

Brownfields Program
File Room Document Transmittal Sheet

25

Your Name: Shirley Liggins
Project ID: 0401200023
Facility Name: Smith Property - Cleveland County
Document Group: Land Use Restriction Updates (LURU)
Document Type: Annual Certification (AC)
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Author of Doc: Kerri Melton

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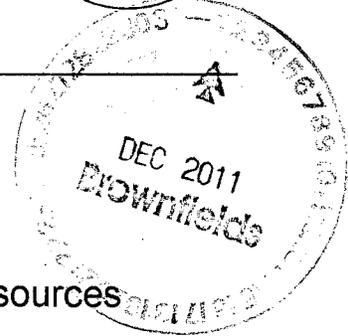


CLEVELAND COUNTY

Offices of the
BOARD OF COMMISSIONERS
COUNTY MANAGER
COUNTY ATTORNEY
COUNTY CLERK



November 30, 2011



David Peacock
North Carolina Department of Environmental and Natural Resources
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

Subject: *Annual Land Use Restriction Update
Smith Property/Campbell Street
Shelby, Cleveland County
Brownfields Project Number: 04012-00-23*

Dear Ms. Liggins:

Attached is the annual Land Use Restriction Update required by DENR on the above-referenced site. If you have questions, please do not hesitate to contact me (704-484-4816).

Sincerely,

Kerri Melton
Cleveland County Clerk to the
Board of Commissioners

Enclosure

Copies To: File

Chris Crepps, Cleveland County Finance Director

Brownfields Project #: 04012-00-23
Brownfields Property: Smith Property, 309-321 Campbell Street
Property Owner (In whole or part): Cleveland County



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 public 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 without the approval of DENR.

In compliance Out of compliance

Remarks: _____

LUR 5: None of the contaminates known to be present in groundwater at the Property, as listed in Paragraph (2).a. of the Notice of Brownfields Property ("Notice"), shall be used or stored on the Property.

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 owner of each portion of the Property shall submit a notarized Land Use Restriction Update to DENR certifying that the Notice containing these land use restrictions remains recorded at the Cleveland County Register of Deeds office, that the land use restrictions are being complied with, and that parking lot is being maintained as required in Paragraph 10.b. of the Agreement.

In compliance Out of compliance

Remarks: _____

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

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

Name typed or printed of party making certification: Cleveland County

In the case of owners that are entities:

Signature of individual signing: David C. Dear
Name typed or printed: David C. Dear
Title: County Manager

In the case of all owners:

Date: 11/30/11

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

Cleveland County
By: David C. Dear
David C. Dear
County Manager

ATTEST:

Kerri Melton
Kerri Melton
Cleveland County Clerk

NORTH CAROLINA
Cleveland COUNTY

I, April N Crotts, a Notary Public of the county and state aforesaid, certify that **Kerri Melton** personally came before me this day and acknowledged that he/she is the Secretary of Cleveland County a **North Carolina** corporation, and that by authority duly given and as the act of the corporation, the foregoing Notice of Brownfields Property was signed in its name by its County Manager and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 30th day of
November, 2011.

April N. Crotts
Name:
Notary Public

My Commission expires: 5-7-2012

[Stamp/Seal]