

**Brownfields Project #: 06010-02-32**  
**Brownfields Property: Erwin Square, 2211 Hillsborough Road**  
**Property Owner (In whole or part): ELPF Station Nine, LLC**



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

LUR 1: No water supply wells may be installed or used at the Property, and groundwater at the Property shall not be accessed or used for any purpose unrelated to monitoring or other response activities under the Department of Environment and Natural Resources ("DENR") direction or jurisdiction.

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

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

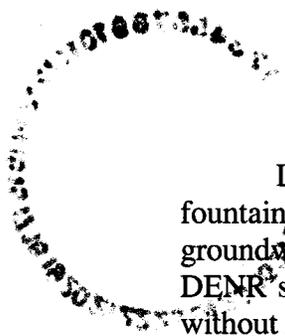
In compliance  X  Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 3: No activities that 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 Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal of the analytical results to 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 4: No basements, other than those vented to DENR's satisfaction, and no fountains, ponds, lakes, swimming pools or other items supplied, in whole or in part, by groundwater, other than municipally provided groundwater or groundwater first tested to DENR's satisfaction for volatile organic chemicals, may be constructed on the Property without DENR's prior approval.

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

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 5: Within fourteen (14) days of each anniversary of the effective date of the Brownfields Agreement, the then current owner(s) of each portion of the Property shall submit a notarized Land Use Restrictions Update ("LUR Update") to DENR certifying that the Notice of Brownfields Property remains recorded at the Durham County Register of Deeds office, and that the land use restrictions contained herein are being complied with. In the event that the Property is owned by multiple owners (e.g., condominium owners or a partnership), the requirements of this paragraph may be satisfied by one person or entity submitting the LUR Update on behalf of all the owners (e.g., a condominium association may make the submission).

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

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

This Land Use Restrictions Update is certified by **ELPF Station Nine, LLC**, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: **ELPF Station Nine, LLC**

In the case of owners that are entities:

Signature of individual signing: See Below

Name typed or printed: **Brian Kuzniar**

Title: **Managing Director, LaSalle Investment Management**

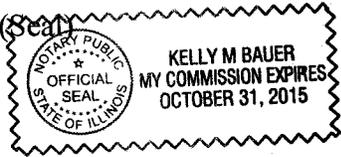
By: ELPF Station Nine, LLC

By:   
Brian Kuzniar  
Managing Director

State of Illinois  
County of Cook

This instrument was acknowledged before me on 1/4/13 (date)  
by Brian Kuzniar (name/s of person/s) as  
Managing Director (type of authority, e.g., officer,  
trustee, etc.) of LaSalle Investment Management (name of party on behalf  
of whom instrument was executed).

Kelly M Bauer  
(Signature of Notary Public)



Print name Kelly M Bauer  
Commission expires 10-31-15