

Brownfields Project #: 06006-02-60
Brownfields Property: Cherokee Oil, 925 South Summit Avenue
Property Owner (whole or part): Gala Entertainment, LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

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

In compliance X Out of compliance _____

Remarks: _____

LUR 2: No activities which result in direct exposure to or removal of soil from beneath the Brownfields Property's paved surfaces or the building slab may be conducted without prior sampling and analysis of soil 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 human 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: _____

LUR 3: Portions of the Brownfields Property which remain pervious, including planters and landscape portions of the Brownfields Property surrounding the building and islands in the parking area, must contain or be comprised of clean fill dirt. Existing soils in such areas must either be capped with asphalt or removed from these areas and replaced with clean fill dirt prior to any disturbance of those soils.

In compliance X Out of compliance _____

Remarks: _____

LUR 4: Without the approval of DENR, the Brownfields Property shall not be used for playground facilities and/or organized sporting activities of any kind, including, but not limited to, golf, football, soccer and baseball.

In compliance Out of compliance

Remarks: _____

LUR 5: The Brownfields Property shall not be used for agricultural or grazing purposes.

In compliance Out of compliance

Remarks: _____

LUR 6: The Brownfields Property shall not be used for mining, including extraction of coal, oil, gas or any other mineral or non-mineral substances.

In compliance Out of compliance

Remarks: _____

LUR 7: No basements, and 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 without the approval of DENR or its successor in function.

In compliance Out of compliance

Remarks: _____

LUR 8: The Brownfields Property shall not be used for residential or day care purposes, or for schools, without the approval of DENR or its successor in function.

In compliance X Out of compliance _____

Remarks: _____

LUR 9: During **January** of each year after the Agreement becomes effective, the 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 the land use restrictions set forth above remains recorded at the Mecklenburg County Register of Deeds office, that the land use restrictions are being complied with, and that all paved and gravel surfaces and the building slab at the Brownfields Property remain in place and are being maintained such that they continue to function as impervious caps.

In compliance X 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 Gala Entertainment, LLC , owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Rodolfo G. Esquivel

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: Rodolfo G. Esquivel
Title: Manager

In the case of all owners:

Date: 3-10-2014

GALA ENTERTAINMENT, LLC

By: [Signature]
Name typed or printed: Rodolfo G. Esquivel
Manager

NORTH CAROLINA
MECKLENBURG COUNTY

I, William C. PARNON, a Notary Public of the county and state aforesaid, certify that Rodolfo G. Esquivel personally came before me this day and acknowledged that he is a Manager of Gala Entertainment, LLC, a North Carolina limited liability company, and he, as 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.

WITNESS my hand and official stamp or seal, this 10th day of March, 2014.

[Signature]
Name typed or printed:
Notary Public WILLIAM C. PARNON

My Commission expires: 10-10-18

[Stamp/Seal]

