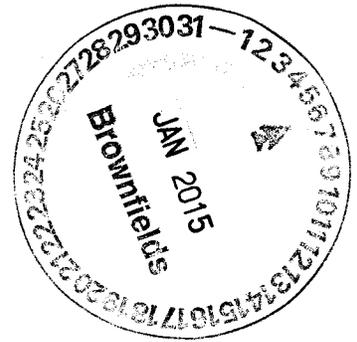


**Brownfields Project #:** 05006-01-60  
**Brownfields Property:** Brown Solvent, 2935 Griffith Street  
**Property Owner (In whole or part):** Southend Investment Group, LLC



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

LUR 1: No use other than commercial may be made of the Property, defined as an occupation, employment, or enterprise that is carried on for profit.

In compliance  Out of compliance

Remarks: Building is used for and as a furniture showroom.

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LUR 2: No water supply wells may be installed or used at the Property.

In compliance  Out of compliance

Remarks: \_\_\_\_\_

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LUR 3: No mining activities may be conducted on the Property.

In compliance  Out of compliance

Remarks: \_\_\_\_\_

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LUR 4: 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 5: 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 or its successor in function.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 6: Surface water and underground water at the Property may not be used for any purpose without the approval of DENR or its successor in function.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 7: 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 8: None of the contaminants known to be present in the environmental media at the Property, including those listed in the above table 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 9: 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 10: The Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 11: The Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 12: The Property may not be used for kennels, private animal pens or horse-riding.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 13: Unless and until DENR approves their abandonment pursuant to the next land use restriction, the groundwater monitoring wells denominated MW-1 (in the former UST basin) and MW-4 (northwest and downgradient of the former UST basin) on the plat component of the Notice of Brownfields Property ("Notice") referenced in paragraph 16 of the Notice shall be properly maintained, and shall, in alternating years commencing with the year the Brownfields Agreement ("Agreement") becomes effective, be sampled, by U.S. Environmental Protection Agency Method 8260, for toluene. If the sampling results for toluene are below the applicable gross contamination level of 257,000 ug/L contained in the Guidelines for Assessment and Corrective Action of DENR's Underground Storage Tank Section for two consecutive sampling events, the then current owner of each affected portion of the Property may request in writing that DENR terminate the sampling requirement.

In compliance  Out of compliance

Remarks: We have requested in writing that DENR terminate  
the sampling requirement. And DENR has approved  
such.

LUR 14: If and when DENR provides written approval to terminate sampling, within thirty (30) days thereafter the then current owner of each affected portion of the Property shall notify DENR that it is ready to effect the abandonment of all groundwater monitoring wells, injection wells, recovery wells, piezometers and other man-made points of groundwater access at the Property in accordance with Subchapter 2C of Title 15A of the North Carolina Administrative Code. Unless DENR notifies Prospective Developer within ten (10) days of receiving such notification to refrain from the abandonment, the then current owner of each affected portion of the Property shall effect the abandonment within ten (10) days of receiving written DENR approval and shall, within thirty (30) days after concluding the abandonment, provide DENR a report setting forth the procedures and results.

In compliance  Out of compliance

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 15: During January of each year after the Agreement becomes effective, the then current owner of any part of the Property shall submit a notarized Land Use Restrictions Update (LURU) to DENR or its successor in function certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office, that the land use restrictions are being complied with, that impervious surfaces at the Property are being maintained such that they are continuing to function as caps. A report on the sampling required by the preceding land use restriction, accompanied by the sampling data, shall be submitted with the LURU during January following each sampling event.

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 Frank A. McClenaghan, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Frank A. McClenaghan

[use for LLCs]

[Insert Name of LLC]

By: Southend Investments Group LLC

Name typed or printed:

Member/Manager

Frank A. McClenehan

NORTH CAROLINA  
Mecklenburg COUNTY

I, Caitlin N. Allison, a Notary Public of the county and state aforesaid, certify that Frank A. McClenehan personally came before me this day and acknowledged that he/she is a Member of Southend Investments Group LLC, a North Carolina (state) limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 29 day of December, 2014

Caitlin N. Allison

Name typed or printed: Caitlin N. Allison

Notary Public

My Commission expires: 10.13.2019

[Stamp/Seal]

