



January 31, 2014

Mr. Tony Duque, Project Manager
NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646

Subject : Land Use Restrictions Update (LURU) for
The Former Don Christian Property
206 East Main Street, Carrboro, Orange County, NC
BFP # 07025-03-68

Mr. Duque,

As requested by Main Street Properties of Chapel Hill, LLC (MSP), Pyramid Environmental & Engineering, PC (Pyramid) prepared the LURU for the referenced site. The document was reviewed and completed by MSP and the original signed document is attached for your reference.

In addition to the LURU, Pyramid is preparing a summary report for the calendar year 2013. This report will include soil excavation activities conducted in the summer of 2013, and more recent excavations in January 2014.

The attached LURU was also submitted to the Orange County Health Department. Please call Mike Jones at 336-335-3174 if you have any questions of need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Michael Jones".

Michael G. Jones, LG, RSM
Operations Manager

Brownfields Project #: 07025-03-68

Brownfields Property: Don Christian Property, 206 East Main Street

Property Owner (In whole or part): Main Street Properties of Chapel Hill, LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for commercial retail, restaurant, office and parking uses, and as an arts performance, teaching and exhibit center. For purposes of the Brownfields Agreement ("Agreement"), "commercial retail" refers to an enterprise or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer for profit by the owner, lessee, or licensee.

In compliance X Out of compliance _____

Remarks: The property is currently being developed as a commercial building which will house a combination of retail, restaurant and office uses. The building is scheduled for completion in November 2014.

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: No surface water has been used at the site in 2013 in compliance with LUR 2.

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 compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the proposed activities.

In compliance X Out of compliance _____

Remarks: No groundwater has been used at the site in 2013 in compliance with LUR 2.

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 such results disclose contamination in excess of the applicable standards as determined by DENR or its successor in function, the soil may not be exposed 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 compliance with plans and procedures, approved pursuant to applicable law, to protect public health and the environment during the activities that would expose such soil.

In compliance X Out of compliance ____

Remarks: During 2013, extensive discussions and written Soil Management Plans were approved by the DENR UST Section and the NC Brownfields Programs. Soil excavations related to UST cleanup and building development were completed in 2013 in accordance with DENR authorization and Brownfields Program requirements.

LUR 5: Soil not previously sampled for contaminants may not be exposed without a minimum of five (5) business days advance written notice to DENR or its successor in function. At the time such soil is exposed, DENR or its successor in function may inspect and sample, or require sampling of, the exposed soil for contaminants. 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 Agreement while fully protecting public health and the environment shall be taken. If soil contamination is discovered that DENR or its successor in function determines would not contaminate groundwater if capped, or 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 or capped to the satisfaction of DENR or its successor in function.

In compliance X Out of compliance ____

Remarks: During 2013, extensive discussions and written Soil Management Plans were approved by the DENR UST Section and the NC Brownfields Programs. Soil excavations related to UST cleanup and building development were completed in 2013 in accordance with DENR authorization and Brownfields Program requirements. Soil that was contaminated by petroleum products was transported off-site for treatment and disposal.

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 was conducted at the site in 2013.

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: The commercial building being constructed at the site is a slab on grade construction with no basement. As a precaution, the Prospective Developer (PD) is installing a chemically resistant vapor barrier and a sub-slab venting system. This system is not required by the UST division of the NCBP at this time, and is being installed only as a precaution.

LUR 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in subparagraphs (2)a. and (2)b. of the Notice of Brownfields Property ("Notice"), 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: The property development will be completed as a commercial building in November 2014. The property will be primarily offices, retail, and restaurant uses, and will not store petroleum in large quantities.

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. For the purposes of the Agreement, "park" does not include paved or outdoor sales or festival areas.

In compliance Out of compliance

Remarks: The property was not used for a park or sports of any kind in 2013.

LUR 10: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance X Out of compliance _____

Remarks: The property was not used as a playground, or as a child care center, or as a school in 2013.

LUR 11: During January of each year after the 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 remains recorded at the Orange County, North Carolina Register of Deeds' office, and that these land use restrictions are being complied with.

In compliance X Out of compliance _____

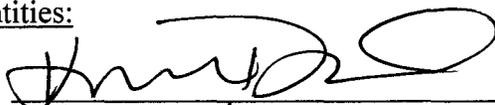
Remarks: This LUR Update provides compliance with LUR 11 for this Brownfields Site.

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

This Land Use Restrictions Update is certified by Main Street Properties of Chapel Hill, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: KEVIN BENEDICT

In the case of owners that are entities:

Signature of individual signing: 

Name typed or printed: KEVIN W BENEDICT

Title: MEMBER

In the case of all owners:

Date: 1-31-14

Main Street Properties of Chapel Hill, LLC

By: [Signature]
Name typed or printed: KEVIN W BENEDICT
Member/~~Manager~~

NORTH CAROLINA
Wake COUNTY

I, Debra Y. Canadae a Notary Public of the county and state aforesaid, certify that Kevin W. Benedict personally came before me this day and acknowledged that he/she is a Member of Main Street Properties of Chapel Hill, LLC, a North Carolina 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 31st day of January, 2014

Debra Y. Canadae
Name typed or printed:
Notary Public

My Commission expires: 11-17-18

