

# APPENDIX F

**FIRST AMENDMENT TO THE  
NOTICE OF INSTITUTIONAL CONTROLS, PROVISIONS OF ACCESS AND  
OBLIGATIONS REGARDING SUCCESSORS-IN-INTEREST**

This First Amendment to the Notice of Institutional Controls, Provisions of Access and Obligations regarding Successors-in-Interest (“First Amendment”) is made this \_\_\_\_ day of \_\_\_\_\_, 201\_ by Renaissance Land Associates, L.P. (“RLA”); Renaissance Land Associates II, L.P. (“RLA II”); and Renaissance Land Associates III, L.P. (“RLA III”) (RLA, RLA II, and RLA III are collectively referred to as “Owner”), having an address of 201 King of Prussia Road, Suite 501, Radnor, PA 19087.

1. Recitals

WHEREAS, RLA is the former owner of a parcel of land located at 2701 Renaissance Boulevard, Upper Merion Township, Montgomery County, Pennsylvania (“2701 Renaissance”), RLA II is the current owner of a parcel of land located at 2901 Renaissance Boulevard, Upper Merion Township, Montgomery County, Pennsylvania (“2901 Renaissance”), and RLA III is the current owner of a parcel of land located at 2501 Renaissance Boulevard, Upper Merion Township, Montgomery County, Pennsylvania (“2501 Renaissance”);

WHEREAS, Owner recorded the Notice of Institutional Controls, Provision of Access and Obligations regarding Successors-in-Interest on September 22, 2008 (the “Notice”) applicable to 2701 Renaissance, 2901 Renaissance, and 2501 Renaissance, all of which are located within the boundaries of the Crater Resources Superfund Site (the “Site”);

WHEREAS, RLA sold 2701 Renaissance in January 2017;

WHEREAS, RLA will be dissolved in the near future and desires to be removed as a party to the Notice;

WHEREAS, RLA II and RLA III desire to remain as parties to the Notice;

WHEREAS, the purpose of this First Amendment is to remove RLA as a party to the Notice and leave RLA II and RLA III as the remaining parties to the Notice;

NOW, THEREFORE, intending to be legally bound, the Owner files this Amendment to modify certain provisions of the Notice.

2. Removal of RLA – RLA is hereby removed as a party to the Notice.

3. Notice to Parties – The address information for Owner is changed to:

RENAISSANCE LAND ASSOCIATES II, L.P. and  
RENAISSANCE LAND ASSOCIATES III, L.P.  
201 King of Prussia Road, Suite 501, Radnor, PA 19087

IN WITNESS WHEREOF, the Owner herein has executed the foregoing First Amendment to Notice of Institutional Controls, Provisions of Access and Obligations regarding Successors-in-Interest this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

RENAISSANCE LAND ASSOCIATES, L.P.  
A Pennsylvania limited Partnership

By: Renaissance Land Associates Acquisition Corporation, a  
Pennsylvania corporation, its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

and

RENAISSANCE LAND ASSOCIATES II, L.P.  
A Pennsylvania limited Partnership

By: Renaissance Land Associates Acquisition II Corporation, a  
Pennsylvania corporation, its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

and

RENAISSANCE LAND ASSOCIATES III, L.P.  
A Pennsylvania limited Partnership

By: Renaissance Land Associates Acquisition III Corporation, a  
Pennsylvania corporation, its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

NOTARY SEAL

Exhibit A

Legal Descriptions of the Property

Exhibit B

Restricted Area

**SECOND AMENDMENT TO THE  
NOTICE OF INSTITUTIONAL CONTROLS, PROVISIONS OF ACCESS AND  
OBLIGATIONS REGARDING SUCCESSORS-IN-INTEREST**

This Second Amendment to the Notice of Institutional Controls, Provisions of Access and Obligations regarding Successors-in-Interest (“Second Amendment”) is made this \_\_\_\_ day of \_\_\_\_\_, 201\_\_ by Renaissance Land Associates II, L.P. (“RLA II”) and Renaissance Land Associates III, L.P. (“RLA III”) (RLA II and RLA III are collectively referred to as “Owner”), having an address of 201 King of Prussia Road, Suite 501, Radnor, PA 19087.

1. Recitals

WHEREAS, RLA II is the current owner of a parcel of land located at 2901 Renaissance Boulevard, Upper Merion Township, Montgomery County, Pennsylvania (“2901 Renaissance”), and RLA III is the current owner of a parcel of land located at 2501 Renaissance Boulevard, Upper Merion Township, Montgomery County, Pennsylvania (“2501 Renaissance”) (2901 Renaissance and 2501 Renaissance are collectively referred to herein as the “RLA II and RLA III Property,” the legal descriptions of which are included in Exhibit A to this Second Amendment);

WHEREAS, Renaissance Land Associates, L.P. (“RLA”), is the former owner of a parcel of land located at 2701 Renaissance Boulevard, Upper Merion Township, Montgomery County Pennsylvania (“2701 Renaissance”);

WHEREAS, RLA and Owner recorded the Notice of Institutional Controls, Provision of Access and Obligations regarding Successors-in-Interest on September 22, 2008 (the “Notice”) applicable to 2701 Renaissance and the RLA II and RLA III Property, both of which are located within the boundaries of the Crater Resources Superfund Site (the “Site”);

WHEREAS, in \_\_\_\_ 201\_\_, RLA and Owner recorded the First Amendment to the Notice of Institutional Controls, Provisions of Access and Obligations regarding Successors-in-Interest to remove RLA as a party to the Notice and to leave RLA II and RLA III as the remaining parties to the Notice;

WHEREAS, the Notice prohibits the RLA II and RLA III Property and 2701 Renaissance from being used for residential purposes;

WHEREAS, on July 27, 2017, the United States Environmental Protection Agency modified the Record of Decision for the Site dated September 2000 through the issuance of an Explanation of Significant Differences (“ESD”);

WHEREAS, the ESD specifically applies to the RLA II and RLA III Property, and, inter alia, permits the removal of the deed restriction prohibiting residential use of the RLA II and RLA III Property, provided that, inter alia, Owner (or a subsequent owner) implements an institutional control requiring the performance of a vapor intrusion assessment and/or mitigation prior to occupancy of any building constructed over or within 100 feet of the groundwater contamination at the RLA II and RLA III Property;

WHEREAS, the purpose of this Second Amendment is to remove the restriction on residential use at the RLA II and RLA III Property as authorized by the ESD, and to implement the requirement in the ESD to establish an institutional control for the performance of a vapor intrusion assessment and/or mitigation at the RLA II and RLA III Property.

NOW, THEREFORE, intending to be legally bound and to comply with the terms of the ESD, the Owner files this Second Amendment to modify certain provisions of the Notice with respect to the RLA II and RLA III Property.

2. Removal of Residential Use Restriction – The restriction on residential use contained in Paragraph 2.2(a)(ii) of the Notice is hereby deleted in its entirety with respect to the RLA II and RLA III Property.

3. Vapor Intrusion Assessment and Mitigation – Prior to occupancy of any building constructed above or within 100 feet of the groundwater plume under the RLA II and RLA III Property, the Owner or subsequent owner of the RLA II and RLA III Property shall either:

- a. Perform a vapor intrusion assessment for any occupied structures constructed at the RLA II and RLA III Property in accordance with applicable regulatory guidance or as otherwise approved by the United States Environmental Protection Agency (“EPA”), and if the vapor intrusion assessment indicates that the actual or potential migration of Site-related compounds from contaminated groundwater to indoor air within such occupied structures could result in an increased lifetime carcinogenic risk of greater than or equal to  $10^{-4}$  and/or a cumulative excess non-carcinogenic hazard index of greater than 1, then the Owner or subsequent owner shall implement vapor mitigation in accordance with applicable regulatory guidance or as otherwise approved by EPA; or
- b. Implement vapor mitigation in any occupied structures constructed at the RLA II and RLA III Property (with or without first performing a vapor intrusion assessment) in accordance with applicable regulatory guidance or as otherwise approved by EPA.

4. Notice Requirements – Paragraph 7 is replaced in its entirety with the following provisions. The then-owner of 2501 Renaissance, 2701 Renaissance or 2901 Renaissance is required to include in any instrument conveying any interest in any portion of the above-

reference properties including, but not limited to, deeds, leases, and mortgages, a disclosure which is substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A NOTICE OF USE RESTRICTIONS AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN, DATED SEPTEMBER 22, 2008, AS AMENDED BY THE FIRST AMENDMENT DATED \_\_\_\_\_. THE NOTICE OF USE RESTRICTIONS WAS RECORDED ON SEPTEMBER 22, 2008 AND THE FIRST AMENDMENT WAS RECORDED ON \_\_\_\_\_ IN THE LAND RECORDS IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR MONTGOMERY COUNTY, PENNSYLVANIA IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_. IN ADDITION, THE INTEREST CONVEYED HEREBY IS SUBJECT TO THE UNILATERAL ADMINISTRATIVE ORDER FOR THE REMEDIAL DESIGN AND REMEDIAL ACTION ISSUED BY THE EPA ON APRIL 30, 2001 AT DOCKET NO. 3-2001-0009 AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN AND THE CONSENT DECREE IN THE MATTER OF THE UNITED STATES OF AMERICA V. RENAISSANCE LAND ASSOCIATES II, L.P. AND RENAISSANCE LAND ASSOCIATES III, L.P., CIVIL ACTION NO. \_\_\_\_\_ AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN. THE UNILATERAL ADMINISTRATIVE ORDER FOR THE REMEDIAL DESIGN AND REMEDIAL ACTION AND THE CONSENT DECREE ARE ENFORCEABLE BY THE UNITED STATES OF AMERICA

Within thirty (30) days of the date any such instrument of conveyance is executed, Owner shall provide EPA with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

IN WITNESS WHEREOF, the Owner herein has executed the foregoing Second Amendment to the Notice of Institutional Controls, Provisions of Access and Obligations regarding Successors-in-Interest this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

RENAISSANCE LAND ASSOCIATES II, L.P.  
A Pennsylvania limited Partnership

By: Renaissance Land Associates Acquisition II Corporation, a  
Pennsylvania corporation, its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

and

RENAISSANCE LAND ASSOCIATES III, L.P.  
A Pennsylvania limited Partnership

By: Renaissance Land Associates Acquisition III Corporation, a  
Pennsylvania corporation, its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Notary Seal

Exhibit A

Legal Descriptions of the Property

