

Susan J Thomas
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Cross Reference

DEED 1297-676

Applicant: City National Bank
VRA #: 09287

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 (refer to attached Site Location Map - approximately 0.49 acres):

BEGINNING at a No. 5 rebar with cap (found) in the southerly line of West Main Street at the northwest corner of the parcel of land presently owned by City National Bank of West Virginia being described in deed recorded in the office of the Clerk of the Harrison County Commission in Deed Book 1297, at page 676 and being a common corner to the parcel of land presently owned by The Harrison County Historical Society, and running thence from said beginning point with the southerly line of West Main Street,

1. S. 80°01'00" E., 87.85 feet to a point at the common corner to parcel of land owned by City National Bank of West Virginia described in Deed Book 1389, at page 418; thence continuing with the southerly line of West Main Street,
2. S. 80°01'00" E., 52.51 feet to a point at the intersection of the southerly line of West Main Street with the westerly line of E. B. Saunders Way (formerly Water Street); thence running with the westerly line of E. B. Saunders Way (formerly Water Street),
3. S. 00°36'48" E., 61.39 feet to rebar (found) at back of walk at the northeast corner of Tract "A" described in deed from Grandeotto, Inc. to City National Bank of West Virginia dated December 31, 2008 recorded in Deed Book 1426, at page 469; thence continuing with the westerly line of E. B. Saunders Way (formerly Water Street) with east line of Tract "A" described in Deed Book 1426, page 469,
4. S. 00°00'39" W., 39.16 feet to an old "x" cut on concrete (found) at the common corner to Tracts "A" and "B" described in Deed Book 1426, at page 469; thence continuing with the westerly line of E. B. Saunders Way (formerly Water Street),
5. S. 00°13'02" E., 48.39 feet to a survey spike (set) in asphalt in the north line of a 15 foot private alley; thence leaving the westerly line of E. B. Saunders Way (formerly Water Street) and running,
6. N. 71°06'00" W., 79.96 feet to a rebar with cap (set) in the easterly line of the parcel of land presently owned by City National Bank of West Virginia described in Deed Book 1297, at page 676; thence running with part of the easterly line of said parcel,
7. S. 09°55'00" W., 7.59 feet to a point in asphalt pavement at the common corner to the parcel of land owned by Grandeotto, Inc. described in Deed Book 1394, at page 288; thence with the common line to City National Bank of West Virginia and Grandeotto, Inc.,
8. N. 71°06'00" W., 91.03 feet to a point in fence line in common line to The Harrison County Historical Society; thence with the common line to City National Bank of West Virginia and The Harrison County Historical Society with existing 6 foot chain link fence,
9. N. 10°56'00" E., 127.64 feet to the point of beginning, containing 0.49 acre, more or less.

TRIGG ENGINEERING, INC.
219 HARTMAN RUN ROAD
MORGANTOWN, WV 26505-5377

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The property has a physical address of 115 West Main Street, Clarksburg, West Virginia. The property is also known as Saunders Way with West Virginia Voluntary Remediation Program designation number 09287.

Activities on and uses of the above describe 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:

- a) Residential use as defined in Chapter 22 Article 22 of the WV Code, including housing of human beings, schools, day care centers, nursing homes, or other residential-style facilities or recreational areas.
- b) The extraction of groundwater for any use other than monitoring.

The current owner of record of the property, and the contact information, is:

City National Bank of West Virginia
25 Gatewater Road
Cross Lanes, West Virginia 25313

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:

City National Bank of West Virginia
25 Gatewater Road
Cross Lanes, West Virginia 25313

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

According to a 1950 Sanborn fire insurance map, the northeast corner of the property was a fueling station operating two gasoline underground storage tanks (USTs). There were no records that the USTs had been removed or appropriately closed under regulatory oversight. Site assessment activities were conducted. The USTs were not located and are presumed removed. No contaminants of concern (COC) were identified for direct contact with soil; however, naphthalene and arsenic were identified as COC for the soil to groundwater migration pathway. For direct contact with groundwater, the COC consist of benzene, naphthalene, arsenic, and lead. For vapor intrusion from soil gas to indoor air, the COC consist of benzene and methylene chloride. For direct contact with sediment, the COC consist of polynuclear aromatic hydrocarbons (PAHs) and arsenic, and for direct contact with surface water, chloromethane was identified as a COC.

A risk assessment demonstrated constituents associated with the Saunders Way site pose negligible potential for adverse ecological effects and negligible potential for human health risk for future onsite outdoor workers, future onsite indoor workers, future onsite construction workers, and current or future offsite recreational youth receptors. The risk

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assessment was based on the following assumptions: (1) groundwater beneath the site is not currently used for potable or non-potable purposes, and a deed restriction will prohibit the future use of groundwater for purposes other than monitoring, and (2) future use of the site will remain non-residential.

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 Harrison 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 West Virginia Department of Environmental Protection, Office of Environmental Remediation, 601 57th Street, SE, Charleston, West Virginia 25304 and is entitled Saunders Way, VRA # 09287.

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.

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

SIGNED: Craig G. Stillwell Date: Jan 28 2010

I, Kim D. Hatcher, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that the holder(s) whose (name is) (names are) signed above, this day executed this document in my presence or this day acknowledged same to be the true act and deed of said holder(s).

Given under my hand this the 28th day of January, 2010.

Notary Public Kim D. Hatcher



WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

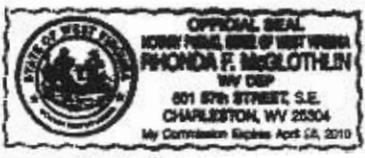
SIGNED Ken Ellison Date: 3/19/10
Ken Ellison
Director, Division of Land Restoration

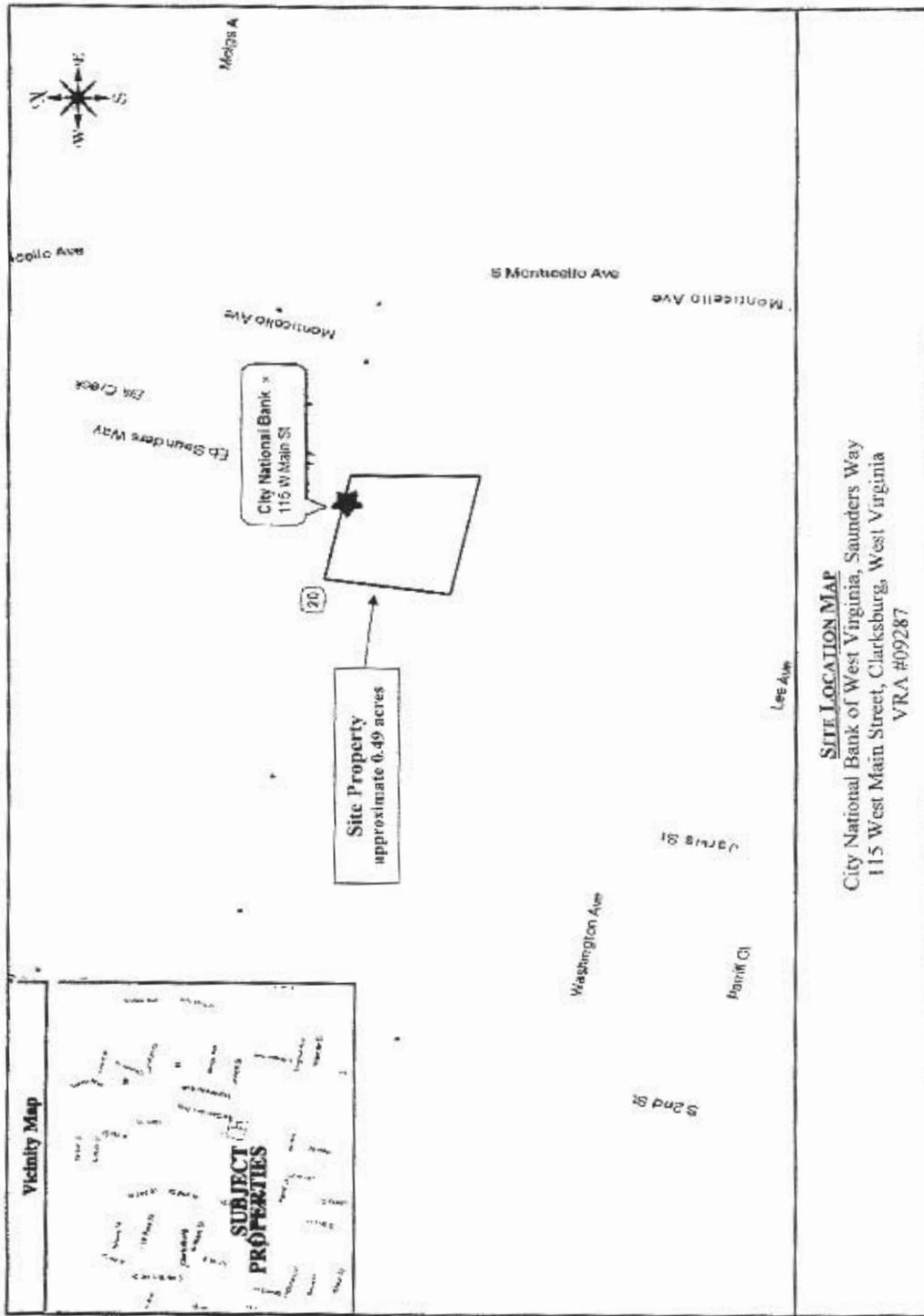
I, Rhonda F. Mc Glothlin, a Notary Public in and for the County of Kanawha, State of West Virginia, do hereby certify that Ken Ellison the Director, DLR of State of West Virginia, Department of Environmental Protection, this day executed this document in my presence or this day acknowledged same to be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

Given under my hand this the 18th day of March, 2010.

Rhonda F. Mc Glothlin
Notary Public

My Commission Expires April 26, 2010





SITE LOCATION MAP
 City National Bank of West Virginia, Saunders Way
 115 West Main Street, Clarksburg, West Virginia
 VRA #09287