

DEED NOTICE

This Deed Notice is made as of the 3 day of March, 2004, by the State Highway Administration of the Maryland Department of Transportation acting for and on behalf of the State of Maryland, together with its successors and assigns (collectively "Owner").

WITNESSETH:

WHEREAS, Owner owns in fee simple certain real property pursuant to the following deeds: (a) a deed recorded among the Land Records of Baltimore County on August 11, 1969 in Liber No. 5024, folio 324 from Napoleon N. DelNegro and Vera Del Negro, his wife; and (b) a deed recorded among the Land Records of Baltimore County on March 11, 1966 in Liber No. 4590, folio 343 from James Hulka and Mary Hulka, his wife (the "Property");

WHEREAS, the Property contains approximately 3.5 acres of land, is located at 8355 Pulaski Highway (U.S. Route 40), Rosedale, Baltimore County, Maryland 21237, and is known as the State Highway Administration Rosedale Landscape Depot Facility; and

WHEREAS, the U.S. Environmental Protection Agency ("EPA") had identified a contaminated area of the Property as the Special Treatment Site ("Site") as EPA ID No. **MDD 981041601**; and

WHEREAS, the Site occupies approximately 0.240 of an acre of land on the Property and is identified as "Hazardous Waste Special Treatment Site" and shown shaded on State Highway Administration Plat No. **55922**, which has been recorded or is intended to be recorded among the Land Records of Baltimore County, MD ("Plat"); and

WHEREAS, the EPA required Owner to perform certain corrective action on the Site under the direction and oversight of EPA and the Maryland Department of the Environment ("Department"); and

WHEREAS, the Owner has performed the corrective action on the Site pursuant to the requirements of EPA ID No. **MDD 981041601**; and

WHEREAS, as part of the corrective action, Owner installed a protective multi-layer cap ("Cap") over the Site, in order to protect the Site from disturbance and to prevent the potential for unacceptable exposure to the contamination to humans or the environment; and

WHEREAS, EPA and the Department have determined that no further corrective action is necessary on the Property or the Site except for continued maintenance and annual inspection of the Cap that has been installed on the Site and deed notice documentation; and

WHEREAS, a reduced copy of State Highway Administration Plat No. **55922** is attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Plat shows the Site, which is protected by the Cap on a portion of the Property; and

WHEREAS, this Deed Notice itself is not intended to create any interest in real property in favor of the EPA or the Department, nor to create a lien against the Property, but merely is intended to provide record notice of certain conditions and restrictions on the Site; and

WHEREAS, in accordance with the EPA's final determination of no further action under the Resource Conservation and Recovery Act (RCRA), and in consideration of the terms and conditions of that determination, and other good and valuable consideration, Owner has agreed to subject the Site to the requirements contained herein.

NOW, THEREFORE, Owner agrees to the conditions and restrictions listed below and hereby notifies all interested parties, any other owners, lessees and operators that the applicable regulations and statutes require of each such person while owning, leasing or operating the Property as follows:

1. RESTRICTED USES. The Owner of all or any fee interest in all or any portion of the Site and each operator of all or any portion of the Site, shall not allow any of the following uses of the following portions of the Site:

Portion of the Property	Restricted Use
The Site, shown on Exhibit A as "Hazardous Waste Special Treatment Site" and verbally described on Exhibit B , attached hereto and incorporated herein.	The use shall not in any manner impair the condition of the protective multi-layer cap that has been installed on the Site.

2. EMERGENCIES. In the event of an emergency which presents a significant risk to public health, safety, or the environment, the application of Paragraph 1 above may be temporarily and unilaterally suspended, by the Owner, provided that the Owner:

- (a) immediately notifies the EPA/Department of the emergency;
- (b) limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- (c) implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the residual contamination; and
- (d) restores the Site to the pre-emergency conditions to the extent reasonably possible, and provides a report to the EPA/Department of such emergency and restoration actions within ninety (90) calendar days after the end of the emergency.

3. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

(a) Except as provided in Paragraph 2 above, no Owner or operator shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Site which disturbs any engineering control or which creates an unacceptable risk of exposure of humans or the environment to contamination in the Site without first obtaining the express written consent of the EPA/Department. Nothing herein shall constitute a waiver of the Owner's or operator's obligation to comply with all applicable laws and regulations.

(b) Notwithstanding subparagraph 3(a) above, the EPA/Department's consent is not required for any alteration, improvement, or disturbance provided the Owner or operator:

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i. provides for restoration of any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration improvement or disturbance; and

ii. does not allow an exposure level above those noted under Restricted Uses provided that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance.

4. ACCESS. While this Deed Notice is in effect, the Owner agrees to allow the EPA/Department, its agents and representatives, access to the Site in order to inspect and evaluate the continued effectiveness of the institutional or engineering controls and to conduct additional remediation to ensure the protection of the public health and safety and the environment.

5. NOTICE TO LESSEES AND OTHER HOLDERS OF PROPERTY INTERESTS. Owner shall cause all leases, grants, and other written transfers of interest in the Site to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of Owner to provide any notice required by any law, regulation, or order of any governmental authority.

6. ENFORCEMENT OF VIOLATIONS. The restrictions provided herein may be enforceable solely by the EPA/Department against any person who violates this Deed Notice. A violation of this Deed Notice shall not affect the status of the ownership of or title to the Property.

7. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court. In the event that the provision invalidated is of such a nature that this provision cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

8. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns while each is an owner or operator of the Site, and the EPA/Department.

9. REQUIREMENT OF NOTIFICATION. The Owner shall notify any person who intends to excavate on the Property of the nature and location of any contamination existing on the Property and in the Site and of any conditions or measures necessary to prevent exposure to contaminants.

10. TERMINATION AND MODIFICATION.

(a) This Deed Notice shall terminate only upon filing of an instrument, executed by the EPA/Department, in the Land Records of Baltimore County, MD expressly terminating this Deed Notice.

(b) Any person may request in writing at any time that the EPA/Department modify or terminate this Deed Notice or initiate termination proceedings based on, for example, a proposal that the Site of the Property does not pose an unacceptable risk to public health and safety or the environment. Within ninety (90) calendar days after receiving such a request the EPA/Department will either:

i. Approve the request and have the Owner either record in the Land Records of Baltimore County, MD a proper notice executed by the

EPA/Department stating that the use of the Property is no longer restricted and the Deed Notice is terminated, or record a modified Deed Notice delineating the new restrictions; or

ii. Issue a written notification of intent to deny the request pursuant to (c) below.

(c) The EPA/Department will set forth in a notice of intent to deny a request to modify or terminate this Deed Notice the basis for its decision. The Owner can respond to the intent to deny by providing new or additional information or data. The EPA/Department will review any such new or additional information or data and issue a final decision to grant or deny the request within sixty (60) calendar days after the Department's receipt of the Owner's response.

IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

WITNESS:

MARYLAND STATE HIGHWAY
ADMINISTRATION OF THE
DEPARTMENT OF TRANSPORTATION

Garry Fletcher

By: Neil J. Pedersen (Seal)
Neil J. Pedersen, Administrator

STATE OF MARYLAND - COUNTY/CITY OF Baltimore, To Wit:

I HEREBY CERTIFY that, before me, the subscriber, a NOTARY PUBLIC of the STATE OF MARYLAND, in and for the County/City aforesaid, personally appeared, **Neil J. Pedersen**, State Highway Administrator, and acknowledged the foregoing deed to be the act of the State Highway Administration and, at the same time, made oath in due form of law that he is fully authorized to execute and acknowledge the same.

AS WITNESS MY HAND AND NOTARIAL SEAL, this 3rd day of March in the year 2004.

Tracey L Howard (Seal)
Notary Public Tracey L Howard

My Commission Expires: 5/1/07

I hereby certify that this instrument was prepared under my supervision, an attorney admitted to practice by the Court of Appeals of Maryland.

Lizbeth C. Rappaport
Assistant Attorney General

After Recordation: please return to:

Maryland
707 North
Baltimore

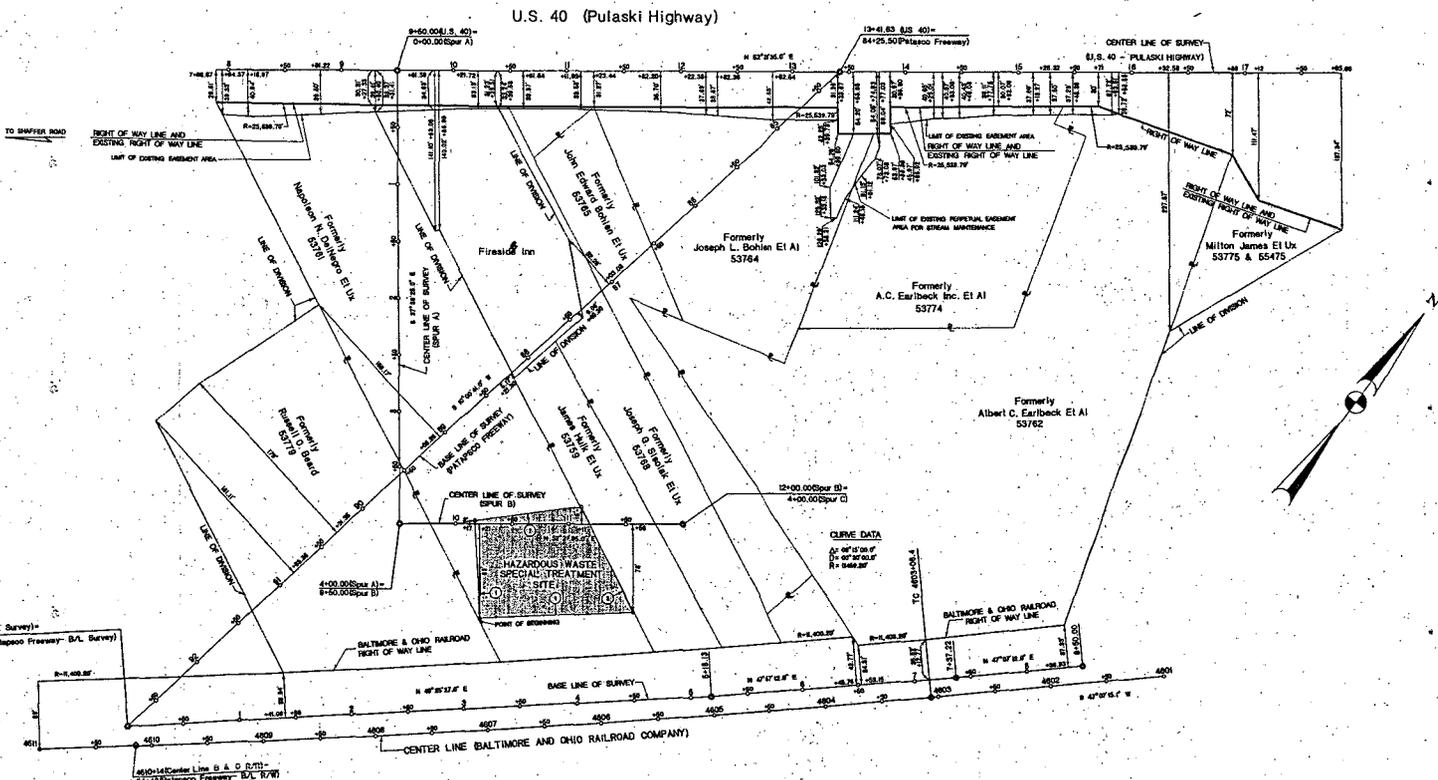
Is and Research Dept.

D.O.T. - S.H.A
Office of Real Estate-Distr.4
2323 W. Joppa Road
Baltimore, Maryland 21092 21093
LATHERVILLE

Exhibit A

GOLDEN RING MAINTENANCE SHOP HAZARDOUS WASTE SPECIAL TREATMENT SITE

0019712 77



METES AND BOUNDS

REC'D LIBER	FOLIO	MEASUREMENT
1	N 47°18'12" W	96.50'
2	N 45°05'05" E	84.70'
3	S 63°27'41" E	103.32'
4	S 50°14'10" W	155.99'

10,456 SQ. FT OR 0.2400 ACRES ±
SHOWN THUS:

THIS DOCUMENT HAS BEEN PREPARED FROM RECORDS AND OTHER TITLE SOURCES AND IS NOT THE RESULT OF CURRENT FIELD SURVEY.
 GEORGE A. HADEL, JR.
 PROPERTY LINE SURVEYOR
 MD. REG. NO. 848
 DATE: July 23, 2003



LEGEND

- UNDESIRABLE EASEMENT FOR SUPPORTING SLOPED AND CURVED CRIBS AS INDICATED BY NOTATION ON PLAN.
- UNDESIRABLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON PLAN.
- UNDESIRABLE EASEMENT FOR SPECIAL PURPOSE AS INDICATED ON THIS PLAN.
- UNDESIRABLE EASEMENT FOR OPENING FACILITY AS INDICATED BY NOTATION ON THIS PLAN.
- (ARROW INDICATES GENERAL CHANGING PATTERN)
- UNDESIRABLE EASEMENT TO DISBURSE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
- UNDESIRABLE EASEMENT TO DISBURSE FLOW OF WATER UPON EXISTING ROAD.
- APPROXIMATE GENERAL CHANGING FLOW PATTERN (NOT TO SCALE FOR ESTABLISHMENT PURPOSE ONLY)

SENT TO RECORD OFFICE _____
 APPROVED BY CHAIRMAN _____

BOOKS	REVISIONS	PART OF PLATS
8724		
8828		
8829		
8830		
8831		
8832		
8833		
8834		
8835		
8836		
8837		

LOCATED IN BALTIMORE COUNTY
 PREPARED BY PLATS AND SURVEYS DIVISION
 GEORGE A. HADEL, JR.
 ENGINEER PLAT SECTION
 CONSTRUCTION PROJECT: U.S. 40 - NEW GOLDEN RING MAINTENANCE SHOP
 480200-27-01
 480700-04-01
 M & O V-82 24
 CONSTRUCTION PROJECT NO: B 720-501-429

STATE OF MARYLAND
 DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY ADMINISTRATION
 STATE ROADS COMMISSION

RIGHT OF WAY PROJECT: U.S. 40 - NEW GOLDEN RING MAINTENANCE SHOP
 FEDERAL AID PROJECT NO. B 720-501-429
 ISSUED: Jan 23, 2003
 SCALE: 1" = 50'
 CHIEF, PLATS AND SURVEYS DIVISION
 PLAT No. 55922

0019112 178

State of Maryland Land Instrument Intake Sheet
Baltimore City County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
(Type or Print in Black Ink Only--All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

SM DADA
Mar 09, 2004 02:41 PM

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if Applicable)
Cite or Explain Authority

4 Consideration and Tax Calculations
Consideration Amount
Finance Office Use Only
Transfer and Recordation Tax Consideration

5 Fees
Amount of Fees
Doc. 1
Doc. 2
Agent: [Signature]
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

6 Description of Property
SDAT requires submission of all applicable information.
A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
Doc. 2 - Grantee(s) Name(s)
New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: STEVEN M. GARMER
Firm: MDOT-SHA OFFICE OF REAL ESTATE-DISTRICT 4
Address: 2323 W. JOPPA ROAD
LUTHERVILLE MD 21093 Phone: (410) 321-2886

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information
Yes X No Will the property being conveyed be the grantee's principal residence?
Yes X No Does transfer include personal property? If yes, identify:
X Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line
Terminal Verification
Agricultural Verification
Whole
Part
Tran. Process Verification
Transfer Number:
Date Received:
Deed Reference: REQUIRED Assigned Property No.:
Year 20 20
Geo. Director of Maryland and Finance
Land Buildings Total
REMARKS:
T.P. ART 12-108
Date 3/9/04

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

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