DECLARATION OF NOTICE OF USE RESTRICTION AND EASEMENT

THIS DECLARATION OF NOTICE OF USE RESTRICTION AND EASEMENT (hereinafter "Declaration") is made this 4th day of April, 2007 by the State of Maryland for the use of the University of Maryland System on behalf of its constituent institution, the University of Maryland College Park (hereinafter "Declarant").

RECITALS

A. Declarant is the fee simple owner of real property with certain areas that received waste generated by the University of Maryland, College Park. These areas are identified as Landfill Areas 1A, 1B, 1C, 2, 3A, 3B, and 4 situated in the County of Prince George's, State of Maryland, more particularly described in the Exhibit attached hereto and made a part thereof (hereinafter the "Property");

B. Declarant received United States Environmental Protection Agency ("USEPA") Corrective Action Permit Number MDD980 829 873 (the "Permit") for the Property. The facility at which the Property is located is the University of Maryland College Park Campus; and

C. Pursuant to the Permit, Declarant is required to record a Notice of Use Restriction and to reserve unto itself an easement for the exclusive right to the use of groundwater at or beneath the Landfill Areas.

NOW THEREFORE, Declarant hereby gives notice of use restriction as follows and reserves unto itself the below described easement.

1. Definitions.

   a. "Landfill Areas" means the Property comprised of the areas shown on the Exhibit attached hereto and incorporated herein and which received wastes generated by the University of Maryland, College Park, further identified Landfill Areas 1A, 1B, 1C, 2, 3A, 3B, and 4.


   c. "Property" means the Landfill Areas shown on the Exhibit attached hereto and incorporated herein.
2. **Notice of Use Restriction.** The Landfill Areas have been used in the past as solid waste disposal areas, and, therefore, the groundwater located at or beneath the Landfill Areas shall not be used as drinking water. In addition, certain activities, including but not limited to, excavation, grading, dewatering, sheeting or shoring, which could result in undesirable exposures to the waste/contaminants previously disposed of on the Property or interfere with or adversely affect the Landfill Areas ("Prohibited Activities") are expressly prohibited without the prior written approval of Declarant. Declarant, in its sole discretion, may forward any request to allow a Prohibited Activity to USEPA for approval or may require the requesting person to obtain USEPA approval of any such work. Any such requests for approval shall be sent in writing to: **Associate Director, Environmental Affairs,** Department of Environmental Safety, Division of Administrative Affairs, University of Maryland, 3115 Chesapeake Building, College Park, Maryland 20742-3133.

ANY INTEREST IN THE PROPERTY SHALL BE CONVEYED SUBJECT TO THE FOREGOING NOTICE OF USE RESTRICTION.

3. **Reservation of Easement.** Any interest conveyed in the Property is hereby subject to an irrevocable and permanent easement held by the Declarant for the exclusive right to restrict the use of groundwater at or beneath the Landfill Areas for drinking purposes. The Declarant will enforce the terms of this easement against all subsequent grantees, assignees and transferees of all or a portion of the Property or any real estate interest in such Property.

4. **Run with the Land.** The Notice of Use Restriction and Easement reserved by the Declarant run with the land and shall be included in any future conveyances or interests created in the Property.

IN WITNESS WHEREOF, this Declaration of Notice of Use Restriction and Easement is signed as of the above written date.

[SIGNATURE PAGE Follows]
ATTEST:

WITNESS:

SEAL

WITNESS:

SEAL

OWNER:

UNIVERSITY SYSTEM OF MARYLAND

By: William E. Kirwan
Chancellor

Date: April 9, 2007

UNIVERSITY OF MARYLAND,
COLLEGE PARK

By: C. D. Mote, Jr.
President

Date: March 22, 2007

Approved as to form and legal sufficiency

Office of the Attorney General:

By: [Signature]

STATE OF MARYLAND

CITY/COUNTY OF [City/County]

TO WIT:

I HEREBY CERTIFY that on this 4th day of April, 2007 before me, a Notary Public for the State aforesaid, personally appeared William E. Kirwan, known to me or satisfactorily proven to me to be the person set forth herein, who acknowledged himself to be the Chancellor of the University System
of Maryland, and that holding such capacity, being authorized to do so, executed the foregoing instrument for the purposes contained therein.

WITNESS my hand and Notarial Seal.

Betty A. Bowen
Notary Public
My Commission Expires: July 1, 2010

STATE OF MARYLAND

CITY/COUNTY OF Prince George's TO WIT:

I HEREBY CERTIFY that on this 22 day of March, 2007 before me, a Notary Public for the State aforesaid, personally appeared C. D. Mote, Jr., known to me or satisfactorily proven to me to be the person set forth herein, who acknowledged himself to be the President of the University of Maryland, College Park and that holding such capacity, he executed the foregoing instrument for the purposes contained therein.

WITNESS my hand and Notarial Seal.

Janet P. Turnbull
Notary Public State of Maryland
My Commission Expires March 1, 2011

Office of the Executive Assistant
to the President for Legal Affairs
2101 Main Administration Building
University of Maryland
College Park, Maryland 20742

CERTIFICATION

I hereby certify that this instrument has been prepared by me or under my supervision and that I am an attorney admitted to practice before the Court of Appeals of Maryland.

Diane R. Jones (SEAL)
March 7, 2007

DESCRIPTION OF SEVEN PARCELS ACROSS THE PROPERTY OF UNIVERSITY OF MARYLAND BERWYN (21ST) ELECTION DISTRICT PRINCE GEORGE'S COUNTY, MARYLAND

Being seven strips or parcels of land, hereinafter described as Landfill Areas 1A, 1B, 1C, 2, 3A, 3B, and 4; said Landfill Areas 1A, 1B, 1C, and 2 being a part of the 428 acres acquired by the Maryland Agricultural College from George H. Calvert et al by deed dated March 22, 1858, and recorded among the Land Records of Prince George’s County, Maryland in Liber CSM 2 Folio 294; said Landfill Areas 3A and 3B being a part of the property acquired by the State of Maryland to the use of the Board of Regents of the University of Maryland from Azadia Mamoulian et vir by deed dated April 21, 1951 and recorded among the aforesaid Land Records in Liber 1357 at Folio 329 and also by deed dated April 1, 1960 and recorded among the aforesaid Land Records in Liber 2436 at Folio 33, and from Walter Green by deed dated August 4, 1969 and recorded among the aforesaid Land Records in Liber 3751 at Folio 812, and from Joyce Connors by deed dated June 11, 1970 and recorded among the aforesaid Land Records in Liber 3842 at Folio 601 said areas also being a part of Lots 1-9 in Block 2, Lots 1-9 in Block 3, Lots 1-7 in Block 4, Lots 8-14 in Block 7, Lots 1-18 in Block 8, Lots 2-5 and 6-15 in Block 12, all as shown on a subdivision record plat entitled Johnson & Curidden’s subdivision of College Park recorded in Plat Book JWB 5 Plat Number 478, and Lots 17 & 18 in Block 2 of Hannah Kelly’s re-subdivision of Johnson & Curidden’s subdivision of College Park; said Landfill Area 4 being a part of a 201.8795 acre tract acquired by the State of Maryland to the use of the Board of Regents of the University of Maryland from Gertrude K. Metzerott Johnson et al by deed dated October 15, 1949 and recorded among the aforesaid Land Records in Liber 1170 Folio 412 (Parcel 1) and all being more particularly described in Maryland State Plane Coordinates (NAD 83/91) as follows
LANDFILL AREA 1A

Beginning for the said Landfill Area 1A at the end of a line drawn North 84°22'08" West 390.98 feet from the end of the 18th or South one and three quarter degree East, forty perch line as described in the aforementioned conveyance from George Calvert recorded in Liber CSM 2 at Folio 294, said point also being South of Paint Branch Parkway and east of Maryland Route 1, Baltimore Boulevard, thence running South of the aforesaid Paint Branch Parkway in a Easterly direction the following nineteen courses and distances, as now surveyed,

1. South 61°44'19" East, 94.68 feet to a point, thence
2. South 56°45'49" East, 134.42 feet to a point, thence
3. South 44°05'53" East, 147.02 feet to a point, thence
4. South 37°35'23" East, 42.27 feet to a point, thence
5. South 28°55'55" East, 44.32 feet to a point, thence
6. South 29°59'23" East, 53.54 feet to a point, thence
7. South 25°05'46" East, 69.91 feet to a point, thence
8. South 19°28'31" East, 48.30 feet to a point, thence
9. South 17°38'40" East, 46.10 feet to a point, thence
10. South 12°10'16" East, 76.03 feet to a point, thence
11. South 08°11'44" East, 53.95 feet to a point, thence
12. South 05°37'18" East, 64.58 feet to a point, thence
13. South 05°20'20" East, 49.67 feet to a point, thence
14. South 05°44'26" East, 74.36 feet to a point, thence
15. South 04°41'44" East, 51.64 feet to a point, thence
16. South 04°49'01" East, 185.12 feet to a point, thence
17. South 05°30'23" East, 55.25 feet to a point, thence
18. South 05°20'13" East, 97.76 feet to a point, thence
19. South 12°16'32" East, 54.16 feet to a point, thence leaving South of the aforesaid Paint Branch Parkway and running in a Westerly direction the following course and distance, as now surveyed,
20. South 73°08'04" West, 79.84 feet to a point North of Rossborough Lane, thence running North of Rossborough Lane in a Westerly direction the following three courses and distances, as now surveyed,

21. North 45°49'00" West, 150.06 feet to a point, thence

22. North 57°43'25" West, 94.78 feet to a point, thence

23. North 82°30'20" West, 379.87 feet to a point East of Greenhouse Road, thence leaving North of the aforesaid Rossborough Lane and running East of the aforesaid Greenhouse Road in a Northerly direction the following course and distance, as now surveyed,

24. North 27°02'17" East, 632.72 feet to a point, thence leaving East of the aforesaid Greenhouse Road and running in, through, over and across the aforesaid Greenhouse Road in a Northerly direction the following course and distance, as now surveyed,

25. North 01°12'29" West, 147.29 feet to a point West of the aforesaid Greenhouse Road, thence leaving West of the aforesaid Greenhouse Road and running in a Westerly direction the following two courses and distances, as now surveyed,

26. North 64°57'14" West, 306.31 feet to a point, thence

27. North 26°23'05" East, 256.80 feet to the point of beginning, containing 426,775 square feet or 9.7974 acres of land.

LANDFILL AREA 1B

Beginning for the Landfill Area 1B at the end of a line drawn North 74°05'10" West 186.54 feet from the end of the 18th or South one and three quarter degree East, forty perch line as described in the aforementioned conveyance from George Calvert recorded in Liber CSM 2 at Folio 294, said point also lying North of Paint Branch Parkway, thence running North of the aforesaid Paint Branch Parkway in a Westerly direction the following five courses and distances, as now surveyed,

1. North 55°14'55" West, 75.61 feet to a point, thence
2. North 59°39'37" West, 85.19 feet to a point, thence
3. North 60°45'24" West, 32.43 feet to a point, thence
4. North 18°05'20" West, 62.55 feet to a point, thence
5. North 46°35'48" West, 5.20 feet to a point East of Baltimore Avenue (US Route 1), thence leaving North of the aforesaid Paint Branch Parkway, and running East of the aforesaid Baltimore Avenue in a Northerly direction the following two courses and distances, as now surveyed,
6. North 24°08'29" East, 20.88 feet to a point, thence
7. North 13°58'28" East, 86.72 feet to a point, thence leaving East of the aforesaid Baltimore Avenue and running in an Easterly direction the following six courses and distances, as now surveyed,
8. South 68°44'37" East, 23.06 feet to a point, thence
9. North 28°39'43" East, 26.23 feet to a point, thence
10. South 40°14'05" East, 78.56 feet to a point, thence
11. South 15°45'47" East, 114.00 feet to a point, thence
12. South 20°18'51" East, 70.91 feet to a point, thence
13. South 20°17'23" East, 49.77 feet to the point of beginning, containing 23,796 square feet or 0.5463 of an acre of land.

LANDFILL AREA 1C

Beginning for the Landfill Area 1C at the end of a line drawn South 73°46'18" West 350.38 feet from the end of the 20th or South one and three quarter degree East, forty perch line as described in the aforementioned conveyance from George Calvert recorded in Liber CSM 2 at Folio 294, said point also lying East of the aforesaid Paint Branch Parkway, thence running East of the aforesaid Paint Branch Parkway in a Northerly direction the following thirteen courses and distances, as now surveyed,

1. North 13°41'03" West, 22.79 feet to a point, thence
2. North 07°54'44" West, 51.94 feet to a point, thence
3. North 03°34'39" West, 47.70 feet to a point, thence
4. North 05°49'39" West, 98.12 feet to a point, thence
5. North 04°26'21" West, 108.23 feet to a point, thence
6. North 04°58'50" West, 143.06 feet to a point, thence
7. North 04°49'13" West, 82.03 feet to a point, thence
8. North 06°36'29" West, 111.11 feet to a point, thence
9. North 10°54'13" West, 64.35 feet to a point, thence
10. North 15°56'08" West, 101.65 feet to a point, thence
11. North 18°30'37" West, 106.17 feet to a point, thence
12. North 20°44'18" West, 52.51 feet to a point, thence
13. North 23°09'51" West, 47.17 feet to a point, thence leaving East of the
   aforesaid Paint Branch Parkway and running in a Southerly direction the
   following eight courses and distances, as now surveyed,
14. South 34°08'56" East, 74.22 feet to a point, thence
15. South 62°33'12" East, 97.12 feet to a point, thence
16. South 08°50'12" East, 187.01 feet to a point, thence
17. South 10°21'28" East, 172.54 feet to a point, thence
18. South 10°43'34" East, 127.46 feet to a point, thence
19. South 00°56'24" East, 133.09 feet to a point, thence
20. South 04°42'48" East, 294.28 feet to a point, thence
21. South 70°41'35" West, 9.51 feet to the point of beginning, containing 39,399
   square feet or 0.9044 of an acre of land.

LANDFILL AREA 2

Beginning for the said Landfill Area 2 at the end of a line drawn South 18°41'53"
East 613.58 feet from the end of the 20° or South one and three quarter degree East,
fourty perch line as described in the aforementioned conveyance from George Calvert
recorded in Liber CSM 2 at Folio 294, said point also being North of Paint Branch
Parkway, thence running North of the aforesaid Paint Branch Parkway in a Westerly
direction the following ten courses and distances, as now surveyed,
1. North 66°38'07" West, 25.71 feet to a point, thence
2. North 67°11'12" West, 52.59 feet to a point, thence
3. North 68°42'08" West, 35.26 feet to a point, thence
4. North 64°59'14" West, 30.85 feet to a point, thence
5. North 66°23'29" West, 38.46 feet to a point, thence
6. North 65°55'08" West, 36.67 feet to a point, thence
7. North 63°41'05" West, 49.64 feet to a point, thence
8. North 58°56'46" West, 37.54 feet to a point, thence
9. North 53°30'22" West, 33.89 feet to a point, thence
10. North 51°22'04" West, 49.36 feet to a point, thence leaving North of the aforesaid Paint Branch Parkway and running in an Easterly direction the following seven courses and distances, as now surveyed,

11. North 62°41'56" East, 117.95 feet to a point, thence
12. South 86°18'47" East, 101.13 feet to a point, thence
13. South 60°04'28" East, 65.43 feet to a point, thence
14. South 66°54'25" East, 104.70 feet to a point, thence
15. South 34°12'58" East, 33.09 feet to a point, thence
16. South 03°34'47" East, 50.01 feet to a point, thence
17. South 25°39'31" West, 84.06 feet to the point of beginning, containing 48,123 square feet or 1.1048 acres of land.

LANDFILL AREA 3A

Beginning for the said Landfill Area 3A at the end of a line drawn North 14°41'23" East, 112.99 feet from the southeasterly most corner of Lot 6 in Block 4 of Johnson and Curriden's subdivision of College Park as recorded among the Land Records of Prince Georges County Maryland in Plat Book JWB 5 Plat 478, said point also being west of the Baltimore & Ohio Railroad Right-of-Way, thence running West of the aforesaid Baltimore & Ohio Railroad Right-of-Way in a Southerly direction the following four courses and distances, as now surveyed,

1. South 16°06'04" West, 272.57 feet to a point, thence
2. South 16°08'50" West, 260.43 feet to a point, thence
3. South 16°05'01" West, 293.36 feet to a point, thence
4. South 15°43'49" West, 146.85 feet to a point North of Paint Branch Parkway, thence leaving West of the aforesaid Baltimore & Ohio Railroad Right-of-Way and running North of the aforesaid Paint Branch Parkway in a Westerly direction the following fourteen courses and distances, as now surveyed,
5. North 14°36′42″ West, 134.44 feet to a point, thence
6. North 71°51′28″ East, 58.87 feet to a point, thence
7. North 21°32′30″ West, 144.17 feet to a point, thence
8. North 31°00′35″ West, 94.49 feet to a point, thence
9. North 12°50′02″ West, 103.97 feet to a point, thence
10. North 56°01′04″ West, 158.82 feet to a point, thence
11. South 53°14′31″ West, 75.26 feet to a point, thence
12. North 55°35′13″ West, 55.59 feet to a point, thence
13. South 76°06′46″ West, 46.47 feet to a point, thence
14. North 66°43′11″ West, 211.33 feet to a point, thence
15. North 22°25′54″ East, 15.80 feet to a point, thence
16. North 73°19′04″ West, 47.95 feet to a point, thence
17. North 68°01′31″ West, 100.28 feet to a point, thence
18. North 66°32′53″ West, 153.71 feet to a point, thence leaving North of the
   aforesaid Paint Branch Parkway and running in an Easterly direction the
   following thirteen courses and distances, as now surveyed,
19. North 35°25′16″ West, 51.66 feet to a point, thence
20. North 28°21′12″ East, 108.94 feet to a point, thence
21. North 89°02′54″ East, 72.58 feet to a point, thence
22. North 88°12′43″ East, 156.67 feet to a point, thence
23. North 66°08′04″ East, 124.86 feet to a point, thence
24. North 57°28′32″ East, 90.92 feet to a point, thence
25. North 76°23′40″ East, 78.90 feet to a point, thence
26. South 82°15′46″ East, 77.34 feet to a point, thence
27. North 83°39′58″ East, 118.16 feet to a point, thence
28. North 80°00′06″ East, 112.63 feet to a point, thence
29. South 76°18′25″ East, 116.16 feet to a point, thence
30. South 71°57′59″ East, 167.22 feet to a point, thence
31. South 71°34′38″ East, 28.92 feet to the place of beginning, containing
   473,110 square feet or 10.8611 acres of land.
LANDFILL AREA 3B

Beginning for the Landfill Area 3B at the northwesterly most corner of Lot 18 in Block 12 of Johnson and Curriden’s subdivision of College Park as recorded among the Land Records of Prince Georges County Maryland in Plat Book JWB 5 Plat 478, said point also lying south of Paint Branch Parkway, thence running South of the aforesaid Paint Branch Parkway in a Easterly direction the following twelve courses and distances, as now surveyed,

1. South 74°49’13” East, 139.65 feet to a point, thence
2. South 65°00’39” East, 23.19 feet to a point, thence
3. South 73°09’44” East, 101.62 feet to a point, thence
4. South 64°09’16” East, 97.17 feet to a point, thence
5. South 54°45’37” East, 114.61 feet to a point, thence
6. South 45°26’59” East, 66.77 feet to a point, thence
7. South 39°14’23” East, 83.25 feet to a point, thence
8. South 32°19’45” East, 49.98 feet to a point, thence
9. South 24°16’54” East, 85.33 feet to a point, thence
10. South 34°09’23” East, 30.69 feet to a point, thence
11. South 17°08’15” East, 97.11 feet to a point, thence
12. South 14°35’27” East, 119.65 feet to a point West of the Baltimore & Ohio Railroad Right-of-Way, thence leaving South of the aforesaid Paint Branch Parkway and running West of the aforesaid Baltimore & Ohio Railroad Right-of-Way in a Southerly direction the following course and distance, as now surveyed,
13. South 07°20’31” East, 5.58 feet to a point, thence leaving West of the aforesaid Baltimore & Ohio Railroad Right-of-Way and running in a Westerly direction the following nine courses and distances, as now surveyed,
14. North 81°10’51” West, 30.26 feet to a point, thence
15. North 16°35’16” West, 104.18 feet to a point, thence
16. North 24°28’01” West, 110.12 feet to a point, thence
17. North 37°21’52” West, 181.01 feet to a point, thence
18. North 48°34'17" West, 121.60 feet to a point, thence
19. North 58°41'47" West, 187.92 feet to a point, thence
20. North 52°18'02" West, 123.77 feet to a point, thence
21. North 73°52'06" West, 118.69 feet to a point, thence
22. North 16°39'19" East, 20.65 feet to the point of beginning, containing 50,508 square feet or 1.1595 acres of land.

LANDFILL AREA 4

Beginning for the Landfill Area 4 at the end of a line drawn South 47°09'08" West 727.92 feet from the end of the 12th or South 80°11'40" East, 693.00 feet deed line as described in the aforementioned conveyance from Gertrude K. Metzerott Johnson recorded in Liber 1170 Folio 412 (Parcel 1) and running thence in, through, over and across the said tract, the following eight courses and distances, as now surveyed

1. South 71°21'16" East, 137.51 feet to a point, thence
2. South 11°51'22" East, 330.63 feet to a point, thence
3. South 78°52'34" West, 224.87 feet to a point, thence
4. North 85°33'43" West, 139.98 feet to a point, thence
5. North 54°59'21" West, 234.06 feet to a point, thence
6. North 12°16'52" West, 165.58 feet to a point, thence
7. North 53°21'15" East, 184.30 feet to a point, thence
8. South 88°34'33" East, 241.12 feet to the point of beginning, containing 189,450 square feet or 4.3492 acres of land.

The combined area of the seven parcels is 1,251,161 square feet or 28.7227 acres of land.

This description was prepared under my direct supervision and is in compliance with COMAR Regulation No. 09.13.06.12.


Steven W. Jones
Professional Land Surveyor
MD License No. 2107
SKETCH OF
SEVEN PARCELS
ACROSS THE PROPERTY OF
UNIVERSITY OF MARYLAND
BERWYN (21ST) ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MARYLAND

LANDFILL AREA 1B
AREA: 23,796 s.f.
or 0.5483 Ac.

POINT OF BEGINNING
LANDFILL AREA 1A

LANDFILL AREA 1A
AREA: 426,775 s.f.
or 9.7974 Ac.

LANDFILL AREA 1C
AREA: 39,399 s.f.
or 0.9045 Ac.

POINT OF BEGINNING
LANDFILL AREA 1C
### TABLE FOR
### SEVEN PARCELS
### ACROSS THE PROPERTY OF
### UNIVERSITY OF MARYLAND
### BERWYN (21ST) ELECTION DISTRICT
### PRINCE GEORGE'S COUNTY, MARYLAND

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#### LANDFILL AREA 4

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#### COORDINATE TABLE

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CPJ Associates

Charles P. Johnson & Associates, Inc.
Civil & Environmental Engineers  Planners  Landscape Architects  Surveyors

215 Eagan Rd., Ste. 800 Silver Spring, MD 20903 301.434.7000 Fax: 301.434.9394
www.cpja.com  • Gaithersburg, MD  • Frederick, MD  • Stevensville, MD  • Fairfax, VA
## Line Table for Seven Parcels Across the Property of University of Maryland

**Berwyn (21st) Election District**

**Prince George’s County, Maryland**

### Line Table (Landfill Area 1A)

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### Line Table (Continued)

### Line Table (Landfill Area 1C Continued)

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