

**Brownfields Project #:** 07017-03-60  
**Brownfields Property:** South Tryon Street, 2028-2040 S. Tryon Street  
**Property Owner (In whole or part):** Citispace in Southend Condominium Association  
Inc.



**LAND USE RESTRICTIONS (“LUR”) UPDATE**

LUR 1: No use other than commercial may be made of the Brownfields Property, defined as an occupation, employment, or enterprise that is carried on for profit.

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 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.

In compliance  Out of compliance

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

LUR 10: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

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  Out of compliance

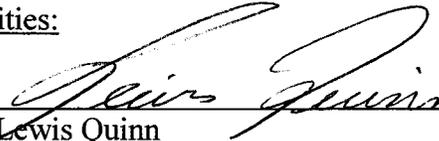
Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Wake County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Citispac in Southend Condominium Association, Inc., owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Citispac in Southend Condominium Association, Inc.

In the case of owners that are entities:

Signature of individual signing:   
Name typed or printed: Lewis Quinn  
Title: Treasurer

In the case of all owners:

Date: 1/29/2014

Citispac in Southend Condominium Association, Inc

By: [Signature]  
Name typed or printed: Lewis Quinn  
Title typed or printed: Treasurer

ATTEST:

[Signature]  
Name typed or printed: Timothy W. Demmitt  
Secretary, Citispac in Southend Condominium Association, Inc (corporation name)

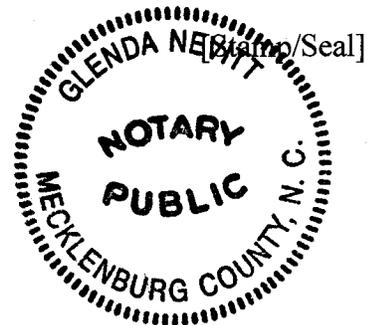
NORTH CAROLINA  
Mecklenburg COUNTY

I, Glenda Nevitt, a Notary Public of the county and state aforesaid, certify that Timothy W Demmitt personally came before me this day and acknowledged that he/she is the Secretary of Citispac in Southend Condominium Association, Inc (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 Treasurer and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 29 day of JANUARY, 2014.

[Signature]  
Name: Glenda Nevitt  
Notary Public

My Commission expires: March 13, 2017



On behalf of the owners noted on the attached Owner Contact Roster, Citispace in Southend Condominium Association, Inc. accepts the responsibility of filing the Brownfield's Land Use Restrictions Update ("LURU") annually for the below noted Brownfield's Property.

Brownfields Project #: 07017-03-60  
Brownfields Property: South Tryon Street, 2028-2040 S. Tryon Street  
Property Owner: Citispace in Southend Condominium Association, Inc.

Citispace in Southend Condominium Association, Inc.  
By *Lewis Quinn*  
Name typed or printed: Lewis Quinn  
Title typed or printed: Treasurer

NORTH CAROLINA  
Mecklenburg COUNTY

I, Glenda Nevitt, a Notary Public of the county and state aforesaid, certify that Lewis Quinn personally came before me this day and acknowledged that he/she is the Treasurer of Citispace in Southend Condominium Association, Inc. a North Carolina 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 Treasurer.

WITNESS my hand and official stamp or seal, this 29 day of January, 2014.

*Glenda Nevitt*  
Name: Glenda Nevitt  
Notary Public

My Commission expires: March 13, 2017

