

DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENT

This Declaration of Restrictions (this "Declaration") is made and entered into this 22ND day of NOVEMBER, 2000, by DETROIT LEAD RECYCLERS, an Ohio general partnership (the "Declarant").

RECITALSWITNESSETH:

WHEREAS, Declarant is the fee simple owner of certain real property situated in the City of Toledo, Lucas County, Ohio, commonly known for street address purposes as 5715 Angola Road, Toledo, Ohio, and more fully described on Exhibit A attached hereto and incorporated herein (the "Site"); and

WHEREAS, Pursuant to that certain ADMINISTRATIVE ORDER BY CONSENT PURSUANT TO SECTION 106 OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, 42 U.S.C. SECTION 9606(A), Docket No. V-W-00-C-578,, entered into by and between the United States Environmental Protection Agency (Region 5) ("USEPA") and Declarant (by Donald Wright and the Estate of Kenneth Fletcher), Declarant has agreed to implement certain restrictions with respect to the use of the Site; and

WHEREAS, Declarant, for its own benefit, and for the benefit of all future owners, mortgagees, and occupants of the Site, or any part thereof, desires to establish the restrictions hereinafter set forth with respect to said Site and the use thereof; and

WHEREAS, the foregoing Recitals are hereby incorporated in and made a part of this Declaration.

NOW, THEREFORE, Declarant, on its own behalf and on behalf of its successors and assigns, does hereby declare that the Site shall be held, owned, improved, transferred, sold, conveyed, used and occupied subject to the restrictions (hereinafter "Restrictions") hereinafter set forth in this Declaration, and further declares that all of the Restrictions created under and by virtue of this Declaration shall constitute covenants to run with the land and shall be binding upon the Declarant, its successors and assigns, and all persons having any right, title or interest in all or any part of said Site, together with their heirs, successors and assigns.

1. Use Restrictions. To the extent permitted by applicable law, order of a court of competent jurisdiction, or order of any applicable governmental entity having authority thereover, the Site shall be used for any and all industrial and/or commercial uses only.

2. Prohibited Activities. The drilling, digging or other installation of water producing wells on the Site for domestic or industrial use (excluding any wells installed exclusively for monitoring and/or testing purposes) shall be prohibited.

3. Covenants Running with the Land. This Declaration and the reservations hereunder are, and shall be, binding upon, and inure to the benefit of, the Declarant and its successors and assigns and the same shall run with the land and shall be binding upon the Site.

4. Grant of Easement. Declarant hereby gives, grants and conveys to USEPA, a perpetual, non-exclusive easement in, over and upon the Site for the limited purposes of monitoring compliance with the covenants, restrictions, limitations, conditions and uses set forth herein and for no other purpose whatsoever, which easement shall be binding upon Declarant and its successors and assigns and shall run with the land and be binding upon the Site.

5. Amendment. This Declaration and the Restrictions set forth herein may only be altered or amended by written instrument signed by Declarant and USEPA.

6. Governing Law. This Declaration shall be governed by, and construed in accordance with, the laws of the State of Ohio.

7. Severability. Invalidation of any of the provisions contained in this Declaration, or the application thereof to any person by judgment or court order, shall in no way effect any of the provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the day and year first set forth above.

Signed and acknowledged
in the presence of:

Signature: Deborah K. Clapp
Printed Name: DEBORAH K. CLAPP

Signature: Amanda S. Neff
Printed Name: AMANDA S. NEFF

"DECLARANT"

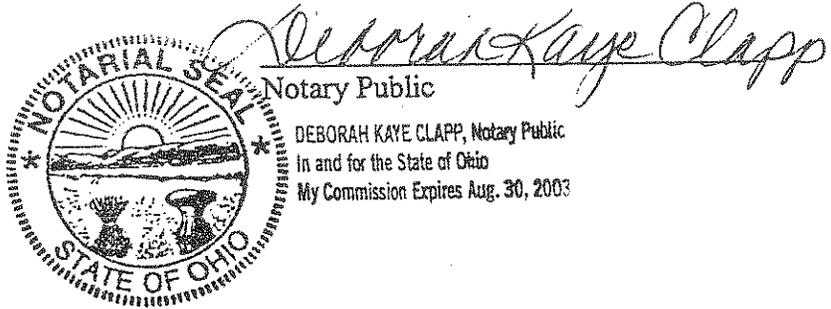
DETROIT LEAD RECYCLERS,
an Ohio general partnership

By: Art Millonig
Art Millonig, General Partner

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

BEFORE ME, a Notary Public in and for said County and State, personally appeared DETROIT LEAD RECYCLERS, an Ohio general partnership by Art Millonig, General Partner, who acknowledged that he did execute the foregoing instrument and that the same is his free act and deed, both individually and as such General Partner.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Centerville, Ohio this 22nd day of November, 2000.



This instrument prepared by:
Keith H. Raker, Esq.
Arter & Hadden LLP
925 Euclid Avenue
1100 Huntington Building
Cleveland, Ohio 44115-1475

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EXHIBIT A

Parcel I: That part of the Northwest 1/4 of Section 14, Town 2 in the United States Reserve of the 12 miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Beginning at a point in the North line of the Northwest 1/4 of said Section 14, that is 1924.6 feet East of the Northwest corner of the Northwest 1/4 of said Section 14; thence East along the North line of the Northwest 1/4 of said Section 14, a distance of 180.0 feet; thence South along a line forming an interior angle of 88° 41' 40" with the last described course, a distance of 301.79 feet to a point in the Northerly line of the Penn-Central Railroad; thence Southwesterly along the Northerly line of said Penn-Central Railroad and forming an interior angle of 102° 00' 12" with the last described course, a distance of 183.97 feet to a point; thence North along a line forming an interior angle with the last described course, 77° 59' 48", a distance of 335.95 feet to the point of beginning. Subject to legal highways.

Taxing District 26, Parcel No. 11771

Parcel II: That part of the Northwest 1/4 of Section 14, Town 2 in the United States Reserve of the 12 miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Beginning at a point in the North line of the Northwest 1/4 of said Section 14, that is 1754.6 feet East of the Northwest corner of the Northwest 1/4 of said Section 14; thence East along the North line of the Northwest 1/4 of said Section 14; a distance of 170.0 feet; thence South along a line forming an interior angle of 88° 41' 40" with the last described course, a distance of 335.95 feet to a point in the Northerly line of the Lake Shore and Michigan Southern Railroad, now a part of the New York Central Railroad System; thence Southwesterly along the Northerly line of said Lake Shore and Michigan Southern Railroad and forming an interior angle of 102° 00' 12" with the last described course, a distance of 173.76 feet to a point; thence North along a line forming an interior angle with the last described course of 77° 59' 48", a distance of 368.22 feet to the point of beginning. Subject to legal highways.

Taxing District 26, Parcel No. 11774

2200
RECEIVED & RECORDED

NOV 29 2000 / 10/8

SUE RIOUX
RECORDER LUCAS COUNTY OHIO