

Environmental Covenant

When recorded, return to:
Dorian D. Ames, Esq.
Levene Gouldin & Thompson, LLP
450 Plaza Drive
Vestal, NY 13850

The County Parcel Identification No. of the Property is: T.M.P. #37-020.21.023.

OWNER: Zuggo Metrology Services, LLC.

PROPERTY ADDRESS: 317 South Thomas Avenue, Sayre, Pennsylvania 18840.

ENVIRONMENTAL COVENANT

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 – 6517 (UECA). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Pennsylvania Department of Environmental Protection (Department).

1. **Property affected.** The property affected (Property) by this Environmental Covenant is located in Sayre, Bradford County.

The postal street address of the Property is: 317 Thomas Avenue, Sayre, Pennsylvania 18840.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: Lat 41° 58' 39.137", Long 76° 30' 50.1458".

The DEP Primary Facility ID# is: #624332.

A complete description of the Property is attached to this Environmental Covenant as Exhibit A.

A map of the Property is attached to this Environmental Covenant as Exhibit B.

2. **Property Owner/Grantor.** Zuggo Metrology Services, LLC is the owner of the Property and the Grantor of this Environmental Covenant.

3. The mailing address of the owner is: 101 North Main Street, Suite 2, Athens, Pennsylvania 18810.

4. **Description of Contamination & Remedy.** As required by 27 Pa. C.S. § 6504(a)(3) and (a)(7) as allowed by 27 Pa. C.S. 6504(b)(6), a comprehensive and multi-phased environmental site investigation was conducted between 2007 and 2010 at the Property. Surface and subsurface soil and groundwater sampling and analysis revealed that the site was impacted with volatile organic compounds (VOC's), semi-volatile organic compounds (SVOC's), and metals. This investigation revealed that Tetrachlorethylene, Lead, and Mercury were identified in soil above the applicable Statewide Health, Residential Standard as identified by Act 2, but below the Statewide Health, Nonresidential Standard, and remain on the property as identified in the Final Report. The only compound that exceeds the Statewide Health, Residential Direct Contact Numeric Standard in soil is Lead and is located in the general area of SB-110 (all soil impacts in this area of the property) as identified on Exhibit C. The Final Report, titled Final Report, Former Paxar Facility, prepared for Avery Dennison by The Johnson Company, Inc., approved on February 28, 2013 by the Department, originally demonstrated attainment for Statewide Health, Nonresidential Standards in soil. The groundwater met the Statewide Health, Residential Standards for Used Aquifers as identified by Act 2 for all of the identified compounds. Since the property has been sold by the remediator, the current owner wishes to utilize this site in a recreational (residential) fashion, requiring use restrictions for this property. As a result, an engineering control has been installed over the area of SB-110. This general area, as shown in Exhibit B (concrete pad), has been capped and will be maintained as an engineering control, therefore the exposure risks at the site have been properly addressed. In addition, records pertaining to the contamination and remedy are maintained in the Department's North

Central Regional Office and a copy of the Final Report is also available through the United States Environmental Protection Agency (EPA), Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

5. **Activity & Use Limitations.** The Property is subject to the following activity and use limitations, which the then current owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by: maintain an asphalt or similar capping material over the general area of SB-110 as identified as the concrete pad on the map in Exhibit B to this covenant. If this capping material is ever compromised and/or soils located in this area are disturbed, the then current owner will notify the Department and the EPA immediately. If the disturbance is a planned event, the then current owner will provide a Soil Management Plan to the Department and the EPA 15 days prior to the disturbance in order to safely handle the impacted soils and arrange for proper disposal if the soils will be taken off site.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Compliance Reporting.** After written request by the Department or the EPA, the then current owner of the Property shall submit, to the Department and the EPA, written documentation stating whether or not the activity and use limitations in the Environmental Covenant are being abided by. In addition, within 1 month after any of the following events, the then current owner of the Property shall submit to the Department and the EPA written documentation: noncompliance with the activity and use limitations in this Environmental Covenant; transfer of the Property; changes in use of the Property; or filing of applications for

building permits for the Property and any proposals for any site work, if the building or proposed site work will affect the contamination on the Property subject to this Environmental Covenant. The written documentation will state whether or not there is compliance with paragraph 5. If there is noncompliance, the documentation will state the actions that will be taken to assure compliance.

8. **Access by the Department and by the EPA.** In addition to any rights already possessed by the Department, and by the EPA, this Environmental Covenant grants to the Department and to the EPA a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording and Notification of Recording.** Within 30 days after the date of the Department's approval of this Environmental Covenant, the owner shall file this Environmental Covenant with the Recorder of Deeds for each County in which the Property is located, and send a file-stamped copy of this Environmental Covenant to the Department within 90 days of the Department's approval of this Environmental Covenant. Within that time period, the owner also shall send a file-stamped copy to each of the following: the Borough of Sayre, the County of Bradford and the EPA.

10. **Termination or Modification.**

(a) This Environmental Covenant runs with the land unless terminated or modified in accordance with 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this Paragraph.

(b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the Commonwealth provided that: (1) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. §6517 to the same extent that this Environmental Covenant is

amended or terminated; (2) the Department determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) the Department provides 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

(c) This Environmental Covenant shall terminate upon attainment, in accordance with 35 P.S. §§ 6026.101 – 6026.908, of an unrestricted use remediation standard for the above-described contamination at the Property. The Department must approve, in writing, of such termination.

(d) In accordance with 27 Pa. C.S. § 6510(a)(3)(i), Grantor hereby waives the right to consent to any amendment or termination of the Environmental Covenant by consent; it being intended that any amendment to or termination of this Environmental Covenant by consent in accordance with this Paragraph requires only the following signatures on the instrument amending or terminating this Environmental Covenant: (i) the Holder at the time of such amendment or termination; (ii) the then current owner of the Property and (iii) the Department.

11. EPA.

(a) Notification. The then current owner shall provide the EPA written notice of:

- (1) the pendency of any proceeding that could lead to a foreclosure as referred to in 27 Pa. C.S. § 6509(a)(4), within seven calendar days of the owner's receiving notice of the pendency of such proceeding;
- (2) any judicial action referred to in 27 Pa. C.S. § 6509(a)(5), within seven calendar days of the owner's receiving notice of such judicial action;
- (3) any judicial action referred to in 27 Pa. C.S. § 6509(b), within seven calendar days of the owner's receiving notice of such judicial action; and

(4) termination or amendment of this Environmental Covenant pursuant to 27 Pa. C.S. § 6510, within seven calendar days of the owner's becoming aware of such termination or amendment.

(b) Enforcement. A civil action for injunctive or other equitable relief for violating this Environmental Covenant may be maintained by the EPA.

12. Department's and EPA's address. Communications with the Department and the EPA regarding this Environmental Covenant shall be sent to:

Environmental Program Manager
Department of Environmental Protection
Environmental Cleanups and Brownfields
North Central Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701.

Environmental Protection Agency

Land and Chemical Division (3LC30)
U.S. EPA Mid-Atlantic Region III
1650 Arch Street
Philadelphia, PA 19103

13. Severability. The paragraphs of this Environmental Covenant shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

[SIGNATURE PAGE FOLLOWS]

Exhibit A

Parcel No. 37-020.21-023-000-000:

ALL those certain lots, pieces or parcels of land, lying and being in the Borough of Sayre, County of Bradford and Commonwealth of Pennsylvania, bounded and described as follows:

LOT NO. 1:

BEGINNING at a point on the Chemung Street 93 ½ feet East of its intersection with Thomas Avenue; thence at rights angles with Chemung Street about North 16° East 45 feet to a corner; thence parallel with Chemung Street South 74° East 127 feet to a corner; thence South 16° West 45 feet to Chemung Street; thence along Chemung Street about North 74° West 127 feet to the place of beginning. Containing 5,715 square foot of land, more or less.

LOT NO. 2:

BEGINNING at a point on the East line of Thomas Avenue at the intersection with the North line of Chemung Street; thence along the East line of said Avenue, North 16° East 250 feet to a corner; thence Easterly at a right angle with Thomas Avenue about South 74° East 425 feet to a corner; thence South 16° West 250 feet to the North line of Chemung Street; thence along Chemung Street North 74° West 204 ½ feet to a corner; thence North 16° East 45 feet to a corner, thence parallel with Chemung Street about 74° West 127 feet to a corner, thence South 16° West 45 feet to a line of Chemung Street; thence along Chemung Street North 74° West 93 ½ feet to the place of beginning. Containing 100,535 square feet of land, more or less.

ALSO, all that tract or parcel of land situate in the Borough of Sayre, County of Bradford and Commonwealth of Pennsylvania, bounded and described as follows, viz:

BEGINNING at an iron pin the East line of S. Thomas Avenue 200 feet South of the South line of East Hayden Street, being the southwest corner of property formerly deeded to August W. Paul, running 200 feet easterly and at right angles to S. Thomas Avenue along the Southern line of August W. Paul property; to an iron pin; thence running southerly and at right angles, 50 feet to an iron pin in the North line of property formerly deed to The Collins Pneumatic Hub and Wheel Works; thence westerly and at rights angles along the north line of The Collins Pneumatic Hub and Wheel Works 200 feet to an iron pin in the East line of S. Thomas Avenue, being the northwest corner The Collins Pneumatic Hub and Wheel Works property; thence northerly, and at right angles, along the East line of S. Thomas Avenue, 50 feet to the point and place of beginning.

BEING AND INTENDING to describe the same premises conveyed to Avery Dennison Corporation by deed dated March 26, 2008 by deed from Arthur Hershaft, Judith Schoen Hershaft, Stephen Hershaft, Laura Saltman, and Hershaft Real Property L.L.C. and recorded April 3, 2008 to Bradford County Instrument Number 2008003913.

ALSO ALL that certain lot, piece or parcel of land, lying and being in the Borough of Sayre, County of Bradford and the Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at point on the easterly right of way line of South Thomas Avenue, the said point being the southwesterly corner of the lands belonging to Avery Dennison Corporation, thence along the south line of the aforesaid Avery Dennison Corporation S 74° 21' 00" E 255.27 ft to a #5 rebar set for a corner; Thence thru the lands of the grantees herein S 15° 39' 00" W 50.00 ft to a #5 rebar set for a corner; Thence along the northerly line of land belonging to the Pennsylvania Electric Company N 74° 21' 00" W 255.37 ft to a #5 rebar set on the easterly right of way line of South Thomas Avenue; thence N 15° 39' 00" E 50.00 ft to the point and place of beginning.

ALSO BEING Lot No. 2 on that certain subdivision plan titled "Subdivision for Calvin C. Cole, Inc. to Avery Dennison Corp and The Borough of Sayre", prepared by Jeffrey W. Geiss PLS., job number 0047 dated February 3, 2012, and approved by the Bradford County Planning Commission on July 19, 2012 subdivision number 2012-087 and recorded with the Bradford County Recorder of Deeds on July 26, 2012 as Map Number 8771 bearing Instrument Number 201218949 (the "Subdivision Plan").

UNDER AND SUBJECT TO all those certain notes and conditions depicted on the Subdivision Map including, but not limited to, utility easements, a driveway encroachment, building setback lines, utility poles, chain link fencing, flood zones, a 30' wide overhead electric line, water lines of unspecified width, water valves/gas valves, and other certain improvements/encroachments which are depicted on said Subdivision Plan.

Parcel No: 37-020.21-024-000-000:

ALSO ALL that certain lot, piece or parcel of land situate in the Borough of Sayre, County of Bradford and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the north line of lands of Hershaft et al and the southwest corner of lands owned by the Pennsylvania Water Company, thence North 76° 10' 53" West a distance of 65 feet to an iron pin located at the southeast corner of lands of Hershaft et al; thence North 14° 02' 52" East a distance of 50 feet to an iron pin located at the northeast corner of lands of Hershaft et al and the south line of the within named grantor, Larry Brown, where it intersects with a found pin; thence South 76° 10' 53" East a distance of 65 feet to a point on the west line of lands owned by the Pennsylvania Water Company; thence South 14° 02' 52" West a distance of 50 feet to the place of beginning.

ALSO BEING AND INTENDING to describe the same premises conveyed to Packaging Systems Corporation, a New York State Corporation by deed dated August 29, 1983 from Larry D. Brown and Patricia Brown, husband and wife, and recorded October 13, 1983 to Bradford County Deed Book 691 Page 751.

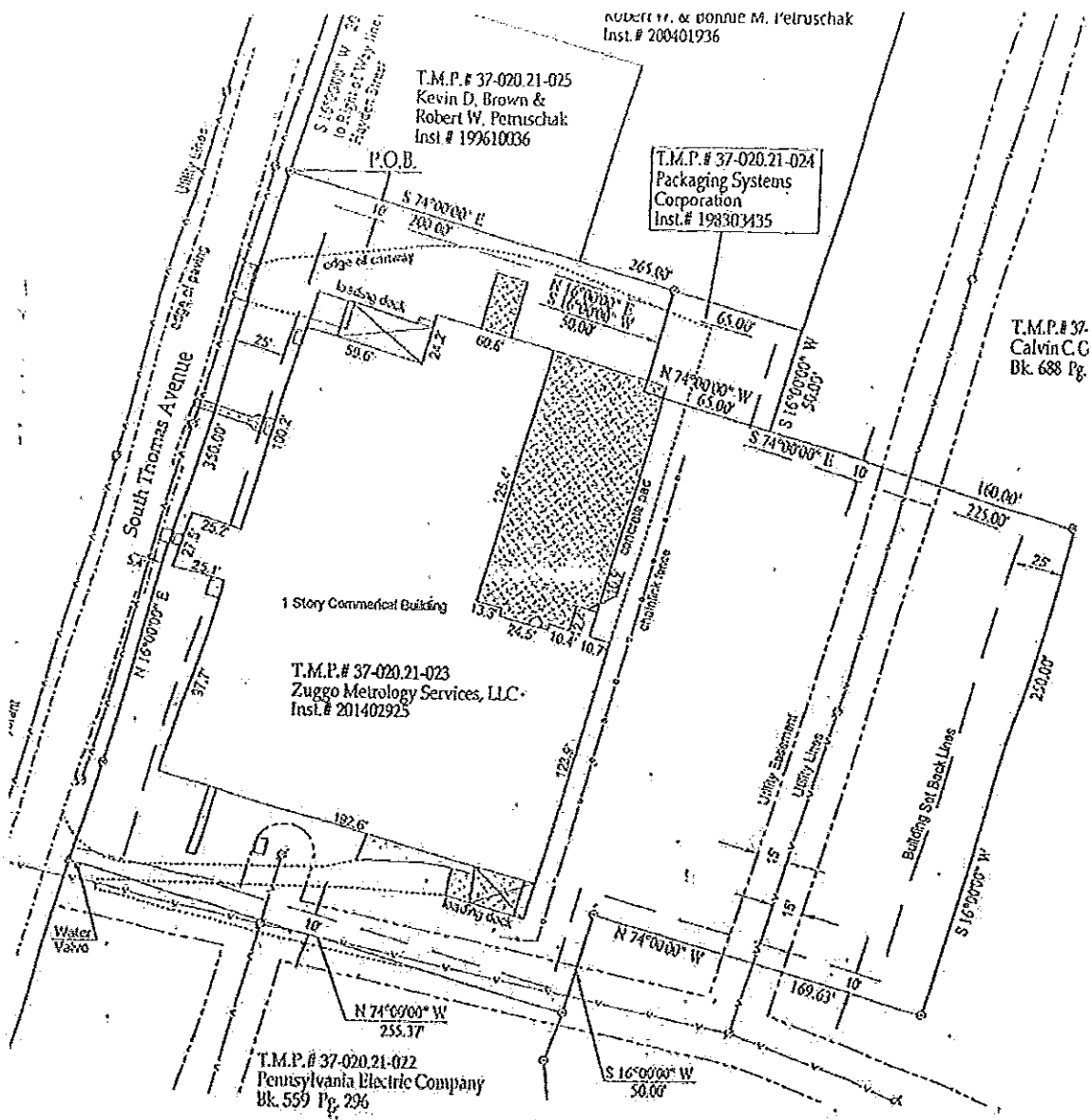
The foregoing description was taken from a survey prepared by George K. Jones & Associates, bearing Map No. 2147-2 dated May 18, 1983, and revised August 30, 1983, which map was recorded on September 12, 1983 in the Register and Recorder's Office of Bradford County, Pennsylvania.

The above described premises may also be described as follows according to a survey prepared by Bruce Benish P.L.S., dated September 4, 2014:

ALL That certain lot, piece, or parcel of land, situate, and being in the Borough of Sayre, County of Bradford, and the Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the easterly right of way line of South Thomas Avenue, said iron pin being located S 16° 00' 00" W, a distance of 205.00' from the southerly right of way line of Hayden Street, being the southwesterly corner of lands of Kevin D. Brown and Robert W. Petruschak and being the northwesterly corner of the lot hereon described; thence along the line of lands of Kevin D. Brown and Robert W. Petruschak and Robert W. and Bonnie M. Petruschak S 74° 00' 00" E, a distance of 265.00' to an iron pin set for a corner; thence along the line of lands of Calvin C. Cole S 16° 00' 00" W, a distance of 50.00' to an iron pin set for a corner; thence still along the same S 74° 00' 00" E, a distance of 160.00' to an iron pin found for a corner; thence still along the same S 16° 00' 00" W, a distance of 250.00' to an iron pin set for a corner; thence still along the same N 74° 00' 00" W, a distance of 169.63' to an iron pin set for a corner; thence still along the same S 16° 00' 00" W, a distance of 50.00' to an iron pin set for a corner; thence along the line of lands of Pennsylvania Electric Company N 74° 00' 00" W, a distance of 255.37' to an iron pin set for a corner in the easterly right of way line of South Thomas Avenue; thence along the right of way line of South Thomas Avenue N 16° 00' 00" E, a distance of 350.00' to the point and place of beginning. Said tract containing 3.0365 acres of land as described on a plat of survey made by Bruce Benish Surveying, numbered 2010051, and dated September 4, 2014.

Exhibit B



ROBERT W. & BONNIE M. PETRUSCHAK
Inst. # 200401936

T.M.P. # 37-020.21-025
Kevin D. Brown &
Robert W. Petruschak
Inst. # 199610036

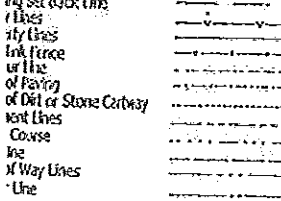
T.M.P. # 37-020.21-024
Packaging Systems
Corporation
Inst. # 198303435

T.M.P. # 37-
Calvin C.C
Bk. 688 Pg.

T.M.P. # 37-020.21-023
Zuggo Metrology Services, LLC
Inst. # 201402925

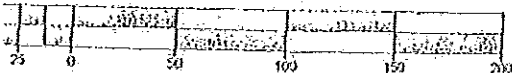
T.M.P. # 37-020.21-022
Pennsylvania Electric Company
Bk. 559 Pg. 296

Lot	Utility Pole
U.R. Stake	Well
Post	Fire Hydrant
Post Pin	Water Valve



Zoned Business Incubator
Building Set Back Lines
Sideryard 10'
Rearyard 25'
Frontyard 25'

SCALE: 1" = 50'

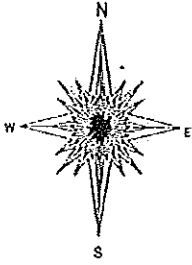


Lot-1	129018.5 Sq. Ft.	2.9619 acres
Lot-2	3250.0 Sq. Ft.	0.0746 acres
Total	132268.5 Sq. Ft.	3.0365 Acres

"To the best of our knowl-
edge as shown hereon were
enactment of the Sayre
Regulations.

Due to the existence
of this area call PA One
about the location bef-

CAUTION: If this docu-
ment is not the property
of the professional
and may have been alt-



21-019
Inc.

To: Zuggo Metrology Services, LLC;

I certify that, to the best of my knowledge and belief, this plan is the result of a field survey made on August 26, 2014 by me or under my direct supervision, in accordance with the rules and regulations promulgated by the "State Board of Professional Engineers and Land Surveyors."

The information shown hereon, correctly represents the conditions found at, as of the date of the field survey, except such improvements or easements, if any, below the surface of the ground and not visible.

This survey does not constitute a title search.

This certification is given solely to the above named parties unless otherwise stated.

edge, the structure(s)
constructed prior to the
rough Zoning

underground utilities that service
at 1-800-242-1776 for information
any construction takes place.

ment does not contain a raised impression
is not an authorized original document
ed.

ZUGGO METROLOGY SERVICES, LLC			
T.M.P.# 37-020.21-023			
BOROUGH OF SAYRE		COUNTY OF BRADFORD	
PLAT OF SURVEY			
BRUCE BENISH SURVEYING P.O. BOX 118 ATHENS, PA. 18810	FR. 31	DRAWN S.B.	DATE 8/26/14
	PG. 61	CHECKED	SCALE: 1" = 50'
	JOB# 37-023		
BRUCE BENISH P. L. S.			
PROFESSIONAL LAND SURVEYOR PA. LIC. No. #3389			
<i>Bruce Benish P.L.S.</i>		DATE <u>8/26/14</u>	