

File Room Document Transmittal Sheet

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Facility Name: East Park Kossove
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WELLS, JAWORSKI & LIEBMAN, LLP
ATTORNEYS AT LAW

Thomas M. Wells (NJ, VT & OH)
James E. Jaworski (NJ & NY)
Stuart D. Liebman (NJ)
James J. Delia (NJ)
Kenneth A. Porro (NJ)
AnnMarie Palermo-Smits (NJ & NY)
Darrell M. Felsenstein (NJ)

Lisa R. Aljian (NJ & NY)
Cheryl Morrissey (NJ & NY)
Of Counsel

Jill F. Rosenfeld (NJ & NY)
Andrew S. Kohut (NJ & NY)
Nicole E. Russak (NJ & NY)
Sylvia Hall (NJ & NY)

12 Route 17 North, P.O. Box 1827
Paramus, New Jersey 07653-1827

(201) 587-0888
Telefax (201) 587-8845
Telefax (201) 587-0074

www.wellslaw.com

Writer's Email Address:
jdelia@wellslaw.com

Please Reply to
Paramus, New Jersey Office

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March 21, 2012

Via Certified Mail - RRR

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

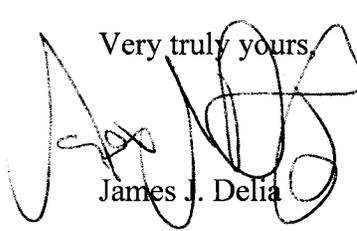
Re: Annual Land Use Restrictions Update
East Park – Kossove
1515, 1521, 1525 E. Fourth St.
Charlotte, Mecklenburg County
Brownfields Project Number: 05012-01-60

Dear Mr. Peacock:

In accordance with the rules of the Land Use Restriction Update, and in compliance with the Notice of Brownfields Property of the above-referenced site, enclosed please find a completed Land Use Restrictions Update executed by Robert Dill.

Should you require additional information, please advise.

Very truly yours,


James J. Delia

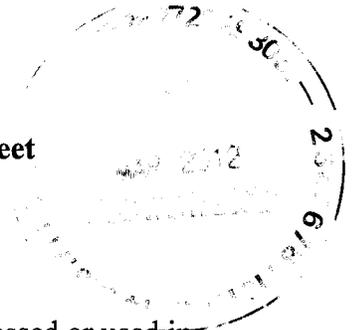
JJD/mjd

Encl.

cc: Mr. Robert Dill (w/encl.)
Frances T. Mezzatesta, Certified Paralegal



Brownfields Project #: 0502-01-60
Brownfields Property: East Park - Kossove, 1515, 1521 & 1525 East 4th Street
Property Owner (*In whole or part): Charlotte King, 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 _____

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 X 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 X Out of compliance _____

Remarks: _____

LUR 6: Within seven (7) days of each anniversary of the effective date of the Brownfields 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 X Out of compliance _____

Remarks: _____

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

This Land Use Restrictions Update is certified by ROBERT DILL, Managing member of Charlott King, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: ROBERT DILL

In the case of owners that are entities:

Signature of individual signing: _____

Name typed or printed: ROBERT DILL

Title: Managing Member of Charlotte King, LLC

In the case of all owners:

Date: _____

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

[use for LLC's]

[Name of Prospective Developer]



By: ROBERT DILL

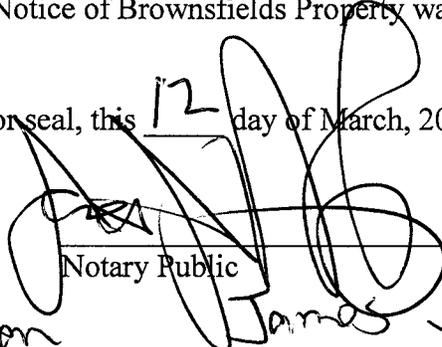
Name typed or printed:

Member /Manager

STATE OF NEW JERSEY
BERGEN COUNTY

I, James J. Delia, a Notary Public of the county and state aforesaid, certify that Robert Dill personally came before me this day and acknowledged that he is a Member of Charlotte King, LLC, a New Jersey limited liability company, and its Manager, and that by authority duly given as the act of the company, the foregoing Notice of Brownsfields Property was signed in its name by him.

WITNESS my hand and official stamp or seal, this 12 day of March, 2012.



Notary Public
James J Delia
Atty at Law
NJ

My Commission expires: no expiration