STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

http://www.cdphe.state.co.us

Colorado Department of Public Health and Environment

Covenant Information:

Covenant ID HMCOV00100

Covenant Date 11/18/2013

Self Reporting ☑

Media of Concern:

- **Surface Water:** ☐
- **Ground Water:** ☐
- **Air:** ☐
- **Soil:** ☑
- **Other:** ☐

Contaminants of Concern:

Metals

Site Contact Information:

Owner Corp: Superior Gold LLC
Contact Name: Dawn Fedrigon
Contact Address: 1477 Chetwood Court
Contact City: Mundelein
Contact State: IL
Contact Zip: 60060
Contact Phone:

Property Restrictions:

1: No excavating, grading or construction that disturbes the remedy cover or water management systems.

2:

3:

4:

5:

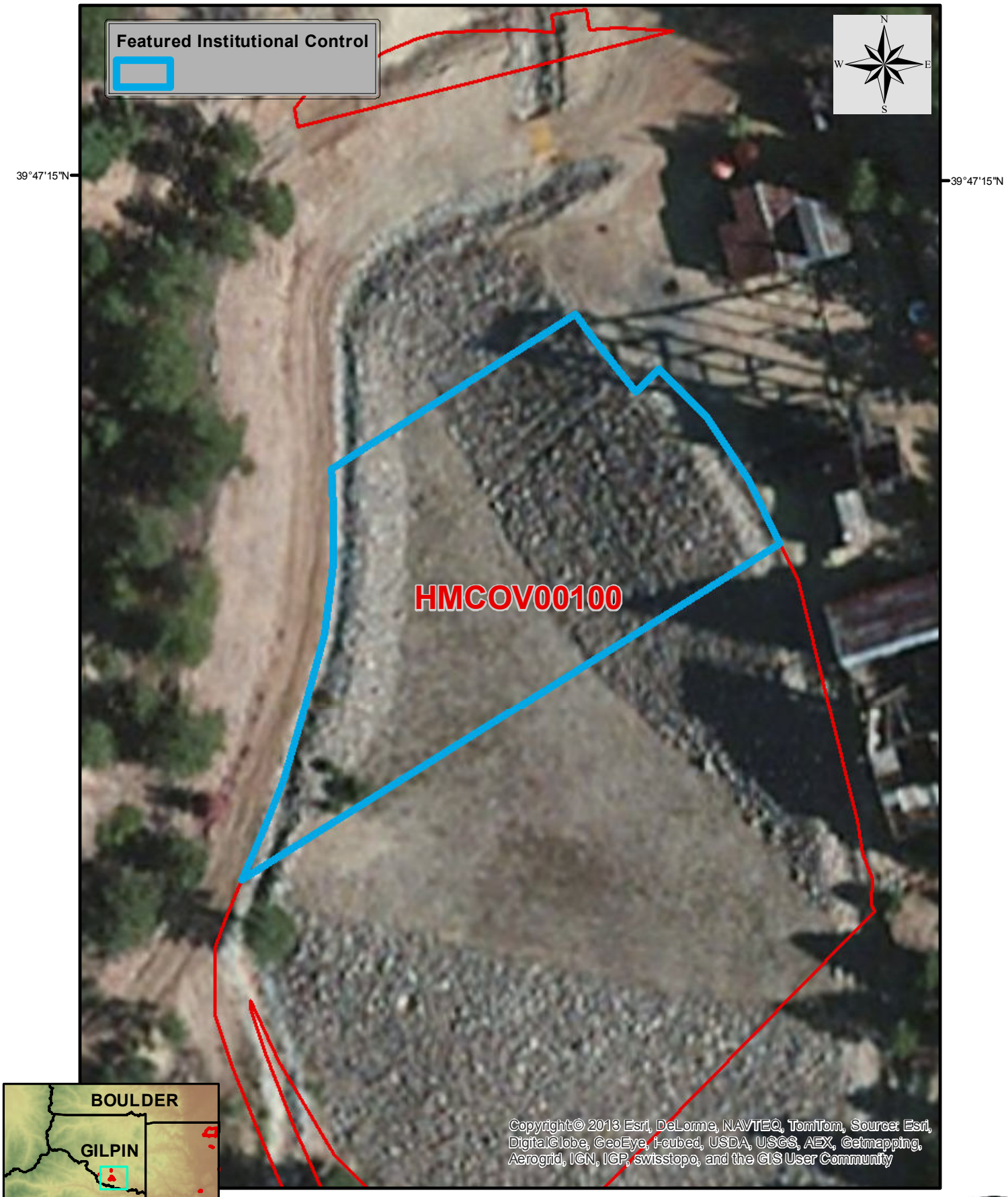
Site Information:

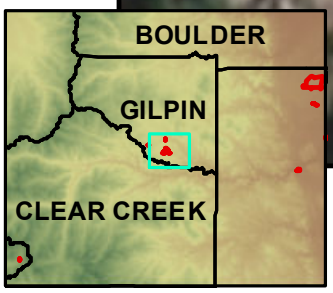
ID: COD980717557
Name: Clear Creek Annie Mary 047
Address: n/a
City: n/a
State: CO
Zip:

Legal Description:

See Covenant

CLEAR CREEK ANNIE MARY 047





HMCOV00100

0 25 50 Meters

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This property is subject to an Environmental Covenant held by the Colorado Department of Public Health and Environment pursuant to section 25-15-321, C.R.S.

ENVIRONMENTAL COVENANT

Superior Gold LLC, grants an Environmental Covenant ("Covenant") this 18th day of November, 2013 to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and the Environment ("the Department") pursuant to § 25-15-321 of the Colorado Hazardous Waste Act, § 25-15-101, *et seq*.

Superior Gold LLC, is the owner of certain property commonly referred to as the **Annie Mary Claim (M.S. # 11571)**, located in Gilpin County, Colorado, more particularly described in Attachment A, attached hereto and incorporated herein by reference as though fully set forth (hereinafter referred to as "the Property"); and

WHEREAS, the Property is located within the Central City/Clear Creek Superfund Site Study Area ("Site"), which the U.S. Environmental Protection Agency ("EPA"), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9605, placed on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register in 1983; and

WHEREAS, in the Central City/Clear Creek Superfund Site Operable Unit 4 Record of Decision dated September 29, 2004 (the "ROD"), the EPA Region VIII Regional Administrator selected a "remedial action" for the Site, which provides, in part, for the following actions:

a. Mine waste pile remediation including erosion control measures and/or in-place closure of certain mine waste rock piles or mill tailings impoundments;
b. Stream restoration/stabilization actions;
c. Sedimentation controls such as construction of drop control structures, catchment basins and sediment dams;
d. Maintenance related to all construction components;
e. Institutional controls (e.g., an environmental covenant) to ensure the long-term integrity of the remedial action; and

WHERAS, pursuant to the ROD and The Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601. et seq. ("CERCLA"), a remedial action was taken on the Property. The area affected by these remedial actions is defined in Attachment B (hereinafter referred to as the "Subject Property"), incorporated herein by reference;

WHEREAS, the Subject Property as described includes the remedial action or a portion of the remedial action for:

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the **Annie Mary Lode Claim** which overlies a portion of the **Pittsburg Mine** waste rock pile where erosion control measures were constructed on or around the mine waste pile, which included construction elements such as regrading, construction of run-on/run-off control structures, placement of rock covers over mine waste or riprap along the base of mine waste piles and revegetation of disturbed areas; and,

WHEREAS, the Central City/Clear Creek Superfund Site – OU4, Phase II/III Construction Completion Documentation, dated June 2011, provides the as-built construction drawings for the remedial action at the Property; and

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by ensuring that constructed portions of the remedy remain intact and functioning as designed, and

WHEREAS, Superior Gold LLC, desires to subject the Property to certain covenants and restrictions as provided in Article 15 of Title 25, Colorado Revised Statutes, which covenants and restrictions shall burden the Property and bind Superior Gold LLC and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein, for the benefit of the Department and OWNER.

NOW, THEREFORE, Superior Gold LLC, hereby grants this Environmental Covenant to the Department, and declares that the Property as described in Attachment A shall hereinafter be bound by, held, sold, and conveyed subject to the following requirements set forth in paragraphs 1 through 11, below, which shall run with the Property in perpetuity and be binding on Superior Gold LLC, and all parties now or subsequently having any right, title or interest in the Property, or any part thereof, and any persons using the land, as described herein. As used in this Environmental Covenant, the term OWNER means the then current record owner of the Property and, if any, any other person or entity otherwise legally authorized to make decisions regarding the transfer of the Property or placement of encumbrances on the Property, other than by the exercise of eminent domain.

1) Use restrictions - These use restrictions apply to the Subject Property, as described in Attachment B.

a) No tilling, excavation, grading, construction, or any other activity that disturbs the ground surface or sub-surface, including the cover and erosion control structures, is permitted, allowed, or shall be taken on the Subject Property without modification of this Covenant;

b) No uses or activities shall occur that would in any manner interfere with or adversely affect the implementation, integrity, or protectiveness of the remedial actions performed at the Subject Property.

c) There shall be no action that impairs or interferes with the growth of vegetation in the re-vegetated area.

2) Modifications This Covenant runs with the land and is perpetual, unless modified or terminated pursuant to this paragraph. OWNER may request that the Department approve a

modification or termination of the Covenant. The request shall contain information showing that the proposed modification or termination shall, if implemented, ensure protection of human health and the environment. The Department shall review any submitted information, and may request additional information. If the Department determines that the proposal to modify or terminate the Covenant will ensure protection of human health and the environment, it shall approve the proposal. No modification or termination of this Covenant shall be effective unless the Department has approved such modification or termination in writing. Information to support a request for modification or termination may include one or more of the following:

a) a proposal to perform additional remedial work;
b) new information regarding the risks posed by the residual contamination;
c) information demonstrating that residual contamination has diminished;
d) information demonstrating that an engineered feature or structure is no longer necessary;
e) information demonstrating that the proposed modification would not adversely impact the remedy and is protective of human health and the environment; and
f) other appropriate supporting information.

3) Conveyances OWNER shall notify the Department at least fifteen (15) days in advance of the closing on any proposed sale or other conveyance of any interest in any or all of the Subject Property.

4) Notice to Lessees OWNER agrees to incorporate either in full or by reference the restrictions of this Covenant in any leases, licenses, or other instruments granting a right to use the Subject Property.

5) Notification for proposed construction and land use OWNER shall notify the Department simultaneously when submitting any application to a local government for a building permit or change in land use affecting the Subject Property.

6) Inspections The Department shall have the right of entry to the Property at reasonable times with prior notice for the purpose of determining compliance with the terms of this Covenant. Nothing in this Covenant shall impair any other authority the Department may otherwise have to enter and inspect the Property.

7) Third Party Beneficiary The OWNER of the Property is a third party beneficiary with the right to enforce the provisions of this Covenant as provided in § 25-15-322, C.R.S.

8) No Liability The Department does not acquire any liability under State law by virtue of accepting this Covenant.

9) Enforcement The Department may enforce the terms of this Covenant pursuant to §25-15-322. C.R.S. Superior Gold LLC may file suit in district court to enjoin actual or threatened violations of this Covenant.

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10) Owner's Compliance Certification OWNER shall execute and return a certification form provided by the Department, on an annual basis, detailing OWNER's compliance, and any lack of compliance, with the terms of this Covenant.

11) Notices Any document or communication required under this Covenant shall be sent or directed to:

If to the Department:

Superfund Remediation Project Manager
Central City/Clear Creek Superfund Site
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Superior Gold LLC, has caused this instrument to be executed this 18th day of November, 2013.

Superior Gold LLC

By: Dawn Fedrigon

Title: as Managing member of Superior Gold LLC

STATE OF Illinois)
) ss:
COUNTY OF Lake)

The foregoing instrument was acknowledged before me this 18 day of November, 2013 by Dawn Fedrigon (as managing member of Superior Gold LLC) on behalf of Superior Gold LLC

Official Seal
Marie K Zahnle
Notary Public, State of Illinois
My Commission Expires 03/10/2017

Marie K Zahnle
Notary Public

Fremont Public Library
Address

1170 N Midlothian
Mundelein IL 60060

My commission expires: 3/10/2017

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Accepted by the Colorado Department of Public Health and Environment this 9th day of December, 2013.

By: Gary W. Baughman

Title: Director, HMWMD

STATE OF COLORADO)
) ss:
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 9th day of DECEMBER, 2013 by GARY BAUGHMAN on behalf of the Colorado Department of Public Health and Environment.

Claudette M. Jurus
Notary Public

4300 Cherry Creek Dr. S.
Address

Denver, CO 80246

My commission expires: Oct 21, 2015

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ATTACHMENT A
TO COVENANT

TAX OWNERSHIP CONFIRMATION

Account: N007915

Location

Parcel Number

Tax Area 010 - TAX AREA 10 - 010

Situs Address

Legal Summary S: 18 T: 3S R: 72W MINE: ANNIE MARY - 11571 100% 4.53 ACRES (MRO) LAKE & RUSSELL MINE: ANNIE MARY - 11571 86% 4.53 ACRES (SRO) LESS PT DESC 711/58 RUSSELL & LAKE

Business Name

Owner Information

Owner Name
SUPERIOR GOLD LLC

Owner Address
1477 CHETWOOD COURT
MUNDELEIN, IL 60060

Assessment History

Actual (2012)	$26,070
Assessed	$7,560

Tax Area: 010 **Mill Levy:** 22.706

Type	Actual	Assessed	Acres	SQFT	Units
Land	$26,070	$7,560	3.900	0.000	0.000

Transfers

Sale Price	Sale Date	Book Page
	11/10/2011	
	10/26/2011	
	10/26/2011	
	10/06/2006	

Tax History

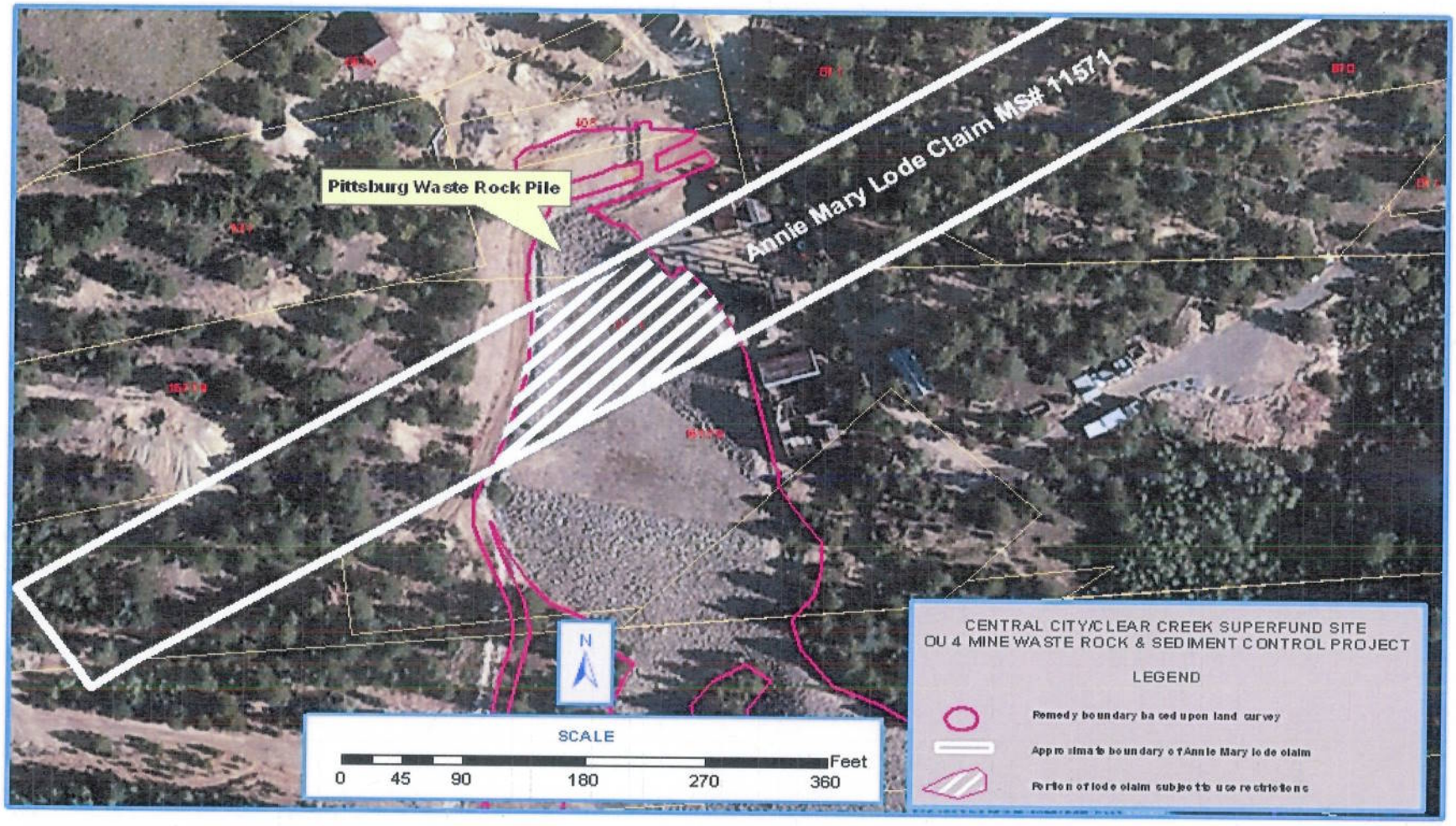
Tax Year	Taxes
*2013	$171.64
2012	$171.64

* Estimated

Images

ATTACHMENT B
TO COVENANT

This map depicts the portion of the Annie Mary Lode Claim (cross-hatched area) subject to use restrictions.



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