

Brownfields Project #: 06017-02-53

Brownfields Property: Sanford WWTP, US-1 Bypass and Spring Lane

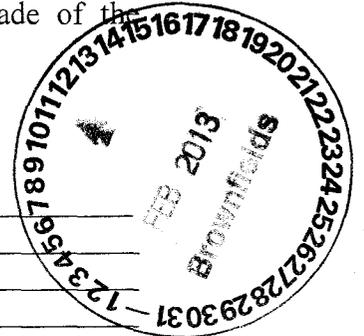
Property Owner (In whole or part): Best Locations, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No uses other than commercial or retail uses may be made of the Property.

In compliance Out of compliance

Remarks: _____



LUR 2: The fill above the areas of buried sludge on the Property may not be reduced to a thickness of less than four (4) feet. Exhibit D, as recorded with the Notice of Brownfields Property, shows the extent of sludge on the Property.

In compliance Out of compliance

Remarks: _____

LUR 3: Surface water and underground water at the Property may not be used for any purpose without the approval of the Department of Environment and Natural Resources ("DENR") or its successor in function.

In compliance Out of compliance

Remarks: _____

LUR 4: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior sampling and analysis of groundwater to the satisfaction of



DENR or its successor in function in any areas proposed for such activities, and submittal of the analytical results to DENR or its successor in function. If such results disclose to DENR or its successor in function contamination in excess of North Carolina's groundwater quality standards, the proposed activities may not occur without the approval of DENR or its successor in function on such conditions as DENR or its successor in function imposes, including at a minimum legal approval of plans and procedures to protect public health and the environment during the proposed activities.

In compliance Out of compliance

Remarks: _____

• LUR 5: No mining may be conducted on or under the Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance Out of compliance

Remarks: _____

LUR 6: No basements may be constructed on the Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance Out of compliance

Remarks: _____

LUR 7: None of the contaminants known to be present in the environmental media at the Property, including those listed in paragraph 7 of the Brownfields Agreement, may be used or stored at the Property without the prior approval of DENR or its successor in function, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

BJS

In compliance Out of compliance

Remarks: _____

LUR 8: The Property may not be used as a park or for sports of any kind, including, but not limited to, golf, football, soccer and baseball, without the approval of DENR or its successor in function.

In compliance Out of compliance

Remarks: _____

LUR 9: The Property may not be used for agriculture, grazing, timbering or timber production.

In compliance Out of compliance

Remarks: _____

LUR 10: The Property may not be used as a playground, or for child care centers or schools.

In compliance Out of compliance

Remarks: _____

LUR 11: The Property may not be used for kennels, private animal pens or horse-riding.

In compliance Out of compliance



Remarks: _____

LUR 12: Prior to January 31st of each calendar year, the then current owner of any part of the Property shall submit a notarized Land Use Restrictions Update to DENR or its successor in function certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Lee County Register of Deeds office, and that the land use restrictions are being complied with.

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 Lee County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Best Location, LLC.
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: MICHAEL D. OLANDER

In the case of owners that are entities:

Signature of individual signing:

Name typed or printed:

Title:

Michael D. Olander
MICHAEL D. OLANDER
MANAGER

In the case of all owners:

Date: 1-30-13



[use for LLCs]

[Name of LLC]

By: Michael D. Oberdorfer
Name typed or printed:
Member/Manager

NORTH CAROLINA
Wake COUNTY

I, Robert J. Stolz, a Notary Public of the county and state aforesaid, certify that Michael D. Oberdorfer personally came before me this day and acknowledged that he/she is a Member of Best Locations, LLC, a NC (state) 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 1 day of February, 2013.

Robert J. Stolz
Name typed or printed: Robert J. Stolz
Notary Public

My Commission expires: 3/12/11

[Stamp/Seal]

(BJS)