

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 Out of compliance

Remarks: _____

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

In compliance 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 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 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 Out of compliance

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the 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: _____

Name typed or printed:

Title:


Gregory A. Falk

CFO

In the case of all owners:

Date: 1/8/2014 _____

[use for LLCs]

ELPF Station Nine, LLC

By: *Gregory A. Falk*
Name typed or printed: Gregory A. Falk
Member/Manager

Illinois
COOK COUNTY

I, Kelly Bauer, a Notary Public of the county and state aforesaid, certify that **Gregory A. Falk** personally came before me this day and acknowledged that he/she is a Member of **ELPF Station Nine, LLC**, 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 8 day of
January, 2014

Kelly M Bauer
Name typed or printed: Kelly M Bauer
Notary Public

My Commission expires: 10/31/15

