



west virginia department of environmental protection

Division of Land Restoration
601 57th Street SE
Charleston, WV 25304
P: 304-926-0455

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

December 8, 2014

Certified Mail #91-7199-9991-7034-3218-2763

Union Carbide Corporation
437 MacCorkle Ave S.W.
Charleston, WV 25303

Re: Former UCC Technology Park Land Use Covenants
Tracts A and B, West Virginia Higher Education Policy Commission Property
Tract D-1, United Disciples of Christ Church Property
Tract D-2, Union Carbide Corporation

Dear Mr. Cibrik:

Enclosed please find the signed and notarized Land Use Covenants for the subject parcels.

Please make arrangements to have the Land Use Covenants properly recorded with the Kanawha County Clerk, and request the clerk return a copy of each recorded instrument to my attention:

Ms. Patricia A. Hickman, Interim Director
WVDEP Division of Land Restoration
601 57th Street SE
Charleston, WV 25304

Once recorded, the Land Use Covenants will become a part of the Administrative Record for the subject site.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

Patricia A. Hickman
Interim Director

Page 2

Enclosure

cc: WVDEP File #WVD060682291
Charles Armstead, Program Manager, WVDEP/OER

ENVIRONMENTAL COVENANT

This is an environmental covenant executed pursuant to the Uniform Environmental Covenants Act, West Virginia Code Chapter 22, Article 22B, to restrict the activities on, and uses of, the following described property:

Tract A of the Union Carbide Corporation (UCC) Technology Park in South Charleston, West Virginia (herein after the "property") as described in the legal description in Attachment 1. A map of the property is provided as Figure 1 in Attachment 2.

Activities on and uses of the above described property that may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant are prohibited. Those activities and uses include, but are not limited to:

- A. Extraction of groundwater from the property for any purpose other than monitoring or remediation approved by the West Virginia Department of Environmental Protection (WVDEP) is prohibited.
- B. Monitoring wells installed and operated under the Resource Conservation and Recovery Act (RCRA) Corrective Action Program shall not be removed, disturbed, or damaged without written approval from UCC and WVDEP. If the use of any of these monitoring wells is discontinued, the monitoring well shall be properly abandoned by the owner in accordance with Title 47 Series 60 of the West Virginia Code of State Rules or other applicable laws and regulations in effect at the time of the well abandonment.
- C. A vapor control system shall be installed in all new structures which are to be occupied in the areas of the property designated as having vapor intrusion restrictions as shown on Figures 2 and 3 in Attachment 2 by properly trained and appropriately licensed personnel in full compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. The design of the vapor control system must be approved by a West Virginia registered Professional Engineer. The legal descriptions for the vapor intrusion restriction areas are provided in Attachment 1.
- D. All subsurface and/or earth moving activities, including excavation, drilling and construction activities, in the areas of the property designated as having subsurface work restrictions as shown on Figures 2 through 5 in Attachment 2 shall be prohibited unless such activity will not pose a threat to human health or the environment or adversely affect or interfere with the Final Remedy and all such activities are in compliance with all applicable federal, state, and local requirements. The legal descriptions for the subsurface work restriction areas are provided in Attachment 1.
- E. Residential or quasi-residential use of the areas designated as having industrial/commercial use restrictions as shown on Figures 5 and 6 in Attachment 2, or any portion thereof, is prohibited. The prohibited uses include but are not limited to the following uses and all other uses that are in any way connected with or similar to the following uses: single-family or multiple-family dwellings, dormitories, apartments, condominiums, and cooperatives, hotels/motels or comparable facilities, assisted living facilities, hospitals or other health care facilities that provide for overnight occupancy by patients or staff, convention centers that

provide facilities for overnight stays, day care facilities of any kind, etc. The legal descriptions for the industrial/commercial use restriction areas are provided in Attachment 1.

The current owner of record of the property, and its contact information is:

West Virginia Higher Education Policy Commission
1018 Kanawha Blvd, East
Suite 700
Charleston, WV 25301

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all of the holders of this covenant:

West Virginia Higher Education Policy Commission
1018 Kanawha Blvd, East
Suite 700
Charleston, WV 25301

The facts regarding the remediation response project at this property are:

UCC is the current or previous owner of the parcels that make up the UCC Technology Park (the "site"), comprising approximately 574 acres (of which 248 acres are in Tract A) in the city of South Charleston, West Virginia. UCC entered the site into a RCRA Facility Lead Agreement with the United States Environmental Protection Agency (USEPA) effective December 15, 1999.

As a result of site investigations, it was determined that shallow soil and shallow groundwater are impacted by constituents exceeding USEPA regional screening levels protective of human health in some portions of Tract A.

USEPA issued a Final Decision on December 15, 2010 identifying the approved corrective actions for the property. The corrective action for the property requires recording an Environmental Covenant to eliminate potentially complete exposure pathways.

WVDEP issued a Corrective Action Permit (USEPA ID# WVD060682291) to UCC for the site on February 2, 2012. The permit contains provisions requiring corrective action that fulfill the requirements for the approved corrective actions defined in the Final Decision issued by USEPA.

The owner of the property shall provide written notice to all holders, UCC, the Secretary of the WVDEP, and USEPA within 10 days following transfer of a specified interest in the property subject to this covenant, changes in use of the property, application for building permits regarding the property, or proposals for any site work affecting the contamination on the property.

UCC or their designated representatives shall conduct inspections of the property to monitor compliance with this Environmental Covenant at least once per year, and shall submit two (2) signed copies of the inspection monitoring report to the WVDEP, Division of Land Restoration headquarters in Charleston, within 30 days of the inspection.

This covenant shall not be amended, modified or terminated except by written instrument executed in accordance with W. VA. Code § 22-22B-10, by and between the owner at the time of the proposed amendment, modification or termination, the Secretary of the WVDEP, USEPA, the holders of this covenant, and UCC. Within 5 days of executing an amendment, modification or termination of this Environmental Covenant, the owner shall record such amendment, modification or termination with the Clerk of the County Commission, and within 5 days thereafter, the owner shall provide a true copy of the recorded amendment, modification or termination to the Secretary of the WVDEP.

The administrative record for the environmental response project reflected in this covenant is maintained at the WVDEP Division of Water and Waste Management (DWWM) address below and is titled, UCC Technology Park, South Charleston, ID# WVD060682291.

WVDEP
DWWM
601 57th Street
Charleston, WV, 25304

WVDEP is granted full right of access to the property for the purpose of implementation or enforcement of this covenant. In addition, UCC, its employees, representatives, and contractors are granted full right of access to the property for the purpose of monitoring compliance with the covenant.

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and their grantees, lessees, authorized agents, employees or persons acting under their direction or control.

IN WITNESS WHEREOF, the following have executed this covenant on the dates indicated.

SIGNED:

Date:

Paul Hill

11.05.14

Chancellor

West Virginia Higher Education Policy Commission

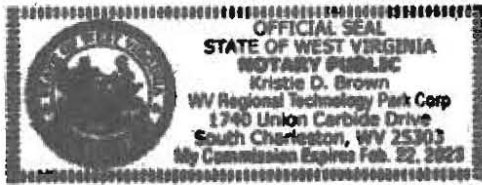
I, Kristie D. Brown, a Notary Public in and for the County of Kanawha State of WV, do hereby certify that Paul Hill the holder(s) whose (name is) (names are) signed above, as the authorized representative of the West Virginia Higher Education Policy Commission, signed above, this day executed this document in my presence or this day acknowledged same to be said holder(s) true act and deed.

Given under my hand this the 05 day of November, 2014.

My commission expires February 22, 2023.

Kristie D. Brown

Notary Public



SIGNED:

Date:

[Signature]

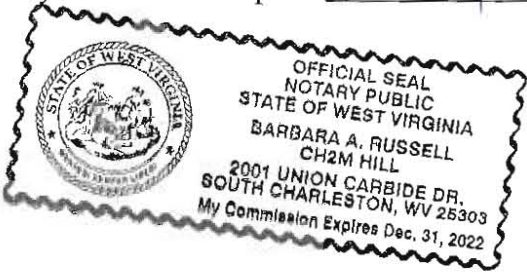
11/10/14

Remediation Leader
Union Carbide Corporation

I, Barbara Russell, a Notary Public in and for the County of Kanawha State of WV, do hereby certify that Jerome Cibrik whose name is signed to the writing above, as the authorized representative of the Union Carbide Corporation, signed above, this day executed this document in my presence or this day acknowledged same to be the true act and deed.

Given under my hand this the 10 day of Nov, 2014.

My commission expires Dec. 31, 2022



Barbara Russell
Notary Public

SIGNED:

Date:

Patricia A. Hickman

12-8-14

Interim Director
West Virginia Department of Environmental Protection

I, Jessica A. Henson, a Notary Public in and for the County of Kanawha
State of WV, do hereby certify that Patricia A. Hickman do certify that
representatives of the agency, has this day executed this document in my presence or this day
acknowledged same to be the true act and deed of said agency.

Given under my hand this the 8th day of December, 2014.

My commission expires April 7, 2020

Jessica A. Henson
Notary Public

The Clerk will return the recorded document to:
Ms. Patricia A. Hickman, Interim Director
WVDEP, DLR
601 57th Street
Charleston, West Virginia 25304



Attachment 1
Legal Descriptions



Description of 247.829 acres

Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following.

Beginning at a 5/8" rebar w/cap found (Northing = 495042.81 Easting = 1766738.07), a corner to the Union Carbide Corp. (Deed Book 776 Page 240);

Thence with said Union Carbide Corp. the following forty (40) bearings and distances:

- 1) S 36°29'50" E 157.63' to a point;
- 2) S 49°33'00" E 196.80' to a point;
- 3) N 86°07'50" E 130.26' to a point;
- 4) S 45°32'00" E 327.36' to a point;
- 5) S 08°18'00" E 196.43' to a point;
- 6) S 14°27'20" W 113.30' to a point;
- 7) S 08°03'20" W 262.10' to a point;
- 8) S 14°32'00" E 853.14' to a 5/8" rebar w/cap found;
- 9) S 56°49'40" E 71.78' to a 5/8" rebar w/cap found;
- 10) S 25°20'40" E 1228.93' to a point;
- 11) S 37°13'30" W 306.87' to a point;
- 12) S 61°35'50" W 513.73' to a point;
- 13) S 55°04'10" W 48.88' to a point;
- 14) S 41°11'20" W 49.85' to a point;
- 15) S 18°21'00" W 40.42' to a point;
- 16) S 00°16'50" W 77.46' to a point;
- 17) S 10°28'30" E 182.05' to a point;
- 18) S 14°31'30" E 57.31' to a point;
- 19) S 32°05'10" E 56.16' to a point;
- 20) S 43°02'00" E 63.58' to a point;
- 21) S 45°08'40" E 101.01' to a point;
- 22) S 39°34'20" E 124.62' to a point;
- 23) S 34°53'30" E 89.85' to a point;
- 24) S 17°29'10" E 25.66' to a point;
- 25) S 02°53'10" E 25.87' to a point;
- 26) S 00°56'30" W 312.87' to a point;
- 27) S 08°24'20" E 103.46' to a point;
- 28) S 07°50'20" W 10.26' to a point;
- 29) S 62°07'00" W 17.00' to a point;
- 30) S 77°02'40" W 63.91' to a point;
- 31) S 72°52'00" W 104.35' to a point;
- 32) S 68°29'40" W 50.92' to a point;

- 33) S 55°54'20" W 189.60' to a point;
- 34) S 51°03'10" W 82.83' to a point;
- 35) S 54°47'20" W 145.99' to a point;
- 36) S 86°27'20" W 23.56' to a point;
- 37) S 76°08'30" W 26.38' to a point;
- 38) S 62°22'40" W 16.45' to a point;
- 39) S 52°34'10" W 15.96' to a point;
- 40) S 38°58'20" W 188.07' to a point in the eastern right of way of West Virginia Route 601;

Thence with said right of way of West Virginia Route 601 the following five (5) bearings and distances:

- 1) N 32°20'50" W 230.11' to a point;
- 2) N 51°12'10" W 103.29' to a point;
- 3) N 33°27'20" W 41.82' to a point;
- 4) S 56°59'00" W 30.00' to a point;
- 5) N 33°01'00" W 55.71' to a point, a corner to Robert Curry (Deed Book 2260 Page 465);

Thence with said Robert Curry the following three (3) bearings and distances:

- 1) N 50°14'00" E 100.00' to a point;
- 2) N 49°31'00" W 152.00' to a point;
- 3) N 71°51'00" W 100.00' to a point in the said right of way of West Virginia Route 601;

Thence with said right of way of West Virginia Route 601 the following ten (10) bearings and distances:

- 1) N 38°45'30" W 26.02' to a point;
- 2) N 51°44'00" W 20.00' to a point;
- 3) N 22°46'20" W 81.20' to a point;
- 4) N 20°27'20" E 21.25' to a point;
- 5) N 71°43'00" W 38.00' to a point;
- 6) S 87°17'00" W 65.00' to a point;
- 7) N 68°47'50" W 89.91' to a point;
- 8) N 83°00'30" W 97.12' to a point;
- 9) N 88°11'00" W 111.34' to a point;
- 10) S 84°24'00" W 31.96' to a point, a corner to Michael Sullivan (Deed Book 2436 Page 212);

Thence with said Michael Sullivan the following three (3) bearings and distances:

- 1) N 05°04'30" E 134.55' to a point;
- 2) N 05°04'30" E 1020.47' to a point;
- 3) S 72°08'00" W 1472.38' to a point a corner to John Smallridge (Deed Book 2489 Page 155);

Thence with said John Smallridge N 05°20'00" E 732.92' to a point a corner to Everett Moore (Deed Book 2126 Page 239);

Thence with said Everett Moore the following five (5) bearings and distances:

- 1) N 69°56'00" E 112.35' to a point;

- 2) N 21°06'00" E 49.20' to a point;
- 3) N 55°39'00" E 50.12' to a point;
- 4) N 10°21'00" E 40.41' to a point;
- 5) N 78°26'00" W 157.89' to a point a corner to Old Oakes Estates (Deed Book 777 Page 475);

Thence with said Old Oakes Estates N 05°20'00" E 1094.85' to a point a corner to Martha Karnes (Deed Book 2431 Page 738);

Thence with said Martha Karnes the following three (3) bearings and distances:

- 1) N 05°45'00" E 203.31' to a concrete monument found;
- 2) N 36°10'30" W 169.99' to a concrete monument found;
- 3) N 85°49'10" W 209.26' to a concrete monument found a corner to Betty Haynes (Deed Book 740 Page 658);

Thence with said Betty Haynes the following two (2) bearings and distances:

- 1) N 15°13'00" W 164.88' to a point;
- 2) N 05°37'00" E 348.53' to a point in the southern right of way of the James & Kanawha Turnpike;

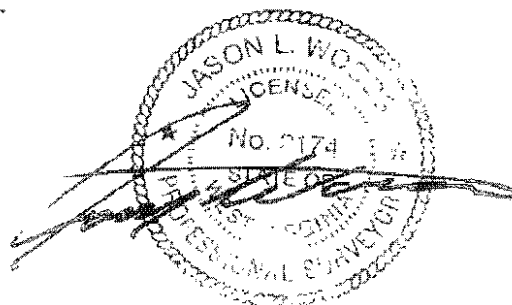
Thence with said James & Kanawha Turnpike the following ten (10) bearings and distances:

- 1) N69°10'10"E 430.06' to a concrete monument found;
- 2) N18°43'30"E 72.05' to a point being Sta. 8+06.09 28.55' Rt.;
- 3) N 64°51'10" E 182.71' to a point being Sta. 9+90.41 25.59' Rt.;
- 4) N 69°46'00" E 123.57' to a point being Sta. 11+13.94 31.08' Rt.;
- 5) N 70°45'40" E 104.73' to a 1/2" rebar in concrete being Sta. 12+17.06 36.80' Rt.;
- 6) N 64°48'00" E 156.42' to a concrete monument found being Sta. 13+70.94 36.80' Rt.;
- 7) N 58°14'00" E 284.23' to a 5/8" rebar w/cap found being Sta. 16+55.08 28.42' Rt.;
- 8) N 62°32'10" E 268.76' to a point being Sta. 19+25.28 23.43' Rt.;
- 9) N 61°05'30" E 157.02' to a point being Sta. 20+79.79 23.97' Rt.;
- 10) N 54°53'10" E 276.76' to a point being Sta. 23+54.62 28.54' Rt.;
- 11) N 52°57'40" E 50.95' to a point being Sta. 24+06 28.35' Rt.;
- 12) N 57°20'00" E 64.34' being Sta. 24+72.30 30' Rt., a corner to said Union Carbide;

Thence with said Union Carbide the following two (2) bearings and distances:

- 1) S 31°49'30" E 29.95' to a point;
- 2) N 74°45'00" E 104.08' to a point;
- 3) S49°02'40" 101.17' to the place of beginning.

Containing 247.829 acres and being shown as Tract A upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated April 28, 2014 is attached hereto and made a part of this description.





Description of 2.239 acres

Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following.

Beginning at a 5/8" rebar w/brass cap set (Northing = 494431.99 Easting = 1765366.22), Sta. 11+34.94, 31.08' Rt., in the southern right of way of the Kanawha Turnpike;

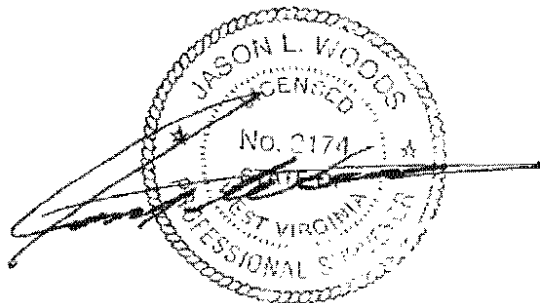
Thence leaving said Turnpike and with new lines through the parent tract (West Virginia Education Policy Commission, Deed Book 2782 Page 636) for the following seven (7) bearings and distances:

- 1) S 29°31'50" E passing a 5/8" rebar w/cap found at 124.95', in all a total distance of 188.77' to a 5/8" rebar w/brass cap set,
- 2) S 60°03'50" W 218.73' to a point;
- 3) S 60°44'20" W 255.82' to a 5/8" rebar w/brass cap set;
- 4) S 61°43'40" W 10.21' to a point;
- 5) N 28°01'50" W 193.55' to a point;
- 6) N 69°10'10" E 123.21' to a concrete monument found;
- 7) N 18°43'30" E 72.05' to a point, in the southern right of way of said Kanawha Turnpike Sta. 8+06.09, 28.55' Rt.;

Thence with said Kanawha Turnpike for the following two (2) bearings and distances:

- 1) N 64°51'10" E 182.75' to point, Sta. 9+90.41, 25.59' Rt.;
- 2) N 69°46'00" E 123.53' to the place of beginning;

Containing 2.239 acres and being shown as Area 1 Subsurface Work and Vapor Intrusion Restrictions upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated October 21, 2014 is attached hereto and made a part of this description.





Description of 23.000 acres

Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following.

Commencing at a concrete monument, a corner to Martha Karnes (Deed Book 2431 Page 738) S76°36'50"E 2627.11' to a 5/8" rebar w/cap found (Northing = 492961.06 Easting = 1767433.44), being the true point of beginning.

Thence through the parent tract the following thirty two (32) bearings and distances:

- 1) N 02°13'30" W 192.38' to a point;
- 2) N 14°32'30" W 853.22' to a point;
- 3) N 36°30'30" W 92.13' to a 5/8" rebar w/cap found;
- 4) N 68°09'00" W 30.43' to a 5/8" rebar w/cap found;
- 5) N 30°08'20" W 223.36' to a 5/8" rebar w/cap found;
- 6) N 14°33'20" E 56.23' to a 5/8" rebar w/cap found;
- 7) N 25°34'20" W 80.59' to a fence post;
- 8) S 68°13'40" W 49.12' to a fence post;
- 9) N 56°45'10" W 19.42' to a fence post;
- 10) S 85°24'10" W 21.78' to a fence post;
- 11) N 81°18'40" W 38.94' to a fence post;
- 12) S 60°34'40" W 209.69' to a fence post;
- 13) S 44°46'50" W 29.92' to a fence post;
- 14) S 64°26'20" W 56.82' to a point;
- 15) S 51°20'20" W 126.11' to a point;
- 16) S 03°34'40" W 205.28' to a point;
- 17) S 81°04'30" E 72.06' to a point;
- 18) S 03°26'00" W 39.64' to a fence post;
- 19) S 84°35'40" W 193.66' to a point;
- 20) S 63°04'20" W 94.30' to a fence post;
- 21) S 72°52'50" W 199.92' to a fence post;
- 22) S 70°51'20" W 54.58' to a 5/8" rebar w/cap found;
- 23) N 60°18'00" W 113.10' to a 5/8" rebar w/cap found;
- 24) N 33°14'50" W 131.81' to a 5/8" rebar w/cap found;
- 25) N 27°48'50" W 84.37' to a point;
- 26) N 29°23'20" W 60.77' to a 5/8" rebar w/cap found;
- 27) N 29°46'10" W 108.39' to a 5/8" rebar w/cap found;
- 28) N 08°40'20" W 30.28' to a 5/8" rebar w/cap found;
- 29) N 34°41'30" E 29.01' to a 5/8" rebar w/cap found;
- 30) N 59°28'50" E 973.17' to a point;
- 31) N 60°09'40" E 235.30' to a 5/8" rebar w/cap found;

32) N 59°32'20" E 92.26' to a point in a line of Union Carbide (Deed Book 776 Page 240);

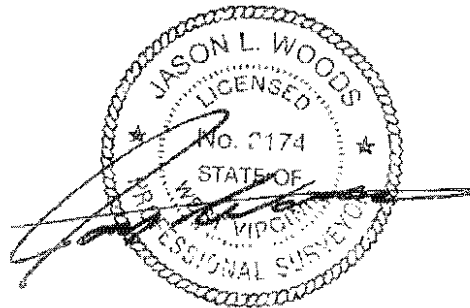
Thence with said Union Carbide the following nine (9) bearings and distances:

- 1) S 49°33'00" E 110.81' to a point;
- 2) N 86°07'50" E 130.26' to a point;
- 3) S 45°32'00" E 327.36' to a point;
- 4) S 08°18'00" E 196.43' to a point;
- 5) S 14°27'20" W 113.30' to a point;
- 6) S 08°03'20" W 262.10' to a point;
- 7) S 14°32'00" E 853.14' to a 5/8" rebar w/cap found;
- 8) S 56°49'40" E 71.78' to a 5/8" rebar w/cap found;
- 9) S 25°20'50" E 233.64' to a 5/8" rebar w/cap found in a line of said Union Carbide;

Thence leaving said Union Carbide and through the parent tract the following two (2) bearings and distances:

- 1) S 74°32'50" W 242.39' to a 5/8" rebar w/cap found;
- 2) N 09°05'50" W 98.87' to the place of beginning;

Containing **23.000** acres, and being shown as Area 2 Subsurface Work and Vapor Intrusion Restrictions, upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated October 21, 2014 is attached hereto and made a part of this description.





Description of 101.607 acres

Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following;

Beginning at a point (Northing = 495109.13 Easting = 1766661.66), a corner to Union Carbide (Deed Book 776 Page 240);

Thence with said Union Carbide the following twelve (12) bearings and distances:

- 1) S 49°02'50" E 101.18' to a 5/8" rebar w/cap found;
- 2) S 36°29'50" E 157.63' to a point;
- 3) S 49°33'00" E 196.80' to a point;
- 4) N 86°07'50" E 130.26' to a point;
- 5) S 45°32'00" E 327.36' to a point;
- 6) S 08°18'00" E 196.43' to a point;
- 7) S 14°27'20" W 113.30' to a point;
- 8) S 08°03'20" W 262.10' to a point;
- 9) S 14°32'00" E 853.14' to a 5/8" rebar w/cap found;
- 10) S 56°49'40" E 71.78' to a 5/8" rebar w/cap found;
- 11) S 25°20'50" E 233.64' to a 5/8" rebar w/cap found;
- 12) S 25°21'30" E 141.25' to a point in a line of said Union Carbide;

Thence leaving said Union Carbide and through the parent tract the following fifty one (51) bearings and distances

- 1) S 67°19'10" W 203.37' to a point;
- 2) N 88°04'00" W 125.44' to a point;
- 3) S 64°55'00" W 169.39' to a point;
- 4) S 51°41'20" W 86.75' to a point;
- 5) S 04°35'10" W 64.29' to a point;
- 6) S 62°32'20" E 83.58' to a point;
- 7) S 48°55'00" E 72.75' to a point;
- 8) S 37°36'20" E 68.51' to a point;
- 9) S 46°50'40" W 194.79' to a point;
- 10) S 66°13'00" W 168.75' to a point;
- 11) S 69°58'40" W 163.34' to a point;
- 12) S 79°52'20" W 93.74' to a point;
- 13) S 89°21'40" W 96.53' to a point;
- 14) N 77°26'30" W 134.93' to a point;
- 15) N 03°25'40" W 87.46' to a point;
- 16) N 09°16'30" E 82.47' to a point;
- 17) N 38°59'00" E 98.37' to a point;

- 18) N 02°05'00" E 211.38' to a fence post;
- 19) N 20°20'20" W 184.08' to a point;
- 20) N 59°02'10" W 78.22' to a point;
- 21) S 81°07'10" W 108.61' to a point;
- 22) S 75°39'00" W 148.84' to a point;
- 23) S 59°06'00" W 39.56' to a point;
- 24) N 34°09'40" W 631.59' to a point;
- 25) S 62°46'00" W 169.74' to a 5/8" rebar w/cap found;
- 26) S 60°09'30" W 264.43' to a fence post;
- 27) N 85°47'30" W 12.22' to a fence post;
- 28) S 84°31'40" W 10.11' to a fence post;
- 29) N 28°38'10" W 20.16' to a fence post;
- 30) S 77°34'50" W 8.85' to a fence post;
- 31) S 78°17'20" W 9.19' to a fence post;
- 32) N 08°09'30" W 35.24' to a 5/8" rebar w/cap found;
- 33) N 10°03'10" W 68.41' to a fence post;
- 34) N 76°27'40" E 47.63' to a 5/8" rebar w/cap found;
- 35) N 40°54'30" E 72.98' to a 5/8" rebar w/cap found;
- 36) N 55°15'50" E 248.62' to a 5/8" rebar w/cap found;
- 37) N 40°04'00" E 137.96' to a 5/8" rebar w/cap found;
- 38) N 13°41'50" E 95.56' to a 5/8" rebar w/cap found;
- 39) N 18°06'50" W 60.31' to a 5/8" rebar w/cap found;
- 40) S 63°07'20" W 308.01' to a 5/8" rebar w/cap found;
- 41) S 61°39'40" W 235.29' to a 5/8" rebar w/cap found;
- 42) S 83°02'50" W 30.47' to a fence post;
- 43) N 42°14'00" W 263.55' to a 5/8" rebar w/cap found;
- 44) N 17°20'50" W 62.86' to a 5/8" rebar w/cap found;
- 45) N 08°09'50" W 97.02' to a point;
- 46) N 15°02'10" W 85.69' to a point;
- 47) N 19°21'30" W 87.06' to a point;
- 48) N 19°01'20" W 135.79' to a point;
- 49) N 28°01'50" W 193.55' to a point;
- 50) N 69°10'10" E 123.21' to a concrete monument found;
- 51) N 18°43'30" E 72.05' to a point being Sta. 8+06.09 28.55' Rt. in the southern right of way of said Kanawha and James Turnpike;

Thence with said Turnpike the following ten (10) bearings and distances:

- 1) N 64°51'10" E 182.71' to a point being Sta. 9+90.41 25.59' Rt.;
- 2) N 69°46'00" E 123.57' to a point being Sta. 11+13.94 31.08' Rt.;
- 3) N 70°45'40" E 104.73' to a 1/2" rebar in concrete being Sta. 12+17.06 36.80' Rt.;
- 4) N 64°48'00" E 156.42' to a concrete monument found being Sta. 13+70.94 36.80' Rt.;
- 5) N 58°14'00" E 284.23' to a 5/8" rebar w/cap found being Sta. 16+55.08 28.42' Rt.;
- 6) N 62°32'10" E 268.76' to a point being Sta. 19+25.28 23.43' Rt.;
- 7) N 61°05'30" E 157.02' to a point being Sta. 20+79.79 23.97' Rt.;
- 8) N 54°53'10" E 276.76' to a point being Sta. 23+54.62 28.54' Rt.;
- 9) N 52°57'40" E 50.95' to a point being Sta. 24+06 28.35' Rt.;
- 10) N 57°20'00" E 64.34' being Sta. 24+72.30 30' Rt., a corner to said Union Carbide;

Thence with said Union Carbide the following two (2) bearings and distances:

- 1) S 31°49'30" E 29.96' to a point;
- 2) N 74°45'00" E 104.08' to the place of beginning.

Containing **101.607 acres** and being shown as Area 5 Industrial/Commercial Land Use Restriction Area upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated October 21, 2014 is attached hereto and made a part of this description.





Description of 2.237 acres

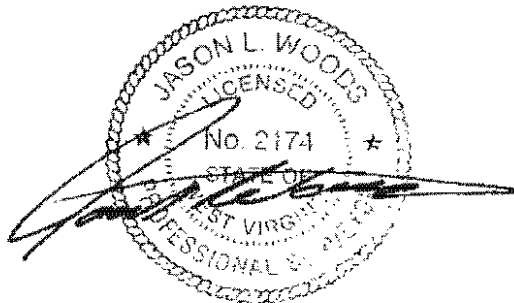
Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following.

Commencing at a concrete monument, a corner to Martha Karnes (Deed Book 2431 Page 738) S55°10'30"E 2305.84' to a point (Northing = 492252.42 Easting = 1766770.54), being the true point of beginning.

Thence through the parent tract with the following fifteen (15) bearings and distances:

- 1) N 13°36'30" W 26.74' to a point;
- 2) N 01°47'50" W 46.46' to a point;
- 3) N 17°50'20" E 73.97' to a point;
- 4) N 01°31'50" W 19.63' to a point;
- 5) N 38°54'40" W 134.18' to a 5/8" rebar w/cap found;
- 6) N 01°59'20" E passing a 5/8" rebar w/cap found at 62.76' in all a total distance of 90.11' to a point;
- 7) N 82°43'50" E passing a fence post at 80.13', in all a total distance of 128.01' to a 5/8" rebar w/cap found;
- 8) S 21°33'40" E 68.65' to a 5/8" rebar w/cap found;
- 9) S 54°18'20" E 70.08' to a 5/8" rebar w/cap found;
- 10) S 65°40'30" E 134.29' to a 5/8" rebar w/cap found;
- 11) S 59°15'30" E 78.20' to a 5/8" rebar w/cap found;
- 12) S 13°27'10" E 59.08' to a 5/8" rebar w/cap found;
- 13) S 52°50'00" W 116.25' to a 5/8" rebar w/cap found;
- 14) S 60°51'10" W 233.46' to a 5/8" rebar w/cap found;
- 15) N 35°44'40" W 84.12' to the place of beginning.

Containing 2.237 acres and being shown as Area 3 Subsurface Work Restriction, upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated October 21, 2014 is attached hereto and made a part of this description.





Description of 1.225 acres

Property hereby described as being on the waters of the Davis Creek, South Charleston District, Kanawha County, West Virginia, bounded and described as following.

Commencing at a concrete monument, a corner to Martha Karnes (Deed Book 2431 Page 738) S50°27'30"E 1429.35' to a 5/8" rebar w/cap set, thence S33°54'10"E 28.74' to a point (Northing = 492635.39 Easting = 1765995.97) being the true point of beginning.

Thence through the parent tract the following eight (8) bearings and distances:

- 1) S 33°54'10" E 181.12' to a 5/8" rebar w/cap set;
- 2) S 32°39'50" W 75.96' to a point;
- 3) S 64°46'00" W 82.17' to a 5/8" rebar w/cap set;
- 4) S 84°10'10" W 131.78' to a 5/8" rebar w/cap set;
- 5) N 47°21'30" W 35.33' to a point;
- 6) N 15°29'10" W 127.79' to a 5/8" rebar w/cap set;
- 7) N 53°38'40" E 140.51' to a point;
- 8) N 70°42'40" E 97.84' to the place of beginning;

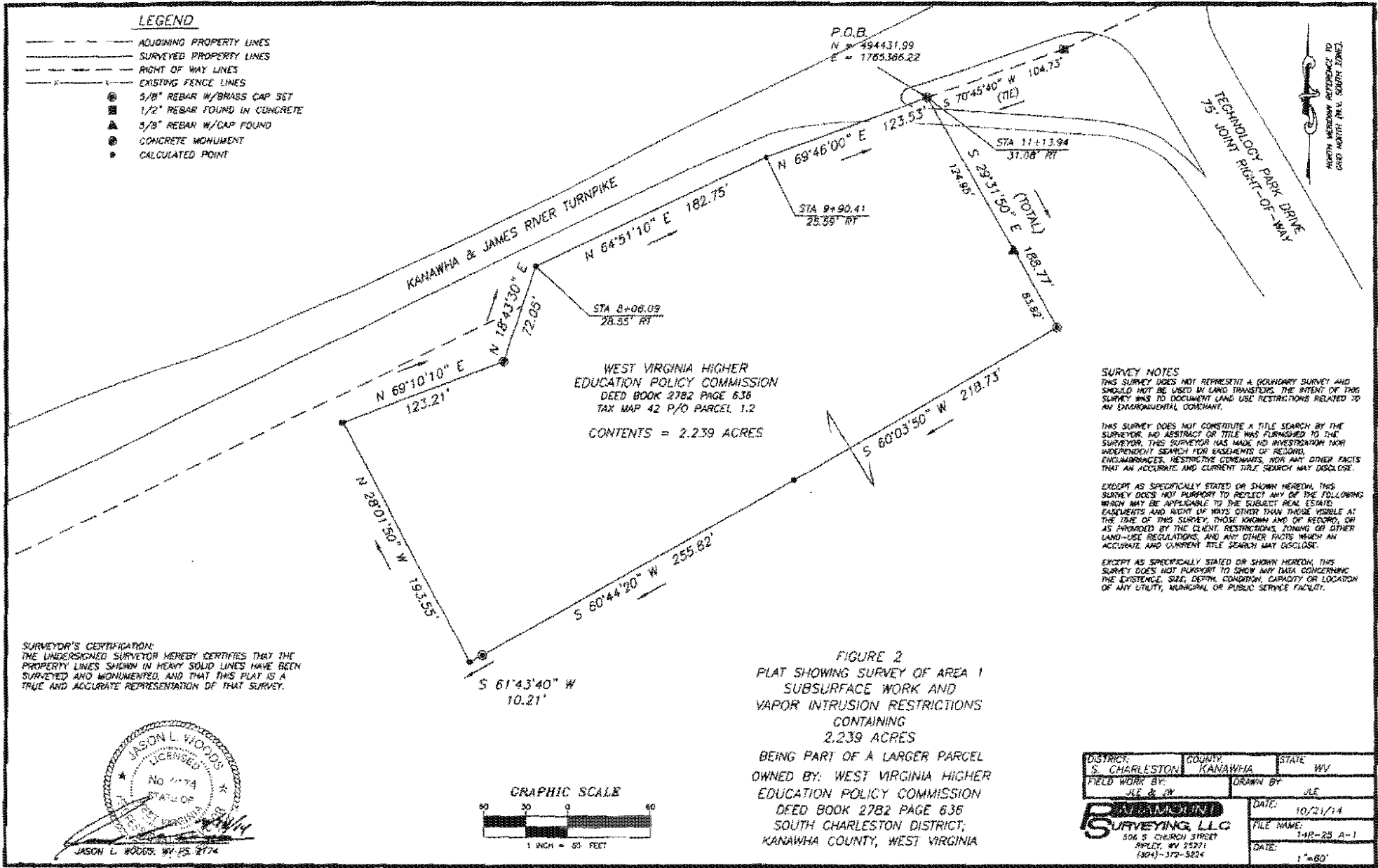
Containing **1.225 acres**, and being shown as Area 4 Subsurface Work and Industrial/Commercial land Use Restriction, upon that certain plat made as a result of survey by Paramount Surveying. A copy of said plat, dated April 28, 2014 is attached hereto and made a part of this description.



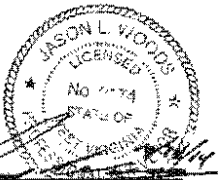
Attachment 2
Figures

LEGEND

- ADJOINING PROPERTY LINES
- SURVEYED PROPERTY LINES
- - - RIGHT OF WAY LINES
- - - EXISTING FENCE LINES
- ⊙ 5/8" REBAR W/BRASS CAP SET
- ⊠ 1/2" REBAR FOUND IN CONCRETE
- ▲ 5/8" REBAR W/CAP FOUND
- CONCRETE MONUMENT
- CALCULATED POINT



SURVEYOR'S CERTIFICATION:
THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THE PROPERTY LINES SHOWN IN HEAVY SOLID LINES HAVE BEEN SURVEYED AND MONUMENTED, AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THAT SURVEY.



JASON L. WOODS, WV, PS 2174



SURVEY NOTES
THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE USED IN LAND TRANSFERS. THE INTENT OF THIS SURVEY WAS TO DOCUMENT LAND USE RESTRICTIONS RELATED TO AN ENVIRONMENTAL COVENANT.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO ABSTRACT OR TITLE WAS FURNISHED TO THE SURVEYOR. THE SURVEYOR HAS MADE NO INVESTIGATION NOR INDEPENDENT SEARCH FOR EASEMENTS OR RECORDS, ENCUMBRANCES, RESTRICTIONS OR OTHERS NOR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS AND RIGHT OF WAYS OTHER THAN THOSE VISIBLE AT THE TIME OF THIS SURVEY, THOSE KNOWN AND OF RECORD, OR AS PROVIDED BY THE CLIENT, RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO SHOW ANY DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY, MUNICIPAL OR PUBLIC SERVICE FACILITY.

DISTRICT: S. CHARLESTON	COUNTY: KANAWHA	STATE: WV
FIELD WORK BY: JLE & JW	DRAWN BY: JLE	
DATE: 10/21/14		FILE NAME: 14R-23 A-1
DATE: 1"=60'		

SURVEYING, LLC
506 S CHURCH STREET
MARTINSBURG, WV 25871
(304)-372-5224

NORTH ARROW REFERENCE TO GRID NORTH (NAD 83) ZONE 18

SURVEY NOTES

THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE USED IN LAND TRANSFERS. THE INTENT OF THIS SURVEY WAS TO DOCUMENT LAND USE RESTRICTIONS RELATED TO AN ENVIRONMENTAL COVENANT.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO ABSTRACT OR TITLE WAS FURNISHED TO THE SURVEYOR. THIS SURVEYOR HAS MADE NO INVESTIGATION NOR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, NOR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS AND RIGHT OF WAYS OTHER THAN THOSE VISIBLE AT THE TIME OF THIS SURVEY, THOSE KNOWN AND OF RECORD OR AS PROVIDED BY THE CLIENT, RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO SHOW ANY DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY, MUNICIPAL OR PUBLIC SERVICE FACILITY.

NORTH MEASURED REFERENCE TO GRID NORTH (N.T.V. SOUTH ZONE)

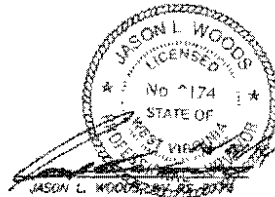
MARTHA KARNES
DEED BOOK 2431 PAGE 73B
TAX MAP 33 PARCEL 6

WEST VIRGINIA HIGHER
EDUCATION POLICY COMMISSION
DEED BOOK 2782 PAGE 636
TAX MAP 42 P/O PARCEL 1.2
CONTENTS = 2.237 ACRES

P.O.B.
N = 492252.42
E = 1766770.54

SURVEYOR'S CERTIFICATION:
THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THE PROPERTY LINES SHOWN IN HEAVY SOLID LINES HAVE BEEN SURVEYED AND MONUMENTED, AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THAT SURVEY

FIGURE 4
PLAT SHOWING SURVEY OF AREA 3
SUBSURFACE WORK RESTRICTION
CONTAINING
2.237 ACRES
BEING PART OF A LARGER PARCEL
OWNED BY: WEST VIRGINIA HIGHER
EDUCATION POLICY COMMISSION
DEED BOOK 2782 PAGE 636
SOUTH CHARLESTON DISTRICT;
KANAWHA COUNTY, WEST VIRGINIA



LEGEND

- ADJOINING PROPERTY LINES
- SURVEYED PROPERTY LINES
- - - RIGHT OF WAY LINES
- - - EXISTING FENCE LINES
- ⊙ CONCRETE MONUMENT
- △ 5/8" REBAR W/CAP FOUND
- FENCE POST
- CALCULATED POINT

GRAPHIC SCALE



DISTRICT S. CHARLESTON	COUNTY KANAWHA	STATE WV
FIELD WORK BY JLE & JH	DRAWN BY JLE	
DATE 10/21/10		FILE NAME 14R-28 A-3
DATE 1"=60'		

DATAMOUNT SURVEYING, LLC
508 S. CHURCH STREET
RUPLEY, WV 25221
(304)-372-5224

LEGEND

- ADJOINING PROPERTY LINES
- SURVEYED PROPERTY LINES
- RIGHT OF WAY LINES
- EXISTING PEAK LINES
- ⊙ 3/4" IRON REBAR WITH CAP 10" DIA
- △ 3/4" IRON REBAR W/ CAP 10" DIA
- CONCRETE MONUMENT
- CALCULATED POINT

SURVEY NOTES

THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE USED IN LAND TRANSACTIONS. THE INTEREST OF THIS SURVEY HAS TO REMAIN AND ALL RESTRICTIONS RELATED TO AN EQUITABLE COURSE.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE SURVEYOR HAS MADE NO INVESTIGATION NOR REASONABLE SEARCH FOR RECORDS OF RECORDS, ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND ALL OTHER MATTERS THAT MAY AFFECT AND CORRECT THE SURVEY AND DEVELOP.

POINTS ARE SPATIALLY SITED IN BOUNDARY LINES. THIS SURVEY DOES NOT WARRANT AS TO THE EXISTENCE OF ANY RIGHTS OR INTERESTS IN THE LAND. THE SURVEYOR HAS MADE NO INVESTIGATION NOR REASONABLE SEARCH FOR RECORDS OF RECORDS, ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND ALL OTHER MATTERS THAT MAY AFFECT AND CORRECT THE SURVEY AND DEVELOP.

EXCEPT AS SPECIFICALLY STATED OR IMPLIED HEREIN, THIS SURVEY DOES NOT WARRANT AS TO THE EXISTENCE OF ANY RIGHTS OR INTERESTS IN THE LAND. THE SURVEYOR HAS MADE NO INVESTIGATION NOR REASONABLE SEARCH FOR RECORDS OF RECORDS, ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND ALL OTHER MATTERS THAT MAY AFFECT AND CORRECT THE SURVEY AND DEVELOP.

SURVEYOR'S CERTIFICATION:

THE UNDERSIGNED SURVEYOR HEREBY CERTIFIES THAT THE PROPERTY LINES SHOWN IN HEAVY DASHED LINES HAVE BEEN SURVEYED AND MONUMENTED, AND THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THAT SURVEY.



MARTHA KARNES
DEED BOOK 2431 PAGE 738
TAX MAP 33 PARCEL 6

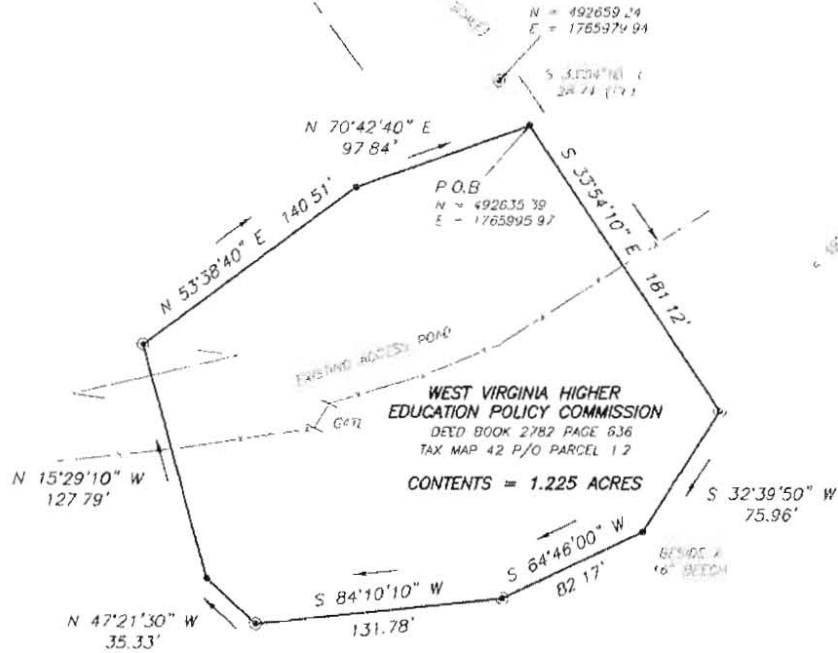
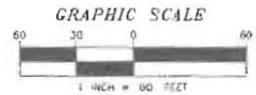


FIGURE 5
PLAT SHOWING SURVEY OF AREA 4
SUBSURFACE WORK AND INDUSTRIAL/COMMERCIAL
LAND USE RESTRICTION
CONTAINING
1.225 ACRES
BEING PART OF A LARGER PARCEL
OWNED BY: WEST VIRGINIA HIGHER
EDUCATION POLICY COMMISSION
DEED BOOK 2782 PAGE 636
SOUTH CHARLESTON DISTRICT;
KANAWHA COUNTY, WEST VIRGINIA

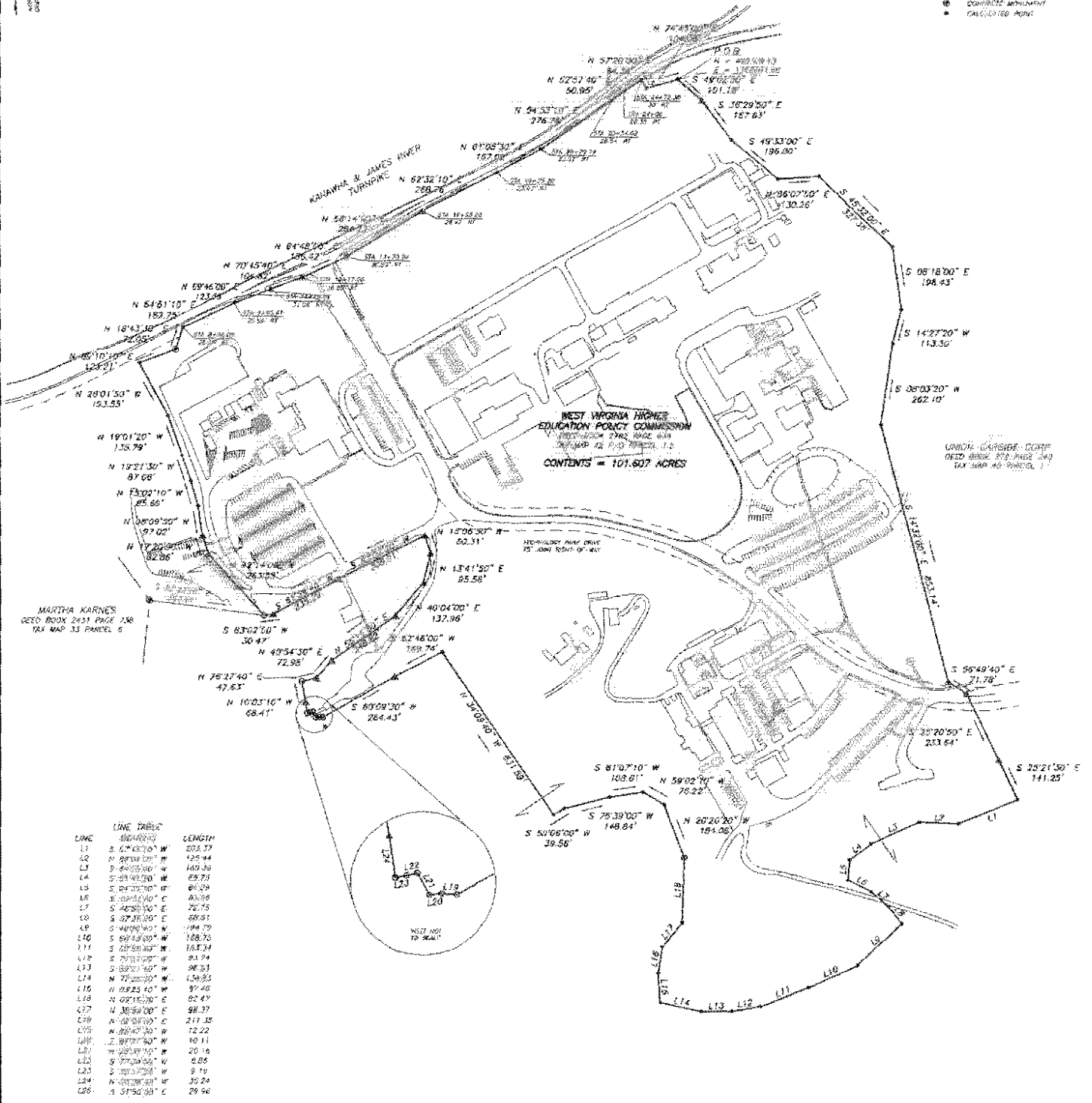


DISTRICT	COUNTY	STATE
S. CHARLESTON	KANAWHA	WV
FIELD BOOK BY	DATE	
JLW & JW	JLW	
PARAMOUNT SURVEYING, LLC		DATE
100 S. CARMON STREET		4/28/14
MIDWAY, WV 26041		PLAT NUMBER
(304)-372-5224		14R-25 A-4
		SCALE
		1"=60'

SOUTH CHARLESTON DISTRICT, IN
 DEED BOOK 2782 PAGE 636

DATE: 12/15/11
 BY: J. L. BROWN

- LEGEND**
- ADJACENT PROPERTY LINES
 - BOUNDARY PROPERTY LINES
 - RIGHT OF WAY LINES
 - EXISTING EJECTA LINES
 - ⊗ 1/2" REBAR FOUND IN CONCRETE
 - ▲ 5/8" REBAR W/OUT FOUND
 - ⊙ CONCRETE FOUND
 - CALCULATED POINT

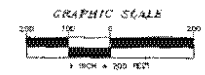
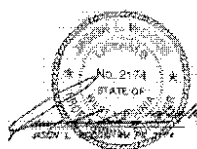


LINE	LINE BEARING	LENGTH
L1	S 67°42'00" W	203.17
L2	N 89°02'00" E	125.44
L3	S 64°02'00" W	160.39
L4	S 01°42'00" W	89.73
L5	S 84°27'00" E	81.28
L6	S 10°04'00" W	130.89
L7	S 40°50'00" E	72.75
L8	S 87°38'00" E	69.81
L9	S 40°50'00" W	104.79
L10	S 69°43'00" W	188.70
L11	S 87°59'00" W	16.734
L12	S 79°02'00" W	84.74
L13	S 88°23'40" W	98.31
L14	N 77°20'00" W	138.83
L15	N 89°25'40" W	97.48
L16	N 89°16'00" E	82.43
L17	N 38°58'00" E	98.37
L18	N 88°08'00" E	217.35
L19	N 88°08'00" W	12.22
L20	S 89°07'40" W	10.11
L21	N 88°08'00" E	20.16
L22	S 77°02'00" W	0.85
L23	S 38°12'00" W	9.79
L24	N 88°08'00" W	35.24
L25	S 37°50'00" E	29.40

FIGURE B
 PLAT SHOWING SURVEY OF AREA 5
 INDUSTRIAL/COMMERCIAL
 LAND USE RESTRICTION AREA
 CONTAINING
 101.607 ACRES
 BEING PART OF A LARGER PARCEL
 OWNED BY WEST VIRGINIA HIGHER
 EDUCATION POLICY COMMISSION
 DEED BOOK 2782 PAGE 612
 SOUTH CHARLESTON, WEST VIRGINIA
 KANAWHA COUNTY, WEST VIRGINIA

SURVEY NOTES:
 1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1960 AND THE SURVEYING REGULATIONS OF THE STATE OF WEST VIRGINIA.
 2. THE SURVEY WAS CONDUCTED USING A TOTAL STATION AND A GPS RECEIVER.
 3. THE SURVEY AREA IS BOUNDARY PROPERTY LINES.
 4. THE SURVEY AREA IS 101.607 ACRES.
 5. THE SURVEY AREA IS PART OF A LARGER PARCEL OWNED BY WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION.
 6. THE SURVEY AREA IS BOUNDARY PROPERTY LINES.
 7. THE SURVEY AREA IS 101.607 ACRES.
 8. THE SURVEY AREA IS PART OF A LARGER PARCEL OWNED BY WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION.
 9. THE SURVEY AREA IS BOUNDARY PROPERTY LINES.
 10. THE SURVEY AREA IS 101.607 ACRES.
 11. THE SURVEY AREA IS PART OF A LARGER PARCEL OWNED BY WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION.
 12. THE SURVEY AREA IS BOUNDARY PROPERTY LINES.
 13. THE SURVEY AREA IS 101.607 ACRES.
 14. THE SURVEY AREA IS PART OF A LARGER PARCEL OWNED BY WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION.
 15. THE SURVEY AREA IS BOUNDARY PROPERTY LINES.
 16. THE SURVEY AREA IS 101.607 ACRES.
 17. THE SURVEY AREA IS PART OF A LARGER PARCEL OWNED BY WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION.
 18. THE SURVEY AREA IS BOUNDARY PROPERTY LINES.
 19. THE SURVEY AREA IS 101.607 ACRES.
 20. THE SURVEY AREA IS PART OF A LARGER PARCEL OWNED BY WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION.

STATEMENTS CONCERNING:
 THE SURVEYING ENGINEER HAS REVIEWED THE SURVEY AND HAS DETERMINED THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1960 AND THE SURVEYING REGULATIONS OF THE STATE OF WEST VIRGINIA.



WEST VIRGINIA	STATE	WV
S. J. BROWN	DATE	12/15/11
DEED BOOK 2782 PAGE 612	DATE	12/15/11
101.607 ACRES	DATE	12/15/11
101.607 ACRES	DATE	12/15/11