

60 2016 00020559

Allegheny County
Jerry Tyskiewicz
Department of Real Estate
Pittsburgh, PA 15219

Instrument Number: 2016-20559

BK-DE VL-16452 PG-127

Recorded On: July 07, 2016

As-Deed Agreement

Parties: NEWBURY POWER CENTER A 1 L P

To BEAZER EAST INC

of Pages: 38

Comment: ENVIRON COVENANT

***** THIS IS NOT A BILL *****

Deed Agreement 162.00
0
0
Total: 162.00

Realty Transfer Stamp

Department of Real Estate Stamp

Affidavit Attached-No
NOT A DEED OF TRANSFER

EXEMPT

Value 0.00

Certified On/By-> 07-07-2016 / S B
NOT A DEED OF TRANSFER

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2016-20559
Receipt Number: 3100556
Recorded Date/Time: July 07, 2016 11:51:16A
Book-Vol/Pg: BK-DE VL-16452 PG-127
User / Station: R Aubrecht - Cash Super 06

NEWBURY POWER CNETER A 1 LP
ATTN: ERIC NEWHOUSE
1263 NEWBURY HIGHLAND
BRIDGEVILLE PA 15017



Jerry Tyskiewicz, Director
Rich Fitzgerald, County Executive

241132 PRE Certified
07-Jul-2016 11:52A\Int By: S B

When recorded, return to:

Newbury Power Center A-1, LP
1263 Newbury Highland
Bridgeville, PA 15017
Attn: Eric Newhouse

The County Parcel Identification No. of the Property is: 0256-G-00010-0000-00

GRANTOR: Newbury Power Center A-1, LP, a Pennsylvania limited partnership

PROPERTY ADDRESS: south side of Presto Sygan Road, Bridgeville, Pennsylvania 15017

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 - 6517 ("UECA"). This Environmental Covenant subjects the Property identified in Paragraph 1 to the Activity and Use Limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Pennsylvania Department of Environmental Protection ("Department").

1. **Property Affected.** The property affected (the "Property") by this Environmental Covenant is located in the Township of South Fayette, Allegheny County.

The postal street address of the Property is: south side of Presto Sygan Road, Bridgeville, PA 15017

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: North 40° 21' 37"; West 80° 07' 42".

The Property has been known by the following name(s): Reichhold, Inc.; Seldon Company; American Cyanamid Corporation; Koppers Company; Koppers Company, Inc.

The Department Primary Facility ID No. is: 686840.

The Land Recycling Program ID No. is: 5-2-941-1738.

The Property is part of a larger facility ("Act 2 Site") that has been undergoing remediation pursuant to Act 2 of 1995, the Pennsylvania Land Recycling and Environmental Remediation Standards Act, 35 P.S. §§ 6026.101 et seq. ("Act 2"). A complete description of the Property is attached to this Environmental Covenant as Exhibit A. A map of the Act 2 Site identifying the Property is attached to this Environmental Covenant as Exhibit B-1. Exhibit B-2 to this Environmental Covenant is a map of the Property delineating the locations of engineered soil covers within the land area subject to the Act 2 Final Report approved by the Department in a letter dated January 23, 2015. Maps providing more detailed delineation of each engineered soil cover within the Property are attached to this Environmental Covenant as Exhibits C-1 and C-2.

2. **Property Owner/GRANTOR.** Newbury Power Center A-1, LP, a Pennsylvania limited partnership, is the owner of the Property and the GRANTOR of this Environmental Covenant.

3. **Holder/GRANTEE.** The following is the GRANTEE and a holder (the "Holder"), as that term is defined in 27 Pa. C.S. § 6502, of this Environmental Covenant:

Beazer East, Inc.
c/o Three Rivers Management, Inc.
Manor Oak One, Suite 200
1910 Cochran Road
Mt. Lebanon, PA 15220

4. **Description of Contamination & Remedy.** The Property affected by this Environmental Covenant is part of the Act 2 Site known as the "Former Reichhold, Inc. Facility." The entire Act 2 Site is approximately three hundred one (301) acres, of which approximately eighty (80) acres was used historically in association with a former chemical manufacturing facility. This eighty (80) acre former manufacturing portion of the Act 2 Site has been designated in the Act 2 Remedial Investigation Report ("RIR") as Area of Evaluation 1 ("AOE-1"). The balance of the Act 2 Site that was not used for industrial purposes has been designated in the RIR as Area of Evaluation 2 ("AOE-2"). The Property is 6.481 acres of land which is situated entirely within AOE-1, and upon execution of this Covenant, the Property will be subject to the Activity and Use Limitations (as that term is defined in Paragraph 5 below) detailed herein as part of the Department-approved Act 2 remedy.

Since at least 1990, Beazer East, Inc. ("Beazer") and other parties have conducted certain environmental investigations and implemented certain remedial response actions at the Act 2 Site in cooperation with, and under the authority and oversight of, the Department and the United States Environmental Protection Agency ("U.S. EPA"). The following are the key Act 2 administrative record documents applicable to the Property. The Notice of Intent to Remediate the Act 2 Site was submitted on October 14, 2005. The RIR was submitted on June 20, 2007 and approved by the Department on October 3, 2007. The Cleanup Plan was submitted on February 5, 2008 and approved by the Department on April 23, 2008. A Cleanup Plan Amendment was submitted on April 15, 2009 and approved by the Department on May 10, 2009.

On or about January 16, 2015, a Final Report was submitted to the Department pursuant to Act 2 that discussed in detail, *inter alia*, the remedial actions completed for the attainment of Act 2 standards at the portion of AOE-1 that is planned to be the initial phase of commercial development at the Act 2 Site, including the Property. The Department approved the Final Report by letter dated January 23, 2015 as it demonstrated attainment of the Site-Specific Standard Non-Residential Use for soil and groundwater.

Constituents of concern ("COCs") for soil at the AOE-1 portion of the Act 2 Site include, among others, the following chemical materials: benzene; ethylbenzene; styrene; toluene; total xylenes; 1,2,4-trichlorobenzene; 2,4-dimethylphenol; 2-methylnaphthalene; 4-methylphenol; acenaphthene; anthracene; benzo(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; carbazole;

chrysene; dibenz(a,h)anthracene; di-n-butyl phthalate; fluorine, naphthalene, phenanthrene; pyrene; arsenic; and lead.

COCs for groundwater at the AOE-1 portion of the Act 2 Site include, among others, the following chemical materials: benzene; ethylbenzene; vinyl chloride; total xylenes; 4-methylphenol; benzo(a)pyrene; bis(2)ethylhexylphthalate; naphthalene, antimony; arsenic, beryllium; cadmium; lead; manganese; vanadium; and phthalic acid/phthalic anhydride.

Remedial actions, land use restrictions, engineering controls, and institutional controls are relied upon to demonstrate attainment and eliminate direct pathways through pathway elimination at the property in order to meet Act 2 site specific standards at the Property. Between 2009 and 2013, Newbury Development Associates, LP placed and compacted clean fill on the portions of the Property where engineered soil covers were required per the Cleanup Plan for pathway elimination, in order to eliminate direct contact. The spot elevations on Exhibit C-1 and C-2 depict the approximate depth (in feet) of the fill placed and currently existing at the engineered soil covers on the date of this Environmental Covenant as measured vertically from the surface of the ground as it existed just prior to the time that the fill was placed for the engineered soil covers. Additional information regarding remedial actions taken at the Property and compliance with Act 2 can be found in the RIR and Cleanup Plan. Copies of these documents, as well as other documentation in the Department's administrative record for the Property and the Act 2 Site are available for inspection at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, Pennsylvania, 15222. In addition, records pertaining to the contamination and remedy are located or available through EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

5. **Activity and Use Limitations.** The Property is subject to the following activity and use limitations (the "Activity and Use Limitations"), which the then current Owner and its tenants, agents, employees and other persons under its control, and each subsequent owner or occupier of the Property, shall abide by:

- A. Groundwater at and under the Property shall not be extracted, consumed, or otherwise used for any purposes except as specifically set forth herein.
- B. Groundwater monitoring wells or piezometers installed on the Property as of the date of this Environmental Covenant or installed as part of a plan approved by the Department or the U.S. EPA after the date of this Environmental Covenant shall not be disturbed and must be protected and maintained for their intended purpose at all times, except that such wells or piezometers may be closed or abandoned in accordance with applicable laws, regulations, and ordinances upon approval of the Department or U.S. EPA.
- C. Use of the Property shall be limited to "nonresidential property" uses, as the term "nonresidential property" is defined in Section 103 of Act 2, 35 P.S. § 6026.103.

- D. All excavated soils or waste materials removed from the Property shall be managed, transported, and disposed in accordance with all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 *et. seq.*
- E. The construction or erection of any building, structure, or physical improvement intended for occupation by inhabitants upon the Property shall be conducted in accordance with the Post Remediation Care Plan for the Property which was included as part of the Act 2 Final Report approved by the Department in a letter dated January 23, 2015 (the "PRCP"), and further shall include installation and maintenance of measures designed and engineered to prevent vapor intrusion, sufficient to mitigate against potential vapor intrusion of hazardous substances in such building, structure, or physical improvement, including, but not limited to, sub-slab vapor collection systems, vapor barriers, special building foundations or other proven control measures. Alternatively, soil gas sampling, vapor intrusion assessment or other adequate sampling measures may be conducted to demonstrate that such vapor mitigation measures are unnecessary at the specific location of such proposed building, structure, or improvement situated within such portions of the Property. No construction or erection of any such building, structure, or improvement situated within such portions of the Property shall be undertaken or commenced without the prior written approval of the Department if it is proposed that no vapor mitigation is necessary.
- F. Engineering controls (or other direct contact pathway elimination methods), including but not limited to engineered soil covers, must be maintained in accordance with the PRCP.
- G. Prior to excavation a Soil Management and Health & Safety Plan shall be required. The excavation, intrusion into, or disturbance of surface or subsurface soils or waste materials on the Property, including but not limited to the soil covers installed at the Property, shall be planned, managed and conducted in accordance with the PRCP.
- H. Use of the Property in a manner that is inconsistent with or that will negatively impact the investigative or remedial measures undertaken by Beazer, Newbury Development Associates, LP

or any other third party under Act 2 or any other applicable federal, state, or local law, regulation, or ordinance, is prohibited.

- I. Unless in conflict with any Activity and Use Limitation contained in this Environmental Covenant, comply with all activity and use obligations, prohibitions, and/or restrictions established under that certain Declaration of Property Use Restrictions dated November 12, 2007 and recorded with the Allegheny County Recorder of Deeds on November 14, 2007 as Instrument Number 2007-36349 in Deed Book Volume 13438, Page 219, attached herein as Exhibit D.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the Activity and Use Limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Compliance Reporting.** By the end of every second January following the Department's approval of this Environmental Covenant, or upon written request by the Department or the EPA, the then current Owner of the Property shall submit, to the Department, the EPA, any Holder listed in Paragraph 3, written documentation stating whether or not the Activity and Use Limitations in this Environmental Covenant are being abided by. In addition, within thirty (21) days after a) written request by the Department or EPA, b) transfer of title of the Property or of any part of the Property affected by this Environmental Covenant, c) noncompliance with paragraph 5 (Activity and Use Limitations), d) an application for a permit or other approval for any building or site work that could affect contamination on any part of the Property, the then current owner will send a report to the DEP, the EPA and any Holder. The report will state whether or not there is compliance with paragraph 5. If there is noncompliance, the report will state the actions that will be taken to assure compliance.

8. **Access by the Department and by the EPA.** In addition to any rights already possessed by the Department and by the EPA, this Environmental Covenant grants to the Department and to the EPA a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording & Proof & Notification.** Within 30 days after the date of the Department's approval, the Owner shall file this Environmental Covenant with the Recorder of Deeds for Allegheny County and send a file-stamped copy of this Environmental Covenant to the Department within 60 days after this Environmental Covenant is returned by the Recorder following recordation. Within that time period, the Owner also shall send a file-stamped copy to each of the following; the Township of South Fayette; Allegheny County; the EPA; any Holder identified in this Environmental Covenant; each person holding a recorded interest in the Property; and each person in possession of the Property.

10. **Termination or Modification.**

(a) This Environmental Covenant runs with the land unless terminated or modified in accordance with 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this paragraph.

(b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the Commonwealth provided that: (1) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. §6517 to the same extent that this Environmental Covenant is amended or terminated; (2) the Department determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) the Department provides 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

11. **EPA.**

(a) **Notification.** The then current owner shall provide the EPA written notice of:

- (1) the pendency of any proceeding that could lead to a foreclosure as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding;
- (2) any judicial action referred to in 27 Pa. C.S. § 6509(a)(5), within seven calendar days of the owner's receiving notice of such judicial action;
- (3) any judicial action referred to in 27 Pa. C.S. § 6509(b), within seven calendar days of the owner's receiving notice of such judicial action; and
- (4) termination or amendment of this Environmental Covenant pursuant to 27 Pa. C.S. § 6510, within seven calendar days of the owner's becoming aware of such termination or amendment.

(b) **Enforcement.** A civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by the EPA.

12. **Department's and EPA's Address.** Communications with the Department or with EPA regarding this Environmental Covenant shall be sent to:

RCRA Corrective Action Project Manager
USEPA
Land and Chemicals Division
1650 Arch Street
Mailcode: 3LC30
Philadelphia, PA 19103

Program Manager
PA Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222-4745

{CLIENT WORK\26074\0002 110704356-4}

13. **Severability.** The paragraphs of this Environmental Covenant shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

[SIGNATURES ON FOLLOWING PAGE]

ACKNOWLEDGMENTS by Owner(s) and any Holder(s), in the following form:

PROPERTY OWNER/GRANTOR:

Newbury Power Center A-1, LP,
a Pennsylvania limited partnership

By: Newbury Power Center A-1 Management, LLC,
a Pennsylvania limited liability company,
its general partner

Date: 7/6/16

By: BOMalhy

Name: BRETT A. MALKY

Title: PRESIDENT

HOLDER/GRANTEE:

Beazer East, Inc.

Date: July 6, 2016

By: [Signature]

Name: Charles E. McChesney II

Title: Vice President & Secretary

APPROVED, by Commonwealth of Pennsylvania,
Department of Environmental Protection

Date: 7/7/16

By: [Signature]

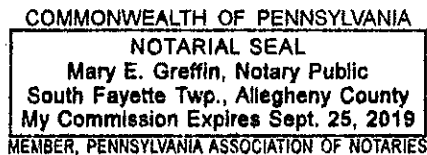
Name: David E. Eberle

Title: ECB Manager

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY) SS:

On this, the 6TH day of JULY, 2016, before me, the undersigned officer, personally appeared BRET A. MALKY, who acknowledged himself to be the PRESIDENT of Newbury Power Center A-1 Management, LLC, the general partner of Newbury Power Center A-1, LP, and that he as such PRESIDENT of the general partner, being authorized to do so, executed the foregoing Environmental Covenant for the purposes therein contained by signing his name of the limited partnership by himself as such PRESIDENT of the general partner.

In witness whereof, I hereunto set my hand and official seal.

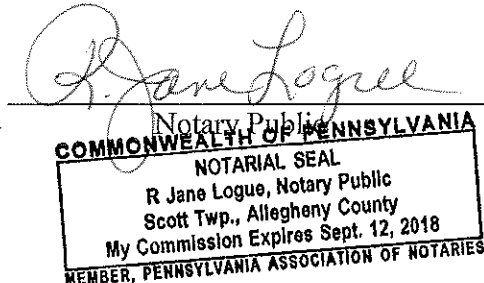


Mary E. Greffin
Notary Public

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF Allegheny) SS:

On this, the 6th day of July, 2016, before me, the undersigned officer, personally appeared Charles E. McChesney II who acknowledged himself to be the Vice President & Secretary of Beazer East, Inc., and that he as such officer, being authorized to do so, executed the foregoing Environmental Covenant for the purposes therein contained by signing the name of the corporation by himself as officer.

In witness whereof, I hereunto set my hand and official seal.



COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

)
)
)

On this, the 7th day of JULY, 2016, before me, the undersigned officer, personally appeared DAVID E. EBERLE who acknowledged himself to be the Program Manager, Environmental Cleanup & Brownfields of the Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Regional Office, whose name is subscribed to this Environmental Covenant, and acknowledged that he executed same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Flora E. Pomlin

Notary Public

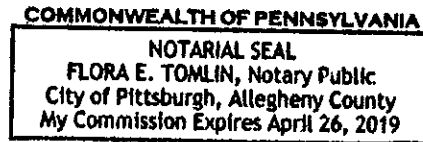


EXHIBIT A

[Metes and Bounds Description of the Property]

**RESTRICTED AREA DESCRIPTION
PART OF AREA OF EVALUATION
6.481ACRES
SOUTH FAYETTE TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA**

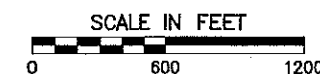
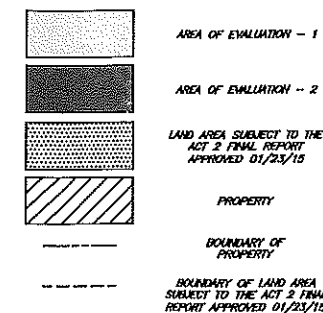
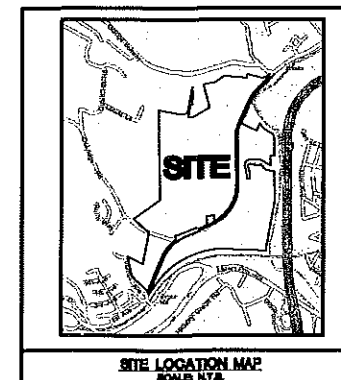
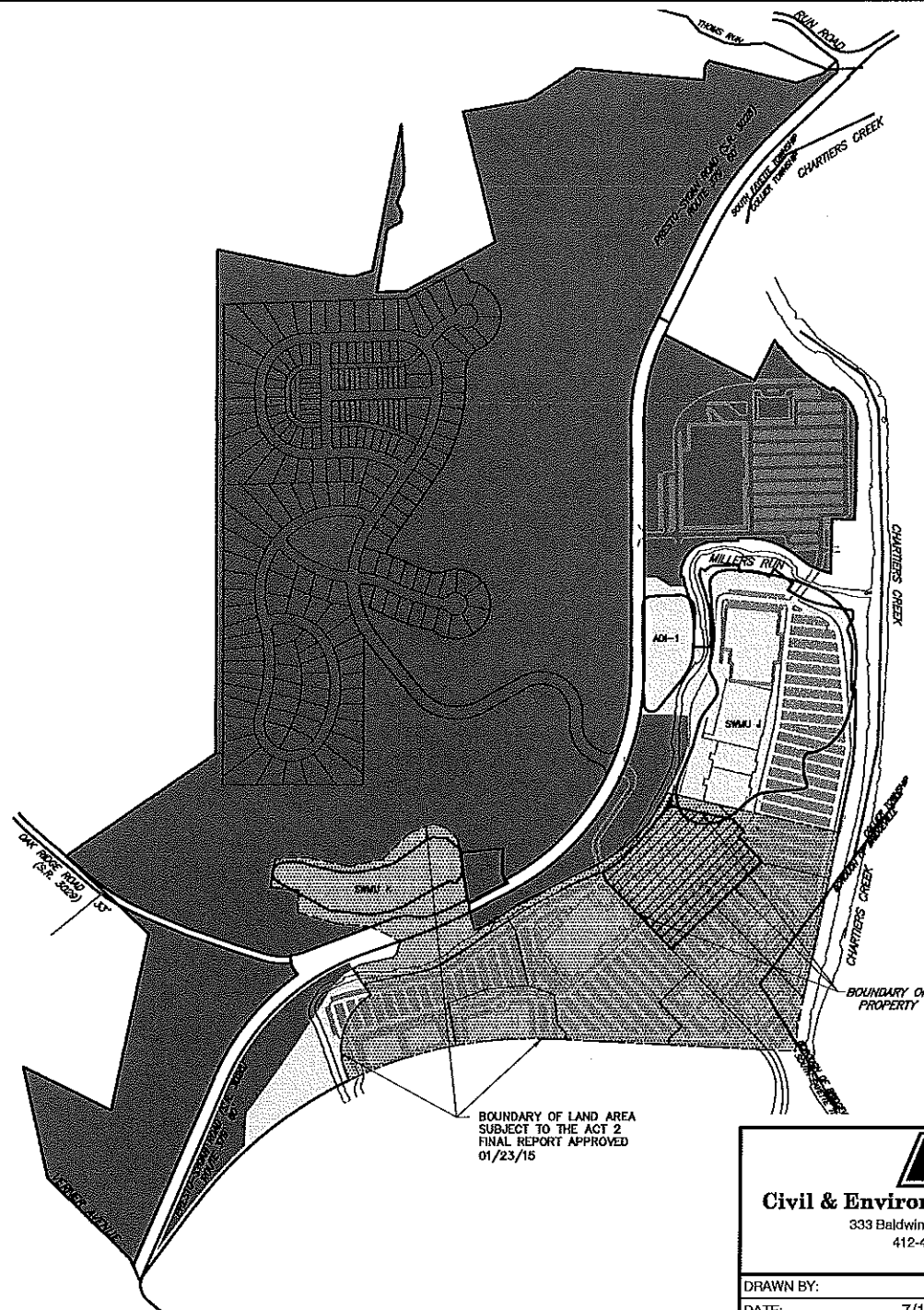
All that certain restricted area, being Parcel O of the Newbury Plan of Lots-11th Revision, recorded in the Department of Real Estate Office of Allegheny County in Plan Book Volume 282, Page 101, situate in the Township of South Fayette, County of Allegheny, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

BEGINNING FOR REFERENCE at a point on the westerly line of the Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, said point also being the most easterly corner of 1st Revised Parcel E-1 of the aforesaid Newbury Plan of Lots; thence along the northeasterly line of 1st Revised Parcel E-1 of the aforesaid Newbury Plan of Lots-11th Revision North 43°57'45" West, 607.58' to a point, being the **TRUE PLACE OF BEGINNING**; thence along the northwesterly line of 1st revised Parcel E-1 of the aforesaid Newbury Plan of Lots-11th Revision South 46°02'15" West, 291.00' to a point on the northeasterly line of Parcel M of the aforesaid Newbury Plan of Lots-11th Revision; thence along the northeasterly line of Parcel M of the aforesaid Newbury Plan of Lots-11th Revision the following two (2) courses and distances, viz: North 43°57'45" West, 454.55' to a point; thence North 14°38'15" West, 40.26' to a point on the southeasterly line of 2nd Revised Parcel D-1 of the aforesaid Newbury Plan of Lots-11th Revision; thence along the southeasterly line of 2nd Revised Parcel D-1 of the aforesaid Newbury Plan of Lots-11th Revision, the following five (5) courses and distances, viz: North 58°45'49" East, 43.29' to a point; thence by an arc of a circle deflecting to the left in a northeastward direction, having a radius of 297.00', an arc distance of 79.16' (chord bearing and distance, North 51°07'40" East, 78.93') to a point; thence not tangent to the last described curve North 43°29'30" East, 110.83' to a point; thence North 39°33'35" East, 154.10' to a point; thence by an arc of a circle deflecting to the left in a northeastward direction, having a radius of 296.82', an arc distance of 116.09' (chord bearing and distance, North 28°21'17" East, 115.35') to a point at the northwest corner of Parcel J-1 of the aforesaid Newbury Plan of Lots-11th Revision; thence along the westerly and southerly lines of Parcel J-1 of the aforesaid Newbury Plan of Lots-11th Revision the following three (3) courses and distances, viz: South 11°39'36" West, 59.35' to a point; thence South 78°09'54" East, 295.52' to a point; thence North 47°06'46" East, 4.95' to a point at a most westerly corner of 2nd Revised Parcel D-2 of the aforesaid Newbury Plan of Lots-11th Revision; thence along the southwesterly line of 2nd Revised Parcel D-2 of the aforesaid Newbury Plan of Lots-11th Revision the following three (3) courses and distances, viz: South 43°55'06" East, 87.89' to a point; thence South 46°02'15" West, 37.81' to a point; thence South 43°57'45" East, 164.55' to a point at the most northerly corner of 1st Revised Parcel E-2 of the aforesaid Newbury Plan of Lots-11th Revision; thence along the northwesterly line of 1st revised Parcel E-2 of the aforesaid Newbury Plan of Lots-11th Revision, South 46°02'15" West, 307.50' to a point at the **TRUE PLACE OF BEGINNING**.

Contains: 282,329.74 Sq. Ft. or 6.481 Acres.

EXHIBIT B-1

[Map Depicting Act 2 Site]



* HAND SIGNATURE ON FILE

C&E
Civil & Environmental Consultants, Inc.
333 Baldwin Road - Pittsburgh, PA 15205
412-429-2324 • 800-365-2324
www.cecinc.com

FORMER REICHOLD CHEMICAL, INC. SITE
NEWBURY DEVELOPMENT ASSOCIATES, LP
SOUTH FAYETTE TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA

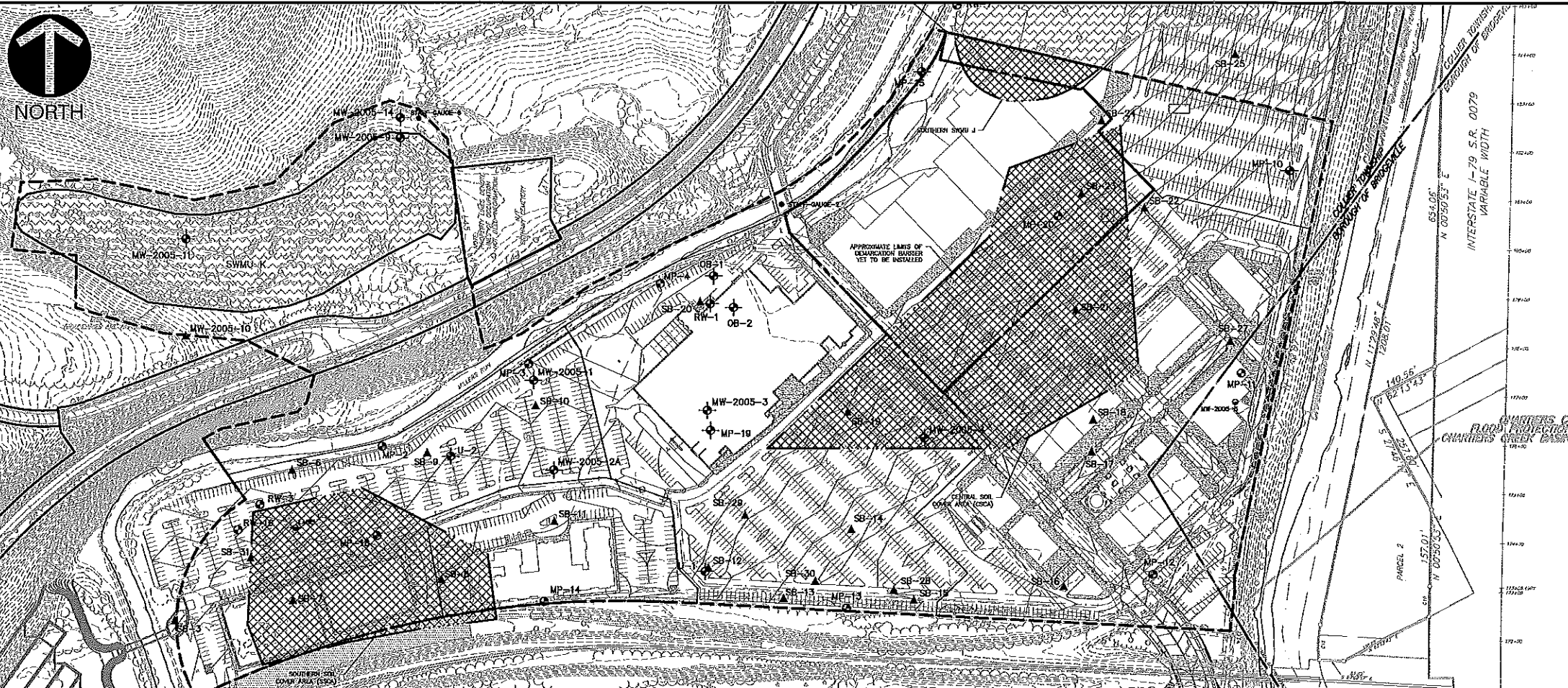
SITE PLAN

DRAWN BY:	JAS	CHECKED BY:	TLM	APPROVED BY:	*DFS	EXHIBIT:
DATE:	7/15/2014	DWG SCALE:	1"=600'	PROJECT NO:	081-268	B-1

EXHIBIT B-2

[Plan Depicting the Property]

{CLIENT WORK\26074\0002 H0704356-4}

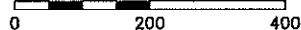


LEGEND

MW-2005-4	ACT 2 WATER TABLE MONITORING WELL
MW-2005-5	ACT 2 DEEP (BEDROCK) MONITORING WELL
MP-10	SHALLOW MONITORING WELL
MP-12	INTERMEDIATE WELL
MP-22	DEEP (BEDROCK) WELL
STAFF-GAUGE-2	ACT 2 STAFF GAUGE
SB-17	ACT 2 SOIL BORING
	PROPERTY BOUNDARY
	APPROXIMATE LIMITS OF SOIL COVER IDENTIFIED IN THE ACT 2 FINAL REPORT APPROVED 01/23/15
	PROPOSED POST DEVELOPMENT CONTOURS
	PRE-DEVELOPMENT CONTOURS

BOUNDARY OF LAND AREA
SUBJECT TO THE ACT 2 FINAL
REPORT APPROVED 01/23/15

SCALE IN FEET



REFERENCE

1. MONITORING WELLS AND BORING LOCATIONS PROVIDED BY ARCADIS BBL DRAWINGS "SOIL CONCENTRATION MAP-FIGURE 10" AND "GROUNDWATER CONCENTRATION MAP-FIGURE 11", 6/23/2008.
2. TOPOGRAPHY PROVIDED BY PVE SHEFFLER DRAWING "EXISTING CONDITIONS C-100".
3. PROPOSED LAYOUT PROVIDED BY KU RESOURCES, INC. DRAWING "XREF-MARKET", 4/10/2014.
4. PROPERTY BOUNDARY AND SOIL COVER AREAS PROVIDED BY EQA LANDMARK COMMUNITIES, LP PDF'S "NEWBURY MARKET PHASE 1 - AREA FOR LEGAL DESCRIPTION", 3/2014 AND "CENTRAL SOIL COVER AREA - DEMARCATION BARRIER", 1/24/2014.

* HAND SIGNATURE ON FILE



Civil & Environmental Consultants, Inc.

333 Baldwin Road - Pittsburgh, PA 15205
412-429-2324 • 800-365-2324
www.cecinc.com

FORMER REICHOLD CHEMICAL, INC. SITE
NEWBURY DEVELOPMENT ASSOCIATES, LP
SOUTH FAYETTE TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA
SITE DEVELOPMENT CONTOURS, REQUIRED
SOIL COVER AREAS, AND SAMPLE LOCATIONS

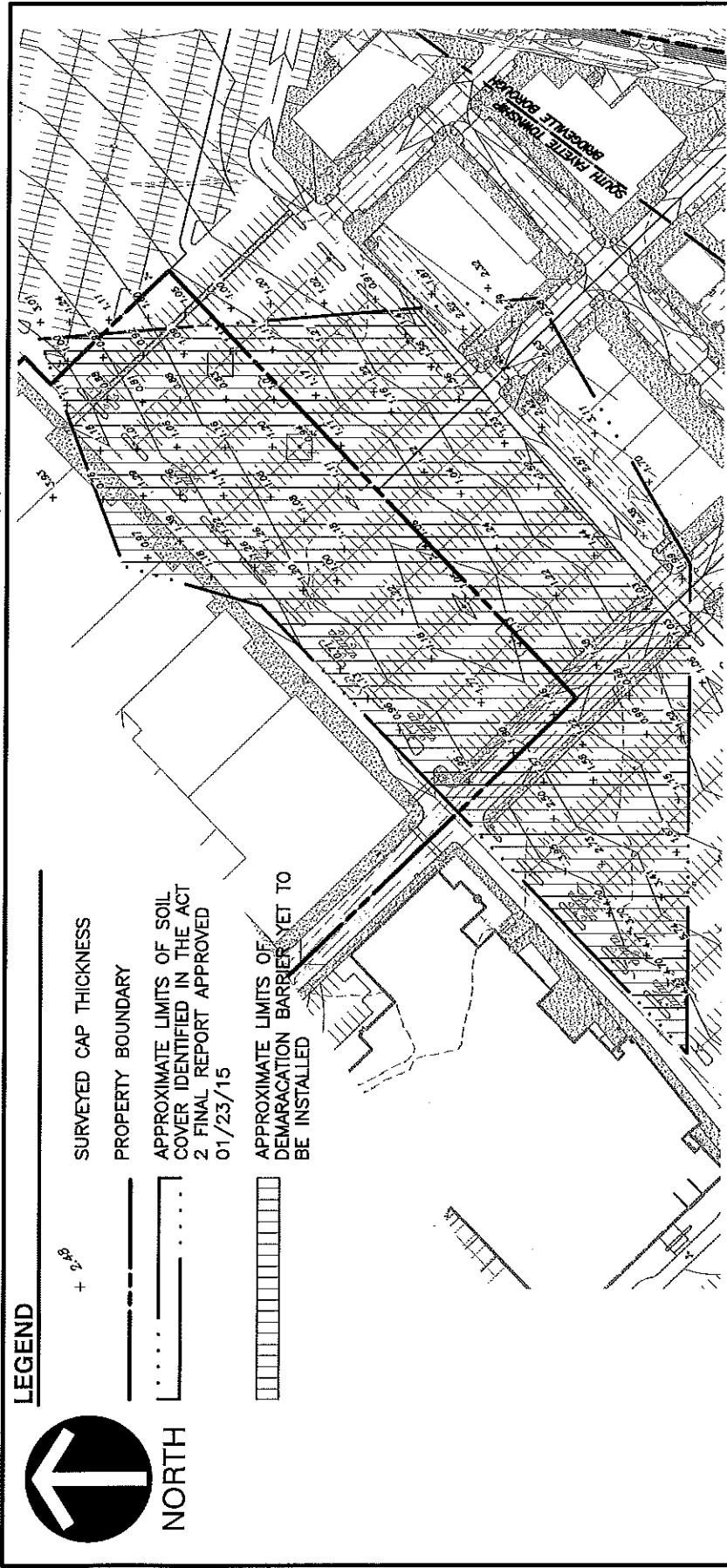
DRAWN BY: JAS CHECKED BY: TLM APPROVED BY: *TLM EXHIBIT:
DATE: 7/3/2014 DWG SCALE: 1"=200' PROJECT NO: 081-268.0020

B-2

EXHIBIT C-1

[Plan Depicting Central Soil Cover Area]

{CLIENT WORK\26074\0002 H0704356.d}



REFERENCE

1. MONITORING WELLS AND BORING LOCATIONS PROVIDED BY ARCADIS BEL DRAWINGS "SOIL CONCENTRATION MAP-FIGURE 10" AND "GROUNDWATER CONCENTRATION MAP-FIGURE 11", 6/23/2008.
2. TOPOGRAPHY PROVIDED BY PVE SHEFFLER DRAWING "EXISTING CONDITIONS C-100".
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* HAND SIGNATURE ON FILE

<p>Civil & Environmental Consultants, Inc. 333 Baldwin Road - Pittsburgh, PA 15205 412-429-2324 • 800-365-2324 www.cecinc.com</p>		<p>FORMER REICHHOLD CHEMICAL, INC. SITE NEWBURY DEVELOPMENT ASSOCIATES, LP SOUTH FAYETTE TOWNSHIP ALLEGHENY COUNTY, PENNSYLVANIA</p>	
<p>CENTRAL SOIL COVER AREA (SSCA)</p>		<p>CENTRAL SOIL COVER AREA (SSCA)</p>	
<p>DRAWN BY: DWD</p>	<p>CHECKED BY: TLM</p>	<p>APPROVED BY: *DFS</p>	<p>EXHIBIT: C-1</p>
<p>DATE: 6/25/2014</p>	<p>DWG SCALE: 1"=150'</p>	<p>PROJECT NO: 081-268</p>	

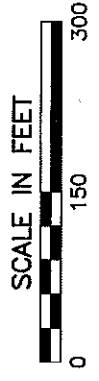


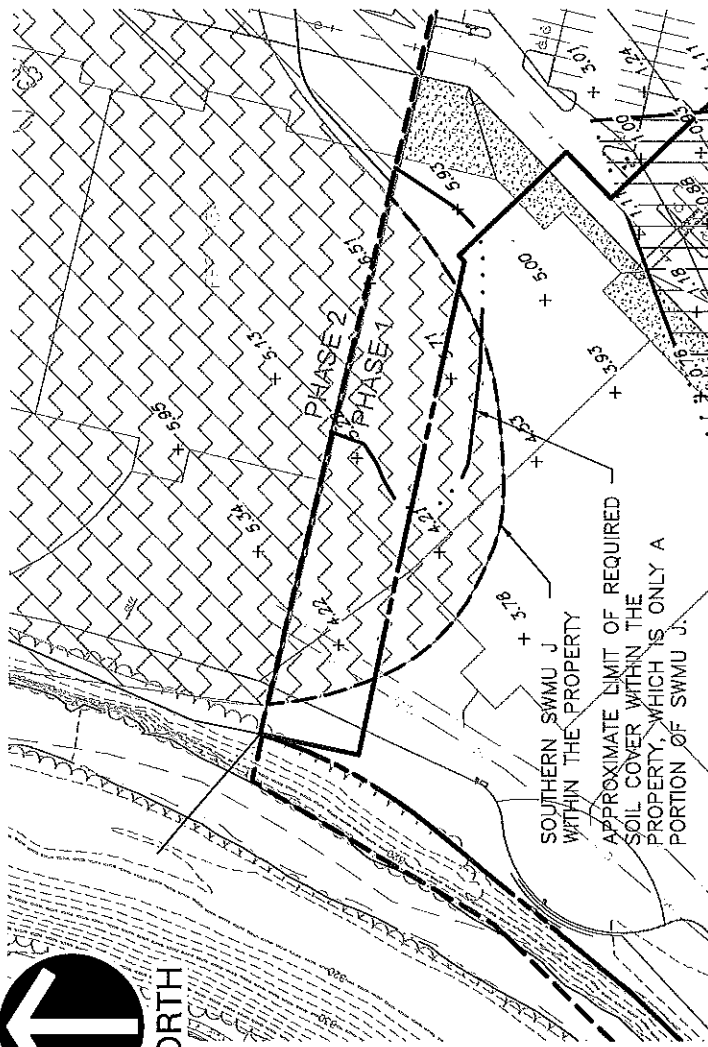
EXHIBIT C-2

[Plan Depicting SWMU-J Soil Cover Area]



NORTH

**NOTE:
SOIL COVER YET TO BE INSTALLED
AT PORTIONS OF SWMU J OUTSIDE
THE PROPERTY**



LEGEND

SURVEYED CAP THICKNESS

PROPERTY BOUNDARY

APPROXIMATE LIMITS OF SOIL
COVER IDENTIFIED IN THE ACT
2 FINAL REPORT APPROVED
01/23/15

APPROXIMATE LIMIT OF SWMU J

BOUNDARY OF LAND AREA

SUBJECT TO THE ACT 2 FINAL
REPORT APPROVED 01/23/15

SWMU J SOIL COVER AREA

1. MONITORING WELLS AND BORING LOCATIONS PROVIDED BY ARCADIS BBL DRAWINGS "SOIL CONCENTRATION MAP--FIGURE 10" AND "GROUNDWATER CONCENTRATION MAP--FIGURE 11", 6/23/2008.
2. TOPOGRAPHY PROVIDED BY PVE SHEFFLER DRAWING "EXISTING CONDITIONS C-100".
3. PROPOSED LAYOUT PROVIDED BY KU RESOURCES, INC. DRAWING "XREF--MARKET", 4/10/2014.
4. PROPERTY BOUNDARY AND SOIL COVER AREAS PROVIDED BY EQA LANDMARK COMMUNITIES, LP PDF'S "NEWBURY MARKET PHASE 1 -- AREA FOR LEGAL DESCRIPTION", 3/2014 AND "CENTRAL SOIL COVER AREA -- DEMARCATION BARRIER", 1/24/2014.

*** HAND SIGNATURE ON FILE**

FORMER REICHHOLD CHEMICAL, INC. SITE
NEWBURY DEVELOPMENT ASSOCIATES, LP
SOUTH FAYETTE TOWNSHIP
ALLEGHENY COUNTY, PENNSYLVANIA

**SWMU J SOIL COVER
AREA (SSCA)**

Civil & Environmental Consultants, Inc.

333 Baldwin Road - Pittsburgh, PA 15205
412-429-2324 • 800-365-2324

www.cecinc.com

DRAWN BY:

A

S CHECKED BY:

TLM

APPROVED BY:

***DES**

081-268

20

SCALE IN FEET



200

DRAWING

BY:

A

S CHECKED BY:

TLM

APPROVED BY:

***DES**

081-268

EXHIBIT D

[Declaration of Property Use Restrictions dated November 12, 2007]

Allegheny County
Valerie McDonald Roberts
Recorder of Deeds
Pittsburgh, PA 15219

60 2007 00036349

Instrument Number: 2007-36349

Recorded On: November 14, 2007

As-Deed Agreement

Parties: BEAZER EAST INC

To THREE RIVERS MGMT INC

of Pages: 15

Comment:

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

Deed Agreement	65.00
Pages > 4	10
Names > 4	0
Total:	65.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2007-36349
Receipt Number: 1031691
Recorded Date/Time: November 14, 2007 12:57:15P
Book-Vol/Pg: BK-DE VL-13438 PG-219
User / Station: J Clark - Cash Super 07

CHICAGO TITLE INSURANCE CO
WILL CALL
PITTSBURGH PA 15219




Valerie McDonald-Roberts Recorder of Deeds

DECLARATION OF PROPERTY USE RESTRICTIONS

(14)

This Declaration of Property Use Restrictions (this "Declaration") is made this 12th day of November, 2007 by Beazer East, Inc., a Delaware corporation, with a place of business c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, Pennsylvania 15219 ("Declarant").

Witnesseth:

WHEREAS, Declarant was formerly known as Koppers Company, Inc. and is the owner in fee simple of all right, title and interest in and to that certain parcel of real property located in South Fayette Township and the Borough of Bridgeville in Allegheny County, Pennsylvania consisting of approximately three hundred and one (301) acres, more or less, which is presently designated by Allegheny County, Pennsylvania as Tax Parcel ID Numbers 256-B-1 and 197-L-1, which has been recently subdivided pursuant to the Newbury Plan of Lots, as recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania on October 11, 2007 at Plan Book Volume 260, page 32 (the "Property"), as more particularly described on EXHIBIT A attached hereto; and

WHEREAS, approximately eighty (80) acres of the Property were used historically in association with a former chemical manufacturing facility. The chemical manufacturing facility has been decommissioned and dismantled and the Property is presently vacant. For purposes of this Declaration, the area of the Property that has been used historically in association with chemical manufacturing purposes has been cross-hatched and identified as the "Site" on the map attached as EXHIBIT B-1 and made a part hereof and is more fully described on EXHIBIT B attached hereto and made a part hereof. As used in this Declaration, the term "Property" includes both the "Site" and all other real property contained in the parcels referenced in the prior paragraph; and

WHEREAS, Declarant and other parties have conducted environmental investigations of the Property and implemented remedial response actions at the Site and Property in cooperation with the Pennsylvania Department of Environmental Protection ("DEP") and the United States Environmental Protection Agency ("US EPA"); and

WHEREAS, on or about October 14, 2005, a Notice of Intent to Remediate ("NIR") was submitted to the DEP pursuant to Act 2 of 1995, the Pennsylvania Land Recycling and Environmental Remediation Standards Act, 35 P.S. §§6026.101 *et seq.* ("Act 2"). The NIR advised the DEP of the intention to investigate and remediate the Property, as necessary and appropriate, to achieve, among others, site specific cleanup standards under Act 2; and

WHEREAS, on or about June 20, 2007, a Remedial Investigation Report ("RIR") was submitted to the DEP pursuant to Act 2 that summarized the investigative and remedial response actions undertaken at the Property. The RIR expresses an intention to rely upon remedial actions, land use restrictions, engineering controls and institutional controls in order to meet Act

2 background, statewide health, and site specific cleanup standards at the Site and the Property;
and

WHEREAS, Declarant (and other participants in the remediation) intend to submit to the DEP a Cleanup Plan ("Cleanup Plan") pursuant to Act 2 that will identify the remedial actions, land use restrictions, engineering controls and institutional controls that will be implemented at the Site and the Property; and

WHEREAS, this Declaration is being made and recorded for the purpose of establishing certain restrictions on the use of the Property and the Site, as set forth in more detail below.

NOW, THEREFORE, Declarant, for itself, as well as its representatives, successors, affiliates, agents and assigns, hereby adopts and records the following:

NOTICE OF PROPERTY USE RESTRICTIONS

From and after the date of recording of this Declaration in the Allegheny County Recorder of Deeds Office, the below-listed restrictions shall apply to the Property, the Site, or both of them, as follows:

- (i) Groundwater at and under the Property shall not be extracted, consumed, or otherwise used for any purposes except as specifically set forth herein.
- (ii) Groundwater monitoring wells or piezometers installed on the Property as of the date of this Declaration or installed as part of a plan approved by the DEP or the US EPA after the date of this Declaration shall not be disturbed and must be protected and maintained for their intended purposes at all times, except that such wells or piezometers may be closed or abandoned in accordance with applicable laws, regulations, and ordinances upon approval of the DEP or the US EPA.
- (iii) Use of the Site by any and all present or future owners or occupiers shall be limited to "nonresidential property" uses, as the term "nonresidential property" is defined in Section 103 of Act 2, 35 P.S. §6026.103.
- (iv) All excavated soils or waste materials removed from the Site shall be managed, transported, and disposed in accordance with all applicable federal, state, and local laws, regulations and ordinances including, without limitation, the Pennsylvania Solid Waste Management Act, 35 P.S. §§6018.101 *et seq.* ("SWMA").
- (v) Engineering controls, including but not limited to caps, engineered soil covers, demarcation barriers or liners installed on or under confirmed or suspected solid waste disposal facilities located on the Site and identified on Exhibit 1 as Solid Waste Management Units ("SWMUs") or Areas of Interest ("AOIs"), shall not be disturbed and must be maintained at all times in accordance with reports submitted and to be submitted under Act 2 and maintained in the records of the DEP.

- (vi) The construction or erection of any building, structure, or physical improvement intended for occupation by inhabitants upon those portions of the Property identified in the Cleanup Plan to be submitted to and subsequently approved by DEP as containing levels of chemical constituents that may expose inhabitants to potential risks of vapor intrusion to indoor air shall include installation and maintenance of measures sufficient to mitigate against potential vapor intrusion of hazardous substances into such building, structure, or improvement, including, but not limited to, sub-slab vapor collection systems, vapor barriers, special building foundations or other proven control measures. Alternatively, soil gas sampling, vapor intrusion assessment or other adequate sampling measures may be conducted to demonstrate that such vapor mitigation measures are unnecessary at either: (a) those portions of the Property identified in an approved Cleanup Plan as containing levels of chemical constituents that may expose inhabitants to potential risks of vapor intrusion to indoor air; or (b) the specific location of such proposed building, structure, or improvement situated within such portions of the Property. No construction or erection of any such building, structure, or improvement situated within such portions of the Property so identified in the Cleanup Plan shall be undertaken or commenced without the prior written approval of the DEP with respect to the proposed vapor mitigation measures or sampling analyses, as the case may be. In any portion of the Property situated outside the Site and so identified as containing levels of chemical constituents that may expose inhabitants to potential risks of vapor intrusion to indoor air, the foregoing restriction shall only apply in the case of construction or erection of a building, structure, or physical improvement intended for a use consistent with "residential property" use, as the term "residential property" is defined in Section 103 of Act 2, 35 P.S. §6026.103.
- (vii) The excavation, intrusion into, or disturbance of surface or subsurface soils or waste materials on any portion of the Site shall be planned, managed, and conducted in accordance with any post-remediation care plan then in effect as approved by the DEP under Act 2 and maintained in the records of the DEP.
- (viii) Use of the Property that is inconsistent with or that will negatively impact the investigative or remedial measures undertaken by Declarant, or any other third party, under Act 2 or any other applicable federal, state, or local law, regulation, and ordinance, is prohibited.

Notwithstanding the foregoing, there shall be no restriction with respect to the use or consumption of groundwater as may be necessary for sampling or monitoring pursuant to any remediation of the Property or as otherwise may be required to demonstrate or maintain attainment with any applicable Act 2 standard for the Property.

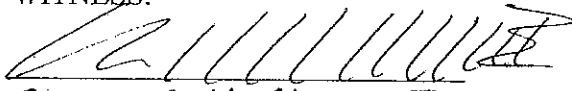
The foregoing restrictions are and shall be covenants and servitudes running with the land and are and shall be binding upon, and shall inure to the benefit of, Declarant, its representatives, successors, affiliates, agents and assigns and all lessees, purchasers or users of the Property in perpetuity and may be modified or terminated in whole or in part only upon application to and written approval by the DEP, or any governmental successor agency to the DEP.

The foregoing restrictions are made for the limited purpose of complying with Act 2 and other applicable federal, state, or local laws, regulations or ordinances, and are not intended to, nor shall they, constitute a representation or warranty as to any condition on, at or below the Property nor shall they create any legal right, public or private, in any person or entity for any purpose whatsoever, other than the right to prohibit, terminate, or otherwise enforce against any violation of said restrictions.

This Declaration shall be irrevocable and shall be included in its entirety or incorporated by specific reference to the Deed Book volume and Page number at which this Declaration was recorded by the Allegheny County Recorder of Deeds in all subsequent deeds of record conveying all or any portion of the Property, unless an instrument executed and acknowledged by DEP has been recorded indicating that the DEP has determined that this Declaration, or some portion of this Declaration, is no longer necessary.

IN WITNESS WHEREOF, Beazer East, Inc. has caused this Declaration to be duly executed as on the date set forth above.

WITNESS:


Charles E. Mc Chesney II
Assistant Secretary

BEAZER EAST, INC.

By:

Name: Robert S. Markwell

Title: Vice President

[CORPORATE SEAL]

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY)

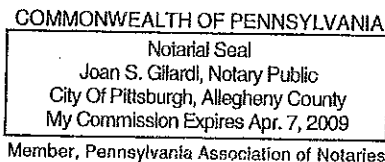
SS:

On this the 12th day of November, 2007, before me, a Notary Public, the undersigned officer, personally appeared ROBERT S. MARKWELL, who acknowledged himself to be the VICE PRESIDENT of Beazer East, Inc., a Delaware corporation, and that he, as such VICE PRESIDENT, being authorized to do so, executed the foregoing for the purposes therein contained by signing the name of the corporation by himself as such VICE PRESIDENT.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Joan S. Gilardi
Notary Public

My commission expires APRIL 7, 2009



CERTIFICATE OF RESIDENCE

I hereby certify that the precise address of the Declarant herein is:

Beazer East, Inc.
c/o Three Rivers Management, Inc.
One Oxford Centre
Suite 3000
Pittsburgh, PA 15219

By: Charles E. McChesney II, Esq. (PAID #84500)
Name: [Signature]
Attorney for Beazer East, Inc.

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

All that certain lot or parcel of land, being now or formerly Koppers Company Inc, now known as Beazer East, Inc., situate in the Township of South Fayette and a small portion thereof situate in the Borough of Bridgeville, County of Allegheny, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point in the intersection of Presto-Sygan Road, S.R. 3028, variable width, and Verner Avenue, variable width, thence along the easterly right of way line of Verner Avenue, variable width, the following three (3) courses and distances, viz: North 24°43'43" West, 110.18' to a point; thence North 45°42'57" West, 552.70' to a point; thence North 12°42'57" West, 544.50' to a point on the southerly line of property of now or formerly Alice Cirra; thence along the southerly line of Alice Cirra South 63°43'59" East, 465.68' to a point at the southeast corner of property of now or formerly Alice Cirra; thence along the easterly line of property of now or formerly Alice Cirra North 11°49'41" East, 858.11' to a point at the northeast corner of property of now or formerly Alice Cirra; thence along the northerly line of property of now or formerly Alice Cirra, and through Oak Ridge Road, S.R. 3029, 33' wide, North 47°07'41" West, 544.81' to a point in Oak Ridge Road, S.R. 3029, 33' wide, also being the southeasterly line of property of now or formerly Edward Cirra; thence along the southeasterly line of property of now or formerly Edward Cirra North 55°26'36" East, 863.90' to a point on the easterly line of property of now or formerly Edward Cirra; thence along the easterly line of properties of now or formerly Edward Cirra, Frank Lukar, and Kenneth G. Wolfe, North 00°09'59" West, 2398.78' to a point on the southerly line of property of now or formerly Charles and Lorraine Wagner; thence along the southerly line of property now or formerly Charles and Lorraine Wagner the following four (4) courses and distances, viz: South 78°10'59" East, 583.80' to a point; thence South 79°55'59" East, 28.00' to a point; thence South 87°51'59" East, 63.10' to a point; thence North 72°36'01" East, 86.10' to a point on the easterly line of property of now or formerly Charles and Lorraine Wagner; thence along the easterly line of property of now or formerly Charles and Lorraine Wagner North 10°57'43" East, 707.54' to a point at the northwest corner of property of now or formerly Arthur and Ellen Morgan; thence along the westerly line of property of now or formerly Arthur and Ellen Morgan the following seven (7) courses and distances, viz: South 04°02'51" East, 221.75' to a point; thence South 02°26'33" West, 66.70' to a point; thence South 20°08'33" West, 87.60' to a point; thence South 26°01'29" East, 53.70' to a point; thence South 05°20'32" West, 42.30' to a point; thence South 59°18'32" West, 78.70' to a point; thence South 08°54'33" West, 299.19' to a point at the southwest corner of property of now or formerly Arthur and Ellen Morgan; thence along the southerly line of property of now or formerly Arthur and Ellen Morgan the following two (2) courses and distances, viz: North 88°11'12" East, 135.61' to a point; thence North 61°22'12" East, 485.70' to a point at the southeast corner of property of now or formerly Arthur and Ellen Morgan; thence along the easterly line of property of now or formerly Arthur and Ellen Morgan North 14°08'27" West, 640.19'

to a point on the southerly line of property now or formerly E. A. Jessep; thence along the southerly line of properties of now or formerly E. A. Jessep, R.L. Klisavage, J. Demsher, and South Fayette Township, North 79°55'48" East, 313.42' to a point on the southerly line of property now or formerly South Fayette Township; thence along the southerly line of property now or formerly South Fayette Township, North 56°52'42" East, 277.20' to a point on the southwest corner of property now or formerly M. Smology; thence along the easterly line of property of now or formerly M. Smology and J.P. Morgan, South 84°44'09" East, 608.47' to a point at the southeast corner of property of now or formerly M. Smology; thence along the easterly line of property of now or formerly M. Smology North 05°15'51" East, 67.05' to a point on the southwest corner of property of now or formerly F. Seifarth; thence along the southeasterly line of property of now or formerly F. Seifarth North 35°50'51" East, 30.00' to a point on the southerly line of property of now or formerly F. Seifarth; thence along the southerly line of properties of now or formerly F. Seifarth, W. Elchenberg, Joseph K. Stuparitz, James BomBassaro, and Joseph Czajkowski South 75°46'19" East, 429.60' to a point on the southeast corner of property of now or formerly Joseph Czajkowski; thence along the easterly line of property of now or formerly Joseph Czajkowski the following two (2) courses and distances, viz: North 70°36'49" East, 137.00' to a point; thence North 46°36'46" East, 85.56' to a point on the southerly right of way line of Thoms Run Road, variable width, said point also being the westerly right of way line of Presto-Sygan Road, S.R. 3028, variable width; thence along the westerly right of way line of Presto-Sygan Road, S.R. 3028, variable width, the following five (5) courses and distances, viz: by an arc of a circle deflecting to the right in a southwestward direction, having a radius of 50.00', an arc distance of 73.23' (chord bearing and distance, South 04°44'17" West, 66.86') to a point; thence North 43°18'05" West, 5.00' to a point; thence South 46°41'55" West, 381.32' to a point; thence by an arc of a circle deflecting to the left in a southward direction, having a radius of 1667.28', an arc distance of 601.15' (chord bearing and distance, South 36°22'10" West, 597.90') to a point; thence South 26°02'25" West, 458.48' to a point on the westerly right of way line of Presto-Sygan Road, S.R. 3028, 60' variable width; thence crossing Presto-Sygan Road, S.R. 3028, 60' wide South 63°24'05" East, 60.00' to a point on the easterly right of way line of Presto-Sygan Road, S.R. 3028, variable width, also being the westerly line of property of now or formerly John Deklewa and Sons, Inc; thence along the easterly right of way line of Presto-Sygan Road, S.R. 3028, variable width, and the westerly line of property of now or formerly John Deklewa and Sons, Inc., South 26°02'25" West, 61.65' to a point at the southwest corner of property of now or formerly John Deklewa and Sons, Inc; thence along the southerly line of property of now or formerly John Deklewa and Sons, Inc., South 63°24'05" East, 483.50' to a point at the southeast corner of property of now or formerly John Deklewa and Sons, Inc; thence along the easterly line of property of now or formerly John Deklewa and Sons, Inc., North 26°35'55" East, 211.24' to a point on the northeast corner of property of now or formerly John Deklewa and Sons, Inc., also being on the westerly line of the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville reach, Unit 5; thence along the westerly line of the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville reach, Unit 5, the following eight (8) courses and distances, viz: by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 630.00', an arc distance of 42.47' (chord bearing and distance,

South 34°24'50" East, 42.46') to a point; thence North 53°39'18" East, 5.00' to a point; thence by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 625.00', an arc distance of 230.92' (chord bearing and distance, South 46°55'47" East, 229.61') to a point; thence South 57°30'51" East, 89.46' to a point; thence North 32°29'09" East, 15.00' to a point; thence South 57°30'51" East, 35.74' to a point; thence by an arc of a circle deflecting to the right in a southward direction, having a radius of 190.00', an arc distance of 177.33' (chord bearing and distance, South 30°46'38" East, 170.96') to a point; thence South 00°50'53" West, 462.72' to a point on the westerly line of the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville reach, Unit 5, said point also being the northeast corner of property now or formerly The Municipal Authority of the Township of South Fayette; thence along the northerly line of property of now or formerly The Municipal Authority of the Township of South Fayette, North 89°09'07" West, 110.10' to a point on the northwest corner of property of now or formerly The Municipal Authority of the Township of South Fayette; thence along the westerly line of property of now or formerly Municipal Authority of the Township of South Fayette, South 00°50'53" West, 257.44' to a point on the southwest corner of property of now or formerly The Municipal Authority of the Township of South Fayette, also being the northerly line of Millers Run, as taken for the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5; thence along the northerly line of Millers Run, as taken for the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5, the following twelve (12) courses and distances, viz: by an arc of a circle deflecting to the right in a northwestward direction, having a radius of 335.00', an arc distance of 173.17' (chord bearing and distance, North 64°20'01" West, 171.25') to a point; thence North 50°10'48" West, 11.57' to a point; thence by an arc of a circle deflecting to the left in a westward direction, having a radius of 365.00', an arc distance of 266.33' (chord bearing and distance, North 71°05'00" West, 260.46') to a point; thence South 88°00'50" West, 35.06' to a point; thence South 01°59'10" East, 10.00' to a point; thence South 88°00'50" West, 122.16' to a point; thence by an arc of a circle deflecting to the left in a southward direction, having a radius of 155.00', an arc distance of 252.41' (chord bearing and distance, South 41°21'47" West, 225.43') to a point; thence North 84°42'43" East, 10.00' to a point; thence by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 145.00', an arc distance of 31.86' (chord bearing and distance, South 11°34'57" East, 31.80') to a point; thence South 17°52'38" East, 85.39' to a point; thence by an arc of a circle deflecting to the right in a southward direction, having a radius of 455.00', an arc distance of 162.52' (chord bearing and distance, South 07°38'40" East, 161.66') to a point; thence South 02°35'17" West, 59.00' to a point along the northerly line of Millers Run, as taken for the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5; thence crossing Millers Run South 87°24'43" East, 80.00' to a point on the southerly line of Millers Run, as taken for the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5; thence along the southerly line of Millers Run, as taken for the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5, the following seventeen (17) courses and distances, viz: North 02°35'17" East, 59.00' to a point; thence by an arc of a circle deflecting to the left in a northwestward direction, having a radius of 535.00', an arc distance of 191.09' (chord bearing and distance, North 07°38'41" West, 190.08') to a point; thence North 17°52'38" West, 85.39' to a

point; thence by an arc of a circle deflecting to the right in a northeastward direction, having a radius of 65.00', an arc distance of 46.78' (chord bearing and distance, North 02°44'29" East, 45.78') to a point; thence South 66°38'24" East, 25.00' to a point; thence by an arc of a circle deflecting to the right in a eastward direction, having a radius of 40.00', an arc distance of 45.14' (chord bearing and distance, North 55°41'13" East, 42.78') to a point; thence North 88°00'50" East, 122.16' to a point; thence South 01°59'10" East, 30.00' to a point; thence North 88°00'50" East, 35.06' to a point; thence by an arc of a circle deflecting to the right in a southeastward direction, having a radius of 210.00', an arc distance of 115.46' (chord bearing and distance, South 76°14'11" East, 114.01') to a point; thence North 29°30'51" East, 40.00' to a point; thence by an arc of a circle deflecting to the right in a southeastward direction, having a radius of 250.00', an arc distance of 44.97' (chord bearing and distance, South 55°19'59" East, 44.91') to a point; thence South 50°10'48" East, 10.96' to a point; thence by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 450.00', an arc distance of 55.79' (chord bearing and distance, South 53°09'57" East, 55.75') to a point; thence South 33°16'57" West, 40.00' to a point; thence by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 490.00', an arc distance of 191.27' (chord bearing and distance, South 67°54'00" East, 190.06') to a point; thence South 79°04'58" East, 138.28' to a point on the southerly line of Millers Run, as taken for the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5, also being the westerly line of the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5; thence along the westerly line of the Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5, the following eleven (11) courses and distances, viz: South 00°39'31" West, 40.80' to a point; thence South 27°24'47" West, 53.09' to a point; thence South 17°35'13" East, 76.33' to a point; thence South 00°39'31" West, 217.66' to a point; thence South 89°20'29" East, 20.00' to a point; thence South 00°39'31" West, 186.07' to a point; thence by an arc of a circle deflecting to the right in a southwestward direction, having a radius of 1405.00', an arc distance of 153.55' (chord bearing and distance, South 03°47'22" West, 153.47') to a point; thence South 83°04'47" East, 2.83' to a point; thence South 11°42'07" West, 1297.08' to a point; thence South 02°25'15" East, 30.00' to a point; thence South 06°27'06" West, 81.50' to a point on the westerly line Chartiers Creek Flood Protection Project, Carnegie-Bridgeville Reach, Unit 5, also being the northerly line of property now or formerly Norfolk and Western Railway; thence along the northerly line of property now or formerly Norfolk and Western Railway the following three (3) courses and distances, viz: North 87°06'11" West, 1150.84' to a point; thence by an arc of a circle deflecting to the left in a southwestward direction, having a radius of 2010.08', an arc distance of 1980.41' (chord bearing and distance, South 64°40'19" West, 1901.28') to a point; thence South 36°26'49" West, 418.38' to a point at the place of beginning.

Contains: 13,106,073.64 Sq. Ft. or 300.874 Acres

EXHIBIT B

LEGAL DESCRIPTION OF SITE

FIRST:

All that certain lot or parcel of land situate in the Township of South Fayette and the Borough of Bridgeville, County of Allegheny, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point on the easterly line of Presto-Sygan Road, S.R. 3028, variable width, said point also being on the northerly line of property of now or formerly Pittsburgh & West Virginia Railway Company and Norfolk and Western Railway; thence along the easterly line of Presto-Sygan Road, S.R. 3028, variable width, the following eight (8) courses and distances, viz: by an arc of a circle deflecting to the right in a northeastward direction, having a radius of 100.66', an arc distance of 4.03' (chord bearing and distance, North 21°48'12" East, 4.03') to a point; thence North 22°57'01" East, 998.02' to a point; thence by an arc of a circle deflecting to the right in a northeastward direction, having a radius of 1116.28', an arc distance of 931.60' (chord bearing and distance, North 46°51'31" East, 904.80') to a point; thence North 70°46'01" East, 241.72' to a point; thence by an arc of a circle deflecting to the left in a northeastward direction, having a radius of 2113.68', an arc distance of 306.81' (chord bearing and distance, North 66°36'31" East, 306.54') to a point; thence North 62°27'01" East, 204.50' to a point; thence by an arc of a circle deflecting to the left in a northeastward direction, having a radius of 1176.28', an arc distance of 1290.00' (chord bearing and distance, North 31°01'58" East, 1226.32') to a point; thence North 00°23'05" West, 447.86' to a point at the southwest corner of Parcel I of the aforesaid Newbury Plan of Lots-1st Revision; thence along the southerly line of Parcel I of the aforesaid Newbury Plan of Lots-1st Revision, the following three (3) courses and distances, viz: North 90°00'00" East, 57.90' to a point; thence South 58°15'21" East, 82.41' to a point; thence North 90°00'00" East, 70.65' to a point on the westerly line of Millers Run, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach, Parcel 14, Area 3, Unit 5, and recorded in Deed Book Volume 5092, Page 401; thence along the westerly line of Millers Run, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach, the following three (3) courses and distances, viz: South 17°52'38" East, 71.59' to a point; thence by an arc of a circle deflecting to the right in a southeastward direction, having a radius of 455.00', an arc distance of 162.52' (chord bearing and distance, South 07°38'41" East, 161.66') to a point; thence South 02°35'17" West, 59.00' to a point at the southwest corner of Millers Run, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach; thence along the southerly line of Millers Run, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach, South 87°24'43" East, 80.00' to a point at the southeast corner of Millers Run, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach; thence along the easterly line of Millers Run, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach the following seventeen (17) courses and distances, viz: North 02°35'17" East,

59.00' to a point; thence by an arc of a circle deflecting to the left in a northwestward direction, having a radius of 535.00', an arc distance of 191.09' (chord bearing and distance, North 07°38'41" West, 190.08') to a point; thence North 17°52'38" West, 85.39' to a point; thence by an arc of a circle deflecting to the right in a northeastward direction, having a radius of 65.00', an arc distance of 46.78' (chord bearing and distance, North 02°44'29" East, 45.78") to a point; thence South 66°38'24" East, 25.00' to a point; thence by an arc of a circle deflecting to the right in a northeastward direction, having a radius of 40.00', an arc distance of 45.14' (chord bearing and distance, North 55°41'13" East, 42.78") to a point; thence North 88°00'50" East, 122.16' to a point; thence South 01°59'10" East, 30.00' to a point; thence North 88°00'50" East, 35.06' to a point; thence by an arc of a circle deflecting to the right in a southeastward direction, having a radius of 210.00', an arc distance of 115.46' (chord bearing and distance, South 76°14'11" East, 114.01') to a point; thence North 29°30'51" East, 40.00' to a point; thence by an arc of a circle deflecting to the right in a southeastward direction, having a radius of 250.00', an arc distance of 44.97' (chord bearing and distance, South 55°19'59" East, 44.91') to a point; thence South 50°10'48" East, 10.96' to a point; thence by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 450.00', an arc distance of 55.79' (chord bearing and distance, South 53°09'57" East, 55.75') to a point; thence South 33°16'57" West, 40.00' to a point; thence by an arc of a circle deflecting to the left in a southeastward direction, having a radius of 490.00', an arc distance of 191.27' (chord bearing and distance, South 67°54'00" East, 190.06') to a point; thence South 79°04'58" East, 138.28' to a point at the southwest intersection of Millers Run and Chartiers Creek, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach; thence along the westerly line of Chartiers Creek, as delineated on plans for Chartiers Creek Flood Protection Project, Chartiers Creek Basin, Pennsylvania, Carnegie-Bridgeville Reach, the following eleven (11) courses and distances, viz: South 00°39'31" West, 40.80' to a point; thence South 27°24'47" West, 53.09' to a point; thence South 17°35'13" East, 76.33' to a point; thence South 00°39'31" West, 217.66' to a point; thence South 89°20'29" East, 20.00' to a point; thence South 00°39'31" West, 186.07' to a point; thence by an arc of a circle deflecting to the right in a southwestward direction, having a radius of 1405.00', an arc distance of 153.55' (chord bearing and distance, South 03°47'22" West, 153.47') to a point; thence South 83°04'47" East, 2.83' to a point; thence South 11°42'07" West, 1297.08' to a point; thence South 02°25'15" East, 30.00' to a point; thence South 06°27'06" West, 81.50' to a point on the northerly line of property of now or formerly Pittsburgh & West Virginia Railway Company and Norfolk and Western Railway; thence along the northerly line of property of now or formerly Pittsburgh & West Virginia Railway Company and Norfolk and Western Railway, three (3) courses and distances, viz: North 87°06'11" West, 1150.84' to a point; thence by an arc of a circle deflecting to the left in a southwestward direction, having a radius of 2010.08', an arc distance of 1980.41' (chord bearing and distance, South 64°40'19" West, 1901.28') to a point; thence South 36°26'49" West, 400.24' to a point at the place of beginning, containing 3,490,270.98 Sq. Ft. or 80.126 Acres.

The above perimeter description includes Parcels A, J and Restricted Open Space Parcel L in that certain Newbury Plan of Lots recorded in the office of the Recorder of Deeds of Allegheny County, Pennsylvania, on October 11, 2007, at Plan Book Volume 260, page 32 and Parcels B, C, D and E of that certain Newbury Plan of Lots 1st Revision, to be recorded.

SECOND:

All that certain lot or parcel of land, being Restricted Open Space Parcel K in the Newbury Plan of Lots, as recorded in Plan Book Volume 260, page 32, situate in the Township of South Fayette, County of Allegheny, Commonwealth of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point on the westerly line of property of now or formerly Bethany Cemetery of the aforesaid Newbury Plan of Lots, said point being on the westerly right of way line of Presto-Sygan Road, S.R. 3028, 60' wide; thence along the westerly right of way line of Presto-Sygan Road, S.R. 3028, 60' wide, the following five (5) courses and distances, viz:
South 62°27'01" West, 7.00' to a point; thence by an arc of a circle deflecting to the right in a southwestwardly direction, having a radius of 2053.68', an arc distance of 146.51' (chord bearing and distance, South 64°29'38" West, 146.47') to a point; thence by an arc of a circle deflecting to the right in a southwestwardly direction, having a radius of 200.00', an arc distance of 112.50' (chord bearing and distance, South 82°39'07" West, 111.02') to a point; thence by an arc of a circle deflecting to the left in a southwardly direction, having a radius of 212.00', an arc distance of 108.93' (chord bearing and distance, South 84°02'49" West, 107.73') to a point; thence South 69°19'39" West, 104.14' to a point on the northerly line of Remaining Parcel B with Restricted Open Space Parcel K of the aforesaid Newbury Plan of Lots; thence along the dividing line of Remaining Parcel B with Restricted Open Space Parcel K of the aforesaid Newbury Plan of Lots, the following twelve (12) courses and distances, viz:
North 84°49'41" West, 173.43' to a point; thence North 73°47'07" West, 186.20' to a point; thence North 00°18'33" East, 106.72' to a point; thence North 84°32'32" West, 133.35' to a point; thence North 08°09'58" East, 138.25' to a point; thence North 87°41'29" East, 152.69' to a point; thence South 78°14'12" East, 207.88' to a point; thence North 77°50'52" East, 163.66' to a point; thence North 45°06'07" East, 175.41' to a point; thence North 68°30'40" East, 122.34' to a point; thence South 73°53'54" East, 62.08' to a point; thence South 44°20'31" East, 85.99' to a point on the dividing line of Remaining Parcel B with Restricted Open Space Parcel K of the aforesaid Newbury Plan of Lots; thence along the dividing line of Remaining Parcel B with Restricted Open Space Parcel B and of property of now or formerly Bethany Cemetery of the aforesaid Newbury Plan of Lots, South 08°40'22" East, 286.85' to a point at the place of beginning, containing 276,553.16 Sq. Ft. or 6.349 Acres.

EXHIBIT B-1
MAP

