

BOWERS DEED RESTRICTIONS

Instrument
9600008220

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The record owner, Ellen J. Bowers as Executrix for the Estate of John N. Bowers ("Owner"), hereby imposes restrictions on the real property, which real property includes the Bowers Landfill Superfund Site and adjacent property, and which real property is located in rural Pickaway County, Ohio, approximately 2.5 miles north of the City of Circleville, Ohio (hereafter "the Real Property"). The Real Property is more fully described as follows:

Situated in the Township of Circleville, County of Pickaway, State of Ohio and being part of Fractional Section 3, Township 4, Range 22 bounded and described as follows:

Being part of the residue of the 202 acres and 4 pole tract conveyed to John N. Bowers by deed recorded in Deed Book 156, Page 339 in the Pickaway County Recorder's Office.

Beginning at a 1/2" rebar found in the North line of section 3 being Northwest corner of a 3.16 acre tract of S. & D. Properties, Inc. and said to be 931.52 westerly from the point of intersection of the North line of Section 3 with the centerline of Island Rd; thence with the West line of said 3.16 acre tract S7°20'49" E. 156.34 feet to an iron pin found at the Southwest corner to said 3.16 acre tract; thence on a new line S17°15'58"E. 526.56 feet to an iron pin found at the corner of S. & D. Properties, Inc. 6.449 acre tract; thence with the West line of same S14°24'57" E. 627.23 feet to an iron pin found at the Southwest corner of said 6.449 acre tract; thence with nine new lines through said tract the following calls; S13°40'48" E. 340.79 feet to an iron pin set; thence S25°38'10" E. 134.52 feet to an iron pin set; thence S11°26'06" E. 426.80 feet to an iron pin set; thence S21°27'56" E. 494.61 feet to a 3" steel fence post; thence N59°07'19" W. 734.20 feet to an iron pin set; thence N74°32'05" W. 288.44 feet to an iron pin set; thence N46°51'53" W. 395.10 feet to an iron pin set; thence N29°16'27" W. 1220.48 feet; thence N 17°32'23" W. 917.67 feet to a 1/2" x 15" long bolt found on the East bank of the Scioto River being in the North line of Section 3 and the above referenced 202 acres and 4 pole tract; thence with said North line S87°07'10" E. 1334.66 feet to the place of beginning. Containing 60.404 acres, more or less. Subject to all existing valid rights-of-way of record.

The following restrictions are imposed upon the Real Property, its present and any future owners (including the heirs to the Estate of John N. Bowers), their

authorized agents, assigns, employees or persons acting under their direction or control, for the purposes of protecting public health and the environment, preventing interference with the performance and the maintenance, of any response action selected and/or undertaken by the United States Environmental Protection Agency ("U.S. EPA"), or any action under the oversight of U.S. EPA and/or the Ohio Environmental Protection Agency ("OEPA"), pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. Section 9601 et seq. Specifically, the following deed restrictions shall apply to the Real Property:

A. There shall be no consumptive or other use of the groundwater underlying the Real Property that could cause exposure of humans or animals to the groundwater underlying the Real Property;

B. There shall be no use of, or activity at, the Real Property that may interfere with, damage, or otherwise impair the effectiveness of any response action (or any component thereof, including, without limitation, operation and maintenance of such response action) selected and/or undertaken by U.S. EPA and/or Ohio Environmental Protection Agency (Ohio EPA), or any party acting under the oversight of U.S. EPA and/or Ohio EPA, except with the written approval of U.S. EPA, and Ohio EPA, and consistent with all statutory and regulatory requirements;

C. There shall be no residential, commercial, agricultural or recreational use of the Real Property including, but not limited to, any construction of residences, excavation, grading, filling, drilling, mining or other construction or development, farming, placing of any waste material at any portion of the property or any other activity. Upon the written request of Owner, the Ohio EPA, in its unreviewable discretion, may provide written permission to Owner for recreational use of the Real Property, subject to any limitations established by Ohio EPA, provided that no permission allowing a use shall override a prohibition against such use established by the U.S. EPA, or otherwise established by federal, state or local law.

D. There shall be no use of the Real Property that would allow the

continued presence of humans at the Real Property, other than any presence necessary for implementation of any response actions (or any component thereof, including, without limitation, operation and maintenance of such response action) selected and/or undertaken by U.S. EPA and/or the Ohio EPA, or any party acting under the oversight of U.S. EPA and/or OEPA, including such response actions taken by other responsible parties under a judicial or administrative order. A prohibited use of the Real Property includes, but is not limited to, recreational use;

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E. There shall be no installation, removal, construction or use of any buildings, wells, pipes, roads, ditches or any other structures or materials at the Real Property except as approved, in writing, by Ohio EPA and U.S. EPA; and

F. There shall be no tampering with, or removal of, the containment or monitoring systems that remain on the Real Property as a result of the performance of any response action (or any component thereof, including, without limitation, operation and maintenance of such response action) which is selected and/or undertaken by U.S. EPA and/or the Ohio EPA, or any party acting under the oversight of U.S. EPA and/or OEPA.

The obligation to implement and maintain the above restrictions shall run with the land and shall remain in effect until such time as the Ohio EPA files with the Court a written certification stating:

1. The response action required at, under or adjacent to the Real Property by any consent decree or judicial or administrative order, entered pursuant to CERCLA, has been fully performed;
2. No other response actions are planned for the Real Property; and
3. The above restrictions are no longer necessary to meet the purposes of the consent decree filed in State of Ohio ex rel. Betty D. Montgomery v. E.I. DuPont De Nemours and Company, et. al, Case No. C2 96-783, United States District Court for the Southern District of Ohio.

FOR THE ESTATE OF JOHN N. BOWERS:

Ellen J. Bowers, Executrix
ELLEN J. BOWERS, as Executrix of The Estate
of John N. Bowers

IN WITNESS WHEREOF, has caused these Deed Restrictions to be executed this 16th
day of OCTOBER, 1996.

STATE OF OHIO, PICKAWAY COUNTY Sworn to and subscribed before me, a
Notary Public in and for said State and County this 16th day of OCTOBER
1996.



John Bowers
NOTARY PUBLIC *STATE of Ohio*
MY COMMISSION EXPIRES:
lifetime Commission

960008220
Filed for Record in
PICKAWAY COUNTY, OHIO
JOYCE R. GIFFORD
On 10-17-1996 At 11:31 AM.
DEED 22.00
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960008220
JOHN BOWERS
BDX