

ENVIRONMENTAL COVENANT

HOLDER: Todd Seafoods, Inc.

PROPERTY ADDRESS: Rear Academy Street, Cambridge, Dorchester County, Maryland 21613

This Environmental Covenant is executed pursuant to the provisions of Subtitle 8, Title 1 of the Environmental Article, Ann. Code of Md. (2007 Repl. Vol.). This Environmental Covenant subjects the Property identified in Paragraph 1 to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Maryland Department of the Environment (Department).

1. **Property Affected.** The property affected (Property) by this Environmental Covenant is located in the City of Cambridge, Dorchester County, Maryland.

The postal street address of the Property is: Rear Academy Street, Cambridge, Maryland 21613. The County Land Records Deed Reference is: 400 Cherry Street, Cambridge, Maryland 21613, Liber PLC 128, Folio 239.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: 38° 34' 08" N. Latitude, 76° 04' 28" W. Longitude.

The Property has been known by the following names:

A complete metes and bounds description of the Property is attached to this Environmental Covenant as Exhibit A.

2. **Property Owner/Holder.** Todd Seafoods, Inc. is the owner of the Property. The mailing address of the Owner is: 3 Hatsawap Road, Cambridge, Maryland 21613-1005.

3. **Holder/Grantee.** Same as Owner/Grantor. Todd Seafoods, Inc.

4. **Regulatory Program(s) Issuing Departmental Determination.** The following regulatory program(s) within the Department is responsible for having issued a determination requiring the use of this Environmental Covenant:

- Voluntary Cleanup Program
- Controlled Hazardous Substance Enforcement Division
- Oil Control Program
- Solid Waste Program
- Hazardous Waste Program
- Other Program within the Department: \_\_\_\_\_

IMP FD SURE \$	20.00
RECORDING FEE	20.00
TOTAL	40.00
Reg# DC02	Rcpt # 8726
DP KC	Blk # 559
Oct 20, 2009	01:07 PM

5. **Activity & Use Limitations.** The Property is subject to the following activity and use limitations, which the Owner and each subsequent owner of the Property shall abide by:

- a. Groundwater beneath the property shall not be used for any purpose.
- b. Prior to any excavation work on the property, three (3) days advance notice must be provided to the Maryland Department of the Environment, Chief of the CHS Enforcement Division.
- c. Prior to any building construction on the property, a minimum of 30 days prior notice must be provided by the property owner to the Maryland Department of the Environment, Chief of the CHS Enforcement Division.
- d. Any excavation work on the property must be conducted in accordance with a health and safety plan that complies with Occupational Safety and Health Act requirements.
- e. Any soil or groundwater excavated, pumped or otherwise removed from the property must be tested, properly characterized, and disposed of in an appropriate manner.
- f. The Bulkhead on Cambridge Creek shall be maintained in good order.

6. **Notice of Limitations in Future Conveyances.** Each instrument hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Access by the Department.** In addition to any rights already possessed by the Department, this Environmental Covenant grants to the Department a right of access of the Property to implement or enforce this Environmental Covenant.

8. **Recordation & Filing with Registry.** The Owners shall file a Notice of Environmental Covenant in the Land Records of Dorchester County following the execution of the covenant and send proof of the recording to the Department within 30 days of recordation. This Environmental Covenant shall be filed as soon as possible after execution in the Registry of environmental covenants maintained by the Department.

9. **Termination or Modification.** This environmental covenant may only be terminated or modified in accordance with Section 1-809 of the Environmental Article, Ann. Code of Md. (2007 Repl. Vol.).

10. **Department's Address.** Communications with the Department regarding this Environmental Covenant shall be sent to: Registry of Environmental Covenants, Maryland Department of the Environment, Waste Management Administration, Land Restoration Program, 1800 Washington Blvd., Baltimore, MD 21230.

ACKNOWLEDGMENTS by Owner(s) and any Holder(s), in the following form:

Todd Seafoods, Inc.

Date: 9-10-09

By: Michael Todd  
Name: Michael Todd  
Title: President

APPROVED, by Maryland Department of the Environment

Date: 9/18/09

By: Horacio Tablada  
Name: Horacio Tablada  
Title: Director, LMA

STATE OF MARYLAND

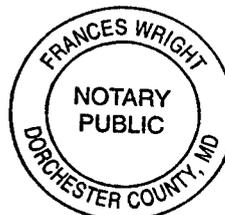
COUNTY OF Dorchester SS:

I HEREBY CERTIFY that on this 10<sup>th</sup> day of September, 2009, before me, the undersigned Notary Public of the aforesaid jurisdiction, personally appeared Michael Todd, who acknowledged himself to be the President of Todd Seafood, Inc., a Maryland corporation (the "Corporation"), known to me (or satisfactorily proven) to be the person whose name is subscribed to this Environmental Covenant, and acknowledged that he executed the same on behalf of the Corporation for the purposes therein contained as the duly authorized officer of the Corporation by signing the name of the Corporation by himself as President.

In witness whereof, I hereunto set my hand and official seal.

Frances Wright  
Notary Public

My Commission Expires: 6-21-13



FRANCES WRIGHT  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires 06/21/2013

This instrument has been prepared under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

  
Michael F. LeMire, Attorney

EXHIBIT A

All those lots or parcels of land, together with the buildings and improvements thereon, situate, lying and being on the westward side of Cambridge Harbor or Creek within the corporate limits of the City of Cambridge, and which are more particularly described as follows:

LOT NO. 1: All that lot or parcel of land situated in the City of Cambridge, in Cambridge Election District of Dorchester County, Maryland, together with the buildings and improvements thereon, beginning at the northward corner where the lands of Martha J. Cox intersect with said Cherry Street, and thence running westward toward Academy Street to the lands known as the William James Lands and property a distance of 121 feet 6 inches, more or less; and from thence runs northward toward the lands of The Cambridge Female Seminary a distance of 50 feet 6 inches, more or less, to a post there planted; and from thence runs eastward toward Cherry Street a distance of 116 feet, more or less, to said Cherry Street and a post there planted; and from thence runs and binds with said Cherry Street a distance of 43 feet, more or less, to the place of beginning.

The land above described as Lot No. 1 being the same land conveyed unto Ivy R. Todd, Jr. and Jennings W. Todd, co-partners trading as Todd & Company by deed from Daniel O. Seward, widower, dated April 9, 1949, and recorded among the Land Record Books of Dorchester County, Maryland, in Liber R.S.M. No. 69, folio 114.

LOT NO. 2: All that lot or parcel of land, together with the buildings and improvements thereon, situated, lying and being in the City of Cambridge, in the 7<sup>th</sup> or Cambridge Election District of Dorchester County, State of Maryland, binding on the westward side of Cambridge Creek, and which according to a survey of the same made by Lawrence F. Simmons, County Surveyor of Dorchester County, in the month of January, 1936, is therein described as:

“BEGINNING, for the outlines of the same at the westward end of the division line between the property hereby conveyed, and what is locally known as The Cambridge Seminary property, now owned by the Phillips Packing Company, the said beginning point being at a stone at the northeast corner of the Robert Thomas property, the said division line between the hereby conveyed property and the said Cambridge Seminary property having been heretofore fixed by a deed between Samuel J. Venable and Amelia Venable, his wife, Granville M. Hales and Betty Hales, his wife, and the Cambridge Female Seminary, a body corporate, dated April 18, 1914, and recorded among the Land Records of said county, in Liber W.L.R. No. 7, folio 453, and from the said beginning, and with the said division line runs, (1) north 87 degrees, 12 minutes east 112 feet to the center of a piece of granite planted on the said line of division and where said line would be intersected by the westward side of Cherry Street, if Cherry Street were extended eastward to the said division line, thence, (2) in the same course or, north 87 degrees, 12 minutes east 142 feet 4 inches, more or less, to the waters of Cambridge Creek, and the creek side of the bulkhead, (3) thence, binding upon the waters of Cambridge Creek, south 3 degrees west 71 feet 8-1/2 inches to the angle in the bulkhead; thence, (4) west 115 feet 4 inches to the eastward side of Cherry Street and the present end of the said street; thence, running across the northeastward end of Cherry Street, (5) north 82 degrees 50 minutes west 30 feet, thence (6) with the westward side of Cherry Street, south 7 degrees, 10 minutes west 4 feet 8 inches, thence (7) with the

property of Daniel O. Seward, or formerly owned by him, north 75 degrees 50 minutes west, 115 feet 8 inches to the said Robert Thomas property, or formerly owned by him, thence (8) with the said property, north 11 degrees east 33 feet 4 inches to the place of beginning. A plat of the said survey being filed among the Plat Records of Dorchester County, Maryland.

THE land above described as Lot No. 2 being the same land conveyed unto Ivy R. Todd, Jr. and Jennings W. Todd, co-partners trading as Todd & Company by deed from Edward A. Robbins, Emerson B. Slocum and Lucille M. Pink, co-partners trading as "Robbins Packing Company", et al., dated May 12<sup>th</sup>, 1949, and recorded among the aforesaid Land Records in Liber R.S.M. No. 69, folio 230.

LOT NO. 3: All that lot or parcel of unimproved land situate, lying and located directly on the Westward side of the Cambridge Harbor or Creek within the corporate limits of the City of Cambridge, Dorchester County, State of Maryland, which according to a Certificate of Survey made the 18<sup>th</sup> day of April, 1955 by Lawrence F. Simmons, County Surveyor for Dorchester County, was more particularly described as follows:

"Bounded on the Eastward by the waters of the Cambridge Harbor or Creek; on the Southward by land owned by Ivy R. Todd, Jr. and Jennings W. Todd, as Co-partners trading as Todd & Company, and on the Westward and Northward by land of the old Seminary school property retained and owned by The Phillips Hardware Company.

Beginning for the outbounds of the same in Cambridge, Dorchester County, State of Maryland, at a point in and along the Southward property line of the former "Cambridge Seminary School Property" owned by the Phillips Hardware Company, distant one inch measured Southward from the Southward side of a marked iron fence post at the Southwest corner of this parcel or lot of land, and distant 147.42 feet measured in a North 87 degree 12 minutes East direction with the Southward side of the said fence and Northward side of land owned and occupied by Ivy R. Todd, Jr. and Jennings W. Todd, Co-partners trading as Todd & Company, from an old granite stone boulder marking the place of beginning of the said Todd land, as described, granted and conveyed unto them by deed from Edward A. Robbins, et al., dated the 12<sup>th</sup> day of May, 1949, and recorded among the Land Record Books of Dorchester County, State of Maryland, in Liber R.S.M. Number 69 at Folio 230, and more particularly and specially located as lying distant 147.42 feet measured in a North 87 degree 12 minute East direction along and with a part of the Southward side of land retained and owned by The Phillips Hardware Company, known as 'Cambridge Seminary School Property' as the said Southward side and property line was established by deed To and From Samuel J. Venable, Amelia Venable, his Wife, Granville H. Hales and Betty Hales, his Wife, and the Cambridge Female Seminary, a body corporate, dated the 18<sup>th</sup> day of April, 1914, and recorded among the Land Record Books of Dorchester County, State of Maryland, in Liber W.L.R. Number 7 at Folio 453, and from the said beginning running thence (all courses are referred to the True Meridian precisely) with the Southward side of the said fence following the line of a part of the first course and Northward side of the said Todd land, and also following the line of a part of the Southward side of The Phillips Hardware Company land established by deed as of aforesaid, binding therewith (1). North 87 degrees 12 minutes East, a distance of 105.0 feet to the waters of the Cambridge Harbor or Creek; thence running and binding therewith (2). North 3 degrees 00

minutes East, a distance of 35.0 feet, and running from thence binding with land retained and owned by The Phillips Hardware Company, two courses (3). South 87 degrees 12 minutes West, a distance of 101.0 feet to a point and concrete boulder distant 40 feet measured Eastward from the rear of Eastward side of all that 'hard surface parking area', the same being a part of the premises designated Street Number 104 Academy Street, as described in a lease by and between The Great Atlantic and Pacific Tea Company and The Phillips Hardware Company dated the 23<sup>rd</sup> day of November, 1949, and recorded among the Land Record Books of Dorchester County, State of Maryland, in Liber R.S.M. Number 71 at Folio 459 (4). South 9 degrees 25 minutes West, parallel with and 40 feet Eastward of the rear or Eastward side of the said hard surface parking area should the said side be extended in a straight line Southward, a distance of 35.6 feet to the place of beginning, containing 3635.9 square feet of land."

THE land above described as Lot No. 3 being the same land conveyed unto the said Ivy R. Todd, Jr. and Jennings W. Todd, co-partners trading as Todd Company by deed from The Phillips Hardware Company dated April 20, 1955, and recorded among the aforesaid Land Records in Liber R.S.M. No. 93, folio 331.

LOT NO. 4: All that lot or parcel of land situate, lying and being on the westward side of the Cambridge Harbor or Creek within the corporate limits of the City of Cambridge, which according to a Certificate of Survey dated September 27, 1961, by J. R. McCrone, Jr., Inc., Registered Civil Engineers and Land Surveyors, is more particularly described as follows:

"Beginning for the same at a Granite Monument, said Monument being the beginning point of the description in a deed from Edward A. Robbins, et al, to Ivy R. Todd, Jr. and Jennings W. Todd, dated May 12, 1949, and recorded in the Land Record Books of Dorchester County, Maryland, under Liber No. R.S.M. 69, folio 230, and running from thence, by and with a new division line between the herein described land and other land of Phillips Hardware Co. the following five courses and distances: (1) North 02 degrees 47 minutes West 1.00 feet; thence by and with the south and southeast face of a concrete retaining wall the following two courses and distances: (2) North 87 degrees 20 minutes East 111.70 feet; thence (3) North 32 degrees 50 minutes East 39.10 feet; thence (4) North 17 degrees 46 minutes East 68.81 feet to a Concrete Monument; thence (5) North 04 degrees 00 minutes 30 seconds West 44.00 feet; thence (6) South 86 degrees 37 minutes East 98.09 feet to the east side of a wooden bulkhead and the waters of Cambridge Harbor; thence (7) by and with the waters of said Harbor generally South 03 degrees 30 minutes East 96.78 feet to the land of Ivy R. Todd, Jr. and Jennings W. Todd; thence by and with the said Todd Land the following three courses and distances: (8) South 87 degrees 37 minutes West 101.00 feet to a Concrete Monument; thence (9) South 10 degrees 14 minutes West 35.60 feet; thence (10) South 87 degrees 20 minutes West 147.42 feet to the place of Beginning, containing 11,715.19 Square Feet of Land, more or less;"

THE land above described as Lot No. 4 being the same land conveyed unto the said Ivy R. Todd, Jr. and Jennings Todd, co-partners trading as Todd Company by deed from The Phillips Hardware Company dated October 26, 1961, and recorded among the aforesaid Land Records in Liber P.L.C. No. 125, folio 556.

Lot No. 1, Lot No. 2, Lot No. 3 and Lot No. 4, as described above, being all the same land

described in a deed dated June 12, 1962, from Ivy R. Todd, Jr. and Jennings W. Todd, co-partners trading as Todd Company, to Todd Seafoods, Inc., and recorded among the Land Records of Dorchester County, Maryland in Liber P.L.C. No. 128, folio 239.

The above referenced property descriptions are subject to the modifications thereof contained in that certain Indenture dated March 21, 1968, by and between Webster P. Henry and Mary Evelyn Henry, his wife; John Robert Brooks and Mary Catherine Brooks, his wife; and The Commissioners of Cambridge, a municipal corporation, Parties of the First Part; Todd Seafoods, Inc., a corporation of the State of Maryland; Benson G. Insley and Valorie Insley, his wife, and Burton Wholesalers, Inc., a corporation of the State of Maryland, Parties of the Second Part, and recorded among the Land Records of Dorchester County, Maryland in Liber P.L.C. No. 155, folio 210, pursuant to which the parties thereto modified the common boundary lines between their respective properties for the purpose of firmly establishing the boundary lines between the properties.