

THIS INSTRUMENT PREPARED BY:

F. JOSEPH ULLO, JR., ESQUIRE
LEWIS, LONGMAN & WALKER, P.A.
315 SOUTH CALHOUN STREET,
SUITE 830
TALLAHASSEE, FL 32202
(850) 222-5702

**DECLARATION OF RESTRICTIVE COVENANT
NORTHEAST SITE SOLID WASTE MANAGEMENT UNIT**

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter "Declaration") is made this 16 day of September, 2015, by the Pinellas County Industrial Development Authority, a Special District created pursuant to Part III, Chapter 159, Florida Statutes, d/b/a PINELLAS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, (hereinafter "GRANTOR") and the Florida Department of Environmental Protection (hereinafter "FDEP").

RECITALS

A. GRANTOR is the fee simple owner of that certain real property situated in the County of Pinellas, State of Florida, more particularly described in Exhibit A attached hereto and made a part hereof (hereinafter the "Restricted Property").

B. The FDEP Facility Identification Number for the Restricted Property is FL6 890 090 008 (PIN15). The facility name at the time of this Declaration is U.S. Department of Energy ("DOE") Northeast Site Solid Waste Management Unit ("SWMU") which is in the northeastern portion of the Young - Rainey STAR Center. This Declaration addresses discharges that were reported to the USEPA on December 14, 1987.

C. The discharge of chlorinated solvents on the Restricted Property/Northeast Site SWMU is documented in the following reports that are incorporated by reference.

1. Long-Term Surveillance and Maintenance Plan for the Pinellas Site November 2012, submitted by the U.S. DOE.

2. Sitewide Environmental Monitoring, Semiannual Progress Reports for the Young – Rainey STAR Center, submitted by the U.S. DOE and dated December 2012 through May 2013
3. Closure Monitoring Plan for the Northeast Site and 4.5 Acre Site, dated September 2009, submitted by the U.S. Department of Energy.
4. Interim Remedial Action for Source Removal at the Northeast Site Final Report, dated August 2009, submitted by the U.S. Department of Energy.
5. Final Report Northeast Site Area B NAPL Remediation Project at the Young – Rainey STAR Center, Largo, Pinellas County, Florida, dated April 2007, submitted by the U.S. Department of Energy.

D. The reports noted in Recital C set forth the nature and extent of the contamination that is located on the Restricted Property. These reports confirm that contaminated groundwater, as defined by Chapter 62-780 Florida Administrative Code (F.A.C.), exists on the Restricted Property. Also, these reports document that the groundwater contamination does not extend beyond the Restricted Property boundaries and that the groundwater contamination does not exceed ¼-acre, and that the groundwater contamination is not migrating.

E. The intent of the restrictions in this Declaration is to reduce or eliminate the risk of exposure to users or occupants of the Restricted Property and to the environment of the contaminants and to reduce or eliminate the threat of migration of the contaminants.

F. The FDEP has agreed to issue a Site Rehabilitation Completion Order with Conditions (hereinafter “Order”) upon recordation of this Declaration and achievement of site rehabilitation in accordance with Chapter 62-780 F.A.C. The FDEP can unilaterally revoke the Order if the conditions of this Declaration or of the Order are not met. Additionally, if concentrations of chemicals of concern increase above the levels approved in the Order, or if a subsequent discharge occurs at the Restricted Property, the FDEP may require site rehabilitation to reduce concentrations of contamination to the levels allowed by the applicable FDEP rules. The Order relating to FDEP Facility No. FL6 890 090 008 (PIN15) can be found by contacting the appropriate FDEP district office or bureau.

G. GRANTOR deems it desirable and in the best interest of all present and future owners of the Restricted Property that the Order be obtained for the Northeast Site SWMU and that the Restricted Property be held subject to certain restrictions, all of which are more particularly hereinafter set forth.

NOW, THEREFORE, to induce the FDEP to issue the Order and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned parties, GRANTOR agrees as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.

2. GRANTOR hereby imposes on the Restricted Property the following restrictions:

a.i. There shall be no use of or access to the groundwater under the Restricted Property unless pre-approved in writing by FDEP's Division of Waste Management ("DWM") in addition to any authorizations required by the Division of Water Resource Management ("DWRM") and the Water Management District ("WMD").

a.ii. For any dewatering activities on the Restricted Property a plan approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment and disposal of any extracted groundwater that may be contaminated.

a.iii. There shall be no construction of new stormwater swales, stormwater detention or retention facilities, or ditches on the Restricted Property without prior written approval from FDEP's DWM in addition to any authorizations required by DWRM and the WMD.

3. In the remaining paragraphs, all references to "GRANTOR" and "FDEP" shall also mean and refer to their respective successors and assigns.

4. For the purpose of monitoring the restrictions contained herein, FDEP is hereby granted a right of entry upon and access to the Restricted Property at reasonable times and with reasonable notice to the GRANTOR. Access to the Property is granted by an adjacent public right of way via 114th Avenue or Bryan Dairy Road.

5. It is the intention of GRANTOR that this Declaration shall touch and concern the Restricted Property, run with the land and with the title to the Restricted Property, and shall apply to and be binding upon and inure to the benefit of GRANTOR and FDEP, and to any and all parties hereafter having any right, title or interest in the Restricted Property or any part thereof. The FDEP may enforce the terms and conditions of this Declaration by injunctive relief and other appropriate available legal remedies. Any forbearance on behalf of the FDEP to exercise its right in the event of the failure of the GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of the FDEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and the FDEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by U.S. DOE and/or any party that establishes proper standing. If the GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, the GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally,

GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring the Restricted Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Restricted Property.

6. In order to ensure the perpetual nature of these restrictions, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance within the Restricted Property, including the recording book and page of record of this Declaration. Furthermore, prior to the entry into a landlord-tenant relationship with respect to the Restricted Property, the GRANTOR agrees to notify in writing all proposed tenants of the Restricted Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by the FDEP Secretary (or designee) and is recorded in the public records of the county in which the land is located. To receive prior approval from the FDEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and FDEP rules must have been achieved. This Declaration may be modified in writing only. Any subsequent amendments must be executed by both GRANTOR and the FDEP and be recorded by the real property owner as an amendment hereto.

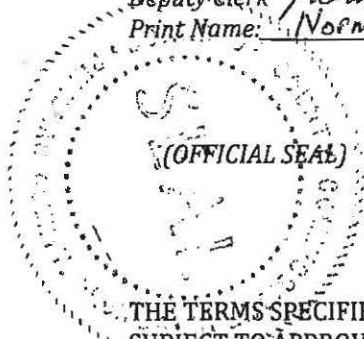
8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provisions of the Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration that GRANTOR is seized of the Restricted Property in fee simple and has good right to create, establish, and impose this restrictive covenant on the use of the Property. GRANTOR also covenants and warrants that the Restricted Property is free and clear of any and all liens, mortgages, or encumbrances that could impair GRANTOR'S rights to impose the restrictive covenant described in this Declaration or that is superior to the restrictive covenant described in this Declaration.

[DECLARATION EXECUTED ON FOLLOWING PAGES]

IN WITNESS WHEREOF, {{GRANTOR}} has executed this instrument, this 10th day of September, 2015

ATTEST: KEN BURKE
Clerk of the Circuit Court
Deputy Clerk Norman D. Young
Print Name: Norman D. Young



GRANTOR
PINELLAS COUNTY INDUSTRIAL
DEVELOPMENT AUTHORITY d/b/a
PINELLAS COUNTY ECONOMIC
DEVELOPMENT AUTHORITY,

by and
through its Board of County Commissioners

By: John Morrone
Name: John Morrone, Chairman

Address:
Young - Rainey STAR Center
7887 Bryan Dairy Road, Suite 120
Largo, Florida 33777

THE TERMS SPECIFIED HEREIN ARE
SUBJECT TO APPROVAL IN OPEN
SESSION BY THE BOARD OF COUNTY
COMMISSIONERS,
PINELLAS COUNTY, FLORIDA

APPROVED AS TO FORM:
OFFICE OF THE COUNTY ATTORNEY

By: Cheryl
Managing Assistant County Attorney

Signed, sealed and delivered in the presence of:

Bernie C. Young Date: 9-10-15

Witness
Print Name: Bernie C. Young

Brian Lowack Date: 9/10/15

Witness
Print Name: BRIAN LOWACK

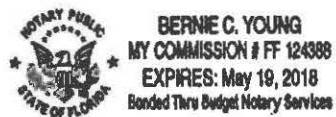
STATE OF Florida

COUNTY OF Pinellas

The foregoing instrument was acknowledged before me this 10th day of September 2015 by John Morrone.

Personally Known OR Produced Identification _____
Type of Identification Produced _____

Bernie C. Young
Signature of Notary Public



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Approved as to form by:

By:

Toni Sturtevant

John Coates

Toni Sturtevant, Asst. General Counsel
Office of General Counsel

JOHN COATES,
Assistant Division Director

Dept. of Environmental Protection
Division of Waste Management
2600 Blairstone Road
Tallahassee, FL 32399-2400

Signed, sealed, and delivered in
in the presence of:

Wayne S. Kiger

Daniel S. Shores

Witness Signature

Witness Signature

WAYNE S. KIGER

Daniel S. Shores

Printed Name

Printed Name

9/16/15

9/16/2015

Date

Date

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 16th day of SEPTEMBER, 2015, by JOHN COATES, who is personally known to me.



JUDITH PENNINGTON
MY COMMISSION # FF 215817
EXPIRES: March 31, 2019
Bonded Through Budget Notary Services

Judith Pennington

Notary Public, State of Florida at Large

EXHIBIT A
LEGAL DESCRIPTION AND ILLUSTRATION OF
RESTRICTED PROPERTY

SCHEDULE A

DESCRIPTION:


A portion of Section 13, Township 30 South, Range 15 East, Pinellas County, Florida being more particularly described as follows :

Commence at the East 1/4 corner of Section 13, Township 30 South, Range 15 East, Pinellas County, Florida; thence N 00°17'23" W a distance of 2004.71 feet along the East line of Northeast 1/4 of said Section 13 to a point on the North line of the South 1/2 of the SW 1/4 of the NE 1/4 of the NE 1/4 of said Section 13; thence N 89°10'14" W a distance of 342.03 feet along the North line of said South 1/2 of the SW 1/4 of the NE 1/4 of the NE 1/4 to the Point of Beginning; thence leaving said North line S 00°18'06" E a distance of 571.35 feet; thence N 89°52'00" W a distance of 388.14 feet; thence N 00°00'00" E a distance of 576.02 feet to a point on aforesaid North line; thence S 89°10'14" E a distance of 385.18 feet along said North line to the Point of Beginning.

Containing: 5.09 acres, more of less.

SURVEYOR'S REPORT:

1. Bearings shown hereon are based on the East line of Northeast 1/4 of Section 13, Township 30 South, Range 15 East, Pinellas County, Florida, being North 00°17'23" West.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standards of Practice for Land Surveying Chapter 5J-17.050-.052 requirements.

<p>DESCRIPTION</p> <p>FOR</p> <p>Stoller Newport News Nuclear (SN3)</p>	Date: August 13, 2015		<p>56044013</p>  <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 10770 North 46th Street, Suite C-300 Tampa, Florida 33617 (813) 698-2711 Certification Number LB2106 Email: www.southeasternsurveying.com</p> <p><i>Charles M. Arnett</i> CHARLES M. ARNETT Registered Land Surveyor Number 6884</p>
	Job Number: 56044	Scale: 1" = 100'	
	Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

SKETCH OF DESCRIPTION

S89°10'14"E 385.18'

POINT OF BEGINNING

N89°10'14"W 342.03'
NORTH LINE OF THE SOUTH 1/2
OF THE NE 1/4 OF THE NE 1/4
OF SECTION 13-30-15

EAST LINE OF NE 1/4
OF SECTION 13-30-15
N00°17'23"W 2004.71'

RANGE 15 EAST
RANGE 16 EAST

N00°00'00"E 576.02'

S00°18'06"E 571.35'

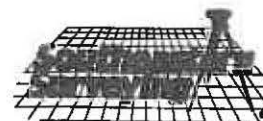
NORTHEAST PARCEL

SEE SOUTHEASTERN SURVEYING AND
MAPPING DRAWING NUMBER 56044008
FOR BOUNDARY INFORMATION

N89°52'00"W 388.14'



POINT OF COMMENCEMENT
EAST 1/4 CORNER OF
SECTION 13-30-15



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580 Certification Number LB2108
e-mail: info@southeasternsurveying.com

Drawing Number 56044013
Job No. 56044
Date: 08/13/2015
SHEET 2 OF 2
See Sheet 1 for Description

NOT VALID WITHOUT SHEET 1
THIS IS NOT A SURVEY

I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 15 day of September A.D. 2005.

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio
Clerk of the Board of County Commissioners
Pinellas County, Florida

By [Signature]
Deputy Clerk

