

February 20, 2014

Mr. Tony Duque  
North Carolina Brownfields  
Mail Service Center 1646  
Raleigh, North Carolina 27699-1646

RE: Land Use Restrictions Update  
Wendover Village  
Brownfield #05014-01-41  
4201 West Wendover Avenue, Greensboro, North Carolina  
EBI Project #12140005



Dear Mr. Duque:

On behalf of the DDR-SAU Wendover Phase II, LLC., EBI hereby submits the enclosed Land Use Restrictions Update to the North Carolina Department of Environment and Natural Resources (NCDENR) Brownfield Program for the Brownfield Property #05014-01-41. As part of our annual review, EBI conducted a site visit of the facility on January 22, 2014 and completed the attached Land Use Restrictions Update Form. EBI notes that the cap was reviewed as part of this update and it continues to function per the land restriction conditions. If you have a questions please contact Richard George at 954.483.6722.

Sincerely,  
EBI Consulting

Stephanie Clorey  
Senior Scientist

Rich George  
Senior Program Manager

Attachment: Land Use Restriction Report



**Brownfields Project #:** 05014-01-41

**Brownfields Property:** Guilford Mills, 4201 West Wendover Avenue

**Property Owner (In whole or part):** Wendover Village LLC, BEF REE, Inc  
Burger King Corp., Costco Wholesale  
Corporation Property Tax Dept. 339, DSR  
Southeast Wendover LLC and DDR  
Southeast Wendover Phase II LLC

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

LUR 1: No water supply wells may be installed or used at the Brownfields Property, and groundwater at the Property shall not be accessed or used for any purpose.

In compliance  X  Out of compliance

Remarks:  None identified

LUR 2: No mining activities may be conducted on or under the Brownfields Property.

In compliance  X  Out of compliance

Remarks:  None identified

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 Brownfields 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  X  Out of compliance

Remarks:  None identified

LUR 4: No fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater may be constructed on the Brownfields Property.

In compliance  X  Out of compliance

Remarks:  None identified

LUR 5: None of the contaminants known to be present in groundwater at the Property, as listed in Paragraph (2).a. of the Notice of Brownfields Property ("Notice"), may be used, warehoused or otherwise stored at the Brownfields Property without prior DENR approval, except that such approval shall not be required for use of those compounds in *de minimis* amounts for cleaning and for other routine housekeeping activities, or for temporary storage, pending transportation or sale, of products containing those compounds in *de minimis* amounts, or in connection with operation of a business that stores and sells motor fuels (for example, a convenience store) but does not provide vehicle repair services.

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

Remarks:  Gasoline sold at the Costco, deminis amounts of materials used for cleaning and routine housekeeping, or temporary storage for sales.

LUR 6: Within seven (7) days of each anniversary of the effective date of the Brownfields Agreement ("Agreement"), the owner(s) of each portion of the Brownfields Property shall submit a notarized Land Use Restriction Update ("LURU") to DENR certifying that the Notice containing these land use restrictions remains recorded at the Guilford County Register of Deeds office, that these land use restrictions are being complied with, and that any caps installed at the Brownfields Property pursuant to paragraph 10.d. of the Agreement are continuing to fulfill their function. The obligations of this LUR 6 may alternatively be performed by a duly organized property owners' association, or similar entity representing the owners of all the Brownfields Property, if such association or entity has agreed to accept responsibility for compliance with this LUR 6 pursuant to a notarized instrument satisfactory to DENR.

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

Remarks:  None

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

This Land Use Restrictions Update is certified by DDR-SAU Wendover Phase II, L.L.C., owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: DDR-SAU Wendover Phase II, L.L.C

**DDR-SAU WENDOVER PHASE II, L.L.C**

a Delaware limited liability company

By DDR-SAU Retail Fund, L.L.C.

Its Sole Member

By DDR Retail Real Estate Limited Partnership

Its Member

By DDR IRR Acquisition LLC

Its General Partner

By:

ET Sullivan

Name typed or printed:

EDWARD T. SULLIVAN

Member/Manager

State of North Carolina  
County of Granville

I, Shari B Lloyd, a Notary Public of the county and state aforesaid, certify that Edward T. Sullivan personally came before me this day and acknowledged that he/she is a Member of DDR-SAU Wendover Phase II, LLC, a Delaware 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 17<sup>th</sup> day of February, 2014.

Shari B. Lloyd

Name typed or printed:

Notary Public

My Commission expires: 9-2-14

