

Brownfields Project #: 02002-98-60
Brownfields Property: Dynatech Industries, 2213 Toomey Avenue
Property Owner (In whole or part): R. G. Automation, Inc.



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No water supply wells may be installed or used at the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 2: No mining activities may be conducted on the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 3: No activities which result in direct exposure to or removal of groundwater (for example, construction or excavation activities which encounter or expose groundwater) may be conducted on the Brownfields Property without prior sampling and analysis of groundwater in the area where activities are to be conducted, provision of the analytical results to the Department of Environment and Natural Resources ("DENR") or its successor in function along with plans and procedures to protect public health and the environment during those activities, and approval of those activities by DENR.

In compliance Out of compliance

Remarks: _____

LUR 4: No fountains, ponds, lakes, or other items which are supplied, in whole or in

part, by groundwater may be constructed on the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 5: No basements may be constructed on the Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance Out of compliance

Remarks: _____

LUR 6: None of the contaminants known to be present in the environmental media at the Property, including those listed in paragraph 8 of the Brownfields Agreement, may be used or stored at the Property without the prior approval of DENR or its successor in function, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance Out of compliance

Remarks: _____

LUR 7: The Property may not be used as a park or for sports of any kind, including, but not limited to, golf, football, soccer and baseball, without the approval of DENR or its successor in function.

In compliance Out of compliance

Remarks: _____

LUR 8: The Property may not be used for agriculture, grazing, timbering, or timber production.

In compliance Out of compliance

Remarks: _____

LUR 9: The Property may not be used as a playground, or for child care centers or schools.

In compliance Out of compliance

Remarks: _____

LUR 10: The Property may not be used for kennels, private animal pens or horse-riding.

In compliance Out of compliance

Remarks: _____

LUR 11: Prior to January 31st of each calendar year, the then owner of each portion of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR or its successor in function certifying that this Notice remains recorded at the Mecklenburg County Register of Deeds office, that the land use restrictions are being complied with, and that all impervious coverings described in the agreement are in place and in good repair.

In compliance Out of compliance

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Robert Gilbertson, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: _____

In the case of owners that are entities:

Signature of individual signing: Robert Gilbertson
Name typed or printed: Robert Gilbertson
Title: OWNER

In the case of all owners:

Date: 1-19-13

[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]

[use for corporations]

[Name of Corporation]

By: RG Automation INC.

Name typed or printed: Robert Gilbertson

Title typed or printed: OWNER

ATTEST:

Robert Gilbertson

Name typed or printed:

Secretary, RG Automation (corporation name)

NORTH CAROLINA

Mecklenburg COUNTY

I, Amy L. Ferris Ray, a Notary Public of the county and state aforesaid, certify that Robert Gilbertson personally came before me this day and acknowledged that he/she is the Secretary of RG Automation (corporation name), a North Carolina (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its owner and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 23 day of January, 20

Amy L. Ferris Ray

Name:
Notary Public

My Commission expires: 9/12/2017

[Stamp/Seal]