



8816 Six Forks Road  
Suite 201  
Raleigh, North Carolina 27615

January 3, 2013

VIA CERTIFIED MAIL

David Peacock  
NC Division of Waste Management  
Brownfields Program  
Mail Service Center 1646  
Raleigh, NC 27699-1646



**Re: Land Use Restriction Update for 2013  
Archdale Marketplace  
Project No. 07014-03-60**

Dear David:

Enclosed please find the 2113 Land Use Restriction Update submitted on behalf of Charlotte (Archdale) UY, LLC, the owner of the Archdale Marketplace site. Please let me know if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JK', followed by a horizontal line.

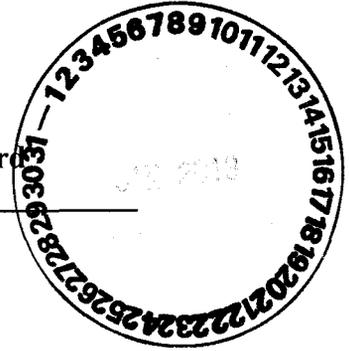
Jason Klaitman

Encl.

**Brownfields Project #: 07014-03-60**

**Brownfields Property: Archdale Marketplace, 5801-6025 South Boulevard**

**Property Owner (In whole or part):** \_\_\_\_\_



**LAND USE RESTRICTIONS ("LUR") UPDATE**

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

- a. Commercial Use, defined as an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- b. Retail Establishment, defined as a building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

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 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 the table in paragraph (2) above, 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: The Brownfields 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 8: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

LUR 9: The Brownfields Property may not be used as a playground, or for child care centers or schools without the approval of DENR or its successor in function.

In compliance  Out of compliance

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

LUR 10: The Brownfields Property may not be used for kennels, private animal pens or horse-riding without the approval of DENR or its successor in function.

In compliance  Out of compliance

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

LUR 11: 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  X  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 \_\_\_\_\_, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: \_\_\_\_\_

In the case of owners that are entities:

Signature of individual signing: \_\_\_\_\_  
Name typed or printed: Jonathan Gaines  
Title: Manager

In the case of all owners:

Date: January 3, 2013

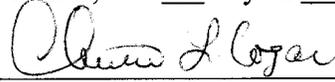
Charlotte (Archdale) UY, LLC

By: \_\_\_\_\_  
Name: Jonathan Gaines, Member/Manager

NORTH CAROLINA  
WAKE COUNTY

I, Christine L. Cogar, a Notary Public of the county and state aforesaid, certify that Jonathan Gaines personally came before me this day and acknowledged that he/she is a Member of Charlotte (Archdale) UY, LLC, a Delaware 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 3rd day of January, 2013.



Name: Christine L. Cogar  
Notary Public

My Commission expires: 05 09 2014

