

**PROGRAM SECTION
INSTITUTIONAL CONTROL
PRE-ATTORNEY-REVIEW CHECKLIST**

OGC #

15-0085

FILE NAME:

(Albert R. Hurlbert, owner) Moon's Garage

FAC ID/PROJ. #:

168507281

PROGRAM AREA:

Tanks

Project Manager:

Michael Towles

Phone:

(904) 256-1695

Location:

NED



ICOR - OGC REVIEW REQUEST - DRC PACKAGE



ALDOCS UPLOAD OF ICOR



FDEP CONTRACT/PROJECT/SITE MANAGER'S TRANSMITTAL MEMO TO OGC,
Includes



CONTRACT/PROJECT/SITE MANAGER'S CHECKLIST



R/C DRAFTER'S TRANSMITTAL OF DRAFT R/C



DRAFT RESTRICTIVE COVENANT



EXHIBIT A



EXHIBIT B ? Survey Showing Area of Soil Contamination



EXHIBIT C E.C.M.P.



EXHIBIT _____



DEEDS TO THE PROPERTY



TITLE SEARCH REPORT ? "30 yr. Encumbrance/Env. Lien/FULL Report"



EXHIBIT OF LEGAL DESCRIPTION SEARCHED



DEEDS BACK TO ROOT OF TITLE



ENCUMBRANCES (EASEMENTS, LIENS, ETC)



COUNTY PROPERTY APPRAISER INFORMATION (VERIFICATION) Verified 5-8-15



RELATED PARTIES OR DEP CASES



NOTICE SENT TO EASEMENT HOLDER OR BANK



MISCELLANEOUS _____

HURLBERT ALBERT R
7720 PASCHAL ST
JACKSONVILLE, FL 32220

Primary Site Address
8139 W BEAVER ST
Jacksonville FL 32220

Official Record Book/Page
15034-01927

Tile #
5415

8139 W BEAVER ST

Property Detail

RE #	005543-0000
Tax District	GS
Property Use	1292 RES/COMM ZONING
# of Buildings	3
Legal Desc.	1-33 15-2S-25E MARIETTA
Subdivision	00064 MARIETTA BLK 1-4,7-10,15-
Total Area	54685

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. [Learn how the Property Appraiser's Office values property.](#)

Value Summary

	2014 Certified	2015 In Progress
Value Method	CAMA	CAMA
Total Building Value	\$128,962.00	\$129,923.00
Extra Feature Value	\$18,938.00	\$17,791.00
Land Value (Market)	\$54,000.00	\$54,000.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$201,900.00	\$201,714.00
Assessed Value	\$201,900.00	\$201,714.00
Cap Diff/Portability Amt	\$0.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$201,900.00	See below

Taxable Values and Exemptions – In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value
No applicable exemptions

SJRWMD/FIND Taxable Value
No applicable exemptions

School Taxable Value
No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
15034-01927	10/6/2009	\$25,000.00	WD - Warranty Deed	Unqualified	Improved
12979-00795	2/2/2005	\$225,000.00	AG - Agreement for Deed	Unqualified	Improved
06110-01905	3/29/1986	\$100.00	WD - Warranty Deed	Unqualified	Improved
06110-01903	3/29/1986	\$100.00	WD - Warranty Deed	Unqualified	Improved
05375-00357	7/16/1981	\$100.00	WD - Warranty Deed	Unqualified	Improved

Extra Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	PVAR1	Paving Asphalt	1	0	0	1,248.00	\$869.00
2	FCBR4	Fence Chain Barbed	1	0	0	138.00	\$549.00
3	PVCR1	Paving Concrete	1	0	0	2,234.00	\$2,574.00
4	FWDR4	Fence Wood	1	0	0	540.00	\$1,760.00
5	CPAR2	Carport Aluminum	1	25	20	500.00	\$2,985.00
6	SHWR2	Shed Wood	1	16	12	192.00	\$885.00
7	GRWC2	Garage/Util Bdg Wood	1	25	20	500.00	\$8,169.00

Land & Legal

Land

LN	Code	Use Description	Zoning	Front	Depth	Category	Land Units	Land Type	Land Value
1	1000	COMMERCIAL	CCG-2	0.00	0.00	Common	54,000.00	Square Footage	\$54,000.00

Legal

LN	Legal Description
1	1-33 15-2S-25E
2	MARIETTA
3	LOTS 6 TO 9,14 TO 17,E 47.5FT LOTS
4	10,13(EX ST RD) BLK 29

Buildings

Building 1

Building 1 Site Address
8139 W BEAVER ST Unit
Jacksonville FL 32220

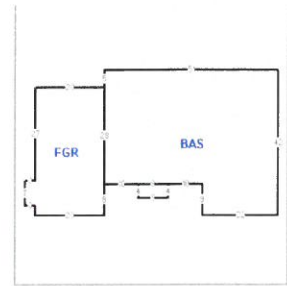
Building Type	1201 - STORE/OFF/RES
Year Built	1935

Element	Code	Detail
Exterior Wall	26	26 Alum/Vinyl
Roof Struct	4	4 Wood Truss
Roofing Cover	3	3 Asph/Comp Shng
Interior Wall	6	6 Wood Custom

Building Value | \$111,083.00

Type	Gross Area	Heated Area	Effective Area
Base Area	1881	1881	1881
Finished Garage	761	0	457
Finished Open Porch	36	0	11
Total	2678	1881	2349

Int Flooring	14	14 Carpet
Int Flooring	8	8 Sheet Vinyl
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central
Ceiling Wall Finish	6	6 NS Ceil Wall Fin
Comm Htg & AC	1	1 Not Zoned
Comm Frame	4	4 D-Wood Frame



Element	Code
Stories	1.000
Baths	0.000
Rooms / Units	5.000
Avg Story Height	8.000

2014 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Govt Ex B & B	\$201,900.00	\$0.00	\$201,900.00	\$2,263.96	\$2,310.12	\$2,251.53
Public Schools: By State Law	\$201,900.00	\$0.00	\$201,900.00	\$1,017.03	\$1,021.01	\$1,002.47
By Local Board	\$201,900.00	\$0.00	\$201,900.00	\$444.80	\$453.87	\$438.43
FL Inland Navigation Dist.	\$201,900.00	\$0.00	\$201,900.00	\$6.83	\$6.97	\$6.52
Water Mgmt Dist. SJRWMD	\$201,900.00	\$0.00	\$201,900.00	\$64.96	\$63.88	\$63.88
Gen Gov Voted	\$201,900.00	\$0.00	\$201,900.00	\$0.00	\$0.00	\$0.00
School Board Voted	\$201,900.00	\$0.00	\$201,900.00	\$0.00	\$0.00	\$0.00
Totals				\$3,797.58	\$3,855.85	\$3,762.83

	Just Value	Assessed Value	Exemptions	Taxable Value
Last Year	\$197,866.00	\$197,866.00	\$0.00	\$197,866.00
Current Year	\$201,900.00	\$201,900.00	\$0.00	\$201,900.00

2014 TRIM Property Record Card (PRC)

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

Property Record Card (PRC)

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

2014

- To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here: 

More Information

[Contact Us](#) | [Parcel Tax Record](#) | [GIS Map](#) | [Map this property on Google Maps](#) | [City Fees Record](#)

INSTITUTIONAL CONTROL TRANSMITTAL FORM

- ☒ DECLARATION OF RESTRICTIVE COVENANT
☐ MEMORANDUM OF AGREEMENT for RESTRICTIVE COVENANT
☐ RESTRICTIONS RELYING ON LOCAL GOV'T ORDINANCE
☐ OTHER: _____

The following information is required to open a case in OGC:

PARTY/CLIENT NAME: MR ALBERT HURLBERT
(this is the name of the PROPERTY OWNER executing the document)

FACILITY/SITE ID: 16 / 8507281
(FAC ID; COM / PROJ#)

FILE NAME: MOON'S GARAGE
(if referred to by a specific project or the prior owner reference, i.e.: Former Joe's Junk Shop)

SITE NAME: 8139 WEST BEAVER ST., JACKSONVILLE, FL
(should be the physical address or location for these matters) 32220

PROGRAM AREA: TANKS

DISTRICT: NED

COUNTY: DUVAL

PROJECT/SITE MANAGER: MIKE TOWLE
(DEP staff)

PROJECT/SITE MANAGER: _____
(DELEGATED Program staff, if any)

RELATED CASE(s) #: _____
(if any – may be enforcement matter, or prior DRC)

Parcel ID # if known: RE # 005543-0000

THE DRC PACKAGE DOCUMENTS: The IC Package should be scanned into the division/district Oculus as a single document. The email to the Agency Clerk requesting OGC Review of the IC Package should contain the link to the IC Package to be reviewed.

EMAIL completed form and link to: **LEA CRANDALL, AGENCY CLERK**
Agency_Clerk@dep.state.fl.us


DEPARTMENT OF ENVIRONMENTAL PROTECTION

INTEROFFICE MEMORANDUM

TO: _____
TO: _____
TO: _____
TO: _____

NORTHEAST DISTRICT - JACKSONVILLE

TO: Lea Crandall, Agency Clerk
Office of General Counsel
lea.crandall@dep.state.fl.us

FROM: Mike Towle, Environmental Specialist 
Northeast District Tanks Program

DATE: February 20, 2015

SUBJECT: **Draft Declaration of Restrictive Covenant**
Moon's Garage
8139 West Beaver Street, Jacksonville, Florida
DEP Facility ID #16/8507281
Discharge Dates: April 12, 2000
Duval County - Storage Tanks & Petroleum Cleanup

Enclosed is a Proposal for Site Rehabilitation Completion Order with Conditions, including a copy of the draft Declaration of Restrictive Covenant (DRC) [in Appendix B] dated May 2, 2014, for the above referenced facility. The DRC draft portion was completed by the property owner, Albert Hurlbert. This is the initial DRC submittal received by the Florida Department of Environmental Protection (Department) Northeast District Office in this matter.

Rick Ruscito, P.E. at the Petroleum Restoration Program, Section 6, reviewed the Conditional No Further Action Proposal, dated May 2, 2014, and the Addendum, dated November 24, 2014, submitted by AerostarSES, LLC, related to the April 12, 2000 petroleum discharge at the above referenced facility. The petroleum contamination consists of contaminated groundwater within a 28.11 foot diameter circular area, 621 square feet (approximately 0.014 acres) entirely contained within property. The review found that the Proposal appeared to meet No Further Action Status (with Institutional and Engineering Controls) pursuant to Rule 62-780.680(2) Florida Administrative Code, Risk Management Options Level II. The Northeast District Office has issued a Provisional No Further Action Proposal Approval and is awaiting publication of the Constructive Notice.

The DRC proposes institutional controls in the form of water use prohibition, well installation prohibition and land use restrictions in the defined area. The DRC also proposes an engineering control comprised of a 25' x 40' area of six-inch thick concrete (foundation of existing building)

Lea Crandall, Agency Clerk
Office of General Counsel
February 20, 2015
Page 2 of 2

and a two-foot thick layer of clean vadose soil. The Engineering Control Maintenance Plan (ECMP) has been approved by Mr. Ruscito.

The Proposal package appears to include a copy of the deed, which matches the Duval County Property Appraiser's records, a legal description, and a brief survey of the property and a site map of the restricted portion, a title search and encumbrances search.

The NED requests the formal review of the enclosed draft Restrictive Covenant and Proposal package.

Please let me know if additional information is needed. If you have any questions, you may contact me at 904.256.1695 or at michael.towle@dep.state.fl.us.

Enclosure: *Combined document containing a DRC Transmittal Form, Cover memo, Attachment 5 checklist, Proposal for Conditional SRCO with Conditions Package from AerostarSES, dated 5-2-14, and the PRP review comments, with engineering control site plan, dated 2-9-15.*

ATTACHMENT 5: DECLARATION OF RESTRICTIVE COVENANT CHECKLIST

FORMER MOON'S GARAGE 168507281

Background: Diesel underground storage tank (UST) was removed in year 2000, and two (2) 500-gallon gasoline USTs were removed in April 2002. Remediation at this site included the removal of 370 tons of soil from an area adjacent to the south edge of the building between 9/9/05 - 9/23/05. A small amount of Micro Blaze bioremediation product was applied. And on 3/28/08 another bioremediation product called Micro Bac was injected under the building. No additional active remediation was conducted after 3/28/08, just monitoring.

Revision 0 of this checklist was completed in part by Rick Ruscito of Petroleum Restoration Program Section 6 on 5/18/14, after reviewing the 5/2/14 No Further Action with Conditions Proposal submitted by Aerostar SES, LLC, which included a draft Restrictive Covenant. Revision 2 was made on 2/9/15 after reviewing the 11/24/14 Conditional No Further Action Proposal Addendum submitted by Aerostar SES, LLC.

Does site meet statutory and rule requirements that allow an SRCO with conditions?
Yes X No

What restrictions are necessary to reduce or eliminate the risk of exposure? Consider all affected media (i.e., groundwater, soil, surface water, and/or sediments), and determine which type of restrictions are required for each affected medium.

The following technical checklist applies to RMO II sites, which most commonly have contaminated groundwater and/or soil. For RMO III sites, please explain in the cover memo for the RC package how the rule criteria are met and what restrictions are being proposed for the source property and any other affected properties. Decisions for RMO III contaminated sites are very site-specific and may be based on risk assessment analysis or include properties other than the source property; therefore, these sites do not lend themselves to a simple checklist for the technical aspects of site closure. Additionally, the checklist below is a shortened summary of the details provided in Section .680(2) of Chapters 62-770, 780, 782 and 785, F.A.C. Please refer to the rules for the specific criteria that must be met.

This petroleum contaminated site meets the requirements of Section 62-780.680(2), F.A.C., for Risk Management Options II. The affected media are the groundwater, and the shallow soil **below** the 2-foot deep water table last measured on June 29, 2012. Restrictions on the use of groundwater are proposed. An Engineering Control (25 feet x 40 feet) will serve as a barrier for the prevention of human exposure to the underlying shallow groundwater in excess of FDEP groundwater cleanup target levels, and to the underlying shallow saturated soil in excess of the FDEP soil cleanup target levels for direct exposure. The Engineering Control area is a combination of the 6-inch thick concrete foundation of an existing building and a two (2)-foot thick layer of clean vadose soil.

If groundwater is contaminated:

no Is an interim control proposed?;

OR

yes (a) Is the plume stable or shrinking?

The groundwater contamination plume is stable. There has been an overall decrease in groundwater contaminant concentrations over 6.5 yrs from 1/4/2006 to the most recent sampling on 6/29/12 at remaining monitoring wells of interest: MW-1R and MW-5R. The contaminants that remain in those wells are BTEX and PAH. The PAHs are naphthalene, 1-methylnaphthalene, and 2-methylnaphthalene. Active remediation was last conducted at this site when MicroBac bioremediation formula was injected under the building on 3/28/2008.

yes (b) Is the plume contained within the property boundaries?

yes (c) Is the plume less than ¼ acre in size? If not, then which of the following alternative scenarios applies (check one or more, as applicable):

A relatively small 28.11-foot diameter circular area of groundwater contamination remains in excess of groundwater cleanup target levels around monitoring wells MW-1R and MW-5R. The area of the 28.11-foot diameter circle is 621 square feet (approximately 0.014 acres) The circular area of groundwater contamination is shown in Figure 4 of the 5/2/14 No Further Action with Conditions Proposal by Aerostar SES, LLC. The scaling of that figure and the calculation of

the area was performed by reviewer Rick Ruscito of Petroleum Restoration Program Section 6 on 5/18/14.

- (n/a) groundwater meets low yield or poor quality designation. Please refer to guidance available at http://www.dep.state.fl.us/waste/quick_topics/publications/wc/Guidance_for_Evaluation_of_Low_Yield_Poor_Quality_Criteria.pdf;
- (n/a) an engineering control (EC) prevents plume migration. If an EC is used, e.g., a slurry wall, it must be in place and PE-certified, and it must be identified on an exhibit to the RC (usually Exhibit B) that is a Survey showing the size and location of the EC including State Plane Coordinates or geographical coordinates for four corners.
- (n/a) plume affects or may potentially affect *only* a marine surface water body.

- no (d) Does the Property currently include stormwater swales, stormwater detention or retention facilities or ditches? If so, the PRSR must include an exhibit to the RC (usually Exhibit B) that is a survey map identifying the size and location of the existing stormwater features. The RC must include language stating that these existing stormwater features shall not be altered, modified or expanded without prior FDEP Division of Waste Management approval in writing, followed by a recorded amendment to the RC. **[Refer to Exhibit and page of draft restrictive covenant from]**
The 11/24/14 Conditional No Further Action Proposal Addendum submitted by Aerostar SES, LLC, and the Specific Purpose Survey indicate there are no stormwater features at the site.

If soil is contaminated:

From 9/9/05 - 9/23/05, 370 tons of soil was removed from an area adjacent to the south edge of the building, and on 3/28/08 a bioremediation product called Micro Bac was injected under the building. After both of those remedial actions were completed, no petroleum contamination remained in excess of soil cleanup target levels in the unsaturated interval from 0 - 2 feet below land surface, as shown in Table 2 of the 5/2/14 No Further Action with Conditions Proposal by Aerostar SES, LLC. The only soil that remains in excess of cleanup target levels is located below the shallow water table, which was last measured on June 29, 2012 at nine (9) monitoring wells, for which the average depth to water was 2 feet (ranging from 1.38 - 2.64 feet).

It should be noted when reading Table 2 that soil sample N6-3 taken 9/21/2005 at a depth of 3 feet did not meet soil cleanup target levels (SCTLs) but that a resampling of the same location and depth 3 months later on 12/27/2005 as N6-3R showed that SCTLs were met. The situation was similar for sample E3-1 at a depth of 1 foot on 9/21/2005 and its resampling 3 months later on 12/27/2005 as E3-1R. The locations of samples N6-3R and E3-1R are shown in Figure 3 of the 5/2/14 No Further Action with Conditions Proposal by Aerostar SES, LLC.

yes (a) **Direct Exposure** soil criteria have been met. (Direct exposure criteria have been met for soil above the shallow water table in the unsaturated zone from 0 - 2 feet after excavation and treatment with Micro Bac bioremediation formula, but NOT below that depth. For that reason, and because the water table is so shallow, an engineering control is proposed as a barrier to prevent human exposure. Check one or more of the following, as applicable:

- (yes) The Chapter 62-777, F.A.C., commercial/industrial SCTLs are met;
(in the shallow unsaturated zone from 0 - 2 feet, but NOT below that depth)
- (yes) An engineering control (EC) prevents direct exposure to contaminated soils (which may exceed the commercial/industrial SCTLs with an EC) [See *Note below];
- (n/a) The soil meets alternative SCTLs using site-specific soil properties;
- (n/a) Soil concentrations of the site-specific fractions of TRPHs do not exceed the Chapter 62-777, F.A.C., commercial/industrial SCTLs for the TRPH fractions;
- (n/a) The 95% UCL approach is utilized to calculate average soil contaminant concentrations. If the 95% UCL approach is used, please describe this in the cover memo and include the exposure unit and parcel size.

yes (b) **Leachability** soil criteria have been met. (Leachability criteria have been met for soil above the shallow water table in the unsaturated zone from 0 - 2 feet.) Check one or more of the following, as applicable:

- (n/a) Soil contaminant concentrations do not exceed the alternative leachability-based SCTLs established pursuant to Ch. 62-777, F.A.C., Figure 8;
 - (yes) Direct leachability testing was used to meet rule criteria (e.g., SPLP or TCLP); (SPLP was conducted on sample N6-3R taken 12/27/2005 to show that benzene would not leach.) Refer to guidance at
-

http://www.dep.state.fl.us/waste/quick_topics/publications/wc/GuidanceforDeterminingLeachabilitybySPLPAnalysisDraftVersion1-8.pdf;

- (n/a) An EC that prevents water infiltration has been implemented (e.g., an impervious cap such as a concrete slab, parking lot, building foundation, etc.) [See *Note below]; *This is n/a. Even though an impervious concrete cap (the foundation of an existing building) is present atop the area of contamination, it is not needed to prevent infiltration but rather for the prevention of human exposure to the shallow underlying contamination.*
- (n/a) The soil meets alternative SCTLs using site-specific soil properties;
- (n/a) Soil concentrations of the site-specific fractions of TRPHs do not exceed the alternative leachability-based SCTLs for the TRPH fractions;
- (n/a) PRSR has demonstrated, based on site-specific conditions and at least a year of groundwater monitoring data that contaminants will not leach at concentrations that exceed the rule criteria. *After active remedial action ceased, the groundwater was monitored at this site from 3/28/08 through 6/29/12, but the purpose of the monitoring was to show that the groundwater contamination plume was stable. This monitoring was not conducted for the purpose of showing that soil contaminants would not leach from the unsaturated 0 - 2 foot interval, because direct soil analyses, along with the SPLP of N6-3R, already showed that the 0 - 2 foot interval was meeting leachability-based soil cleanup target levels. Nevertheless, this period of groundwater monitoring can be cited as additional evidence that contaminants are not leaching from the 0 - 2 foot unsaturated interval to the underlying groundwater.*

***Note:** If an EC is used to address either Direct Exposure or Leachability for soil contamination, it must be in place and PE-certified, and it must be identified on an exhibit to the RC (usually Exhibit B) that is a Survey showing the size and location of the EC and including State Plane Coordinates or geographical coordinates for four corners.

n/a If soil contamination presents a Direct Exposure threat, and the PRSR is not utilizing an EC, then the Land Use Restriction language listing the prohibited uses is included in the RC.

yes If the PRSR has elected to use an EC to prevent exposure to contaminated soil, then the Land Use Restriction language has been deleted from the RC.

Restriction Location: Entire Property X (groundwater) Portion of Property X (soil)

Why are these restrictions adequate?

The Restrictive Covenant in the appendix of the 5/2/2014 "No Further Action With Conditions Proposal" and the 11/24/14 Conditional No Further Action Proposal Addendum indicate that the entire property will be restricted with respect to usage of the groundwater, but only a portion of the property will be restricted with respect to the soil. The groundwater use restriction is adequate because it applies to the entire property.

The restricted portion of site that applies to the soil is sufficient in size to cover the extent of the remaining impacted soil, and the Engineering Control within the restricted area includes a concrete floor barrier of adequate size and thickness for the prevention of human exposure to the underlying soil contamination.

The Engineering Control of the Restrictive Covenant is already in place as the concrete floor of an existing building, and a professional engineer's certification of it, as adequate for this purpose, was provided on 5/2/14 in Exhibit C. An Engineering Control Maintenance Plan is included in Exhibit D. Petroleum Restoration Program Section 6 accepts both the Engineering Control and its maintenance plan.

The text of the Specific Purpose Survey in Exhibit B clearly states that the sketch is for a "portion" of the land, and it clearly shows the four (4) corners of the restricted portion as a rectangle that is 32.57 feet x 47.70 feet in size. The size of this restricted portion provides a margin of safety around the slightly smaller Engineering Control (existing concrete floor) that is 25 feet x 40 feet in size. And the Engineering Control, in turn, more than covers the even smaller remaining 25 foot x 18 foot area of remaining impacted soil. In short, the size of the restricted portion of the property and the Engineering Control within that restricted portion are more than adequate in size to prevent exposure to the underlying impacted soil that remains.

SRCO will be issued after RC recorded (Final RC). X, or
SRCO will *not* be issued after RC recorded (Interim RC).

If a restrictive covenant is appropriate, the following supporting documents must be provided to the FDEP OGC:

Copy of the deed is included. Yes X No ____

Does the name of the owner/grantee on the deed match the name of the person who claims to be the property owner? Yes X No ____

Property ownership confirmed on county internet web site. Yes ____ No ____

Owner listed with Property Appraiser Office as Albert R. Hurlbert

Legal description of the **entire** property (Exhibit A to covenant) is included even if only a portion of the property will be encumbered/restricted. Yes ____ No ____

Exhibit A of the Restrictive Covenant contains a printout of a map from City of Jacksonville <http://maps.coj.net/website/DuvalMapsSQL/toolbar.asp> that references a legal description.

If only a portion of the parcel will be restricted, then:

A Specific Purpose Survey, Boundary Survey or Sketches to Accompany Descriptions (as defined under Chapter 5J-17, F.A.C.) prepared using the minimum technical standards (MTS)(collectively referred to as a "Survey") must be provided, and it must include four corners labeled with the State Plane Coordinates (SPC) system or geographical coordinates, clearly labeling the attachment as Exhibit "B," and labeling the encumbered area on the attachment as "**restricted area**" or another phrase that tracks the RC language] (Exhibit B to covenant).

Yes X No ____ N/A ____

Exhibit B of the Restrictive Covenant in the appendix of the 11/24/14 Conditional No Further Action Proposal submitted by Aerostar SES, LLC contains a Specific Purpose Survey, signed by the surveyor on 10/10/14.

Title Report is included [Title search commences with instrument constituting root of title under Marketable Record Title Act (MRTA) that is at least 30 years old and includes review of all subsequently recorded instruments, and prior recorded instruments that are not eliminated by MRTA.] Yes x No ____ (unable to determine)

Tax Lien information – either that lien has been removed or copy of lien—is included. Yes ____ No ____ N/A x

Easements are included (list of any easements & copies of recorded easements.) Yes ____ No ____ N/A x

A Diagram of the location of the easements in relation to the restricted area is included.

Yes ___ No ___ N/A X

Leases – copies of all recorded leases, subleases and assigned leases are included.

Yes ___ No ___ N/A X

UCC Liens – copies of and releases from any liens are included.

Yes ___ No ___ N/A X

A completed and signed Subordination or Joinder and Consent is included for any liens, leases, easements or other encumbrances that are affected by or in conflict with the provisions of the RC. Yes ___ No ___ N/A X

A completed and signed Subordination of Mortgage is included for each financial institution or lender of existing mortgages. Yes ___ No ___ N/A X

Is 95% UCL analysis used? Yes ___ No X

If yes, what is the exposure unit and parcel size? _____, _____

Has the PRSR published constructive notice regarding use of IC/EC based upon preliminary approval of the Conditional No Further Action Proposal?

Yes ___ No X

If yes, where: ___ and copy provided.

Has the 30 day comment period elapsed? Yes ___ No X

Cover memo to Tallahassee is included. Yes X No ___

Site/Project Mgr. Name Mike Towle

Address 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256

Email: Michael.towle@dep.state.fl.us

Phone 904-256-1695

Prop. Owner rep. Name: Kathy Leggoe, P.G.

Address: See below

Email _____

Phone _____

Prop. Owner Name: Albert R. Hurlbert

Address: 7720 Paschal Street, Jacksonville, FL 32220

Contractor Name Aerostar SES LLC - Kathy R. Leggoe, P.G. Sr. Project Manager
and James O. Smith, Jr., P.E.

Address 11181 St. Johns Industrial Parkway North
Jacksonville, Florida 32246

Email kleggoe@aerostar.net

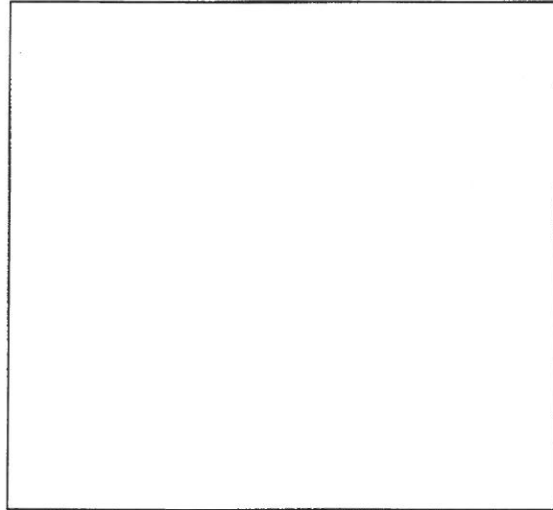
Phone 904-565-2820

MAIL:

- District lead sites – mail directly to appropriate program attorney (or, if the site is in enforcement, to the enforcement attorney) in FDEP OGC Tallahassee.
- Contracted local government lead sites – mail directly to the FDEP liaison who will contact the appropriate Tallahassee technical support for review prior to OGC review.

APPENDIX B

DRAFT RESTRICTIVE COVENANT



This instrument prepared by:
Mr. Albert R. Hurlbert
Property Owner RE# 005543-0000
8139 West Beaver Street
Jacksonville, Florida 32220

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (Declaration) is made this ____ day of _____, 2014, by Mr. Albert R. Hurlbert Property Owner RE# 005543-0000 (GRANTOR), and the Florida Department of Environmental Protection (FDEP) (GRANTEE).

RECITALS

A. GRANTOR is the fee simple owner of certain real property in the City of Jacksonville, Duval County, Florida, which is more particularly described in Exhibit "A," attached (the Restricted Property).

B. The FDEP Facility Identification Number for the Restricted Property is 16/8507281. The facility name at the time of entry into this Declaration is the former Moon's Garage site located at 8139 West Beaver Street, Jacksonville, Duval County, Florida (the

Facility). This Declaration addresses the site condition that initially was reported to FDEP on February 22, 2002 and April 18, 2002. Those initial site conditions have been altered by soil removal, applications of microbial agents, and monitoring since 2002.

C. The discharge of petroleum products on the Restricted Property is documented in the following reports.

- UST Closure Assessment Report, dated September 25, 2000
- UST Closure Assessment Report, dated October 17, 2000
- UST Closure/Limited Site Assessment Report, dated May 31, 2002
- Executed Consent Order, dated November 3, 2003
- Site Assessment Report (SAR), dated July 16, 2004
- SAR Addendum (SARA), dated December 1, 2004
- SARA #2, dated April 20, 2005
- SARA #3, dated September 13, 2005
- Source Removal Report, dated February 15, 2006
- Response to Comments, dated November 6, 2006
- No Further Action Proposal, dated December 12, 2006
- Response to Comments, dated May 24, 2007
- Supplemental SAR, dated July 30, 2007
- Level 2 Limited Scope Remedial Action Plan (LSRAP), dated February 1, 2008
- Remedial Action Implementation Report (RAIR), dated August 8, 2008
- Second Quarterly Post Active Remediation Monitoring (PARM) Report, dated November 4, 2008
- Third Quarterly PARM Report, dated January 23, 2009
- Year One Annual PARM Report, dated April 17, 2009
- Year Two, Quarter One, PARM Report, dated August 3, 2009
- Second Annual PARM Report, dated August 11, 2010
- Second Annual Natural Attenuation Monitoring (NAM) Report, dated July 29, 2011
- Third Annual NAM Report, dated August 1, 2012

D. The reports filed by GRANTOR and noted in Recital C set forth the nature and extent of contamination that is located on the Restricted Property (collectively, the Reports).

These reports confirm that contamination of soil and groundwater as defined by Chapter 62-780, Florida Administrative Code (F.A.C.), exists on the Restricted Property.

E. The criteria for potential direct exposure to soil contamination were based on Commercial Direct Exposure Limit of 2,700 milligrams per kilogram (mg/kg) for Total Recoverable Petroleum Hydrocarbon (TRPH) as established in Chapter 62-777, F.A.C. Exposure for groundwater impacts were based on Groundwater Cleanup Target Levels (GCTLs) established Chapter 62-777, F.A.C. of 1 microgram per liter (ug/L) for Benzene, 40 ug/L for Toluene, 30 ug/L for Ethylbenzene, 20 ug/L for Total Xylenes, 14 ug/L for Naphthalene, 28 ug/L for 1-Methylnaphthalene, and 28 ug/L for 2-Methylnaphthalene. The extents of impacted soil and groundwater are presented in Exhibit "B". Therefore, the Restricted Property may not be subdivided into parcels without prior written approval of the FDEP's Division of Waste Management (DWM). See also paragraph 6, below.

F. It is the mutual intent of GRANTOR and FDEP that the restrictions of this Declaration shall reduce or eliminate the risk of exposure to users or occupants of the Restricted Property and to the environment from the contaminants cited in paragraph D of these Recitals, and to reduce or eliminate the threat or migration of those contaminants.

G. The FDEP has agreed to issue a Site Rehabilitation Completion Order (SRCO) with Conditions (Order) upon recordation of this Declaration. The FDEP reserves the right to unilaterally revoke the Order if the conditions of the Order or this Declaration are not met. Additionally, if concentrations of petroleum products chemicals of concern increase above the levels approved in the Order, or if a subsequent discharge of substances regulated by the FDEP occurs at the Restricted Property, FDEP may require site rehabilitation to reduce concentrations

of petroleum products chemicals to levels allowed by applicable FDEP rules. The Order related to this Restricted Property may be found by contacting the appropriate FDEP Northeast District.

H. GRANTOR deems it appropriate and in the best interest of all current and future owners of the Restricted Property to obtain an Order and to restrict the Restricted Property with restrictions and engineering controls that are more specifically set forth in paragraph 2, below.

NOW, THEREFORE, to induce FDEP to issue the Order, and for other good and valuable mutual consideration, the receipt and sufficiency of which are hereby acknowledged by GRANTOR and by FDEP, GRANTOR hereby agrees as follows:

1. The Recitals are true and correct, and are hereby incorporated.
2. GRANTOR hereby imposes the following restrictions on the Restricted Property:

SOIL RESTRICTIONS AND ENGINEERING CONTROLS

- (i) [Survey will be performed after approval of draft DRC] The figure presented in Exhibit "B" depicts restricted areas of the Property, cross-referenced to the State Plane Coordinates System.
- (ii) The Area of Soil Contamination as located and noted on Exhibit "B" shall be permanently covered and maintained with an impervious surface, such as the concrete foundation of a building that prevents human exposure and water infiltration (Engineering Control), and/or two feet of clean soil which will prevent direct exposure. An Engineering Control Maintenance Plan (ECMP) shall be maintained that includes the frequency of inspections and

monitoring, and the criteria for determining when the Engineering Control has failed. The ECMP is attached as Exhibit D.

- (iii) Excavation and construction beneath the impervious surface or clean soil cap is not prohibited in the Area of Soil Contamination, provided that any contaminated soil that is excavated is removed and properly disposed of pursuant to Chapter 62-780, F.A.C., and any other applicable local, state and/or federal requirements. Nothing herein shall limit any other legal requirements requiring construction methods and precautions that must be taken to minimize risk of exposure while conducting work in contaminated area. For any dewatering activities, a plan pre-approved by FDEP's Division of Waste Management (DWM) must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted soil that may be contaminated. Nothing in this Declaration shall prevent, limit, or restrict any excavation or construction at or below the surface outside the boundary of the Areas of Soil Contamination.

GROUNDWATER RESTRICTIONS

- (iv) [Survey will be performed after approval of draft DRC] The figure presented in Exhibit "B" depicts the boundary of the Property, cross-referenced to the State Plane Coordinates System.
- (v) The Area of Groundwater Contamination is the entire Property. There shall be no use of the groundwater under the Property.

There shall be no drilling for water conducted on the Property other than monitoring wells pre-approved in writing by FDEP's DWM in addition to any authorizations required by the Division of Water Resource Management (DWRM) and the St. Johns River Water Management District (SJRWMD).

- (vi) For any dewatering activities on the Property, a plan pre-approved by FDEP's DWM must be in place to address and ensure the appropriate handling, treatment, and disposal of any extracted groundwater that may be contaminated. Nothing in this Declaration shall prevent, limit, or restrict any excavation or construction at or below the surface outside the property boundary.
- (vii) [Survey will be performed after approval of draft DRC] The figure presented in Exhibit "B" is a Survey identifying the site and location of existing stormwater swales and ditches on the Property. Such existing stormwater features shall not be altered, modified, or expanded, and there shall be no construction of new stormwater swales or ditches on the Property without prior written approval from FDEP's DWM in addition to any authorizations required by the DWRM and the WMD. A revised exhibit must be recorded when any stormwater feature is altered, modified, or constructed.

3. In the remaining paragraphs, all references to "GRANTOR" and to "FDEP" shall also mean and refer to their respective successors, grantees and assigns.

4. For purposes of monitoring the restrictions contained herein, FDEP is hereby granted by GRANTOR a right of entry upon and access to the Property at reasonable times and with reasonable notice to the GRANTOR.

5. GRANTOR intends that this Declaration shall and does touch and concern the Property, run with the land and the title to the property, and shall apply to and bind and inure to the benefit of GRANTOR and FDEP, and any and all parties hereafter having any right, title or interest in the Property or any part thereof. The FDEP may enforce the terms and conditions of this Declaration by injunctive relief and the appropriate available legal remedies. Any forbearance on behalf of the FDEP to exercise its right in the event of the failure of the GRANTOR to comply with the provisions of this Declaration shall not be deemed or construed to be a waiver of the FDEP's rights hereunder. This Declaration shall continue in perpetuity, unless otherwise modified in writing by GRANTOR and the FDEP as provided in paragraph 7 hereof. These restrictions may also be enforced in a court of competent jurisdiction by any other person, firm, corporation, or governmental agency that is substantially benefited by these restrictions. If the GRANTOR does not or will not be able to comply with any or all of the provisions of this Declaration, the GRANTOR shall notify FDEP in writing within three (3) calendar days. Additionally, GRANTOR shall notify FDEP thirty (30) days prior to any conveyance or sale, granting or transferring the Property or portion thereof, to any heirs, successors, assigns or grantees, including, without limitation, the conveyance of any security interest in said Property.

6. In order to ensure the perpetual nature of these restrictions, GRANTOR shall reference these restrictions in any subsequent lease or deed of conveyance, including the recording book and page of this Declaration. Furthermore, prior to the entry into a landlord –

tenant relationship with respect to the Restricted Property, the GRANTOR agrees to notify in writing all proposed tenants of the Restricted Property of the existence and contents of this Declaration of Restrictive Covenant.

7. This Declaration is binding until a release of covenant is executed by the FDEP Secretary (or designee) and is recorded in the public records of the county in which the land is located (Duval County). To receive prior approval from the FDEP to remove any requirement herein, cleanup target levels established pursuant to Florida Statutes and FDEP rules must have been achieved. This Declaration may be modified in writing only. Any subsequent amendment must be executed by both GRANTOR and the FDEP and be recorded by the real property owner as an amendment hereto.

8. If any provision of this Declaration is held to be invalid by any court of competent jurisdiction, the invalidity of that provision shall not affect the validity of any other provision of the Declaration. All such other provisions shall continue unimpaired in full force and effect.

9. GRANTOR covenants and represents that on the date of execution of this Declaration GRANTOR is seized of the Property in fee simple and has good right to create, establish and impose this restrictive covenant on the use of the Property. GRANTOR also covenants and warrants that the Property is free and clear of any and all liens, mortgages, or encumbrances that would impair GRANTOR's rights to impose the restrictive covenant described in this Declaration.

IN WITNESS WHEREOF, *GRANTOR* has executed this instrument, this ____ day of _____, 20__.

PROPERTY OWNER RE# 005543-0000:
Albert R. Hurlbert

By: _____
Print Name: _____
Its: _____
Date: _____

Signed, sealed and delivered in the presence of:

Witness: _____ Date: _____
Print Name: _____

Witness: _____ Date: _____
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 201__, by _____ as _____ of 8139 West Beaver Street, Jacksonville, Duval County, Florida.

Signature of Notary Public

AFFIX NOTARY STAMP

(Print Notary Name)
My Commission Expires: _____
Commission No.: _____
☐ Personally known, or
☐ Produced Identification
Type of Identification Produced

Approved as to form by the Florida Department of Environmental Protection, Office of General Counsel. _____.

IN WITNESS WHEREOF, the Florida Department of Environmental Protection has executed this instrument, this _____ day of _____, 20__.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Valerie K. Huegel
Program Administrator
Petroleum Restoration Program
2600 Blair Stone Road
Tallahassee, Florida 32399

Date: _____

Signed, sealed and delivered in the presence of:

Witness: _____ Date: _____
Print Name: _____

Witness: _____ Date: _____
Print Name: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 201__, by _____ as _____ of Florida Department of Environmental Protection.

Signature of Notary Public

AFFIX NOTARY STAMP

(Print Notary Name)
My Commission Expires: _____
Commission No.: _____
☐ Personally known, or
☐ Produced Identification
Type of Identification Produced

EXHIBIT A
PROPERTY LEGAL DESCRIPTION

LEGAL DESCRIPTION OF THE 0.036-ACRE PORTION OF THE PROPERTY TO BE RESTRICTED

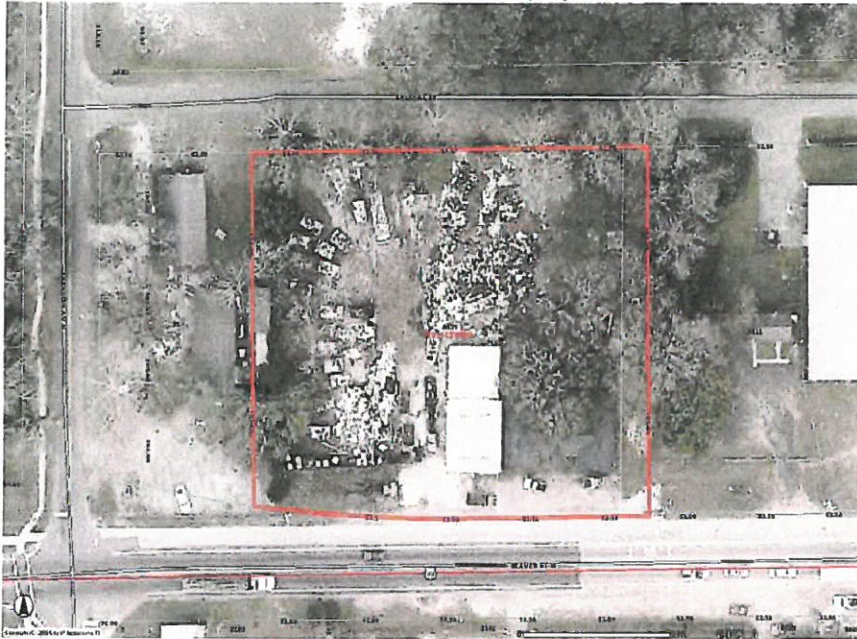
The following legal description was provided by Anthony Paul O'Neil in a Professional Land Survey dated October 10, 2014 (attached).

A portion of lots 16 and 17, Block 29, Marietta, According to the plat thereof as recorded in plat book 1, pages 33, 34 and 34 ½ of the former public records of Duval County, Florida and being more particularly described as follows:

Commence at the former southeast corner of lot 17, block 29, Marietta said point being on the former northerly right of way line of Beaver Street (U.S. Highway 90); thence north 00°23'05" west, along easterly line of said lot 17, block 29, 28.34 feet; thence south 89°36'55" west, 28.59 feet to the point of beginning; thence north 88°54'48" west 32.57 feet; thence north 01°05'12" east, 47.70 feet; thence south 88°54'48" east, 32.57 feet; thence south 01°05'12" west, 47.70 feet to the point of beginning.

The afore-described parcel contains 1,553.589 square feet or 0.036 acres, more or less.

JAXGIS Property Information



RE #	Name	Address	Transaction Price	Acres	Book-Page	Map Page	Legal Descriptions	Flood Zone	Ash Site	JEDC Zone	Evacuation Zone	CPAC	Noise Zone	APZ	Civ HH Zone	Whitehouse Horizontal Surface Elev (300')	Civ School Reg	Whitehouse	Lighting Reg	Whitehouse	Civ Notice Zone	NA
005543 0000	HURLBERT ALBERT R	6130 BEAVER ST W JACKSONVILLE 32220	25000	1.26	1503401927	5415	1-33 15-28-25E MARIETTA LOTS 6 TO 9, 14 TO 17, E 47 5FT LOTS	NA	Not in Ash Site Zone	Not in Enterprise Zone	NA	N/A / Planning Dist: 5	NA	NA	NA	Whitehouse Horizontal Surface Elev (300')	NA	Whitehouse	Whitehouse	NA	NA	

JAXGIS Property Information



RE #	Name	Address	Transaction Price	Acres	Book-Page	Map Pane	Legal Descriptions	Flood Zone	Ash Site	JEDC Zone	Evacuation Zone	CPAC	Noise Zone	APZ	Civ APZ	MI HH Zone	Civ School Reg	MI School Reg	Lighting Reg	Civ Noted Zone	MI
005543 0000	MURLBERT ALBERT R	8130 BEAVER ST W JACKSONVILLE 32220	25000	1.26	1503401927	3415	1-33 15-2S-25E MARIETTA LOTS 6 TO 9, 14 TO 17, E 47.5 FT LOTS	NA	Not in Ash Site Zone	Not in Enterprise Zone	NA	NA / Planning Dist: 5	NA	NA	NA	Whitehouse Horizontal Surface Elev (300')	NA	Whitehouse	Whitehouse	NA	Y

EXHIBIT B

**SURVEY SHOWING AREA OF
SOIL CONTAMINATION**

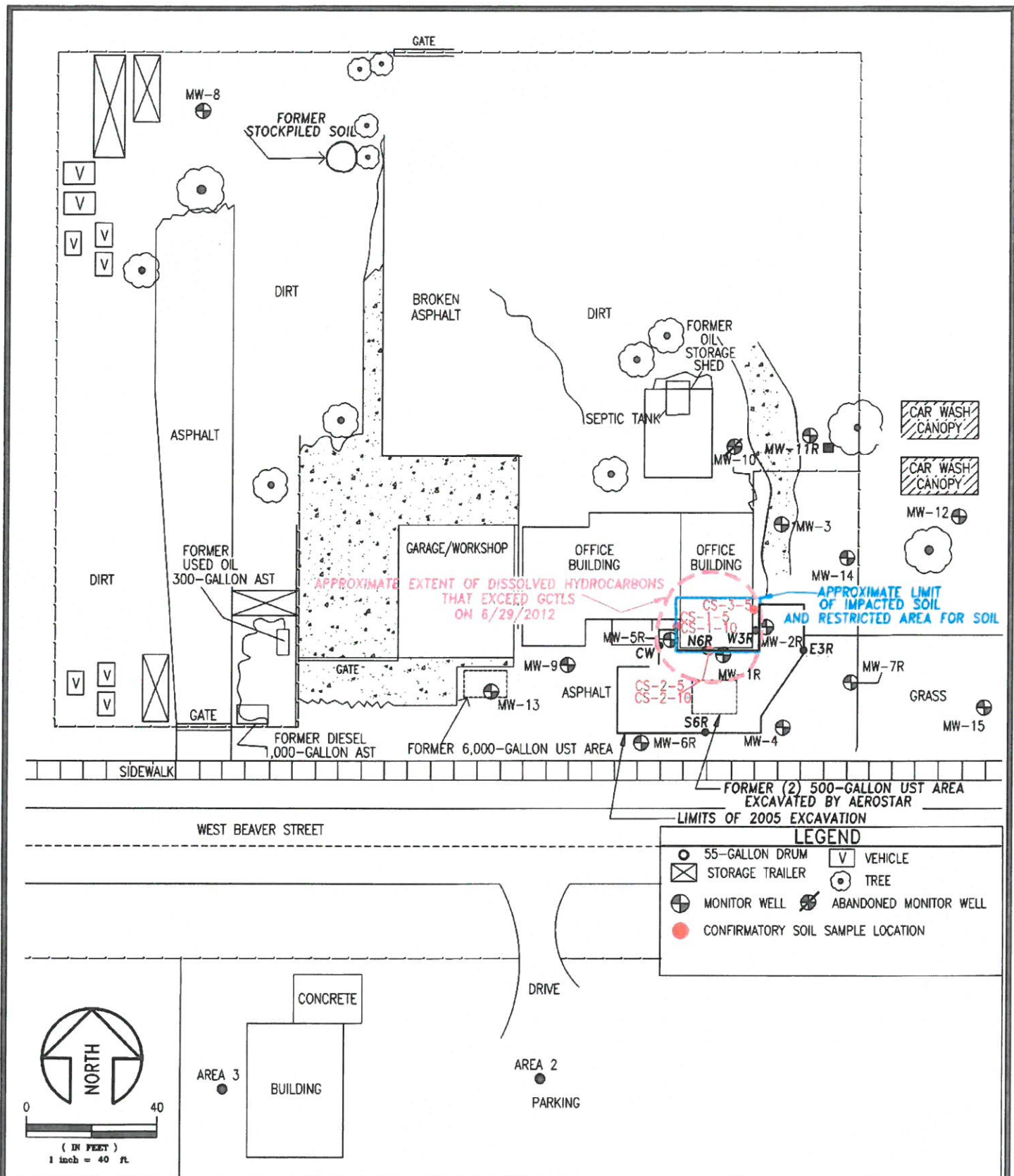


FIGURE 1 – SITE MAP



MOON'S GARAGE
8139 WEST BEAVER STREET
JACKSONVILLE, DUVAL COUNTY, FLORIDA
FACILITY ID No. 168507281

0102-093-09

UPDATED: 4/7/14

DRAWN BY: KRL

EXHIBIT C

ENGINEERING CONTROL STATEMENT

**ENGINEERING CONTROL STATEMENT
FORMER MOON'S GARAGE
8139 WEST BEAVER STREET
JACKSONVILLE, DUVAL COUNTY, FLORIDA
FDEP FACILITY ID NO. 168507281**

PROFESSIONAL REVIEW

The Engineering Control presented for Former Moon's Garage, 8139 West Beaver Street, Jacksonville, Duval County, Florida, FDEP Facility ID No. 168507281, has been reviewed by me, James O. Smith, Jr., P.E. (Florida P.E. No. 45048).

The engineering control that prevents human exposure to soil and groundwater that exceed the FDEP SCTLs for direct exposure and GCTLs, respectively, is the building and two feet of clean vadose zone soil. The building and soil are permanent cover material. I hereby certify that, to the best of my knowledge, this engineering control is consistent with commonly accepted engineering practices and is appropriately designed and constructed for its intended purpose.

The engineering control of the site should be inspected every two years by a P.E. who is familiar with the environmental conditions and the purpose of the engineering controls. The purpose of the inspection will be to verify that the engineering controls are intact, functional, and continue to serve their intended purpose. The proposed engineering control of the concrete slab building shall be deemed to have failed if a crack greater than 1/8-inch occurs in the foundation. The proposed engineering control of the two-foot cap of clean soil shall be deemed to have failed if an area of greater than one square foot has been removed by any means so that the underlying soil is exposed. The P.E. shall prepare a letter report for Mr. Hurlbert which presents an engineering opinion of the condition of the engineering controls, along with any recommendations for required maintenance. The P.E. report shall be maintained by the site owner along with a record of any actions taken to address the recommendation of the P.E.

The engineering control shall be maintained throughout the life of the Restrictive Covenant in order to prevent human exposure to contaminated soils. If the asphalt is damaged by accident or construction activities, it shall be promptly repaired to match current conditions. Although the site owner is not required to report a failure of the engineering control, the engineering control shall be repaired immediately.

Signature: _____

James O. Smith, Jr., P.E.
Florida P.E. 45048

5/2/14
Date

EXHIBIT D

ENGINEERING CONTROL MAINTENANCE PLAN

ENGINEERING CONTROL MAINTENANCE PLAN

Mr. Albert R. Hurlbert, property owner for the Former Moon's Garage site, has made a commitment to establish specific use restrictions via institutional controls to limit the area of soil and groundwater that exceed Soil Cleanup Target Levels (SCTLs) and Groundwater Cleanup Target Levels (GCTLs) within the Restricted Property to future use as an office and parking. In the event that site use changes, Mr. Hurlbert acknowledges that additional investigation, revisions to the institutional controls or remediation may be necessary.

The engineering control for this Restricted Property is the 25-foot by 40-foot by 6-inch (minimum) thickness concrete floor of a building and two feet of clean fill immediately adjacent to the building of the former UST area. The engineering control of the site will be inspected every two years by a Florida Registered Professional Engineer (P.E.) who is familiar with the environmental conditions and the purpose of the engineering controls. The purpose of the inspection will be to verify that the engineering control is intact, functional, and continues to serve its intended purpose. The engineering control of the concrete slab building shall be deemed to have failed if a crack greater than 1/8-inch occurs in the foundation. The proposed engineering control of the two-foot cap of clean soil shall be deemed to have failed if an area of greater than one square foot has been removed by any means so that the underlying soil is exposed. Both controls should be repaired if damaged. The P.E. will prepare a letter report for Mr. Hurlbert which presents an engineering opinion of the condition of the engineering controls, along with any recommendations for required maintenance. The P.E. report will be maintained by the site owner along with a record of any actions taken to address the recommendation of the P.E.

The engineering control will be maintained throughout the life of the Restrictive Covenant in order to prevent human exposure to contaminated soils. If the two feet of clean fill is disturbed or if the concrete is damaged by accident or construction activities, it will be promptly repaired to match current conditions. Although the site owner is not required to report a failure of the engineering control, the engineering control will be repaired immediately.

Sale Price \$260,000.00
TAX PARCEL # 005543-0000

WARRANTY DEED

This indenture made this 6th day of October, 2009 BETWEEN Barbara Moon Attaway, conveying non homestead property f/k/a Barbara J. Moon, as sellers, whose post office address is 140 Governor Street, Green Cove Springs, FL 32043, hereinafter GRANTORS, and Albert R. Hurlbert, A Married Man, as buyers, whose post office address is 7720 Paschal Street, Jacksonville, FL 32220, hereinafter as GRANTEES.

WITNESSETH, That said Grantor, for and in the consideration of the sum of Ten Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of Duval, State of Florida, to-wit:

Lots 9 and 14 and the Easterly 47 1/2 feet of Lots 10 and 13, excepting that part lying in State Road No. 10, Block 29, Marietta, according to the plat thereof as recorded in Plat Book 1, Pages 33, 34 and 34 1/2 of the former public records of Duval County, Florida.

AND

Lots 6, 7, 8, 15, 16 and 17, Block 29, Marietta, according to the plat thereof as recorded in Plat Book 1, Pages 33, 34 and 34 1/2 of the former public records of Duval County, Florida.

This deed is subject to the terms and conditions of that certain Agreement for Deed recorded in Official Records Book 12979, Page 795 of said county.

Proper documentary stamps for the original price of \$225,000 were affixed thereto and the difference of the \$25,000.00 paid herewith.

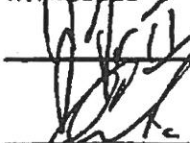
SUBJECT TO taxes for the year 2005 and thereafter, also subject to covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

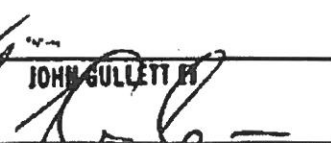
Said grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. *Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES



JOHN GULLETT II


CLINTON J. ANDERSON



Barbara Moon Attaway

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this October 6th, 2009 by Barbara Moon Attaway who is () personally known to me or who has (X) produced a driver's license as identification.

APPENDIX C

50-YEAR CHAIN OF TITLE REPORT

Land Title Inquiries, Inc.

8349 Lorraine Dr.
Strongsville, OH 44149

Phone (440) 846-LAND

Fax (440) 846-3845

Order No. 15-080

Subject Property Address: 8139 West Beaver Street, Jacksonville, FL.

Current Owner of Record: Albert R. Hurlbert

30 year Encumbrances/Env Lien/AUL Report prepared exclusively for:

Aerostar SES, LLC

Project No. M3001.0093.08

Effective Date: April 3, 2015

Land Title Inquiries

Order No. 15-080

- 1) Claim of Lien recorded 3/22/2001 in OR Book 9923 Page 1746.
Note – Recited within the body of this document is the following
“...Environmental Consulting, Coordination of 6,000 Gallon Underground Storage Tank (UST)...Moon’s Garage, 8139 West Beaver Street, Jacksonville, FL...” See copy.
- 2) Agreement for Deed with Balloon Payment recorded 12/30/2005 in OR Book 12979 Page 795.
Note – Buyer agrees to pay \$225,000.00
- 3) Modification Agreement recorded 10/13/2009 in OR Book 15034 Page 1925.
(Modifies terms of Agreement for Deed in OR Book 12979 Page 795)
- 4) Modification Agreement recorded 3/1/2012 in OR Book 15865 Page 174.
(Modifies terms of Agreement for Deed in OR Book 12979 Page 795)
- 5) Tax Information - Tax Parcel No. 005543-0000
Building Value - \$128,962.000
Land Value - \$54,000.00
Extra Feature Value - \$18,938.00
Assessed Value - \$201,900.00
2014 Taxes – **Unpaid** in the amount of \$4507.12
NOTE – **Unpaid/Delinquent** taxes as follows:
2013 - \$4908.45
2012 - \$4537.82
2010 - \$8333.34

Land Title Inquiries

Order No. 15-080

ENVIRONMENTAL LIEN/AUL SEARCH

We have done a search of Duval County Records Records for “Environmental Liens” only on the subject property as identified as 8139 West Beaver Street, Jacksonville, FL. Tax Parcel No. 005543-0000 and find the following:

None found

We have done a search of Duval County Records Records for Activity & Use Limitations “AUL’s” only on the subject property as identified as 8139 West Beaver Street, Jacksonville, FL. Tax Parcel No. 005543-0000 and find the following:

None found

CLAIM OF LIEN

State of FLORIDA
County of ORANGE

Doc# 2001065977
Book: 9923
Page: 1746
Filed & Recorded
03/22/2001 04:09:05 PM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND
RECORDING \$ 1.00
\$ 5.00

Before me, the undersigned authority, personally appeared

GORDON A. KIRKLAND

who, being duly sworn, says that he is PRESIDENT of

FLORIDA ENVIRONMENTAL COMPLIANCE CORPORATION

the lienor herein, whose address is 2418 SILVER STAR ROAD, ORLANDO, FL 32810

and that in pursuance of a contract with MOON'S GARAGE

lienor furnished labor, services or materials consisting of Environmental Consulting,

Coordination of 6,000 Gallon Underground Storage Tank (UST) (#1) Decommission,

Preparation and Filing of Closure Assessment Report, Closure Assessment and Report

Preparation for UST Sites (#2) & (#3).

on the following described real property in DUVAL County, Florida:

MOON'S GARAGE, 8139 West Beaver Street, Jacksonville, FL 32220

owned by Ms. Barbara Moon for a total value of

\$ 4,108.22, of which there remains unpaid \$ 4,108.22, and furnished the first of the

same on August 21, 20 00, and the last of the same on February 24, 20 01.

and that lienor served his notice to owner on N/A, 20 00 by

Gordon A. Kirkland
GORDON A. KIRKLAND, PRESIDENT

Sworn to and subscribed before me this 20TH day of MARCH, 20 01.

Linda D. Morris
Notary Public

My Commission expires: 8-14-02

LINDA D. MORRIS



Linda D Morris
My Commission CC764881
Expires August 14, 2002

Land Title Inquiries, Inc.

8349 Lorraine Dr.
Strongsville, OH 44149

Phone (440) 846-LAND

Fax (440) 846-3845

Order No. 14-079

Subject Property Address: 81 West Beaver Street, Jacksonville, FL.

Current Owner of Record: Albert R. Hurlbert

50 year List of Ownership/Env Lien/AUL Report prepared exclusively
for:

Aerostar SES, LLC

Project No. M3001.0093.08

Effective Date: April 14, 2014

Land Title Inquiries

Order No. 14-079

Chain #1 - Lots 9 and 14 & Parts of Lots 10 and 13

- 1) Thomas F. Moon and Laura Catherine Moon by Deed recorded 6/30/1960 in OR Book 1049 Page 649.
- 2) Thomas F. Moon and Laura Catherine Moon by Deed recorded 3/10/1965 in OR Book 2414 Page 633.
- 3) Thomas F. Moon and Laura Catherine Moon by Deed recorded 7/10/1965 in OR Book 2453 Page 579.
- 4) Thomas F. Moon and Laura Catherine Moon by Deed recorded 11/5/1965 in OR Book 2514 Page 885.
- 5) Thomas F. Moon and Laura Catherine Moon by Deed recorded 4/7/1986 in OR Book 6110 Page 1905.
- 6) Albert R. Hurlbert by Deed recorded 10/13/2009 in OR Book 15034 Page 1927.

Land Title Inquiries

Order No. 14-079

Chain #2 - Lots 6,7,8,15,16 & 17

- 1) Thomas Moon and Amy Moon by Deed recorded 7/9/1936 in Book 725 Page 254.
Note – Conveys Lot 16 only.
- 2) Thomas Moon and Amy Moon by Deed recorded 11/30/1937 in Book 772 Page 148.
Note – Conveys Lot 17 only.
- 3) Thomas Moon and Amy Moon by Deed recorded 3/21/1939 in Book 816 Page 331.
Note – Conveys Lot 7 only.
- 4) Thomas Moon and Amy Moon by Deed recorded 3/27/1940 in Book 855 Page 435.
Note – Conveys Lot 6 only.
- 5) Thomas Moon and Amy E. Moon by Deed recorded 3/5/1957 in OR Book 243 Page 467.
Note – Conveys Lots 8 & 15 only.
- 6) Thomas F. Moon by Deed recorded 7/17/1981 in OR Book 5375 Page 357.

Land Title Inquiries

Order No. 14-079

- 7) Thomas F. Moon and Barbara J. Moon by Deed recorded 4/7/1986 in OR Book 6110 Page 1903.

Abstractors Note – Claim of Lien recorded 3/22/2001 in OR Book 9923 Page 1746. Recited within the body of this document is the following
“...Environmental Consulting, Coordination of 6,000 Gallon Underground Storage Tank (UST)...Moon’s Garage, 8139 West Beaver Street, Jacksonville, FL...” See copy.

- 8) Albert R. Hurlbert by Deed recorded 10/13/2009 in OR Book 15034 Page 1927.

Land Title Inquiries

Order No. 14-079

ENVIRONMENTAL LIEN/AUL SEARCH

We have done a search of Duval County Records Records for “Environmental Liens” only on the subject property as identified as 8139 West Beaver Street, Jacksonville, FL. Tax Parcel No. 005543-0000 and find the following:

None found

We have done a search of Duval County Records Records for Activity & Use Limitations “AUL’s” only on the subject property as identified as 8139 West Beaver Street, Jacksonville, FL. Tax Parcel No. 005543-0000 and find the following:

None found

CLAIM OF LIEN

State of FLORIDA
County of ORANGE

Doc# 2001065977

Book: 9923

Page: 1746

Filed & Recorded

03/22/2001 04:09:05 PM

JIM FULLER

CLERK CIRCUIT COURT

DUVAL COUNTY

TRUST FUND

RECORDING

1.00
5.00

Before me, the undersigned authority, personally appeared

GORDON A. KIRKLAND

who, being duly sworn, says that he is PRESIDENT of

FLORIDA ENVIRONMENTAL COMPLIANCE CORPORATION

the lienor herein, whose address is 2418 SILVER STAR ROAD, ORLANDO, FL 32810

and that in pursuance of a contract with MOON'S GARAGE

lienor furnished labor, services or materials consisting of Environmental Consulting,

Coordination of 6,000 Gallon Underground Storage Tank (UST) (#1) Decommission,

Preparation and Filing of Closure Assessment Report, Closure Assessment and Report

Preparation for UST Sites (#2) & (#3).

on the following described real property in DUVAL County, Florida:

MOON'S GARAGE, 8139 West Beaver Street, Jacksonville, FL 32220

owned by Ms. Barbara Moon for a total value of

\$ 4,108.22, of which there remains unpaid \$ 4,108.22, and furnished the first of the

same on August 21, 20 00, and the last of the same on February 24, 20 01,

and that lienor served his notice to owner on N/A, 20 01 by

Gordon A. Kirkland
GORDON A. KIRKLAND, PRESIDENT

Sworn to and subscribed before me this 20TH day of MARCH, 20 01

Linda D. Morris
Notary Public

My Commission expires: 8-14-02

LINDA D. MORRIS



Linda D Morris
My Commission CC704381
Expires August 14, 2002



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**RICK SCOTT
GOVERNOR**

**CARLOS LOPEZ-CANTERA
LT. GOVERNOR**

**JONATHAN P. STEVERSON
SECRETARY**

MEMORANDUM

TO: Mike Towle
Northeast District - Jacksonville
Tanks and Petroleum Cleanup Section

THROUGH: Robert C. Cowdery, P.E.
P.E. Administrator - Tallahassee
Petroleum Restoration Program - Mail Station 4575

FROM: Rick Ruscito, P.E. *RJR 2/9/2015*
Ecology and Environment, Inc. - Tallahassee
Petroleum Restoration Program Section 6, Mail Station 4590

DATE: February 9, 2015

SUBJECT: Review of a Conditional No Further Action Proposal Addendum

Ref: Former Moon's Garage
8139 West Beaver Street
Jacksonville, Duval County
FDEP Facility No. 168507281
Discharge Date: April 12, 2000

Petroleum Restoration Program Section 6 (PRP6) has reviewed the November 24, 2014 Conditional No Further Action Proposal Addendum by AerostarSES LLC, for a declaration of No Further Action with Conditions pursuant to Section 62-780.680(2), Florida Administrative Code (F.A.C.), Risk Management Options Level II. The addendum contains satisfactory responses to three comments by PRP6 on May 18, 2014 about the draft Restrictive Covenant. The three responses are summarized below.

1. Discharge date: Recital paragraph B of the draft Restrictive Covenant now includes the discharge date of April 12, 2000. This is the date shown in the official FDEP Storage Tank Contamination Monitoring (STCM) database.
2. Survey: A Specific Purpose Survey (SPS) has been performed, and it shows the restricted portion of the property as a rectangle that is 47.70 feet by 32.57 feet (1,553.6 square feet).
3. Stormwater: The addendum indicates there are no stormwater features on this site.

Additional Information Below to Aid the Northeast District in Preparing a Package of Information for the Office of General Counsel Regarding a Conditional Declaration of No Further Action for this Site

The footprint of the entire building is shown in Attachment 1, but only a 25 foot x 40 foot portion of the building's concrete floor will be serving as the Engineering Control barrier that prevents contact with the underlying, smaller 25 foot x 18 foot area of impacted soil that remains, as shown in Attachment 2. Attachment 3 is provided for the purpose of rapidly visualizing the overall situation. PRP6 has manually superimposed the following on a copy of the SPS: (a) the approximate outline of the circular 0.014 acre area of impacted groundwater that remains; (b) the area containing the underground storage tanks that was excavated, which included removal of the tanks; (c) the restricted area of 47.70 feet x 32.57 feet of the single purpose survey; and (d) the approximate 25 foot x 18 foot (450 square foot) area of impacted soil that remains, for which a portion of the building's floor will serve as an access barrier. There was not enough room to superimpose the 25 foot x 40 foot Engineering Control area on Attachment 3 without cluttering the figure to the point of incomprehensibility.

PRP6, as Revision 1, 02/09/15, has updated the technical portions of the Department's "Attachment 5: Declaration of Restrictive Covenant Checklist" to reflect the responses to the three comments, and has attached the updated checklist to this memorandum as Attachment 4. (The Attachment 5 and Attachment 4 nomenclature in this paragraph are not misprints; Attachment 5 is a different Department document that is not part of this memorandum.)

As for the Engineering Control and the Engineering Control Maintenance Plan, PRP6 has already indicated its approval in the previous memorandum dated May 18, 2014.

I can be contacted at by telephone at (850) 877-1133, extension 3722, or by e-mail at rruscito@ene.com.

- Attachments: (1) Footprint of the Entire Building
(2) Outline of the Engineering Control Area, Under Which a Smaller Area of Impacted Soil Will Remain
(3) Superimposition of Additional Information on the Single Purpose Survey
(4) Updated FDEP "Attachment 5: Declaration of Restrictive Covenant Checklist"

MAP SHOWING SKETCH OF A PORTION OF LOTS 16 AND 17, BLOCK 29, MARIETTA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGES 33, 34 AND 34 1/2, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

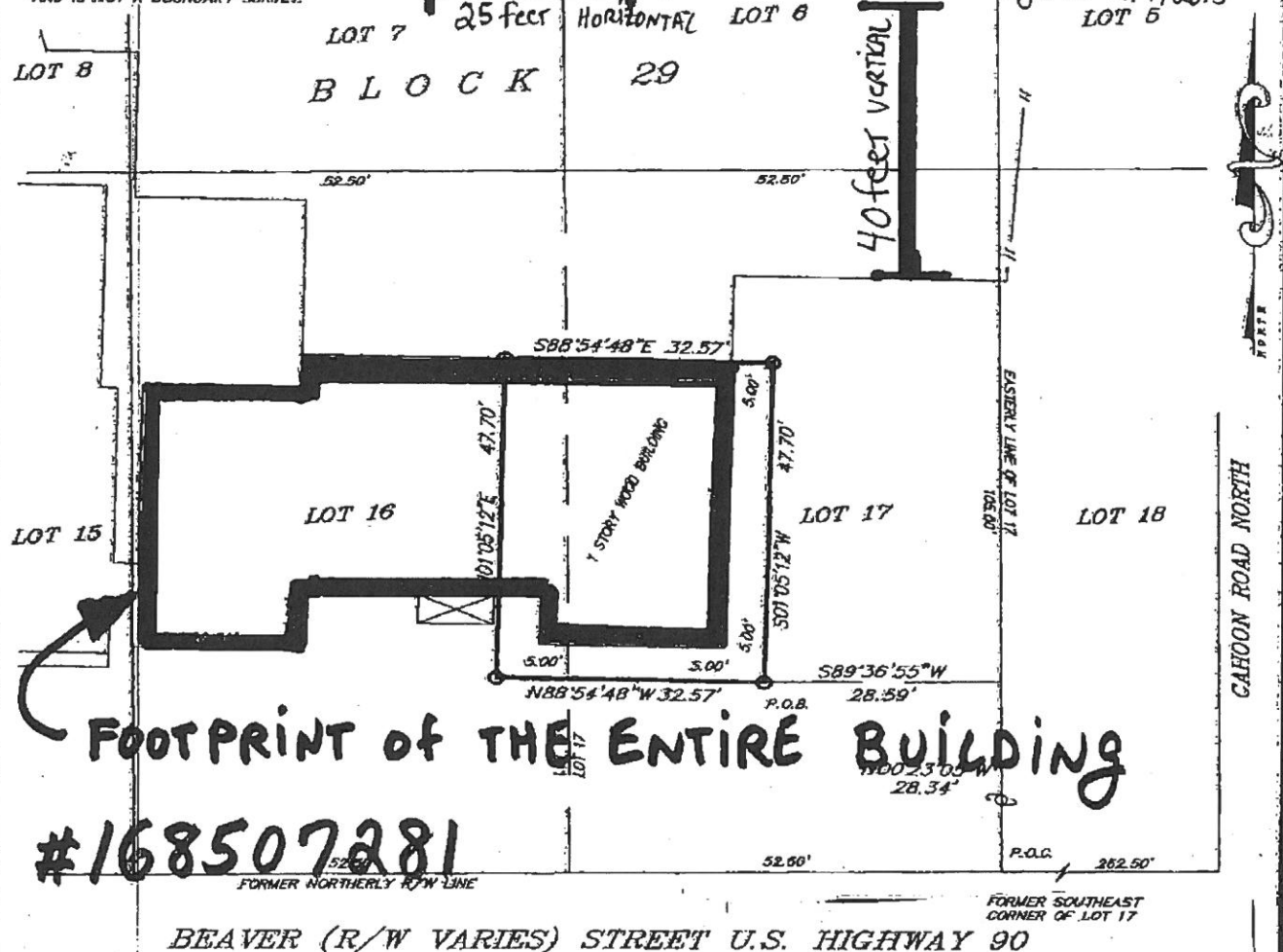
COMMENCE AT THE FORMER SOUTHEAST CORNER OF LOT 17, BLOCK 29, MARIETTA SAID POINT BEING ON THE FORMER NORTHERLY RIGHT OF WAY LINE OF BEAVER STREET (U.S. HIGHWAY 90); THENCE NORTH $00^{\circ}23'05''$ WEST, ALONG THE EASTERLY LINE OF SAID LOT 17, BLOCK 29, 28.34 FEET; THENCE SOUTH $89^{\circ}36'55''$ WEST, 28.59 FEET TO THE POINT OF BEGINNING; THENCE NORTH $88^{\circ}54'48''$ WEST, 32.57 FEET; THENCE NORTH $01^{\circ}05'12''$ EAST, 47.70 FEET; THENCE SOUTH $88^{\circ}54'48''$ EAST, 32.57 FEET; THENCE SOUTH $01^{\circ}05'12''$ WEST, 47.70 FEET TO THE POINT OF BEGINNING.

THIS IS A PHOTOCOPY THAT DISTORTED THIS SKETCH'S ORIGINAL SCALE.

USE THIS HORIZONTAL AND VERTICAL BAR SCALE INSTEAD.

RJR T6 2/9/2015
LOT 5

NOTES:
1. THIS IS A SKETCH OF A DESCRIPTION ONLY.
AND IS NOT A BOUNDARY SURVEY.



FOOTPRINT OF THE ENTIRE BUILDING

#168507281

ANTHONY PAUL O'NEIL

7749 NORMANDY BOULEVARD #145-305
JACKSONVILLE, FLORIDA 32221
PHONE (904) 626-5138 ROONEYSONS@AOL.COM

I HEREBY CERTIFY TO :

MOON'S SPACE

FEMA FLOOD INSURANCE DATA INFORMATION PERTAINING TO LANDS SHOWN HEREON;

ZONE: IP
P.O.C. - POINT OF CORNER
P.O.B. - POINT OF BEGINNING
P.C. - POINT OF CURVATURE
P.T. - POINT OF TANGENCY
P.R.C. - POINT OF REVISION
P.C.C. - POINT OF CORNER
P.L. - POINT OF INTERSECTION
P.C.P. - PERMANENT CORNER
P.R.P. - PERMANENT RIGHT-OF-WAY
L-ARC LENGTH
R-DELTA ANGLE
JURISDICTIONAL WE EASEMENTS OF RE THIS SURVEY DOES THIS SURVEY NOT

ATTACHMENT 1
ENTIRE BUILDING

SURVEYOR
ENTER LINE
VOLUME
BOOK
DE
IAP BOOK
JAP
EET
NO DISTANCE APPROX. - APPROXIMATE EXIST. - EXISTING
RADIAL
EED
N - NORTH S - SOUTH E - EAST W - WEST
EX - EXCEPTION TYP - TYPICAL
F.F. - FINISH FLOOR EL - ELEVATION
BLK - BLOCK FND - FOUND
I.P. - IRON PIPE RB - REBAR
CONC. - CONCRETE A/C - AIR CONDITIONER
ESEM. - EASEMENT ELEC. - ELECTRIC
B.R.L. - BUILDING RESTRICTION LINE
F.Z.B.L. - FLOOD ZONE BOUNDARY LINE
A.K.A. - ALSO KNOWN AS N/F - NOW OR FORMERLY
N.G.V.D. - NATIONAL GEODESIC VERTICAL DATUM
DENOTES CONCRETE MONUMENT
DENOTES IRON PIPE
SET - DENOTES SET 5/8" x 16" REBAR L.B. 5684

DATE SIGNED: 10-10-14
ANTHONY PAUL O'NEIL, P.S.M. 5684

SYMBOLS:
- CHAIN LINK FENCE
- WOOD FENCE
- WIRE FENCE
- ELECTRIC LINE
- UTILITY POLE
- WELL
- ASPHALT
- OVERHEAD
- CONCRETE

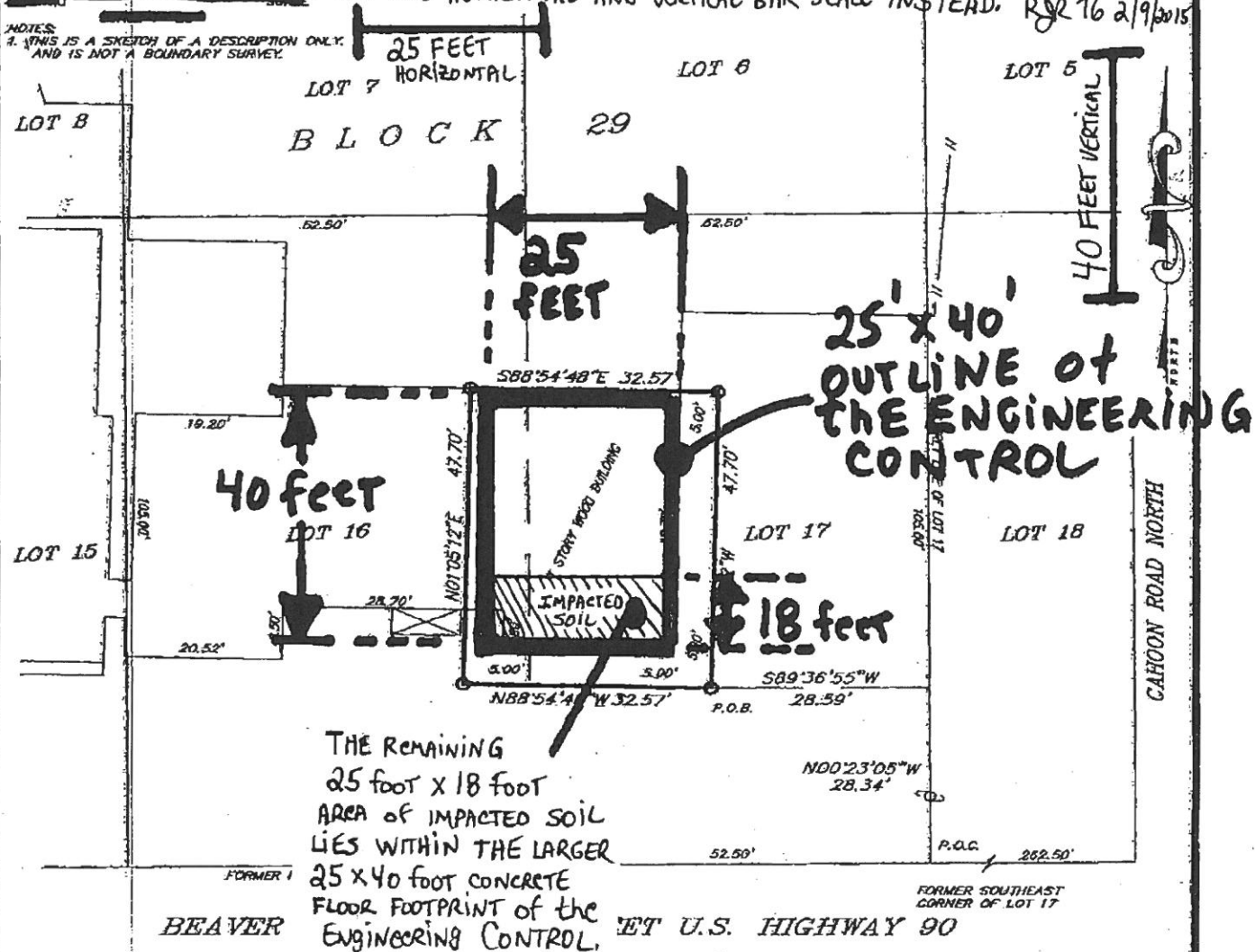
10/10/14

A PORTION OF LOTS 16 AND 17, BLOCK 29, MARIETTA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK PAGES 33, 34 AND 34 1/2, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THIS IS A PHOTOCOPY THAT DISTORTED THE SKETCH'S ORIGINAL SCALE,
USE THIS HORIZONTAL AND VERTICAL BAR SCALE INSTEAD. R/R T6 2/9/2015

NOTES
1. THIS IS A SKETCH OF A DESCRIPTION ONLY.
AND IS NOT A BOUNDARY SURVEY.



ANTHONY PAUL O'NEIL

I HEREBY CERTIFY TO : #168507281

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-17.052 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

FEMA FLOOD INSURANCE RATE INFORMATION PERTAINING TO LANDS SHOW
ZONE _____ PANEL _____ DATE _____ / _____

P.O.B.-POINT OF BEGINNING
 P.C.-POINT OF CURV
 P.T.-POINT OF TANG
 P.R.C.-POINT OF RE
 P.C.C.-POINT OF C
 P.I.-POINT IF INTERP
 P.P.-PERMANENT
 P.P.P.-PERMANENT
 R/W-RIGHT-OF-WAY
 L-WR-LENGTH
 Δ-DELTA ANGLE

SURVEYOR
 ENTER LINE
 1 VOLUME
 2 BOOK
 3 DE
 4 RA BOOK
 5 SET
 6 NO DISTANCE APPROX. APPROX.
 7 RADIAL
 8 FED

N-NORTH 8-SOL
 EX-EXCEPTION
 F.F.-FINISH FLOOR
 BLK.-BLOCK
 I.P.-IRON PIPE
 CONC.-CONCRETE
 ESMT.-EASEMENT
 D.R.-BUILDING
 F.T.B.-FLOOR Z
 NO DISTANCE APPROX. APPROX.
 A.K.A.-ALSO KNOWN
 N.C.V.D.-NATIONAL

JURISDICTIONAL WE
 EASEMENT OF RS
 THIS SURVEY DOES
 THIS SURVEY NOT

ATTACHMENT 2
 ENGINEERING CONTROL
 of 25ft x 40ft covers
 the smaller 25ft x 18ft
 AREA of IMPACTED SOIL
 THAT REMAINS.

DENOTES CONCRETE
 DENOTES IRON PIPE
 SET-DENOTES SET 5/8
 REDIAN L.B.2684

THIS 25 FOOT X 40 FOOT PORTION
OF THE BUILDING'S CONCRETE
FLOOR FOOTPRINT IS THE SIZE
OF THE ENGINEERING CONTROL
Rm T6 2/9/2015

SYMBOLS;
— x — CHAIN LINK FENCE
— w — WOOD FENCE
— w — WIRE FENCE
— E — ELECTRIC LINE
⊕ UTILITY POLE
⊙ WELL

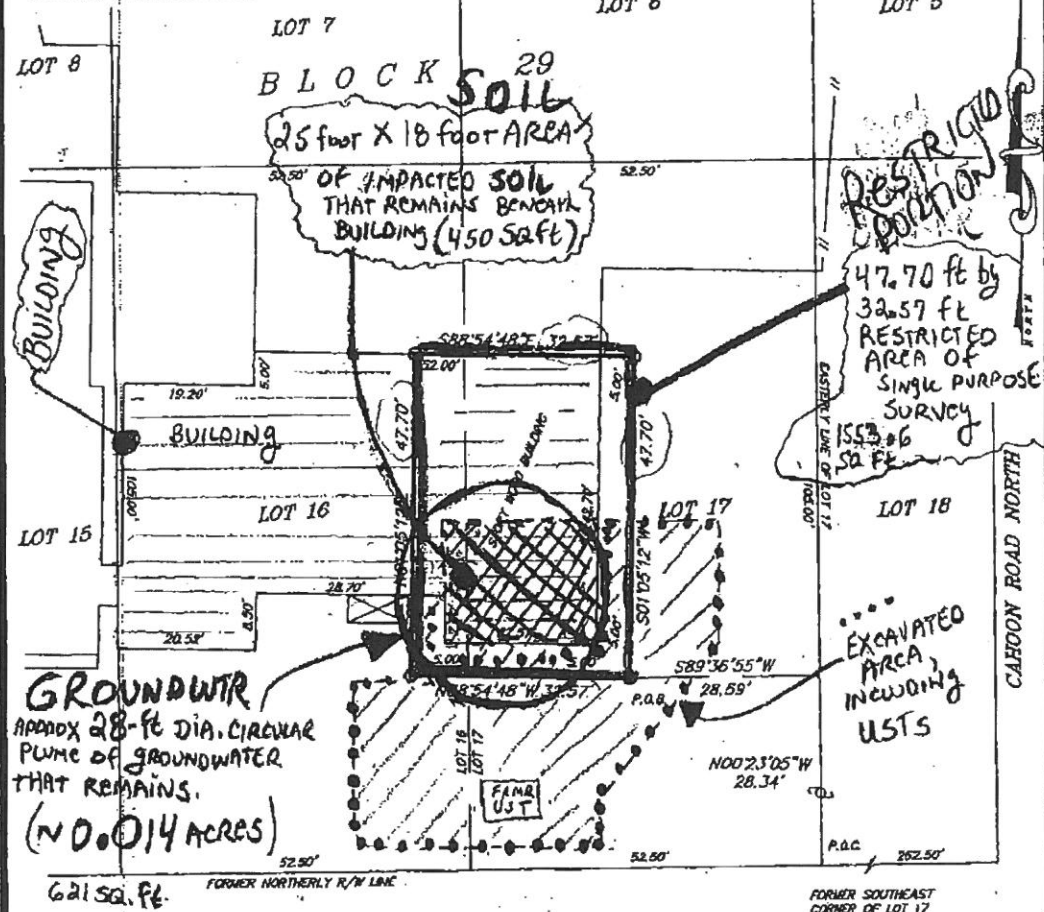
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COMMENCE AT THE FORMER SOUTHEAST CORNER OF LOT 17, BLOCK 29, MARIETTA SAID POINT BEING ON THE FORMER
NORTHERLY RIGHT OF WAY LINE OF BEAVER STREET (U.S. HIGHWAY 90); THENCE NORTH 00°23'05"WEST, ALONG THE
EASTERLY LINE OF SAID LOT 17, BLOCK 29, 28.34 FEET; THENCE SOUTH 89°36'55"WEST, 28.59 FEET TO THE POINT OF
BEGINNING; THENCE NORTH 88°54'48"WEST, 32.57 FEET; THENCE NORTH 01°05'12"EAST, 47.70 FEET; THENCE SOUTH
88°54'48"EAST, 32.57 FEET; THENCE SOUTH 01°05'12"WEST, 47.70 FEET TO THE POINT OF BEGINNING.

GRAPHIC SCALE
SCALE 1"=20'
NOTES:
1. THIS IS A SKETCH OF A DESCRIPTION ONLY
AND IS NOT A BOUNDARY SURVEY.

SINGLE PURPOSE SURVEY WITH
ADDITIONAL INFO SUPERIMPOSED.

PEL
4194
ALSO SAID
AS P.D.F.
11-26-14



BEAVER (R/W VARIES) STREET U.S. HIGHWAY 90

ATTACHMENT 3
A SUPERIMPOSITION OF
REMAINING IMPACTED SOIL,
I IMPACTED GROUNDWATER,
EXCAVATED AREA, AND THE
RESTRICTED PORTION OF
PROPERTY ON THE SINGLE
PURPOSE SURVEY. THE
ENGINEERING CONTROL
IS NOT SHOWN ON THIS
ATTACHMENT. SEE
ATTACHMENT 2 FOR THE
25 FOOT X 40 FOOT ENGINEERING
CONTROL.

FEIL 7749 NORMANDY BOULEVARD #145-305 JACKSONVILLE, FLORIDA 32221 PHONE (904) 626-5138 ROONEYSONS@AOL.COM		SYMBOLS: - CHAIN LINK FENCE - WOOD FENCE - WIRE FENCE - ELECTRIC LINE - UTILITY POLE - WELL - ASPHALT - OVERHEAD - CONCRETE
SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND THE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES. RETAINING TO LANDS SHOWN HEREON: COUNTY, FLORIDA.		
UND SURVEYOR L-CENTER LINE IS ADS VOLUME ADS BOOK -PAGE B-MAP BOOK ORDA -STREET NO AND DISTANCE AD-RADIAL -DEED	N-NORTH S-SOUTH E-EAST W-WEST EX-EXCEPTION TYP-TYPICAL F.F.-FLASH FLOOR FL-ELEVATION B.L.-BLOCK FND-FOUND LP-IRON PIPE RB-REBAR CONC-CONCRETE A/C-AIR CONDITIONER ESMT-EASEMENT ELEC-ELECTRIC B.L.L.-BUILDING RESTRICTION LINE F.Z.B.L.-FLOOD ZONE BOUNDARY LINE APPROX-APPROXIMATE EXIST-EXISTING A.L.A.-ALSO KNOWN AS N/F-NOW OR FORMER N.G.V.D.-NATIONAL GEOGRAPHIC VERTICAL DATUM	P.S.M.-PROFESSIONAL SURVEYOR/MAPPER J.E.A.-JACKSONVILLE ELECTRIC AUTHORITY P.R.M.-PERMANENT REFERENCE MONUMENT R.O.-ROAD RIGHT-OF-WAY S.E.-SECTION P.S.S.-PROFESSIONAL LAND SURVEYOR U.S.-UNDERGROUND UTILITIES L.O.-LOCAL ORIGIN
[] DENOTES CONCRETE MONUMENT [] DENOTES IRON PIPE SET-DENOTES SET 3/4" x 18" REBAR L.B.5064		DATE SURVEYED 10-10-14 ANTHONY PAUL ROONEY SM 5684

R. Ruscito - PCS 6
11-26-2014

MOON'S GARAGE FDCP# 168507281

RJR 2/9/2015

ATTACHMENT 5: DECLARATION OF RESTRICTIVE COVENANT CHECKLIST

FORMER MOON'S GARAGE 168507281

Background: Diesel underground storage tank (UST) was removed in year 2000, and two (2) 500-gallon gasoline USTs were removed in April 2002. Remediation at this site included the removal of 370 tons of soil from an area adjacent to the south edge of the building between 9/9/05 - 9/23/05. A small amount of Micro Blaze bioremediation product was applied. And on 3/28/08 another bioremediation product called Micro Bac was injected under the building. No additional active remediation was conducted after 3/28/08, just monitoring.

Revision 0 of this checklist was completed in part by Rick Ruscito of Petroleum Restoration Program Section 6 on 5/18/14, after reviewing the 5/2/14 No Further Action with Conditions Proposal submitted by Aerostar SES, LLC, which included a draft Restrictive Covenant. Revision 2 was made on 2/9/15 after reviewing the 11/24/14 Conditional No Further Action Proposal Addendum submitted by Aerostar SES, LLC.

Does site meet statutory and rule requirements that allow an SRCO with conditions?
Yes X No

What restrictions are necessary to reduce or eliminate the risk of exposure? Consider all affected media (i.e., groundwater, soil, surface water, and/or sediments), and determine which type of restrictions are required for each affected medium.

The following technical checklist applies to RMO II sites, which most commonly have contaminated groundwater and/or soil. For RMO III sites, please explain in the cover memo for the RC package how the rule criteria are met and what restrictions are being proposed for the source property and any other affected properties. Decisions for RMO III contaminated sites are very site-specific and may be based on risk assessment analysis or include properties other than the source property; therefore, these sites do not lend themselves to a simple checklist for the technical aspects of site closure. Additionally, the checklist below is a shortened summary of the details provided in Section .680(2) of Chapters 62-770, 780, 782 and 785, F.A.C. Please refer to the rules for the specific criteria that must be met.

ATTACHMENT 4

This petroleum contaminated site meets the requirements of Section 62-780.680(2), F.A.C., for Risk Management Options II. The affected media are the groundwater, and the shallow soil below the 2-foot deep water table last measured on June 29, 2012. Restrictions on the use of groundwater are proposed. An Engineering Control (25 feet x 40 feet) will serve as a barrier for the prevention of human exposure to the underlying shallow groundwater in excess of FDEP groundwater cleanup target levels, and to the underlying shallow saturated soil in excess of the FDEP soil cleanup target levels for direct exposure. The Engineering Control area is a combination of the 6-inch thick concrete foundation of an existing building and a two (2)-foot thick layer of clean vadose soil.

If groundwater is contaminated:

no Is an interim control proposed?;

OR

yes (a) Is the plume stable or shrinking?

The groundwater contamination plume is stable. There has been an overall decrease in groundwater contaminant concentrations over 6.5 yrs from 1/4/2006 to the most recent sampling on 6/29/12 at remaining monitoring wells of interest: MW-1R and MW-5R. The contaminants that remain in those wells are BTEX and PAH. The PAHs are naphthalene, 1-methylnaphthalene, and 2-methylnaphthalene. Active remediation was last conducted at this site when MicroBac bioremediation formula was injected under the building on 3/28/2008.

yes (b) Is the plume contained within the property boundaries?

yes (c) Is the plume less than ¼ acre in size? If not, then which of the following alternative scenarios applies (check one or more, as applicable):

A relatively small 28.11-foot diameter circular area of groundwater contamination remains in excess of groundwater cleanup target levels around monitoring wells MW-1R and MW-5R. The area of the 28.11-foot diameter circle is 621 square feet (approximately 0.014 acres) The circular area of groundwater contamination is shown in Figure 4 of the 5/2/14 No Further Action with Conditions Proposal by Aerostar SES, LLC. The scaling of that figure and the calculation of

the area was performed by reviewer Rick Ruscito of Petroleum Restoration Program Section 6 on 5/18/14.

- (n/a) groundwater meets low yield or poor quality designation. Please refer to guidance available at http://www.dep.state.fl.us/waste/quick_topics/publications/wc/Guidance_for_Evaluation_of_Low_Yield_Poor_Quality_Criteria.pdf;
- (n/a) an engineering control (EC) prevents plume migration. If an EC is used, e.g., a slurry wall, it must be in place and PE-certified, and it must be identified on an exhibit to the RC (usually Exhibit B) that is a Survey showing the size and location of the EC including State Plane Coordinates or geographical coordinates for four corners.
- (n/a) plume affects or may potentially affect *only* a marine surface water body.

no (d) Does the Property currently include stormwater swales, stormwater detention or retention facilities or ditches? If so, the PRSR must include an exhibit to the RC (usually Exhibit B) that is a survey map identifying the size and location of the existing stormwater features. The RC must include language stating that these existing stormwater features shall not be altered, modified or expanded without prior FDEP Division of Waste Management approval in writing, followed by a recorded amendment to the RC. **[Refer to Exhibit and page of draft restrictive covenant from]**

The 11/24/14 Conditional No Further Action Proposal Addendum submitted by Aerostar SES, LLC, and the Specific Purpose Survey indicate there are no stormwater features at the site.

If soil is contaminated:

From 9/9/05 - 9/23/05, 370 tons of soil was removed from an area adjacent to the south edge of the building, and on 3/28/08 a bioremediation product called Micro Bac was injected under the building. After both of those remedial actions were completed, no petroleum contamination remained in excess of soil cleanup target levels in the unsaturated interval from 0 - 2 feet below land surface, as shown in Table 2 of the 5/2/14 No Further Action with Conditions Proposal by Aerostar SES, LLC. The only soil that remains in excess of cleanup target levels is located below the shallow water table, which was last measured on June 29, 2012 at nine (9) monitoring wells, for which the average depth to water was 2 feet (ranging from 1.38 - 2.64 feet).

It should be noted when reading Table 2 that soil sample N6-3 taken 9/21/2005 at a depth of 3 feet did not meet soil cleanup target levels (SCTLs) but that a resampling of the same location and depth 3 months later on 12/27/2005 as N6-3R showed that SCTLs were met. The situation was similar for sample E3-1 at a depth of 1 foot on 9/21/2005 and its resampling 3 months later on 12/27/2005 as E3-1R. The locations of samples N6-3R and E3-1R are shown in Figure 3 of the 5/2/14 No Further Action with Conditions Proposal by Aerostar SES, LLC.

yes (a) **Direct Exposure soil** criteria have been met. (Direct exposure criteria have been met for soil above the shallow water table in the unsaturated zone from 0 - 2 feet after excavation and treatment with Micro Bac bioremediation formula, but NOT below that depth. For that reason, and because the water table is so shallow, an engineering control is proposed as a barrier to prevent human exposure. Check one or more of the following, as applicable:

- (yes) The Chapter 62-777, F.A.C., commercial/industrial SCTLs are met; (in the shallow unsaturated zone from 0 - 2 feet, but NOT below that depth)
- (yes) An engineering control (EC) prevents direct exposure to contaminated soils (which may exceed the commercial/industrial SCTLs with an EC) [See *Note below];
- (n/a) The soil meets alternative SCTLs using site-specific soil properties;
- (n/a) Soil concentrations of the site-specific fractions of TRPHs do not exceed the Chapter 62-777, F.A.C., commercial/industrial SCTLs for the TRPH fractions;
- (n/a) The 95% UCL approach is utilized to calculate average soil contaminant concentrations. If the 95% UCL approach is used, please describe this in the cover memo and include the exposure unit and parcel size.

yes (b) **Leachability soil** criteria have been met. (Leachability criteria have been met for soil above the shallow water table in the unsaturated zone from 0 - 2 feet.) Check one or more of the following, as applicable:

- (n/a) Soil contaminant concentrations do not exceed the alternative leachability-based SCTLs established pursuant to Ch. 62-777, F.A.C., Figure 8;
- (yes) Direct leachability testing was used to meet rule criteria (e.g., SPLP or TCLP); (SPLP was conducted on sample N6-3R taken 12/27/2005 to show that benzene would not leach.) Refer to guidance at

http://www.dep.state.fl.us/waste/quick_topics/publications/wc/GuidanceforDeterminingLeachabilitybySPLPAnalysisDraftVersion1-8.pdf;

- (n/a) An EC that prevents water infiltration has been implemented (e.g., an impervious cap such as a concrete slab, parking lot, building foundation, etc.) [See *Note below]; This is n/a. Even though an impervious concrete cap (the foundation of an existing building) is present atop the area of contamination, it is not needed to prevent infiltration but rather for the prevention of human exposure to the shallow underlying contamination.
- (n/a) The soil meets alternative SCTLs using site-specific soil properties;
- (n/a) Soil concentrations of the site-specific fractions of TRPHs do not exceed the alternative leachability-based SCTLs for the TRPH fractions;
- (n/a) PRSR has demonstrated, based on site-specific conditions and at least a year of groundwater monitoring data that contaminants will not leach at concentrations that exceed the rule criteria. After active remedial action ceased, the groundwater was monitored at this site from 3/28/08 through 6/29/12, but the purpose of the monitoring was to show that the groundwater contamination plume was stable. This monitoring was not conducted for the purpose of showing that soil contaminants would not leach from the unsaturated 0 - 2 foot interval, because direct soil analyses, along with the SPLP of N6-3R, already showed that the 0 - 2 foot interval was meeting leachability-based soil cleanup target levels. Nevertheless, this period of groundwater monitoring can be cited as additional evidence that contaminants are not leaching from the 0 - 2 foot unsaturated interval to the underlying groundwater.

***Note:** If an EC is used to address either Direct Exposure or Leachability for soil contamination, it must be in place and PE-certified, and it must be identified on an exhibit to the RC (usually Exhibit B) that is a Survey showing the size and location of the EC and including State Plane Coordinates or geographical coordinates for four corners.

n/a If soil contamination presents a Direct Exposure threat, and the PRSR is not utilizing an EC, then the Land Use Restriction language listing the prohibited uses is included in the RC.

yes If the PRSR has elected to use an EC to prevent exposure to contaminated soil, then the Land Use Restriction language has been deleted from the RC.

Restriction Location: Entire Property X (groundwater) Portion of Property X (soil)

Why are these restrictions adequate?

The Restrictive Covenant in the appendix of the 5/2/2014 "No Further Action With Conditions Proposal" and the 11/24/14 Conditional No Further Action Proposal Addendum indicate that the entire property will be restricted with respect to usage of the groundwater, but only a portion of the property will be restricted with respect to the soil. The groundwater use restriction is adequate because it applies to the entire property.

The restricted portion of site that applies to the soil is sufficient in size to cover the extent of the remaining impacted soil, and the Engineering Control within the restricted area includes a concrete floor barrier of adequate size and thickness for the prevention of human exposure to the underlying soil contamination.

The Engineering Control of the Restrictive Covenant is already in place as the concrete floor of an existing building, and a professional engineer's certification of it, as adequate for this purpose, was provided on 5/2/14 in Exhibit C. An Engineering Control Maintenance Plan is included in Exhibit D. Petroleum Restoration Program Section 6 accepts both the Engineering Control and its maintenance plan.

The text of the Specific Purpose Survey in Exhibit B clearly states that the sketch is for a "portion" of the land, and it clearly shows the four (4) corners of the restricted portion as a rectangle that is 32.57 feet x 47.70 feet in size. The size of this restricted portion provides a margin of safety around the slightly smaller Engineering Control (existing concrete floor) that is 25 feet x 40 feet in size. And the Engineering Control, in turn, more than covers the even smaller remaining 25 foot x 18 foot area of remaining impacted soil. In short, the size of the restricted portion of the property and the Engineering Control within that restricted portion are more than adequate in size to prevent exposure to the underlying impacted soil that remains.

SRCO will be issued after RC recorded (Final RC). X, or
SRCO will not be issued after RC recorded (Interim RC). _____

If a restrictive covenant is appropriate, the following supporting documents must be provided to the FDEP OGC:

Copy of the deed is included. Yes ☒ No ☐

Does the name of the owner/grantee on the deed match the name of the person who claims to be the property owner? Yes ☒ No ☐

Property ownership confirmed on county internet web site. Yes ☐ No ☐
Owner listed with Property Appraiser Office as Albert R. Hurlbert

Legal description of the **entire** property (Exhibit A to covenant) is included even if only a portion of the property will be encumbered/restricted. Yes ☐ No ☐

Exhibit A of the Restrictive Covenant contains a printout of a map from City of Jacksonville <http://maps.coj.net/website/DuvalMapsSQL/toolbar.asp> that references a legal description.

If only a portion of the parcel will be restricted, then:

A Specific Purpose Survey, Boundary Survey or Sketches to Accompany Descriptions (as defined under Chapter 5J-17, F.A.C.) prepared using the minimum technical standards (MTS)(collectively referred to as a "Survey") must be provided, and it must include four corners labeled with the State Plane Coordinates (SPC) system or geographical coordinates, clearly labeling the attachment as Exhibit "B," and labeling the encumbered area on the attachment as "**restricted area**" or another phrase that tracks the RC language] (Exhibit B to covenant).

Yes ☒ No ☐ N/A ☐

Exhibit B of the Restrictive Covenant in the appendix of the 11/24/14 Conditional No Further Action Proposal submitted by Aerostar SES, LLC contains a Specific Purpose Survey, signed by the surveyor on 10/10/14.

Title Report is included [Title search commences with instrument constituting root of title under Marketable Record Title Act (MRTA) that is at least 30 years old and includes review of all subsequently recorded instruments, and prior recorded instruments that are not eliminated by MRTA.] Yes ☐ No ☐ (unable to determine)

Tax Lien information – either that lien has been removed or copy of lien—is included.
Yes ☐ No ☐ N/A ☐

Easements are included (list of any easements & copies of recorded easements.)
Yes ☐ No ☐ N/A ☐

A Diagram of the location of the easements in relation to the restricted area is included.

Yes ___ No ___ N/A X

Leases – copies of all recorded leases, subleases and assigned leases are included.

Yes ___ No ___ N/A ___

UCC Liens – copies of and releases from any liens are included.

Yes ___ No ___ N/A ___

A completed and signed Subordination or Joinder and Consent is included for any liens, leases, easements or other encumbrances that are affected by or in conflict with the provisions of the RC. Yes ___ No ___ N/A ___

A completed and signed Subordination of Mortgage is included for each financial institution or lender of existing mortgages. Yes ___ No ___ N/A ___

Is 95% UCL analysis used? Yes ___ No X

If yes, what is the exposure unit and parcel size? _____, _____

Has the PRSR published constructive notice regarding use of IC/EC based upon preliminary approval of the Conditional No Further Action Proposal?

Yes ___ No ___

If yes, where: ___ and copy provided.

Has the 30 day comment period elapsed? Yes ___ No ___)

Cover memo to Tallahassee is included. Yes ___ No ___

Site/Project Mgr. Name _____

Address _____

Email: _____

Phone _____

Prop. Owner rep. Name: _____

Address: _____

Email _____

Phone _____

Prop. Owner Name: Albert R. Hurlbert

Email _____

Phone_____

Contractor Name Aerostar SES LLC - Kathy R. Leggoe, P.G. Sr. Project Manager
and James O. Smith, Jr., P.E.

Address 11181 St. Johns Industrial Parkway North
Jacksonville, Florida 32246

Email_____

Phone 904-565-2820

MAIL:

- District lead sites – mail directly to appropriate program attorney (or, if the site is in enforcement, to the enforcement attorney) in FDEP OGC Tallahassee.
- Contracted local government lead sites – mail directly to the FDEP liaison who will contact the appropriate Tallahassee technical support for review prior to OGC review.

**NO FURTHER ACTION WITH CONDITIONS PROPOSAL
FORMER MOON'S GARAGE
8139 WEST BEAVER STREET
JACKSONVILLE, DUVAL COUNTY, FLORIDA
FDEP FACILITY ID NO. 168507281**

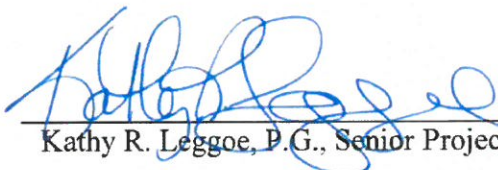
FOR SUBMITTAL TO:

Florida Department of Environmental Protection
Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256-7590

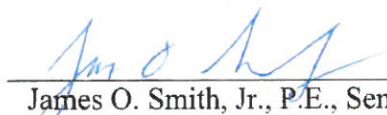
PREPARED BY:

Aerostar SES LLC
11181 St. Johns Industrial Parkway North
Jacksonville, Florida 32246
(904) 565-2820

Aerostar Project No.: 2002/M3001.0093.09


Kathy R. Leggoe, P.G., Senior Project Manager

5/2/14
Date


James O. Smith, Jr., P.E., Senior Engineer

5/2/14
Date

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FIGURES

FIGURE 1	Topographic Site Location Map
FIGURE 2	Site Map
FIGURE 3	Soil Concentration Map - 2008
FIGURE 4	Groundwater Concentration Map – December 29, 2011 and June 29, 2012
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APPENDICES

APPENDIX A	Tables of Data
APPENDIX B	Draft Restrictive Covenant
APPENDIX C	50 Year Chain of Title Report

**NO FURTHER ACTION WITH CONDITIONS PROPOSAL
FORMER MOON'S GARAGE
8139 WEST BEAVER STREET
JACKSONVILLE, DUVAL COUNTY, FLORIDA
FDEP FACILITY ID NO. 168507281**

PROFESSIONAL REVIEW

The No Further Action (NFA) with Conditions Proposal for Former Moon's Garage located at 8139 West Beaver Street, Duval County, Florida, FDEP Facility ID No. 168507281, has been prepared under my direct supervision and reviewed by me, James O. Smith, Jr., P.E. (Florida P.E. No. 45048). The NFA with Conditions Proposal is dated May 2, 2014.

I hereby certify that, in my professional judgment, the components of this NFA with Conditions Proposal satisfy the requirements set forth in Chapter 62-780, Florida Administrative Code.

Signed: James O. Smith, Jr. 5/2/14
James O. Smith, Jr., P.E. Date
Florida P.E. No. 45048

1.0 INTRODUCTION

Aerostar SES LLC (Aerostar) has conducted site assessment and remediation activities at the Former Moon's Garage, 8139 West Beaver Street, Jacksonville, Duval County, Florida, Florida Department of Environmental Protection (FDEP) Facility ID No. 168507281; hereafter referred to as the site. The activities were performed to comply with the requirements established in Chapter 62-780, Florida Administrative Code (FAC). Summary tables of the data collected during the assessment and remediation activities are presented in Appendix A.

Based on the results of previous activities and discussions between Aerostar, the FDEP Northeast District, the responsible party, and the site owner, Aerostar recommends site closure in accordance with Risk Management Options Level II - No Further Action with institutional and engineering controls (Chapter 62-780.680(2), FAC). The proposed engineering controls are presented in Section 2. Section 3 presents a discussion of the proposed inspection and maintenance plan for the engineering controls. The engineering controls have been reviewed and certified by a registered professional engineer and will be enforced by deed restrictions on the subject property as agreed to by the property owner, Mr. Albert R. Hurlbert. A draft copy of the proposed Restrictive Covenant is presented in Appendix B. A 50-year Chain of Title Report is included in Appendix C.

1.1 Site Description

The subject site is located at Latitude 30° 19' 22" and Longitude 81° 47' 05", Jacksonville, Florida. The site is developed with a one-story block and metal building located towards the southern end of the site used as a maintenance yard and workshop for Hurlbert Construction. The site is paved with concrete around the garage bays and is unpaved throughout the remainder of the property. An outdoor concrete work area is located in the central area of the site. The site is bordered by West Beaver Street to the south, commercial lots to the east and west, and Arizona Street to the north. A topographic site map is included as Figure 1. A site map is included as Figure 2.

1.2 Overview of Historical Activities

The site was formerly developed with a towing and automobile repair facility from March 26, 1986 to 2004. According to the FDEP Storage Tank/Contaminated Facility (STCM) database, one 1,000-gallon vehicular diesel aboveground storage tank (AST), one 6,000-gallon vehicular diesel underground storage tank (UST), and two 500-gallon gasoline USTs were formerly located south of the office building, along West Beaver Street. The STCM Database indicates the diesel UST was installed on January 1, 1979; the diesel AST was installed on January 1, 1999; the installation dates of the gasoline USTs are not reported; and the status of the USTs and AST is listed as "removed." According to the FDEP STCM Database for Duval County, the three USTs were removed on November 1, 1997. Tank closure, Site Assessment (SA), Remedial Action (RA), Post Active Remediation Monitoring (PARM), and Natural Attenuation Monitoring (NAM) associated with a petroleum discharge have been performed at the site since 2000.

Two Tank Closure Assessment Reports (TCARs) have been submitted to the FDEP. One was submitted on September 25, 2000, for closure of the diesel UST. The second TCAR was submitted on October 19, 2000, for the closure of the two gasoline USTs. The TCARs reported that the diesel UST was removed and the two gasoline tanks were abandoned in place. Soil laboratory analytical results showed hydrocarbon concentrations in the soil above Soil Cleanup Target Levels (SCTLs) established in Chapter 62-777, FAC. Groundwater laboratory analytical results from the October 19, 2000 TCAR showed dissolved hydrocarbon concentrations above the Groundwater Cleanup Target Levels (GCTLs) established in Chapter 62-777, FAC.

On April 18, 2002, Aerostar supervised the removal of the two 500-gallon USTs that had been previously abandoned in place. Between 2002 and 2006, Aerostar performed SA activities at the site. Soil and groundwater impacts were horizontally and vertically delineated in the southeastern quadrant of the property and within the property boundaries.

In 2005, Aerostar excavated approximately 370 tons of hydrocarbon impacted soil during remediation activities at the site. Soil along the northern edge of the excavation was not

removed due to the location of a building. Laboratory analytical results for confirmatory soil samples collected from the western (CW-3) and southern (S6R-3) walls of the excavation showed no hydrocarbon concentrations above SCTLs established in Chapter 62-777, FAC. Laboratory analytical results for soil samples collected from the northern (N6-3) and eastern (E3-1 and W3R-4) walls of the excavation showed hydrocarbon concentrations above SCTLs. Based on these results, Aerostar applied approximately five gallons of MicroBlaze to the soil not removed. Confirmatory soil samples collected approximately 90 days after the application showed no hydrocarbon concentrations above SCTLs in the vadose zone.

On September 5, 2006, FDEP approved the Site Assessment phase for the site and requested a No Further Action Proposal (NFAP). In December 2006, Aerostar submitted a NFAP and stated that the property owner had agreed to deed restricting this area of the property and recommended No Further Action Level II with institutional and engineering controls for the site. Based on the FDEP review, Aerostar performed additional assessment activities and submitted a Limited Scope Remedial Action Plan (LSRAP) in February 2008. FDEP also stated that additional years of monitoring would be necessary to show the groundwater plume at the site was stable and would not migrate off site.

In March 2008, Aerostar injected Micro-Bac products in the area north of the former USTs and directed the injection under the building. In June and July 2008, laboratory analytical results for confirmatory soil samples CS-1-5, CS-1-10, CS-2-10, CS-3-5, and CS-3-10 showed select hydrocarbon concentrations above the SCTLs. The depth to groundwater was observed between approximately 2.5 and 5.5 feet below land surface (BLS); therefore, all soil samples were collected within the smear/saturated zones. In five of the six soil samples, Total Recoverable Petroleum Hydrocarbons (TRPH) was the only contaminant with a concentration above the SCTL for Residential Direct Exposure, and only one of the soil samples showed a TRPH concentration above the SCTL for Commercial Direct Exposure, all remaining Volatile Organic Aromatics (VOAs) and Polynuclear Aromatic Hydrocarbons (PAHs) concentrations were only above SCTLs for Leachability.

Between 2008 and 2012, Aerostar monitored the groundwater at the site. During the four years of NAM sampling the groundwater plume remained stable and in the immediate vicinity of the building, and groundwater flow was consistent to the northeast. In the Third Annual NAM Report dated August 1, 2012, Aerostar re-stated that the owner was open to deed restricting this area of the property and recommended No Further Action Level II with institutional and engineering controls for the site.

On August 9, 2012, FDEP agreed that the site conditions were appropriate for a NFA with conditions and requested a NFAP; however, in September 2012 this process was halted while the City of Jacksonville (COJ) Environmental Quality Division (EQD) and the Duval County Department of Health (DOH) performed additional groundwater sampling in the surrounding area associated with dissolved hydrocarbons in nearby potable wells. FDEP requested that the NFAP be postponed until this offsite investigation was completed. On March 4, 2014, FDEP again requested the NFAP.

All site activities have been performed in accordance with Chapter 62-780, FAC. All sampling data and summary reports were submitted to FDEP in the following documents:

- UST Closure Assessment Report, dated September 25, 2000
- UST Closure Assessment Report, dated October 17, 2000
- UST Closure/Limited Site Assessment Report, dated May 31, 2002
- Executed Consent Order, dated November 3, 2003
- Site Assessment Report (SAR), dated July 16, 2004
- SAR Addendum (SARA), dated December 1, 2004
- SARA #2, dated April 20, 2005
- SARA #3, dated September 13, 2005
- Source Removal Report, dated February 15, 2006
- Response to Comments, dated November 6, 2006
- No Further Action Proposal, dated December 12, 2006
- Response to Comments, dated May 24, 2007
- Supplemental SAR, dated July 30, 2007
- Level 2 Limited Scope Remedial Action Plan (LSRAP), dated February 1, 2008
- Remedial Action Implementation Report (RAIR), dated August 8, 2008

- Second Quarterly Post Active Remediation Monitoring (PARM) Report, dated November 4, 2008
- Third Quarterly PARM Report, dated January 23, 2009
- Year One Annual PARM Report, dated April 17, 2009
- Year Two, Quarter One, PARM Report, dated August 3, 2009
- Second Annual PARM Report, dated August 11, 2010
- Second Annual Natural Attenuation Monitoring (NAM) Report, dated July 29, 2011
- Third Annual NAM Report, dated August 1, 2012

The following is a status summary for the site:

- There are no remaining soil impacts in the vadose zone (surface to two feet BLS) at the site; however, soil impacts in the saturated zone remain, but are overlain by a building and/or a two-foot cap of clean vadose zone soil. The onsite subsurface geology is relatively homogeneous and consists primarily of fine to very fine sand to silty sand from the ground surface to approximately 20 feet BLS. Tightly compacted, very fine silty sands (hard-pan) begin at approximately eight feet BLS, which inhibits the vertical and lateral movement of contaminants in the groundwater at the site.
- The December 29, 2011 and June 29, 2012, NAM laboratory analytical results showed select dissolved hydrocarbon constituents above GCTLs and/or Natural Attenuation Default Concentrations (NADCs) in the groundwater samples collected from MW-1R and MW-5R. The dissolved hydrocarbon plume has not migrated and extends under the existing building on the site where saturated zone soil impacts remain.
- On December 29, 2011, depth to water (DTW) in the wells at the site continued to be approximately three to five feet lower than historic levels and at similar depths as observed in June and July of 2011. On June 29, 2012, DTW in the wells at the site had returned to depths historically observed at the site prior to 2011. These conditions were a result increased rainfall in June 2012. Prior to this date, Florida was in a two year drought according to the Florida Division of Emergency Management and the National Oceanic and Atmospheric Administration (NOAA). Therefore, the DTW levels were only back to historic levels shortly before the groundwater sampling event. The general groundwater flow direction at the site was estimated to be towards the northeast, consistent with historical groundwater flow direction observed at the site since 2003.
- All hydrocarbon-impacted soil is below the water table, capped by at least two feet of clean overburden, and/or is overlain by a building. Groundwater flow at the site has consistently been to the northeast. The dissolved hydrocarbon plume has remained within the boundaries of the site since 2002 and was reduced to the immediate area of the building in 2009. No free product has been detected at the site. Therefore, there appears to be a very low risk of direct exposure at the site. The consistency of groundwater flow direction and

stability of the dissolved hydrocarbon plume, combined with the tightly compacted soils at the site, have shown that the plume has not migrated.

2.0 DISCUSSION OF ENGINEERING CONTROLS

The engineering controls are proposed to limit or prevent access and exposure to soil that exceeds direct exposure SCTLs. The engineering control that prevents human exposure to soil that exceeds the FDEP SCTLs for direct exposure is the building foundation and/or two feet of clean vadose zone soil. A certification by a Florida Professional Engineer (P.E.) is presented in Appendix B that states that this engineering control is consistent with commonly accepted engineering practices and is appropriately designed and constructed for its intended purpose.

3.0 INSPECTION AND MAINTENANCE PLAN

Mr. Hurlbert has made a commitment to establish specific use restrictions via institutional controls to limit the impacted portions of the property to future use as the building. In the event that site use changes, Mr. Hurlbert acknowledges that additional investigation, revisions to the institutional controls, or remediation may be necessary.

The engineering control of the site will be inspected every two years by a P.E. who is familiar with the environmental conditions and the purpose of the engineering controls. The purpose of the inspection will be to verify that the engineering controls are intact, functional, and continue to serve their intended purpose. The proposed engineering control of the concrete slab building shall be deemed to have failed if a crack greater than 1/8-inch occurs in the foundation. The proposed engineering control of the two-foot cap of clean soil shall be deemed to have failed if an area of greater than one square foot has been removed by any means so that the underlying soil is exposed. The P.E. will prepare a letter report for Mr. Hurlbert which presents an engineering opinion of the condition of the engineering controls, along with any recommendations for required maintenance. The P.E. report will be maintained by the site owner along with a record of any actions taken to address the recommendations of the P.E.

The engineering control will be maintained throughout the life of the Restrictive Covenant in order to prevent human exposure to contaminated soils. If the concrete is damaged by accident

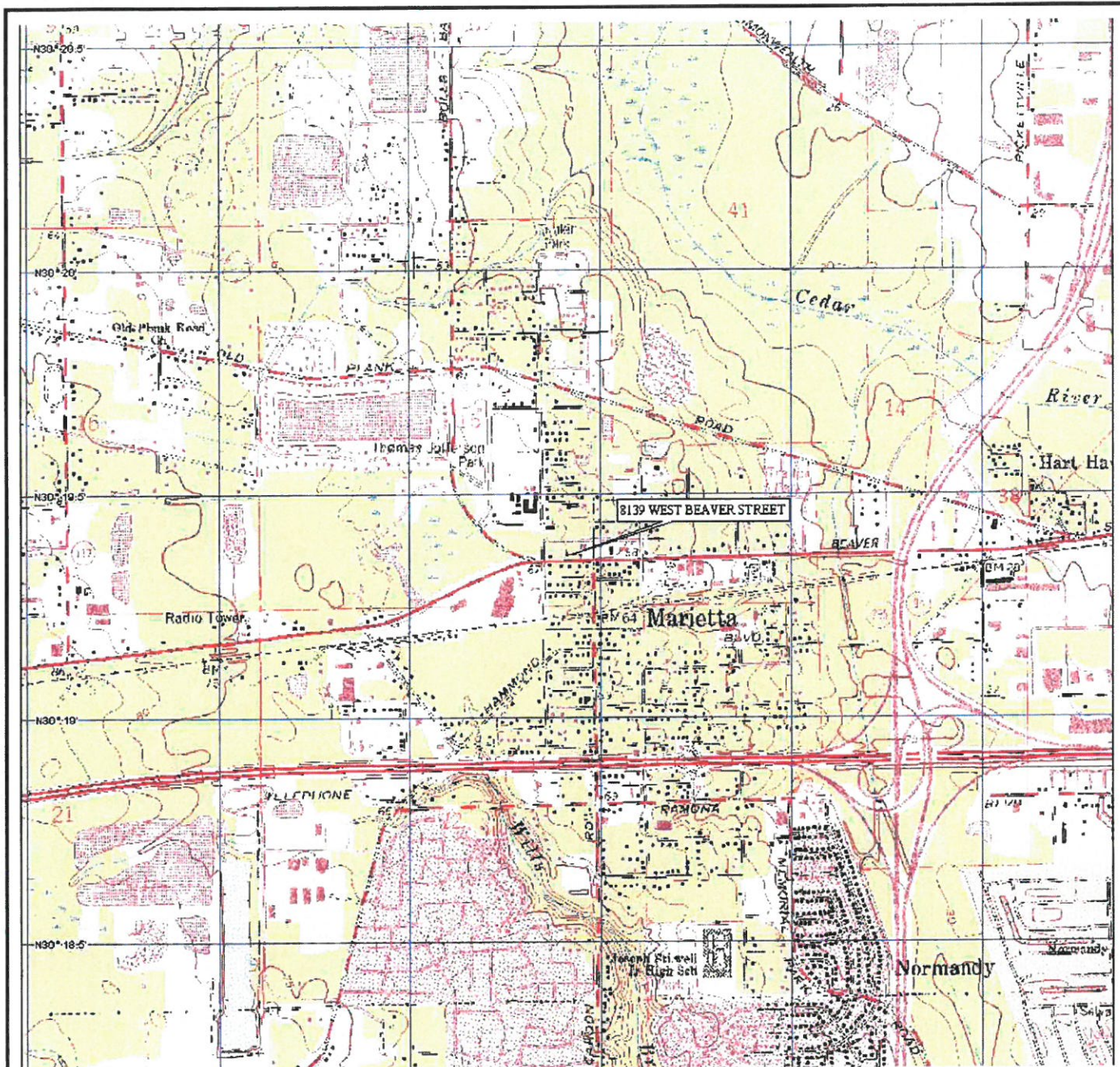
or construction activities, it will be promptly repaired to match current conditions. Although the site owner is not required to report a failure of the engineering control, the engineering control will be repaired immediately.

4.0 RECOMMENDATIONS

Based on the results of previous activities and as per discussions between Aerostar, FDEP Northeast District, the responsible party, and the site owner, Aerostar proposes site closure in accordance with Risk Management Options Level II - No Further Action with institutional and engineering controls. This recommendation is based on the existing engineering controls at the site and the proposed institutional controls presented in the draft Restrictive Covenant.

Aerostar requests that FDEP issue a Notice of Intent to approve the site closure using institutional and engineering controls so that Mr. Hurlbert can issue the required notices.

FIGURES



MARIETTA, FL QUADRANGLE
DATED 1992

7.5 MINUTE SERIES
(TOPOGRAPHIC)

NATIONAL GEODETIC VERTICAL
DATUM OF 1929



SCALE:
1:24,000

QUADRANGLE LOCATION

FIGURE 1. TOPOGRAPHIC SITE LOCATION MAP



FORMER MOON'S GARAGE
8139 WEST BEAVER STREET
JACKSONVILLE, DUVAL COUNTY, FL
FACILITY ID No. 168507281

DRAWN BY: KRL

REFERENCE: MAP OF
MARIETTA, FLORIDA,
PREPARED BY: U. S.
GEOLOGICAL SURVEY

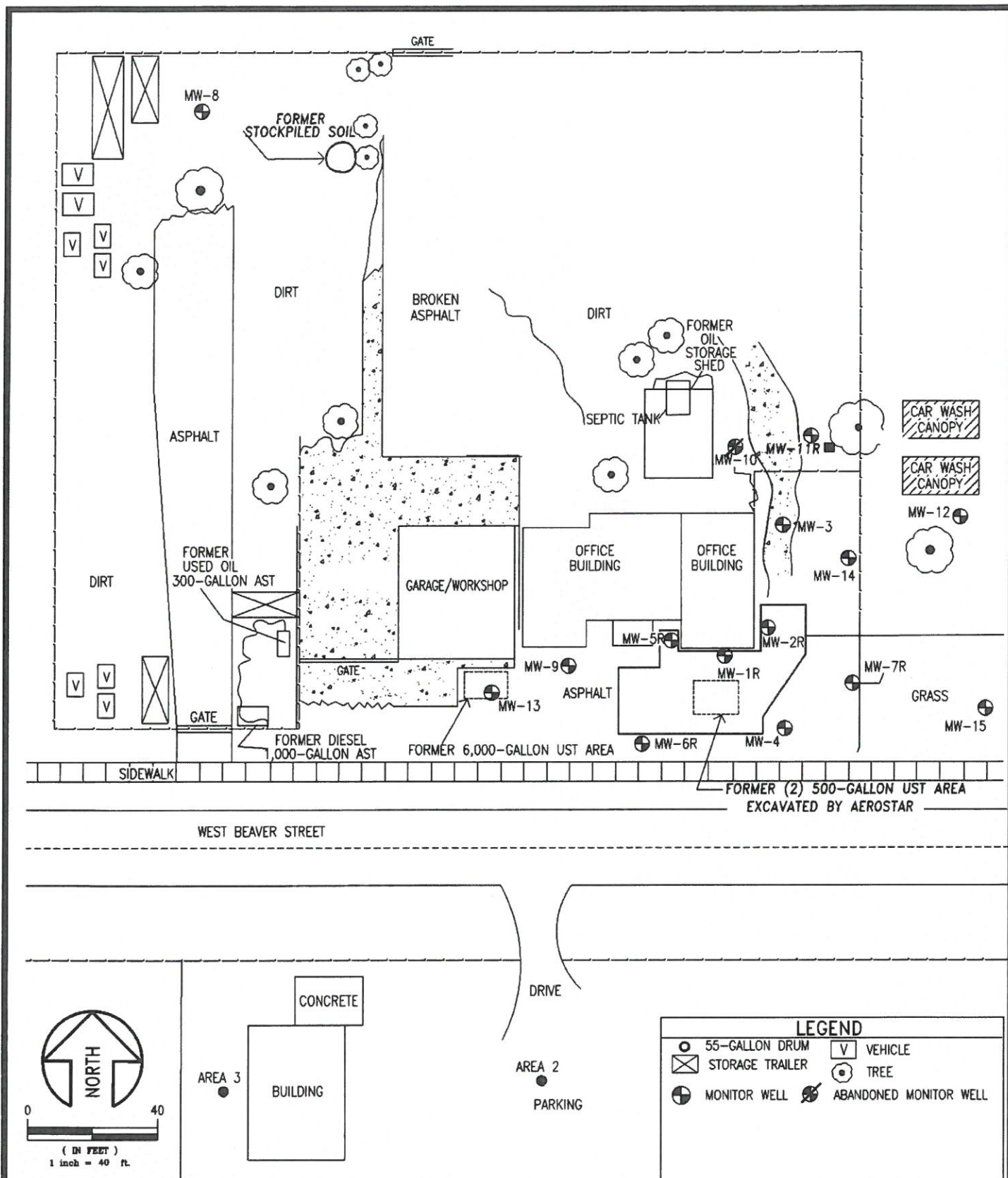


FIGURE 2 - SITE MAP

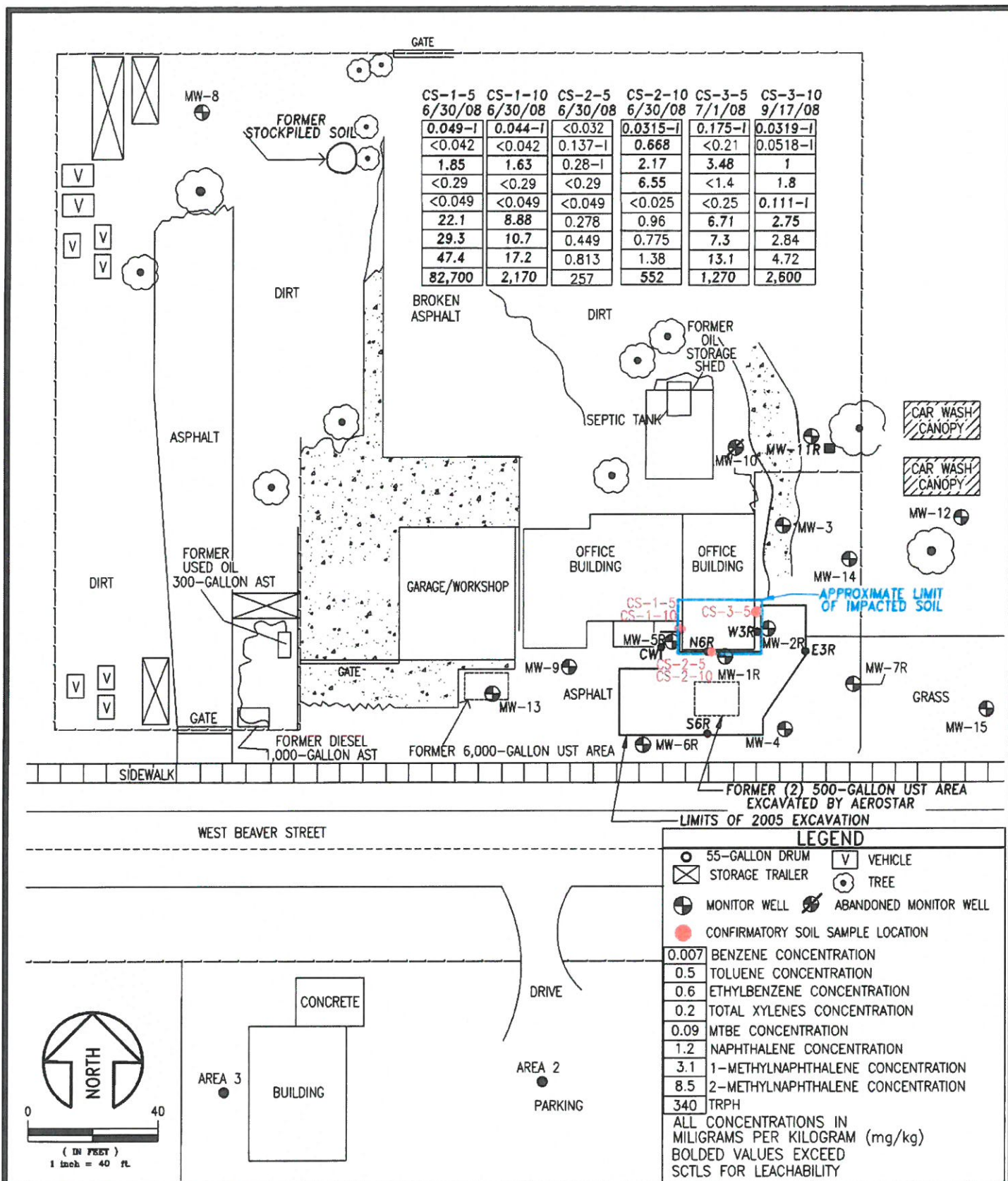


FIGURE 3 - SOIL CONCENTRATION MAP - 2008

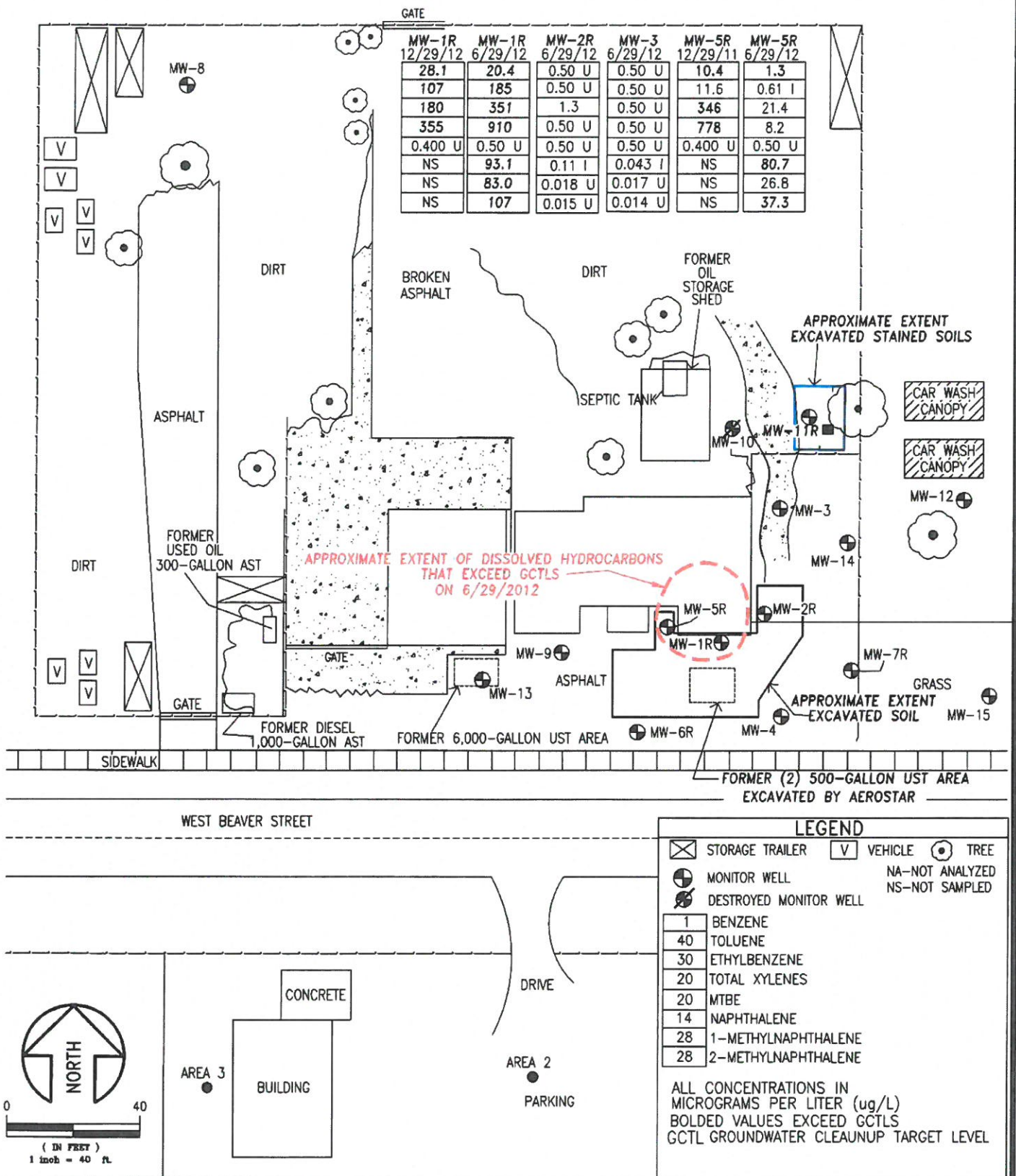


FIGURE 4 - GROUNDWATER CONCENTRATION MAP - DECEMBER 29, 2011 & JUNE 29, 2012



FORMER MOON'S GARAGE
 8139 WEST BEAVER STREET
 JACKSONVILLE, DUVAL COUNTY, FLORIDA
 FACILITY ID No. 168507281

0102-093-09

UPDATED: 7/25/12

DRAWN BY: KL

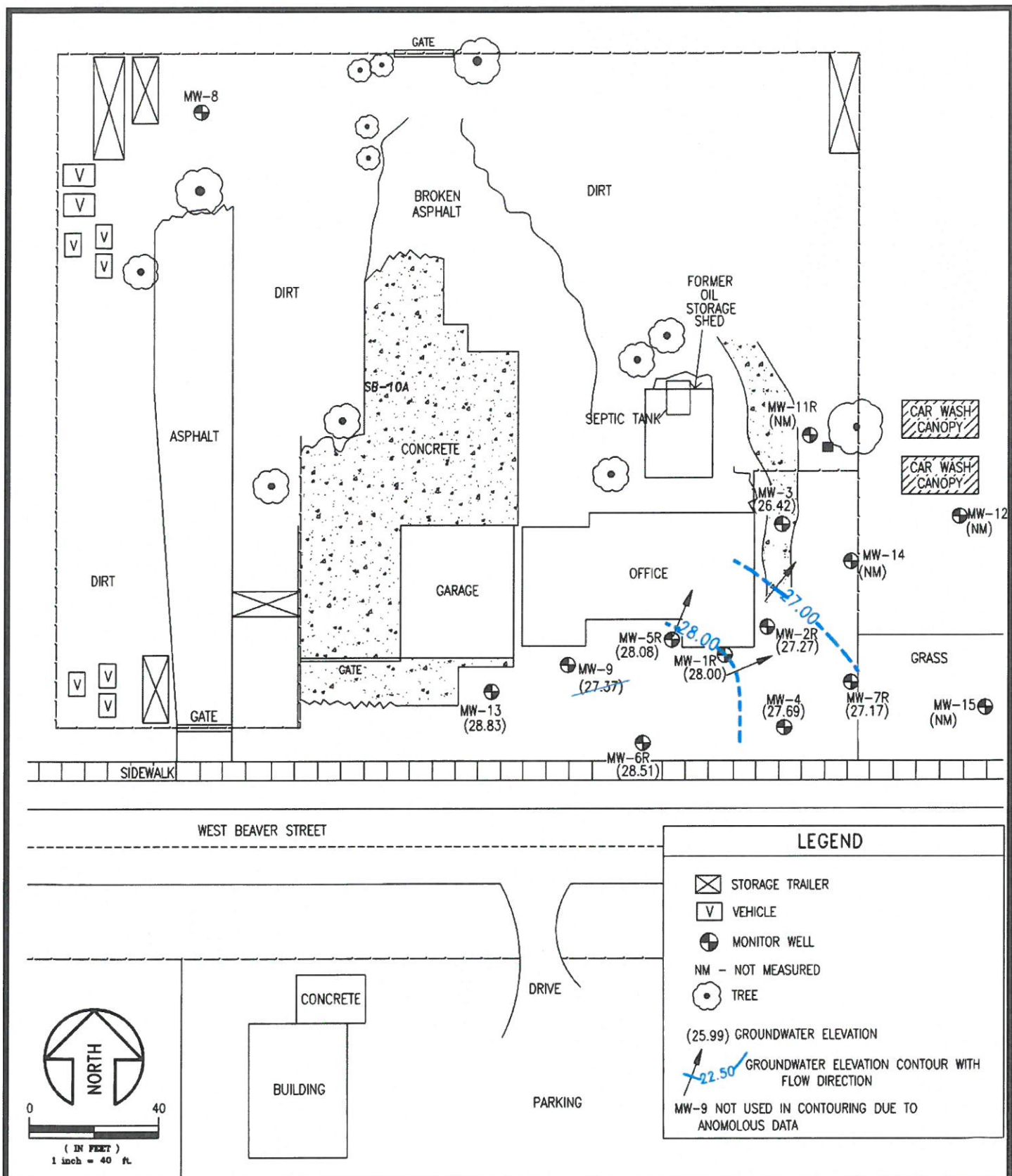


FIGURE 5 – GROUNDWATER FLOW MAP – JUNE 29, 2012



FORMER MOON'S GARAGE
8139 WEST BEAVER STREET
JACKSONVILLE, DUVAL COUNTY, FLORIDA
FACILITY ID No. 168507281

JOB #: 0102-093-08
UPDATED: 7/25/12
DRAWN BY: KL