

CONDITIONS TO REZONING OF MARTIN MARIETTA TRI-CITIES PROPERTY IN

REZONING REQUEST NO.

The following conditions are incorporated in and made a part of Rezoning Request No. XXXX and shall be binding on the applicant and on such property:

1. Blasting shall not occur closer than 1000' to Holston Elementary unless and until a plan has been submitted to provide for safety at Holston Elementary to a high degree. The plan shall be submitted to the Kingsport Planning Department, who shall review and make a recommendation to the Mayor and Board of Aldermen. If Kingsport requires technical assistance to review such plan Martin Marietta shall pay the cost of an agreed blasting expert.
2. MM shall offer an inspection at its cost of Holston Elementary by a qualified independent professional blasting expert agreeable to the Sullivan County Board of Education to document its condition before any blasting is done on the rezoned property. The inspection shall generate a written report to the Sullivan County Board of Education.
3. All blasting shall be designed and performed by a blaster licensed by the State of Tennessee and shall comply with the Tennessee Blasting Standards Act.
4. No blast on the rezoned property shall exceed one-half of the limit found safe by the State of Tennessee in TCA Section 68-105-104 at the closest structure not owned by Martin Marietta.
5. Martin Marietta shall give notice by email or telephone to the Director of Schools or to a designated representative appointed by the Director of Schools on the morning of a blast planned for that day.
6. A seismograph to monitor each blast shall be placed by an independent monitoring company at Holston Elementary at a location agreed to by the Sullivan County Board of Education. Martin Marietta shall bear all costs of monitoring. If requested by the Sullivan County Board of Education Martin Marietta will place and pay for an additional monitor.
7. A written report for each blast shall be generated by the seismograph at Holtson Elementary and shall be provided to the Director of Schools within 24 hours of the blast. The report shall be in the same form and with the same information as given to Martin Marietta.
8. Martin Marietta will make an independent consulting expert in blast monitoring and impacts available at its cost to answer any questions the Sullivan County Board of Education has in the future.
9. Martin Marietta shall be responsible for any damage to Holston Elementary from blasting. If the Sullivan County Board of Education believes there has been such damage it shall give written notice to Martin Marietta of the nature of the damage

and the date it was caused. Thereafter Martin Marietta shall investigate the damage claim and seek in good faith to resolve it with the Sullivan County Board of Education. If the parties are unable to resolve the claim Martin Marietta agrees to submit to mediation by a mediator selected by the Sullivan County Board of Education.

10. Martin Marietta shall offer an inspection at its cost of any residential structure within 1000 feet of a blast before any blasting is done on the rezoned property. The inspection shall be done by a qualified professional blasting expert to document its condition. The inspection shall generate a written report to the owner.
11. At the request of any owner of a residential structure located within 1000' feet of any blast on the rezoned property, Martin Marietta shall pay for an independent blast monitoring company to place a seismograph on such property. The seismograph shall monitor each blast and Martin Marietta shall provide a written report of the results of each blast to the owner in the same form and with the same information as given to Martin Marietta.
12. Martin Marietta shall be responsible for any damage to a residential structure caused by a blast on the rezoned property. If a homeowner believes there has been such damage it shall give written notice to Martin Marietta of the nature of the damage and the date it was caused. Thereafter Martin Marietta shall investigate the damage claim and seek in good faith to resolve it with the owner. If the parties are unable to resolve the claim Martin Marietta agrees to submit to an independent mediator at the request of the homeowner.
13. If requested, Martin Marietta agrees to participate in a neighborhood notification process by email to give advance notice on the day of a planned blast.