

FEB 10 '03 10:59AM PHILIPS SEMICONDUCTORS EHS

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M442 PAGE 1978 11597641

Signetics Company (MS-54)
811 E. Arques Avenue
P.O. Box 3409
Sunnyvale, CA
94088-3409

**DEED OF RESTRICTION FOR USE OF PROPERTY
811 EAST ARQUES AVENUE
SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA**

This Covenant and Agreement ("Covenant") is made on the 4th day of September, 1992 by Signetics Company ("Covenantor"), who is the owner of record of certain property situated in Sunnyvale, County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference ("the Property") and by the California Regional Water Quality Control Board with reference to the restriction on use of the Property.

This Property has operated as a semiconductor facility since 1964 and the manufacturing process employed at this location has utilized various volatile organic chemicals. It is the intention of the Covenantor and pursuant to the Regional Water Quality Control Board Order No. 91-104 to restrict the use of the upper aquifer groundwater as a source of drinking water and the exposure to VOCs by restricting on-site activities.

In 1982 an investigation conducted by Covenantor revealed the presence of a contaminated soil on the Property. Soil samples indicated the presence of volatile organic chemicals (VOCs), including trichloroethylene (TCE), tetrachloroethylene (PCE), and 1, 2-dichloroethylene (1, 2-DCE), 1,1,1-trichloroethane (TCA). Aquifer levels evidence groundwater contamination include Aquifer A, B1 through B4 (approximate aquifer depth range from 10'-25' to 50'-100' below ground surface). Remedial action has been undertaken to prevent additional migration of pollutants from soil into groundwater and to control the migration of polluted groundwater.

NOW, THEREFORE, the Property shall be subject to the restrictions contained herein:

**ARTICLE I
GENERAL PROVISIONS**

1.01 Provisions to Run With the Land. This Covenant sets forth protective provisions, covenants, restrictions, and conditions, (collectively referred to as "Restrictions"), upon and subject to which the Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Property, and shall apply to and bind the respective successors in interest thereof. Each and all of the Restrictions are imposed upon the

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entire Property unless expressly stated as applicable to a specific portion of the Property.

1.02 Concurrence of Owners Presumed. All purchasers, leases, or possessors of any portion of the Property shall be deemed by their purchase, leasing, or possession of such Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assigns, and the agents, employees, and lessees of such owners, heirs, successors, and assigns, that the Restrictions as herein established must be adhered to for the benefit of future Owners and Occupants and that their interest in the Property shall be subject to the Restrictions contained herein.

1.03 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated by reference in each and all deeds and leases of any portion of the Property.

**ARTICLE II
DEFINITIONS**

2.01 Department. "Department" shall mean the California Regional Water Quality Control Board and shall include its successor agencies, if any.

2.02 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Property.

2.03 Occupants. "Occupants" shall mean those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to occupy any portion of the Property.

2.04 Owner. "Owner" shall mean the Covenantor or its successors in interest, including heirs, and assigns, who hold title to all or any portion of the Property.

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REC REC	8
RMP	1
MICRO	1
ATCP	1
LYON	
SRFP	
4 POC	

FILED FOR FILING
 AT REQUEST OF
GRANTOR
 ON 22 2 24 PM '92
 SHELBY COUNTY
 CLERK
 LARRIE KANE
 FLORENCE

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