



May 3, 2013

Realty Associates Fund IX  
c/o Ms. Janice Crum  
Trinity Partners  
440 S. Church Street, Suite 800  
Charlotte, North Carolina 28202



Reference: Brownfields Project No. 04008-00-60  
Brownfields Property: Baldor Electric  
3821-3829 Barringer Drive  
Charlotte, Mecklenburg County, North Carolina  
ECS Project 08-8303A

Dear Ms. Crum:

ECS Carolinas, LLP (ECS) is pleased to provide Realty Associates Fund IX, c/o TA Associates with our Brownfield Land Use Restrictions Update for the referenced property. ECS's services were provided in general accordance with ECS Proposal No. 08-14818P dated April 4, 2013 and authorized on April 10, 2013. Included in this report is a description of the field activities, the findings, and our conclusions and recommendations.

**PROJECT INFORMATION**

The site consists of a Brownfields site located at 3821-3829 Barringer Drive. Ms. Janice Crum of Realty Associates Fund IX requested that ECS prepare the annual Brownfields certification for the site. This report is based on the Brownfields agreement, the Compliance Monitoring Report previously provided to ECS, a review of North Carolina Department of Environment and Natural Resources (NCDENR) Brownfields Program files and conversations with the NCDENR Brownfields Program manger and Ms. Janice Crum.

**FINDINGS**

The site consists of a Brownfields site located at 3821-3829 Barringer Drive, Charlotte, North Carolina. Based on a review of NCDENR Brownfields Program, additional groundwater monitoring is not required. An updated Land Use Restriction Update is required for the site in accordance with the Brownfields Agreement. This update is required annually.

On April16, 2013, ECS visited the site to observe the site conditions in order to complete the Land Use Restriction Update. The site was observed to consist of a multi-tenant warehouse and asphalt paved and landscaped areas. No evidence of basements, wells or recent excavation was observed on the property during the site visit. The pavement was generally observed to be intact with minor cracks observed. According to Ms. Crum there have been no additions or excavation on the property since it was acquired. Some tenant spaces are undergoing renovations but these renovations have not affected the building slab which functions as a cap.

Brownfields Land Use Restrictions Annual Update  
3821-3829 Barringer Drive  
Charlotte, Mecklenburg County, North Carolina  
ECS Project 08-8303A  
May 3, 2013

### **CONCLUSIONS AND RECOMMENDATIONS**

The completed Land Use Restrictions Update is attached. ECS does not recommend additional assessment at this time. ECS recommends that the Land Use Restriction Update continue to be completed and submitted to NCDENR Brownfields Program annually as required by the Brownfields agreement. ECS has submitted a copy of this report to the NCDENR Brownfields program.

### **QUALIFICATIONS OF REPORT**

The activities and investigative approaches used in this assessment are consistent with those normally employed in groundwater assessment projects of this type. Our evaluation of site conditions has been based on our understanding of the site project information and the data obtained during our field activities.

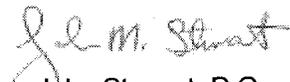
ECS appreciates the opportunity to provide our services to you. If there are questions regarding this report, or a need for further information, please contact us at (704) 525-5152.

Respectfully submitted,

**ECS CAROLINAS, LLP**



Brian T. Olin, P.G.  
Environmental Geologist



John Stewart, P.G.  
Principal Geologist

Attachments:

Land Use Restriction Update  
Photographic Log

cc: Tony Duque, NCDENR Brownfields Program (tony.duque@ncdenr.gov)  
David Peacock, NCDENR Brownfields Program (david.peacock@ncdenr.gov)

**Brownfields Project #:** 04008-00-60  
**Brownfields Property:** Baldor Electric, 3821 Barringer Drive  
**Property Owner (In whole or part):** Realty Associates Fund IX, c/o TA Associates

**LAND USE RESTRICTIONS ("LUR") UPDATE**

LUR 1: No water supply wells may be installed or used at the Property, and groundwater at the Property shall not be accessed or used for any purpose.

In compliance  Out of compliance

Remarks:


LUR 2: No mining activities may be conducted on or under the 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 Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal 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 human health and the environment during those activities, and approval of those activities by DENR or its successor in function.

In compliance  Out of compliance

Remarks:


LUR 4: No basements and no fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater may be constructed on the Property.

In compliance  Out of compliance

Remarks:

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LUR 5: No chlorinated solvents, including but not limited to those listed in the table contained in the Notice of Brownfields Property, may be used, warehoused or otherwise stored at the Property, without prior approval of DENR. DENR approval shall not be required for chlorinated solvents used in *de minimis* amounts for cleaning and for other routine housekeeping activities.

In compliance  Out of compliance

Remarks:

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LUR 6: Within seven (7) days of each anniversary of the effective date of the Brownfields Agreement ("Agreement"), the then current owner(s) of each portion of the Property shall each submit a notarized Land Use Restriction Update to DENR certifying that the Notice of Brownfields Property remains recorded at the Mecklenburg County Register of Deeds office, that the land use restrictions are being complied with, and that existing paved surfaces in areas within 100 feet of known contamination are being maintained to function as caps in accordance with paragraph 10.d of the Agreement. The Groundwater Monitoring Report referenced in paragraph 10.d of the Agreement shall be submitted with the LUR Update in those years during which groundwater monitoring is required.

In compliance  Out of compliance

Remarks:         A Groundwater Monitoring report is not required based on groundwater monitoring no longer being required based on three successive rounds of monitoring indicating compliance with groundwater standards. The paved surface on and around the property are being maintained to function as caps.

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 Realty Associates Fund IX, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Janice Crum, Trinity Partners agent for Realty Associates Fund IX

In the case of owners that are entities:

Signature of individual signing: \_\_\_\_\_

Name typed or printed: \_\_\_\_\_

Title: \_\_\_\_\_

Janice Crum  
Janice Crum  
Agent for Realty Associates Fund IX

In the case of all owners:

Date: 4-30-2013

Janice Crum, Agent for  
Realty Associates Fund IX, c/o TA Associates  
28 State Street, 10<sup>th</sup> Floor, Boston MA 02109

By: \_\_\_\_\_

Name typed or printed: Janice Crum

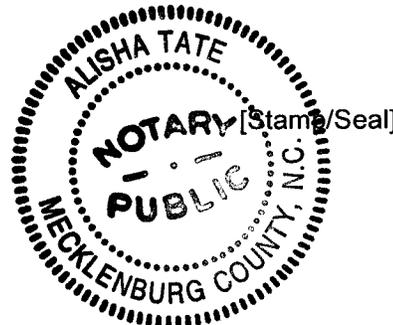
NORTH CAROLINA  
Mecklenburg COUNTY

I, Alisha Tate, a Notary Public of the county and state aforesaid, certify that Janice Crum personally came before me this day, demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this 30 day of April, 2013.

Alisha Tate  
Name typed or printed: Alisha Tate  
Notary Public

My Commission expires: 6-23-13





**PHOTOGRAPHIC LOG**

3821-3829 Barringer Drive  
Brownfield Site  
Charlotte, North Carolina

ECS PROJECT NO. 08-8303A



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3821-3829 Barringer Drive  
Brownfield Site  
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