

RECEIVED
OHIO EPA

Amended ENVIRONMENTAL COVENANT

This Amended Environmental Covenant is entered into by the Ashtabula Township Park Commission ("Owner"), the Ohio Environmental Protection Agency ("Ohio EPA"), and the United States Fish and Wildlife Service ("FWS") pursuant to Ohio Revised Code §5301.90 for the purpose of amending the Environmental Covenant entered into by Owner, Ohio EPA and FWS in June of 2006.

In June of 2006, Owner, Ohio EPA and FWS entered into an Environmental Covenant with respect to the approximately 37.268-acre property, located on the south side of East 24th Street, in the City of Ashtabula, Ashtabula County, Ohio, as described in Exhibit A attached hereto (the "Property").

The Environmental Covenant was recorded with the Ashtabula County Recorder's Office on June 7, 2006 (Volume 376, Page 1979). Paragraph 5.A. of the Environmental Covenant provides that the Property shall be kept in its natural state, i.e., no building, billboards or other structures of any kind, either temporary or permanent, shall be placed or erected on the Property, unless otherwise expressly provided thereunder.

Negotiations among several parties, including the natural resource trustees, i.e., the FWS and Ohio EPA ("Trustees"), in conjunction with the United States Department of Justice and the Ohio Attorney General, resulted in a Consent Decree filed in the United States District Court, Northern District of Ohio, Eastern Division, captioned United States v. Cabot Corporation, et. al., Case No. 1:12-cv-01097, which the Court approved on July 12, 2012. The Consent Decree included Exhibit D, Scope of Work for ARCG II Restoration Workplans, which provides, *inter alia*, for certain restoration activities to be conducted on the Property, including but not limited to parking lot construction, canoe launch construction, boardwalk construction, and water level control installation on the Property. These activities are further described in a Work Plan for Preservation/Protection/Restoration of the Ashtabula Township Parks Commission Property, September 28, 2012, approved by the Trustees.

Based on and pursuant to the Consent Decree, Exhibit D, Scope of Work for ARCG II Restoration Workplans, and the Work Plan for Preservation/Protection/Restoration of the Ashtabula Township Parks Commission Property, Owner and the Trustees have determined that Paragraph 5.A. of the Environmental Covenant should be amended to allow the restoration activities, including but not limited to parking lot construction, canoe launch construction, boardwalk construction, and water level control installation, to be conducted on the Property.

The Environmental Covenant, paragraph 5.A., is hereby amended to allow restoration activities, including but not limited to parking lot construction, canoe launch construction, boardwalk construction, and water level control level installation, to be conducted on the Property, in accordance with the Consent Decree, Exhibit D, Scope of Work for ARCG II Restoration Workplans, and the Work Plan for Preservation/Protection/Restoration of the Ashtabula Township Parks Commission Property.

With the exception the foregoing amendment to Paragraph 5.A. of the Environmental Covenant, of the Environmental Covenant remains unchanged and in full force and effect.

The undersigned representatives of the Owner and the Trustees represent and certify that they are authorized to execute this Environmental Covenant.


Ashtabula Township Park Commission (Owner)

3-28-2013
Date

State of Ohio)
County of Ashtabula) ss:

Before me, a notary public, in and for said county and state, personally appeared Michael Wayman, a duly authorized representative of the Ashtabula Township Park Commission, who acknowledged to me that he did execute the foregoing instrument on behalf of Ashtabula Township Park Commission.

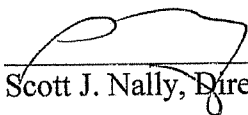
IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this
28th day of March, 2013.



 Notary Public
 Maryann Stevenson
 Notary Public, State of Ohio
 My Commission Expires 5/16/16

 Date of My Commission Expiration

Ohio Environmental Protection Agency



Scott J. Nally, Director

3/8/13

Date

State of Ohio)
)
County of Franklin) ss:

Before me, a notary public, in and for said county and state, personally appeared Scott J. Nally, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 8th day of MARCH, 2013.



Charma Diane Casteel

Notary Public

CHARMA DIANE CASTEEL
NOTARY PUBLIC
STATE OF OHIO
~~MY COMMISSION EXPIRES~~

Date of My Commission Expiration May 10, 2014

U.S. Fish & Wildlife Service

Tom
Thomas O. Melius
Regional Director, Region 3

3/15/13
Date

State of Minnesota)

) SS:

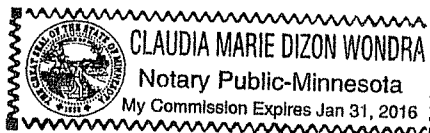
County of Hennepin)

Before me, a notary public, in and for said county and state, personally appeared Tom Melius, a duly authorized representative of the FWS, who acknowledged to me that she did execute the foregoing instrument on behalf of the FWS.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 15th day of March, 2013.


Claudia Marie Dizon Wondra
Notary Public

1/31/2016
Date of My Commission Expiration



This instrument prepared by:

Mark J. Navarre, Esq.
Supervising Attorney
Ohio EPA
50 West Town Street
Columbus, Ohio 43216


Doc ID: 002600510006 Type: G/I
Kind: AGREEMENT/DEED
Recorded: 04/23/2013 at 08:35:32 AM
Receipt#: 2013-00003665
Fee Amt: \$64.00 Page 1 of 6
Ashtabula County, Ohio
Barbara Schaab Recorder
File# 2013-00004332

BK **539** PG **2283-2288**

EXHIBIT A

Situated in the City of Ashtabula, County of Ashtabula, and State of Ohio and known as being part of Lots 8 & 9, Section 3 in Range 3, Township 13 of the Connecticut Western Reserve and bounded and described as follows;

Beginning at a 1" iron pin monument found at the intersection of the centerline of East 24th Street 60' R/W with the centerline of Harbor Avenue 80' R/W;

Thence S. 48°-02'-00"W., along the centerline of East 24th Street, a distance of 245.96 feet, to a point on the westerly line of the Joseph E. Cook's Addition as recorded in Volume 3, Page 18 of the Ashtabula County Plat Records, said point being the principal place of beginning;

Thence S. 13°-46'-30"E., along the westerly line of said Joseph E. Cook's Addition, passing over an iron pin set at 34.04 feet, a total distance of 148.58 feet, to an iron pin set at the southwest corner of Sublot 58 of the Joseph A. Cooks Addition;

Thence S. 86°-37'-45"E., along the south line of Sublot 58 of the Joseph E. Cooks Addition, a distance of 30.00 feet, to an iron pin set at the southeast corner of Sublot 58, being the northwest corner of land conveyed to Mark Balogh (33-9755) (05-502-00-044-00);

Thence S. 13°-46'-30"E., along the westerly line of said Balogh land, a distance of 57.50 feet, to an iron pin set at the southwest corner of said Balogh land (05-502-00-043-00);

Thence S. 86°-37'-45"E., along the south line of said Balogh land, a distance of 30.00 feet, to an iron pin set at the southeast corner of said Balogh land on the westerly line of said Joseph E. Cook's Addition;

Thence S. 13°-46'-30"E., along the westerly line of said Joseph E. Cook's Addition, a distance of 300.00 feet, to a 1/2" iron pin found at the northeast corner of land conveyed to the C.E.I. Company (661-1077);

Thence N. 86°-38'-00"W., along the north line of said C.E.I. Company land, a distance of 155.00 feet, to an iron pin set at the northwest corner of said C.E.I. Company land;

Thence S. 13°-46'-30"E., along the westerly line of said C.E.I. Company land, a distance of 100.70 feet, to an iron pin set at the southwest corner of said C.E.I. Company land, said iron pin is on the north line of Lot 9, Section 3 and also on the north line of land conveyed to the C.E.I. Company;

Thence N. 86°-38'-00"W., along the north line of said C.E.I. Company land, being the north line of Lot 9, Section 3, a distance of 79.87 feet, to an iron pin set at the northwest corner of said C.E.I. Company land;

Thence S. 56°-02'-00"E., along the southwesterly line of said C.E.I. Company land, a distance of 598.38 feet, to a 5/8" iron pin found on the westerly right of way of Harbor Avenue 60' R/W;

Thence S. 22°-20'-12"E., along the westerly right of way of Harbor Avenue, a

distance of 309.75 feet, to an iron pin set at an angle point in Harbor Avenue;

Thence S.15°-18'-28"E., continuing along the westerly right of way of Harbor Avenue, a distance of 787.24 feet, to an iron pin set on the northwesterly right of way of the Conrail Railroad;

Thence S.49°-30'-25"W., along the northwesterly right of way of the Conrail Railroad, a distance of 66.38 feet, to an iron pin set at an angle point in said Conrail Railroad;

Thence N.42°-11'-15"W., along the northeasterly right of way of said Conrail Railroad, a distance of 73.00 feet, to an iron pin set at an angle point in said Conrail Railroad;

Thence S.47°-48'-45"W., along the northwesterly right of way of said Conrail Railroad, a distance of 353.98 feet, to a point in the center of the Ashtabula River;

Thence N.44°-30'-40"W., along the center of the Ashtabula River, a distance of 295.47 feet, to an angle point in said Ashtabula River;

Thence N.51°-08'-30"W., continuing along the center of the Ashtabula River, a distance of 134.49 feet, to an angle point in said Ashtabula River;

Thence N.80°-12'-30"W., continuing along the center of the Ashtabula River, a distance of 410.03 feet, to an angle point in said Ashtabula River;

Thence N.48°-52'-15"W., continuing along the center of the Ashtabula River, a distance of 122.40 feet, to an angle point in said Ashtabula River;

Thence N.05°-44'-30"W., continuing along the center of the Ashtabula River, a distance of 397.00 feet, to an angle point in said Ashtabula River;

Thence N.02°-44'-30"W., continuing along the center of the Ashtabula River, a distance of 250.00 feet, to an angle in said Ashtabula River;

Thence N.25°-56'-30"W., continuing along the center of the Ashtabula River, a distance of 227.96 feet, to an angle in said Ashtabula River;

Thence N.40°-58'-00"W., continuing along the center of the Ashtabula River, a distance of 308.35 feet, to a point in the centerline of East 24th Street;

Thence N.48°-02'-00"E., along the centerline of East 24th Street, a distance of 984.11 feet, to the principle place of beginning, and containing 37.268 Acres of land, more or less, but subject to all legal highways.

The above described property was surveyed by James A. Ziemba, Professional Surveyor #7094 on November 15, 2005. Bearings shown hereon are to an assumed meridian and are used to denote angles only. Iron pins set are 5/8" x 30" rebar capped "BENCHMARK #7094". The intent of this description is to describe part of the land conveyed to CDM Development Corporation (49-386) (05-314-00-002-00).