

# File Room Document Transmittal Sheet

Your Name: Shirley Liggins  
Project ID: 0501401041  
Facility Name: Guilford Mills - Costco  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2011 annual certification  
Date of Doc: 7/5/2011  
Author of Doc: Edward Sullivan

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Date Recieved by File Room:

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8	2	12

0501401041

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June 29, 2011

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

RE: Land Use Restrictions Update  
Wendover Village  
Brownsfield #05014-01-41  
4201 West Wendover Avenue, Greensboro, North Carolina  
EBI Project #12110017



Dear Mr. Duque:

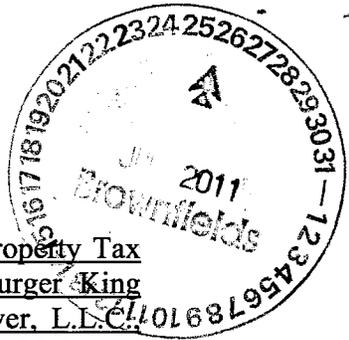
On behalf of the DDR-SAU Wendover Phase II, L.L.C., EBI hereby submits the enclosed Land Use Restrictions Update to the North Carolina Department of Environment and Natural Resources (NCDENR) Brownsfield Program for the Brownsfield Property #05014-01-41. As part of our annual review, EBI conducted a site visit of the facility, reviewed the recorded Brownsfield deed at the county registrar office (copy attached) 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 Rogers  
Program Manager

Rich George  
Senior Program Manager

Attachment: Land Use Restriction Report  
Recorded Deed



**Brownfields Project #:** 05014-01-41  
**Brownfields Property:** Guilford Mills, 4201 West Wendover Avenue  
**Property Owner (In whole or part):** Costco Wholesale Corporation Property Tax  
dept. 339, BEF REIT Inc., Burger King  
Corp., DDR Southeast Wendover, L.L.C.,  
DDR-SAU Wendover Phase II, LLC, and  
Wendover Village, 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  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  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  Out of compliance \_\_\_\_\_

Remarks: A copy of the recorded deed from the county registrar office is attached.

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  
Its: VICE PRESIDENT PROPERTY MANAGEMENT - EASTERN  
Date: 7/5/2011

OHIO  
CUYAHOGA COUNTY

I, Christina D. Stoner, 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, L.L.C., 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 5<sup>th</sup> day of July, 2011.

Christina D. Stoner  
Name typed or printed: Christina D. Stoner  
Notary Public

My Commission expires: 11/3/2013

[Stamp/Seal]



CHRISTINA D. STONER  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
November 3, 2013