

Via Certified Mail

January 23, 2014

NC DENR Brownfields Program
401 Oberlin Rd, Suite 150
Raleigh, NC 27605

Attention: Mr. David Peacock
Brownfields Compliance Coordinator



Re: January 2013 Land Use Restriction Update
Former Alpha Mill Facility
312 East 12th Street
Brownfields Project Number 07009-03-60
Charlotte, Mecklenburg County, NC
H&H Job No. CRO-017

Dear David:

On behalf of NR Alpha Mill Property Owner, LLC, Hart & Hickman, PC is submitting the completed Land Use Restriction Update form for the above referenced site indicating compliance with each land use restriction.

Please let me know if you have any questions or require additional information.

Sincerely,

Hart & Hickman, PC



Chad R. Grubbs, PG
Project Manager

Attachments

cc: Ms. Lisa Taber - NCDENR
Ms. Debbie Davis – Northwood Ravin

JAN 23 2014

Brownfields Project #: 07009-03-60
Brownfields Property: Alpha Mills, 312 east 12th Street
Property Owner (In whole or part): Crosland, Inc.

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No surface water or groundwater at the Brownfields Property may 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 2: No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that extend to groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Brownfields 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 compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities.

In compliance Out of compliance

Remarks: _____

LUR 3: Soil underlying paved surfaces and buildings at the Brownfields Property may not be exposed without the performance of any prior sampling that DENR or its successor in function requires, and submittal of the analytical results of any such sampling to DENR or its successor in function. If the results of any such sampling disclose contamination in excess of the applicable standards as determined by DENR or its successor in function, the soil may not be exposed 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 compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the activities that would expose such soil.

In compliance Out of compliance

Remarks: _____

LUR 4: Soil underlying landscaping materials at the Brownfields Property, including but not limited to plants, flowers, trees, shrubs or any other above-ground vegetation, may not be disturbed, nor may landscaping materials be planted, without the prior addition of two (2) feet of clean fill or other material acceptable to DENR or its successor in function. If the desired grade would not allow said addition, as much soil as is necessary to allow said addition may be removed and disposed of in accordance with law. Incidental disturbance of soil in the subject areas, in connection with maintenance of landscaping materials, shall not constitute a violation of this land use restriction.

In compliance Out of compliance

Remarks: _____

LUR 5: No mining may be conducted on or under the Brownfields 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 Brownfields 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 Brownfields Property, including those listed in paragraph 7 of the Brownfields Agreement ("Agreement"), may be used or stored at the Brownfields Property without the prior approval of DENR or its successor in function, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance Out of compliance

Remarks: _____

LUR 8: During January of each year following the year in which the Notice of Brownfields Property ("Notice") is recorded, the then owner of the affected portion of the Brownfields Property shall sample monitoring wells MW-1s, MW-2s, MW-7i and a point near sample location SUR-4, all as shown on Exhibit 4 of the Agreement. Said owner shall effect analysis of the samples for volatile organic compounds, total chromium, hexavalent chromium and copper, and shall report the results to DENR each year as part of the update required by Land Use Restriction 9 below. After the third year of sampling, the then owner of the Brownfields Property may seek DENR's written authorization to discontinue sampling or change its frequency.

In compliance Out of compliance

Remarks: _____

LUR 9: During January of each year following the year in which the Notice is recorded, the then current owner of any part of the Brownfields Property shall submit a

notarized Land Use Restrictions Update to DENR or its successor in function certifying that the Notice containing these Land Use Restrictions remains recorded at the Mecklenburg 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 Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by MR ALPHA M.II, LLC,
owner of at least part of the Brownfields Property. *Property owner*

Name typed or printed of party making certification: MR Alpha M.II, LLC
Property owner

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: DAVID DAVIN
Title: CO-PRESIDENT

In the case of all owners:

Date: 1/21/14

[use for LLCs]

[Insert Name of LLC]

By: _____
Name typed or printed:
Member/Manager

NORTH CAROLINA
Mecklenburg COUNTY

I, Phyllis Dale Bowen, a Notary Public of the county and state aforesaid, certify that David R. Ravis personally came before me this day and acknowledged that he/she is a Member of NR Alpha Mill LLC, a NC (state) limited liability company, 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 21 day of January, 2014.

Phyllis Dale Bowen
Name typed or printed:
Notary Public

My Commission expires: 9/8/2014

[Stamp/Seal]

