

2021 SEP -8 PM 4:00

*Janice Morris*  
CLERK

D: DEED B: 7127 P: 289  
09/09/2021 02:40:03 PM Total Pages: 9  
Recording Fee: \$ 25.00  
Intangible Tax: \$0.00  
Janice Morris, Clerk of Court, Rockdale County

COVE

After Recording Return to:  
Latex Construction Company  
1353 Farmer Road  
P.O. Box 917  
Conyers, GA 30012



NOTE TO CLERK: Cross reference:  
Warranty Deed at Deed Book 693, Page 106  
Rockdale County, GA records  
APN Tax Parcel: #022001017B

### 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 as part of an environmental response project to address regulated substances released into the environment that have migrated in the groundwater onto the Property identified below.* This Environmental Covenant restricts the use of groundwater on the Property to prevent humans from coming into contact with regulated substances.

|  |   |
|--|---|
| <b>Fee Simple Owner(s)/Grantor(s):</b>               | Latex Construction Company<br>1353 Farmer Road<br>PO Box 917<br>Conyers, GA 30012 |
| <b>Grantee/Holder with the power to enforce:</b>     | C&D Technologies, Inc.<br>1400 Union Meeting Road<br>Blue Bell, PA 19422          |
| <b>Grantee/Entity with express power to enforce:</b> | State of Georgia<br>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 14.141 acres of real property located at 1353 Farmer Road, Conyers, Rockdale County, Georgia 30012 (hereinafter the "Property"). The Property was conveyed by Edward E. Elson to Latex Construction Company, a Georgia corporation, with such conveyance recorded in Deed Book 693, Page 106 of the Rockdale County, Georgia deed records. The Property is located in Land Lot 245 of the 16th District of Rockdale County, Georgia.

The tax parcel of the Property is tax parcel ID number 022001017B of Rockdale County, Georgia.

A legal description of the Property is attached as Exhibit A and incorporated herein by this reference.

### **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 Latex Construction Company, a Georgia corporation, C&D Technologies, Inc., 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 an environmental response performed and/or being performed at the C&D Technologies, Inc. facility/site HSI Site #10734. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division  
Response and Remediation Program  
2 Martin Luther King (MLK) Jr. Drive, SE, Suite 1054 East Tower  
Atlanta, GA 30334  
Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays.

All notice hereunder shall be made in writing and sent by certified mail, return receipt requested, overnight mail by recognized national carrier or by hand delivery to the address above.

**Activity and Use Limitations.**

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 for any other purpose besides site characterization is prohibited unless conducted under a plan approved in writing by EPD.

**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.
- B. Termination or Modification: The Environmental Covenant shall remain in full force and effect in accordance with O.C.G.A. § 44-5-1 *et seq.*, unless and until the Director determines that the Property is in compliance with the Type 1 or 2 Risk Reduction Standards for groundwater, as defined in Section 391-3-19-.07 of the Georgia Rules of Hazardous Site Response, whereupon the Environmental Covenant may be terminated in accordance with O.C.G.A. § 44-16-1 *et seq.*

**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/Compliance**

Grantor(s) shall provide reasonable access to authorized representatives of EPD and C&D Technologies, Inc. to verify compliance with the terms of this Environmental Covenant.

This Environmental Covenant shall be enforceable by EPD, C&D Technologies, Inc. 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, Latex Construction Company 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, Latex Construction Company 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).**

Grantor(s) represents and warrants that all of the following are true and correct:

- A. Latex Construction Company holds fee simple title to the Property.
- B. Latex Construction Company 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 Latex Construction Company 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 Latex Construction Company nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which Latex Construction Company is a party or by which Latex Construction Company may be bound.
- D. Latex Construction Company has identified all persons with existing interests other than fee simple in the Property and has determined the type and status of their interests; for those interests where the type and/or status make it necessary, the person's agreement to and signature on this Environmental Covenant or

subordination of the interest has been obtained; and the aforementioned information regarding all interests other than fee simple in the Property has been provided to EPD.

- E. At least thirty (30) days prior to presenting this Environmental Covenant to EPD for execution, a copy of the proposed final text of this Environmental Covenant was served on all persons or entities required to be noticed in accordance with O.C.G.A. § 44-16-7.

#### **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:

Latex Construction Company, a Georgia corporation

Will Gayler  
Unofficial Witness

By: [Signature] (seal)

Name: G. D. WILLIAMS

Title: PRESIDENT

[Signature]  
Unofficial Witness-

Melisa Morrison  
Notary Public

Attest: [Signature] (seal)

My Commission Expires 9-11-2022

Name: T. B. ELLER

(Notarial Seal)

Title: Secretary-Treasurer  
(corporate seal)

Signed, sealed and delivered in the presence of:

C&D Technologies, Inc., a Delaware corporation

*Delores Swary*  
Unofficial Witness

By: *Mara Williams* (seal)  
Name: *Mara Williams*  
Title: *VP, General Counsel, Corp. Sec.*

*Shella Needling*  
Unofficial Witness

*Jennifer Fiss*  
Notary Public

Attest: *[Signature]* (seal)  
Name: *Jon Anderson*  
Title: *CTO*

My Commission Expires: *January 27, 2023*

(corporate seal)

(Notarial Seal)

Commonwealth of Pennsylvania - Notary Seal  
Jennifer Fiss, Notary Public  
Montgomery County  
My commission expires January 27, 2023  
Commission number 1287615  
Member, Pennsylvania Association of Notaries

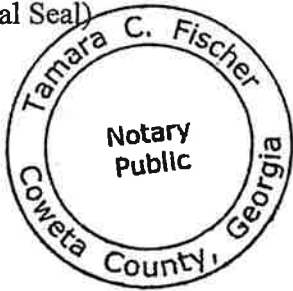
Signed, sealed and delivered in the presence of:

Troci Douglas  
Unofficial Witness

Inaia Douglas  
Unofficial Witness

Tamara C. Fischer  
Notary Public  
My Commission Expires: 7-27-2022

(Notarial Seal)



State of Georgia Department of Natural Resources  
Environmental Protection Division

By: Richard E. Duff (seal)  
Name: RICHARD E. DUFF  
Title: DIRECTOR



Exhibit A  
Legal Description of Property

All that tract or parcel of land lying and being in Land Lot 245 of the 16<sup>th</sup> District of Rockdale County, GA and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING of the tract of land herein described, commence at the intersection of the centerline of Industrial Boulevard with the Georgia Central Railroad right-of-way; running thence northerly along the eastern right-of-way line of Farmer Road (40-foot right-of-way) a distance of 612 feet to a rebar set, said rebar set also being the northwestern corner of property now or formerly owned by Earl Garner and Marjorie Anderson Garner (Deed Book 52, Page 326, Rockdale County, Georgia Records); continuing thence along said right-of-way line of Farmer Road, north 00 degrees 59 minutes 43 seconds east a distance of 261.14 feet to a point; continuing thence northeasterly along the arc of a curve to the right in said right-of-way line, said arc being subtended by a chord line having a bearing of north 30 degrees 20 minutes 49 seconds east and a length of 111.55 feet, to a point; continuing thence along said right-of-way line, north 59 degrees 41 minutes 56 seconds east a distance of 171.33 feet to a point- continuing thence along said right-of-way line, north 52 degrees 16 minutes 40 seconds east a distance of 10.00 feet to a rebar set; thence leaving the eastern right-of-way line of Farmer Road, and running south 87 degrees 53 minutes 29 seconds east a distance of 1,302.36 feet to a rebar set on the land lot line dividing Land Lots 236 and 245, aforesaid district and county, said rebar set being the TRUE POINT OF BEGINNING; from the true point of beginning thus established, running thence along said land lot line south 03 degrees 03 minutes 07 seconds west a distance of 750.00 feet to a rebar set; thence leaving the land lot line dividing Land Lots 236 and 245 and running south 84 degrees 52 minutes 20 seconds east a distance of 814.71 feet to a rebar set; running thence north 00 degrees 50 minutes 43 seconds east a distance of 793.00 feet to a point; running thence north 87 degrees 53 minutes 29 seconds west 783.75 feet to the rebar set at the TRUE POINT OF BEGINNING; according to a Boundary Survey for "Latex Construction," dated July 14, 1989, prepared by W. L. Jordan & Co., Inc., under the seal and certification of Seaton G. Shepherd, Jr., Georgia Registered Land Surveyor No. 2136; said tract of land containing 14.141 acres and designated as Tract "B" according to said survey.

For informational purposes, the street address of the subject property as described above is 1353 Farmer Road, Conyers, Rockdale County, Georgia 30012, having a current Tax APN #022001017B, according to the present system of numbering in Rockdale County, GA.