

Brownfields Project #: 08001-04-64

Brownfields Property: Dollar General (formerly Schlage Lock Facility), 3551 North Wesleyan Boulevard

Property Owner (In whole or part): DOLROMO, Attn: E J Pope, III, P.O. Box 649, Mt. Olive, NC 28365

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Property other than for light manufacturing, office space, warehousing and retail purposes (including restaurants). No construction may occur on the Property without the Department of Environment and Natural Resources' ("DENR") prior written approval. The following definitions apply in connection with the approved land uses:



- a. Light manufacturing: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building or lot where such assembly, fabrication or processing takes place; where such processes are housed entirely within a building; or where the area occupied by the outdoor storage of goods and material used in such processes does not exceed 25 percent of the floor area of all the buildings on the property. No process water or wastewater may be generated at a light manufacturing facility.
- b. Office space: A use or structure where business or professional services are conducted or rendered.
- c. Retail: An activity the principal purpose of which is the sale of goods, products or merchandise directly to the consumer.

In compliance XX Out of compliance

Remarks: _____

LUR 2: During construction of any and all buildings on the Property, the following measures shall be implemented:

- a. As to any portion of any building that will be used other than for warehousing, a mechanical ventilation system shall be installed in conformance with the most current version of the Mechanical Ventilation section of the Ventilation chapter of the North Carolina State Building

Code. The owner of the affected portion of the Property shall provide to DENR a written report on the installation within thirty (30) days of its completion. As to any portion of any building that will be used exclusively for warehousing, subparagraph b. below applies regardless of the proximity of the building in question to the Property's volatile contaminant plume, construction may not commence until DENR has approved in writing a plan sealed by a North Carolina-licensed professional engineer that requires sub-slab venting or another engineering control that will accomplish the same purpose, and final construction schematic "as-built" drawings sealed by a North Carolina-licensed professional engineer shall be submitted to DENR within fifteen (15) days after receipt of a certificate of occupancy for the building in question.

- b. This subparagraph applies where, based on DENR's most recent plume map, the edge of the footprint of a building to be constructed falls within one hundred (100) feet of the edge of the Property's volatile contaminant plume.
 - i. If any conduits would penetrate the planned location of the building's slab-on-grade foundation, a spray membrane liner system consisting of a material resistant to the contaminants listed in the tables "(2)" of the Notice of Brownfields Property ("Notice") shall be installed beneath the foundation.
 - ii. Where no conduits would penetrate the planned location of the building's foundation, a spray membrane liner system consisting of a material resistant to the contaminants listed tables at "(2)" of the Notice, or a vapor barrier at least six (6) millimeters thick and consisting of a material resistant to the contaminants listed in tables at "(2)" of the Notice, shall be installed beneath the foundation. As to any vapor barrier installed: it shall be sealed around any vertical pilings or support structures beneath the slab and overlapped and taped, or otherwise stabilized, so as to minimize potential air migration pathways; and, within thirty (30) days following installation, photographs of the installation and a brief written description of it shall be submitted to DENR.
 - iii. Depending on the location of the footprint of the building and DENR's determination of the magnitude of volatile contamination, DENR may require indoor air sampling.

In compliance XX Out of compliance

Remarks: _____

LUR 3: Surface water and underground water at the Property may not be used for any purpose without the prior written approval of DENR or its successor in function.

In compliance XX Out of compliance

Remarks: _____

LUR 4: 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 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 XX Out of compliance

Remarks: _____

LUR 5: Soil underlying paved and other impervious surfaces and buildings at the Property, soil within 200 feet of the building demarcated "plant building" on the plat component of the Notice, soil within each area identified as a "SWMU" or "AOC" on the plat component of the Notice, and soil proposed to be exposed in association with any construction on the Property, may not be exposed unless DENR has been given a minimum of ten (10) business days advance written notice and has approved a plan to protect public health and the environment during the activities that would expose such soil. DENR may inspect, and require screening or sampling for contaminants in, the exposed soil. If screening or sampling discloses contamination that DENR determines may pose an unacceptable level of risk to public health or the environment, as much soil

as DENR requires shall be removed and disposed of in accordance with applicable law, and any other actions DENR requires to make the Property suitable for the uses specified in this Agreement shall be taken. If DENR determines that the exposed soil is contaminated at levels that would not pose an unacceptable risk to public health or the environment if capped, DENR may require the soil to be capped, with perpetual maintenance of the cap, to the satisfaction of DENR.

In compliance XX Out of compliance

Remarks: _____

LUR 6: No area designated "SWMU or AOC requiring additional investigation" on the plat component of the Notice, may be built upon or otherwise disturbed without the prior written approval of DENR's Hazardous Waste Section, a copy of which approval shall be provided to DENR's Brownfields Program.

In compliance XX Out of compliance

Remarks: _____

LUR 7: Soil, landscaping and contours at the Property may not be disturbed without the approval of DENR or its successor in function, except for mowing and pruning of above-ground vegetation.

In compliance XX Out of compliance

Remarks: _____

LUR 8: No mining may be conducted on or under the Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.

In compliance XX Out of compliance

Remarks: _____

LUR 9: No basements may be constructed on the Property unless they are, as determined by DENR or its successor in function, vented in conformance with applicable building codes.

In compliance XX Out of compliance _____

Remarks: _____

LUR 10: None of the contaminants known to be present in the environmental media at the Property, including those listed in tables at "(2)" of the Notice, may be used or stored at the 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 XX Out of compliance _____

Remarks: _____

LUR 11: The 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 XX Out of compliance _____

Remarks: _____

LUR 12: The Property may not be used for agriculture, grazing, timbering or timber production.

In compliance XX Out of compliance

Remarks: _____

LUR 13: The Property may not be used as a playground, or for child care centers or schools.

In compliance XX Out of compliance

Remarks: _____

LUR 14: The Property may not be used for kennels, private animal pens or horse-riding.

In compliance XX Out of compliance

Remarks: _____

LUR 15: No monitoring wells at the Property shall be abandoned without the prior written approval of DENR's Hazardous Waste Section.

In compliance XX Out of compliance

Remarks: _____

LUR 16: No party conducting environmental assessment or remediation at the Property at the direction of, or pursuant to a permit or order issued by, DENR may be denied access to the Property for purposes of conducting such assessment or remediation.

In compliance XX Out of compliance

Remarks: _____

LUR 17: During January of each year after this Agreement becomes effective, the then current owner of any part of the 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 Nash County, North Carolina Register of Deeds' office, and that the land use restrictions are being complied with. Alternatively, the obligations of this subparagraph may be discharged on behalf of some or all owners by a party that satisfies DENR it is validly acting as agent for said owners, and that accepts responsibility for compliance with this subparagraph pursuant to a notarized instrument satisfactory to DENR.

In compliance XX Out of compliance _____

Remarks: _____

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

This Land Use Restrictions Update is certified by _____,
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: _____

In the case of owners that are entities:

Signature of individual signing: _____
Name typed or printed: _____
Title: _____

In the case of all owners:

Date: _____

[use for Partnerships]

CWE-2, LLC
EJP III Real Estate One, LLC
DOW Investment Club, LLC
Kaye and George Thompson

By: EJ Pope III
Name typed or printed: EJ Pope III
Manager / Partner

NORTH CAROLINA
Wayne COUNTY

I, Rita T Stukes, a Notary Public of the county and state aforesaid, certify that E.J. Pope, III personally came before me this day and acknowledged that he/she is a Manager / Partner of DOLROMO, a North Carolina (state) partnership, and that by authority duly given and as the act of the partnership, the foregoing Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 8 day of
January, 2014.

Rita T Stukes
Name typed or printed: Rita T Stukes
Notary Public

My Commission expires: November 18, 2017

