

After Recording Return to:  
CV QOZP Skylark, LLC  
701 8<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20001  
Attn: C.J. Hardy

CROSS-REFERENCE:  
County: Fulton  
Deed Book: 61266  
Page(s): 164

### 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 CV QOZP Skylark, LLC as set forth herein.

**Fee Simple Owner(s)/Grantor(s):** CV QOZP Skylark, LLC  
701 8<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20001

**Grantee/Holder with the power to enforce:** CV QOZP Skylark, LLC  
701 8<sup>th</sup> Street, NW, Suite 800  
Washington, DC 20001

**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:**

### Property Subject

The property subject to this Environmental Covenant (the "Property") is a tract of 3.397 acres of real property referred to as the South Skylark Apartments (formerly Boulevard Parcel Assemblage Brownfield) and located at 1099 Boulevard, Atlanta, Fulton County, Georgia, which is further identified by the tax parcel ID number(s) below (hereinafter "Property"). The Property was conveyed on February 21, 2020 to CV QOZP Skylark, LLC; such conveyance is recorded in Deed Book 61226, Page 164, of the Fulton County deed records. The Property is located in Land Lot 42 of the 14th District of Fulton County, Georgia.

Deed Book 64915 Pg 655  
Filed and Recorded Dec-06-2021 09:45am  
2021-0359093  
CATHLENE ROBINSON  
Clerk of Superior Court  
Fulton County, Georgia

The Property consists of tax parcel 14 004200090259 of 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.

A legal description of the Property is attached as Exhibit A. A survey performed by a licensed surveyor showing 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 CV QOZP Skylark, 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 South Skylark Apartments.

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 Jr. Drive, East Tower  
Atlanta, Georgia 30334

Monday-Friday 8:00 AM to 4:30 PM, excluding state holidays

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

- A. Interference with Remedy. Activities on the Property that may interfere with the remedy required by corrective action are prohibited.
- B. Monitoring and Maintenance Plan. The Monitoring and Maintenance Plan (as may be amended from time to time with EPD’s approval), associated with the Property is located in the Administrative Records.
- C. 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 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 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 CV QOZP Skylark, 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.
- D. Notification of Noncompliance. CV QOZP Skylark, LLC or the then-current owner of the Property shall submit a written notice to EPD within ten (10) days of discovery of noncompliance with the activity and/or use limitations and/or other requirements herein, including the steps taken or to be taken to correct.
- E. Annual Reporting. Annually, by January 31<sup>st</sup> of each calendar year, CV QOZP Skylark, LLC or the then-current owner of the Property shall submit to EPD an Annual Report including but not limited to inspection of Engineering Controls, and documentation stating whether or not the activity and use limitations in the Environmental Covenant are being abided by.

#### **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 CV QOZP Skylark, 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, CV QOZP Skylark, 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, CV QOZP Skylark, 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, CV QOZP Skylark, 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).** CV QOZP Skylark, LLC represents and warrants that all of the following are true and correct:

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

CV QOZP Skylark, LLC  
701 8th Street, NW, Suite 800  
Washington, DC 20001

**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**

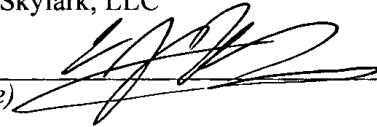
Should any provision of this Environmental Covenant be found by a court of competent jurisdiction to be invalid and/or unenforceable in any respect, the remaining provisions shall continue in full force and effect.

**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

CV QOZP Skylark, LLC

(Signature) 

CJ Hardy

Vice President

Signed in the presence of:



Unofficial Witness (signature)

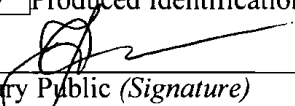
Andrea Nolan

Unofficial Witness (print name)

State of ~~Georgia~~ District of Columbia, D.C.  
County of ~~Fulton~~ D.C., D.C.

This instrument was signed or attested before me this 27 day of October, 2021, by Charles Jason Hardy.  
[Name].

- Personally Known
- Produced Identification

  
Notary Public (Signature)

My Commission Expires: August 14, 2024.

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



NAZIK TURDAKUNOVA  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires August 14, 2024

Grantee

CV QOZP Skylark, LLC

(Signature)

CJ Hardy

Vice President

Signed in the presence of:

Unofficial Witness (signature)

Unofficial Witness (print name)

State of ~~Georgia~~ District of Columbia, D.C.  
County of ~~Fulton~~ D.C., D.C.

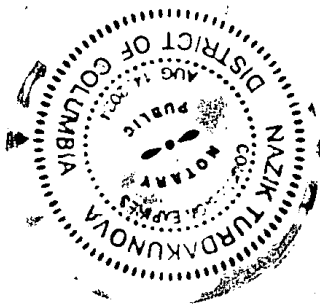
This instrument was signed or attested before me this 27 day of October, 2021, by Charles Jason Hardy.  
[Name].

Personally Known  
 Produced Identification

Notary Public (Signature)

My Commission Expires: August 14, 2024

(NOTARY SEAL)



NAZIK TURDAKUNOVA  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires August 14, 2024

For the Environmental Protection Division, Department of Natural Resources, State of Georgia,  
this 30 day of November, 2021 :

R. L. E. J.  
(Signature)

[Name]  
Director, Environmental Protection Division

Signed in the presence of:

L. A. Ferrel  
Unofficial Witness (signature)

L. A. FERREL  
Unofficial Witness (print name)

State of Georgia  
County of Fulton

This instrument was signed or attested before  
me this 30 day of November, 2021, by  
[Name].

Personally Known  
 Produced Identification

Tamara C. Fischer  
Notary Public (Signature)

My Commission Expires: 7-27-2022

(NOTARY SEAL)

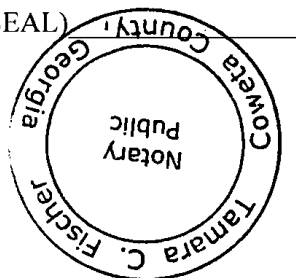




Exhibit A  
Legal Description of Property

*All that tract or parcel of land lying or being in Land Lot 42, 14th district, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:*

*Beginning at a nail set at the intersection of the Southerly right-of-way of Schuyler Street (40 foot right-of-way) with the Westerly right-of-way of Boulevard (60 foot right-of-way), thence along said right-of-way of Boulevard South 00 degrees 47 minutes 15 seconds West, a distance of 220.00 feet to a nail found; thence leaving said right-of-way North 89 degrees 04 minutes 49 seconds West, a distance of 507.63 feet to a 3/4 inch open top pipe found; thence North 89 degrees 28 minutes 11 seconds West, a distance of 167.37 feet to a 3/4 inch open top pipe found; thence North 01 degrees 20 minutes 23 seconds East, a distance of 220.00 feet to 5/8 inch rebar set on the Southerly right-of-way of Schuyler Street; thence along said right-of-way South 89 degrees 10 minutes 41 seconds East, a distance of 672.87 feet to a nail set on the Westerly right-of-way of Boulevard, said point being the True Point of Beginning.*

*Said tract of land contains 3.397 Acres.*

Exhibit B  
Survey of Property

See attached

**STAMP  
ADDED  
TO CAPTURE  
IMAGE**

Deed Book 64915 Pgs 665  
 CATHELENE ROBINSON  
 Clerk of Superior Court  
 Fulton County, Georgia

**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON, NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.  
 THE HORIZONTAL DATUM IS BASED ON SURVEY REFERENCE 1.  
 SURVEY REFERENCES  
 1> ALTA/NSPS LAND TITLE SURVEY OF SKYLARK APARTMENTS, PREPARED BY GEOSURVEY, LTD., DATED AUGUST 17, 2020, LAST REVISED NOVEMBER 3, 2020.

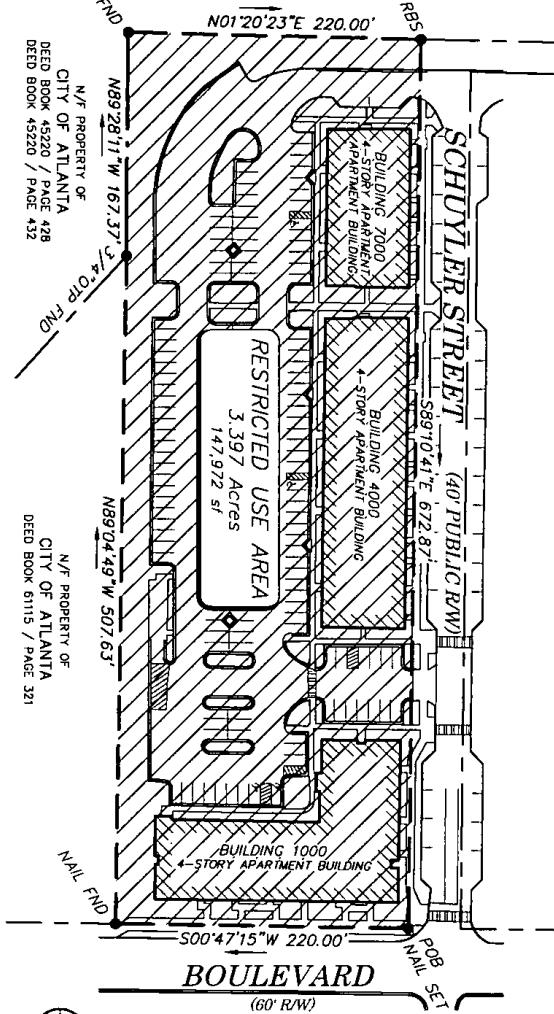
**LEGEND**

FND FOUND  
 POB POINT OF BEGINNING  
 RBS REBAR SET  
 5/8" REBAR SET

**GRAPHIC SCALE**



GRID NORTH - GA. WEST ZONE



**RESTRICTED AREA DESCRIPTION**

All that tract or parcel of land lying or being in Land Lot 42, 14th district, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:  
 Beginning at a nail set at the intersection of the Southerly right-of-way of Schuyler Street (40 foot right-of-way) with the Westerly right-of-way of Boulevard (60 foot right-of-way), thence along said right-of-way of Boulevard South 00 degrees 47 minutes 15 seconds West, a distance of 220.00 feet to a nail found; thence leaving said right-of-way North 89 degrees 04 minutes 49 seconds West, a distance of 507.63 feet to a 3/4 inch open top pipe found; thence North 89 degrees 28 minutes 11 seconds West, a distance of 167.37 feet to a 3/4 inch open top pipe found; thence North 01 degrees 20 minutes 23 seconds East, a distance of 220.00 feet to a 5/8 inch rebar set on the Southerly right-of-way of Schuyler Street; thence along said right-of-way South 89 degrees 10 minutes 41 seconds East, a distance of 672.87 feet to a nail set on the Westerly right-of-way of Boulevard, said point being the True Point of Beginning.  
 Said tract of land contains 3.397 Acres.



Land Surveying • 3D Laser Scanning  
 1660 Barnes Mill Road  
 Marietta, Georgia 30062  
 Phone: (770) 795-9900  
 Fax: (770) 795-8880  
 www.geosurvey.com  
 EMAIL: info@geosurvey.com  
 Certificate of Authorization #LS-000621

**SPECIAL PURPOSE EXHIBIT OF**

**1099 Boulevard**

BROWNFIELD CERTIFICATION RESTRICTED USE AREA

GS JOB NO:	20175654	DRAWING SCALE:	1" = 100'
FIELD WORK:	DT	CITY:	ATLANTA
PROJ MGR:	JTN	COUNTY:	FULTON
REVIEWED:	DLH	DISTRICT:	14TH
DWG FILE:	20175654-6.dwg	LAND LOT:	42
		SURVEY DATE:	8/17/2020
		EXHIBIT DATE:	5/4/2020

PLEASE NOTE:  
 THIS IS A SPECIAL-PURPOSE EXHIBIT AND IS NOT AN ASBUILT OR BOUNDARY SURVEY.