

Brownfields Program  
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins  
Project ID: 0702903092  
Facility Name: Parker Hannifin  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2011 annual certification  
Date of Doc: 5/26/2011  
Author of Doc: James Adams

**File Room Use Only**

Date Recieved by File Room:

Date Scanned:

Month	Day	Year
7	6	12

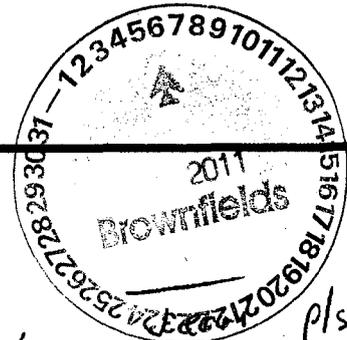
0702903092

Scanner's Initials:

*dal*

**Jerriane Harvey**

**From:** James Adams Jr  
**Sent:** Thursday, May 26, 2011 12:54 PM  
**To:** Jim Adams Sr  
**Subject:** Fwd: Brownfields Property: Parker-Hannifin(7029-03-92)  
**Attachments:** Parker-Hannifin LURU Model.doc; ATT00001.htm



*Ad*

*Mail to*

*ATTN: NC Div  
Waste Management  
Brownfields Program*

Thanks James

Sent from my iPhone

Begin forwarded message:

**From:** "Peacock, David" <david.peacock@ncdenr.gov>  
**Date:** May 26, 2011 10:37:43 AM EDT  
**To:** "jma@millridgeco.com" <jma@millridgeco.com>  
**Subject:** Brownfields Property: Parker-Hannifin(7029-03-92)

*Mail Service Center  
1646 Raleigh NC 27699-  
1646*

Mr. James Adams,

*Also, Scan & email to*

*Joe.*

I am contacting you in hopes that you may be able to help resolve an issue regarding a Brownfields property located at 12415 Capital Boulevard, commonly known as Parker-Hannifin. The owner of the property is St. Ives 220 Commercial, LLC and the contact is Mr. James Adams, Sr. Unfortunately, I have been unable to contact Mr. Adams, Sr. and I find that the current owners address and telephone number matches Millridge Companies address.

Our program is to receive an annual Land Use Restriction Update (LURU) certifying compliance with a recorded Brownfields Agreement for the subject site. The last certification received by our program was on March 10, 2009. I ask that you please forward this information to an individual who may submit the certification for the current property owner. Should this discrepancy not be corrected, it may result in the loss of liability protection granted by the brownfields agreement. I have attached a LURU form that can be used for the required certification.

Thank you for your time and should you find that you have received this message in error, please send a response stating so.

Sincerely,

David Peacock

Brownfields Program

DWM - Brownfields Program

(910)796-7401 : (919)280-3408 cell

E-mail correspondence to and from this address may be subject to the  
North Carolina Public Records Law and may be disclosed to third parties.

**Brownfields Project #: 07029-03-92**

**Brownfields Property: Parker-Hannifin, 12415 Capitol Boulevard**

**Property Owner (In whole or part): St. Ives 220 Commercial, LLC**

**LAND USE RESTRICTIONS ("LUR") UPDATE**

LUR 1: No use may be made of the Brownfields Property other than for mixed commercial uses, including retail, flex space, warehousing, office, church and conference/convention/events center purposes.

In compliance  Out of compliance

Remarks: The Site is Currently Vacant w/ No  
Ongoing Uses.

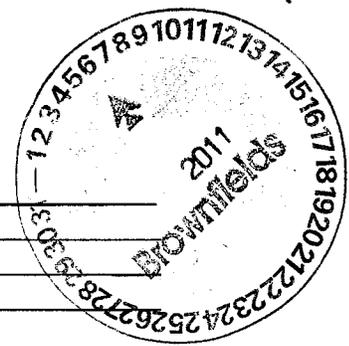
LUR 2: Surface water and groundwater at the Brownfields Property may not be used for any purpose without the approval of the Department of Environment and Natural Resources ("DENR") or its successor in function.

In compliance  Out of compliance

Remarks: See above statement

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  Out of compliance



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

LUR 4: Soil underlying existing paved or other man-made impervious surfaces and buildings at the Brownfields Property, as reflected on the plat component of the Notice of Brownfields Property ("Notice"), 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. A party proposing exposure of soil underlying paved surfaces and buildings may request that DENR or its successor in function make a determination that previous sampling results are sufficient. If the sampling results disclose contamination that DENR or its successor in function determines is capable of making the Brownfields Property unsuitable for the uses specified in Land Use Restriction 1 above, 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. Such conditions shall include, at a minimum, compliance with plans and procedures designed to protect public health and the environment during the activities that would expose such soil and approved pursuant to applicable law. If DENR determines the exposed soil contains contamination capable of making the Brownfields Property unsuitable for the uses specified in Land Use Restriction 1 above, then as much soil as DENR requires shall be removed and disposed in accordance with applicable law, and any other actions DENR reasonably requires to make the Brownfields Property suitable for the uses specified in the Brownfields Agreement ("Agreement") shall be taken. Alternatively, if DENR determines that such soil contamination is not capable of making the Brownfields Property unsuitable for the uses specified in Land Use Restriction 1 above if left in place, DENR may require the soil contamination to be capped, with perpetual maintenance of the cap to the satisfaction of DENR, or treated to DENR's satisfaction.

In compliance  Out of compliance

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

LUR 5: 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: \_\_\_\_\_

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LUR 6: In order to address potential vapor intrusion, no basements may be constructed on the Brownfields Property unless they are, as determined by DENR or its successor in function, vented in accordance with applicable building codes, and any structures placed on the Brownfields Property must be constructed or retrofitted in a manner that will prevent or mitigate, to DENR's written satisfaction, unacceptable indoor air quality.

In compliance  Out of compliance

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

LUR 7: 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, 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 8: 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 purposes of this section, outdoor and indoor common open space areas associated with mixed commercial uses shall not be considered parks.

In compliance  Out of compliance

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

LUR 9: Neither day care facilities nor schools, whether associated with another institution or not, nor playgrounds are permitted on the Brownfields Property without the approval of DENR or its successor in function.

In compliance  Out of compliance

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

LUR 10: No party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit or order issued by, DENR, may be denied access to the Brownfields Property for purposes of conducting such assessment or remediation.

In compliance  Out of compliance

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

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 containing these land use restrictions remains recorded at the Wake County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance  Out of compliance

Remarks: In Compliance as of this Report Date  
also see Remarks in Item #1 above.  
\_\_\_\_\_  
\_\_\_\_\_

[use for LLCs]

St. Ives 220 Commercial, LLC

[Insert Name of LLC]

By: JAMES M. ADAMS, Sr.  
Name typed or printed:  
Member/Manager

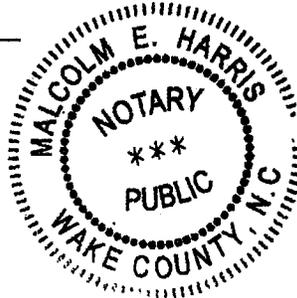
NORTH CAROLINA  
WAKE COUNTY

I, Malcolm E. Harris, a Notary Public of the county and state aforesaid, certify that James M. Adams Sr. personally came before me this day and acknowledged that he/she is a Member of St Ives 220 Commercial LLC, a NC (state) 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 26 day of May, 2011.

Malcolm E Harris  
Name typed or printed: Malcolm E. Harris  
Notary Public

My Commission expires: 4-7-2014



[Stamp/Seal]

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 James M. Adams, Sr.,  
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: James M. Adams Sr

In the case of owners that are entities:

Signature of individual signing: James M. Adams, Sr.  
Name typed or printed: James M. Adams, Sr.  
Title: Manager / Pastore Member

In the case of all owners:

Date: 5/26/11