

**Brownfields Project #:** 06015-02-91  
**Brownfields Property:** Burkhart Carolina, 1703 Dabney Drive  
**Property Owner (In whole or part):** \_\_\_\_\_



**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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   X   Out of compliance       

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

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 Prosperity Drive Two, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Kenneth Parker

In the case of owners that are entities:

Signature of individual signing: \_\_\_\_\_

Name typed or printed: Kenneth Parker

Title: Manager

In the case of all owners:

Date: January 6, 2015

[use for LLCs]

Prosperity Drive Two, LLC

By: [Signature]  
Kenneth Parker  
Member/Manager

New York  
Richmond COUNTY

I, Merrell Dotson, a Notary Public of the county and state aforesaid, certify that **Kenneth Parker** personally came before me this day and acknowledged that he/she is a Member of Prosperity Drive Two, LLC, a **North Carolina** 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 7th day of January, 2015.

[Signature]  
Merrell Dotson  
Notary Public

My Commission expires: 10-17-2018

**MERRELL M. DOTSON**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01DO6034544  
QUALIFIED IN RICHMOND COUNTY  
COMMISSION EXPIRES 10-17-2018