

## HARDTIMES PLANTATION

Hardtimes Plantation is situated at Mile Point 180 on the East Bank of the Mississippi River, in that part of the Parish of Ascension, Louisiana, known as Geismar.

Municipal Site Address: 4594 Highway 75, GEISMAR, LA 70734

Directions to the Property: From the Interchange of I-10 E and LA 30, at Gonzales, LA, Exit right onto LA 30 and continue West on LA 30 to the intersection of LA 30 and LA 3115; turn Left onto LA 3115 and proceed South on LA 3115 to its intersection with LA 75 (River Road) thence turn onto LA 75 East, and proceed East a distance of 2.8 miles to the Main Entrance Gate of the Property.

# SURVEY MAPS & PLATS OF THE PROPERTY:

Map of Survey by Pyburn & Odom-MCA, Engineers & Surveyors, dated 10/21/09.

Map of Survey by McLin & Associates dated 8/14/13 subdividing the 58.333 acres fronting on LA 75 into LOT 1-A, LOT 2-A, LOT 3-A, LOT 4-A, LOT 5-A and LOT 6-A.

Official Plat of Ascension Parish Planning & Zoning Commission, approving the subdivision map by McLin & Associates, and filed in the Official Records of the Ascension Parish Planning & Zoning Commission.

"THE GEISMAR-DARROW INDUSTRIAL PARK" is a Registered Trade Name by the Owner. See Certificate of Secretary of State attached.

# ACREAGE AND FRONTAGE MEASURMENTS

As shown in the Legal Description the Property, a copy of which is attached, the Property comprises a total of 105.209 acres.

The Property measures 1813 feet front on LA HWY 75 and 2381 feet along the meanders of the Mississippi River.

# LIDAR CONTOUR MAP

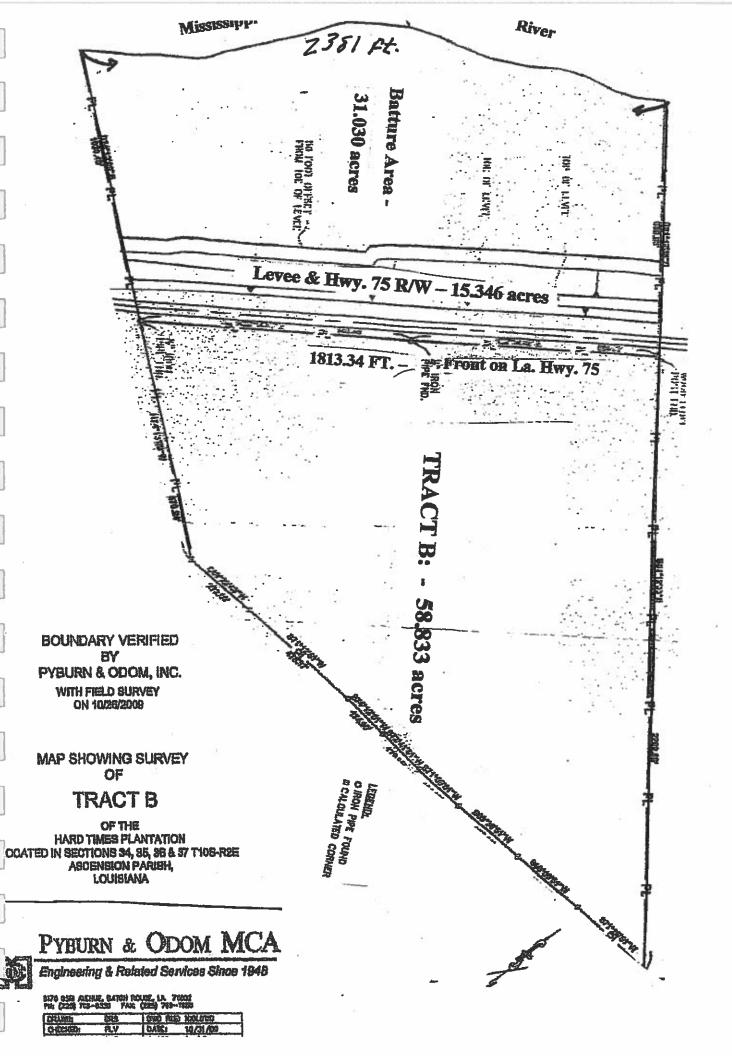
As will appear from the attached Lidar contour map, that part of the Property comprising the 58.333 Acre Industrial Park is high and level land with a well maintained drainage system, cleared of large trees, except those trees retained along the side and rear boundaries of the Property.

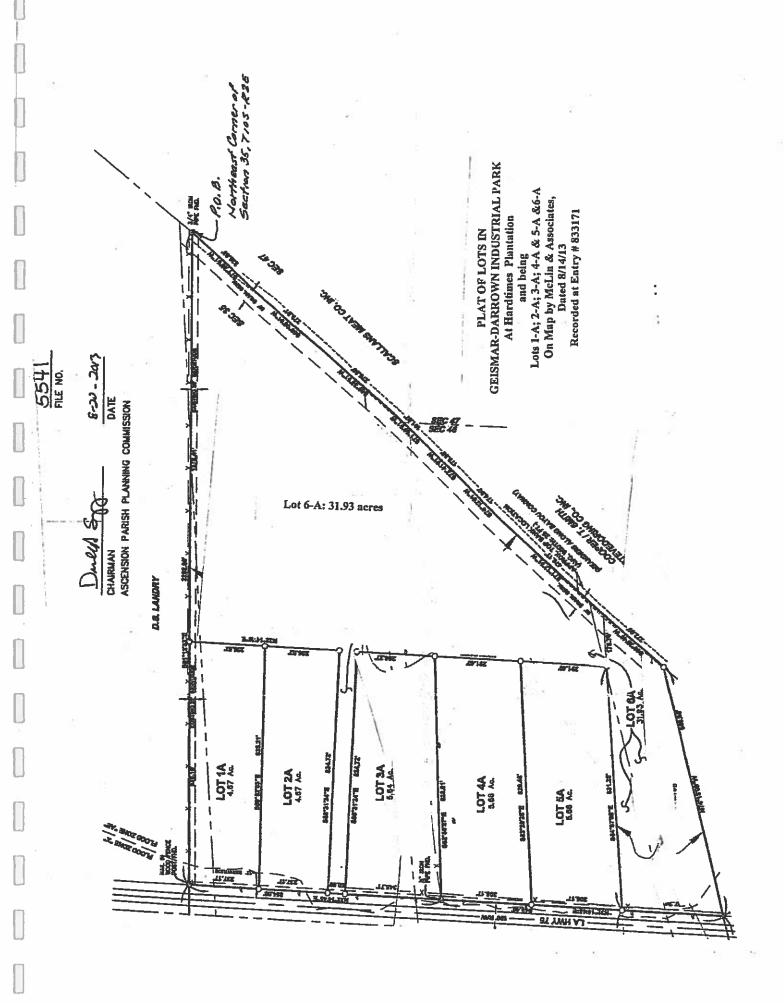
The out-fall drainage of the entire property is to the rear boundary of the property, which is Bayou Conway, a major drainage canal maintained by the East Ascension Gravity Drainage District.

# ZONING

The 58.333 acres comprising the Industrial Park is Zoned Medium Industrial.

The Batture or River Front part of the Property is Zoned Heavy Industrial.





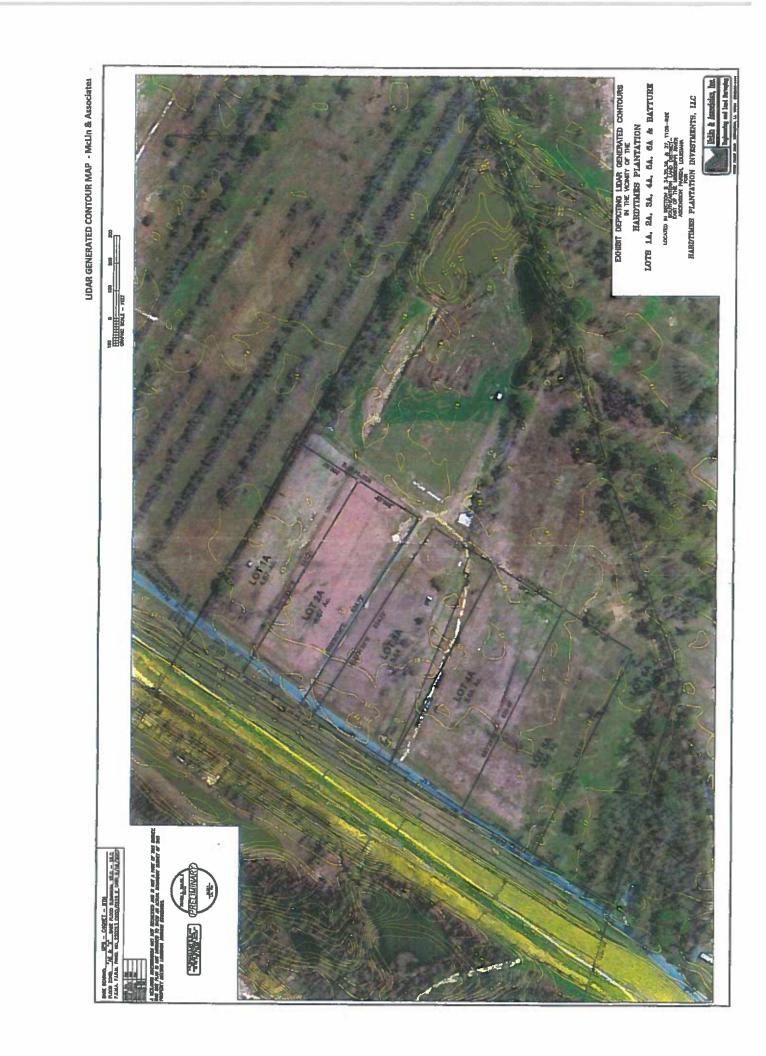
#### HARDTIMES PLANTATION LEGAL DESCRIPTION

Two certain tracts of land situated in Sections 34, 35, 36, T10S, R2E, Ascension Parish, Louisiana, said tracts being designated as Lot No. 2, containing 88.963 acres and Lot No. 3 containing 16.246 acres, as shown on a plat entitled "RE-SURVEY OF PROPERTY LOCATED IN SECTIONS 34, 35, 36, & 37, T10S-R2E, ASCENSION PARISH, LOUISIANA", prepared by Charles L. McDonald, Land Surveyor, Houma, Louisiana, dated June 15, 1970, said plat being attached hereto and made a part hereof and paraphed "Ne Varietur" for identification herewith.

Said Lot No. 2 and Lot No. 3 being further described by reference to said map of survey as follows:

Begin at a point marked by the letter "A" on said map and which point is marked by a I iron pipe and is the Northeast Corner of said Lot No. Two; thence measure South 72° 14' West, a distance of 328.68 feet to a point marked by the letter "B" on said map; thence proceed South 69° 54' West, a distance of 279.51 feet to a point marked by the letter "C" on said map; thence measure South 70° 26' West, a distance of 275.88 feet to a point marked by the letter "D" on said map; thence proceed South 72° 47' West, a distance of 191.07 feet to a point marked by the letter "E" on said map; thence measure South 73° 29' West, a distance of 179.85 feet to a point marked by the letter "F" on said map; thence measure South 75° West, a distance of 174.9 feet to a point marked by the letter "G" on said map; thence measure South 72° West, a distance of 478.17 feet to a point marked by the letter "H" on said map and a 1" iron pipe, and which point is common to the Southeast corner of said Lot No. 2 and the Northeast corner of said Lot No. 3; thence measure South 71° 00" West, a distance of 270.60 feet to a point marked by the letter "I" on said map, which point is marked by a 1" iron pipe and is the Southeast corner of said Lot No. 3, and corner; thence measure North 73° 26' West, a distance of 2067.57 feet to a point marked by the letter "J" on said map and corner; thence measure along the meander of the mean low water mark of the Mississippi river (which meander shall be the line of separation or demarcation between the private ownership and the public ownership at the navigable stream of the Mississippi River), a distance of 586.39 feet, more or less, to a point marked "K" on said map; thence proceed along the said mean low water mark of the Mississippi River, a distance of 1596.69 feet more or less to the letter "L" on said map, which point is the Northwest corner of said Lot No. 2; thence measure South 60° 20' East, a distance of 3122.62 feet to the point marked "A" on said map, which is the Point of Beginning.

The above described property being known as Hard Times Plantation in Ascension Parish, Louisiana, containing a superficial area of 105.209 acres, according to the map of survey hereto annexed and made a part hereof.



# **PERMITS**

The Property has a Barge Fleeting Permit issued by the U.S. Department of the Army, bearing Permit Number mvn 2013-1375 CL

A copy of the Barge Fleeting Permit is attached.

The Barge Fleeting permitted area is 1400 feet of the river front of the property, commencing at the upriver boundary line of the Property and extending along the river the distance as shown on the Plat attached to the Permit.

The Barge Fleeting Permit allows the Owner of the Property or the Owner's lessees or assigns to use the permitted area for a Barge Fleeting Operation and related facilities, in compliance with the terms of the Permit.

Under the terms of the Barge Fleeting Permit, the Owner of the Property or its Lessees or assigns may use the Property for a Barge Loading and Off Loading Operation, and related facilities, in compliance with the terms of the Permit.

SAL copy

# **DEPARTMENT OF THE ARMY PERMIT**

Permittee: Vincent Sotile, Sr.
Pennit No. MVN-2013-1375-CL
Issuing Office: New Orleans District
NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting undit the authority of the commanding officer.
You are authorized to perform work in accordance with the terms and conditions specified below.
Project Description: Install and maintain mooring piles, chains and wire ropes for barge fleeting, in accordance with (6) attached drawings dated January 27, 2014.
Project Location: On the Mississippi River, left descending bank, at a point about 180 miles above the Head of Passes, at Geismar, Louisiana, in Ascension Parish.
Permit Conditions:
General Conditions:
<ol> <li>The time limit for completing the work authorized ends on <u>June 30, 2017</u>. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.</li> </ol>
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 6. If a conditioned water-quality certification has been issued for your project, you must comply with the conditions specified in the conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Pages 4-6.

#### Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
- (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 2. Livrits of this authorization.
- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not suthorize interference with any existing or proposed Federal project,
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural courses.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- Recombination of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.
   Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspansion, modification, and revocation procedures contained in 33 GFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as these specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

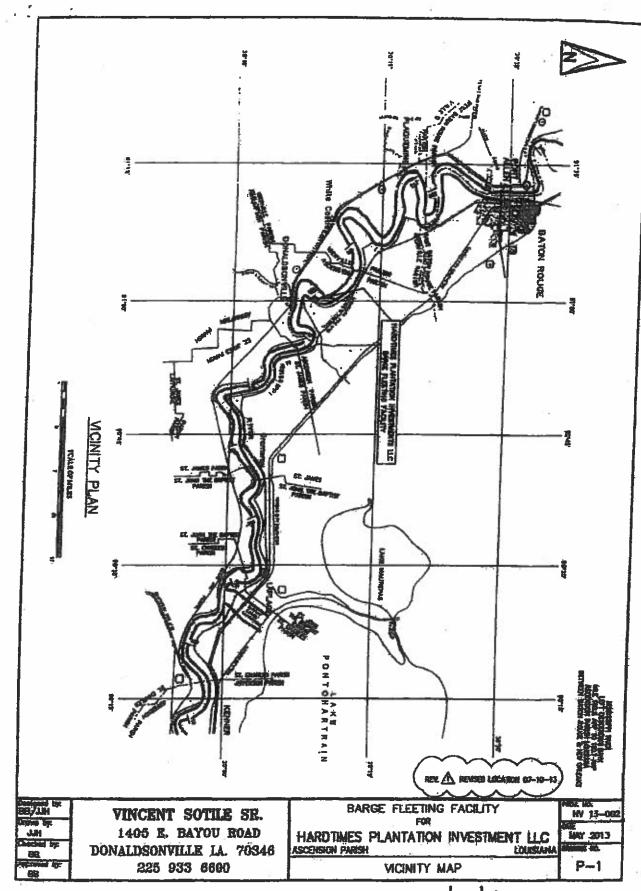
X (PERMITTYEE)	X (0-19-14 (DATE)
This plannit becomes effective when the Federal official, desi	ignated to act for the Secretary of the Army, has signed below.  (DATE)
John M. Harman, Chief Central Evaluation Section for Richard L. Hänsen, District Commander	
When the structures or work authorized by this permit are st conditions of this permit will continue to be binding on the new associated liabilities associated with compliance with its term	till in existence at the time the property is transferred, the terms and owner(s) of the property. To validate the transfer of this points and the sand conditions, have the transferred sign and date below.
(TRANSFEREE)	(DATE)

#### SPECIAL CONDITIONS: MVN-2013-1375-CL

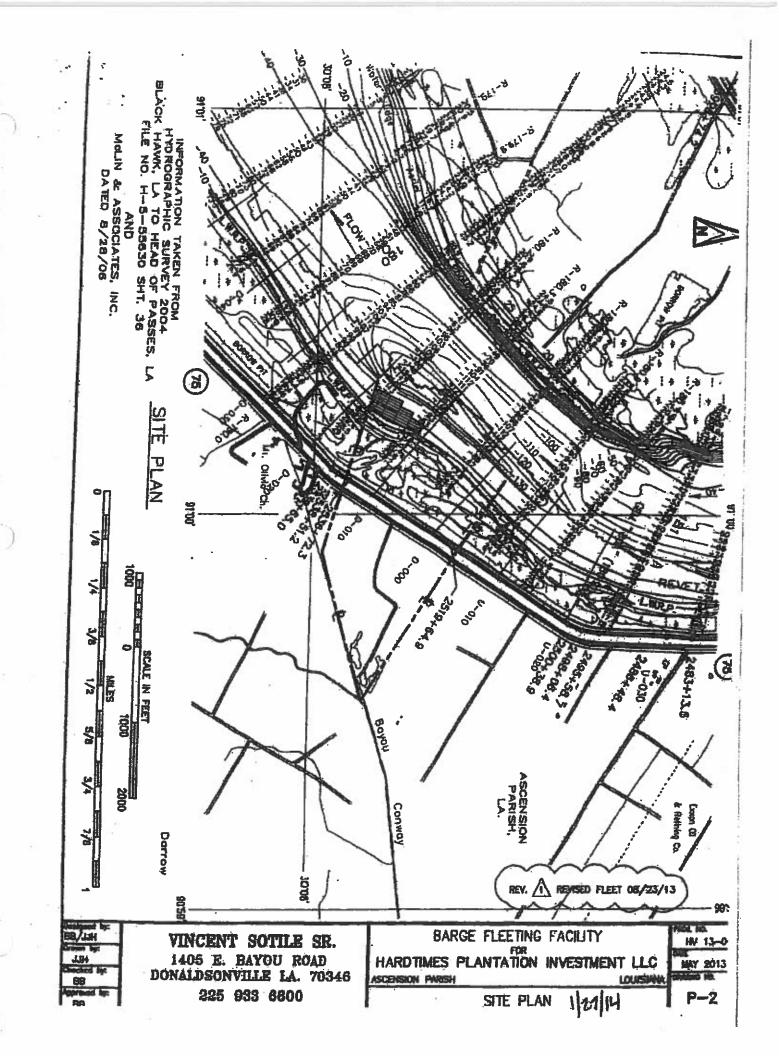
- 7. The use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
- 8. Permittee must install and maintain, at permittee's expense, any safety lights, signs and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities.
- 9. If the proposed project, or future maintenance work, involves the use of ficating construction equipment (barge mounted cranes, barge mounted pile driving equipment, ficating dredge equipment, dredge discharge pipelines, etc.,) in the waterway, you are advised to notify the US Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 671 2112.
- 10. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or after the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- 11. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523, and the US Army Corps of Engineers, New Orleans District (CEMVN) Regulatory Branch. CEMVN Regulatory Branch will initiate the required federal, state, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.
- 12. The work shall be accomplished in accordance with the attached drawings. If the authorized project requires any additional work not expressly permitted herein, the permittee must apply for an amendment to this authorization, prior to commencement of such work.

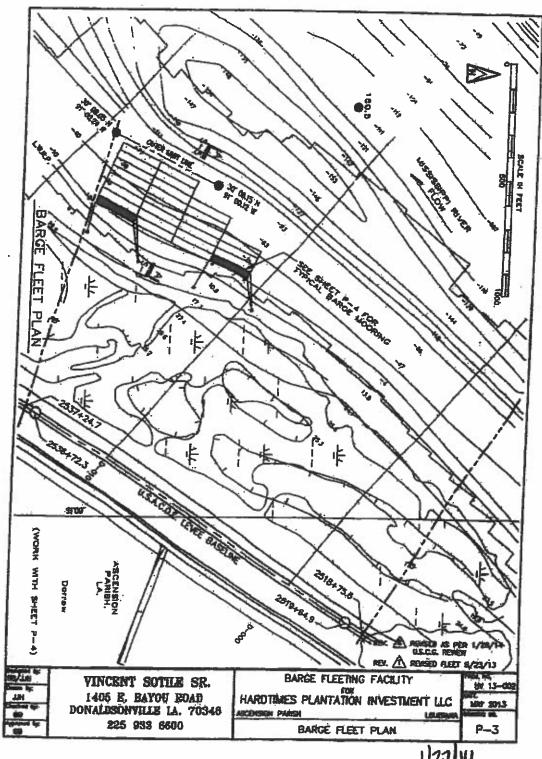
# SPECIAL CONDITIONS COND'T: MVN-2013-1375-CL

- 13. All piles shall be driven when the stage of the Mississippi River is below elevation +11.0 feet on the Carroliton gage, at New Orleans, Louisiana. Information concerning current river stages may be obtained on our website at www.mvn.usace.armv.mil.
- 14. Riprap shall be placed around all piles that penetrate through the revetment in accordance with the Corps of Engineers standard drawing, "Repair Procedures Required When Penetrating Revetments With Piles, Caissons and/or Pile Clusters," file No. H-18-45204, copy enclosed.
- 15. The barges shall maintain a minimum of three feet of clearance over the underwater revelment during any river stage.
- 16. The barges shall be moored in such a manner as not to damage the existing batture tree screen, revetment, or encroach within 100 feet of the riverside levee toe, under any river conditions.
- 17. Any damage to the revetment as a result of the permittee's activities shall be repaired at the permittee's expense.
- 18. Should changes in the location or section of the existing levee, and/or river, or in the generally prevailing conditions in the vicinity, be required in the future in the public interest, the permittee shall make changes in the project concerned, or in the arrangement thereof, as may be necessary to satisfactorily meet the situation and shall bear the cost thereof.

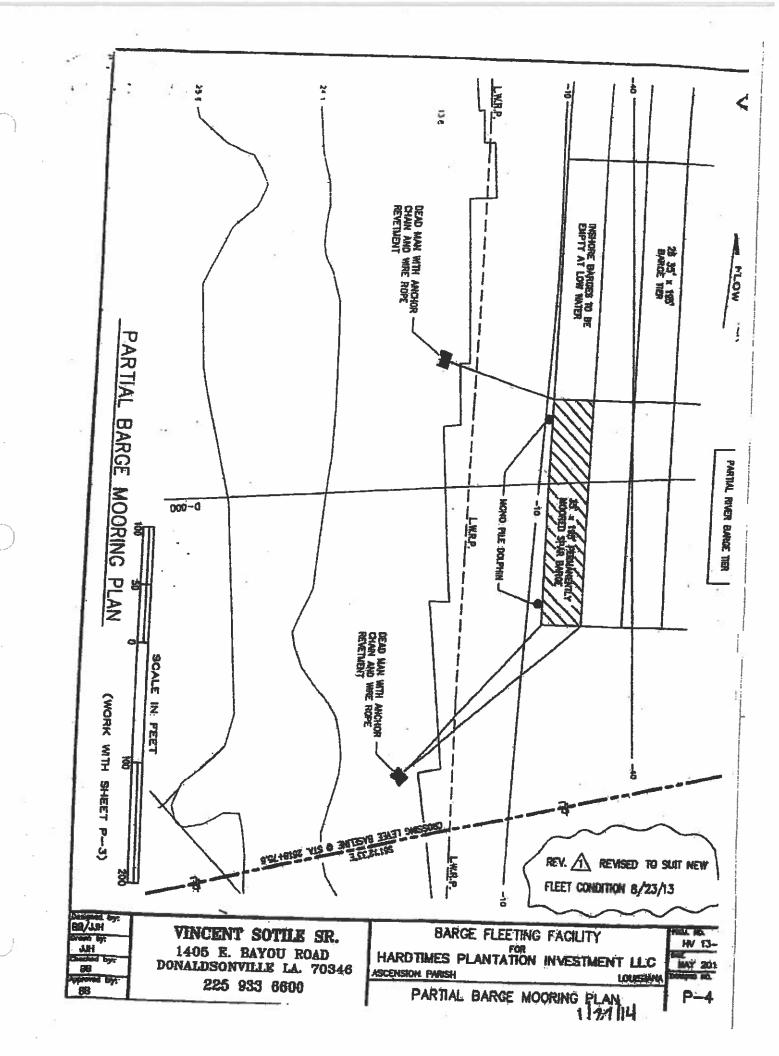


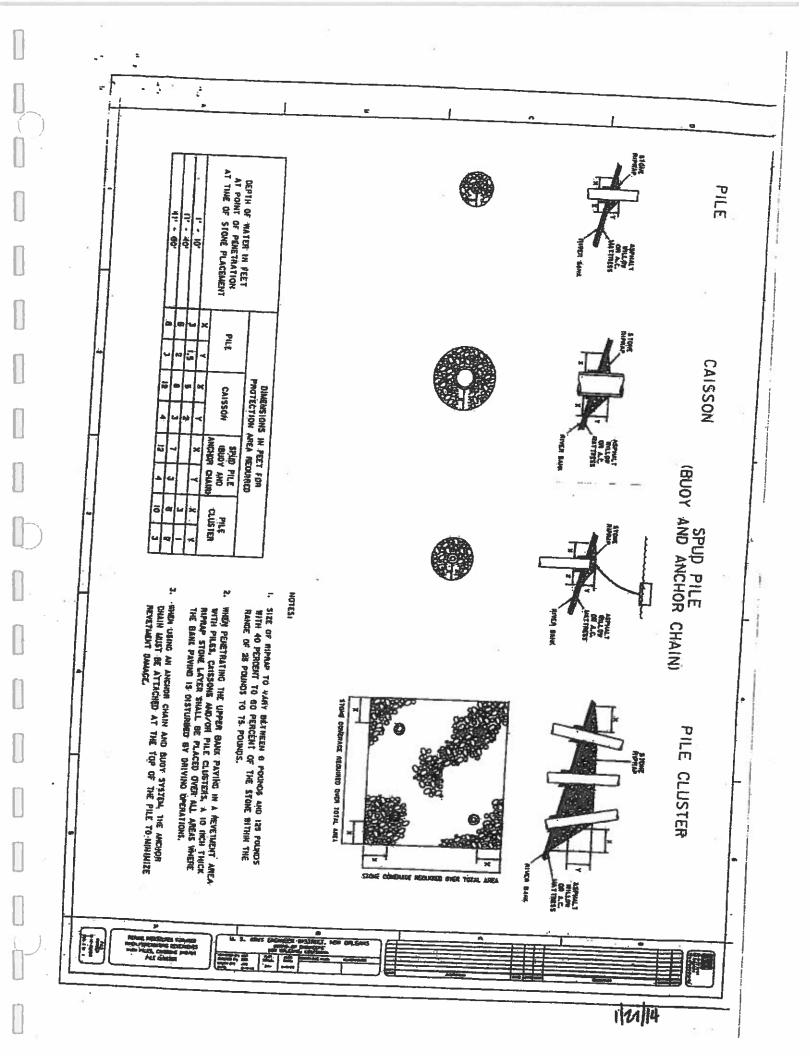
1/21/14





1/27/14





### DEEP WATER DOCKING CAPABILITY

Attached is a copy of a Plat made by McLin & Associates which reflects the River's water depth in front of the Property.

As shown on the Plat, within a distance of approximately fifty (50) feet off the river bank of the Property, the water depth is at 110 feet and from that point, going out further in the river, the river depth increases.

Those river depths are sufficient to handle deep draft vessels, and could accommodate a deep water dock facility on the Property.

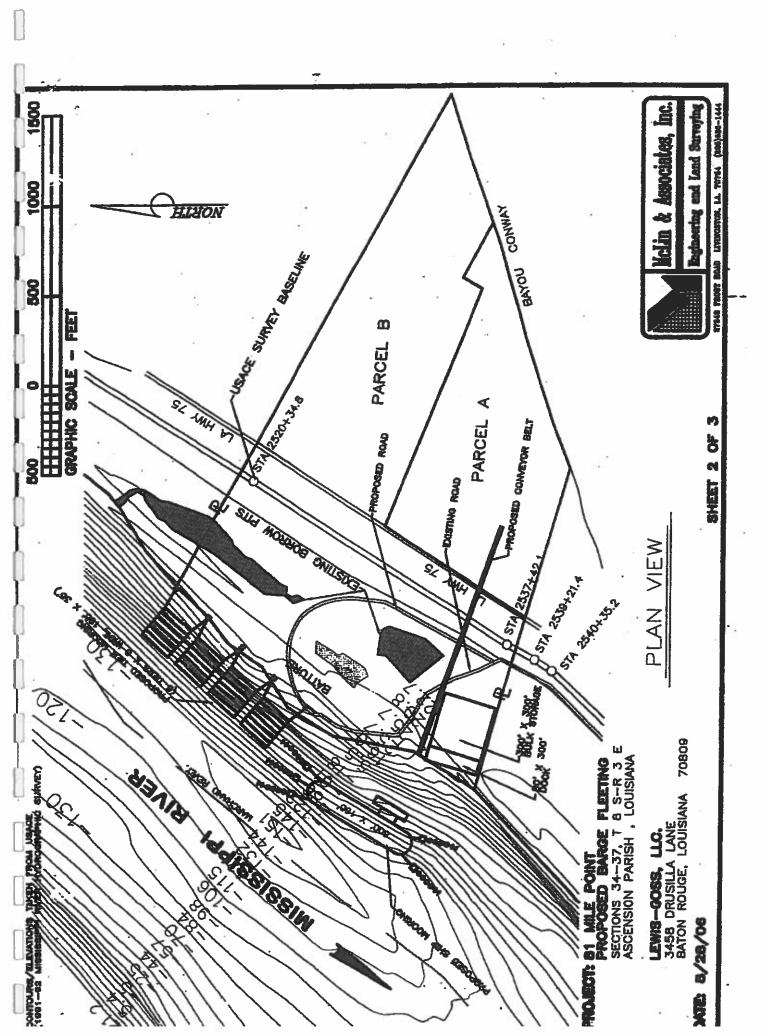
The Barge Fleeting Permit does not include a right to construct a deep water dock facility on the Property. A special permit issued by the U.S. Army Corp is required.

In January of 2016, a prospective purchaser of the Property whose intended use of the Property required a deep water dock facility.

The Purchase Agreement between the Owner and the prospective Purchaser had, in addition to the customary due diligence conditions, a condition that the Prospective Purchaser of the Property could obtain a deep water dock facility permit.

The Prospective Purchaser retained Captain Claude Klein, C.E.O. of Louisiana Bio Environmental Services & Solutions, Inc., of Belle Chasse, Louisiana to perform the necessary due diligence research and investigation on the issue of a deep water dock facility for the Property.

Captain Klein determined that in his opinion, the Property could be permitted for a deep water dock, subject to the following, viz: (1) the dock facility would have to be constructed within the "foot print" of the Fleeting Permit and (2) the estimated time period for the permitting process was 18 to 24 months.



# THE LEVEE RAMP CROSSING PERMIT

There is a pending application filed by the Owner of the Property for a Levee Ramp Crossing Permit.

This application has been approved by the Ponchartrain Levee District, which has co-jurisdiction with the U.S. Army Corp for a Levee Ramp Crossing Permit.

The status of the permit is that preliminary approval for the Permit has been obtained, subject to regulatory compliance of a mitigation issue for an area of less than one acre, which issue can and will be resolved with the Corp in the short term.

# PERMIT APPLICATION TO MINE AN EXISTING DEPOSIT OF BATTURE RIVER SAND ON THE PROPERTY

There exist on the Batture of the Property a significant deposit of batture river sand. In 2013, a permit application was filed with the Corp to permit the mining of a 20 acre site of the Batture which was the site of the sand deposit. In the course of the Permitting Process, the Corp determined that under new wet land regulations, the sand ridge is considered wet land. Prior to the filing of the Permit, the attorney for the Owner retained a qualified wet land delineator who made a determination that the 20 acre sand ridge was not wet land, due to the absence of wet land type soil and vegetation.

The quantity of the river sand deposit on the Property is 500,000 cubic and is in demand for use by the nearby industries.

The Owner has directed its attorney to re-file an application to mine the river sand, based on the attorney's opinion that the wet land mitigation issue can be resolved in a manner favorable to the Property Owner.

# THE GOLDEN FOUR MILE CORRIDOR OF MAJOR INDUSTRIAL COMPANIES IN ASCENSION PARISH

Within a 4 mile stretch of LA 75, fronting on the Mississippi River in the Geismar area of Ascension Parish, there are 14 major industrial facilities.

The industrial development along this 4 mile stretch of LA 75 began in the 1950's and continues to this day, with constant expansions, mergers, acquisitions, etc., so that nearly every foot of land fronting on LA 75 is owned by the 14 industrial giants located on the GOLDEN FOUR MILES.

Attached is a sketch showing the names and approximate location of each of the 14 industries along LA 75 and the net work of highways providing access to the Golden Four Mile Industrial corridor along LA 75.

The Sketch also has the location of HARDTIMES PLANTATION, which is less than 3 miles from the intersection of LA 75 and Ashland Road.

HARDTIMES PLANTATION is owned by Hardtimes Plantation Investments, L.L.C.

Vincent J. Sotile, Sr., Manager 1405 East Bayou Road Donaldsonville, Louisiana 70346 (225) 933-6600 vjsotile@bellsouth.net

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