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JAN 2013
Brownfields

VIA CERTIFIED MAIL

January 29, 2013

Mr. David Peacock
Brownfields Compliance Coordinator
NC Department of Environment and Natural Resources
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject: Annual Land Use Restrictions Update

Dear Mr. Peacock:

Enclosed are executed LURUs for the Brownfields projects listed below.

East Park – Boyer	Project #06018-02-60
East Park – Kossove	Project #05012-01-60
East Park – Joal	Project #05011-01-60
East Park – Craver	Project #07019-03-60

If you need any additional information, please let us know. I can be reached at 704-405-5167 and Diana Miller can be reached at 704-405-1639. Thank you for your assistance.

Sincerely,

Shelley Setzer
Vice President, Asset Management

Enclosures

Charlotte | Raleigh | Lexington
4500 Cameron Valley Parkway, Suite 350, Charlotte, NC 28211 | 704.372.5616 phone | 704.372.9882 fax | grubbproperties.com

Brownfields Project #: 07019-03-60
Brownfields Property: East Park – Craver, 1601, 1609 & 1615 Elizabeth Ave.
Property Owner (In whole or part): 1600 Elizabeth Avenue, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No uses other than commercial, residential, recreational and common open space may occur at the Brownfields Property.

a. Commercial use is herein defined as an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

b. Residential use is herein 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.

c. Recreational use may include:

i. indoor recreation, defined as public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCAs, YWCAs or similar uses which constitute principal uses and are enclosed in buildings and operated on a commercial or membership basis.

ii. outdoor recreation, defined as public or private golf courses, swimming pools, tennis courts, ball fields, ball courts and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis, or are available for use by tenants and/or owners of rental, condominium or other residential units at the Brownfields Property.

iii. common open space is herein defined as an area of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public.

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In compliance _X___ 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 _X__ Out of compliance ____

Remarks: _____

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_____

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 _X___ Out of compliance ____

Remarks: _____

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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 _X___ Out of compliance ____

Remarks: _____

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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 __X__ Out of compliance ____

Remarks: _____

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_____

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 _X___ Out of compliance ____

Remarks: _____

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LUR 7: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance _X___ Out of compliance ____

Remarks: _____

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_____

LUR 8: The Brownfields Property may not be used as a playground, or for child care centers or schools without the prior consent of DENR or its successor in function.

In compliance _X___ Out of compliance ____

Remarks: _____

LUR 9: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance _X___ Out of compliance ____

Remarks: _____

LUR 10: For all new residential construction and conversion of existing structures to residential use at the Brownfields 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 _X___ 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 this Notice remains recorded at the Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

1600 ELIZABETH AVENUE, LLC,
A North Carolina limited liability company

By: Novant Health, Inc., Manager

By: _____
Name typed or printed: Steven C. Burke
Title typed or printed: Vice President

NORTH CAROLINA
MECKLENBURG COUNTY

I, KATHLEEN M. WILSON, a Notary Public of the county and state aforesaid, certify that Steven C. Burke personally came before me this day and acknowledged that he is the Vice President of Novant Health, Inc., Manager of 1600 ELIZABETH AVENUE, LLC, a North Carolina limited liability corporation, and that by authority duly given and as the act of the corporation, the foregoing Notice of Brownfields Property was signed in its name.

WITNESS my hand and official stamp or seal, this 17TH day of JANUARY, ~~2012~~. 2013

Kathleen M. Wilson
Name: KATHLEEN M. WILSON
Notary Public

My Commission expires: DECEMBER 7, 2016

[Stamp/Seal]

KATHLEEN M. WILSON
NOTARY PUBLIC
Union County
North Carolina
My Commission Expires Dec. 7, 2016