

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, made the 1st day of July 2005, by tesa tape inc., a corporation existing under the laws of the State of Delaware and having an office for the transaction of business at 5825 Carnegie Boulevard, Charlotte, North Carolina 28209.

WHEREAS, tesa tape inc. is the owner of the tti-Crotty Road inactive hazardous waste disposal site which is listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 3-36-056, located at 135 Crotty Road in the Town of Wallkill, Orange County, New York, which is part of lands conveyed to tesa tape inc. by deed dated August 25, 1995 and recorded in the Orange County Clerk's Office on September 8, 1995 in Liber 4268 at Page 25 noted as Parcel I, and being more particularly described in Appendix "A," attached to this declaration and made a part hereof, and hereinafter referred to as "the Property"; and

WHEREAS, the Property is the subject of two consent orders issued by the New York State Department of Environmental Conservation to tesa tape inc., dated March 31, 1997 and September 21, 2002, and

WHEREAS, the New York State Department of Environmental Conservation set forth a remedy to eliminate or mitigate all significant threats to the environment presented by hazardous waste disposal at the Site in a Record of Decision ("ROD") dated March, 2004 and such ROD required that the Property be subject to restrictive covenants.

NOW, THEREFORE, tesa tape inc., for itself and its successors and/or assigns, covenants that:

First, the Property subject to this Declaration of Covenants and Restrictions is described in Appendix "A" attached to this Declaration and made a part hereof.

Second, unless prior written approval by the New York State Department of Environmental Conservation ("Department") or, if the Department shall no longer exist, any New York State agency or agencies subsequently created to protect the environment of the State and the health of the State's citizens, hereinafter referred to as "the Relevant Agency," is first obtained, no person shall engage in any activity that will, or that reasonably is anticipated to, prevent or interfere significantly with any proposed, ongoing or completed program at the Property or that will, or is reasonably foreseeable to, expose the public health or the environment to a significantly increased threat of harm or damage.

Third, the portion of the Property consisting of the loading dock area, the solvent storage building, solvent handling area, and coating head area; hereinafter referred to as the "Restricted Building Property", is shown on the map attached hereto and made a part hereof in Appendix "B".

Fourth, owner and / or operator of the Restricted Building Property shall comply with the Department approved Site Management Plan ("Plan") dated April, 2004 prepared by Lawler, Matusky & Skelly Engineers LLP.

Fifth, the owner and / or operator of the Restricted Building Property shall conduct excavations in the area according to the Plan and asphalt or a clean soil cap shall be maintained in these areas.

Sixth, the owner and / or operator of the Restricted Building Property shall perform any proposed soil excavations in accordance with the Plan for this Property. The excavated soil must be characterized, managed, and properly reused or disposed of in accordance with the Plan and Relevant Agency regulations and directives.

Seventh, the owner and / or operator of the Restricted Building Property will conduct a soil vapor intrusion pathway analysis if active mitigation measures described in the Plan are not in place and operating

Eighth, the owner of the Property shall prohibit the Property from ever being used for purposes other than for industrial/commercial uses without the express written waiver of such prohibition by the Relevant Agency.

Ninth, the owner of the Property shall prohibit the use of the groundwater underlying the Property for drinking water or industrial purposes without water quality treatment approved by (i) the Orange County Health Department, (ii) the New York State Department of Health, and (iii) the Department.

Tenth, the owner of the Property shall submit an annual certification to the Department prepared by a professional engineer or environmental professional. The certification will verify that the institutional and engineering controls put in place are unchanged from the previous certification and nothing has occurred that would constitute a violation or failure to comply with any operation, maintenance, monitoring, or site management. The certification will be submitted to the Department to:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016

Eleventh, the owner of the Property shall continue in full force and effect the above described institutional and engineering controls until (i) the Department determines that the remedial objectives have been achieved, or (ii) until the Department determines that continued operation is not feasible or technically impracticable, or (iii) unless the owner first obtains permission to discontinue such controls from the Relevant Agency.

Twelfth, this Declaration is and shall be deemed a covenant that shall run with the land and shall be binding upon all future owners of the Property and shall provide that the owner, and its successors and assigns, consent to the enforcement by the Relevant Agency of this Declaration and hereby covenant not to contest the authority of the Department to seek enforcement.

Thirteenth, any deed of conveyance of the Property, or any portion thereof, shall recite, unless the Relevant Agency has consented to the termination of such covenants and restrictions, that said conveyance is subject to this Declaration of Restrictive Covenants.

Fourteenth, the owner of the Property shall notify the Department in writing of a transfer of ownership of the Property. The notification will be submitted to the Department to:

New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7016

Fifteenth, in the event of a transfer of ownership, the owner and / or operator of the Property shall provide the subsequent owner and operator of the Property with a copy of the Plan.

Sixteenth, the owner on behalf of its successors and assigns, shall allow the Department, its agents, employees, or other representatives of the State to enter and inspect the Property in a reasonable manner and at reasonable times to assure compliance with the above stated restrictions and obligations.

IN WITNESS WHEREOF, the undersigned has executed this instrument the day written below.

tesa tape inc.

By: 

Name: Charles M. Rigano, Jr.

Title: Director, Finance and Treasurer

State of North Carolina

SS:

County of Mecklenburg

On the 1st day of July, 2005, before me, the undersigned, appeared Charles M. Rigano, Jr. personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument the person on behalf of which the individual acted, executed the instrument.



Notary Public

My Commission Expires: June 13, 2009

Appendix A

Property Description

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Wallkill, County of Orange and State of New York, and being more accurately bounded and described as follows:

PARCEL I

BEGINNING at a point in a fence line, said point of beginning being the southwest corner of lands of Dion as recorded in Liber 1229, Page 272 of Orange County Deed Records;

THENCE from said point of beginning and following along the fence line on the next two courses and distances;

South 43 degrees 24 minutes 40 seconds west 112.88 feet to a point;

South 53 degrees 35 minutes 20 seconds west 58.62 feet to a point in the northerly line of Crotty Road, said point being 25 feet northerly of the centerline of Crotty Road;

THENCE along the northerly line of Crotty Road and following more or less a fence line, and running parallel to and 25 feet northerly of the center line said road, the next several courses and distances;

South 69 degrees 02 minutes 40 seconds west 278.57 feet to a point,

South 74 degrees 46 minutes 40 seconds west 108.58 feet to a point;

South 88 degrees 04 minutes 10 seconds west 57.54 feet to a point;

North 84 degrees 45 minutes 10 seconds west 145.35 feet to a point;

North 86 degrees 15 minutes 10 seconds west 310.35 feet to a point;

North 89 degrees 26 minutes 50 seconds west 129.10 feet to a point;

South 82 degrees 31 minutes 40 seconds west 100.14 feet to a point;

South 72 degrees 10 minutes 20 seconds west 30.97 feet to a point; said point being the southeasterly corner of land now or formerly of Bookstaver;

THENCE following a fence along the easterly line of lands of Bookstaver and land now or formerly of Saxton on the next three courses and distances;

North 36 degrees 26 minutes 10 seconds west 52.83 feet to a point;

North 40 degrees 41 minutes 05 seconds west 456.80 feet to a point;

North 41 degrees 40 minutes 45 seconds west 107.69 feet to a point;

THENCE North 50 degrees 25 minutes 36 seconds east 42.91 feet to a point;

THENCE North 45 degrees 36 minutes 31 seconds west 104.52 feet to a point;

THENCE along the southerly side of Interstate Route 84 the next several courses and distances;

North 54 degrees 52 minutes 11 seconds east 458.68 feet to a point;

Property Description Continued

North 58 degrees 28 minutes 16 seconds east 351.16 feet to a point;

North 58 degrees 27 minutes 25 seconds east 350.16 feet to a point;

North 60 degrees 39 minutes 02 seconds east 360.35 feet to a point;

North 60 degrees 42 minutes 50 seconds east 300.41 feet to a point;

THENCE running southerly the next two courses and distances;

South 25 degrees 36 minutes 23 seconds east 312.00 feet;

South 24 degrees 45 minutes 53 seconds east 198.02 feet;

THENCE south 64 degrees 54 minutes 10 seconds west 325.00 feet;

THENCE southerly along the lands now or formerly of Dion South 18 degrees 24 minutes 50 seconds east 727.82 feet to the point or place of BEGINNING.

Appendix

