



McCLELLAN
DEVELOPMENT AUTHORITY

February 9, 2018

Mr. Stephen Cobb, Chief
ADEM – Land Division
Post Office Box 301463
Montgomery, AL 36130-1463

Dear Mr. Cobb,

Enclosed, you will find final recorded copies of MDA UECA Covenant FY12-01.01 for your Environmental Covenant Registry records in accordance with ADEM Admin. Code r. 335-5. An electronic version has also been forwarded for your use.

If you have any questions or comments concerning these documents, please do not hesitate to contact me directly.

Sincerely,

Robin Scott
Executive Director

/res

Enclosure(s) 2

cc: Jason Wilson
Brandi Little
Tracy Strickland
Gerald Hardy

STATE OF ALABAMA)
CALHOUN COUNTY)

THE MCCLELLAN DEVELOPMENT AUTHORITY
ENVIRONMENTAL COVENANT
NUMBER FY-12-01.01

KNOW ALL MEN BY THESE PRESENTS: That pursuant to the Alabama Uniform Environmental Covenants Act, §§ 35-19-1 through 35-19-14, Code of Alabama 1975, as amended, (the "Act") and the ADEM Administrative Code of Regulations promulgated thereunder,

BE ADVISED that the following Covenant hereby completely **REPEALS** and **REPLACES** The McClellan Development Authority Environmental Covenant Number FY-12-01.00, recorded on September 21, 2012 at Deed Book 3150, Page 643, in the Office of the Judge of Probate, Calhoun County, Alabama

THE MCCLELLAN DEVELOPMENT AUTHORITY

(hereinafter "MDA" or "Co-Grantor") grants this Environmental Covenant, Numbered FY-12-01.01, which constitutes a servitude arising under an environmental response project that imposes activity and/or use limitations, to the following statutory Holder:

THE MCCLELLAN DEVELOPMENT AUTHORITY

("MDA"), (hereinafter "Co-Grantee" or "Co-Holder"), to-wit:

WHEREAS, the MDA is the owner of certain real property known as "CERFA Parcel No. 186(6)" also known as "Training Area T-38, Former Tech Escort Reaction Area", "CERFA Parcel No. OA-03" also known as "Former Pistol Range", "CERFA Parcel No. 230Q – X & 149Q" also known as "Antitank Range" and "Antitank Range: Former Rifle Range," respectively, and "MRS 13, Tracts A and B" also known as "Portions of M6-1M Transect Area 1 (South), M6-1M Suspect Area (South) – PR and Supplemental EECA ST-1, ST-2 and ST-3," all of which are located on the grounds of the former Fort McClellan, in the City of Anniston, Calhoun County, Alabama (the "Property"), which was conveyed to Grantor by deed dated April 1, 2010, and recorded in the Office of the Judge of Probate for said County, Alabama, in Deed Book 3125 at Page 275; and,

AND

THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY

(hereinafter "DHS" or "Co-Grantor") grants this Environmental Covenant, Numbered FY-12-01.01, which constitutes a servitude arising under an environmental response project that imposes activity and/or use limitations, to the following statutory Co-Holder:

THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY

("DHS"), (hereinafter "Co-Grantee" or "Co-Holder"), to-wit:

WHEREAS, the DHS is the owner of portions of certain real property known as "CERFA Parcel No. 186(6)" also known as "Training Area T-38, Former Tech Escort Reaction Area," "CERFA Parcel No. 230Q – X & 149Q" also known as "Antitank Range" and "Antitank Range: Former Rifle Range," respectively, and "MRS 13, Tracts A and B" also known as "Portions of M6-1M Transect Area 1 (South), M6-1M Suspect Area (South) – PR and Supplemental EECA ST-1, ST-2 and ST-3," which is located on the grounds of the former Fort McClellan, in the City of Anniston, Calhoun County, Alabama (the "Property"), which was conveyed to the United States Department of Justice ("DOJ") by Federal Agency transfer recorded in the Office of the Judge of Probate for said County, Alabama, in Deed Book 3110 at Page 480 and which was subsequently transferred from DOJ to DHS by operation of law pursuant to Title 6, United States Code §§203 and 238; and,

WHEREAS, the Property is more particularly described as follows:

CERFA PARCEL 186(6)

A parcel of land situated in Sections 11 and 14, lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at a brass disk found at the Northwest corner of Section 10, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence as follows:

South 01 degree 05 minutes East, 5,665.8 feet;

North 88 degrees 55 minutes East, 6,107.8 feet to the **POINT OF BEGINNING**, being an unmarked point having Alabama State Plane, East Zone, Coordinates of North: 1,175,180 and East: 674,040; runs thence as follows:

North 81 degrees 50 minutes East, 103.9 feet;

South 65 degrees 33 minutes East, 30.2 feet;

South 40 degrees 26 minutes East, 8.9 feet;

South 27 degrees 12 minutes East, 30.4 feet;

North 82 degrees 56 minutes East, 203.0 feet;

North 08 degrees 22 minutes West, 145.7 feet;

North 26 degrees 10 minutes East, 16.2 feet;

North 42 degrees 20 minutes East, 73.0 feet;

North 59 degrees 07 minutes East, 39.7 feet;

South 89 degrees 24 minutes East, 226.9 feet;

Along a curve to the right 210.5 feet, said curve having a radius of 554.5 feet, and is subtended by a chord bearing and distance of South 78 degrees 32 minutes East, 209.2 feet;

South 65 degrees 14 minutes East, 211.2 feet;

South 61 degrees 39 minutes East, 208.8 feet;

South 56 degrees 59 minutes East, 199.3 feet;

Along a curve to the right 463.0 feet, said curve having a radius of 781.2 feet, and is subtended by a chord bearing and distance of South 40 degrees 00 minutes East, 456.2 feet;
South 23 degrees 51 minutes East, 446.1 feet;
Along a curve to the right 304.4 feet, said curve having a radius of 1,213.5 feet, and is subtended by a chord bearing and distance of South 16 degrees 40 minutes East, 303.6 feet;
South 08 degrees 53 minutes East, 1,168.9 feet;
South 06 degrees 19 minutes East, 193.6 feet;
Along a curve to the right 457.7 feet, said curve having a radius of 997.8 feet, and is subtended by a chord bearing and distance of South 06 degrees 49 minutes West, 453.7 feet;
South 27 degrees 32 minutes West, 223.3 feet;
Along a curve to the right 474.9 feet, said curve having a radius of 554.0 feet, and is subtended by a chord bearing and distance of South 52 degrees 06 minutes West, 460.5 feet;
North 89 degrees 33 minutes West, 204.2 feet;
South 86 degrees 20 minutes West, 555.8 feet;
North 89 degrees 30 minutes West, 101.2 feet;
Along a curve to the right 291.1 feet, said curve having a radius of 414.1 feet, and is subtended by a chord bearing and distance of North 69 degrees 22 minutes West, 285.2 feet;
North 44 degrees 17 minutes West, 219.7 feet;
North 45 degrees 43 minutes West, 168.5 feet;
Along a curve to the right 238.1 feet, said curve having a radius of 486.4 feet, and is subtended by a chord bearing and distance of North 31 degrees 42 minutes West, 235.8 feet;
North 18 degrees 11 minutes West, 174.1 feet;
North 12 degrees 51 minutes West, 254.1 feet;
North 17 degrees 58 minutes West, 391.7 feet;
North 14 degrees 18 minutes West, 156.2 feet;
North 10 degrees 24 minutes West, 175.1 feet;
Along a curve to the right 182.1 feet, said curve having a radius of 281.1 feet, and is subtended by a chord bearing and distance of North 08 degrees 09 minutes East, 178.9 feet;
North 29 degrees 20 minutes East, 80.9 feet;
North 40 degrees 48 minutes East, 204.1 feet;
North 38 degrees 35 minutes East, 167.3 feet;
Along a curve to the left 88.6 feet, said curve having a radius of 264.8 feet, and is subtended by a chord bearing and distance of North 29 degrees 00 minutes East, 88.2 feet;
Along a curve to the left 64.9 feet, said curve having a radius of 123.8 feet, and is subtended by a chord bearing and distance of North 04 degrees 24 minutes East, 64.1 feet;
Along a curve to the left 307.3 feet, said curve having a radius of 640.0 feet, and is subtended by a chord bearing and distance of North 25 degrees 04 minutes West, 304.4 feet;
North 38 degrees 49 minutes West, 88.2 feet;
Along a curve to the right 261.6 feet, said curve having a radius of 300.0 feet, and is subtended by a chord bearing and distance of North 13 degrees 50 minutes West, 253.4 feet;
North 09 degrees 06 minutes East, 530.7 feet to the point of beginning, having an area of 154.5 Acres, more or less as indicated on the Exhibit Drawing attached hereto as "Exhibit A," prepared by Larry I. Smith, Alabama Professional Land Surveyor Number 15717, of L. I. Smith & Associates, 302 North Caldwell Street, Paris, TN 38242, on May 8, 2012.

And:

CERFA PARCEL OA-03

A parcel of land situated in the Northwest ¼ of Section 14, lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Northwest corner of Section 10, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 01 degree 03 minutes East, 6,924.5 feet, North 89 degrees 02 minutes East, 5,644.3 feet to the POINT OF BEGINNING of MRS 13 Area 1, being the Northwest corner of the tract described herein, and having Alabama State Plane, East Zone, Coordinates of North: 1,173,902, and East: 673,597; runs thence as follows:

North 70 degrees 13 minutes 58 seconds East, 295.17 feet;
 South 14 degrees 17 minutes 00 seconds East, 976.36 feet;
 South 74 degrees 09 minutes 25 seconds West, 333.86 feet;
 North 09 degrees 29 minutes 28 seconds West, 710.68 feet;
 North 18 degrees 44 minutes 59 seconds West, 249.80 feet to the Point of Beginning, and containing 6.6 Acres, more or less. Description is based on a shapefile and not the result of a field run survey.

And:

CERFA PARCEL 230Q-X & 149Q

A parcel of land situated in Section 11, lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at a brass disk found at the Northwest corner of Section 10, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence as follows:

South 01 degree 05 minutes East, 5,383.4 feet;
 North 88 degrees 55 minutes East, 5,791.6 feet to the **POINT OF BEGINNING**, being an unmarked point having Alabama State Plane, East Zone, Coordinates of North: 1,175,456 and East: 673,719; runs thence as follows:

North 59 degrees 01 minutes West, 19.5 Feet;
 North 22 degrees 52 minutes West, 24.2 Feet;
 North 13 degrees 14 minutes West, 71.0 Feet;
 North 09 degrees 43 minutes East, 29.9 Feet;
 North 30 degrees 54 minutes East, 59.8 Feet;
 North 07 degrees 59 minutes East, 56.2 Feet;
 North 05 degrees 42 minutes East, 617.7 Feet;
 North 00 degrees 07 minutes West, 76.3 Feet;
 North 29 degrees 37 minutes West, 11.4 Feet;
 North 03 degrees 45 minutes West, 10.7 Feet;
 North 26 degrees 27 minutes East, 13.7 Feet;

North 81 degrees 20 minutes East, 25.4 Feet;
 South 71 degrees 35 minutes East, 424.7 Feet;
 South 72 degrees 35 minutes East, 398.0 Feet;
 South 73 degrees 14 minutes East, 322.2 Feet;
 South 49 degrees 56 minutes East, 60.2 Feet;
 South 63 degrees 26 minutes East, 77.6 Feet;
 South 70 degrees 34 minutes East, 96.2 Feet;
 South 66 degrees 58 minutes East, 116.0 Feet;
 South 58 degrees 14 minutes East, 65.9 Feet;
 South 02 degrees 21 minutes West, 454.0 Feet;
 South 88 degrees 37 minutes West, 331.0 Feet;
 North 79 degrees 32 minutes West, 98.7 Feet;
 North 88 degrees 24 minutes West, 294.8 Feet;
 South 88 degrees 32 minutes West, 255.7 Feet;
 North 89 degrees 08 minutes West, 550.5 Feet to the point of beginning, having an area of 25.9 Acres, more or less as indicated on the Exhibit Drawing attached hereto as "Exhibit B," prepared by Larry I. Smith, Alabama Professional Land Surveyor Number 15717, of L. I. Smith & Associates, 302 North Caldwell Street, Paris, TN 38242, on May 8, 2012.

And:

MRS 13 BOUNDARY DESCRIPTION

A parcel of land divided by Walt Phillips Road into two tracts situated in Section 11, and the North Half of Section 14, all lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

MRS 13 Tract A (north of Walt Phillips Road)

COMMENCING at the Northwest corner of Section 10, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 01 degree 05 minutes East, 2,948.3 feet, North 88 degrees 55 minutes East, 8,732.1 feet to a U.S. Fish and Wildlife Service (USFWS) monument found at the **POINT OF BEGINNING of MRS 13 Tract A**, being the Northeast corner of the tract described herein, a common corner with the USFWS, and having Alabama State Plane, East Zone, Coordinates of North: 1,177,946, and East: 676,613; runs thence with USFWS, approximately 20 feet west of the center of an unnamed road, and the east line of MRS 13 as follows:

Along a curve to the left 113.50 feet, having a radius of 614.62 feet, and being subtended by a chord bearing and distance of South 11 degrees 02 minutes 13 seconds East 113.34 feet;

South 18 degrees 13 minutes 33 seconds East, 37.32 Feet;

South 22 degrees 07 minutes 17 seconds East, 36.83 feet;

South 26 degrees 17 minutes 53 seconds East, 54.93 feet;

South 21 degrees 30 minutes 44 seconds East, 40.07 feet;

South 26 degrees 57 minutes 18 seconds East, 222.03 feet;

South 25 degrees 11 minutes 38 seconds East, 75.98 feet;

South 28 degrees 36 minutes 11 seconds East, 44.87 feet;

South 26 degrees 48 minutes 30 seconds East, 197.55 feet;
South 24 degrees 21 minutes 12 seconds East, 79.16 feet;
Along a curve to the right 167.39 feet, having a radius of 989.49 feet, and being subtended by a chord bearing and distance of South 20 degrees 09 minutes 13 seconds East, 167.19 feet to a USFWS monument found;
South 13 degrees 27 minutes 43 seconds East, 173.54 feet;
Along a curve to the left 153.71 feet, having a radius of 588.89 feet, and being subtended by a chord bearing and distance of South 16 degrees 06 minutes 45 seconds East, 153.28 feet;
South 24 degrees 04 minutes 37 seconds East, 69.25 feet;
South 26 degrees 37 minutes 24 seconds East, 165.85 feet;
South 26 degrees 18 minutes 13 seconds East, 200.88 feet;
South 24 degrees 28 minutes 57 seconds East, 209.16 feet to a USFWS monument found;
thence leaving USFWS South 86 degrees 16 minutes 32 seconds West, 8.39 feet to a rebar with cap number 12502 found and then running with a site known as the COBRA site as follows:
South 89 degrees 12 minutes 12 seconds West, 1229.42 feet to a rebar with cap number 12502 found;
South 00 degrees 47 minutes 32 seconds East, 855.81 feet to a rebar with cap number 12502 found; thence leaving the COBRA site with the north right-of-way of the road leading to the COBRA site as follows:
South 66 degrees 07 minutes 57 seconds West, 79.18 feet;
South 85 degrees 46 minutes 44 seconds West, 191.71 feet;
North 81 degrees 34 minutes 48 seconds West, 495.04 feet to a rebar with cap number 12502 found;
North 60 degrees 07 minutes 33 seconds West, 200.85 feet to a rebar with cap number 12502 found;
North 67 degrees 39 minutes 05 seconds West, 149.59 feet to a rebar with cap number 12502 found;
North 58 degrees 48 minutes 32 seconds West, 228.44 feet;
North 72 degrees 55 minutes 52 seconds West, 92.62 feet to a rebar with cap number 12502 found;
North 64 degrees 27 minutes 26 seconds West, 193.75 feet to a rebar with cap number 12502 found;
South 89 degrees 36 minutes 32 seconds West, 237.00 feet to a rebar with cap number 12502 found;
South 67 degrees 45 minutes 19 seconds West, 337.33 feet to a rebar with cap number 12502 found;
North 86 degrees 58 minutes 48 seconds West, 268.09 feet;
North 70 degrees 39 minutes 38 seconds West, 134.44 feet to the intersection of the right-of-way and the MRS 13 grid; thence leaving the right-of-way and running with the MRS 13 grid as follows:
North 00 degrees 00 minutes 00 seconds East, 162.19 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 500.00 feet;
North 00 degrees 00 minutes 00 seconds East, 2000.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;

North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 800.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 200.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 112.57 feet to the west line of the MOAB site; thence with the MOAB site as follows:

South 00 degrees 14 minutes 16 seconds West, 97.79 feet to a 1-inch pipe found;
 South 82 degrees 19 minutes 18 seconds East, 140.62 feet to a 1-inch pipe found;
 Along a curve to the left 491.36 feet to a 1-inch pipe found, having a radius of 3452.55 feet, and being subtended by a chord bearing and distance of South 86 degrees 23 minutes 55 seconds East, 490.94 feet;

North 89 degrees 31 minutes 27 seconds East, 123.63 feet to a 1-inch pipe found;
 Along a curve to the left 25.65 feet to a 1-inch pipe found, having a radius of 4467.22 feet, and being subtended by a chord bearing and distance of North 89 degrees 21 minutes 09 seconds East, 25.65 feet;

South 71 degrees 00 minutes 09 seconds East, 23.42 Feet to the Point of Beginning, and containing 159.75 Acres, more or less as indicated on the Exhibit Drawing attached hereto as "Exhibit B," prepared by Larry I. Smith, Alabama Professional Land Surveyor Number 15717, of L. I. Smith & Associates, 302 North Caldwell Street, Paris, TN 38242, on May 8, 2012.

MRS 13 Tract B (south of Walt Phillips Road)

COMMENCING at a rebar with cap number 12502 found in the south line of MRS 13 Tract A, being point 13-130 as shown on the plat of MRS 13 boundary, runs thence South 53 degrees 28 minutes 53 seconds West, 157.94 feet to the **POINT OF BEGINNING of MRS 13 Tract B**, being the Northwest corner of the tract described herein, located in the south line of the right-of-way of the road leading to the COBRA site, and having Alabama State Plane, East Zone, Coordinates of North: 1,175,385, and East: 673,968; runs thence with the south right-of-way of the road leading to the COBRA site as follows:

North 85 degrees 45 minutes 38 seconds East, 85.34 feet;

North 89 degrees 43 minutes 15 seconds East, 247.26 feet to the intersection of the right-of-way and the MRS 13 Grid; thence leaving the right-of-way and running with the MRS-13 Grid as follows:

South 00 degrees 00 minutes 00 seconds East, 92.69 feet;

North 90 degrees 00 minutes 00 seconds West, 100.00 feet;

South 00 degrees 00 minutes 00 seconds East, 100.00 feet;

North 90 degrees 00 minutes 00 seconds West, 235.94 feet;

North 01 degrees 06 minutes 27 seconds East, 185.21 feet to the Point of Beginning, and containing 1.24 Acres, more or less as indicated on the Exhibit Drawing attached hereto as "Exhibit

B,” prepared by Larry I. Smith, Alabama Professional Land Surveyor Number 15717, of L. I. Smith & Associates, 302 North Caldwell Street, Paris, TN 38242, on May 8, 2012.

WHEREAS, this instrument is an Environmental Covenant developed and executed pursuant to The Alabama Uniform Environmental Covenants Act and the regulations promulgated thereunder;

WHEREAS, Parcel 186(6) was used from 1961 to 1972 for training technical escort personnel in chemical munition handling techniques to minimize hazards during transportation and for the storage of toxic agents and munitions, including four 1-ton containers of mustard, which suggests that groundwater and surface water contamination may present risk to human health at levels sufficient to warrant remediation or risk management decisions which requires that public access is not allowed and use of the property for any purpose is not allowed pending completion of the remedy;

WHEREAS, Parcel OA-03 was used during World War I and World War II for small arms training, particularly pistol training, and investigations have been completed the results of which indicated that chemical concentrations remaining at the site do not pose an unacceptable risk to human health or ecological health for an industrial or a wildlife habitat (open space) future land use;

WHEREAS, Parcels 230Q - X and 149Q were used as a 37mm antitank range, beginning during World War II and continuing until at least 1958, at which time a new firing line was established for the M1 Rifle, which will require that public access is not allowed and use of the property for any purpose is not allowed pending completion of the remedy;

WHEREAS, MRS 13 was used as rifle, machine gun and carbine ranges, with a variety of explosive ordnance recovered during site characterization activities. To implement the munitions remediation in MRS 13, the site was divided into five tracts, 13A through 13E based on geography and required remedial actions. The remediation for Tract 13D where the presence of MEC was considered to be low and likely to consist of discarded military munitions (DMM), if present was a surface sweep. The remainder of MRS 13 was cleared to a depth of one foot with the exception of a small area, approximately 0.5 acres in the northwest corner of Tract 13A, which was cleared to the depth of detection;

WHEREAS, Parcels 186(6) and 230Q - X & 149Q, have land use controls requiring that public access is not allowed and use of the property for any purpose is not allowed pending completion of the remedy and/or response action.

WHEREAS, the selected “remedial action” for the Property, which is in the process of being implemented, providing in part, for the following actions,

DESCRIPTION OF REMEDIAL ACTION

WHEREAS, pursuant to the Alabama Hazardous Wastes Management and Minimization Act of 1978, (AHWMMA), Ala. Code §§ 22-30-1 to 22-30-24, as amended, the CO-GRANTORS and assignees agreed to perform operation and maintenance activities at the Property, pursuant to an ADEM Cleanup Agreement Number AL4-210-020-562 to address the effects of the release/disposal, which includes controlling exposure to the hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants;

WHEREAS, the remedial action was performed in accordance with the ADEM-approved work plans and Action Memorandum and DDESB-approved explosives safety submission;

WHEREAS, detection and removal methods are not 100 percent effective, so that (munitions and explosives of concern) MEC may remain in those areas that were subjected to the remediation;

WHEREAS, the Department of Defense Manual Number 6055.09-M, Volume 7, February 29, 2008 (Administratively Reissued August 4, 2010) in V7.E3.4.2.2.1.2 states that "Areas on which a previous response has been completed, pursuant to a DDESB-approved explosives safety submission (ESS), for the stipulated reuse also qualify for "low" determinations." ; and, in V7.E4.4.3.2.1 the level of construction support for areas of low probability shall be "On-call";

WHEREAS, the said Cleanup Agreement requires institutional controls to be implemented to address the effects of the release/disposal and to protect the remedy so that exposure to the potential MEC or hazardous metals and other contaminants is controlled by restricting the use of the Property and the activities on the Property;

WHEREAS, hazardous metals and other contaminants remain on the Property and the potential for MEC remains in the confines of the Covenant Boundary;

WHEREAS, implementation of the approved Cleanup Agreement has achieved risk-based cleanup levels deemed protective of public health and the environment based upon certain use restrictions imposed on the property to limit exposure to potential materials of explosive concern (MEC), hazardous waste (HTRW) and/or groundwater contaminants of concern; and,

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by placing restrictions on the Property in accordance with the approved Cleanup Agreement; and

WHEREAS, further information concerning the MEC, HTRW and/or groundwater release and remediation activities, including the Administrative Record, may be obtained by contacting:

Chief, Land Division
Alabama Department of Environmental Management
 1400 Coliseum Boulevard
 Montgomery, Alabama 36110
 (334) 271-7700

NOW, THEREFORE, Co-Grantors hereby grant this Environmental Covenant to the named Co-Holders, and declares that the Property shall hereinafter be bound by, held, sold, used, improved, occupied, leased, hypothecated, encumbered, and/or conveyed subject to the requirements set forth below:

1. **DEFINITIONS**

Owner. "Owner" means the CO-GRANTORS, their successors and assigns in interest.

2. **USE RESTRICTIONS**

Activities that violate the following restrictions shall not take place on the Property without obtaining prior written approval from ADEM:

- (i) For Parcel OA-03 only: Residential use of the property is prohibited within the area identified on Exhibit A. Residential uses include, but are not limited to, housing, daycare facilities, playgrounds and schools (excluding education and training programs for persons over 18 years of age), and assisted living facilities;
- (ii) For Parcels 186(6) and 230Q – X & 149 Q: public access is not allowed and use of the property for any purpose is not allowed pending completion of the remedy;
- (iii) For Parcels 186(6), 230 Q-X & 149 Q, and MRS 13: The use of groundwater beneath the Property for any purpose other than groundwater monitoring is prohibited;
- (iv) For MRS 13: Prohibition on intrusive activities without EOD (explosive ordnance disposal personnel) or UXO-qualified personnel being contacted to ensure their availability, advised about the project, and placed "on-call" to assist if suspected UXO are encountered;
- (v) Grantor reserves an access easement to the Property in any case in which a response action or corrective action is found to be necessary after the date of the establishment of this covenant upon such Property, or in any case such access is necessary to carry out a response action or corrective action on adjoining property.

3. **GENERAL PROVISIONS**

- A. Restrictions to Run with the Land. This Environmental Covenant runs with the land pursuant to §35-19-5, Code of Alabama 1975, as amended; is perpetual unless modified or terminated pursuant to the terms of this Covenant or §35-19-9 Code of Alabama 1975, as amended; is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof; inures to the benefit of and passes with each and every portion of the Property; and binds the Owner, the Holders, all persons using the land, all persons,

- their heirs, successors and assigns having any right, title or interest in the Property, or any part thereof who have subordinated those interests to this Environmental Covenant, and all persons, their heirs, successors and assigns who obtain any right, title or interest in the Property, or any part thereof after the recordation of this Environmental Covenant.
- B. Notices Required. In accordance with §35-19-4(b), Code of Alabama 1975, as amended, the Owner shall send written notification pursuant to Section I, below, upon any of the following events affecting the property subject to this covenant: Transfer of any interest, any proposed changes in the use of the property, any applications for building permits, or any proposals for site work that could affect the subsurface areas or contamination on the Property. The Owner shall send this notification within fifteen (15) days of each event listed in this Section.
- C. Registry/Recordation of Environmental Covenant; Amendment; or Termination. Pursuant to §35-19-12(b), Code of Alabama 1975, as amended, this Environmental Covenant and any amendment or termination thereof, shall be contained in the ADEM Registry of Environmental Covenants. After an environmental covenant, amendment, or termination is filed in the registry, a notice of the covenant, amendment, or termination may be recorded in the land records in lieu of recording the entire covenant in compliance with §35-19-12(b). Grantor shall be responsible for filing the Environmental Covenant within thirty (30) days of the final required signature.
- D. Compliance Certification. In accordance with Ala. Code §35-19-4(b), as amended, the Owner shall submit an annual report to the Director of the EPA Region 4 Superfund Division, and to the Chief of the ADEM Land Division, on the anniversary of the date this Covenant was signed by the Grantor. Said report shall detail the Owner's compliance, and any lack of compliance with the terms of the Covenant.
- E. Right of Access. Subject to the requirements of the above-referenced Cleanup Agreement, the Owner hereby grants to ADEM, ADEM's agents, contractors and employees; the Owner's agents, contractors and employees; and any other named Holder, its agents, contractors and employees, the right of access to the Property for implementation or enforcement of this Environmental Covenant.
- F. ADEM Reservations. Notwithstanding any other provision of this Environmental Covenant, ADEM retains all of its access authorities and rights, as well as all of its rights to require additional land/water use restrictions, including enforcement authorities related thereto.
- G. Representations and Warranties. Grantor hereby represents and warrants as follows:
- i. That the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder;
 - ii. That the Grantor is the sole owner of the Property and holds fee simple title which is free, clear and unencumbered;
 - iii. That the Grantor has identified all other parties that hold any interest or encumbrance affecting the Property and has notified such parties of the Grantor's intention to enter into this Environmental Covenant.

- iv. That this Environmental Covenant will not materially violate, contravene, or constitute a material default under, any other agreement, document, or instrument to which Grantor is a party, by which Grantor may be bound or affected;
 - v. That this Environmental Covenant will not materially violate or contravene any zoning law or other law regulating use of the Property;
 - vi. That this Environmental Covenant does not authorize a use of the Property which is otherwise prohibited by a recorded instrument that has priority over the Environmental Covenant.
- H. Compliance Enforcement. In accordance with §35-19-11(b), Code of Alabama 1975, as amended, the terms of the Environmental Covenant may be enforced by the parties to this Environmental Covenant; any person to whom this Covenant expressly grants power to enforce; any person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the Covenant; or a municipality or other unit of local government in which the real property subject to the Covenant is located, in accordance with applicable law. Failure to timely enforce compliance with this Environmental Covenant or the use or activity limitations contained herein by any person shall not bar subsequent enforcement by such person and shall not be deemed a waiver of the person's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall limit the regulatory authority of ADEM under any applicable law with respect to the environmental response project.
- I. Modifications/Termination. Any modifications or terminations to this Environmental Covenant must be made in accordance with §§ 35-19-9 and 35-19-10, Code of Alabama 1975, as amended.
- J. Notices. Any document or communication required to be sent pursuant to the terms of this Environmental Covenant shall be sent to the following persons:

ADEM

Chief, Land Division
A.D.E.M.
1400 Coliseum Boulevard
Montgomery, AL 36110

CO-GRANTOR

The McClellan Development Authority
4975 Bains Gap Road
Anniston, AL 36205

CO-GRANTOR

Center for Domestic Preparedness
Federal Emergency Management Agency
U. S. Department of Homeland Security
P.O. Box 5100, 61 Responder Drive
Anniston, AL 36205

- K. No Property Interest Created in ADEM. Pursuant to §35-19-3(b), Code of Alabama 1975, as amended, the rights of ADEM under the Act or under this Environmental Covenant, other than a right as a holder, is not an interest in the real property subject to the covenant, nor does the approval by ADEM of this Environmental Covenant create any interest in the real property.
- L. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.
- M. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Alabama.
- N. Recordation. In accordance with §35-19-8(a), Code of Alabama 1975, as amended, Grantor shall have this Environmental Covenant, and any amendment or termination thereof, recorded in every county in which any portion of the real property subject to this Environmental Covenant is located. Grantor shall have this Environmental Covenant recorded within fifteen (15) days after the date of the final required signature.
- O. Effective Date. The effective date of this Environmental Covenant shall be the date the fully executed Environmental Covenant is recorded in accordance with paragraph "N" above.
- P. Distribution of Environmental Covenant. In accordance with §35-19-7, Code of Alabama 1975, the Grantor shall, within fifteen (15) days of filing this Environmental Covenant, have a recorded and date stamped copy of same distributed to each of the following: (1) Each person who signed the covenant; (2) Each person holding a recorded interest in the property; (3) Each person in possession of the property; (4) Each municipality or other unit of local government in which the property is located; and (5) Any other person required by ADEM to receive a copy of the covenant. However, the validity of this Environmental Covenant will not be affected by the failure to provide a copy of the Covenant as herein provided.
- Q. Party References. All references to ADEM, the Grantor, or other applicable parties, shall include successor agencies, departments, divisions, heirs, executors and/or administrators.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 23RD day of
JUNE, 2017.

PHW

MDA Co-Grantor

By: Phil Webb

Its: Chairman

STATE OF ALABAMA)
 CALHOUN COUNTY)

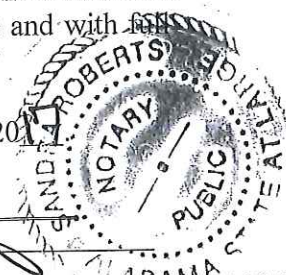
I, the undersigned Notary Public in and for said County and State, hereby certify that Phil Webb whose name as Chairman of the Co-Grantor is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this 23rd day of June, 2017

Sandra Roberts

Notary Public

My Commission Expires: My Commission Expires 01/09/2018



APPROVAL OF UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
FEDERAL EMERGENCY MANAGEMENT AGENCY, CO-GRANTOR

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 20th
day of October, 2017.

Tracey L. Showman

United States Department of
Homeland Security,
Federal Emergency Management Agency
Co-Grantor
By: Tracey L. Showman
Its: Chief Administrative Officer
On behalf of: Brock Long
Its: Administrator of the Federal Emergency
Management Agency

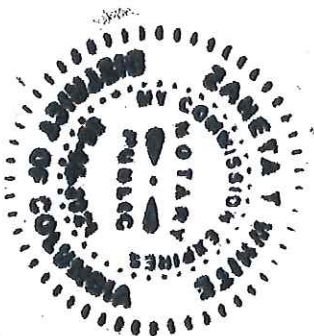
District of Columbia

STATE OF _____

COUNTY OF Washington, DC

I, the undersigned Notary Public in and for said County and State, hereby certify that Tracey L. Showman, whose name as Chief Administrative Officer of the Federal Emergency Management Agency of the United States Department of Homeland Security Co-Grantor is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this 20th day of October, 2017



Queta J. Ceballos
Notary Public
My Commission Expires: 6/14/2021

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This Environmental Covenant is hereby approved by the State of Alabama, Department of Environmental Management.

Dated Feb. 5, 2018

By: [Signature]

Chief, Land Division
Alabama Department of Environmental
Management

STATE OF ALABAMA)
MONTGOMERY COUNTY)

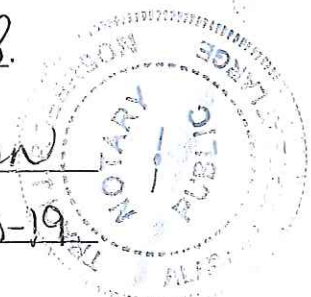
I, the undersigned Notary Public in and for said County and State, hereby certify that Stephen Cobb, whose name as Chief, Land Division, Alabama Department of Environmental Management is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he approved the same voluntarily on the day the same bears date and with full authority to do so.

Given under my hand and official seal this 5 day of February, 2018.

[Signature]

Notary Public

My Commission Expires: 1-30-19



STATE OF ALABAMA)
CALHOUN COUNTY)

I, hereby certify that the foregoing Environmental Covenant has been recorded in the property records of Calhoun County, Alabama, at Deed Book 3228, Page 892.

Dated 2-9-, 2018

By: Reyda Heard
Clerk, Office of Probate Judge

REVISED EXHIBIT DRAWING FOR:
McCLELLAN DEVELOPMENT AUTHORITY &
ALABAMA DEPT. OF ENVIRONMENTAL MANAGEMENT
CLEANUP AGREEMENT NO. AL4 210 020 562
CERFA HTRW PARCEL# 186(6) &
PISTOL RANGE PARCEL OA-03

SITUATED IN SECTIONS 11 AND 14, LYING IN TOWNSHIP 15 SOUTH,
 RANGE 8 EAST, HUNTSVILLE MERIDIAN, CALHOUN COUNTY, ALABAMA

NOTES:

THE LAND USE RESTRICTIONS FOR THE CERFA PARCELS DEPICTED ON THIS EXHIBIT ARE SPECIFICALLY DESCRIBED IN MDA ENVIRONMENTAL COVENANT FY12-01 AS FILED WITH THE CALHOUN COUNTY PROBATE OFFICE AND ADEM.

THIS IS AN EXHIBIT DRAWING ONLY AND SHOULD ONLY BE USED AS A REFERENCE FOR THE LOCATION OF THE CERFA PARCEL(S) DEPICTED HEREON. THIS DRAWING IS NOT A PLAT OF A SURVEY AND SHOULD NOT BE USED TO CONVEY PROPERTY. THERE IS NO CERTIFICATION OF THE ACCURACY OF THE MEASUREMENTS SHOWN HEREON.

THE CERFA PARCEL'S LOCATION & GEOMETRY ARE BASED ON ESRI GIS SHAPEFILES PROVIDED BY THE McCLELLAN DEVELOPMENT AUTHORITY.

Exhibit A



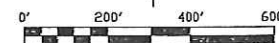
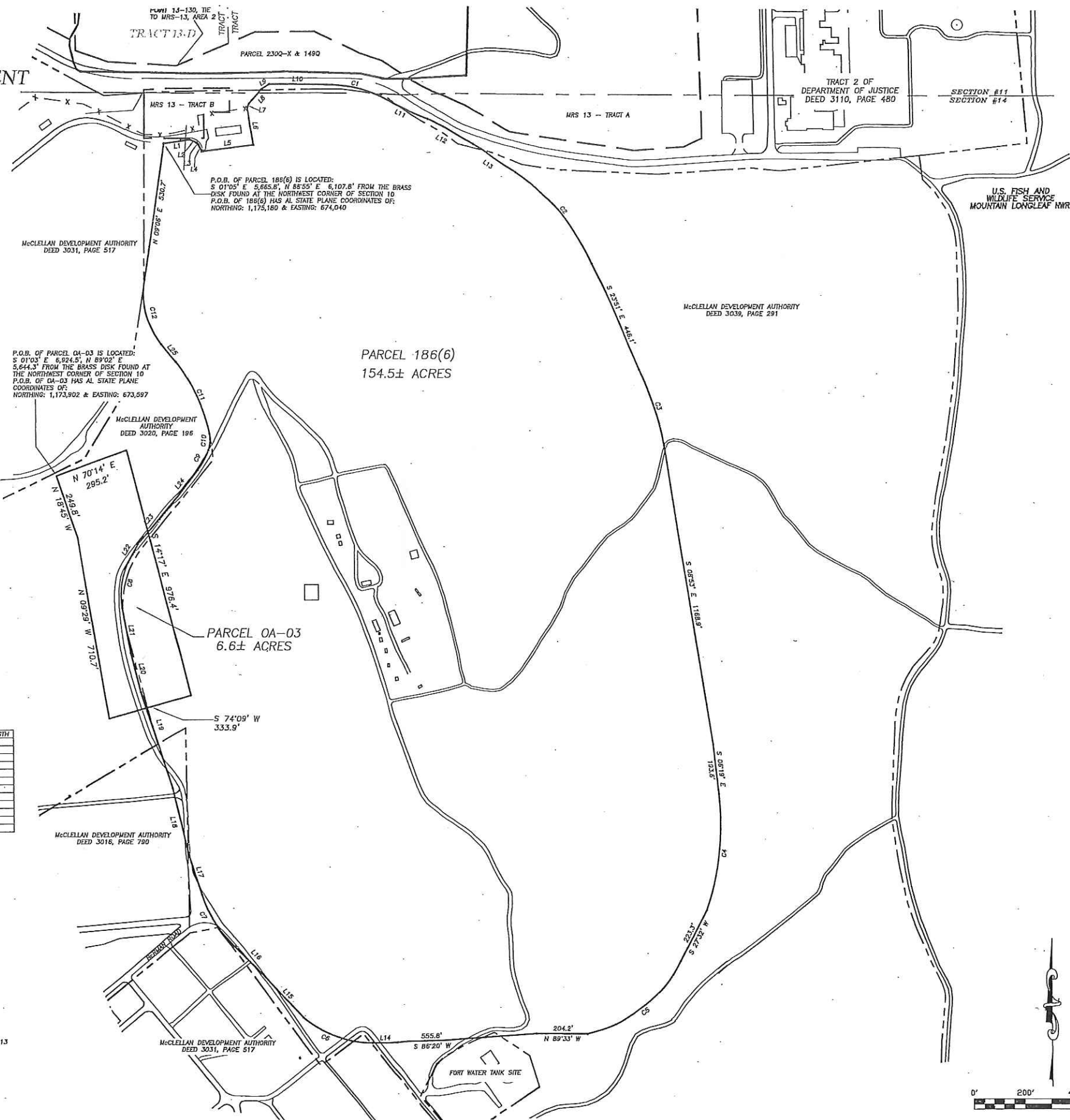
VICINITY MAP - NOT TO SCALE
 TOWNSHIP 15 SOUTH, RANGE 8 EAST, HUNTSVILLE
 MERIDIAN, CALHOUN COUNTY, ALABAMA

| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|---------|------------|---------------|--------------|
| C1 | 554.5' | 210.5' | S 78°32' E | 209.2' |
| C2 | 781.2' | 463.0' | S 40°00' E | 456.2' |
| C3 | 1213.5' | 304.4' | S 16°40' E | 303.6' |
| C4 | 597.8' | 457.7' | S 06°49' W | 433.7' |
| C5 | 554.0' | 474.9' | S 52°08' W | 460.5' |
| C6 | 414.1' | 291.1' | N 69°22' W | 285.2' |
| C7 | 485.4' | 239.1' | N 31°42' W | 235.6' |
| C8 | 281.1' | 182.1' | N 08°09' E | 178.9' |
| C9 | 284.8' | 85.6' | N 29°00' E | 88.2' |
| C10 | 123.8' | 64.9' | N 04°24' E | 64.1' |
| C11 | 640.0' | 307.3' | N 25°04' W | 304.4' |
| C12 | 300.0' | 281.6' | N 13°50' W | 253.4' |

LEGEND

- CERFA HTRW PARCELS
- CERFA MEC PARCEL MRS-13
- - - APPROXIMATE EXISTING PROPERTY BOUNDARIES
- NAL SET-SW GRID CORNER/BOUNDARY MRS-13
- ▲ NAL SET-BOUNDARY MRS-13 ONLY
- △ REBAR W/ CAP #12502 FOUND-BOUNDARY MRS-13
- USFWS MONUMENT FOUND-BOUNDARY MRS-13
- 1" PIPE FOUND-BOUNDARY MRS-13
- UNMARKED POINT-BOUNDARY

| LINE | BEARING | DISTANCE |
|------|------------|----------|
| L1 | N 81°50' E | 103.9' |
| L2 | S 69°33' E | 30.3' |
| L3 | S 40°26' E | 8.9' |
| L4 | S 27°12' E | 30.4' |
| L5 | N 82°56' E | 203.0' |
| L6 | N 08°22' W | 145.7' |
| L7 | N 26°10' E | 16.2' |
| L8 | N 42°20' E | 73.0' |
| L9 | N 59°07' E | 39.7' |
| L10 | S 69°24' E | 228.9' |
| L11 | S 69°14' E | 211.8' |
| L12 | S 61°39' E | 208.8' |
| L13 | S 56°59' E | 189.3' |
| L14 | N 89°30' W | 101.2' |
| L15 | N 44°17' W | 219.7' |
| L16 | N 45°43' W | 168.5' |
| L17 | N 18°11' W | 174.1' |
| L18 | N 12°51' W | 254.1' |
| L19 | N 17°56' W | 331.7' |
| L20 | N 14°18' W | 156.2' |
| L21 | N 10°24' W | 175.1' |
| L22 | N 29°20' E | 80.9' |
| L23 | N 40°48' E | 204.1' |
| L24 | N 38°35' E | 167.3' |
| L25 | N 36°49' W | 88.2' |



McCLELLAN DEVELOPMENT AUTHORITY &
ALABAMA DEPT. OF ENVIRONMENTAL MANAGEMENT
CLEANUP AGREEMENT NO. AL4 210 020 562
CERFA PARCEL # 186(6)
WALT PHILLIPS ROAD, ANNISTON, CALHOUN COUNTY, ALABAMA

| REVISIONS | | DATE |
|-----------|--------------------|----------|
| NO. | DESCRIPTION | |
| 1 | ADDED PARCEL OA-03 | 05/19/12 |

| | | |
|---|--|------------------------------------|
| EXHIBIT DRAWING NUMBER: 1 of 1 | | DATE: 05/06/2012 |
| L. I. SMITH & ASSOCIATES, INC. SURVEYORS & ENGINEERS 308 N. West, Calhoun County, AL 36301 771-644-1014 1100 Leabum Pkwy, Suite 100 615-881-7143 615-881-2889 | | |
| DRAWN BY: RWB CHECKED BY: LJS PROJECT # 14002.27.7078 | | SCALE: 1"=200' DATE: 05/06/2012 |

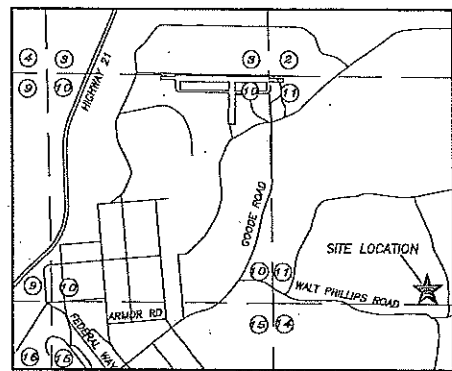
Exhibit B

EXHIBIT DRAWING FOR:

McCLELLAN DEVELOPMENT AUTHORITY &
ALABAMA DEPT. OF ENVIRONMENTAL MANAGEMENT
CLEANUP AGREEMENT NO. AL4 210 020 562
CERFA HTRW PARCELS # 215Q, 230Q-X & 149Q, AND
CERFA MEC PARCEL MRS-13

SITUATED IN SECTIONS 11 AND 14, LYING IN TOWNSHIP 15, SOUTH,
RANGE 8 EAST, HUNTSVILLE MERIDIAN, CALHOUN COUNTY, ALABAMA

NOTES:
THE LAND USE RESTRICTIONS FOR THE CERFA PARCELS DEPICTED ON THIS
EXHIBIT ARE SPECIFICALLY DESCRIBED IN HDA ENVIRONMENTAL COVENANT
#112-01 AS FILED WITH THE CALHOUN COUNTY PROBATE OFFICE AND ADEM.
THIS IS AN EXHIBIT DRAWING ONLY AND SHOULD ONLY BE USED AS A
REFERENCE FOR THE LOCATION OF THE CERFA PARCELS DEPICTED HEREON.
THIS DRAWING IS NOT A PLAT OF A SURVEY AND SHOULD NOT BE USED TO
CONVEY PROPERTY. THERE IS NO CERTIFICATION OF THE ACCURACY OF THE
MEASUREMENTS SHOWN HEREON.
EACH CERFA PARCEL'S LOCATION & GEOMETRY ARE BASED ON ESRI GIS
SHAPEFILES PROVIDED BY THE McCLELLAN DEVELOPMENT AUTHORITY.
HOWEVER, THE MEC PARCEL MRS-13 BOUNDARY IS BASED UPON A SURVEY
DATED 03/12/2010 IN ASSOCIATION WITH MEC REMEDIATION ACTIVITIES.



VICINITY MAP - NOT TO SCALE
TOWNSHIP 15 SOUTH, RANGE 8 EAST, HUNTSVILLE
MERIDIAN, CALHOUN COUNTY, ALABAMA

TRACT TIES TO PLSS MONUMENT

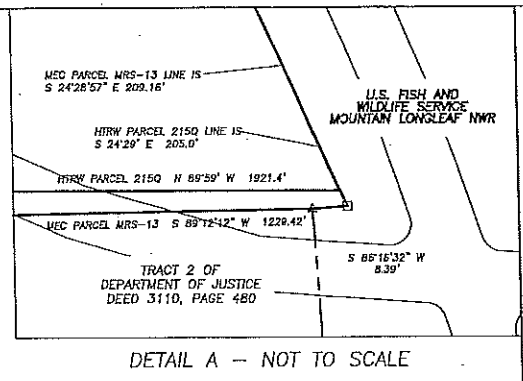
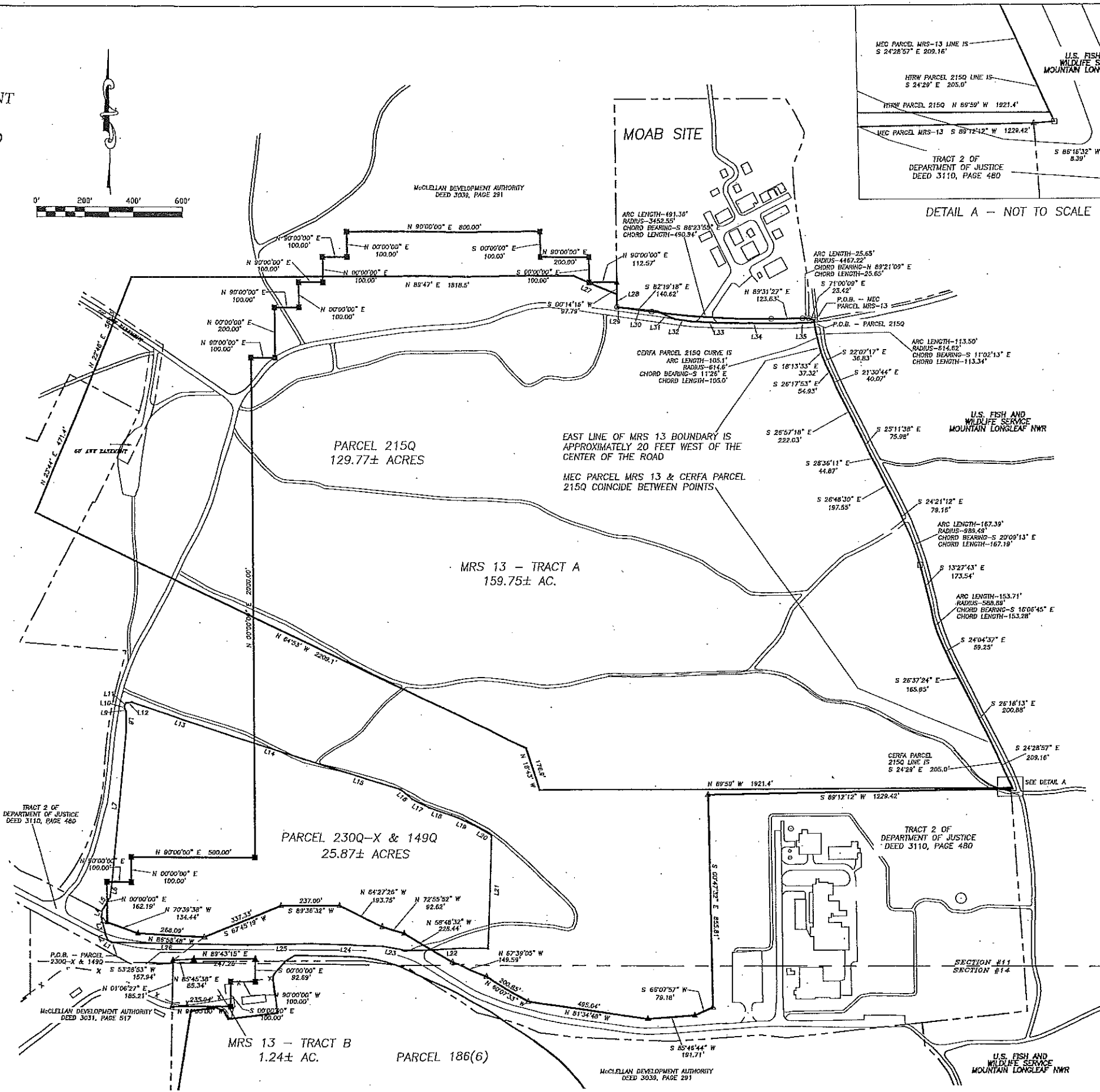
P.O.B. OF MEC PARCEL MRS-13 IS LOCATED:
S 01°05' E 2948.3' N 85°55' E 8732.1' FROM THE BRASS
DISK FOUND AT THE NORTHWEST CORNER OF SECTION 10
P.O.B. OF MRS-13 HAS AL STATE PLANE COORDINATES OF:
NORTHING: 1,177,938 & EASTING: 676,614
P.O.B. OF PARCEL 215Q IS LOCATED:
S 01°05' E 2956.7' N 85°55' E 8732.9' FROM THE BRASS
DISK FOUND AT THE NORTHWEST CORNER OF SECTION 10
P.O.B. OF 215Q HAS AL STATE PLANE COORDINATES OF:
NORTHING: 1,177,938 & EASTING: 676,614
P.O.B. OF PARCELS 230Q-X & 149Q IS LOCATED:
S 01°05' E 5,383.4' N 85°55' E 6791.6' FROM THE BRASS
DISK FOUND AT THE NORTHWEST CORNER OF SECTION 10
P.O.B. OF 230Q-X & 149Q HAS AL STATE PLANE COORDINATES OF:
NORTHING: 1,175,455 & EASTING: 673,719

| LINE | BEARING | DISTANCE |
|------|------------|----------|
| L1 | N 89°01' W | 19.5' |
| L2 | N 22°52' W | 24.2' |
| L3 | N 13°14' W | 71.0' |
| L4 | N 04°43' E | 29.9' |
| L5 | N 30°54' E | 59.8' |
| L6 | N 07°59' E | 55.2' |
| L7 | N 05°42' E | 617.7' |
| L8 | N 02°07' W | 26.3' |
| L9 | N 29°32' W | 11.4' |
| L10 | N 03°45' W | 10.7' |
| L11 | N 26°27' E | 13.7' |
| L12 | N 61°20' E | 23.4' |
| L13 | S 71°15' E | 474.7' |
| L14 | S 72°35' E | 399.0' |
| L15 | S 73°14' E | 322.2' |
| L16 | S 49°58' E | 60.2' |
| L17 | S 63°26' E | 77.6' |
| L18 | S 70°34' E | 96.2' |
| L19 | S 68°58' E | 116.0' |
| L20 | S 58°14' E | 65.9' |
| L21 | S 02°21' W | 454.0' |
| L22 | S 85°37' W | 331.0' |
| L23 | N 79°32' W | 98.7' |
| L24 | N 88°24' W | 294.8' |
| L25 | N 85°32' W | 265.7' |
| L26 | N 89°08' W | 550.5' |

| LINE | BEARING | DISTANCE |
|------|------------|----------|
| L27 | S 67°20' E | 191.4' |
| L28 | S 09°14' W | 51.7' |
| L29 | N 90°00' E | 11.5' |
| L30 | S 64°09' E | 149.2' |
| L31 | S 67°20' E | 81.5' |
| L32 | S 81°58' E | 62.8' |
| L33 | S 86°30' E | 115.2' |
| L34 | S 89°15' E | 289.0' |
| L35 | N 67°34' E | 89.0' |

LEGEND

- CERFA HTRW PARCELS
- CERFA MEC PARCEL MRS-13
- APPROXIMATE EXISTING PROPERTY BOUNDARIES
- NAIL SET-SW GRID CORNER/BOUNDARY MRS-13
- NAIL SET-BOUNDARY MRS-13 ONLY
- REBAR W/ CAP #12502 FOUND-BOUNDARY MRS-13
- USFWS MONUMENT FOUND-BOUNDARY MRS-13
- 1" PIPE FOUND-BOUNDARY MRS-13
- UNMARKED POINT-BOUNDARY



McCLELLAN DEVELOPMENT AUTHORITY &
ALABAMA DEPT. OF ENVIRONMENTAL MANAGEMENT
CLEANUP AGREEMENT NO. AL4 210 020 562
CERFA PARCELS # 215Q, 230Q-X & 149Q, AND MRS-13
WALT PHILLIPS ROAD, ANNISTON, CALHOUN COUNTY, ALABAMA

EXHIBIT DRAWING NUMBER: 1 of 1

L. L. SMITH & ASSOCIATES, INC.
SURVEYORS - ENGINEERS

701-444-1044
1100 Jackson Pike, Suite 105
615-331-7145
FAX 701-444-1009
FAX 615-331-0980

DATE: 05/04/2012
SCALE: 1"=200'
PROJECT # 4002-27-7079

REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |

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