

K-17-1318

DEED 3221 870
Recorded In Above Book and Page
08/24/2017 11:43:14 AM
Alice K. Martin
Judge of Probate
Calhoun County, Alabama

STATE OF ALABAMA)
CALHOUN COUNTY)

THE MCCLELLAN DEVELOPMENT AUTHORITY
ENVIRONMENTAL COVENANT
NUMBER FY-17-01.00

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,

THE MCCLELLAN DEVELOPMENT AUTHORITY

(hereinafter "MDA" or "Co-Grantor") grants this Environmental Covenant, Numbered FY-17-01.00, 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");

THE STATE OF ALABAMA, ALABAMA DEPARTMENT OF TRANSPORTATION

(hereinafter "ALDOT" or "Co-Grantor") grants this Environmental Covenant, Numbered FY-17-01.00, which constitutes a servitude arising under an environmental response project that imposes activity and/or use limitations, to the following statutory Holder:

THE STATE OF ALABAMA, ALABAMA DEPARTMENT OF TRANSPORTATION

("ALDOT"), (hereinafter "Co-Grantee" or "Co-Holder");

WHEREAS, the MDA is the owner of that certain real property known as "MRS-2" (see Exhibit "A", attached hereto) 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 MDA by deed dated April 1, 2010, and recorded in the Office of the Judge of Probate for said County, Alabama, in Deed Book 3125, Page 275; and,

WHEREAS, ALDOT is the owner of a portion of that certain real property known as "MRS-2" (see Exhibit "A", attached hereto) 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 ALDOT by deed dated January 30, 2017, and recorded in the Office of the Judge of Probate for said County, Alabama, in Deed Book 3215, Page 17; and,

WHEREAS, the Property is more particularly described as follows:

MRS-2 Description – Boundary

A parcel of land situated in the Southeast Quarter of Section 22, Sections 23 and 26, the East Half of Section 27, the Northeast Quarter of Section 34, and the North Half of Section 35 all lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East along the south line of said section, 1071.62 feet; thence leaving the south line North 00 degrees 17 minutes 05 seconds East, 2695.48 feet to a ½-inch rebar with cap set at the **POINT OF BEGINNING**, being the Northwest corner of the tract described herein and the Southwest corner of the MRS 1 boundary, and having Alabama State Plane, East Zone, Coordinates of North: 1,167,413.11, and East: 674,281.10; runs thence with the south line of MRS 1, and the north line of MRS 2 as follows:

South 01 degrees 39 minutes 23 seconds West, 10.12 feet;
South 01 degrees 39 minutes 23 seconds West, 70.23 feet;
South 01 degrees 44 minutes 57 seconds West, 100.25 feet;
South 01 degrees 48 minutes 05 seconds West, 48.35 feet;
North 74 degrees 21 minutes 33 seconds East, 145.77 feet;
North 71 degrees 50 minutes 36 seconds East, 29.30 feet;
North 70 degrees 53 minutes 56 seconds East, 76.15 feet;
North 69 degrees 28 minutes 29 seconds East, 107.07 feet;
North 67 degrees 27 minutes 42 seconds East, 97.44 feet;
North 66 degrees 26 minutes 25 seconds East, 10.83 feet;
North 66 degrees 23 minutes 41 seconds East, 109.13 feet;
North 65 degrees 46 minutes 40 seconds East, 109.73 feet;
North 64 degrees 46 minutes 15 seconds East, 16.31 feet;
North 64 degrees 17 minutes 36 seconds East, 101.78 feet;
North 88 degrees 21 minutes 43 seconds East, 93.40 feet;
North 87 degrees 39 minutes 55 seconds East, 48.36 feet;
North 84 degrees 55 minutes 24 seconds East, 51.98 feet;
North 84 degrees 04 minutes 52 seconds East, 100.47 feet;
North 84 degrees 02 minutes 58 seconds East, 19.00 feet;
North 80 degrees 48 minutes 04 seconds East, 82.26 feet;
North 79 degrees 39 minutes 56 seconds East, 58.64 feet;
North 76 degrees 39 minutes 55 seconds East, 94.09 feet;
North 74 degrees 55 minutes 20 seconds East, 52.44 feet;
North 73 degrees 06 minutes 18 seconds East, 104.60 feet;
North 69 degrees 41 minutes 22 seconds East, 106.57 feet;
North 70 degrees 00 minutes 38 seconds East, 23.08 feet;
North 90 degrees 00 minutes 00 seconds East, 30.41 feet;
South 86 degrees 51 minutes 47 seconds East, 48.06 feet;
South 87 degrees 55 minutes 32 seconds East, 93.10 feet to a ½-inch rebar with cap set at the Northeast corner of the MRS 2 grid; thence leaving the south line of MRS 1 with the east grid boundary of MRS 2 as follows:

South 00 degrees 00 minutes 00 seconds East, passing through a ½-inch rebar with cap set at 42.42 feet, a total distance of 2142.36 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 1000.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 600.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 400.00 feet;

North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 600.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;

South 00 degrees 00 minutes 00 seconds East, 187.97 feet to a ½-inch rebar set in the line of U.S. Fish and Wildlife; thence with U.S. Fish and Wildlife and continuing with the east grid boundary of MRS 2 North 76 degrees 58 minutes 35 seconds West, 8.20 feet to an iron pipe with a U.S. Fish and Wildlife cap found in the west margin of a dirt road; thence with the dirt road continuing with U.S. Fish and Wildlife as follows:

South 25 degrees 09 minutes 21 seconds West, 125.74 feet;

Along a curve to the left 114.42 feet, having a radius of 254.60 feet, and being subtended by a chord bearing and distance of South 15 degrees 35 minutes 33 seconds West, 113.45 feet;

South 09 degrees 28 minutes 54 seconds West, 90.12 feet;

Along a curve to the right 115.40 feet, having a radius of 1277.88 feet, and being subtended by a chord bearing and distance of South 14 degrees 34 minutes 46 seconds West, 115.36 feet;

South 17 degrees 54 minutes 38 seconds West, 129.46 feet;

South 13 degrees 41 minutes 03 seconds West, 77.52 feet;

Along a curve to the right 80.16 feet, having a radius of 139.86 feet, and being subtended by a chord bearing and distance of South 27 degrees 34 minutes 35 seconds West, 79.07 feet;

South 37 degrees 59 minutes 47 seconds West, 63.42 feet;

Along a curve to the right 120.42 feet, having a radius of 855.95 feet, and being subtended by a chord bearing and distance of South 43 degrees 44 minutes 20 seconds West, 120.32 feet;

Along a curve to the left 136.25 feet, having a radius of 216.22 feet, and being subtended by a chord bearing and distance of South 32 degrees 54 minutes 11 seconds West, 134.01 feet to an iron pipe with a U.S. Fish and Wildlife cap found in the South margin of Kellog Drive; thence with Kellog Drive, continuing with U.S. Fish and Wildlife and the east boundary of MRS 2 as follows:

South 56 degrees 51 minutes 48 seconds East, 190.52 feet;

Along a curve to the right 193.56 feet, having a radius of 1423.43 feet, and being subtended by a chord bearing and distance of South 51 degrees 40 minutes 22 seconds East, 193.41 feet;

South 47 degrees 48 minutes 23 seconds East, 140.70 feet;

Along a curve to the right 118.85 feet, having a radius of 1278.99 feet, and being subtended by a chord bearing and distance of South 48 degrees 23 minutes 33 seconds East, 118.80 feet;

South 45 degrees 17 minutes 52 seconds East, 311.31 feet to a ½-inch rebar with cap set; thence leaving U.S. Fish and Wildlife and Kellog Drive, continuing with the east grid boundary of MRS 2 as follows:

South 00 degrees 00 minutes 00 seconds East, 355.78 feet;

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

South 00 degrees 00 minutes 00 seconds East, 400.00 feet;

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

South 00 degrees 00 minutes 00 seconds East, 200.00 feet;

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

South 00 degrees 00 minutes 00 seconds East, 200.00 feet;

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

South 00 degrees 00 minutes 00 seconds East, 200.00 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, 100.00 feet;

South 00 degrees 00 minutes 00 seconds East, 100.00 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, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 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, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 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, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 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, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 87.12 feet to a ½-inch rebar with cap set at the
South margin of a road; thence with the South margin of the road as follows:
North 87 degrees 07 minutes 34 seconds West, 112.75 feet;
North 72 degrees 52 minutes 55 seconds West, 144.08 feet;
North 59 degrees 43 minutes 34 seconds West, 167.56 feet;
North 28 degrees 52 minutes 38 seconds West, 92.53 feet;
North 03 degrees 13 minutes 20 seconds West, 223.33 feet;
North 22 degrees 54 minutes 27 seconds West, 153.94 feet;
North 57 degrees 40 minutes 50 seconds West, 320.95 feet;
North 77 degrees 44 minutes 17 seconds West, 91.31 feet;
South 85 degrees 29 minutes 29 seconds West, 82.85 feet;
North 72 degrees 29 minutes 13 seconds West, 160.97 feet;
North 42 degrees 31 minutes 41 seconds West, 81.80 feet;
North 54 degrees 11 minutes 26 seconds West, 157.83 feet;
North 64 degrees 48 minutes 48 seconds West, 126.10 feet to a ½-inch rebar with cap set in the
East margin of Iron Mountain Road; thence with the East margin of Iron Mountain Road as follows:
North 44 degrees 45 minutes 17 seconds East, 115.20 feet;
North 49 degrees 19 minutes 39 seconds East, 264.45 feet;
North 47 degrees 25 minutes 31 seconds East, 92.04 feet;
North 40 degrees 00 minutes 00 seconds East, 92.46 feet;
North 27 degrees 09 minutes 34 seconds East, 177.35 feet;
North 32 degrees 44 minutes 03 seconds East, 156.18 feet;
North 40 degrees 14 minutes 26 seconds East, 208.60 feet;
North 44 degrees 04 minutes 10 seconds East, 390.54 feet to a ½-inch rebar with cap set; thence
leaving Iron Mountain Road and running with the West boundary of the MRS 2 grid as follows:
North 62 degrees 18 minutes 42 seconds West, 1094.13 feet to a ½-inch rebar with cap set;
South 85 degrees 25 minutes 06 seconds West, 126.25 feet to a ½-inch rebar with cap set;
North 76 degrees 00 minutes 34 seconds West, 288.41 feet to a ½-inch rebar with cap set;
North 00 degrees 00 minutes 00 seconds East, 185.26 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 West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 300.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;

North 00 degrees 00 minutes 00 seconds East, 300.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 400.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 1000.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 600.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 300.00 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, 300.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 500.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 412.25 feet to a ½-inch rebar with cap set in the north margin of Town Center Drive; thence with the North margin of Town Center Drive South 53 degrees 05 minutes 19 seconds East, 627.23 feet to a PK nail set in the West margin of Cassell Way; thence with the West margin of Cassell Way North 36 degrees 41 minutes 56 seconds East, 928.57 feet to a ½-inch rebar with cap set North of Halifax Avenue; thence leaving all roads and continuing with the West boundary of MRS 2 grid North 15 degrees 04 minutes 11 seconds East, 1604.05 feet to the Point of Beginning, and containing 545.03 Acres, more or less, after a 5.82 acre exclusion of Water Tank B Site, Parcel 6-C described below. Bearings are based upon the Alabama State Plane Coordinate System, East Zone, NAD 83.

There is a 50-foot easement that runs with the centerline of Langley Avenue and crosses the northern portion of the property described above.

Exclusion – Water Tank B Site – Parcel 6-C (Snap Lane Tank Site)

There is an exclusion from this property for a tract known as the Water Tank B Site. Said exclusion being a parcel of land located in the NE ¼ of the NW ¼ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East along the south line of said section, 1873.52 feet; thence leaving the south line South 00 degrees 17 minutes 05 seconds West, 173.12 feet to the **POINT OF BEGINNING**, being the Northwest corner of the tract described herein, located in the center of Snap Lane, and having Alabama State Plane, East Zone, Coordinates of North: 1,164,540.56, and East: 675,068.74; runs thence with Snap Lane follows:

North 51 degrees 13 minutes 37 seconds East, 71.82 feet;
North 70 degrees 24 minutes 43 seconds East, 51.45 feet;
North 87 degrees 21 minutes 42 seconds East, 117.73 feet;
North 77 degrees 47 minutes 18 seconds East, 51.01 feet;
North 59 degrees 04 minutes 07 seconds East, 36.59 feet;
North 40 degrees 04 minutes 08 seconds East, 54.34 feet; thence leaving Snap Lane South 17 degrees 54 minutes 03 seconds East, 852.21 feet to the center of a dirt road; thence with the dirt road as follows:

North 72 degrees 01 minutes 43 seconds West, 169.97 feet;
North 71 degrees 59 minutes 13 seconds West, 217.99 feet;

North 50 degrees 27 minutes 18 seconds West, 63.89 feet;
North 26 degrees 52 minutes 03 seconds West, 138.11 feet;
North 12 degrees 53 minutes 58 seconds West, 199.98 feet;
North 22 degrees 55 minutes 47 seconds West, 60.79 feet;
North 27 degrees 41 minutes 18 seconds West, 80.32 feet;
North 11 degrees 51 minutes 43 seconds West, 67.78 feet to the Point of Beginning, and containing 5.82 Acres, more or less. The above described property is together with an easement described as follows: beginning at the northwest corner of said property, said point being a nail and cap in the center of Snap Lane being 1,922.84 feet east of and 17,463.57 feet south of the Northeast corner of the SE ¼ of the SE ¼ of Section 3, Township 15 South, Range 8 East, thence from the Point of Beginning along the centerline of a 50-foot easement, and also being the centerline of Snap Lane as follows:

South 63 degrees 36 minutes 41 seconds West, 62.43 feet;
South 67 degrees 29 minutes 16 seconds West, 209.81 feet;
South 57 degrees 30 minutes 12 seconds West, 57.03 feet;
South 49 degrees 49 minutes 37 seconds West, 58.88 feet;
South 44 degrees 29 minutes 47 seconds West, 60.12 feet;
South 50 degrees 08 minutes 02 seconds West, 67.59 feet;
South 76 degrees 02 minutes 22 seconds West, 45.45 feet;
North 76 degrees 51 minutes 26 seconds West, 28.44 feet;
North 61 degrees 36 minutes 48 seconds West, 25.33 feet;
North 48 degrees 31 minutes 31 seconds West, 26.03 feet;
North 48 degrees 06 minutes 58 seconds West, 181.11 feet;
North 33 degrees 41 minutes 33 seconds West, 213.36 feet to the centerline intersection of Snap Lane and Iron Mountain Road, thence with the centerline of Iron Mountain Road as follows:

North 06 degrees 23 minutes 57 seconds East, 723.32 feet;
North 04 degrees 22 minutes 32 seconds East, 60.15 feet;
North 03 degrees 04 minutes 57 seconds East, 148.80 feet to the centerline intersection of Iron Mountain Road and Halifax Avenue; thence with the centerline of Halifax Avenue as follows:

North 70 degrees 16 minutes 13 seconds West, 146.38 feet;
North 69 degrees 34 minutes 37 seconds West, 54.23 feet;
North 67 degrees 24 minutes 20 seconds West, 43.12 feet;
North 61 degrees 54 minutes 53 seconds West, 31.51 feet;
North 56 degrees 57 minutes 54 seconds West, 28.32 feet;
North 45 degrees 32 minutes 46 seconds West, 97.26 feet;
North 49 degrees 10 minutes 23 seconds West 69.10 feet;
North 51 degrees 59 minutes 58 seconds West 76.16 feet to the centerline intersection of Halifax Avenue and Cassell Way; thence with the centerline of Cassell Way South 38 degrees 00 minutes 02 seconds West, 50.00 feet to the intersection of an existing waterline easement owned by the Anniston Water Works and Sewer Board. The above described easement is for the purposes of ingress, egress, and the construction and maintenance of water lines, tanks, and appurtenances for the Anniston Water Works and Sewer Board.

Archaeological Site in MRS-2 Description

Included within the description of MRS-2 is an archaeological site and is more particularly described as follows:

COMMENCING at the Point of Beginning of MRS-2; runs thence South 06 degrees 19 minutes 54 seconds West, 8,265.46 feet to the **POINT OF BEGINNING**, being the northern corner of the tract described herein, having Alabama State Plane, East Zone, Coordinates of North: 1,159,198.06 and East: 673,369.57; runs thence as follows:

South 30 degrees 49 minutes 08 seconds East, 84.71 feet;

South 44 degrees 02 minutes 09 seconds West, 40.76 feet;
 South 77 degrees 35 minutes 28 seconds West, 51.84 feet;
 North 11 degrees 49 minutes 03 seconds West, 69.53 feet;
 North 47 degrees 48 minutes 59 seconds East, 67.21 feet to the Point of Beginning, and
 containing 0.15 Acres, more or less. Bearings are based upon the Alabama State Plane Coordinate
 System, East Zone, NAD 83.

Prohibition Areas

Digging prohibition area - 2-Da

A parcel of land located in the SW ¼ of Section 23 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East, 1071.62 feet; thence North 00 degrees 17 minutes 05 seconds East, 2695.48 feet to the **POINT OF BEGINNING**, being the Northwest corner of the tract MRS-2 and having Alabama State Plane, East Zone, Coordinates of North: 1,167,413.1 and East: 674,281.1; runs thence with the north line of MRS 2 as follows:

South 01 degrees 39 minutes 23 seconds West, 10.12 feet;
 South 01 degrees 39 minutes 23 seconds West, 70.23 feet;
 South 01 degrees 44 minutes 57 seconds West, 100.25 feet;
 South 01 degrees 48 minutes 05 seconds West, 48.35 feet;
 North 74 degrees 21 minutes 33 seconds East, 34.76 feet; thence leaving the MRS 2 boundary as follows:
 South 00 degrees 17 minutes 51 seconds West, 9.48 feet;
 South 00 degrees 00 minutes 00 seconds East, 400.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 68.94 feet to the MRS 2 boundary; thence with the MRS-2 boundary North 15 degrees 04 minutes 11 seconds East, 547.79 feet to the Point of Beginning and containing 1.26 acres, more or less.

Digging prohibition area - 2-Db

A parcel of land located in the SW ¼ of Section 23 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East, 1702.75 feet; thence North 00 degrees 17 minutes 05 seconds East, 1769.65 feet to the **POINT OF BEGINNING**, being the Northeast corner of the tract described herein and having Alabama State Plane, East Zone, Coordinates of North: 1,166,484.2 and East: 674,907.6; runs thence as follows:

North 90 degrees 00 minutes 00 seconds West a distance of 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East a distance of 800.00 feet;
 North 90 degrees 00 minutes 00 seconds East a distance of 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East a distance of 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West a distance of 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East a distance of 200.00 feet;
 North 90 degrees 00 minutes 00 seconds East a distance of 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East a distance of 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West a distance of 200.00 feet;

North 00 degrees 00 minutes 00 seconds East a distance of 100.00 feet;
North 90 degrees 00 minutes 00 seconds West a distance of 200.00 feet;
North 00 degrees 00 minutes 00 seconds East a distance of 1800.00 feet;
North 90 degrees 00 minutes 00 seconds East a distance of 200.00 feet;
South 00 degrees 00 minutes 00 seconds East a distance of 100.00 feet;
North 90 degrees 00 minutes 00 seconds East a distance of 100.00 feet;
South 00 degrees 00 minutes 00 seconds East a distance of 200.00 feet;
North 90 degrees 00 minutes 00 seconds East a distance of 100.00 feet;
South 00 degrees 00 minutes 00 seconds East a distance of 200.00 feet to the Point of Beginning
and containing 13.77 acres, more or less.

Digging prohibition area - 2-De

A parcel of land located in the NW ¼ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East, 515.69 feet; thence South 00 degrees 17 minutes 5 seconds West, 836.28 feet to the **POINT OF BEGINNING** being the Northeast corner of the tract described herein and having Alabama State Plane, East Zone, Coordinates of North: 1,163,884.2 and East: 673,707.6; runs thence as follows:

South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 300.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 200.00 feet;
North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds East, 200.00 feet to the Point of Beginning and
containing 3.90 acres, more or less.

Digging prohibition area - 2-Dd

A parcel of land located in the NW ¼ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East, 1119.75 feet; thence South 00 degrees 17 minutes 05 seconds West, 1533.29 feet to the **POINT OF BEGINNING**, a corner on the eastern boundary of the tract described herein and having Alabama State Plane, East Zone, Coordinates of North: 1,163,184.2 and East: 674,308.2; runs thence as follows:

North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 600.00 feet;
North 90 degrees 00 minutes 00 seconds West, 200.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;

North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 600.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 300.00 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;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 300.00 feet to the Point of Beginning and
containing 6.89 acres, more or less.

Digging prohibition area - 2-De

A parcel of land located in the SW $\frac{1}{4}$ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East, 325.39 feet; thence South 00 degrees 17 minutes 05 seconds East, 4437.27 feet to the **POINT OF BEGINNING**, being the southwest corner of the tract described herein on the MRS-2 Boundary and having Alabama State Plane, East Zone, Coordinates of North: 1,160,284.2, and East: 673,499.4; runs thence leaving the border of MRS 2 as follows;

North 90 degrees 00 minutes 00 seconds East, 208.18 feet;
North 00 degrees 00 minutes 00 seconds East, 600.00 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, 400.00 feet;
South 00 degrees 00 minutes 00 seconds East, 700.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 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, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 14.19 feet;
North 62 degrees 18 minutes 42 seconds West, 460.97 feet;
South 00 degrees 00 minutes 00 seconds East, 13.77 feet to the MRS 2 Boundary and the Point of Beginning, containing 10.18 acres, more or less.

Digging prohibition area - 2-F

A parcel of land located in the SW $\frac{1}{4}$ of Section 23 and NW $\frac{1}{4}$ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 42 minutes 55 seconds East, 2615.16 feet; thence North 00 degrees 17 minutes 05 seconds East, 725.85 feet to the **POINT OF BEGINNING**, being the southeast corner of the tract described herein in the east boundary of MRS-2, and having Alabama State Plane, East Zone, Coordinates of North: 1,163,984.0 and East: 675,808.0; thence leaving MRS 2 runs as follows:

North 90 degrees 00 minutes 00 seconds West, 176.01 feet;
North 17 degrees 54 minutes 07 seconds West, 730.61 feet;

South 40 degrees 04 minutes 08 seconds West, 54.34 feet;
 South 59 degrees 04 minutes 07 seconds West, 36.59 feet;
 South 77 degrees 47 minutes 18 seconds West, 51.01 feet;
 South 87 degrees 21 minutes 42 seconds West, 117.73 feet;
 South 70 degrees 24 minutes 43 seconds West, 51.45 feet;
 South 51 degrees 13 minutes 37 seconds West, 2.21 feet;
 North 90 degrees 00 minutes 00 seconds West, 15.39 feet;
 North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 400.00 feet ;
 North 90 degrees 00 minutes 00 seconds West, 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, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 800.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 200.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 300.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 400.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 300.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 400.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 400.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 200.00 feet; to the boundary of MRS 2, thence
 with the boundary of MRS 2 as follows:
 South 00 degrees 00 minutes 00 seconds East, 500.00 feet to the Point of Beginning and
 containing 32.69 acres, more or less.

Digging prohibition area - 2-Ha

A parcel of land located in the SE ¼ of Section 22, SW ¼ of Section 23, NW ¼ of Section 26 and NE ¼ of Section 27 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence North 89 degrees 12 minutes 06 seconds West, 486.49 feet; thence South 00 degrees 47 minutes 54 seconds West, 145.63 feet to the **POINT OF BEGINNING**, being in the West boundary of MRS-2, and having Alabama State Plane, East Zone, Coordinates of North: 1,164,584.2 and East: 672,707.6; thence with the border of MRS 2, runs as follows:

North 00 degrees 00 minutes 00 seconds East, 500.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;

North 00 degrees 00 minutes 00 seconds East, 356.80 feet; thence leaving the boundary of MRS 2 and continues as follows:

South 52 degrees 50 minutes 40 seconds East, 501.88 feet;
 South 00 degrees 00 minutes 00 seconds East, 253.67 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 300.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 400.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 300.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
 North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
 North 00 degrees 00 minutes 00 seconds East, 200.00 feet to the Point of Beginning and

containing 19.80 acres, more or less.

Digging prohibition area - 2-Hb

A parcel of land located in the Eastern $\frac{1}{2}$ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence South 89 degrees 12 minutes 06 seconds East, 2325.89 feet; thence South 00 degrees 17 minutes 05 seconds West, 2884.81 feet to the **POINT OF BEGINNING**, being in the east boundary of MRS-2, and having Alabama State Plane, East Zone, Coordinates of North: 1,161,826.7 and East: 675,507.6; runs thence as follows:

South 09 degrees 28 minutes 54 seconds West, 41.17 feet;

Along a curve to the right 115.40 feet, having a radius of 1277.88 feet, and being subtended by a chord bearing and distance of South 14 degrees 34 minutes 46 seconds West, 115.36 feet;

South 17 degrees 54 minutes 38 seconds West, 129.46 feet;

South 13 degrees 41 minutes 03 seconds West, 77.52 feet;

Along a curve to the right 80.16 feet, having a radius of 139.86 feet, and being subtended by a chord bearing and distance of South 27 degrees 34 minutes 35 seconds West, 79.07 feet;

South 37 degrees 59 minutes 47 seconds West, 63.42 feet;

Along a curve to the right 120.43 feet, having a radius of 855.95 feet, and being subtended by a chord bearing and distance of South 43 degrees 44 minutes 19 seconds West, 120.32 feet;

Along a reverse curve to the left 106.91 feet, having a radius of 216.22 feet, and being subtended by a chord bearing and distance of South 36 degrees 47 minutes 26 seconds West, 105.83 feet;

North 90 degrees 00 minutes 00 seconds West, 183.81 feet;

North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds West, 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, 600.00 feet;
North 90 degrees 00 minutes 00 seconds East, 200.00 feet;
South 00 degrees 00 minutes 00 seconds East, 400.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
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North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 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, 57.50 feet to the Point of Beginning and containing
23.57 acres, more or less.

Digging prohibition area - 2-J

A parcel of land located in the SE ¼ of Section 27 and SW ¼ of Section 26 lying in Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama, and being more particularly described as follows:

COMMENCING at the Southwest corner of Section 23, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; runs thence North 89 degrees 12 minutes 06 seconds

West, 486.49 feet; thence South 00 degrees 47 minutes 54 seconds West, 2550.97 feet to the **POINT OF BEGINNING**, being in the west boundary of MRS-2, and having Alabama State Plane, East Zone, Coordinates of North: 1,162,184.2 and East: 672,307.6; thence leaving the MRS 2 boundary and runs as follows:

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, 400.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 100.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds East, 100.00 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, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
South 00 degrees 00 minutes 00 seconds East, 600.00 feet;
North 90 degrees 00 minutes 00 seconds West, 208.18 feet to the MRS 2 boundary; thence with

the MRS 2 boundary as follows:

North 62 degrees 18 minutes 42 seconds West, 548.99 feet;
South 85 degrees 25 minutes 06 seconds West, 126.25 feet;
North 76 degrees 00 minutes 34 seconds West, 288.41 feet;
North 00 degrees 00 minutes 00 seconds East, 185.26 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 West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 300.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 200.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 300.00 feet;
North 90 degrees 00 minutes 00 seconds West, 100.00 feet;
North 00 degrees 00 minutes 00 seconds East, 400.00 feet to the Point of Beginning and

containing 39.21 acres, more or less.

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 Munitions Response Site – 2 (MRS-2) comprises an area totaling approximately 545 acres located in the east-central part of the Bravo Munitions Response Area

(MRA), south of MRS-1, and bordered by MRS-4 and MRS-5 to the east and MRS-8 to the west. It consists in part of the Bravo Engineering Evaluation/Cost Analysis (EE/CA) Sectors A-1 Reconnaissance Area-D, M3-1L Mixed Projectile Area – Passive Recreation (PR), M3-1L Suspect Area 1-PR, and the M4-1H Mixed Use Area-PR;

WHEREAS, historically, MRS-2 was used primarily as rifle, machine gun, carbine, artillery, and mortar ranges with a variety of explosive ordnance recovered during site characterization activities. To implement the munitions remediation in MRS-2, the site was divided into twelve tracts, 2-A through 2-L based on geography and required remedial actions. The remediation for Tracts 2-A, 2-B, 2-C, 2-E, 2-G, 2-I, 2-K, and 2-L where the future land use is a mixed use development was cleared to the depth of detection. The remediation for Tracts 2-D, 2-F, 2-H, and 2-J where the future land use is passive recreation was cleared to a depth of one foot. Areas that were not cleared to the depth of detection comprise the Covenant Boundary and include Tracts 2-D, 2-F, 2-H, and 2-J, paved portions of the Industrial Access Road, Cassell Way, Town Center Drive and Halifax Avenue, and archaeology site 01CA156.

WHEREAS, the selected “remedial action” for the Property, which has now been 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 MDA 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 plan 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, 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 MEC or hazardous metals and other contaminants;

WHEREAS, the potential for MEC remains in the confines of the Covenant Boundary;

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 HTRW 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**

Owners. "Owners" 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) Prohibition on intrusive activities without EOD (explosive ordnance 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 during construction within the confines of the Prohibition areas 2-Da, 2-Db, 2-Dc, 2-Dd, 2-De, 2-F, 2-Ha, 2-Hb and 2-J or within the Archaeology Site Boundary or within the confines of an area three feet either side and including the area underneath the Industrial Access Road, Cassell Way, Town Center Drive and Halifax Avenue within MRS-2.
- (ii) The MDA 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 Owners, the Co-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). The MDA 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 a report on the effectiveness of the land use controls to the Chief of the ADEM Land Division, on an annual basis. The Land Use Control Effectiveness Report (LUCER) shall be submitted in accordance with §IV.B.9. of the Cleanup Agreement each March and shall detail the Owner's compliance, and any lack of compliance with the terms of the Covenant during the preceding calendar year.
- E. **Right of Access.** Subject to the requirements of the above-referenced Cleanup Agreement, the Co-Grantors hereby grant to ADEM, ADEM's agents, contractors and employees; the Grantors' agents, contractors and employees; and any other named Co-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.** Co-Grantors hereby represent and warrant as follows:
- i) That each 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 each Grantor is the sole owner of their portions of the Property and holds fee simple title which is free, clear and unencumbered;
 - iii) That each 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 any Grantor is a party, by which such 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

State of Alabama
Alabama Department of
Transportation
P.O. Box 303050
Montgomery, AL 36130-3050

CO-GRANTOR

The McClellan Development
Authority
4975 Bains Gap Road
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, MDA 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 25th day of MAY, 2017.

Phil Webb
MDA Grantor
By: Phil Webb
Its: Chairman

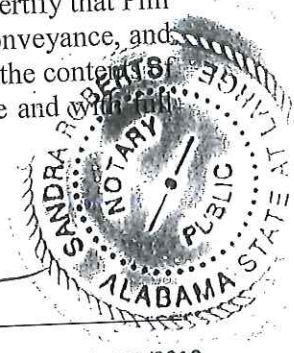
STATE OF ALABAMA)
CALHOUN COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Phil Webb whose name as Chairman of the MDA 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 25th day of May, 2017.

Sandra Roberts

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



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

John R. Cooper
ALDOT Grantor
By: John R. Cooper
Its: Director

STATE OF ALABAMA)
CALHOUN COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that John R. Cooper whose name as Director of the ALDOT 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 20th day of June, 2017.

Lisa Smith

Notary Public
My Commission Expires: 1-21-20



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

Dated 8/7, 20 17


By: 

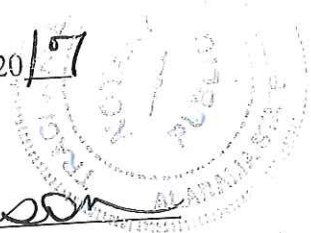
Stephen A. Cobb
Chief, Land Division
Alabama Department of Environmental
Management

STATE OF ALABAMA)
MONTGOMERY COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Stephen A. 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 7 day of August, 2017


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 3221, Page 870.

Dated August 24, 20 17

By: J. Shady L. Miller
Clerk, Office of Probate Judge

5.8751	DATE: 01/19/2017
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