



Brownfields Project #: 06015-02-91

Brownfields Property: Burkhart Carolina, 1703 Dabney Drive

Property Owner (In whole or part): Shelton A. Davis

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No water supply wells may be installed or used at the Property.

In compliance Out of compliance

Remarks: No Construction

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

In compliance Out of compliance

Remarks: _____

LUR 3: No activities likely, as determined by the Department of Environment and Natural Resources ("DENR") in its sole discretion, to result in direct exposure to or removal of groundwater in the area of VOC-contaminated soil (including, but not limited to, excavation), may be conducted on the Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal to DENR or its successor in function of the analytical results along with, if DENR so requires, plans and procedures to protect public health and the environment during those activities, and a written determination by DENR or its successor in function that those activities will not pose a threat to public health or the environment.

In compliance Out of compliance

Remarks: _____

LUR 4: No basements may be constructed at the Property.

In compliance Out of compliance

Remarks: No Building

LUR 5: No fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater may be constructed on the Property.

In compliance Out of compliance

Remarks: No Construction

LUR 6: No chlorinated solvents, including but not limited to those listed in the tables in paragraphs (2)a. and (2)b. of the Notice of Brownfields Property ("Notice"), may be used, warehoused, or otherwise stored at the Property, except for those used in de minimis amounts for cleaning and for other routine housekeeping activities incidental to the uses of the Property approved in the Brownfields Agreement ("Agreement"), or offered for retail sale in household quantities by lessees, sublessees, assignees, and transferees in the normal course of their businesses.

In compliance Out of compliance

Remarks: Nothing Stored- No Building

LUR 7: Within thirty (30) days of each anniversary of the effective date of the Agreement, the owner of each portion of the Property shall submit a notarized Land Use Restrictions Update to DENR certifying that the Notice remains recorded at the Vance County Register of Deeds office, and that the land use restrictions herein are being complied with. The Land Use Restrictions Update shall also describe land uses and development activities that have occurred on the Property during the reporting period and that it is anticipated will occur on parcels adjacent to the Property, and shall contain a

certification that any building foundations and parking and driveway surfaces constructed on the Property are continuing to function as caps and are being properly maintained.

In compliance Out of compliance

Remarks: No Construction

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

This Land Use Restrictions Update is certified by Shelton A. Davis
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Shelton A. Davis

In the case of owners that are entities:

Signature of individual signing: S. A. Davis
Name typed or printed: Shelton A. Davis
Title: _____

In the case of all owners:

Date: 1-3-2014

[use for individuals]

[Name of Owner]

By: Shelton A. Davis
Name typed or printed:

NORTH CAROLINA
Johnston COUNTY

I, Sharon T. Davis, a Notary Public of the county and state aforesaid, certify that Shelton A. Davis personally came before me this day, demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this 3rd day of January, 2014.

Sharon T. Davis
Name typed or printed:
Notary Public

My Commission expires: 3.2.16

