

J. Wyatt Kendall
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January 25, 2022

VIA EMAIL & FEDEX

Mr. Robert L. Mangum, Jr., PG
Geologist – Response & Remediation Program
Georgia Environmental Protection Division
2 Martin Luther King, Jr., Dr., SE
Suite 1054
Atlanta, GA 30334

Re: Notice of Recording of Environmental Covenants
3701 Old Oakwood Road; 3707 and 3721 Old Oakwood Road

Robert:

Attached please find file-stamped copies of the environmental covenants for the above referenced properties. Copies of the file-stamped covenants have also been sent to those parties listed in O.C.G.A. § 44-16-8.

Thank you for all of your assistance on this matter, and please call me if you have any questions or concerns.

Sincerely,

MORRIS, MANNING & MARTIN, LLP



J. Wyatt Kendall

14746352 v1

eFiled and eRecorded
DATE: 01/21/2022
TIME: 4:14 PM
DEED BOOK: 9042
PAGE: 467 - 480
FILING FEES: \$25.00
PARTICIPANT ID: 4169709873
PARTICIPANT ID: 4619223018
RECORDED BY: CH
CLERK: Charles Baker, C.S.C
Hall County, GA

After Recording Return to:
Gerald L. Pouncey, Jr.
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, Georgia 30326

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"). The entity Gainesville-Oakwood Properties, LLC enters into 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 as set forth herein.

Fee Simple Owner(s)/Grantor(s): Gainesville-Oakwood Properties, LLC
P.O. Box 1249
Canton, MS 39046
Attn: Harold May

Grantee/Holder with the power to enforce: Gainesville-Oakwood Properties, LLC
P. O. Box 1249
Canton, MS 39046
Attn: Harold May

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 a tract of approximately four (4) acres of real property located at 3701 Old Oakwood Road, Oakwood, Georgia, which is further identified by the tax parcel ID number below (hereinafter "Property"). The Property was conveyed on November 1, 2005 to Gainesville-Oakwood Properties, LLC; such conveyance is recorded in Deed Book 594, Page 416, of the Hall County deed records. The Property is located in Land Lot 44 of the 8th District of Hall County, Georgia.

The Property is identified as tax parcel ID number 08044 002023 in Hall County, Georgia.

A legal description of the Property is attached as Exhibit A and a map and survey of the Property are 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 Gainesville-Oakwood Properties, LLC, 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 Property. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division
Land Protection Branch
Brownfield Program
2 Martin Luther King, Jr. Drive, SE
Suite 1054 East Tower
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 #10559 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. Residential Use Prohibited. The use of the Property for residential occupancy is prohibited without written approval from EPD.

- B. Groundwater. The use or extraction of groundwater beneath the Property for drinking water or any other non-remedial purpose is prohibited.
- C. Periodic Reporting. Annually, but not 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 by the site inspection checklist(s) and Annual Property Evaluation Form in the form attached to this Environmental Covenant as Exhibit C.

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 Gainesville-Oakwood Properties, LLC. 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.** The owner of the Property must provide to EPD thirty (30) days' advance written notice of the owner's intent to change the existing commercial use of the Property to a residential use or to apply for a building permit for construction at the Property that materially affects any institutional control described herein.

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 Gainesville-Oakwood Properties, LLC 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, Gainesville-Oakwood Properties, LLC 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, Gainesville-Oakwood Properties, LLC 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, Gainesville-Oakwood Properties, LLC 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). Gainesville-Oakwood Properties, LLC represents and warrants that all of the following are true and correct:

- A. Gainesville-Oakwood Properties, LLC holds fee simple title to the Property.
- B. Gainesville-Oakwood Properties, LLC 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 Gainesville-Oakwood Properties, LLC 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 Gainesville-Oakwood Properties, LLC nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Gainesville-Oakwood Properties, LLC is a party or by which Gainesville-Oakwood Properties, LLC 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, Gainesville-Oakwood Properties, LLC 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:

Gainesville-Oakwood Properties, LLC
P O Box 1249
Canton, MS 39046

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 has caused this Environmental Covenant to be executed pursuant to The Georgia Uniform Environmental Covenants Act, on the 12 day of November, 2021,

For the Grantor / Holder

Gainesville-Oakwood Properties, LLC

Harold May
(Signature)

Harold May

Managing Member

Signed in the presence of:

[Signature]
Unofficial Witness (signature)
Sash Sims
Unofficial Witness (print name)

State of Mississippi
County of Madison

This instrument was signed or attested before me this 12 day of November, 2021, by Harold May.

Personally Known
 Produced Identification

Chelsea Mills
Notary Public (Signature)

My Commission Expires

(NOTARY SEAL)



For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 4 day of January, 2022.

[Signature]
(Signature)

Richard Dunn
Director, Environmental Protection Division

Signed in the presence of:
[Signature]
Unofficial Witness (signature)

Laura Ferrell
Unofficial Witness (print name)

State of Georgia
County of Fulton

This instrument was signed or attested before
me this 4 day of January, 2022, by
Richard Dunn.

Personally Known
 Produced Identification

Tamara C. Fischer
Notary Public (Signature)

My Commission Expires: 7-27-2027

(NOTARY SEAL)

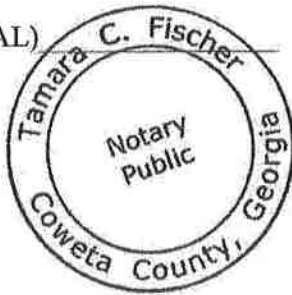


Exhibit A Legal Description of Property

All that tract or parcel of land lying and being in Land Lot 44 of the 8th Land District, Oakwood G.M.D. – 1805, City of Oakwood, Hall County, Georgia, and being more particularly described as follows:

BEGINNING at a ¼ inch rebar iron pin found, said point being on the southeasterly right of way of Old Oakwood Road, a.k.a. Oakwood-Gainesville Road, being a 60 foot right of way and lying 1622.16 feet southwesterly as measured along said right of way from the centerline of Mundy's Mill Road; thence South 42 degrees 24 minutes 37 seconds East a distance of 531.71 feet to a point; thence South 46 degrees 48 minutes 06 seconds West a distance of 343.77 feet along the northerly side of an asphalt street to a ¼ inch rebar found; thence North 41 degrees, 25 minutes 02 seconds West a distance of 496.58 feet along the northeasterly side of a 37 foot asphalt drive to a crimped top pin found on the southeasterly right of way of said Old Oakwood Road, said right of way being 30 feet from the centerline; thence North 40 degrees 23 minutes 20 seconds East a distance of 96.15 feet along said right of way, and continuing along said right of way as follows: North 40 degrees 09 minutes 55 seconds East a distance of 99.05 feet; thence North 40 degrees 48 minutes 27 seconds East a distance of 86.00 feet; thence North 42 degrees 34 minutes 47 seconds East a distance of 56.33 feet to a crimped top pin found and the POINT OF BEGINNING; said property containing 4.01 acres and being shown on a plat of survey dated September 27, 2005 for Gainesville-Oakwood Properties by Patton-Boyer, Inc., Chris M. Patton R.L.S. No. 2647, which plat is incorporated herein by reference.

TOGETHER WITH AS AN APPURTENANCE: all those real property rights which benefit the above described property as contained in the following three (3) non-exclusive easements:

Easement 1

A non-exclusive easement in perpetuity (except as hereinafter provided) for ingress and egress, both vehicular and pedestrian, in, to, and over the right of way shown on a plat of survey by Patton-Patton Associates dated September 12, 1975, recorded in Plat Book 54, page 114, Hall County Records shown as "Proposed Road 37" and "37" existing Asphalt Drive" which adjoin the above described property on the southeast and southwest respectively. The easement herein described shall terminate without further action of any party in the event and at such time as roads are constructed over the easement areas and are dedicated to and accepted by Hall County, Georgia for use and maintenance of same as public road rights of ways." Said easement is more particularly described in Deed Book 526, page 23 Hall County Records.

Easement 2

A non-exclusive and perpetual easement 40 feet in width and extending from the southeasterly most boundary of the property described above to the northwesterly right of way of the Southern Railroad Company railroad right of way. Said easement is for the purpose of constructing, operating and maintaining a railroad spur tract from the present

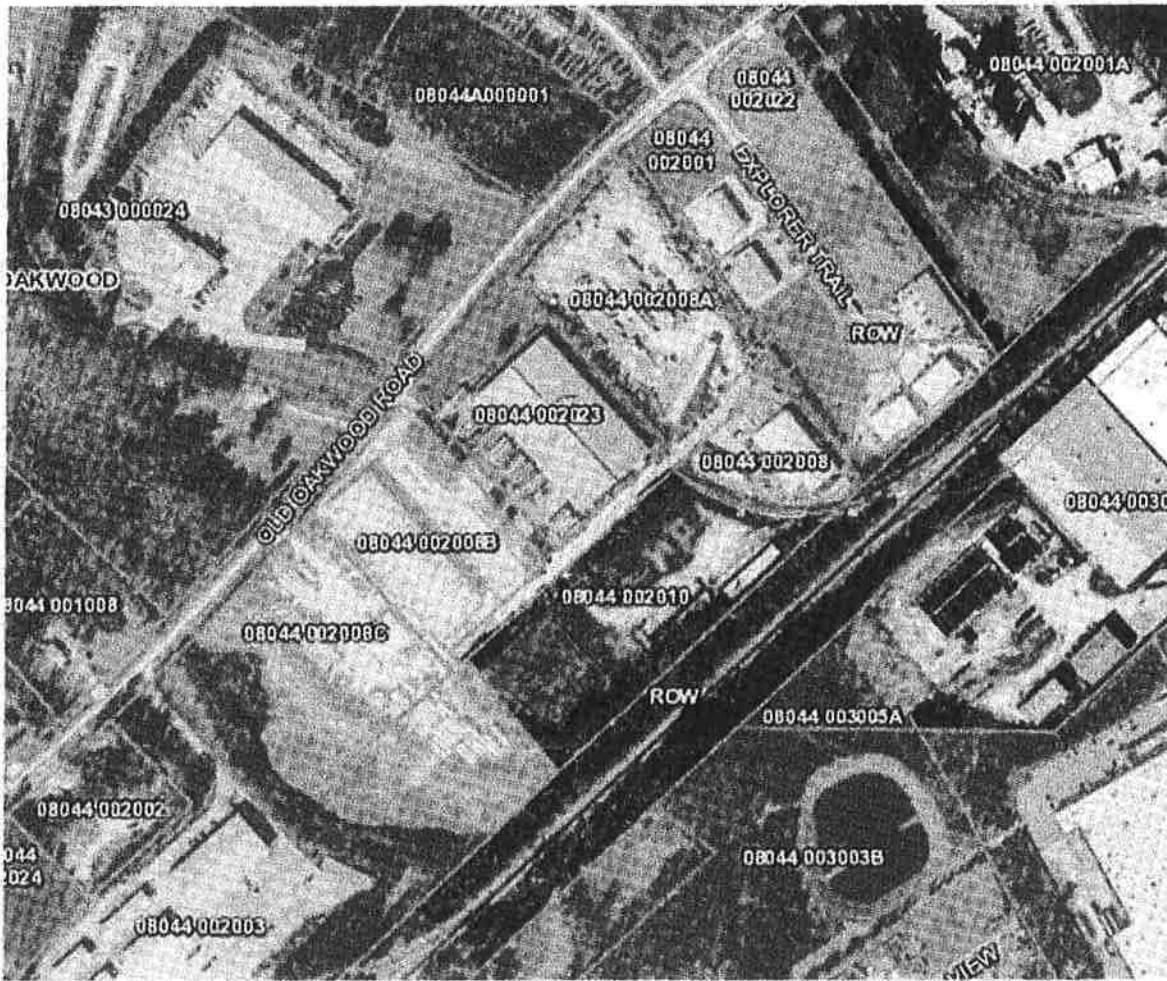
location of the Southern Railroad to the property described above. Said easement is more particularly defined in an agreement recorded in Deed Book 526, page 109 Hall County Records.

Easement 3

A non-exclusive and perpetual 15 foot sewer easement extending from near the southeast corner of the property described above to the sewage treatment plant located on nearby property.

The above three (3) easements are subject to the rights of others to use said easement areas in common with Grantee herein, its successors and assigns, and subject to other matters appearing of record in the office of the Clerk of Superior Court of Hall County, Georgia.

Exhibit B
Survey and Map of Property



NOTES:

THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD MAP AS PER FLOOD INSURANCE RATE MAP OF HALL COUNTY, GA. COMMUNITY PANEL NO. 13033-0028Z EFFECTIVE DATE: MARCH 21, 2000

AREA: 4.01 ACRES

Property Address:
3702 Old Oakwood Road
Duluth, Georgia 30566

ALL UNDERGROUND LINES SHOWN HEREON ARE AS PER GROUND SURFACE FIELD LOCATION, AND ARE THEREFORE APPROXIMATE.

ZONING: (Uses and Setback Requirements):
Existing zoning classification (F-1), Light-Industrial.
Minimum Lot Area: 1 Acre
Minimum Lot Frontage: 100 Feet
Minimum Building Setbacks:
Front: 20' from property line
Side: 10' from property line, whichever is greater.
Rear: 20' from property line.

Building Height Requirements:
Maximum Building Height for this zoning: 55 feet.

THIS PLAN HAS BEEN CALCULATED AND CHECKED FOR ACCURACY TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

- LEGEND:**
- UNRECORDED 600 R/W FOUND
 - UNRECORDED 15' SANITARY SINKER EASEMENT
 - CONCRETE MONUMENT FOUND
 - CHAIN LINK FENCE
 - DRIVEWAY
 - PROPERTY LINE
 - LIGHT POLE
 - TELEPHONE LINE
 - FENCE
 - EGRESS/PAVEMENT LINE
 - TELEPHONE LINE
 - WATER VALVE
 - FIRE HYDRANT
 - SANITARY SINKER LINE
 - SANITARY SINKER
 - SANITARY SINKER
 - CORRUGATED METAL PIPE
 - ALSO KNOWN AS
 - DENOTES SURFACE DRAINAGE

SURVEY FOR:

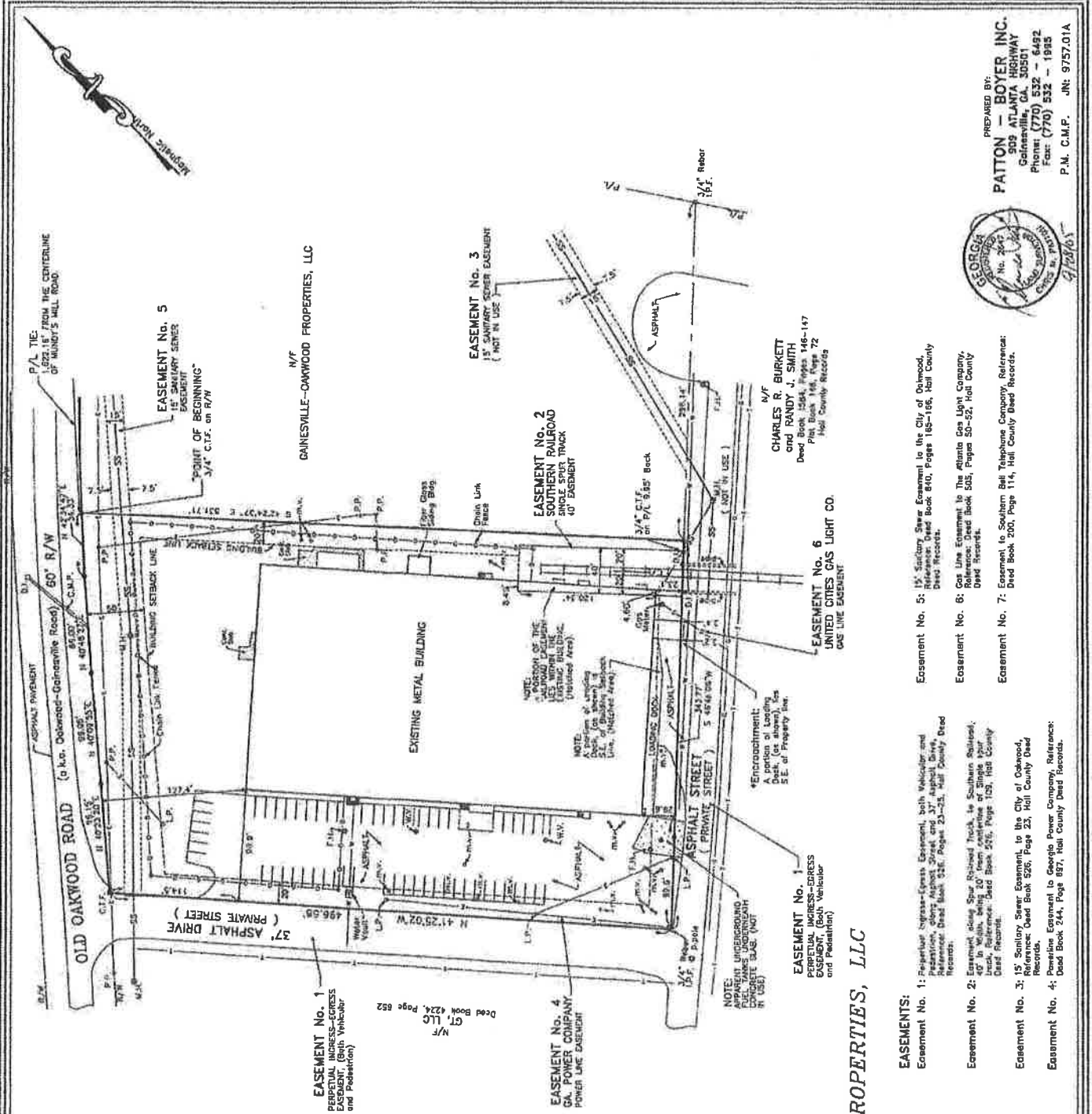
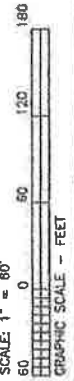
GAINESVILLE-OAKWOOD PROPERTIES, LLC

LOCATED IN:
THE CITY OF OAKWOOD
LAND LOT 44

8TH LAND DISTRICT

HALL COUNTY, GEORGIA

SURVEY DATE: 01-27-1997
PLAN DATE: 09-27-2005
SCALE: 1" = 80'



PREPARED BY:
FATTON - BOYER INC.
909 ATLANTA HIGHWAY
GAINESVILLE, GA. 30501
Phone: (770) 532 - 6492
Fax: (770) 532 - 1995
P.M. C.M.P. JN: 9757.01A

- EASEMENTS:**
- Easement No. 1: Perpetual Ingress-Egress Easement, both Vehicular and Pedestrian, Deed Book 526, Page 526, Hall County Deed Records.
 - Easement No. 2: Easement along 37' Asphalt Drive, to Southern Railway, Deed Book 526, Page 526, Hall County Deed Records.
 - Easement No. 3: 15' Sanitary Sinker Easement, to the City of Oakwood, Reference: Deed Book 526, Page 526, Hall County Deed Records.
 - Easement No. 4: Perpetual Easement to Georgia Power Company, Reference: Deed Book 244, Page 887, Hall County Deed Records.
 - Easement No. 5: Easement to the City of Oakwood, Reference: Deed Book 840, Pages 180-189, Hall County Deed Records.
 - Easement No. 6: Gas Line Easement to the Atlanta Gas Light Company, Reference: Deed Book 505, Pages 50-52, Hall County Deed Records.

N/F
CHARLES R. BURKETT and RANDY J. SMITH
Deed Book 526, Page 526-527
Hall County Records

N/F
UNITED STATES GAS LIGHT CO.
Gas Line Easement

N/F
GAINESVILLE-OAKWOOD PROPERTIES, LLC

P/L TIE:
1,524.15' FROM THE CENTERLINE OF MUNDY'S HILL ROAD.

EASEMENT No. 5
15' SANITARY SINKER EASEMENT
POINT OF BEGINNING
3/4" C.I.F. on R/W

EASEMENT No. 3
15' SANITARY SINKER EASEMENT
(NOT IN USE)

EASEMENT No. 2
SOUTHERN RAILROAD
SINKER TRACK
40' EASEMENT

EASEMENT No. 1
PERPETUAL INGRESS-EGRESS EASEMENT
(Both Vehicular and Pedestrian)

NOTE:
APPARENT UNDERGROUND UTILITIES UNDERLAIN THIS PROPERTY. (NOT IN USE)

NOTE:
A PORTION OF THE BUILDING IS WITHIN THE EXISTING BUILDING (Hatched Area).
A portion of existing 37' Asphalt Drive (on above) lies S.E. of Property line. (Hatched Area).

*Encroachment:
Asphalt Driveway Back (on above) lies S.E. of Property line.

3/4" Rebar

Exhibit C
Annual Evaluation Form

ANNUAL PROPERTY EVALUATION FORM

TYPE	No.	CRITERIA RESPONSE	YES	NO	
Land Use	1	Does this site property 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.			
	2	Is there any use or extraction of groundwater from beneath the Property for drinking water or for any other non-remedial purpose?			
	2a	If yes to 3, provide a written explanation (attached) to EPD within 30 days.			
	3	Have all notice requirements and conditions dictated within the UEC been met and abided by?			
	3a	If no to 4, provide a written explanation (attached) to EPD within 30 days.			
	4	Have the conditions of the site been modified such that they would impact or change the exposure determinations pursuant to the Voluntary Remediation Program Compliance Status Report (VRP CSR)?			
	4a	If yes, provide a written explanation (attached) to 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