

## Mississippi Department of Environmental Quality

## NOTICE OF LAND USE RESTRICTIONS

**COPY**

A Restrictive Use Agreed Order has been developed with regard to property located at 613 West 7<sup>th</sup> Street, Hattiesburg, MS as shown as Parcel 1 in the attached survey plat, Exhibit "A". This property, hereafter referred to as the "Site," is situated in Sections 4 and 5, Township 4, Range 13 West, Forrest County, Mississippi, and being more particularly described by metes and bounds as follows, to-wit:

"A description for a parcel situated in Sections 4 and 5, Township 4 North, Range 13 West Forrest County, Mississippi; said parcel being illustrated as parcel 1 on survey plat for Hercules Incorporated by Land Management Services & Mapping, LLC and being more particularly described by metes and bounds as follows: Commencing at a Railroad Spike Found at the NW Corner of Said Section 4 said point having a Mississippi NAD 83 State Plane Coordinate of North: 671932.60' East: 834200.91' and thence run S01°48'08"W 243.97', to a metal pipe found on the south right-of-way line of Mississippi Highway 42 for the Point of Beginning; thence leaving said south right of way line run S01°32'45"W 1,065.16', to a wood fence post found; thence run N88°48'08"W 1,318.98', to a wood fence post found; thence run S01°48'01"W 796.25', to a concrete monument found; thence run S89°40'54"E 1,422.86', to a concrete monument found; thence run S00°21'17"W 129.67', to a concrete monument found; thence run S89°39'18"E 144.76', to a concrete monument found; thence run S00°14'56"W 429.44', to a concrete monument found; thence run S89°52'14"E 1,237.65', to a metal fence post found; thence run S00°54'06"W 1,298.93', to an X-Cut set in concrete on the north right-of-way line of West 7<sup>th</sup> Street, said street having a 40' right-of-way as per the City of Hattiesburg; thence run along said north right-of-way N89°54'34"E 267.43', to a PK nail set, thence leaving said north right-of-way run; N00°03'00"E 190.92', to a PK nail set; thence run S89°02'44"E 189.42', to a PK nail set; N00°03'00"E 51.37', to a PK nail set; thence run S89°02'44"E 469.81', to an iron pin set; thence run S00°01'08"W 230.27', to an X-Cut set in concrete on the north right-of-way of said 7<sup>th</sup> street; thence run along said north right-of-way N89°54'34"E 654.88', to a PK nail set at the intersection of the said north right-of-way line and the west right-of-way line of Providence Street, said Providence Street having a 60' right-of-way as per the City of Hattiesburg; thence leaving said north right-of-way line run along said west right-of-way line N00°03'42"W 1,290.00', to an iron pin set; thence continue along said west right-of-way line N89°54'34"E 10.00', to an iron pin set; thence continue along said west right-of-way N00°04'39"W 817.15', to a PK nail set at the intersection of the west right-of-way of said Providence street and the south right-of-way line of Mississippi Highway 42 as per FAP U-008-2(1); thence leaving said west right-of-way line run along said south right-of-way N78°17'33"W 366.13', to an iron pin set; thence continue along said south right-of-way as per PWS Docket # 1043R-71A-EXT S11°42'03"W 10.00' to a concrete right-of-way marker marking the point of curve of a non tangent curve to the right, having a chord bearing of N74°51'58"W, 233.23', and a radius of 1947.42'; thence continue along said south right-of-way westerly along the arc, through a central angle of 06°51'58", a distance of 233.38, to an iron pin set; thence leaving said south right-of-way run S00°00'01"W 103.94', to a fence corner found; thence run West 100.00', to an iron pin set; thence run N00°31'30"W 113.09', to a metal pipe found; thence run East 74.46' to a PK nail set on the aforementioned south right-of-way of Highway 42, said point marking the point of curve of a non tangent curve to the right, having a chord bearing of N68°09'32"W, 166.32', and a radius 1,947.42'; thence run along said south right-of-way westerly along the arc, through a central angle of 04°53'41", a distance of 166.37', to an iron pin set; thence leaving said south right-of-way run South 42.85', to an iron pin set; thence run West 50.00', to an iron pin set; thence run North 50.00', to an iron pin set; thence run West 75.00', to a concrete monument found; thence run North 54.74', to an iron pin set on the south right-of-way line of said Highway 42, said point marking the point of curve of a non tangent curve to the right having a chord bearing of N58°38'21"W, 201.65', and a radius of 1,947.42'; thence run along said south right-of-way northwesterly along the arc, through a central angle of 05°56'08", a distance of 201.74', to a right-of-way marker found; thence continue along said south right-of-way N55°42'47"W 145.58', to an iron pin set; thence continue along said south right-of-way S34°06'38"W 20.11', to an iron pin set; thence continue along said south right-of-way thence run N55°40'42"W 230.37'; thence continue along said south right-of-way S34°19'18"W 20.00', to an iron pin set; thence continue along said south right-of-way N55°40'37"W 570.29', to a right-of-way marker found; thence continue along said right-of-way N55°41'30"W 500.40', to a right-of-way marker found; thence continue along said north right-of-way N33°58'28"E 29.85', to a right-of-way marker found; thence continue along said north right-of-way N55°46'04"W 245.07', to a right-of-way marker found marking the point of curve of a non tangent curve to the left, having a chord bearing of N61°50'00"W, 603.00', and a radius of 2,808.94'; thence continue along said south right-of-way northwesterly along the arc, through a central angle of 12°19'25", a distance of 604.16' back to the Point of Beginning; containing 168.81 acres, more or less; all bearings, coordinates, and distances herein described are grid and are referenced to the west property line and are based on the Mississippi NAD 83 East Zone state plane coordinate system and are referenced to the national spatial reference system through the national geodetic survey's online positioning user service (opus) and are derived from a global positioning system observation, (combined grid factor: 0.99997116; convergence: -0°14'45")."

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Indexing Instructions: NE, NW, SE, SW of Section 4 &amp; NE of Section 5, Township 4 North, Range 13 West

STATE OF MISSISSIPPI

COUNTY OF FORREST

Soil and groundwater on the Site contains Benzene (CAS #71432), Chlorobenzene (CAS #108907), Carbon Tetrachloride (CAS #56235), Chloroform (CAS #67663), 1,2-Dichloroethane (CAS #107062) and Toluene (CAS #105553) at levels in excess of the Target Remediation Goals (TRGs) as established by the Mississippi Department of Environmental Quality (MDEQ). Other substances are present in the soil and groundwater that do not exceed TRGs have also been identified. In order to protect public health and the environment, certain restrictions are hereby placed on the Site.

The following is a listing of all restrictions for the Site:

1. There shall be no excavating, drilling or other activities to depths that could create exposure to contaminated media without approval from MDEQ;
2. The groundwater at the Site shall not be used, unless otherwise approved by MDEQ;
3. Monitoring wells shall be protected and maintained. In the event that a monitoring well is destroyed or damaged or is no longer needed, a plan for repair, reinstallation or abandonment of the well(s) must be submitted to MDEQ for approval; and
4. No wells shall be installed without prior approval from MDEQ.

Prior to executing any deed or other instrument conveying an interest in the Site, the following conditions must be met:

1. Any conveyance of the property, or any portion thereof, must contain as covenants the restrictions listed above with a statement that the covenants run with the land and continue into perpetuity unless otherwise ordered by the Mississippi Commission on Environmental Quality;
2. Notice must be provided to MDEQ at least 30 days prior to any property transaction involving the Site; and
3. Prior to any change in use of the Site or any portion thereof, notice shall be given to the MDEQ.

This Notice may be executed in counterparts.

The parties that have a legal or equitable surface interest in the Site follow:

1. Hercules Incorporated

Executed, this the 10th day of December, 2007.

BY: Thomas H. Strang *VP SHERA*

TITLE: VP. SHERA

STATE OF MISSISSIPPI  
 FORREST COUNTY  
 I CERTIFY THE INSTRUMENT  
 WAS FILED AND RECORDED  
 129454  
 2008 FEB 25 AM 10:24

WITNESS MY HAND AND SEAL  
 JIMMY C. HAVARD  
 CHANCERY CLERK

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, on this the 10th day of December, 2007 within my jurisdiction, the within named Thomas H. Strang acknowledged that (he)(she) is VP SHERA of Hercules Incorporated, a Delaware corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 10th day of December, 2007.

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MY COMMISSION EXPIRES: No EXPIRATION DATE

R. Williams  
 NOTARY PUBLIC  
 RICHMOND L. WILLIAMS  
 Notary Public, State of Delaware  
 My Commission Has No Expiration Date  
 29 Del.C. § 4323(a)(3)