

After Recording Return to:
Fulton County Board of Education
Superintendent Mike Looney
6201 Powers Ferry Road NW
Atlanta, GA 30339

CROSS-REFERENCE:
County: Fulton
Plat Book: 418
Page(s): 130-131

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 Fulton County Board of Education as set forth herein.

Fee Simple Owner(s)/Grantor(s):	Fulton County Board of Education Superintendent Mike Looney 6201 Powers Ferry Road NW Atlanta, GA 30339
Grantee/Holder with the power to enforce:	Fulton County Board of Education Superintendent Mike Looney 6201 Powers Ferry Road NW Atlanta, GA 30339
Grantee/Entity with express power to enforce:	State of Georgia Department of Natural Resources Environmental Protection Division ("EPD") 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 2.767 acres of real property at #1221 Alpharetta Street, Roswell, Georgia 30075, Fulton County, Georgia (hereinafter "Property"). The Property was subdivided as recorded as shown on the Subdivision Plat for Fulton County Board of Education, prepared by GeoSurvey, Ltd., as recorded in Plat Book 418, Page 130-131, Fulton County Records. The Property is located in Land Lots 449 and 450 of the 1st District, 2nd Section of Fulton County, Georgia.

The Property is the location of the former Imperial Cleaners Site, for which EPD issued its concurrence of certification of compliance with applicable RRS on March 12, 2018, subject to filing of this Covenant, as further referenced in the August 15, 2017 VRP Compliance Status Report CSR Addendum filed by PM, Ltd. Copies of the EPD Concurrence letter and VRP CSR Addendum and related documents are on record with EPD.

Deed Book 62364 Pg 323
Filed and Recorded Oct-02-2020 09:33am
2020-0308149
CATHLENE ROBINSON
Clerk of Superior Court
Fulton County, Georgia

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 Fulton County Board of Education, 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 at the Imperial Cleaners site. The Above-referenced and other 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 # 10690 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 of the Georgia Department of Natural Resources, as set forth as of the date of this Environmental Covenant. Any residential use on the Property shall be prohibited.
- B. **Groundwater.** The use or extraction of groundwater beneath the Property for drinking water or other potable uses shall be prohibited. The use or extraction of groundwater from the Property for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.
- C. **Vapor Intrusion Exposure Pathway Evaluation and Mitigation.** Vapor-forming regulated substances, including, tetrachloroethene, trichloroethene, 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 will be submitted to EPD for review and comment at least thirty (30) days prior to applying for a building permit.

The report will 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 will 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 Fulton County Board of Education. 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 Fulton County Board of Education 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, Fulton County Board of Education 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 Fulton County Board of Education 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 Fulton County Board of Education 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). Fulton County Board of Education represents and warrants that all of the following are true and correct:

- A. Fulton County Board of Education holds fee simple title to the Property.
- B. Fulton County Board of Education 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 Fulton County Board of Education 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 Fulton County Board of Education nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Fulton County Board of Education is a party or by which Fulton County Board of Education 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, Fulton County Board of Education 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:

Fulton County Board of Education
Superintendent Mike Looney
6201 Powers Ferry Road NW
Atlanta, GA 30339

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).

Signed, sealed, and delivered
in the presence of:

KR Avey
Unofficial Witness

Carole Yacovella
Notary Public

My Commission
Expires: 7/25/2020

(NOTARY SEAL)



GRANTOR/GRANTEE/HOLDER:

FULTON COUNTY BOARD OF EDUCATION

By: Julia C Bernath
Julia Bernath, Board Chair/President

Attest: [Signature]
Dr. Michael Looney, Superintendent

For the Environmental Protection Division, Department of Natural Resources, State of Georgia,
this 10 day of September, 2020 :

R. 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 10 day of September 2020

- Personally Known
- Produced Identification

Tamara C. Fischer
Notary Public (Signature)

My Commission Expires: 7-27-2022

(NOTARY SEAL)

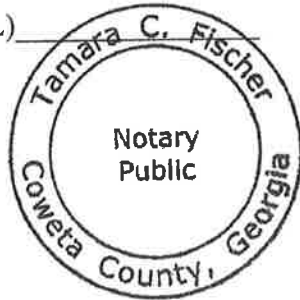


Exhibit A Legal Description of Property

All that tract or parcel of land lying and being in Land Lots 449 and 450 of the 1st District, 2nd Section, within the City of Roswell, Fulton County, Georgia, and being more particularly described as follows:

Commencing at a 5/8-inch rebar set at the intersection of the Easterly right-of-way line of Thomas Drive (variable right-of-way) and the Southeasterly right-of-way line of Alpharetta Street (84-foot right-of-way); Thence along said right-of-way line of Alpharetta Street North 56 degrees 38 minutes 49 seconds East, a distance of 63.16 feet to a 5/8-inch rebar set; Thence North 56 degrees 35 minutes 50 seconds East, a distance of 69.50 feet to a 1/2-inch rebar found; Thence North 56 degrees 49 minutes 53 seconds East, a distance of 276.07 feet to a point; Thence North 56 degrees 17 minutes 41 seconds East, a distance of 135.11 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING; Thence continue along the Southeasterly right-of-way line of Alpharetta Street North 56 degrees 17 minutes 41 seconds East, a distance of 50.10 feet to a point; Thence North 53 degrees 45 minutes 47 seconds East, a distance of 99.67 feet to a 5/8-inch rebar set; Thence departing said right-of-way line South 40 degrees 26 minutes 50 seconds East, a distance of 155.29 feet to a 1-inch crimp top pipe found; Thence South 85 degrees 41 minutes 35 seconds East, a distance of 229.39 feet to a point located at the centerline of Hog Wallow Creek;

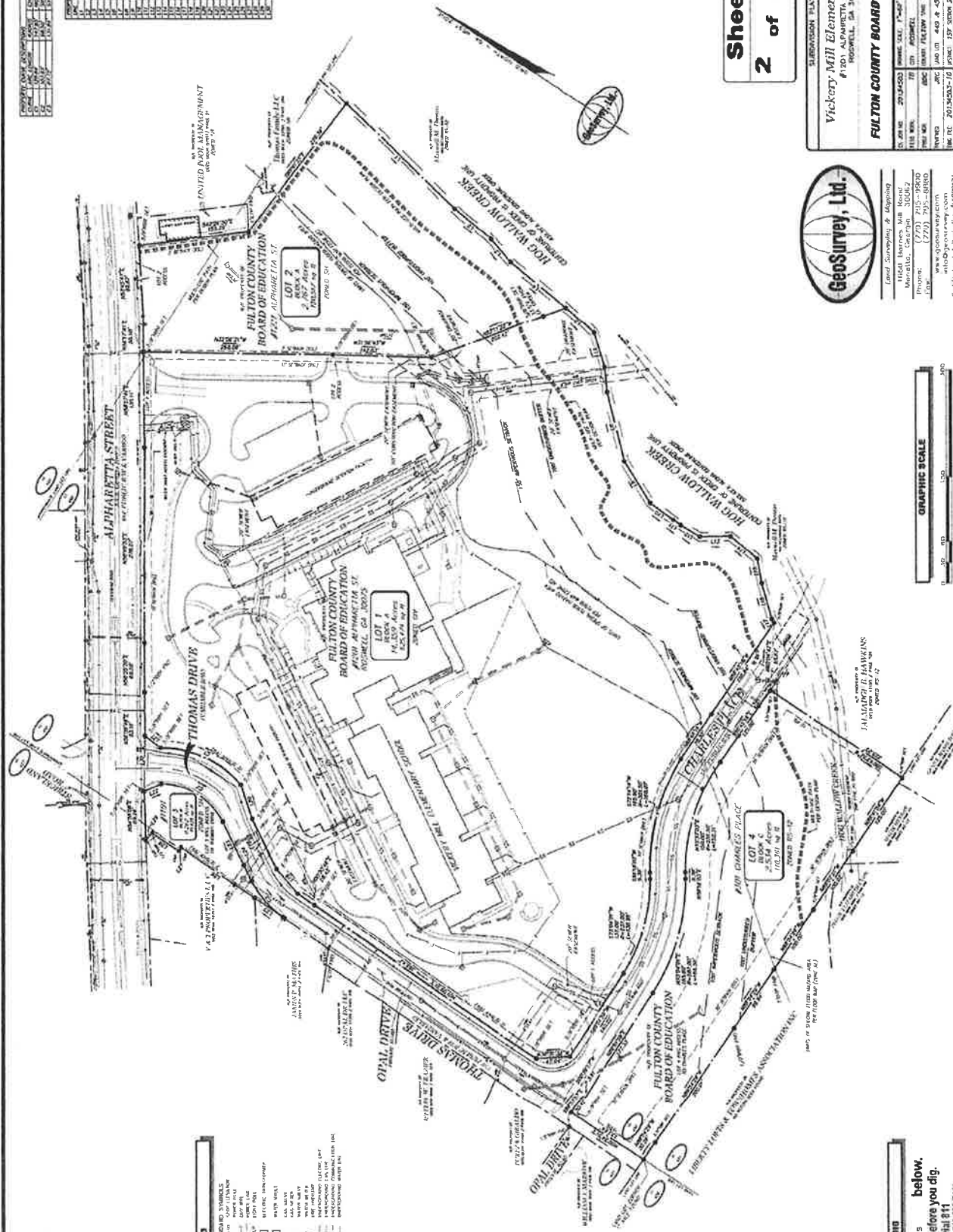
Thence following along the centerline of said creek South 10 degrees 47 minutes 13 seconds West, a distance of 215.66 feet to a point; Thence South 06 degrees 43 minutes 52 seconds West, a distance of 67.85 feet to a point; Thence South 16 degrees 11 minutes 24 seconds West, a distance of 42.44 feet to a point; Thence South 07 degrees 01 minutes 38 seconds West, a distance of 101.40 feet to a point;

Thence departing the centerline of the creek North 53 degrees 11 minutes 22 seconds West, a distance of 202.42 feet to a 5/8-inch rebar set; Thence North 31 degrees 36 minutes 43 seconds West, a distance of 142.03 feet to a 5/8-inch rebar set; Thence North 32 degrees 06 minutes 31 seconds West, a distance of 268.08 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 2.767 Acres as shown on the Subdivision Plat for Fulton County Board of Education, prepared by GeoSurvey, Ltd., as recorded in Plat Book 418, Page 130-131, Fulton County Records.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Sheet
2 of 2

FULTON COUNTY BOARD OF EDUCATION
 SUBMISSION PLAN FOR
 Vickery Mill Elementary School
 #1301 ALPHARETTA HIGHWAY
 ROSWELL, GA 30075

DATE	2/21/2003	PROJECT NO.	03020010
DRAWN BY	TRC	CITY	ROSWELL
CHECKED BY	TRC	SCALE	AS SHOWN
DATE	2/21/2003	PROJECT NO.	03020010
DATE	2/21/2003	PROJECT NO.	03020010

GeoSurvey, Ltd.
 (Land Surveying & Mapping)
 11414 Lakeside Mill Road
 Marietta, GA 30066
 Phone: (770) 235-1880
 Fax: (770) 235-0880
 www.geosurvey.com
 info@geosurvey.com



LEGEND

STANDARD SYMBOLS	...
ADDITIONAL SYMBOLS	...
STANDARD ABBREVIATIONS	...
ADDITIONAL ABBREVIATIONS	...

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Dead Book 62364 P5 332
CATHELENE ROBINSON
 Clerk of Superior Court
 FULTON COUNTY, GEORGIA