

D: DEED B: 1758 P: 2580

01/05/2021 02:47 PM

Doc # 2021000225 Pages: 13 Rec Fees: \$25.00

Hattie Holmes Sullivan

Clerk of Superior Court, Augusta-Richmond County, GA

eFile Participant IDs: 7184306703,7534679821

After recording return to:

Darren Meadows  
Hull Barrett, PC  
801 Broad Street, 7<sup>th</sup> Floor  
Augusta, GA 30901

Cross Reference to Richmond County  
Records:

Deed Book 1605, page 170

### **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 Grantee/Holder as set forth herein.

**Fee Simple Owner(s)/Grantor(s):** GURU DARSHAN LLC  
905 Nerium Trail  
Evans, Georgia 30809

**Grantees/Holder(s) with the power to enforce:** GURU DARSHAN LLC  
905 Nerium Trail  
Evans, GA Georgia 30809

**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 1052 East Tower  
Atlanta, GA 30334

**Persons with Interests  
other than Fee Simple:**

Queensborough National Bank & Trust Company holds a Security Deed executed by GURU DARSHAN, LLC dated November 9, 2017 and recorded at Richmond County Deed Book 1605, page 173.

Royal Petroleum LLC occupies and operates the business at the Property pursuant to an unrecorded agreement with the Owner.

**Subject Property**

The property subject to this Environmental Covenant (the "Property") is a tract of approximately 1.96 acres of real property located at 1237 Gordon Highway, Augusta, Richmond County, Georgia, tax parcel identification number 060-0-004-00-0 (as of tax year 2019).

The Property was conveyed on November 9, 2017 to GURU DARSHAN, LLC by deed recorded in Deed Book 1605, page 170 of the Richmond County Deed Records.

A legal description 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 GURU DARSHAN, 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 former McTeer Food & Fuel Hazardous Site Inventory Site, HSI # 10916. Records pertaining to this corrective action are available at the following EPD location(s):

Georgia Environmental Protection Division  
Land Protection Branch  
Response and Remediation Program  
2 MLK Jr. Drive, SE, Suite 1052 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 (HSI No. 10916) 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. Groundwater Use Restriction. The use or extraction of groundwater for drinking water, irrigation, or any other purpose other than investigations is prohibited within the Property unless conducted under the EPD approved Monitoring and Maintenance Plan.
- B. Ground Disturbance. Any work involving disturbance of sub-surface soils, including excavation, construction, grading, utility installation or maintenance, shall be performed by properly trained personnel using appropriate personal protection equipment in accordance with federal Occupational Safety and Health Administration rules and the EPD approved Monitoring and Maintenance Plan, as necessary and appropriate based upon the condition of the work areas documented within the Administrative Records.
- C. Engineering Controls. The entire surface of the Property is covered in an impervious asphalt cap to prevent contact with the underlying soil as an engineering control measure. The impervious cap shall not be disturbed, and any activity that would expose contaminated soil or that may result in human exposure to the regulated substances beneath the cap is prohibited, unless

conducted in accordance with the EPD approved Monitoring and Maintenance Plan.

- D. Monitoring and Maintenance Plan. A Monitoring and Maintenance Plan has been approved by EPD and shall be implemented to ensure that inspections are performed as scheduled to verify the integrity of the asphalt cap, document its condition, ensure that the asphalt cap is fully restored following utility work or other activities requiring its penetration and document presence of the granite markers. The most current version of this EPD approved plan shall be available to the public as part of the Administrative Records section above.

**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 GURU DARSHAN 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. 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 GURU DARSHAN 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, GURU DARSHAN 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, GURU DARSHAN 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, GURU DARSHAN 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).** GURU DARSHAN LLC represents and warrants that all of the following are true and correct:

- A. GURU DARSHAN LLC holds fee simple title to the Property.

- B. GURU DARSHAN LLC HAS the authority to enter into this Environmental Covenant, the authority to grant any rights granted by it within, the ability to carry out the obligations described within and, based upon information and belief after reasonable inquiry, do not know of any anticipated material change in the practices, ownership, or authority of GURU DARSHAN 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 GURU DARSHAN LLC nor will it violate, contravene and/or constitute a breach or default under any agreement, contract, order or instrument to which GURU DARSHAN LLC is a party or by which GURU DARSHAN LLC may be bound.
- D. GURU DARSHAN LLC has identified all persons with existing interests other than fee simple in the Property and 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. 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, GURU DARSHAN 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

**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:

Monica Slay  
Unofficial Witness

Print Name: Monica Slay

Emma J. Abney  
Notary Public, State of Georgia  
County of Columbia

My commission expires:

4-22-23

GRANTOR:

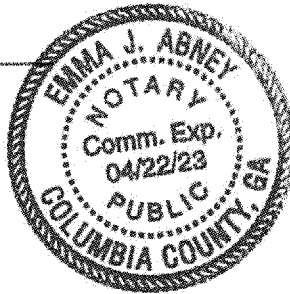
GURU DARSHAN LLC

By: Summit LLC

Print Name: SANDRA PATRICK

Title: Manager

DATE: 8-24-20





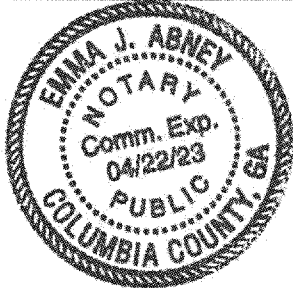
Signed, Sealed and Delivered  
in the presence of:

Monica Slay  
Unofficial Witness

Print Name: Monica Slay  
Emma J. Abney  
Notary Public, State of Georgia  
County of Columbia

My commission expires:

4-22-23



GRANTEE:

GURU DARSHAN LLC

By: [Signature]

Print Name: SANJIV DASH

Title: owner

DATE: 8-24-20

Signed, Sealed and Delivered  
in the presence of:

Traci Douglas  
Unofficial Witness

Print Name: Traci Douglas

Tamara C. Fischer  
Notary Public, State of Georgia

My commission expires:

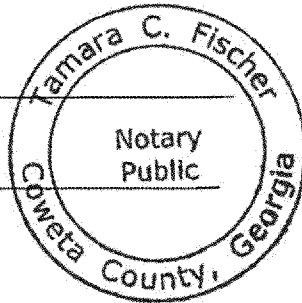
7-27-2022

For the Environmental Protection  
Division, Department of Natural  
Resources, State of Georgia

R. Dwyer  
Director, Environmental Protection  
Division

DATE: 9/24/20

(NOTARY SEAL)



**Exhibit A**  
**Legal Description**

ALL that tract or parcel of land, with improvements thereon, situate, lying and being in Richmond County, Georgia, at the intersection of US Highway #1, #25, #78; and #278 (and Gordon Highway), and Skyview Drive, and being more particularly shown and designated as "1.96 Acres" on a plat dated July 24, 2002, prepared by W.R. Toole Engineering, Inc., and recorded in the Office of the Clerk of Superior Court of Richmond County, Georgia, in Realty Reel 802, Page 2033; reference being made to said plat for a more particular description as to metes, bounds, and location of said property.

Said property is known under the present system of street numbering in Richmond County, Georgia, as 1237 Gordon Highway, Augusta, Georgia, 30901.

Said property is subject to a ten (10) foot ingress and egress easement originally granted to Harold M. Boardman, Jr., by Deed of Boardman Development Corporation, dated March 16, 1996, recorded in said Clerk's Office in Deed Book 32-O, page 959.

Tax Parcel Number: 060-0-004-00-0

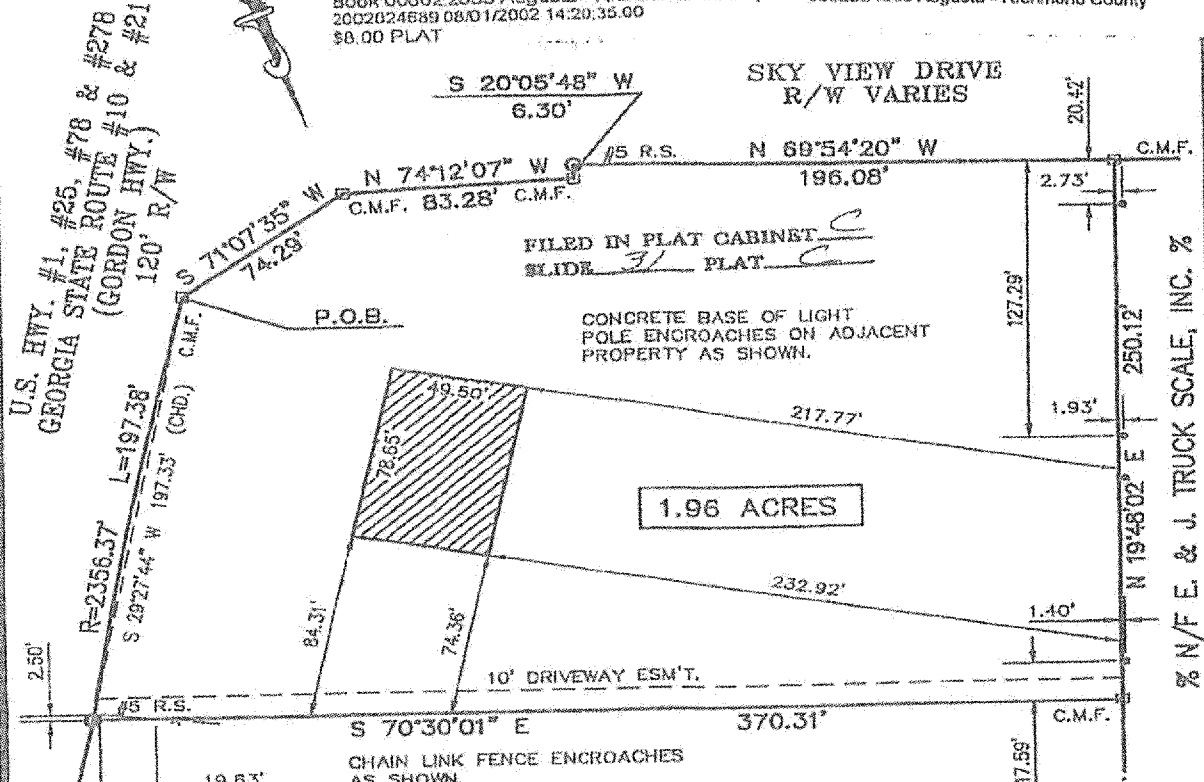
**Exhibit B**  
**Map of the Property**

**SPECIAL NOTE:**

ACCORDING TO THE FLOOD INSURANCE RATE MAPS FOR COMMUNITY 13015B PANEL 0080C DATED 1/19/95, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.

Book 00802.2033 Augusta - Richmond County  
 2002024689 08/01/2002 14:20:35.00  
 \$8.00 PLAT

2002024689 Augusta - Richmond County



FILED IN PLAT CABINET  
 SLIDE 31 PLAT C

CONCRETE BASE OF LIGHT POLE ENCROACHES ON ADJACENT PROPERTY AS SHOWN.

1.96 ACRES

% N/F E. & J. REAL ESTATE PARTNERSHIP %

APPROVED SUBDIVISION

Date 7/25/02

*Seug A. Petty* PWS

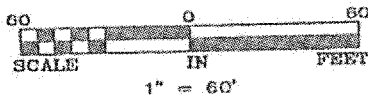
BY AUTHORITY OF AUGUSTA-RICHMOND COUNTY PLANNING COMMISSION

**REFERENCE:**

PLAT FOR ALONZO P. BOARDMAN, JR. & CLAYTON P. BOARDMAN, JR. LAST DATED 8/14/91 BY W.R. TOOLE ENGINEERS, INC.

**TECHNICAL DATA**

DATE OF SURVEY - 5/96  
 EQUIPMENT USED - WYLDs TC-500  
 ANGULAR ERROR - 2"/ANGLE  
 PRECISION - 1 IN 31,590  
 COMPASS ADJUSTMENT  
 PLAT CLOSURE: 1 IN 388,910



- COMPILED MAP FOR -

**McTEER OIL COMPANY, INC.**

SHOWING PROPERTY LOCATED IN THE 85th G.M.D.

RICHMOND COUNTY, GEORGIA

SCALE: 1" = 60'

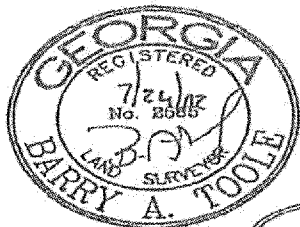
JULY 24, 2002

-Prepared By-

**W. R. Toole Engineers, Inc.**

349 Greene Street Phone (706) 722-4114 Augusta, Georgia 30901

FM #80 (1995), TM #60-4, JOB #96055P.DWG, WRM



Filed in this office:  
 Augusta - Richmond County  
 08/01/2002 14:20:35 00  
 Elaine C. Johnson