



**GRUBB PROPERTIES**

*People who care. Places that matter.*

VIA FED EX

February 25, 2014



Mr. David Peacock  
Brownfields Compliance Coordinator  
NC Department of Environment and Natural Resources  
1646 Mail Service Center  
Raleigh, NC 27699-1646

Subject: Annual Land Use Restrictions Update

Dear Mr. Peacock:

Enclosed are executed LURUs for the Brownfields projects listed below.

East Park – Boyer	Project #06018-02-60
East Park – Kossove	Project #05012-01-60
East Park – Joal	Project #05011-01-60
East Park – Craver	Project #07019-03-60

If you need any additional information, please let us know. I can be reached at 704-405-5167 and Diana Miller can be reached at 704-405-1639. Thank you for your assistance.

Sincerely,

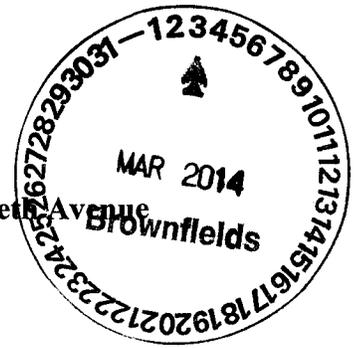
Susan D'Ambra  
Executive Assistant  
Commercial Real Estate

Enclosures

**Charlotte** | Cary | Lexington

4500 Cameron Valley Parkway, Suite 350, Charlotte, NC 28211 | 704.372.5616 phone | 704.372.9882 fax | [grubbproperties.com](http://grubbproperties.com)

**Brownfields Project #: 05011-01-60**  
**Brownfields Property: East Park – Joal Realty, 1530 & 1534 Elizabeth Avenue**  
**Property Owner (In whole or part): Torrence Street Partners, LLC**



**LAND USE RESTRICTIONS (“LUR”) UPDATE**

LUR 1: Groundwater at the Brownfields Property may not be accessed or used in any way whatsoever, whether through wells or for fountains, ponds, lakes, swimming pools or any other purpose.

In compliance  X  Out of compliance \_\_\_\_\_

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

LUR 2: No basements shall be constructed at the Brownfields Property unless they are, as determined by the Department of Environment and Natural Resources (“DENR”), vented in conformance with applicable building codes.

In compliance  X  Out of compliance \_\_\_\_\_

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

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

In compliance  X  Out of compliance \_\_\_\_\_

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

LUR 4: No activities that result in direct exposure to or removal of groundwater (for example, construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields Property without prior sampling and analysis of groundwater to DENR’s satisfaction in the area proposed for such activities,

and submittal of the analytical results to DENR or its successor in function. If such results disclose contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without DENR approval and on such conditions as DENR imposes, including at a minimum DENR approval of plans and procedures to protect public health and the environment during the proposed activities.

In compliance  Out of compliance

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

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

In compliance  Out of compliance

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

LUR 6: Within seven (7) days of each anniversary of the effective date of this Agreement, the then current owner(s) of each portion of the Brownfields Property shall submit a notarized Land Use Restrictions Update to DENR certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office, and that the land use restrictions are being complied with.

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 Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

TORRENCE STREET PARTNERS, LLC,  
A North Carolina limited liability company

By: Novant Health, Inc., Manager

By: *Steven C. Burke*  
Steven C. Burke  
Vice President

Date: 02/20/2014

NORTH CAROLINA  
MECKLENBURG COUNTY

I, *Regina D. Ford*, a Notary Public of the county and state aforesaid, certify that Steven C. Burke personally came before me this day and acknowledged that he is the Vice President of Novant Health, Inc., Manager of 1600 ELIZABETH AVENUE, LLC, a North Carolina limited liability 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.

WITNESS my hand and official stamp or seal, this 20<sup>th</sup> day of February, 2014.

*Regina D. Ford*  
Name:  
Notary Public

My Commission expires: 2/13/15

[Stamp/Seal]

