



North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

John E. Skvarla, III  
Secretary

July 28, 2014

Mr. Scott Gerber, Esq.  
Woodlawn Shopping Center 1686, L.P. c/o Kimco Realty Corp.  
3333 New Hyde Park Road, Suite 100  
New Hyde Park, NY 11042

Subject: Notice of Noncompliance, N.C.G.S. §130A-310.35(f)  
Annual Land Use Restrictions Update  
Home Depot - South Boulevard, #07024-03-60  
4750 South Boulevard, Mecklenburg County

Dear Mr. Gerber:

Pursuant to the land use restrictions listed in the Notice of Brownfields Property recorded at the Mecklenburg County Register of Deeds, all owners of the subject brownfields property are required to submit an annual certification in January to maintain liability protection granted by the Brownfields Agreement. Our records indicate that Woodlawn Shopping Center 1686, L.P. c/o Kimco Realty Corp. is a current owner of at least part of the subject brownfields property and that the last annual certification from this company was received 2/22/2013.

To minimize the chance of an assessment and/or cleanup order, and/or civil penalties, Woodlawn Shopping Center 1686, L.P. c/o Kimco Realty Corp. or its authorized agent should immediately complete, sign, notarize, and submit a Land Use Restrictions Update ("LURU") to the following address:

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

Site specific LURU forms are available by visiting <http://portal.ncdenr.org/web/wm/bf-lurus> or you may send a request to me via the contact information provided herein.

Should you have any concerns or have information showing that you have not owned any part of the brownfields property since the Notice of Brownfields Property was recorded, please contact me by telephone at (910) 796-7401 or by e-mail at [David.Peacock@ncdenr.gov](mailto:David.Peacock@ncdenr.gov).

Sincerely,

*David Peacock*

David Peacock  
Brownfields Compliance Coordinator

Cc: Central Files  
Ec: Bruce Nicholson, Brownfields Program Manager  
Carolyn Minnich, Brownfields Project Manager