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Charleston, West Virginia 25301
(304) 347-1100

7000 Hampton Center
Morgantown, West Virginia 26505
(304) 285-2500

5th Floor, United Square
501 Avery Street
Parkersburg, West Virginia 26101
(304) 485-8500



101 South Queen Street
Martinsburg, West Virginia 25401
Post Office Drawer 1419
Martinsburg, West Virginia 25402-1419
(304) 263-0836

www.bowlesrice.com

333 West Vine Street, Suite 1700
Lexington, Kentucky 40507-1639
(859) 252-2202

480 West Jubal Early Drive
Suite 130
Winchester, Virginia 22601
(540) 723-8877

2400 Cranberry Square
Morgantown, West Virginia 26508-9209
(304) 594-1000

December 29, 2009

Stephen M. Mathias
Telephone — (304) 264-4234
Facsimile — (304) 264-4210

E-Mail Address:
smathias@bowlesrice.com

Ken Ellison, Director WVDEP
Division of Land Restoration
601 57th Street
Charleston, West Virginia 25304

Re: Land Use Covenant for Kidde Firefighting Ranson Foundry,
215 North Mildred Street, Ranson, Jefferson County, VRP#07434

Dear Mr. Ellison:

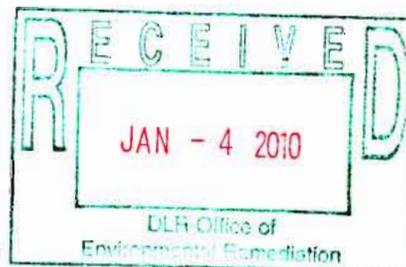
Please find enclosed a copy of the Land Use Covenant for the above-referenced property. The original instrument has been recorded in the Jefferson County Clerk's Office.

Please let me know if you have any questions.

Very truly yours,

Stephen M. Mathias

SMM/sef
Enclosure
cc: Robert E. Glenn, Esquire



JENNIFER S. MADRIAN
JEFFERSON County 11:48:00 AM
Instrument No 2009057499
Date Recorded 12/22/2009
Document Type COV
Book-Page 1072-725
Recording Fee \$10.00
Additional \$7.00

KIDDE FENWAL INC
312 S MILDRED ST
RANSON, WV 25438-1621

COPY
Applicant: Kidde
VRA # 07434

LAND USE COVENANT

This is an environmental covenant executed pursuant to the Voluntary Remediation and Redevelopment Act, West Virginia Code Chapter 22, Article 22, and the Uniform Environmental Covenants Act, West Virginia Code Chapter 22, Article 22B, to restrict the activities on, and uses of, the following described property: certain real property located at 215 North Mildred Street in the City of Ranson, Jefferson County, West Virginia, and more specifically described in Schedule A attached hereto and made a part hereof (and entitled "Legal Description – Ranson Foundry – Approximately 5.5 Acres").

Activities on and uses of the above-described property that may result in excessive human exposure or in the release of a contaminant that was contained as part of the remedial action related to this covenant are prohibited. Those activities and uses include, but are not limited to:

1. Collection, extraction, consumption, exposure and any other use of groundwater, from any portion of the property, for any purpose other than monitoring;
2. Any residential land use, as defined by the West Virginia Code of State Rules § 60-3-2.51, and any other single or multi-family housing, group home, nursing home, hospital, medical care, day care, child care, school, hotel, motel or lodging facility, vegetable garden, farming, or any similar residential or agricultural use.
3. Any excavation, removal or disturbance of any building or structure that is identified in that certain Engineering Controls plan dated December 7, 2009 and prepared by MACTEC Engineering and Consulting, Inc. ("Engineering Controls Plan," a copy of which is attached hereto at Schedule B and incorporated by reference herein), including without limitation any slab, foundation, or flooring associated with such a building or structure, any asphalt or concrete pavement or other exterior surface that is identified in the Engineering Controls Plan, any grass, gravel or mixed grass and gravel area that is identified in the Engineering Controls Plan, or any soil or gravel beneath any such building or structure (including without limitation any associated slab, foundation, or flooring), any such pavement or other exterior surface, or any such grass, gravel or mixed grass and gravel area (collectively, the "Engineering Controls"), unless:
 - a. prior written notice of the planned excavation, removal or disturbance is provided to the Secretary of the Department of Environmental Protection; and
 - b. the excavation, removal or disturbance is conducted by a contractor who is qualified and knowledgeable about releases and exposure to contaminants known to exist at the property and performed in accordance with a site specific Health and Safety Plan developed by a Licensed Remediation Specialist or similarly qualified individual and all other plans and specifications required by the State of West Virginia, Department of Environmental Protection.

The current owners of record of the property, and their contact information, are:

KIDDE-FENWAL, INC., a Delaware corporation, with an office at 9 Farm Springs Road, Farmington, Connecticut, 06032 and successor by merger to Badger Fire Protection Inc. ("Badger") and Kidde Fire Fighting, Inc. ("KFF").

Any person, including a person that owns an interest in the real property, the state or federal agency determining or approving the environmental response project pursuant to which an environmental covenant is created, or a municipality or other unit of local government may be a holder of an environmental covenant. The following are all of the holders of this covenant:

1. KIDDE-FENWAL, INC., a Delaware corporation with an office at 9 Farm Springs Road, Farmington, Connecticut, 06032 and successor by merger to Badger and KFF (together with Badger, KFF, and all affiliated interests of Kidde-Fenwal, Inc., the "Company"); and
2. THE CORPORATION OF RANSON, a unit of local government with an address at 312 S. Mildred Street, Ranson, West Virginia, 25438 ("Ranson").

The facts regarding the remediation response project at this property are:

The Company, as the applicant hereunder doing business as Kidde Fire Fighting, and the State of West Virginia, Department of Environmental Protection ("WVDEP"), Office of Environmental Remediation executed Voluntary Remediation Agreement # VRP-07434 ("VRA") pursuant to the Voluntary Remediation and Redevelopment Act, West Virginia Code Chapter 22, Article 22 on December 27, 2005 for the former KFF Ranson Foundry site (the "Site"). Under the VRA, environmental investigation and remediation activities were conducted at the Site between January 2006 and June 2009.

Assessment activities identified the following contaminants of concern at concentrations that exceeded the WVDEP industrial de minimis standards for an industrial setting and/or USEPA Toxicity Characteristic Leaching procedure ("TCLP") limits:

- Lead, cadmium, arsenic and total petroleum hydrocarbons – diesel range ("TPH-DRO") in soil; and
- Bis-2-ethyl-hexyl-phthalate, bromodichloromethane, 3,4 methylphenol and TPH-DRO in groundwater.

Site remediation activities completed pursuant to the VRA include, without limitation, the following:

- Removal of underground storage tanks;
- Excavation and off-Site treatment of soil containing TPH-DRO;
- Excavation and off-Site treatment of soil containing lead, cadmium and arsenic; and
- Backfilling of the excavation areas with clean fill and placement of an asphalt cap over backfilled areas.

Soil with contaminant concentrations exceeding WVDEP industrial de minimis standards for an industrial setting and/or USEPA TCLP limits remain beneath Site buildings and the Engineered Controls described above or at depths greater than 4 feet below grade outside these locations. No active remediation of groundwater was conducted.

Non-residential exposure assumptions were used to evaluate remaining contaminants of concern. Limits on exposure to soil and groundwater include the presence of an asphalt and concrete cap and other Engineering Controls located over contaminated soil areas and prohibitions on the use of the Site as described above.

The owner(s) of the property shall provide written notice to the Secretary of the Department of Environmental Protection within 10 days following transfer of a specified interest in the property subject to

this covenant, changes in use of the property, application for building permits regarding the property, or proposals for any site work affecting the contamination on the property.

The Owner(s) of the property shall conduct inspections of the property to monitor compliance with this Land Use Covenant at least one (1) time per year, and shall submit two (2) signed copies of the inspection monitoring report to the WVDEP, DLR headquarters in Charleston, within thirty (30) days of the inspection.

This covenant relieves the applicant and subsequent successors and assigns from all civil liability to the state as provided under West Virginia Code Article 22 of Chapter 22 and shall remain in effect so long as the property complies with the applicable standards in effect at the time this covenant was issued.

This covenant shall not be amended, modified or terminated except by written instrument executed in accordance with W. Va. Code § 22-22B-10, by and between the Owner at the time of the proposed amendment, modification or termination, the Secretary of the West Virginia Department of Environmental Protection, and the holders of this covenant. Within 5 days of executing an amendment, modification or termination of this Land Use Covenant, the Owner shall record such amendment, modification or termination with the Clerk of the Jefferson County Commission, and within 5 days thereafter, the Owner shall provide a true copy of the recorded amendment, modification or termination to the Secretary of the Department of Environmental Protection.

The administrative record for the environmental response project reflected in this covenant is maintained in the WVDEP, Division of Land Restoration, 601 57th St., Charleston, WV 25304 and is entitled Kidde Firefighting, VRA # 07434.

The West Virginia Department of Environmental Protection is granted full right of access to the property for the purpose of implementation or enforcement of this covenant.

All restrictions and other requirements described in this covenant shall run with the land and shall be binding upon all holders and their grantees, lessees, authorized agents, employees or persons acting under their direction or control.

[REMAINDER OF THIS PAGE IS LEFT BLANK.]

IN WITNESS WHEREOF, the following holders have executed this covenant on the dates indicated.

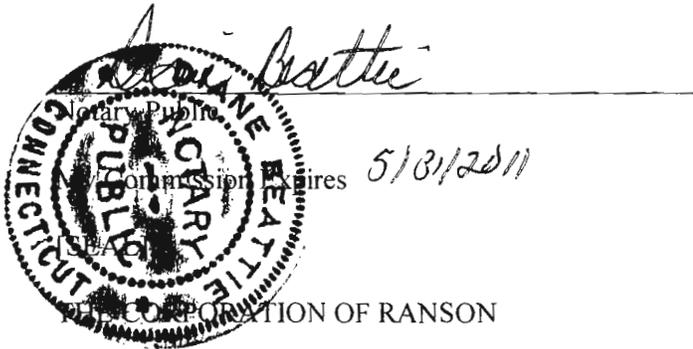
KIDDE-FENWAL, INC., a Delaware corporation

By [Signature]
Diane Andrews
Authorized Representative

Date:

I, Diane Beattie, a Notary Public in and for the County of Hartford, State of Connecticut, do hereby certify that Diane Andrews, as Authorized Representative of Kidde-Fenwal, Inc., a Delaware corporation, as a holder named in the foregoing instrument, this day executed this document in my presence or this day acknowledged same to be the true act and deed of said corporation.

Given under my hand this the 14 day of December, 2009.



By [Signature]
Name: A David Hamill
Title: Mayor Ranson, WV.

Date:

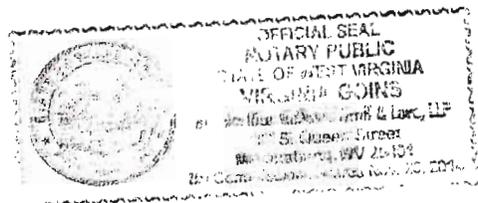
I, Virginia Gings, a Notary Public in and for the County of Budd, State of West Virginia, do hereby certify that [Signature] David Hamill, Mayor of The Corporation of Ranson, as a holder named in the foregoing instrument, this day executed this document in my presence or this day acknowledged same to be the true act and deed of said The Corporation of Ranson.

Given under my hand this the 18th day of December, 2009

[Signature]
Notary Public

My Commission Expires November 26, 2014

[SEAL]



WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By Ken Ellison
Name: Ken Ellison
Title: Director

Date:

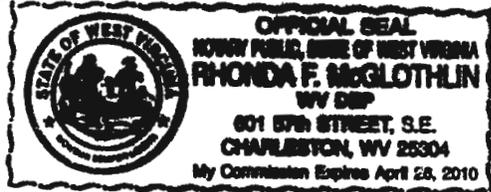
I, Rhonda F. McGlothlin, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Ken Ellison the Director, DEP-DPE of State of West Virginia, Department of Environmental Protection, this day executed this document in my presence or this day acknowledged same to be the true act and deed of said Department.

Given under my hand this the 7th day of December, 2009.

Rhonda McGlothlin
Notary Public

My Commission Expires

[SEAL]



Schedule A

Legal Description -- Ranson Foundry -- Approximately 5.5 Acres

Parcel No. 1:

Located on the north side of Seventh Avenue in Ranson, Jefferson County, West Virginia:

AND BEING the same property conveyed to Bunnie E. Clem by George F. Clem and Florence M. Clem, husband and wife, by deed dated November 25, 1944 and recorded in the Office of the Clerk of the County Court of said County in Deed Book 161 at page 502, and more particularly described therein as follows:

“Beginning at a point 121 feet east of the northeast intersection of George Street and Seventh Avenue, in Block 118, corner with the Bertha Booz lot, thence with the north line of Seventh Avenue easterly 50 feet to a corner with the Luther H. Bagent and Viola V. Bagent lot, thence in a northerly direction with said lot, parallel with George Street, 130 feet to an alley, thence along said alley 50 feet westerly to a point 121 feet east of George Street, corner with Bertha Booz lot, thence in a southerly direction with said lot 130 feet to the point or place of beginning.”

Parcel No. 2:

Located on the north side of Seventh Avenue in Ranson, Jefferson County, West Virginia,

AND BEING the same property conveyed to Jack V. Schefflett and Mabel V. Schefflett by Luther H. Bagent and Viola V. Bagent, his wife, by deed dated November 30, 1963 and recorded in the Office of the Clerk of the County Court of said County in Deed Book 264 at page 44 and therein described as follows:

“Parcel No. 1. Beginning at a point 211 feet east of the northeast intersection of George Street and Seventh Avenue, in Block 118, thence with the north line of Seventh Avenue easterly 30 feet, thence northerly parallel with George Street 130 feet to an alley, thence along said alley 30 feet westerly to a point 211 feet east of George Street, thence southerly 130 feet to the point or place of beginning.

Parcel No. 2. Beginning at a point 171 feet east of the northeast intersection of George Street and Seventh Avenue, in Block 118, thence with the north line of Seventh Avenue 40 feet to a corner with the above described lot, thence in a northerly direction with said lot, parallel with George Street, 130 feet to an alley, thence along said alley 40 feet westerly to a point 171 feet east of George Street, thence southerly 130 feet to the point or place of beginning.”

Parcel No. 3:

That certain tract or parcel of land together with all buildings and improvements thereon situate near Charlestown in Jefferson County, State of West Virginia, bounded and described as follows, beginning at the intersection of the South line of the Belt Railroad Reservation and the West line of Mildred Street, marked by a stake, thence with said West line of Mildred Street, S. 19° 45' E. 355 feet to a stake in the North line of an alley, thence with said North line of an alley S. 70° 15' W. 490 feet 9 4-5 inches to a stake, thence by a line parallel to the line of Mildred Street N. 19° 45' W. 355 feet to a stake in the South line of the Belt Reservation, thence with said centre line N. 70° 15' E. 490 feet 9 4-5 inches to the point of beginning containing 4 acres.

Parcel No. 4:

“All that certain lot or parcel of land, with buildings thereon, situate in Ranson, Jefferson County, West Virginia, bounded and described as follows, to-wit:

“Beginning at a post in the south line of Belt Avenue, being the northwest corner of the present property of said Powhatan Brass and Iron Works, thence southwardly with the west line of the present property of said Powhatan Brass and Iron Work, 355 feet, more or less, to a post in the north line of an alley, being the southwest corner of the present property of said Powhatan Brass and Iron Works; thence westwardly with the north line of said alley 91 feet to an iron pin; thence northwardly by a new line parallel to said first line 355 feet, more or less, to an iron pin in the south line of Belt Avenue; thence eastwardly with the south line of Belt Avenue 91 feet to the beginning.”

Parcel No. 5:

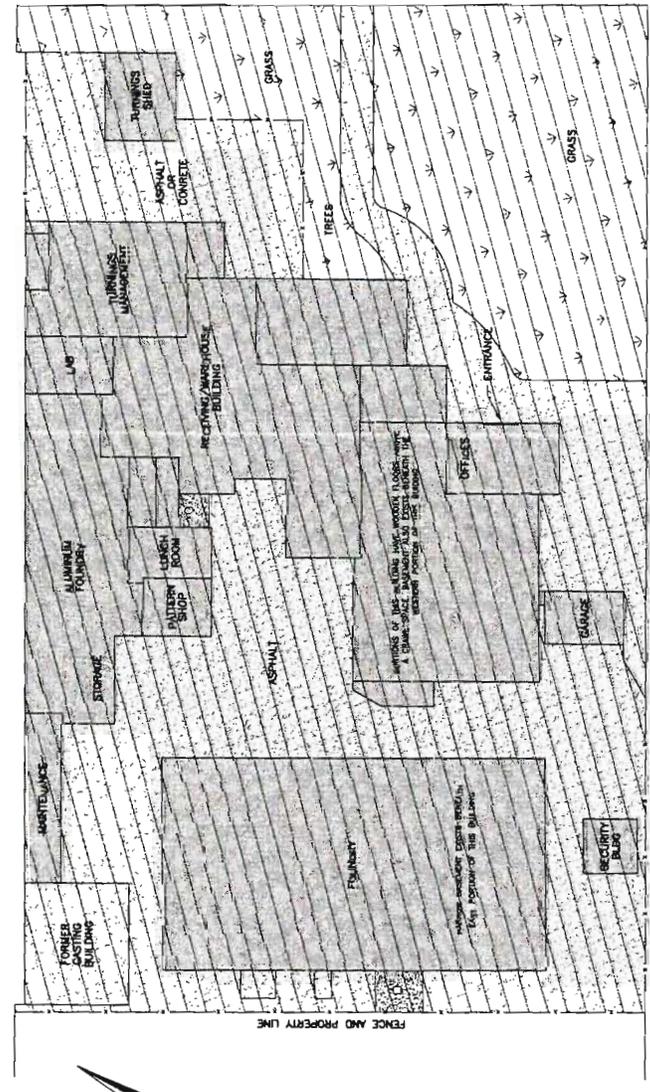
This property, which is a part of Block 118 as designated on the plat of Charles Town Mining, Manufacturing and Improvement Company, recorded in the Office of the Clerk of the County Court of Jefferson County, West Virginia, in Deed Book X, page 1, has been described over the years as two parcels adjoining each other as follows:

“Parcel No. 1. Beginning at a point on 7th Avenue, 320 ft. west of Mildred Street, and running thence westerly one hundred and twenty feet along the north side of said Avenue, thence northerly by a line perpendicular to said Avenue, one hundred and thirty feet, thence easterly one hundred and twenty feet, to the line of Virginia L. Fellers, thence southerly with her line to the point of beginning; a right-of-way ten feet wide along the north end of the lot herein conveyed being reserved as part of the alley running east and west for the use of this and adjoining lots;” and

“Parcel No. 2. Beginning at a point on 7th Avenue, two hundred and forty-one feet east of George Street, and running easterly along the north side of 7th Avenue, a

distance of thirty feet to the lot now owned by Mrs. Susan J. W. Selden (Parcel No. 1), and then at right angles from 7th Avenue, northerly, between parallel lines of even width, a distance of 130 feet, to an alley in the rear.”

W. BELTLINE AVE.



N. MIDRED ST. (U.S. RTE. 9)

ALLEY / DRIVEWAY

7th AVENUE

LEGEND

- GROUND COVER:
 - BUILDINGS/ STRUCTURES
 - ASPHALT/CONCRETE EXTERIOR SURFACES
 - GRAVEL COVERED AREAS
 - GRASS
- ENGINEERING CONTROLS:
 -

Engineering controls indicated on this figure are associated with the Land Use Covenant for this site which prohibits any excavation, removal or disturbance of any building or structure, including without limitation any slab, foundation, or flooring associated with such a building or structure, any asphalt or concrete pavement or other exterior surface, any grass, gravel or mixed grass and gravel area, or any soil or gravel beneath any such building or structure (including without limitation any associated slab, foundation, or flooring), any such pavement or other exterior surface, or any such grass, gravel or mixed grass and gravel area (collectively, the "Engineering Controls"), unless a prior written notice of the planned excavation, removal or disturbance is provided to the Secretary of the Department of Environmental Protection; and

b. the excavation, removal or disturbance is conducted by a contractor who is qualified and known to be capable about releases and exposure to contaminants known to exist at the property and performed in accordance with a site specific Health and Safety Plan developed by a Licensed Remediation Specialist or similarly qualified individual and all other plans and specifications required by the State of West Virginia, Department of Environmental Protection



SOURCE: DIGITIZED FROM A SCAN OF A SURVEY DRAWING FOR THE SITE, COMPLETED BY K.W. BIRCHAM FACTORY MUTUAL ENGINEERING ASSOCIATION, DATED MAY 5, 1979

MACTEC
 MACTEC Engineering and Consulting, Inc.
 21240 Beaconsdale Circle, Suite 150
 Ashburn, Virginia 20147

DATE	12-07-2009	SCALE	1"=125'-0"	TITLE	SCHEDULE B ENGINEERING CONTROLS PLAN RANSON FOUNDRY (5.5 ACRES) RANSON, WEST VIRGINIA
DRAWN BY	MRC	APPROVED BY	JPI	CHECKED	KIDDE FIRE FIGHTING
JOB NO	1552-08-1705	DWG. NO.		DATE	