

File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins
Project ID: 0400800060
Facility Name: BALDOR ELECTRIC-REALTY ASSC FUND IX
Document Group: Land Use Restriction Updates (LURU)
Document Type: Annual Certification (AC)
Description: 2012 ANNUAL CERTIFICATION
Date of Doc: 5/21/2012
Author of Doc: JANICE CRUM

File Room Use Only

Date Recieved by File Room:

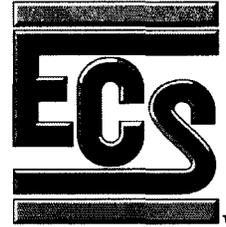
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LETTER OF TRANSMITTAL



ECS Carolinas, LLP
 1812 Center Park Dr.
 Suite D
 Charlotte, NC 28217
 Ph: 704-525-5152

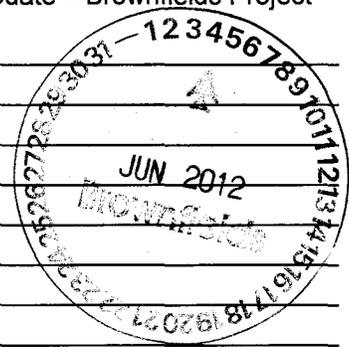
Project	Brownfields Property: Baldor Electric
To	Brownfields Project No. 04008-00-60 Tony Duque
	NCDENR Brownfields Program
	Division of Waste Management
	1646 Mail Service Center
	Raleigh, NC 27611-1646

ECS Project Number	08:8303
Date	05/24/2012
By	Brian Olin
Re:	Brownfield LURU

We are sending you Enclosed Email Attachments _____ the following items:

- | | | | | |
|---|--|---------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Print | <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Reproducible | <input type="checkbox"/> Shop Drawing | <input type="checkbox"/> Computer File |
| <input type="checkbox"/> Specifications | <input type="checkbox"/> Correspondence | <input type="checkbox"/> Sample | | |

Copies	Date	No.	Description
1	05/16/2012		Baldor Electric Brownfields Land Use Restrictions Update – Brownfields Project No. 04008-00-60



If enclosures are not as noted, please notify sender at once

The enclosed are being transmitted

- | | | | |
|--|---------------------------------------|---|---|
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> For review and comment |
| <input type="checkbox"/> Approved as noted | <input type="checkbox"/> For approval | <input checked="" type="checkbox"/> | |

Comments

Please find enclosed an original notarized copy of the Brownfields Land Use Restriction Update report for the referenced property. If you have any questions regarding this report, please contact Brian Olin at 704-409-7743.

Thank you.

Allie K. Hall

RESPECTFULLY SUBMITTED,
 ECS Carolinas, LLP

Allie K. Hall
 Administrative Assistant

TAD ✓



ECS CAROLINAS, LLP

"Setting the Standard for Service"

Geotechnical • Construction Materials • Environmental • Facilities

NC Registered Engineering Firm F-1078

May 16, 2012

Realty Associates Fund IX
c/o Ms. Janice Crum
Senior Property Manager
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 08-8303

Dear Ms. Crum:

ECS Carolinas, LLP (ECS) is pleased to provide Realty Associates Fund IX, c/o TA Associates with the findings of the Brownfield Land Use Restrictions Update for the referenced property. ECS's services were provided in general accordance with ECS Proposal No. 08-13763P dated April 27, 2012 and authorized on April 30, 2012. 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 Trinity Partners requested that ECS review The Compliance Monitoring Report prepared by S&ME dated November 8, 2010 and the Brownfields agreement to determine what the status of the site is and to address them. This report is based on the Brownfields agreement, the Compliance Monitoring Report 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 S&ME's November 2010 Compliance Monitoring Report, ECS contacted the NCDENR Brownfields Program to determine the status of the site. NCDENR provided files and confirmed that additional groundwater monitoring was not required at this time and that MW-4 had been properly abandoned. Based on this information, no additional monitoring was required but an updated Land Use Restriction Update is required for the site in accordance with the Brownfields Agreement. This update is required annually but because of a change in ownership of the property it was not field on schedule.

On May 10, 2012 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 building and asphalt paved and landscaped areas. No evidence of basements, wells or recent

Brownfields Land Use Restrictions Annual Update
3821-3829 Barringer Drive
Charlotte, Mecklenburg County, North Carolina
ECS Project 08-8303
May 16, 2012

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 no additions or excavation on the property since it was acquired.

CONCLUSIONS AND RECOMMENDATIONS

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

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.

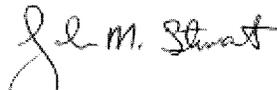
ECS appreciates the opportunity to provide our services to you. If there are questions regarding this report, or a need for further information, please contact us at (704) 525-5152.

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

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:

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:

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: The LUR was delayed as the property was recently sold. The new owner is submitting the notarized Land Use Restriction Update in accordance with the Notice of Brownfields property that is on file with the Mecklenburg County register of Deeds office. 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.

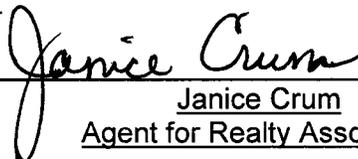
Name typed or printed of party making certification: Janice Crum, Trinity Partners agent for Realty Associates Fund IX

In the case of owners that are entities:

Signature of individual signing: _____

Name typed or printed: _____

Title: _____

 _____

Janice Crum

Agent for Realty Associates Fund IX

In the case of all owners:

Date: 5-21-12 _____

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

By: Janice Crum
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 21 day of
May, 2012

Alisha Tate
Name typed or printed: Alisha Tate
Notary Public

My Commission expires: 6-23-13



[Stamp/Seal]



PHOTOGRAPHIC LOG

3821-3829 Barringer Drive
Brownfield Site
Charlotte, North Carolina

ECS PROJECT NO. 08-8303



PHOTOGRAPHIC LOG

3821-3829 Barringer Drive
Brownfield Site
Charlotte, North Carolina

ECS PROJECT NO. 08-8303