on the Parcel that arise under corrective action performed and/or being performed at the Vopak facility/site. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division  
Response and Remediation  
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:** A release of a chlorinated volatile organic compounds (CVOCs), including tetrachloroethylene (PCE), trichloroethylene (TCE), dichloroethylene (DCE), and vinyl chloride (VC), and benzene, toluene, ethylbenzene, and xylenes (BTEX), occurred on the Parcel. The PCE, TCE, DCE, VC, and BTEX constituents of concern (COCs) are "regulated substances" as defined under the Georgia Hazardous Site Response Act, O.C.G.A. § 12-8-90 et seq., and the rules promulgated thereunder (hereinafter "HSRA" and "Rules", respectively). Consequently, this Parcel has been listed on the State's Hazardous Site Inventory at HSI #10464 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 Parcel owner or the

Georgia Environmental Protection Division for further information concerning this Parcel. This notice is provided in compliance with the Georgia Hazardous Site Response Act.

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

1. Real Property - the Parcel shall be used only for non-residential uses, as defined in Section 391-3-19-.02 of the Rules and defined in and allowed under the Chatham County's zoning regulations as of the date of this Environmental Covenant. Any residential use on the Parcel shall be prohibited. Any activity on the Parcel 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.
2. Groundwater - the use or extraction of groundwater beneath the Parcel for drinking water or for any other non-remedial purposes shall be prohibited. Additionally, removal or extraction of groundwater in the defined area is prohibited unless it is managed in accordance with all applicable local, state and federal rules and regulations governing the management of such material.
3. Interference with Remedy - activities on the Parcel that may interfere with the remedy required by corrective action are prohibited, except for activities for inspection and maintenance, repair and/or replacement of required engineering controls and other proposed activities that have been approved in advance by EPD; approval of such other proposed activities must be requested from EPD in writing at least thirty (30) days prior to the start of such activity.
4. Soil - due to the proximity of groundwater to land surface on the Parcel, any soil excavation or related activities greater than 2-feet below ground surface is subject to health and safety stipulations specified in the 2018 Monitoring and Maintenance Plan (MMP) or as amended. These activities include; 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. Restrictions for these activities will be outlined in a future Contractor Health and Safety Plan.
5. Monitoring and Maintenance Plan - groundwater monitoring shall be conducted as described in the 2018 MMP, or as amended. All engineering and institutional controls implemented on the Parcel must be maintained as specified in the MMP, or as amended. Any groundwater originating from the Parcel will be properly managed and disposed of in accordance with the MMP, or as amended.
6. Vapor Intrusion - Any future development of the property that results in the placement of enclosed structures for human occupancy in the area covered by the residual COC footprint will be required to include a vapor intrusion evaluation and the implementation of an appropriate vapor mitigation system or barrier. Upon installation, such vapor management systems will be properly maintained, in accordance with the MMP, until the regulated substances in soil and groundwater at the site reach Type 4 RRS; or until vapor modeling of groundwater indicates that vapor mitigation is not required for these enclosed structures and EPD concurs with the vapor modeling results.
7. Periodic Reporting - annually, by no later than July 30 following the effective date of this Environmental Covenant, Vopak shall submit to EPD an Annual Report in the format attached hereto as Exhibit E stating whether or not the activity and use limitations in this Environmental Covenant are being abided by.

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

- A. Notice of Limitations and Requirements in Future Conveyances. Each instrument hereafter conveying any interest in the Parcel or any portion thereof that may affect the activity and use limitations described herein shall include a statement that the

Parcel 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 Parcel or any portion thereof, a notice shall be sent to EPD and Vopak. 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 Parcel, 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 Parcel must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the use of the Parcel, to apply for a building permit for construction at the Parcel, 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 Parcel 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 Vopak shall have the right to enter the Parcel 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, Vopak 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, GPA shall record the Environmental Covenant in every county in which any portion of the Parcel is located in accordance with the law governing the recording and priority of interests in real property. Upon recording of the Environmental Covenant, GPA 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).** GPA represents and warrants that all of the following are true and correct:

- A. GPA holds fee simple title to the Parcel.
- B. GPA 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 GPA 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 GPA nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which GPA is a party or by which GPA may be bound.
- D. There are no persons with existing interests other than fee simple in the Parcel;
- E. This Environmental Covenant does not authorize a use of the Parcel 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, GPA 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:

Georgia Ports Authority  
GPA 2 Main Street  
Garden City, GA 31408

Vopak Terminal Savannah Inc.  
Turner-Hart Streets  
GPA, Savannah, Georgia

**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

Georgia Ports Authority

[Signature]  
(Signature)

Signed in the presence of:

Griffith V. Lynch

Executive Director

[Signature]  
Unofficial Witness (signature)

James C. McCurry, Jr.  
Unofficial Witness (print name)

State of Georgia  
County of Chatham

This instrument was acknowledged

before me this 29<sup>th</sup> day of January  
21, 2018, by (Print Name) Debra H. Wynn

Personally Known  
 Produced Identification

[Signature]  
Notary Public (Signature)

My Commission Expires:

**DEBRA H. WYNN**  
Notary Public, Chatham County, GA  
My Commission Expires Sept. 24, 2022

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



Grantee

Vopak Terminal Savannah, Inc.

[Signature]  
(Signature)

Signed in the presence of:

[Signature]  
Unofficial Witness (signature)

CLIFTON FERRELL  
Unofficial Witness (print name)

State of Texas

County of Harris

This instrument was acknowledged

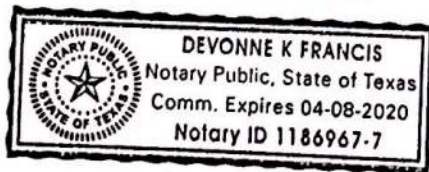
before me this 1 day of August  
2018, by (Print Name) Devonne K Francis

Personally Known  
 Produced Identification

Devonne K. Francis  
Notary Public (Signature)

My Commission Expires:

(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 acknowledged

before me this 13 day of April,

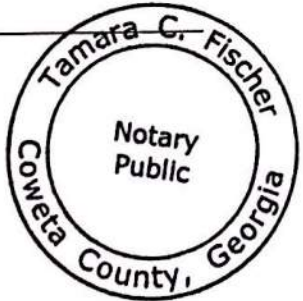
2021, by (Print Name) Tamara Fischer

Personally Known  
 Produced Identification

Tamara C. Fischer  
Notary Public (Signature)

My Commission Expires: 7-27-2022

(NOTARY SEAL)



HSI SITE NO. 10464, PCE REMEDIATION, VOPAK TERMINAL SAVANNAH

# **ENVIRONMENTAL COVENANT**

## **EXHIBIT A: LEGAL DESCRIPTION**

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Eulaine Carnas  
Notary Public, Chatham County, Ga.  
Notarial Seal

Mrs. Pearl Foster (L.C.)  
Clara B. Giles (I.S.)

Received for record April 9, 1949  
Recorded April 14, 1949

lhlhllllh

STATE OF GEORGIA  
COUNTY OF FULTON

WHEREAS, on the 15th day of December, 1948, the STATE OF GEORGIA by quitclaim deed acquired from the UNITED STATES OF AMERICA, acting by and through its WAR ASSETS ADMINISTRATOR, title to a certain tract of land lying and being in the County of Chatham, State of Georgia, containing 407.59 acres, more or less, and known as the Medical Depot site in Chatham County, Georgia, adjacent to the Savannah River; said quitclaim deed being recorded in Record Book 48-F, Folio 272, in the Office of the Clerk of the Superior Court, Chatham County, Georgia, and at page 101 of Deeds to State Property book in the office of the Secretary of State of Georgia; and

WHEREAS, by section 4 of Act No. 174 (Senate Bill No. 55), approved by the Governor on February 17, 1949, the 1949 Session of the General Assembly authorized the Governor to convey for and in behalf of the State title to lands and improvements known as the Medical Depot site in Chatham County, Georgia, adjacent to the Savannah River, to the Georgia Ports Authority upon payment of such nominal sum to the State Treasurer as may be agreed upon by the Governor and the Authority.

and for other valuable considerations  
NOW, THEREFORE, in consideration of the sum of \$1000.00 (One Thousand) Dollars/paid to the Treasurer of the State of Georgia, as provided and in accordance with said Act No. 174, I, HERMAN TALMADGE, GOVERNOR OF THE STATE OF GEORGIA, and for and in behalf of the STATE OF GEORGIA, have bargained, sold and conveyed, and do by these presents bargain, sell, convey, remise, release, and forever quitclaim unto the GEORGIA PORTS AUTHORITY, its successors and assigns, all the right, title, interest, claim or demand which the State of Georgia has or may have had in or to the following described property, situate, lying and being in the County of Chatham, State of Georgia to wit:

ALL those tracts or parcels of land lying and being in Chatham County, Georgia containing 430.09 acres, being more particularly described as follows:

PARCEL NO. 1- Beginning at an iron pipe at the intersection of the Northern right-of-way of Bampton Road and the Eastern right-of-way line of the Savannah and Atlanta Railroad; thence with Eastern right-of-way of the Savannah and Atlanta Railroad North 26 deg. 25 min. 41 sec. West, 700.00 feet to a point; thence North 56 deg. 07 min. 37 sec. East 40.0 feet to a point on the Eastern right-of-way line of a railroad spur of the Savannah Warehouse and Compress Company; thence Northerly along curvature of said right-of-way line to a point which is North 03 deg. 45 min. 01 sec. West, 282.52 feet from the immediately preceding point; thence continue Northerly along the curvature of said right-of-way line to a point which is North 04 deg. 55 min. 24 sec. East, 267.99 feet from the immediately preceding point; thence Southerly along the curvature of the Western right-of-way line of another railroad spur of the Savannah Warehouse and Compress Company to a point which is South 51 deg. 11 min. 19 sec. East 236.14 feet from the immediately preceding point; thence continue Southerly along the curvature of said Western right-of-way line to a point which is South 33 deg. 07 min. 28 sec. East 227.81 feet from the immediately preceding point; thence North 56 deg. 07 min. 37 sec. East 49.7 feet to a point on the Eastern right-of-way line of railroad spur of the Savannah Warehouse and Compress Company; thence Northerly along the

curvature of said Eastern right-of-way to a point which is North 31 deg. 41 min. 49 sec. West, 215.5 feet from the immediately preceding point; thence continue Northerly along curvature of said right-of-way line to a point which is North 47 deg. 59 min. 35 sec. West, 275.9 feet from the immediately preceding point; thence continue Northerly along the curvature of said right-of-way line to a point which is North 21 deg. 20 min. 30 sec. West, 331.8 feet from the immediately preceding point; thence continue Northerly along the curvature of said right-of-way line to a point which is North 2 deg. 49 min. 14 sec. East 173.3 feet from the immediately preceding point; thence North 30 deg. 10 min. East 360.1 feet to a point; thence North 59 deg. 50 min. West, 76.0 feet to a point; thence South 44 deg. 48 min. 58 sec. West, 94.8 feet to a point; thence North 10 deg. 17 min. 14 sec. East, 928.8 feet to a pipe; thence North 06 deg. 09 min. 12 sec. East 2074.4 feet to a railroad iron; thence North 01 deg. 00 min. 48 sec. West, 900.0 feet to a point in center line of Pipemakers Canal; thence Easterly with the center line of said canal to a point on the low water line of the Western bank of Savannah River, said point being North 68 deg. 24 min. 47 sec. East 2945.1 feet from the immediately preceding point; thence Southerly 4300 feet along the low water line of Savannah River to a point which is South 27 deg. 25 min. 50 sec. East 4238.0 feet from the immediately preceding point; thence South 56 deg. 07 min. 37 sec. West 5700.0 feet along the Northerly line of Erampton Road to the point of beginning, containing 426:25 acres, more or less.

PARCEL NO. 2- Commencing at an iron pipe at the intersection of the Northern right-of-way line of Erampton Road and the Eastern right-of-way line of the Savannah and Atlanta Railroad; thence North 26 deg. 25 min. 41 sec. West 765.0 feet to the point of beginning of herein described parcel; thence North 26 deg. 25 min. 41 sec. West 485.0 feet along the Eastern right of way line of the Savannah and Atlanta Railroad; thence Northerly along the curvature of the Eastern right of way line of the Chatham Terminal Company to a point which is North 06 deg. 13 min. 54 sec. East 335.6 feet from immediately preceding point; thence North 30 deg. 12 min. 20 sec. East 185.0 feet along the Southeastern right-of-way of the East track of Savannah Warehouse and Compress Company; thence Southerly along the curvature of the Western right-of-way line of a spur track of the Savannah Warehouse and Compress Company to a point which is South 13 deg. 15 min. 03 sec. East 318.5 feet from immediately preceding point; thence continuing Southerly along the curvature of said Western right-of-way line to a point which is South 05 deg. 31 min. 39 sec. East 280.3 feet from immediately preceding point; thence continuing Southerly along the curvature of said Western right-of-way line to the point of beginning, which is South 02 deg. 18 min. 27 sec. West 339.3 feet from immediately preceding point.

The above described tract is Lot 8 of the Industrial Subdivision of Savannah Warehouse and Compress Company and contains 2.78 acres, more or less.

PARCEL NO. 3- A certain tract or parcel of land, lying and being in Chatham County, Georgia, being more particularly described as follows:

Beginning at the intersection of the Eastern right-of-way line of U. S. Highway No. 17 and the Northern right-of-way line of the Savannah Warehouse and Compress Company's East track; thence North 06 deg. 05 min. 50 sec. East 442.5 feet along said Eastern right-of-way line of U. S. Highway No. 17; thence Easterly along the curvature of the Southern right-of-way line of the Savannah and Atlanta Railroad spur to the Savannah Warehouse and Compress Company to a point which is North 71 deg. 10 min. 55 sec. East 275.6 feet from immediately preceding point; thence South 30 deg. 12 min. 20 sec. West 612.0 feet along the Northern right-of-way line of the Savannah Warehouse and Compress Company's East tract to the point of beginning, containing 1.06 acres, more or less.

The above described parcel is Lot 7 of Industrial Subdivision of Savannah Warehouse and Compress Company.

Exception from said above described land the following described land and buildings,

to-wit:

A tract or parcel of land, situate and being in the County of Chatham, State of Georgia, being a portion of the Savannah Quartermaster Depot, and a portion of the tract of land formerly owned by the Savannah Warehouse and Compress Company, and containing 22.50 acres, more or less, being more particularly described as follows:

Beginning at a point at the intersection of center line of Rethers Street with line parallel to and 25 feet southerly from the southerly line of Building 3 (A-G); thence South 68 deg. 25 min. West, 1870 feet along the A.C.L. Railroad Spur to a point on a fence line West of Tomochichi Road; thence North 13 deg. 52 min. East 724 feet along the aforementioned fence line; thence North 68 deg. 25 min. East, 1450 feet along same fence line to the intersection of centerline of Rethers Street; thence South 21 deg. 35 min. East 590 feet along the centerline of Rethers Street to the point of beginning.

Buildings 49-B with adjacent wharf, containing 21,030 sq. ft., more or less, being more particularly described as follows:

Beginning at the intersection of Hart Street with the Southwest corner of Bldg. 49-B and approximately 10 feet southerly from the southerly line of railroad spur; thence North 68 deg. 25 min. East 140 feet; thence South 17 deg. 58 min. East 160 feet; thence South 72 deg. 30 min. West 130 feet; thence North 21 deg. 35 min. West 151 feet to the point of beginning.

All bearings and distances are scaled from map of the U. S. Engineer Office, Savannah, Georgia, Drawing No. QMS-1/702.

Buildings No. 1 (A-E inclusive), Building No. 3 (A-G inclusive) and Bldg. No. 49 with adjacent wharf are located on the area described herein.

Together with all the personal property acquired and retained by the State of Georgia from the United States pursuant to and under the terms of the aforesaid quitclaim deed from the United States to the State of Georgia which quitclaim deed appears of record, as hereinbefore set out, in Record Book 48-F, Folio 272, in the office of the Clerk of the Superior Court of Chatham County, Georgia, the said personal property being listed in Schedule "A" attached to and made a part of the aforesaid quitclaim deed from the United States to the State of Georgia.

All said property, both real and personal, being the same property acquired by the State of Georgia from the United States of America, coming by and through its War Assets Administrator, by quitclaim deed which appears of record in Record Book 48-F, Folio 272, in the office of the Clerk of the Superior Court of Chatham County, Georgia, together with all the rights, members, and appurtenances to the said described premises in anywise appertaining or belonging, but for the following exceptions, which exceptions are the same as those contained in said deed from the United States of America to the State of Georgia, and are, to-wit:

1. An Easement in favor of the City of Savannah, Georgia, to dig and excavate part of the land east of Pipemakers Creek.
2. Rights and Easements of railroad companies under an agreement dated October 20, 1915, as amended by an agreement dated June 24, 1942.
3. Outstanding rights of railroad companies under the railroad storage yard agreement dated November 17, 1919, as amended by agreement dated June 24, 1942.
4. Outstanding rights under an agreement dated September 25, 1925, as amended by agreement dated June 24, 1942.
5. Rights of Lindsay McMillan Company, or its successors and assigns, under an agreement in connection with the deed dated April 9, 1928.
6. All existing easements for public roads, highways, public utilities, railroads and pipelines.
7. All outstanding rights of third persons in and to that part of the land within Pipemakers Creek or Canal.

8. Joint use by the Department of the Army with party of the second part of Gibbins Road from entrance gate on Highway No. 17 to Tomochichi Road, thence to building 3-A; primary electric line from existing sub-station; existing water distribution system; existing sewer lines down Livingston Street to Savannah River; Rae's Hall Road around North side of requested area to Hart Street, to building No. 49-B, with adjacent wharf.

9. Easement from United States of America to Mayor and Aldermen of the City of Savannah dated July 16, 1548, for a water pipeline fifty (50) feet wide across the property heretofore described.

10. Any other outstanding rights appearing of record.

11. And further excepting from this conveyance certain mineral rights which have been reserved by the United States of America in accordance with Executive Order 9908, approved December 5, 1947, (12 F. R. 8223), being all uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument, which are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.

TO HAVE AND TO HOLD the said described premises unto the GEORGIA PORTS AUTHORITY, its successors and assigns, so that neither the STATE OF GEORGIA nor its assigns, nor any person or persons claiming under it shall at any time claim or demand any right, title, or interest to the described premises or its appurtenances.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the State of Georgia this the 29 day of March, 1949.

Signed, sealed and delivered  
in the presence of:  
Gladys Oreal  
Notary Public, Georgia, State at Large.  
My commission Expires Jan. 9, 1950

Herman E. Talmadge (L.S.)  
Governor of the State of Georgia  
SEAL OF THE STATE OF GEORGIA

Notarial Seal  
Benton Odum  
Joe H. Burton N. P.  
(Witness as to Secretary of  
State and affixing of Seal)  
Notarial Seal

BY THE GOVERNOR:  
Ben. W. Fortson Jr.  
Secretary of State

This Deed approved as to form, substance  
and title, this the 11 day of April 1949

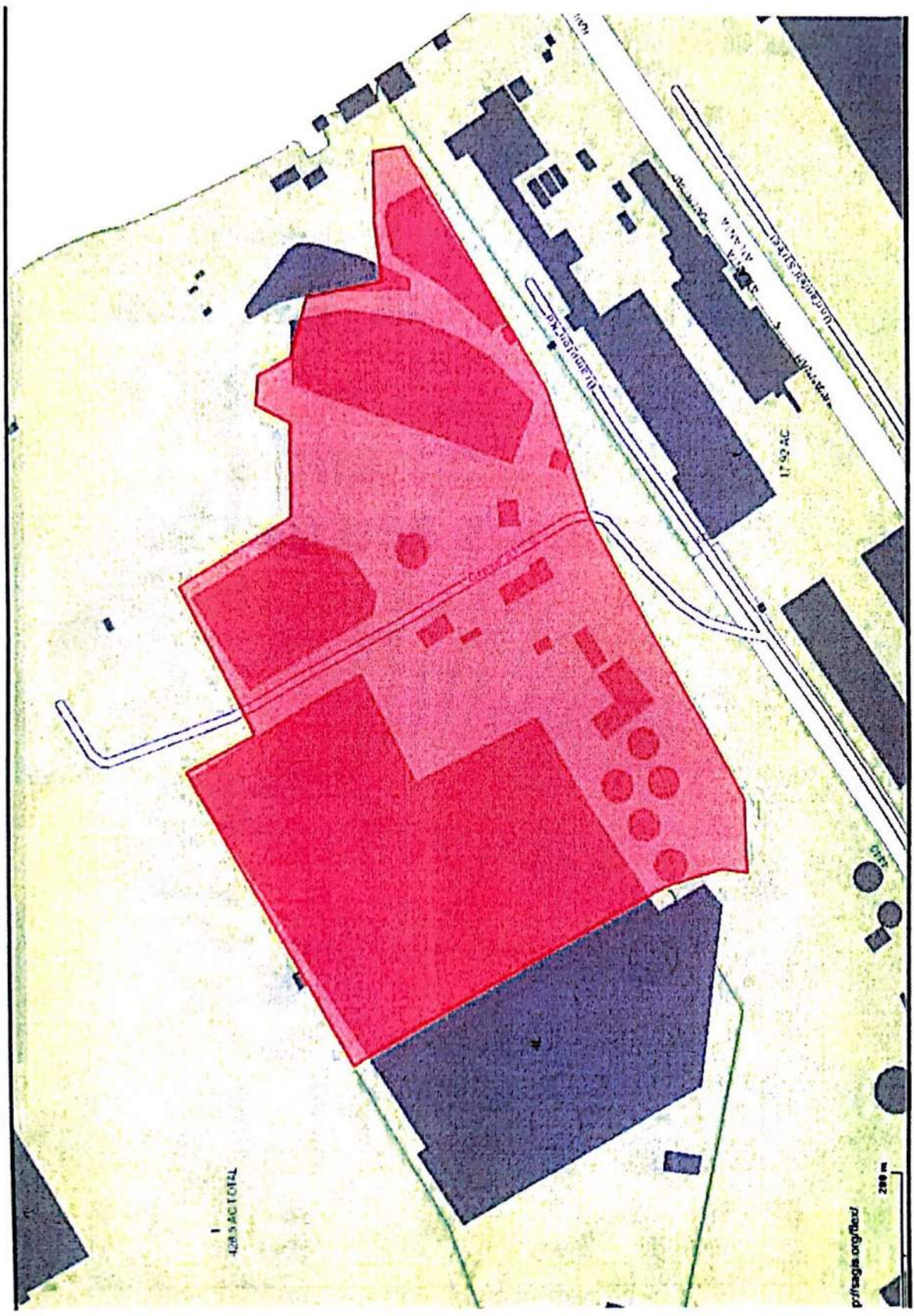
HSI SITE NO. 10464, PCE REMEDIATION, VOPAK TERMINAL SAVANNAH

# **ENVIRONMENTAL COVENANT**

## **EXHIBIT B: PARCEL MAP**

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# Exhibit B: Parcel Map



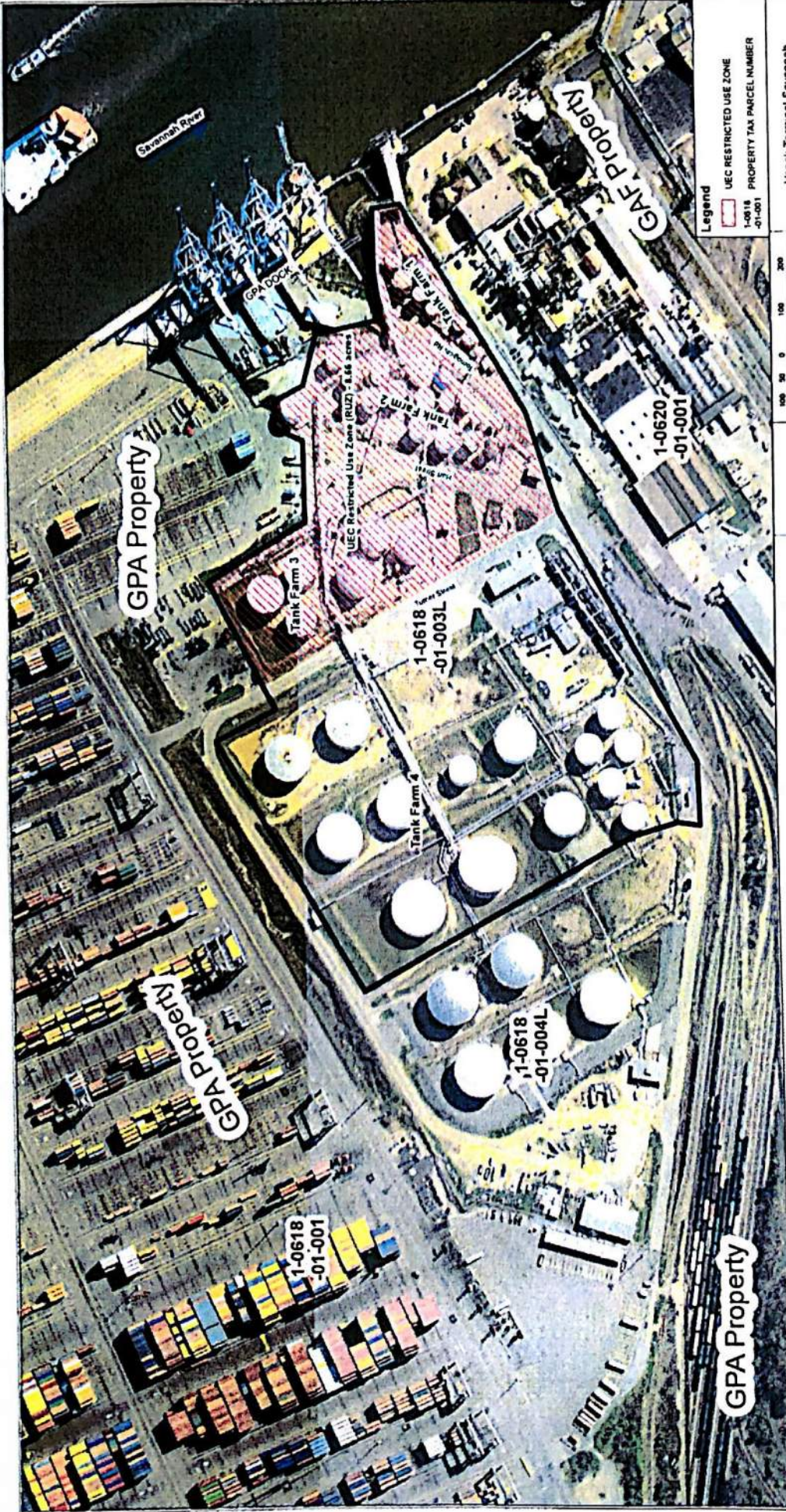


HSI SITE NO. 10161, PCB REMEDIATION, VOPAK TERMINAL SAVANNAH

# **ENVIRONMENTAL COVENANT**

## **EXHIBIT C: RESTRICTED USE ZONE MAP**

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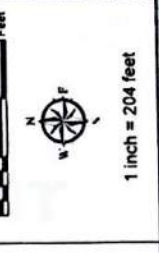


**Legend**

- UEC RESTRICTED USE ZONE
- 1-0618 -01-001 PROPERTY TAX PARCEL NUMBER

Vopak Terminal Savannah  
P.O. Box 7390  
Savannah, Georgia 31418-7390

Environmental International Corporation  
161 Kimball Bridge Rd.  
Alpharetta, Georgia 30009



**Exhibit C: UEC Restricted Use Zone**  
**Vopak Terminal Savannah, Inc., 2018**

Notes: Aerial photo basemap is derived from USGS aerial imagery GIS database and is from 2011. Property parcel extents and identification codes are derived from the Chatham County Tax Assessors office online database. UEC restricted use zone is shaded in red. The VOPAK leased area excludes the right of ways for Hart Street and Tomogichi Road that are owned by GPA.

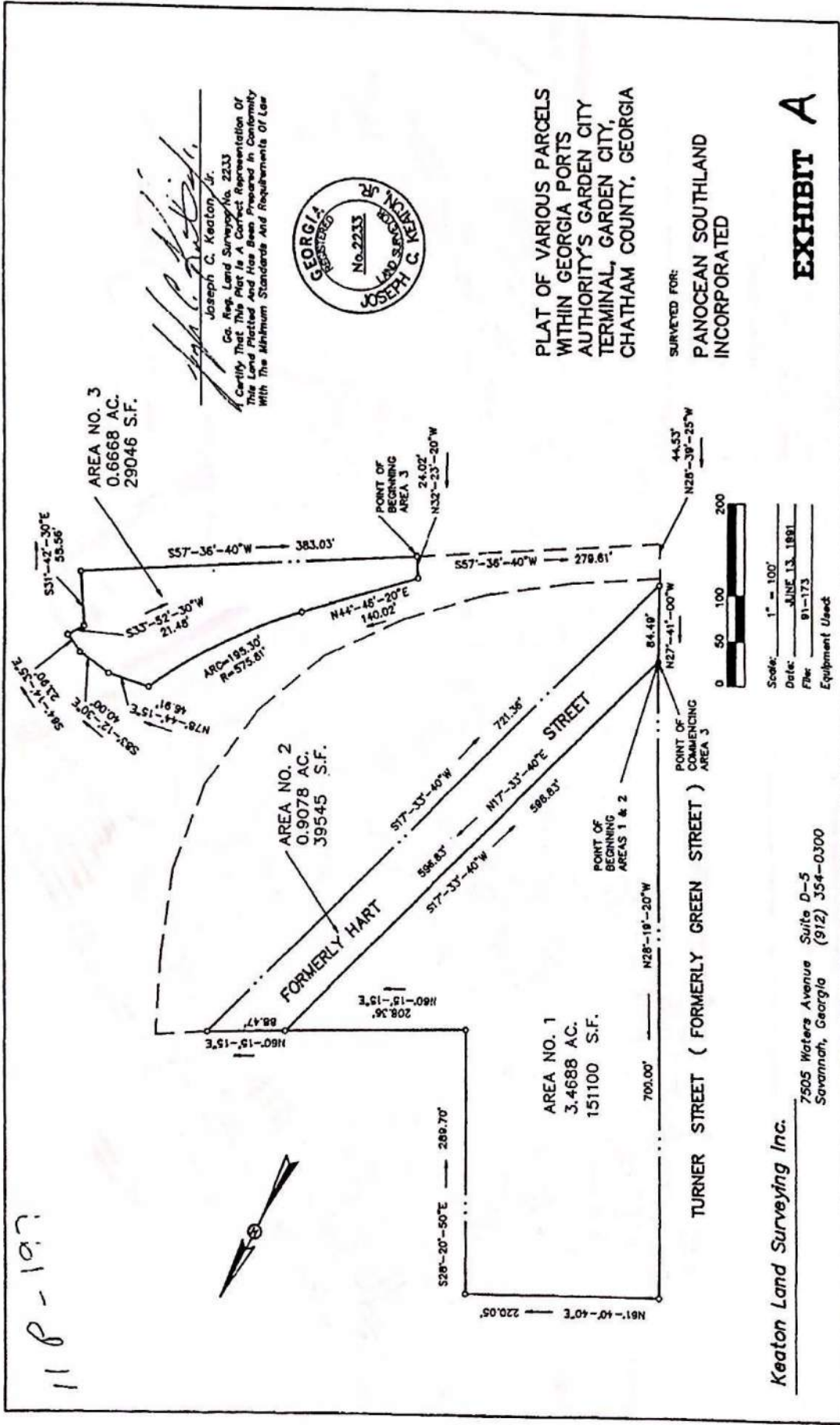
HSI SITE NO. 1061, PCE REMEDIATION, VOPAK TERMINAL SAVANNAH

# **ENVIRONMENTAL COVENANT**

## **EXHIBIT D: ADDITIONAL SUPPORTING DOCUMENTS**

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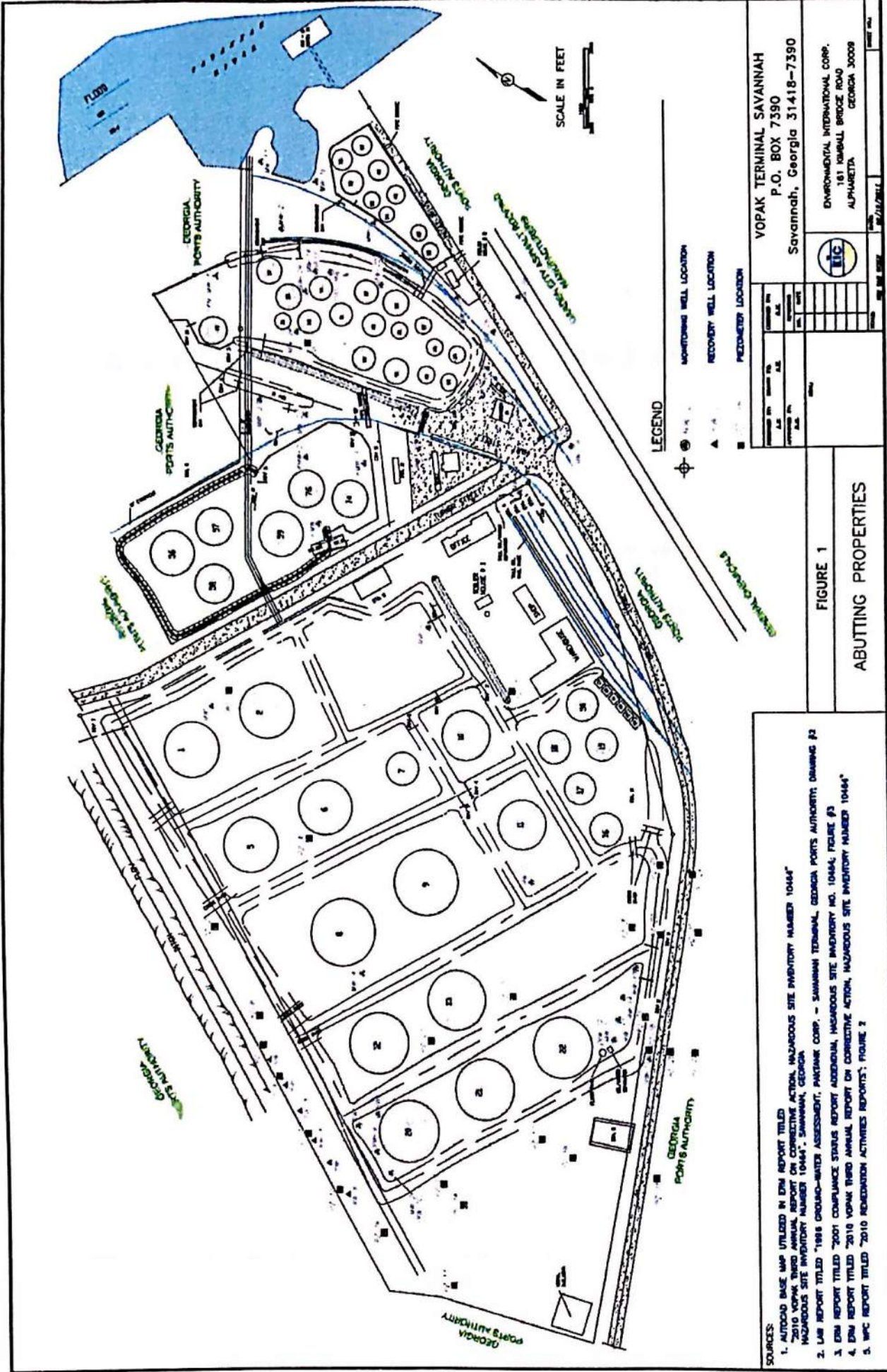
*Joseph C. Keaton Jr.*  
Joseph C. Keaton Jr.  
Ga. Reg. Land Surveyor No. 2233  
I Certify That This Plat is A Correct Representation Of  
This Land Platted and Has Been Prepared in Conformity  
With The Minimum Standards and Requirements Of Law



PLAT OF VARIOUS PARCELS  
WITHIN GEORGIA PORTS  
AUTHORITY'S GARDEN CITY  
TERMINAL, GARDEN CITY,  
CHATHAM COUNTY, GEORGIA

SURVEYED FOR:  
PANOCEAN SOUTHLAND  
INCORPORATED

**EXHIBIT A**



**SOURCES:**

1. AUTOCAD BASE MAP UTILIZED IN ERM REPORT TITLED "2010 VOPAK THIRD ANNUAL REPORT ON CORRECTIVE ACTION, HAZARDOUS SITE INVENTORY NUMBER 10444"
2. LAW REPORT TITLED "1998 GROUND-WATER ASSESSMENT, PAPERKORP CORP. - SAVANNAH TERMINAL, GEORGIA PORTS AUTHORITY DRAWING #3 HAZARDOUS SITE INVENTORY NUMBER 10444", SAVANNAH, GEORGIA
3. ERM REPORT TITLED "2001 COMPLIANCE STATUS REPORT ADDENDUM, HAZARDOUS SITE INVENTORY NO. 10444, FIGURE #3
4. ERM REPORT TITLED "2010 VOPAK THIRD ANNUAL REPORT ON CORRECTIVE ACTION, HAZARDOUS SITE INVENTORY NUMBER 10444"
5. WPC REPORT TITLED "2010 REMEDIATION ACTIVITIES REPORT", FIGURE 2

**VOPAK TERMINAL SAVANNAH**  
P.O. BOX 7390  
Savannah, Georgia 31418-7390

**ENVIRONMENTAL INTERNATIONAL CORP.**  
181 KIMBALL BRIDGE ROAD  
ALPHARETTA, GEORGIA 30009

**FIGURE 1**

**ABUTTING PROPERTIES**

HSI SITE NO. 10161, PCE REMEDIATION, AOPAK TERMINAL SAVANNAH

# **ENVIRONMENTAL COVENANT**

## **EXHIBIT E: ANNUAL PROPERTY EVALUTATION FORM**

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Exhibit E  
Annual Property Evaluation Form

Vopak, HSI Site No. 10464

TYPE	No.	CRITERIA RESPONSE	YES	NO
Land Use	1	Does this former HSRA site meet the definition of non-residential property as defined in HSRA Rule 391-3-19.02(2)?  "Non-residential property means any property or portion of a property not currently being used for human habitation or for other purposes with a similar potential for human exposure, at which activities have been or are being conducted that can be categorized in one of the 1987 Standard Industrial Classification major group..."		
	1a	If no to 1, provide a written explanation (attached) to the EPD within 30 days.		
Exposure	2	Have the conditions of the site property and/or surrounding properties been modified such that they would change the exposure determinations pursuant to the Voluntary Remediation Program Compliance Status Report?		
	2a	If yes to 2 provide a written explanation (attached) to EPD within 30 days.		
Exposure	3	Is there any use or extraction of groundwater from beneath the Property or adjacent properties for drinking water or for any other non-remedial purpose?		
	3a	If yes to 3, provide a written explanation (attached) to EPD within 30 days.		
Property Instruments	4	Do all leases or other property instruments for the site have the applicable deed notice language inserted into them?		
	4a	If no to 4, provide a written explanation (attached) to the EPD within 30 days.		
Inspection	5	Date of inspection:		
	5a	Name of inspector:		
	5b	Photographs showing current land use (attached)		

**Certification:**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
NAME (Please type or print)

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE