Brownfields Program

File Room Document Transmittal Sheet

Your Name:	Shirley Liggins
Project ID:	0801804060
Facility Name:	East Park Dorothy Hall - Central Piedmont Coll
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Author of Doc:	Richard Rosenthal

File Room Use Only

0801804060

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Brownfields Project #: 07010-03-60
Brownfields Property: East Park – Dorothy Hall, 1423 & 1427 East 4th Street
Property Owner (In whole or part): Central Piedmont Community College

JAN 2012
Brownfields

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than:

a. as the site of a parking structure for use by Prospective Developer's faculty, staff and students and by the general public;

b. for commercial purposes, defined as occupations, employment or enterprises carried on for profit by the owner, lessee or licensee;

c. for retail purposes, defined as buildings, properties or activities the principal use or purpose of which is the sale of goods, products or merchandise directly to the consumer; or

d. for residential use, defined as a permanent dwelling, any single family, detached, duplex, triplex, quadraplex, attached or multifamily dwelling, manufactured home, mobile home, group home, boarding house or dormitory.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 2: Surface water and underground water at the Brownfields 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 3: 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 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 legal approval of plans and procedures to protect public health and the environment during the proposed activities.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 4: 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 5: 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 6: 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 7: For all new residential construction and conversion of existing structures to residential use at the Property, one of the following must occur:

a. prior sampling and analysis of soil-gas samples to the satisfaction of DENR or its successor in function; or

b. mechanical ventilation of each occupied space with outdoor air in conformance with the most current version of Standard 62 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers or with U.S. EPA guidance on radon-resistant construction techniques for new residential construction.

In compliance ✓ Out of compliance ____

Remarks: _____

LUR 8: During January of each year after this Agreement becomes effective, 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 of Brownfields Property 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 Central Piedmont Community College, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Richard H. Rosenthal

In the case of owners that are entities:

Signature of individual signing: _____
Name typed or printed: Richard H. Rosenthal
Title: Associate Vice President for Facilities

In the case of all owners:

Date: January 12, 2012

[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]
[use for corporations]

[Name of Corporation]

By:_____
Name typed or printed:
Title typed or printed:

ATTEST:

_____
Name typed or printed:
Secretary, _____ **(corporation name)**

NORTH CAROLINA
MECKLENBURG COUNTY

I, Maria E. Harrell, a Notary Public of the county and state aforesaid, certify that Richard H. Rosenthal personally came before me this day and acknowledged that he/she is the Secretary of Central Piedmont Community College **(corporation name)**, a North Carolina **(state)** corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its Associate Vice President and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 12th day of January, 2012.

Maria E. Harrell
Name: Maria E. Harrell
Notary Public

My Commission expires: _____

OFFICIAL SEAL
Notary Public - North Carolina
Mecklenburg County
MARIA E. HARRELL
My Commission Expires January 11, 2015

[Stamp/Seal]

[use for LLCs]