

File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins
Project ID: 0600602060
Facility Name: Cherokee Oil
Document Group: Land Use Restriction Updates (LURU)
Document Type: Annual Certification (AC)
Description: 2012 annual certification luru
Date of Doc: 4/18/2012
Author of Doc: John Mancino

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Date Recieved by File Room:

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Scanner's Initials: *Dee*

Brownfields Project #: 06006-02-60
Brownfields Property: Cherokee Oil, 925 South Summit Avenue
Property Owner (In whole or part): M & J Equities, 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 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 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 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 Out of compliance

Remarks: _____

LUR 9: During January of each year after this 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 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 above Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by John J Mancino owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: _____

In the case of owners that are entities:

Signature of individual signing: _____

Name typed or printed: _____

Title: _____

John J Mancino
Manager

In the case of all owners:

Date: 4/18/12

[use for LLCs]

[Name of LLC]

By: JOHN J MARIANO
Name typed or printed:
Member/Manager

NORTH CAROLINA
Mecklenburg COUNTY

I, Patricia Lee Myers, a Notary Public of the county and state aforesaid, certify that John J Mariano personally came before me this day and acknowledged that he/she is a Member of M&J Equities, LLC, a North Carolina (state) limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Land Use Restrictions Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 18 day of April, 2009

Patricia Lee Myers
Name typed or printed:
Notary Public Patricia Lee Myers

My Commission expires: June 21 2016

[Stamp/Seal]

PATRICIA LEE MYERS
NOTARY PUBLIC
MECKLENBURG COUNTY NC

MY COMMISSION EXPIRES
JUNE 21, 2016