

Instr: 200102080010255 02/08/2001
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Melvin Phillip McCree T20010004102
Genesee County Register MLM SMITHG

RESTRICTIVE COVENANT

The below listed owner/operator has implemented a corrective action plan requiring institutional controls in the form of a restrictive covenant. The corrective action plan was developed as a result of a release from a Leaking Underground Storage Tank(s) (LUST) and was prepared pursuant to the provisions in Section 21310a(2) of Part 213. Regulated substances were discovered during the investigation and/or removal of Underground Storage Tanks (USTs). The corrective action plan cited above will be maintained on file at the STD District Office located at

This restrictive covenant is filed with the County Register of Deeds and covers the land identified in the following, and more fully described in Attachment A, attached. The restrictive covenant defines the areas addressed by the corrective action plan and the scope of any land use or resources limitations. The survey defining the areas addressed by the corrective action plan is attached.

Site investigation activities identified concentrations of petroleum compounds above current STD residential cleanup criteria; therefore, **use of the site for residential purposes is restricted**. Additionally, areas of the western portions of the site have been determined to be contaminated above STD Commercial III criteria for volatilization of petroleum compounds to indoor air. In order to prevent unacceptable exposure of site occupants to existing contamination, **no structures shall be built on the western 27 feet of the subject property**.

The restrictive covenant is being filed by the below listed legal titleholder or with the express written permission of the legal titleholder.

Owner/Operator implementing the corrective action plan: Franklin Bank N.A. - Post Office Box 5006, Southfield, Michigan 48086-5006

Release Date(s): October 3, 1989

County where deed is registered: Genesee

Common description of land, township/city, County: 2809 West Court Street, Flint, Genesee County, Michigan

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Now Therefore Franklin Bank N.A. , located at Post Office Box 5006, Southfield, Michigan 48086-5006
(hereinafter referred to as the "titleholder"), hereby imposes restriction on the property and covenants and agrees that:

1. The Titleholder shall restrict activities on the property that may interfere with corrective action, operation and maintenance, monitoring, or other measures necessary to assure the effectiveness and integrity of the corrective action.
2. The Titleholder shall restrict activities that may result in exposure to regulated substances above levels established in the corrective action plan.
3. The Titleholder shall prevent a conveyance of title, an easement, or any other interest in the property from being consummated without adequate and complete provision for compliance with the corrective action plan and prevention of exposure to regulated substances described in item 2 above.
4. The Titleholder shall grant to the Department of Environmental Quality (Department) and its designated representatives the right to enter the property at reasonable times for the purpose of determining and monitoring compliance with the corrective action plan, including but not limited to the right to take samples, inspect the operation of the corrective action measures, and inspect records.
5. Soil shall not be removed from the property described herein, unless it is characterized to determine if it can be relocated without posing a threat to the public health, safety, welfare or environment in the new location.
6. The state may enforce the restrictions set forth in the covenant by legal action in a court of appropriate jurisdiction.

The restrictions and other requirements described in this Restrictive Covenant shall run with the land and be binding to the titleholder's successors, assigns, and lessees or their authorized agents, employees or persons acting under their direction or control. The restrictions shall apply until the Department determines that regulated substances no longer present an unacceptable risk to the public health, safety or welfare or to the environment. A copy of this Restrictive Covenant shall be provided to all heirs, successors, assigns, and transferees.

This Restrictive Covenant shall not be amended, modified or terminated except by a written instrument executed by and between the Titleholder at the time of the proposed amendment, modification, or termination, and the Department. Within five (5) days of executing an amendment, modification or termination of the Restrictive Covenant, the Titleholder shall record such amendment, modification or termination with the County Register of Deeds, previously named, and within five (5) days thereafter, the Titleholder shall provide a true copy of the recorded amendment, modification or termination to the Department.

If any provision of this Restrictive Covenant is also the subject of any laws or regulations established by any federal, state or local government, the stricter of the two standards shall prevail.

The undersigned person, if executing this Restrictive Covenant on behalf of the Titleholder, represents and certifies that they are duly authorized and have been fully empowered to execute and deliver this Restrictive Covenant.

I hereby attest to the accuracy of the statements in this document and all attachments. I further certify that the language on this form has not been modified in any way.

R. David Bickley
Legal Titleholder or Authorized Representative's Signature

12/14/00
Date

R. DAVID BICKLEY
Print Legal Titleholder or Authorized Representative's Name

IN WITNESS WHEREOF, the said Titleholder of the above described property has caused the Restrictive Covenant to be executed on the 14th day of December, 2000.
(month) (year)

Signed in the presence of:

Kenneth Jennings
Witness
Kenneth Jennings
Print Witness' Name*

Judith Blaylock
Witness
JUDITH Blaylock
Print Witness' Name*

* The notary shall not also serve as a witness.

The foregoing instrument was acknowledged before me this 14th day of December, 2000,
by YONMA L. TOWNSEND.
(month) (year)

Yonma L. Townsend
Notary Public

WAYNE County, MICHIGAN
(Insert County) (Insert State)

My Commission Expires: 9-7-02

Drafted by:
Applied EcoSystems - Great Lakes, Inc.
Company Name
Michael D. Smith
Print Name of Drafter
G-4300 S. Saginaw St. Burton, MI 48529
Company Address

YONMA L. TOWNSEND
Notary Public, Wayne County, MI
My Commission Expires 09/07/2002

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ATTACHEMENT A – LEGAL DESCRIPTIONS

The following describes the site that will be restricted from residential occupancy:

Lots 14, 15, and 16 of Mann Hall Park, according to the Plat recorded in Liber 5, page 29, Genesee County Records, City of Flint, Genesee County, Michigan

The following describes the portion of the site that will be restricted from structural development:

The western 27 feet of Lot 16 of Mann Hall Park, according to the Plat recorded in Liber 5, page 29, Genesee County Records, City of Flint, Genesee County, Michigan



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ATTACHMENT B – SITE SURVEY
