



Chemistry and Engineering Solutions in the Environmental Industry



February 5, 2009

Mr. Bruce Nicholson
Program Manager
North Carolina Brownfields Program
401 Oberlin Road
Suite 150
Raleigh, North Carolina 27605

RE: 2009 Land Use Restriction Update; CNR Properties, RLLLP Property; 4750 South Boulevard,
Charlotte, North Carolina; Brownfields Project #: 07024-03-60

Dear Mr. Nicholson:

Please find attached the 2009 Land Use Restrictions (LURs) Update for the Brownfields Property located at 4750 South Boulevard (BFA Project Number: 07024-03-60). As reported in the attached form, the Brownfields Property is in compliance with the applicable LURs. The form has been properly signed and notarized on its final page by a Brownfields Property owner.

Should you have any questions regarding this submittal, please do not hesitate to contact me.

Sincerely,
IRMINGER CONSULTING, INC.

Steven Irminger, P.E.
President

cc: Clinton Taw Cole/HSSW
Charles N. Reid/CNR Properties, RLLLP

Brownfields Project #: 07024-03-60
Brownfields Property: Home Depot – S. Boulevard, 4750 South Boulevard
Property Owner (In whole or part): CNR Properties, RLLLP



LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No use may be made of the Brownfields Property other than as the location of retail establishments, 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, including restaurants.

In compliance Out of compliance _____

Remarks: The Brownfields Property is used for retail as a Home Depot Store.

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: Surface water and underground water are not used at the Brownfields Property.

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: No activities, or evidence of 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), were observed.

LUR 4: Soil underlying paved surfaces and buildings at the Brownfields Property may not be exposed without prior sampling and analysis of such soil to the satisfaction of DENR or its successor in function, and submittal of the analytical results to DENR or its successor in function. If soil contamination is discovered that DENR or its successor in function determines would likely contaminate groundwater even if capped, or that may pose an imminent threat to public health or the environment if exposed, as much soil as DENR or its successor in function requires shall be removed and disposed of in accordance with applicable law, and any other actions that DENR or its successor in function requires to make the Brownfields Property suitable for the uses specified in the Brownfields Agreement (“Agreement”) while fully protecting public health and the environment shall be taken.

In compliance Out of compliance

Remarks: No soil underlying paved surfaces and buildings at the Property has been exposed.

LUR 5: Soil, landscaping and contours at the Brownfields Property may not be disturbed without the approval of DENR or its successor in function, except for mowing and pruning of above-ground vegetation, and installation and/or replacement of plants and trees in the areas denominated “landscaped islands” on the plat component of the Notice of Brownfields Property (“Notice”).

In compliance Out of compliance

Remarks: The soil, landscaping, and contours at the Brownfields Property have not been disturbed.

LUR 6: 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: No mining has been conducted on or under the Brownfields Property.

LUR 7: 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: No basements are present on the Brownfields Property.

LUR 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 7 of the Agreement, are allowed on the Brownfields Property without the prior approval of DENR or its successor in function, except as constituents of products for sale or used for cleaning and other routine housekeeping activities, so long as such products are stored in non-leaking containers that are kept closed at all times when not in use.

In compliance Out of compliance

Remarks: The onsite use as a Home Depot store were observed to be in conformance with the conditions of LUR 8 on January 29, 2009.

LUR 9: 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: The Brownfields Property is not used for sports of any kind.

LUR 10: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance Out of compliance _____

Remarks: The Brownfields Property is not used for agriculture, grazing, timbering or timber production.

LUR 11: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance Out of compliance _____

Remarks: The Brownfields Property is not used as a playground, or for child care centers or schools.

LUR 12: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance Out of compliance _____

Remarks: The Brownfields Property is not used for kennels, private animal pens or horse-riding.

LUR 13: During January of each year after 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 this Notice remains recorded at the Mecklenburg County Register of Deeds office, these land use restrictions are being complied with, the Brownfields Property's vegetative cover is in good condition, and there has been no soil erosion.

In compliance Out of compliance _____

Remarks: Based on observations conducted January 29, 2009, the land use restrictions are being complied with, the vegetative cover is in good condition and there has been no soil erosion.

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.

This Land Use Restrictions Update is certified by Charles N. Reid, Jr., owner of at least part of the Brownfields Property.

Signature of individual signing: *Charles N. Reid, Jr.*
Name typed or printed: Charles N. Reid, Jr.
Title: Partner

Date: 2-19-09

CNR Properties, RLLLP
By: *Charles N. Reid, Jr.*
Charles N. Reid, Jr. : Member/Manager

NORTH CAROLINA
Lincoln COUNTY

I, Tonya Ryals-Lau, a Notary Public of the county and state aforesaid, certify that Charles N. Reid Jr personally came before me this day and acknowledged that he is a Member of CNR Properties, RLLLP, a North Carolina limited liability, limited partnership, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Brownfields Property was signed in its name by him.

WITNESS my hand and official stamp or seal, this 19th day of February, 2009.

Tonya Ryals-Lau
Name typed or printed: Tonya Ryals-Lau
Notary Public

My Commission expires: 07/13/2013

[Stamp/Seal]

