



Cheryl Smith, MMC, CPM
City Clerk

THE CITY OF KEY WEST
P.O. BOX 1409
KEY WEST, FL 33041-1409
www.cityofkeywest-fl.gov

3126 Flagler Avenue
(305) 809-3831
csmith@Cityofkeywest-fl.gov

July 29, 2015

Stephanie D. Zamorski
Real Estate Contracting Officer
Department of the Navy
Base Realignment and Closure
Program Management Office East
4911 South Broad Street
Philadelphia, PA 19112-1303

Dear Ms. Zamorski

As you requested in your letter to Mr. James Bouquet, City Engineer for the City of Key West, dated June 17, 2015, enclosed is a copy of the recorded Release and Modification of Deed Restrictions – Parcel K, Truman Annex.

If you have any questions please do not hesitate to contact my office at 305-809-3831.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Smith".

Cheryl Smith, MMC, CPM
City Clerk

cc: James Bouquet, City Engineer, City of Key West

Enc
CS/sph

Key to the Caribbean – Average yearly temperature 77° F.

Prepared by:

Stephanie Zamorski
Naval Facilities Engineering Command
Base Realignment and Closure Office
Program Management Office East
4911 South Broad Street
Philadelphia, PA 19112-1303
Telephone: (215) 897-4905

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Return to:

The City of Key West
P.O. Box 1409
Key West, FL 33041-1409
Telephone: (305) 809-3700

THIS SPACE RESERVED FOR RECORDER'S USE

RELEASE AND MODIFICATION OF DEED RESTRICTIONS

PARCEL K

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, the UNITED STATES OF AMERICA, acting by and through the Department of the Navy (the "Government"), conveyed to the CITY OF KEY WEST, a public body, corporate and politic, created and organized under the laws of the State of Florida (the "Grantee") certain real property consisting of approximately 32.31 acres of land, formerly part of and known as the Truman Waterfront/Trumbo Road Properties located at the Naval Air Station, Key West, Florida (the "Property"), via Quitclaim Deed dated December 3, 2002, and recorded in the Official Records of the County of Monroe, State of Florida in Book 1839, Page 410, et seq., as File Number 1338203 and re-recorded in Book 2026, Page 531, et seq., as File Number 1457617 (the "Deed"); and

WHEREAS, the Deed contains certain notices and restrictions regarding the presence of contamination in excess of Florida Department of Environmental Protection ("FDEP") residential clean up target levels in Florida Administrative Code Chapter 777 within the Property described in the Deed and certain restrictions on the use and development of the Property; and

WHEREAS, the Deed contains certain restrictions on the Property referred to as the "Restricted Area (Land Use Controls)" as set forth in Exhibit "P-1" entitled "Parcel K Soil Restrictions Restricted to Non-Residential Use" ("Parcel K") including (i) a restriction prohibiting residential use, and (ii) a restriction prohibiting the installation of wells or the extraction of groundwater; and

WHEREAS, the Government completed additional remediation of the soil on Parcel K, also sometimes referred to as "City-Owned Portion of Parcel K", consisting of approximately 2.772 acres of land, as further described in Exhibit "A" attached hereto, as outlined in the Site Rehabilitation Completion Report ("SRCR") dated April 2014, which included certain remedial actions identified in Exhibit "B", and FDEP approved this remediation and determined that certain residential restrictions and groundwater restrictions listed below are no longer necessary to protect, or can be modified while remaining protective of, public health and the environment; and

WHEREAS, the Grantee has requested and the Government now agrees to release or modify, as specified below, the residential restrictions and groundwater restrictions on the terms set forth herein; and

WHEREAS, by correspondence dated June 4, 2014, attached hereto as Exhibit "C", FDEP has concurred with the Government's release or modification, as applicable, of the residential restrictions and groundwater restrictions.

NOW THEREFORE, the Government hereby releases or modifies, as specified, that portion of the Property identified in the Deed as Parcel K, and as described in Exhibit "A", from the following items as set forth in the Deed:

- (i) The residential use restriction in Paragraph C.4. (page 8) of the Deed is hereby modified to permit use for recreational camping and playgrounds, including future development as a park and amphitheater; residential use of the property is prohibited; and
- (ii) The groundwater restriction in Paragraph C.2. (page 8) of the Deed is released.

All terms and conditions of the Deed not specifically released or modified by this Release and Modification of Deed Restrictions shall remain in full force and effect.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Government has executed this Release and Modification of Deed Restrictions in manner and form sufficient to bind it as of the 17th day of June, 2015.

Signed, sealed and delivered
in the presence of:

THE UNITED STATES OF AMERICA
Acting by and through the
Department of the Navy

Elaine M. Preston
Name: Elaine M. Preston

By: Stephanie D. Zamorski
Name: Stephanie D. Zamorski
As Its: Real Estate Contracting Officer

Anthony G. Krawczuk
Name: Anthony G. Krawczuk

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA**

The foregoing instrument was acknowledged before me this 17th day of June, 2015, by Stephanie D. Zamorski, as Real Estate Contracting Officer on behalf of the United States of America, who is personally known to me.

Louis Cerino, Sr.
Notary Public Signature

(NOTARY SEAL)

LOUIS CERINO, SR.
Typed or Printed Notary Name
Notary Public - Commonwealth of Pennsylvania
Commission No.: 1225091
My Commission Expires: 6-30-18

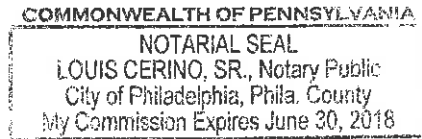
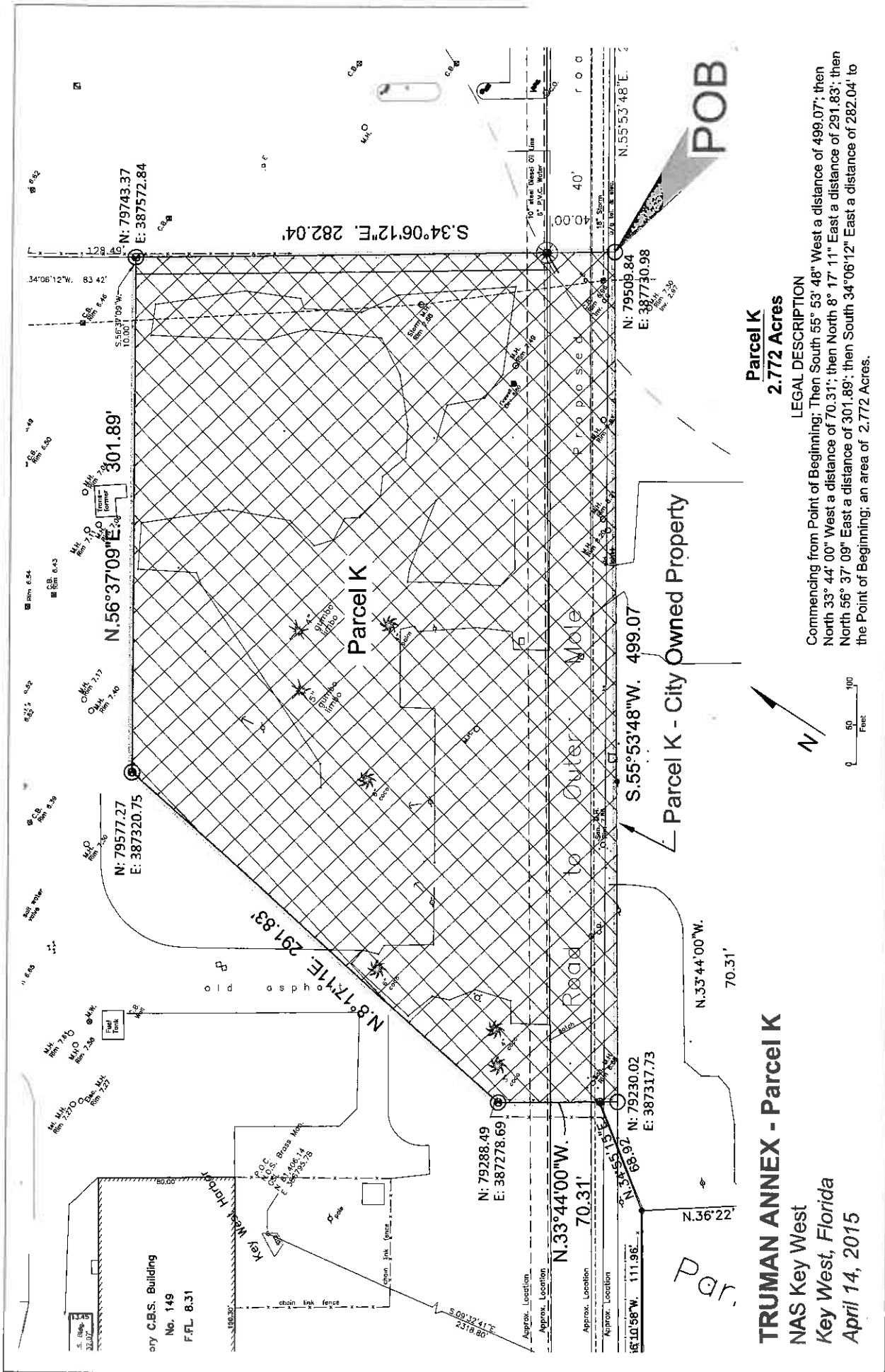


EXHIBIT "A"

SURVEY AND LEGAL DESCRIPTION – PARCEL K



Parcel K
2.772 Acres

LEGAL DESCRIPTION

Commencing from Point of Beginning; Then South 55° 53' 48" West a distance of 499.07'; then North 33° 44' 00" West a distance of 70.31'; then South 55° 53' 48" West a distance of 291.83'; then North 56° 37' 09" East a distance of 301.89'; then South 34° 06' 12" East a distance of 282.04' to the Point of Beginning; an area of 2.772 Acres.

TRUMAN ANNEX - Parcel K
NAS Key West
Key West, Florida
April 14, 2015

EXHIBIT "B"

**EXCERPT FROM "Site Rehabilitation Completion Report Revision 02, Soil
Removal Actions at the City-Owned Portion of Parcel K,
Contract No. N62470-08-D1006, Task Order No. JM22."**

RECOMMENDATION FOR RELEASE OF RESTRICTION

3.0 Conclusions and Recommendations

3.1 Conclusions

Based on the characterization and remedial activities completed at the City-owned portion of Parcel K, the project objectives have been achieved. Because remediation activities have resulted in soil analytical results below Direct Exposure Recreational SCTLs and indirect exposure based soil LGW SCTLs, thus Parcel K has achieved the requirements for Site Rehabilitation Completion Order (SRCO) status, documenting no further action (NFA) with controls in accordance with Chapter 62-780.680(2) FAC. Therefore, the Navy requests that SRCO (NFA with controls) status be issued for the property.

As documented in this report, the following activities have been completed:

- Surface and subsurface soil impacted by past activities at Parcel K were excavated and transported offsite from January 16, 2012 through February 13, 2012.
- Approximately 3,087 tons (142 truck loads) of contaminated non-TSCA soil were removed from Parcel K and transported to CEMEX Environmental Services in Miami, Florida, for treatment. One additional 55-gallon drum of contaminated non-TSCA soil cuttings was disposed of at Clark Environmental in Mulberry, Florida.
- Approximately 281 tons (14 trucks) of TSCA wastes were removed from Parcel K and transported to Chemical Waste Management, in Emelle, Alabama, a disposal facility approved for PCBs under TSCA and approved under the CERCLA Offsite Rule.
- The excavations were backfilled with approximately 3,114 yd³ of clean backfill material and 252 yd³ of crushed lime rock.
- Vegetation cover across the site was established by applying a standard FDOT grass seed mix in areas that had been disturbed because of remediation activities.
- The site currently meets the Direct Exposure Recreational SCTLs and LGW SCTLs and is suitable to be used as a recreational park, with land use restrictions limiting unrestricted land use such as residential use (with restrictions).
- Groundwater sampling and analysis for lead was completed in the source well MW-I2E on August 22, 2013. Laboratory results indicate the lead was not detectable in groundwater and the detection limit was below the GCTLs protective of surface water and potable use.
- The wastewater from the well development and purging was solidified and disposed of at Clark Environmental in Mulberry, Florida.

3.2 Recommendations

Because remediation activities have resulted in soil analytical results below Direct Exposure Recreational SCTLs, the Truman Annex Quitclaim Deed should be revised to allow for recreational use of the property while maintaining a restriction to prevent residential land use.

EXHIBIT "C"

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP)
LETTER OF 4 JUNE 2014 APPROVING AND ACCEPTING AS FINAL SITE
REHABILITATION COMPLETION REPORT (SRCR)
DATED APRIL 2014**



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
BOB MARTINEZ CENTER
2600 BLAIRSTONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

June 4, 2014

David Criswell, P.E.
BRAC Environmental Coordinator
Navy BRAC PMO SE
4130 Faber Place Drive
Suite 202
N. Charleston, SC 29405

RE: Site Rehabilitation Completion Report Revision 02, Soil Removal Actions at the City-Owned Portion of Parcel K, Contract No. N62470-08-D1006, Task Order No. JM22.

Dear Mr. Criswell:

The Department has reviewed the Site Rehabilitation Completion Report (SRCR) for the Soil Removal Actions at the City-Owned Portion of Parcel K, dated April 2014 (received April 15, 2014), submitted by CH2MHILL Construction Incorporated (CH2MHILL). The SRCR is suitable for its intent and approved as final.

The Department intends to issue a Site Rehabilitation Completion Order pursuant to Sections 62-780.680(3) and (7), Florida Administrative Code, upon demonstration that the deed has been revised to reflect the land use restrictions described in the SRCR.

If I can be of any further assistance with this matter feel free to contact me at (850) 933-8264.

Sincerely,

Handwritten signature of Tracie L. Vaught in cursive.

Tracie L. Vaught
Remedial Project Manager
DOD and Brownfields Partnerships
Bureau of Waste Cleanup

KW

Handwritten initials 'KW' in cursive.