

PREPARED BY: [unclear]

#60-534

St. Louis, Mo.

TDEC  
NASHVILLE  
FIELD OFFICE  
RECEIVED

Plu by BARRY WOOD

NOTICE OF LAND USE RESTRICTIONS

2007 SEP 27 AM 9:51

DIVISION OF REMEDIATION

Notice is hereby given that pursuant to T.C.A. Section 68-212-225 of the Hazardous Waste Management Act of 1983, the Commissioner of the Tennessee Department of Environment and Conservation ("TDEC") has determined that land use restrictions are an appropriate remedial action at the below-described property. Pursuant to T.C.A. Section 68-212-225(d) the register of deeds shall record this Notice and index it in the grantor index under the names of the owners of the land.

Witnesseth:

WHEREAS, the Grantor is the owner of the real property described in a Deed of record with the Maury County Register of Deeds as Instrument No., DEED BK 1346 PAGE 70 herein after referred to as the "Property," and,

WHEREAS, the Property has been remediated, to the extent practicable, consistent with the National Contingency Plan and to levels protective of human health and the environment in a commercial/industrial area; and,

WHEREAS, the Grantor has agreed to impose certain land use restrictions on the Property as set forth hereinafter and has agreed to preserve and maintain these restrictions.

NOW, THEREFORE, in consideration of the foregoing, the Grantor hereby declares that the Property should be held, sold, and conveyed subject to the following land use restrictions. Said land use restrictions shall run with the land and shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof and to TDEC and the respective successors and assigns of such parties:

Location of Contamination

Being a portion of the Solutia property (Deed Book 1346, Page 70), described as the S-3 site, in the 9th Civil District of Maury County, Tennessee bounded on the north and east by the Duck River, south and west by Monsanto Rd and being further described as follows.

Beginning on an iron rod (new), near a TVA Right-of-Way, said rod being N 61 deg. 24' E - 7345.1' from a Monsanto concrete monument located at a common corner with Larry Reaves property.

Thence, on a new severance line for the next four calls:

- N 04 deg. 15' 25" W - 170.87' to an iron rod (new);
- N 69 deg. 12' 46" E - 514.92' to an iron rod (new);
- S 13 deg. 10' 26" E - 146.96' to an iron rod (new);
- S 67 deg. 18' 10" W - 544.37' to the POINT OF BEGINNING and containing 1.67 acres more or less according to a survey by Land Design Surveying, Inc dated April 18, 2007. Together with and subject to any covenants, easements, and restrictions recorded or unrecorded.

Being a portion of the Solutia property (Deed Book 1346, Page 70), described as the S-4 site, in the 9th Civil District of Maury County, Tennessee bounded on the north and east by the Duck River, south and west by Monsanto Rd and being further described as follows.

Beginning on an iron rod (new), near a TVA Right-of-Way, said rod being N 52 deg. 53' E - 7141.1' from a Monsanto concrete monument located at a common corner with Larry Reaves property.

Thence, on a new severance line for the next fourteen calls:

N 05 deg. 34' 14" E - 923.99' to an iron rod (new);  
N 19 deg. 20' 20" W - 214.29' to an iron rod (new);  
N 72 deg. 52' 16" E - 387.52' to an iron rod (new);  
S 10 deg. 14' 35" E - 195.18' to an iron rod (new);  
N 80 deg. 21' 24" E - 325.96' to an iron rod (new);  
S 30 deg 51' 18" E - 112.86' to an iron rod (new);  
S 15 deg. 50' 53" E - 188.74' to an iron rod (new);  
S 08 deg. 27' 15" E - 141.36' to an iron rod (new);  
S 53 deg. 27' 29" W - 262.52' to an iron rod (new);  
S 59 deg. 56' 37" W - 235.42' to an iron rod (new);  
S 26 deg. 45' 32" W - 439.00' to an iron rod (new);  
S 54 deg. 39' 53" E - 649.24' to an iron rod (new);  
S 49 deg. 16' 01" W - 61.20' to an iron rod (new);  
N 61 deg. 43' 24" W - 847.37' to the POINT OF BEGINNING and containing 16.64 acres more or less according to a survey by Land Design Surveying, Inc dated April 18, 2007. Together with and subject to any covenants, easements, and restrictions recorded or unrecorded.

Being a portion of the Solutia property (Deed Book 1346, Page 70), described as the S-5 site, in the 9th Civil District of Maury County, Tennessee bounded on the north and east by the Duck River, south and west by Monsanto Rd and being further described as follows.

Beginning on an iron rod (new), said rod being N 19 deg. 25' E - 6288.0' from a Monsanto concrete monument located at a common corner with Larry Reaves property.

Thence, on a new severance line for the next thirteen calls:

N 15 deg. 54' 12" W - 330.43' to an iron rod (new);  
N 34 deg. 45' 55" E - 133.93' to an iron rod (new);  
N 42 deg. 48' 28" E - 146.90' to an iron rod (new);  
N 73 deg. 07' 01" E - 152.89' to an iron rod (new);  
N 71 deg. 14' 40" E - 237.78' to an iron rod (new);  
N 76 deg. 16' 09" E - 197.57' to an iron rod (new);  
N 83 deg. 40' 51" E - 174.58' to an iron rod (new);  
N 89 deg. 29' 46" E - 103.08' to an iron rod (new);  
S 48 deg. 13' 57" E - 268.84' to an iron rod (new);  
S 47 deg. 24' 09" W - 123.63' to an iron rod (new);  
S 44 deg. 43' 45" W - 428.16' to an iron rod (new);  
S 59 deg. 22' 37" W - 180.31' to an iron rod (new);  
S 83 deg. 37' 25" W - 582.24' to the POINT OF BEGINNING and containing 12.95 acres more or less according to a survey by Land Design Surveying, Inc dated April 18, 2007. Together with and subject to any covenants, easements, and restrictions recorded or unrecorded.

BK/PG:R2007/153-156

07015760

4 PGS : AL - RESTRICTIONS	
SUSIE BATCH: 71801	
09/26/2007 - 10:04 AM	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	22.00

STATE OF TENNESSEE, MAURY COUNTY

JOHN FLEMING  
REGISTER OF DEEDS

Being a portion of the Solutia property (Deed Book 1346, Page 70), described as the S-12 site, in the 9th Civil District of Maury County, Tennessee bounded on the north and east by the Duck River, south and west by Monsanto Rd and being further described as follows.

Beginning on an iron rod (new), said rod being N 11 deg. 02' E – 3730.7' from a Monsanto concrete monument located at a common corner with Larry Reaves property.

Thence, on a new severance line for the next nine calls:

N 04 deg. 40' 00" W – 303.18' to an iron rod (new);

N 04 deg. 33' 08" E – 215.63' to an iron rod (new);

N 46 deg. 50' 29" E – 154.54' to an iron rod (new);

S 58 deg. 52' 35" E – 99.29' to an iron rod (new);

S 07 deg. 08' 16" E – 213.95' to an iron rod (new);

S 21 deg. 15' 59" W – 223.04' to an iron rod (new);

S 06 deg. 20' 14" W – 141.28' to an iron rod (new);

S 76 deg. 55' 26" W – 71.63' to an iron rod (new);

N 84 deg. 03' 39" W – 50.76' to the POINT OF BEGINNING and containing 2.50 acres more or less according to a survey by Land Design Surveying, Inc dated April 18, 2007. Together with and subject to any covenants, easements, and restrictions recorded or unrecorded.

### **Land Use Restrictions:**

Prior to any part of the Property being used for a residence, domicile, daycare, school, or church with an outdoor playground, the Grantor, its successors, and/or assigns must notify TDEC and must demonstrate to the satisfaction of TDEC that any such proposed use listed above will not pose a danger to public health, safety, or the environment. Prior to the removal of soil underlying the buildings or the Property, the Grantor, its successors, and/or assigns must notify TDEC and must demonstrate to the satisfaction of TDEC that any such proposed soil removal will not pose a danger to public health, safety, or the environment. Any approval granted by TDEC for the restricted uses shall be in writing, must contain a reference to this instrument, and shall be filed with the Maury County Register of Deeds.

The Grantor, its successors, and/or assigns must notify TDEC prior to any invasive activity on the Property including soil borings or potable groundwater wells. The Grantor, its successors, and/or assigns must demonstrate to the satisfaction of TDEC, through sampling and analysis approved by TDEC, that any invasive activity will not pose a danger to public health, safety, or the environment. Any approval granted by TDEC for the restricted uses shall be in writing, must contain a reference to this instrument, and shall be filed with the Maury County Register of Deeds.

### **Enforcement**

Any owner of the land or any unit of local government having jurisdiction over any part of the subject property, may enforce this Notice of Land Use Restrictions by means of a civil action. The Commissioner of TDEC may enforce this Notice of Land Use Restrictions through the issuance of an Administrative Order or by means of a civil

action, including one to obtain an injunction against present or threatened violations of the restriction. Pursuant to T.C.A. Section 68-212-213, any person who fails, neglects or refuses to comply with a land use restriction commits a Class B misdemeanor and is subject to the assessment of a civil penalty of up to ten thousand dollars (\$10,000) per day.

**Term**

This Notice of Land Use Restrictions shall run with and bind the Property unless/until this Declaration shall be made less stringent or canceled as set forth under the paragraph entitled "Amendment and Termination."

**Amendment and Termination**

This Notice of Land Use Restrictions may be made less stringent or canceled by the Commissioner of TDEC if the risk has been eliminated or reduced so that less restrictive land use controls are protective of human health and the environment. . No amendment to or termination of this Notice of Land Use Restrictions shall be effective until such amendment or instrument terminating this Notice of Land Use Restrictions is recorded by the Maury County Register of Deeds.

**Severability**

Invalidation of any of these covenants or restrictions by judgement or court order shall in no way affect any other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 24<sup>th</sup> day of Sept 2007.

Max W. McCombs

Grantor

Before me, the undersigned Notary Public in and for the State aforesaid, personally appeared Max W. McCombs and by their signature executed the foregoing instrument for the purpose therein contained.

WITNESS, this 24<sup>th</sup> day of September 2007.

Jeani M. Madden  
Notary Public

JOANI M. MADDEN  
Notary Public - State of Missouri  
County of St. Charles  
My Commission Expires Jun. 29, 2008

Commission Expiration

JOHN FLEMING

Register of Deeds  
MAURY County, TN

Payment Receipt  
Batch# 71801

09/26/2007

RCVD OF: BARRY E WOOD

When Revenue Is Paid By Check, Receipt  
Is Not Valid Until Check Is Paid By Bank

Check(s) 22.00

Inst # 07015760 10:04 AM

RESTRICTIONS

Book: R2007 Page: 153

Recording Fee 20.00

DP Fee 2.00

Document Total: 22.00

Batch Total: 22.00