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Chatham, Ga. Clerk Superior Court  
Daniel Massey Clerk Superior Court

BK **782** PG **601-610**

AFTER RECORDING RETURN TO:  
Carol Geiger  
McKenna Long & Aldridge  
303 Peachtree Street, Suite 5300  
Atlanta, Georgia 30308

AFTER RECORDING RETURN TO  
GEORGE C. CALLOWAY, ESQ.  
SPECIALIZED TITLE SERVICES, INC.  
6133 PEACHTREE DUNWOODY ROAD NE  
ATLANTA, GEORGIA 30328  
(770) 394-7000 STS FILE NO 1569.0037

### DECLARATION OF RESTRICTIONS AND COVENANTS

**THIS DECLARATION OF RESTRICTIONS AND COVENANTS** is made this 22<sup>nd</sup> day of April 2016 (this "Declaration"), by **COLUMBIA PROPERTIES SAVANNAH, LLC**, a Delaware limited liability company (hereinafter referred to as "Declarant").

#### W I T N E S S E T H:

**WHEREAS**, Declarant owns the property located at 100 General McIntosh Boulevard, Savannah, Georgia, as more particularly described on **Exhibit "A"** hereto attached and made a part hereof (the "Property"); and

**WHEREAS**, the Property may contain "hazardous substances" as defined under the Georgia Hazardous Site Response Act, O.C.G.A. §12-8-90, *et seq.*, associated with the former Atlanta Gas Light Company manufactured gas plant which was located in close proximity to the Property and, accordingly, Declarant agrees to restrict the use of the Property as provided herein.

**NOW, THEREFORE**, for and in consideration of Ten and No/100 Dollars (\$10.00) and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged and intending to be legally bound, Declarant does hereby subject the Property to the covenants, restrictions and rights hereinafter stated:

1. Definitions. For purposes of this Declaration, the following terms shall have the following meanings, unless the context requires otherwise:

"AGLC" shall mean Atlanta Gas Light Company, a Georgia corporation, its successors and assigns.

"Director" shall mean the Director of EPD, as hereinafter defined.

"EPD" shall mean the Georgia Department of Natural Resources, Environmental Protection Division, as well as any successor state agency with responsibility for and jurisdiction over environmental matters.

"Hazardous Substances" shall have the same meaning as under HSRA, hereinafter defined.

"HSRA" shall mean the Hazardous Site Response Act, O.C.G.A. § 12-8-90, et seq.

2. Restrictive Covenant. Declarant hereby restricts the use of the Property to non-residential uses as defined in the Rules for HSRA in effect at the time of this Declaration; provided, however, that nothing contained herein shall be construed to prohibit other uses which are permitted on the Property by subsequent revisions to the relevant law, regulations or policies. The prohibition on residential uses of the Property shall not, in any event, be construed to prohibit the use of the Property for hotel, retail and/or restaurant uses and uses ancillary thereto including, without limitation, hotel guests, conventions, swimming pools, retail stores, parking and related hotel and restaurant uses. Declarant further restricts the use of all groundwater from any use whatsoever, including drinking water, that may result in human ingestion. The foregoing is hereinafter referred to as the "Restrictive Covenant."

3. Covenant running with the land. Declarant acknowledges and agrees that the Restrictive Covenant is appurtenant to and run with the land, and shall be binding and enforceable against all future owners of the Property including Declarant, its successors and assigns, and any trustee appointed to manage the Property. Should a transfer or sale of the Property occur before such time as the Restrictive Covenant has been amended or revoked then said Restrictive Covenant shall be binding on the transferee(s) or purchaser(s).

The Restrictive Covenant shall inure to the benefit of EPD, AGLC and their respective successors and assigns and shall be enforceable by the Director or his agents or assigns and AGLC or its successors and assigns in the Superior Court of Richmond County, Georgia. The Restrictive Covenant shall remain in full force and effect in accordance with O.C.G.A. § 44-5-60(c), unless and until the Director determines that the Property meets Type 1 or 2 Risk Reduction Standards, as defined in the Rules for Hazardous Site Response Chapter 391-3-19-.07, or until the applicable law otherwise permits another use as contemplated in paragraph 2 above.

4. Statutory Notice. This property has been listed on the state's hazardous site inventory 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. The necessary corrective action is being completed at the Property by AGLC



pursuant to a Corrective Action Plan approved by EPD. Declarant is not responsible for completing any corrective action at the Property with respect to the Hazardous Substances addressed by the Corrective Action Plan.

5. Severability. In the event that any of the provisions contained in this Declaration shall for any reason be held to be invalid, illegal or unenforceable in any respect in a final ruling or judgment of a court of competent jurisdiction from which no appeal has been or can be taken, the remainder of the Restrictive Covenant shall not be affected thereby and each term, covenant, condition and provision hereof shall remain valid and enforceable to the fullest extent permitted by law.

6. General Provisions.

(a) Headings. The use of headings, captions and numbers in this Declaration is solely for the convenience of identifying and indexing the various provisions in this Declaration and shall in no event be considered otherwise in construing or interpreting any provision in this Declaration.

(b) Non-Waiver. Failure by any party to complain of any action, non-action or breach of any other party shall not constitute a waiver of any aggrieved party's rights hereunder. Waiver by any party of any right arising from any breach of any other party shall not constitute a waiver of any other right arising from a subsequent breach of the same obligation or for any other default, past, present or future.

(c) Time of Essence. Time is of the essence of this Declaration.

(d) Applicable Law. This Declaration shall be governed by, construed under and interpreted and enforced in accordance with the laws of the State of Georgia.

IN WITNESS WHEREOF, Declarant has signed and sealed this Declaration, all the day, month, and year first above written.

Signed, sealed and delivered  
in the presence of:

Michelle Stallmeyer  
Unofficial Witness

Mary Sheanshang  
Notary Public

(NOTARY SEAL)

My Commission Expires:

MARY SHEANSHANG  
Notary I.D. 551949  
Notary Public, Kentucky State at Large  
My Commission Expires March 23, 2020

DECLARANT:  
**COLUMBIA PROPERTIES SAVANNAH,  
LLC**

**By: Columbia Sussex Corporation, a  
Kentucky corporation,  
Its Manager**

By: [Signature]

Name: DEREK J. HAUGHT  
VICE PRESIDENT-FINANCE

Title: \_\_\_\_\_

Attest: [Signature]  
**THEODORE F. MITCHEL**  
VICE PRESIDENT





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING IN THE CITY OF SAVANNAH, COUNTY OF CHATHAM, STATE OF GEORGIA, BOUNDED AND DESCRIBED AS FOLLOWS:

**PARCEL A:**

BEGINNING AT A CONCRETE MONUMENT LOCATED AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN FRONT LOT 2 AND FRONT LOT 3, LAMAR WARD, WITH THE NORTHERN RIGHT OF WAY OF BAY STREET (NOW ABANDONED);

THENCE SOUTH 22 DEGREES 36 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 50.25 FEET ACROSS THE RIGHT OF WAY OF BAY STREET TO A CONCRETE MONUMENT LOCATED ON THE SOUTHERN RIGHT OF WAY OF BAY STREET (NOW ABANDONED);

THENCE SOUTH 16 DEGREES 56 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 231.96 FEET TO A CONCRETE MONUMENT LOCATED ON THE NORTHERN RIGHT OF WAY OF HARBOR STREET;

THENCE NORTH 73 DEGREES 12 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 250.28 FEET ALONG THE NORTHERN RIGHT OF WAY OF HARBOR STREET TO A CONCRETE MONUMENT OF THE NORTHEASTERN RIGHT OF WAY GENERAL LACHLAN MCINTOSH BOULEVARD;

THENCE NORTH 18 DEGREES 02 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 205.24 FEET ALONG THE NORTHEASTERN RIGHT OF WAY OF GENERAL LACHLAN MCINTOSH BOULEVARD TO A CONCRETE MONUMENT;

THENCE NORTH 17 DEGREES 33 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 113.77 FEET ACROSS THE RIGHT OF WAY OF BAY STREET (NOW ABANDONED) TO A CONCRETE MONUMENT LOCATED AT THE INTERSECTION OF THE WESTERN BOUNDARY LINE OF FRONT LOT 1 WITH THE NORTHERN RIGHT OF WAY OF BAY STREET (NOW ABANDONED);

THENCE NORTH 73 DEGREES 09 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 106.61 FEET CONTINUING ALONG THE NORTHERN RIGHT OF WAY OF BAY STREET TO A CONCRETE MONUMENT;

THENCE NORTH 18 DEGREES 27 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 41.50 FEET ALONG THE DIVISION LINE BETWEEN THE WESTERN AND EASTERN PORTIONS OF WHARF LOT 19 TO A 5/8 INCH REBAR;

THENCE NORTH 18 DEGREES 20 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 73.01 FEET CONTINUING ALONG SAID DIVISION LINE TO A 5/8 INCH REBAR;

THENCE NORTH 19 DEGREES 03 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 260.75 FEET TO A POINT ON THE SAVANNAH RIVER HARBOR LINE AS SHOWN ON CORP OF ENGINEERS HARBOR LINE MAPS OF 1970;



THENCE SOUTH 69 DEGREES 32 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 147.84 FEET ALONG SAID HARBOR LINE TO HARBOR LINE POINT P-91;

THENCE SOUTH 70 DEGREES 50 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 319.82 FEET ALONG SAID HARBOR LINE TO A POINT AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN FRONT LOT 2 AND FRONT LOT 3 WITH THE SAID HARBOR LINE;

THENCE SOUTH 17 DEGREES 09 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 352.74 FEET ALONG THE DIVIDING LINE BETWEEN FRONT LOT 2 AND FRONT LOT 3, LAMAR WARD, TO THE POINT OF BEGINNING.

SAID PARCEL A CONTAINING 6.099 ACRES.

LESS AND EXCEPT:

A PORTION OF THAT TRACT OR PARCEL OF LAND CONDEMNED IN THAT CERTAIN CONDEMNATION ACTION TITLED, THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH VS. 0.02 ACRES OF LAND FOR RIGHT-OF-WAY AND 0.42 ACRES OF LAND FOR RIGHT-OF-WAY, LAMAR WARD, SAVANNAH, CHATHAM COUNTY, GEORGIA, COLUMBIA PROPERTIES SAVANNAH, LLC, AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., CIVIL ACTION NO. CV13-0813-WA, FILED FOR RECORD AUGUST 12, 2013 AT 4:56 P.M., RECORDED IN DEED BOOK 390-C, PAGE 84, RECORDS OF CHATHAM COUNTY, GEORGIA, DESCRIBED AS FOLLOWS:

BEGINNING AT AN OLD 'X' IN CONCRETE LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD AND THE NORTHERN RIGHT OF WAY OF HARBOR STREET,

THENCE RUNNING ALONG THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD N 18-02-20 W 205.54 FEET TO AN IRON PIN OLD 5/8" REBAR,

THENCE N 17-31-12 E 6.63 FEET TO A POINT LOCATED AT THE JOINT CORNER OF PARCEL A,

THENCE RUNNING ALONG THE COMMON LINE OF PARCEL A, S 18-02-20 E 213.62 FEET TO A POINT LOCATED ON THE NORTHERN RIGHT OF WAY OF HARBOR STREET,

THENCE RUNNING ALONG THE NORTHERN RIGHT OF WAY OF HARBOR STREET, N 73-12-06 W 4.70 FEET TO THE POINT OF BEGINNING.

**PARCEL B:**

BEGINNING AT A PK PIN LOCATED AT THE POINT OF INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF HARBOR STREET WITH THE NORTHEASTERN RIGHT OF WAY OF GENERAL LACHLAN MCINTOSH BOULEVARD;



THENCE SOUTH 73 DEGREES 12 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 188.94 FEET ALONG THE SOUTHERN RIGHT OF WAY OF HARBOR STREET TO A CONCRETE MONUMENT;

THENCE SOUTH 16 DEGREES 48 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 271.35 FEET TO A CONCRETE MONUMENT LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF GENERAL LACHLAN MCINTOSH BOULEVARD;

THENCE NORTH 18 DEGREES 02 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 330.60 FEET ALONG THE NORTHEASTERN RIGHT OF WAY OF GENERAL LACHLAN MCINTOSH BOULEVARD TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.588 ACRES.

LESS AND EXCEPT:

A PORTION OF THAT TRACT OR PARCEL OF LAND CONDEMNED IN THAT CERTAIN CONDEMNATION ACTION TITLED, THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH VS. 0.02 ACRES OF LAND FOR RIGHT-OF-WAY AND 0.42 ACRES OF LAND FOR RIGHT-OF-WAY, LAMAR WARD, SAVANNAH, CHATHAM COUNTY, GEORGIA, COLUMBIA PROPERTIES SAVANNAH, LLC, AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., CIVIL ACTION NO. CV13-0813-WA, FILED FOR RECORD AUGUST 12, 2013 AT 4:56 P.M., RECORDED IN DEED BOOK 390-C, PAGE 84, RECORDS OF CHATHAM COUNTY, GEORGIA, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET 5/8" REBAR LOCATED ON THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD AND AT THE JOINT CORNER OF PARCEL B, THENCE RUNNING ALONG THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD, N 18-02-20 W 183.04 FEET TO AN OLD MAG NAIL LOCATED ON THE SOUTHERN RIGHT OF WAY OF HARBOR STREET,

THENCE LEAVING THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD AND RUNNING ALONG THE SOUTHERN RIGHT OF WAY OF HARBOR STREET, S 73-12-07 E 188.94 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED AT THE JOINT CORNER OF VILLAGE @ OGLETHORPE LANDING PROPERTY N/F,

THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF HARBOR STREET AND RUNNING ALONG THE COMMON LINE OF VILLAGE @ OGLETHORPE LANDING PROPERTY, S 16-48-59 W 112.34 FEET TO AN IRON PIN SET 5/8" REBAR LOCATED AT THE JOINT CORNER OF PARCEL B,

THENCE RUNNING ALONG THE COMMON LINE OF PARCEL B, N 26-41-19 W 10.12 FEET TO AN IRON PIN SET 5/8" REBAR,

THENCE N 71-38-25 W 45.92 FEET TO AN IRON PIN SET 5/8" REBAR,

THENCE S 59-10-04 W 25.16 FEET TO AN IRON PIN SET 5/8" REBAR,

THENCE S 44-17-37 W 31.46 FEET TO THE POINT OF BEGINNING.



**TOGETHER WITH:**

EASEMENTS CONTAINED IN THAT CERTAIN DEED FROM THE LIBERTY NATIONAL BANK & TRUST COMPANY OF SAVANNAH, A NATIONAL BANKING CORPORATION, TO MARINE RAILWAY COMPANY, INC., A GEORGIA CORPORATION, DATED FEBRUARY 4, 1935, FILED FOR RECORD FEBRUARY 25, 1935, RECORDED IN DEED BOOK 30-G, PAGE 481, AFORESAID RECORDS; AND AS ALSO SET FORTH IN THAT CERTAIN DEED FROM THE LIBERTY NATIONAL BANK & TRUST COMPANY OF SAVANNAH, A NATIONAL BANKING CORPORATION, TO AMERICAN WAREHOUSE & STORAGE COMPANY, A GEORGIA CORPORATION, DATED MAY 15, 1939, FILED FOR RECORD MAY 17, 1939, RECORDED IN DEED BOOK 34-B, PAGE 37, AFORESAID RECORDS; WHEREBY THE OWNER OF THE EASTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD (WHICH CURRENTLY COMPRISES A PORTION OF NORTHERN BOUNDARY LINE OF THE SUBJECT PROPERTY), HAS THE RIGHT TO EXTEND ALONG AND AGAINST THE NORTHERN PART OF THE WESTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, ANY VESSEL OR FLOATING EQUIPMENT WHICH MAY BE DOCKED AT THE EASTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, FOR THE PURPOSE OF REPAIRS AND TO LOAD AND UNLOAD THEREFROM ON THE WESTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, FOR THE PURPOSE OF REPAIRS AND TO LOAD AND UNLOAD THEREFROM ON THE WESTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, ANY MATERIALS INCIDENTAL TO THE OPERATION OF A MARINE RAILWAY ON THE EASTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD.

**SUBJECT PROPERTY ALSO BEING DESCRIBED AS:**

**PARCEL A:**

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND SITUATE, LYING AND BEING IN THE CITY OF SAVANNAH, CHATHAM COUNTY, STATE OF GEORGIA, CONTAINING 6.078 ACRES AS SHOWN ON A PLAT ENTITLED, "ALTA/NSPS LAND TITLE SURVEY FOR SAVANNAH RIVERFRONT MARRIOTT" PREPARED BY SITE DESIGN, INC. DATED APRIL 8, 2016 AND HAVING ACCORDING TO SAID PLAT THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT AN OLD 'X' IN CONCRETE LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD AND THE NORTHERN RIGHT OF WAY OF HARBOR STREET,

THENCE LEAVING THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD AND RUNNING ALONG THE NORTHERN RIGHT OF WAY OF HARBOR STREET, S 73-12-06 E 4.70 FEET TO A POINT, THE TRUE POINT OF BEGINNING OF PARCEL A,

THENCE RUNNING ALONG THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD N 18-02-20 W 213.62 FEET TO A POINT,



THENCE N 17-31-12 E 107.14 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N 73-21-37 W 106.61 FEET TO AN OLD RIGHT OF WAY MONUMENT LOCATED AT THE JOINT CORNER OF SAVANNAH ELECTRIC & POWER COMPANY PROPERTY N/F,

THENCE LEAVING THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD, AND RUNNING ALONG THE COMMON LINE OF SAVANNAH ELECTRIC & POWER COMPANY PROPERTY, N 18-27-37 E 41.32 FEET TO AN IRON PIN OLD 5/8" REBAR,

THENCE N 18-21-03 E 73.01 FEET TO AN IRON PIN OLD 5/8" REBAR,

THENCE N 19-03-55 E 260.75 FEET TO A POINT LOCATED ON THE SAVANNAH RIVER HARBOR LINE,

THENCE RUNNING ALONG THE SAVANNAH RIVER HARBOR LINE, S 69-32-10 E 147.83 FEET TO A POINT,

THENCE S 71-14-47 E 318.74 FEET TO A POINT LOCATED AT THE JOINT CORNER OF VILLAGE @ OGLETHORPE LANDING PROPERTY, N/F,

THENCE RUNNING ALONG THE COMMON LINE OF VILLAGE @ OGLETHORPE LANDING PROPERTY, S 17-03-27 W 353.19 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE NORTHERN RIGHT OF WAY OF BAY STREET (ABANDONED),

THENCE RUNNING ALONG THE WESTERN TERMINUS OF BAY STREET (ABANDONED), S 22-27-53 W 50.31 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED AT THE JOINT CORNER OF OTHER VILLAGE @ OGLETHORPE LANDING PROPERTY, N/F,

THENCE RUNNING ALONG THE COMMON LINE OF VILLAGE @ OGLETHORPE LANDING PROPERTY, S 16-51-03 W 233.43 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE NORTHERN RIGHT OF WAY OF HARBOR STREET,

THENCE RUNNING ALONG THE NORTHERN RIGHT OF WAY OF HARBOR STREET, N 73-12-06 W 245.51 FEET TO THE POINT OF BEGINNING.

**PARCEL B:**

ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND SITUATE, LYING AND BEING IN THE CITY OF SAVANNAH, CHATHAM COUNTY, STATE OF GEORGIA, CONTAINING 0.191 ACRES AS SHOWN ON A PLAT ENTITLED, "ALTA/NSPS LAND TITLE SURVEY FOR SAVANNAH RIVERFRONT MARRIOTT" PREPARED BY SITE DESIGN, INC. DATED APRIL 8, 2016 AND HAVING ACCORDING TO SAID PLAT THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN OLD 5/8" REBAR LOCATED ON THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD AND AT THE JOINT CORNER OF VILLAGE @ OGLETHORPE LANDING PROPERTY, N/F,



THENCE RUNNING ALONG THE EASTERN RIGHT OF WAY OF GENERAL MCINTOSH BOULEVARD, N 18-02-20 W 147.56 FEET TO AN IRON PIN SET ½" REBAR LOCATED AT THE INTERSECTION OF A RIGHT OF WAY CONDEMNATION,

THENCE LEAVING THE EASTERN RIGHT OF WAY GENERAL MCINTOSH BOULEVARD, AND RUNNING ALONG THE COMMON LINE OF A RIGHT OF WAY CONDEMNATION, N 44-17-37 E 31.46 FEET TO AN IRON PIN SET 5/8" REBAR,

THENCE N 59-10-04 E 25.16 FEET TO AN IRON PIN SET 5/8" REBAR,

THENCE S 71-38-25 E 45.92 FEET TO AN IRON PIN SET 5/8" REBAR,

THENCE S 26-41-19 E 10.12 FEET TO AN IRON PIN SET 5/8" REBAR LOCATED ON THE COMMON LINE WITH VILLAGE @ OGLETHORPE LANDING PROPERTY N/F,

THENCE RUNNING ALONG THE COMMON LINE OF VILLAGE @ OGLETHORPE LANDING PROPERTY, S 16-48-59 W 159.01 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH:**

EASEMENTS CONTAINED IN THAT CERTAIN DEED FROM THE LIBERTY NATIONAL BANK & TRUST COMPANY OF SAVANNAH, A NATIONAL BANKING CORPORATION, TO MARINE RAILWAY COMPANY, INC., A GEORGIA CORPORATION, DATED FEBRUARY 4, 1935, FILED FOR RECORD FEBRUARY 25, 1935, RECORDED IN DEED BOOK 30-G, PAGE 481, AFORESAID RECORDS; AND AS ALSO SET FORTH IN THAT CERTAIN DEED FROM THE LIBERTY NATIONAL BANK & TRUST COMPANY OF SAVANNAH, A NATIONAL BANKING CORPORATION, TO AMERICAN WAREHOUSE & STORAGE COMPANY, A GEORGIA CORPORATION, DATED MAY 15, 1939, FILED FOR RECORD MAY 17, 1939, RECORDED IN DEED BOOK 34-B, PAGE 37, AFORESAID RECORDS; WHEREBY THE OWNER OF THE EASTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD (WHICH CURRENTLY COMPRISES A PORTION OF NORTHERN BOUNDARY LINE OF THE SUBJECT PROPERTY), HAS THE RIGHT TO EXTEND ALONG AND AGAINST THE NORTHERN PART OF THE WESTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, ANY VESSEL OR FLOATING EQUIPMENT WHICH MAY BE DOCKED AT THE EASTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, FOR THE PURPOSE OF REPAIRS AND TO LOAD AND UNLOAD THEREFROM ON THE WESTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, FOR THE PURPOSE OF REPAIRS AND TO LOAD AND UNLOAD THEREFROM ON THE WESTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD, ANY MATERIALS INCIDENTAL TO THE OPERATION OF A MARINE RAILWAY ON THE EASTERN PORTION OF WHARF LOT NO. 19, TRUSTEES GARDEN WARD.