

Brownfields Program  
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins  
Project ID: 0600602060  
Facility Name: Cherokee Oil - The Crane Bldg  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2011 annual certification  
Date of Doc: 8/4/2011  
Author of Doc: Nolan Elenz

**File Room Use Only**

Date Recieved by File Room:

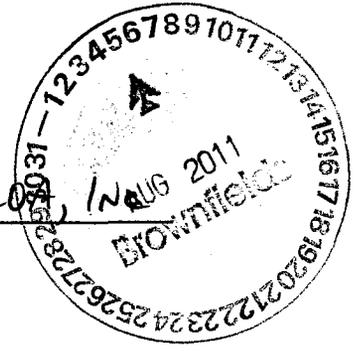
Date Scanned:

| Month | Day | Year |
|-------|-----|------|
|       |     |      |
| 8     | 2   | 12   |

0600602060

Scanner's Initials: SA1

**Brownfields Project #:** 06006-02-60  
**Brownfields Property:** Cherokee Oil, 925 South Summit Avenue  
**Property Owner (In whole or part):** THE CRANE BUILDING COMPANY



**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 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  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 THE CRANE BUILDING COA, INC 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: NOLAN D. ELENZ  
Title: SECRETARY

In the case of all owners:

Date: \_\_\_\_\_

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

[Name of Corporation] THE CRANE BUILDING COA INC

By: \_\_\_\_\_  
Name typed or printed: NOLAN D. ELENZ  
Title typed or printed: SECRETARY

ATTEST:

\_\_\_\_\_  
Name typed or printed:  
Secretary, \_\_\_\_\_ (corporation name)

NORTH CAROLINA  
Mecklenburg COUNTY

I, Mary Salley Griffith a Notary Public of the county and state aforesaid, certify that Nolan D Elenz personally came before me this day and acknowledged that he/she is the Secretary of THE CRANE BUILDING COA INC (corporation name), a NC (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its \_\_\_\_\_ and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 4<sup>th</sup> day of August, 2011.

Mary Salley Griffith  
Name: \_\_\_\_\_  
Notary Public

My Commission expires: 11/5/2012

