

ENVIRONMENTAL COVENANT

The County Parcel Identification No. of the Property is: 363-P-10.

GRANTOR: Rivers Edge Condominiums, L.P.

PROPERTY ADDRESS: 41 Allegheny Avenue, Oakmont, PA 15139

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 the Borough of Oakmont in Allegheny County, Pennsylvania.

The postal street address of the Property is: 41 Allegheny Avenue, Oakmont, PA 15139

The latitude and longitude of the center of the Property affected by this Environmental Covenant is 40.5117 N, -79.8447W

The Property has been known by the following name(s): Edgewater Steel, Parcel A; Oakmont Riverfront Community (both of these refer to a 23 acre parcel of which the Property was a part); Parcel C of Initial Phase of Development, Rivers Edge at Oakmont (Parcel C, which contains an apartment/condominium building, is a small portion of the 15.5 acre Initial Phase of Development).

The Primary Facility ID# is: 677889

The Land Recycling Program (LRP) ID# is: 5-2-832-19127

A complete description of the Property is attached to this Environmental Covenant as Exhibit A. A list of coordinates of the boundary of the Property (and of the protective cap that covers the entire Property) are provided in Exhibit B. A map of the Property is attached to this Environmental Covenant as Exhibit C (the Property is outlined in black by the bold dashed line on Exhibit C).

2. **Property Owner/GRANTOR/GRANTEE.** Rivers Edge Condominiums, L.P. is the owner of the Property and the GRANTOR AND GRANTEE of this Environmental Covenant. Oakmont II, LLC is the general partner of the Grantor.

3. **The mailing address of the owner is:** 310 Seven Fields Boulevard, Suite 350, Seven Fields, PA 16046.

4. **Description of Contamination & Remedy.** The Property was formerly part of a steel making operation. Together with adjoining land also owned by the Grantee, the Property was previously subject to environmental investigations that included advancement and sampling of 27 borings, and completion and sampling of 4 monitoring wells along with redevelopment and sampling of a 5th, pre-existing monitoring well. Samples of surficial solids were also collected. A full discussion of the previous uses of the Property along with details of the exploration, sampling, and testing are presented in the 2007 Remedial Investigation Report (RIR Oakmont Riverfront Community) that is on file with the Department.

These investigations concluded that solid by-products, such as slag and associated materials (classified as residual waste), are present in the subsurface of the northern portion of the site and that some of these materials contain metals (arsenic, cadmium, lead, and iron) in concentrations that exceed the Pennsylvania Statewide Health Standard for direct contact at residential sites. Analyses of groundwater samples indicated the presence of aluminum, iron, and manganese above the Pennsylvania Standard for Used Aquifers.

A protective cap, consisting of buildings, pavement, or a witness barrier overlain by two or more feet of uncompacted soil, qualifying as clean fill in accordance with Department policy, has been placed over the northern portion of the Property and a small strip in the eastern side of the Property to prevent inadvertent contact with the industrial materials. The locations of the cap are described in Exhibit B and shown on Exhibit C. A Cap Management Plan, which sets forth observation and repair procedures, as necessary, for the protective cap, and the Environmental Management Plan which includes procedures, including soil management, testing, and disposition, to be followed if excavation beneath the cap is required, are contained in the 2015 Final Report submitted to the Department.

The June 2015 Final Report and February 2016 Final Report Addendum was submitted to Department and approved on March 3, 2016 as it demonstrated attainment of the Site Specific standard.

The administrative file, detailing the characterization and remedial actions undertaken with respect to the Property, is maintained by the Department in the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, Pennsylvania 15222 under LRP# 5-2-832-19127 and is available for inspection at that location in accordance with the Department's or its successor agency's document retention and public access policies.

5. **Activity and 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:

- No occupied subgrade spaces, such as basements, are allowed at the site.
 - The consumptive use (drinking or vegetable garden watering) of site groundwater is prohibited.
 - A Protective Cap shall be required and maintained.
 - Prior to excavation a Soils Management Plan and Health and Safety Plan shall be required.
- Any damage to the witness barrier during such excavation shall be repaired or the witness barrier shall be replaced.

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 and every and every second January following the Department's Approval of this Environmental Covenant, the then current owner of the Property shall submit, to the Department, written documentation stating whether or not the activity and use limitations in this 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, written documentation of 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.

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

9. **Recording and Proof and Notification.** Within 30 days after the date of the Department's approval of this Environmental Covenant, the Grantor, Rivers Edge Condominiums, L.P. 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 60 days of recording. Within that time period, the Grantor, Rivers Edge Condominiums, L.P. also shall send a file-stamped copy to each of the following: Borough of Oakmont and Allegheny County.

10. **Termination or Modification.**

(a) This Environmental Covenant may only be 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, with 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. **Department's address.** Communications with the Department regarding this Environmental Covenant shall be sent to: Environmental Cleanup Manager, Southwest Regional Office, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222

12. **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.

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ACKNOWLEDGEMENTS by Owner in the following form:

WITNESS the due execution hereof, this 16th day of MAY, 2016.

WITNESS:

Mina Awondo

GRANTOR, GRANTEE: RIVERS EDGE
CONDOMINIUMS, L.P.

BY: OAKMONT II, LLC, its general
partner

By: [Signature]

Name: Daniel J. Mancosh

Title: Manager

APPROVED, by Commonwealth of
Pennsylvania, Department of Environmental
Protection

Date: 6/2/16

By: [Signature]

Name: David E Eboche

ECB Manager

Title: _____

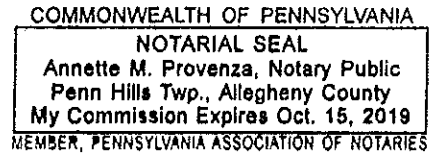
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ~~ALLEGHENY~~ Butler)

On this 31st day of May, 2016, before me, a Notary Public, the undersigned officer, personally appeared Daniel J. Mancosh who acknowledged himself to be the Manager of Oakmont II, LLC, a Pennsylvania limited liability company, the general partner of Rivers Edge Condominiums, L.P., and that he as such Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Annette M. Provenza
Notary Public

MY COMMISSION EXPIRES: 10/15/19



COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

On this 2nd day of JUNE, 2016, before me, the undersigned officer, personally appeared David E. Eberle, who acknowledged himself to be the Environmental Cleanup & Brownfields Program Manager of the Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Regional Office, whose name is subscribed to this Environmental Covenant, and acknowledged that he/she executed same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Flora E. Tomlin
Notary Public

MY COMMISSION EXPIRES:

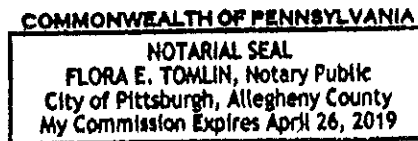


EXHIBIT A

Property Description

All that certain piece or parcel of land situate in the Borough of Oakmont, Allegheny County and Commonwealth of Pennsylvania being Parcel "C" in The River's Edge of Oakmont Revision No. 2 as recorded in Department of Real Estate Office, County of Allegheny and Commonwealth of Pennsylvania in Plan Book Volume 281 Page 70 being more particularly described to wit:

BEGINNING at a point at the most southerly corner of said Parcel "C" at the intersection of the easterly line of Third Street (46 foot right-of-way) and the northerly line of Allegheny Avenue (55 foot right-of-way), thence along said easterly line of Third Street the next three (3) courses and distances,

- 1.) N 39°53'52"W for a distance of 64.09 feet to a point,
- 2.) by an arc of a circle curving to the right having a radius of 138.50 feet and an arc length of 108.90 feet (chord 106.12 feet with a bearing N17°22'21"W) to a point,
- 3.) N 05°09'10"E for a distance of 148.06 feet to a point,

thence along the line of Edgewater Plan of Lots as recorded in the Department of Real Estate Office, County of Allegheny and Commonwealth of Pennsylvania in Plan Book Volume 267 Page 83 the next three (3) courses and distances,

- 1.) S 85°09'02"E for a distance of 111.12 feet to a point,
- 2.) S 05°01'40"W for a distance of 100.00 feet to a point,
- 3.) S 85°09'02"E for a distance of 208.26 to a point,

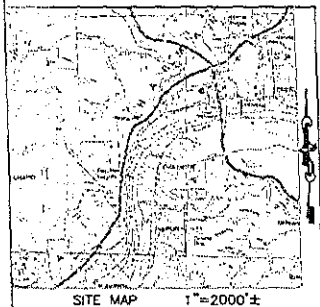
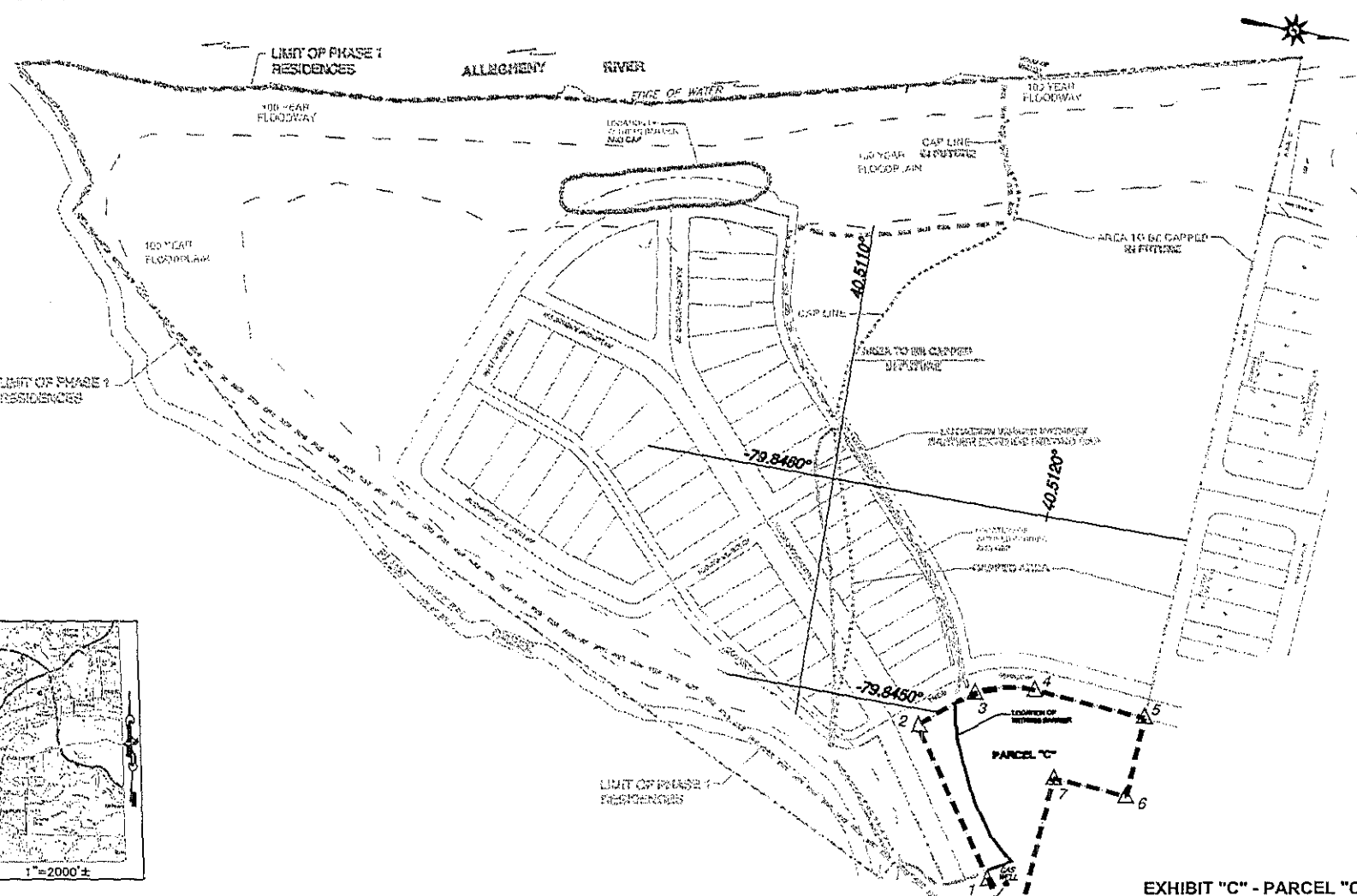
thence along the northerly line of Allegheny Avenue by an arc of a circle to the right having a radius of 92.50 for an arc length of 45.23 feet (chord 44.78 feet with a bearing of S 43°37'19" W) to a point, thence along the same S 57°37'47"W for a distance of 259.39 feet to a point, being the place of beginning.

Containing 47,385.37 square feet or 1.0878 acres.

EXHIBIT B

Table 1
Waypoint Coordinates in Decimal Degrees (WGS 1984)
Property Boundary and Cap
Parcel C of Initial Phase of Development

Waypoint	Latitude (N)	Longitude (W)	Site Features
1	40.511855	-79.844099	Allegheny Avenue
2	40.511469	-79.844895	Allegheny Avenue
3	40.511605	-79.845039	Third Street
4	40.511884	-79.845144	Third Street
5	40.51229	-79.845082	Third Street
6	40.512265	-79.844684	Parking Lot
7	40.511991	-79.844726	Parking Lot
8	40.511944	-79.843993	Allegheny Avenue

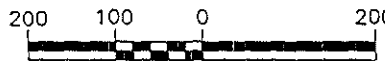


OWNER / DEVELOPER
 BROOKS & BLAIR WATERFRONT PROPERTIES, L.P.
 100 Breckridge Drive
 Wexford, PA 15090
 PHONE: 724-741-2300

- NOTES:**
1. EXISTING GAS WELLS ARE OWNED BY EQUITABLE GAS COMPANY & OPERATED BY HUNTLEY & HUNTLEY.
 2. ALL GAS WELL MODIFICATIONS WILL BE PERMITTED BY DEP IF REQUIRED & COPIES OF ALL APPROPRIATE PERMITS ARE TO BE FILED WITH THE BOROUGH.
 3. ALL STORM & SANITARY SEWER LATERALS WILL BE PRIVATELY OWNED & MAINTAINED.
 4. REFER TO THE TENTATIVE APPROVAL FOR A LISTING OF ALL MODIFICATIONS AND SITE DATA INFORMATION PERTAINING TO FINAL CONDITIONS.
 5. ALL GREENWAY EASEMENT AREAS WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
 6. ALL EASEMENTS FOR SANITARY SEWERS MUST BE RECORDED IN THE NAME OF THE MUNICIPAL AUTHORITY OF THE BOROUGH OF OAKMONT.
 7. ALL EASEMENTS FOR STORM SEWERS MUST BE RECORDED IN THE NAME OF THE BOROUGH OF OAKMONT.

▲ 1 - WAYPOINT LOCATIONS FOR LIMIT OF PARCEL C AND CAP

CAP DOES NOT EXTEND OVER GAS WELL AND ASSOCIATED EQUIPMENT WITHIN BARRIERS



GRAPHIC SCALE
 (IN FEET)

EXHIBIT "C" - PARCEL "C"

THE RIVER'S EDGE OF OAKMONT
REVISION NO. 2

SITUATE IN
BOROUGH OF OAKMONT
ALLEGHENY COUNTY, PA

MADE FOR
BROOKS & BLAIR
WATERFRONT PROPERTIES, L.P.

SCALE: 1"=200' DATE: FEBRUARY 1, 2016

PREPARED BY:
J.R. GALES & ASSOCIATES, INC.
 2704 Brownsville Road
 Pittsburgh, Pennsylvania 15227

Phone: 412-885-8865 Fax: 412-885-1320



60 2016 00016741

Allegheny County
Jerry Tyskiewicz
Department of Real Estate
Pittsburgh, PA 15219

FILE

Instrument Number: 2016-16741

BK-DE VL-16413 PG-502

Recorded On: June 07, 2016

As-Deed Agreement

Parties: RIVERS EDGE CONDOS L P

To PENNSYLVANIA COMWTH BY DEP ENVRMTL PROTECTION

of Pages: 10

Comment: ENVIRONMENTAL COVENANT

***** THIS IS NOT A BILL *****

Deed Agreement	162.00
	0
	0
Total:	162.00

Realty Transfer Stamp

Department of Real Estate Stamp

Affidavit Attached-No	
NOT A DEED OF TRANSFER	EXEMPT
Value	0.00

Certified On/By-> 06-07-2016 / Scott Stickman
NOT A DEED OF TRANSFER

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2016-16741
 Receipt Number: 3086531
 Recorded Date/Time: June 07, 2016 01:30:51P
 Book-Vol/Pg: BK-DE VL-16413 PG-502
 User / Station: B Gibbs - Cash Super 12

RIVERS EDGE CONDOMINIUMS L P
 310 SEVEN FIELDS BLVD STE 350
 SEVEN FIELDS PA 16046



Jerry Tyskiewicz
 Jerry Tyskiewicz, Director
 Rich Fitzgerald, County Executive