

# File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins  
Project ID: 0800104064  
Facility Name: Schlage Lock  
Document Group: Post Recordation (PRD)  
Document Type: Request for Cancellation/Modification of LURs (RCLUR)  
Description: Letter from Narron & Holdford, Attorneys, requesting release of the adjacent lot. *and related emails*  
Date of Doc: 6/1/2012  
Author of Doc: R. Woody Harrison, Jr.

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**File Room Use Only**

Date Recieved by File Room:

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0800104064

Scanner's Initials:

**NARRON & HOLDFORD, P.A.**

ATTORNEYS AND COUNSELLORS AT LAW

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P. O. DRAWER 279

WILSON, NORTH CAROLINA 27894-0279

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BENJAMIN L. EAGLES  
R. WOODY HARRISON, JR.  
I. JOE IVEY  
THOMAS J. RHODES  
THOMAS J. RHODES, JR.  
ROBERT C. M. ROUNTREE  
JANICE A. WALSTON  
C. DAVID WILLIAMS, JR.

TALMADGE L. NARRON  
(1925 - 1976)

WILLIAM H. HOLDFORD  
(1932 - 2009)

June 1, 2012

wharrison@narronholdford.com

Ms. Linda M. Culpepper  
Deputy Director  
North Carolina Department of Environment & Natural Resources  
1646 Mail Service Center  
Raleigh, NC 27699-1646

RE: Amendment Of Notice Of Brownfields Property Schlage Lock Site  
Brownfields Project No.: 08001-04-64



Dear Ms. Culpepper:

In December 2009 you issued a letter to the Nash County Registry releasing from the Brownfields Agreement the lot consisting of 1.02 acres at the Southwest corner of the property known as the Schlage Lock Site. We have been asked to represent the owners of a lot adjacent to that lot consisting of 1.21 acres and very much need to get from you a release of this property from the Brownfields Agreement. I am enclosing a copy of the description of our property and I will look forward to hearing from you with regard to what other information you need in order to move forward with a release for this reuse of the property.

Thank you very much for your kind attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Woody Harrison, Jr.". The signature is fluid and cursive, with a long horizontal stroke at the end.

R. Woody Harrison, Jr.  
FOR THE FIRM

RWHjr/sbh  
Enclosures



Doc ID: 006270410003 Type: CRP  
 Recorded: 01/26/2012 at 01:37:33 PM  
 Fee Amt: \$662.00 Page 1 of 3  
 Excise Tax: \$636.00  
 Nash County North Carolina  
 Anne J. Melvin Register of Deeds  
 BK **2597** PG **556-558**

This instrument prepared by R.W. HARRISON, JR.  
 a licensed North Carolina attorney.

Delinquent taxes, if any, to be paid by the closing attorney to the county Tax Collector upon disbursement of closing proceeds.

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$636.00

Parcel Identifier No. 110680 \_\_\_\_\_ Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 By: \_\_\_\_\_

Mail/Box to: Grantee  
 Type portions prepared by and return to: R. W. Harrison, Jr. ←  
 This instrument was prepared by: Weatherspoon & Voltz LLP (without the benefit of a title examination)

Brief description for the Index: Lot 4B, 1.21 acres, Belmont Commerce Park, Plat Book 37, Page 339

THIS DEED made this 26<sup>th</sup> day of January, 2012, by and between

GRANTOR	GRANTEE
Belmont Commerce Park, LLC, a North Carolina limited liability company PO Box 1398 Rocky Mount, NC 27802	Glandon Forest Equity, LLC, a North Carolina limited liability company 3900 Merton Drive, Suite 210 Raleigh, NC 27609

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in South Whitakers Township, Nash County, North Carolina and more particularly described as follows:

**Fronting on North Wesleyan Boulevard (US Highway 301) and being that 1.21 acres more or less designated as Lot 4B on the map of the Minor Subdivision Plat entitled "Property of Belmont Commerce Park, LLC" recorded in Plat Book 37, Page 339 of the Nash County Registry and reference is hereby mad to said plat for a more particular description.**





North Carolina Department of Environment and Natural Resources

Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

December 14, 2009



Doc ID: 005901810004 Type: CRP  
Recorded: 12/28/2009 at 12:02:49 PM  
Fee Amt: \$23.00 Page 1 of 4  
Nash County North Carolina  
Barbara W. Sasser Register of Deeds

BK 2493 PG 460-463

Ms. Barbara Sasser  
Nash County Register of Deeds  
PO Box 974  
Nashville, NC 27856

Subject: Amendment of Notice of Brownfields Property  
Schlage Lock Site  
Rocky Mount, Nash County  
Brownfields Project No. 08001-04-64  
Current Owner: Belmont Commerce Park, LLC

Dear Ms. Sasser:

On December 30, 2005, a Notice of Brownfields Property (Notice) regarding the subject project was recorded in your office in **Book 2199, Page 701** pursuant to the Brownfields Property Reuse Act (the Act), N.C.G.S. 130A-310.30, *et seq.* A Brownfields Agreement (Agreement) regarding the project constitutes Exhibit A to the Notice. An Amended Notice was recorded on January 5, 2006 in **Book 2200, Page 791**.

By letter dated November 16, 2009, the Property's owner as of that date requested in writing that a 1.02-acre area be removed from the southwest corner of the Brownfields Property. That action is acceptable to the N.C. Department of Environment and Natural Resources (DENR), for which I speak in this regard as the delegate of powers granted to DENR's Secretary under the Act.

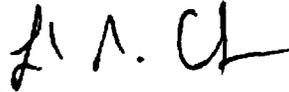
Thus, the delineation of the Brownfields Property is hereby amended in conformance with the attached plat and legal descriptions.

Pursuant to N.C.G.S. 130A-310.35(e), please record this statement in the deed books and index it on the grantor index in the names of the owners of the land as shown in the Notice and on the grantee index in the name "Secretary of Environment and Natural Resources." Also pursuant to N.C.G.S. 130A-310.35(e), if practicable please make a marginal entry on the Notice showing the date of cancellation and the book and page where this statement is recorded, and sign the entry. If you would be so kind, please return to me a copy of this letter evidencing recordation.

Ms. Sasser  
December 14, 2009  
Page 2

We appreciate your assistance in this matter. If you have questions or require additional information, please contact DENR official Bruce Nicholson at (919) 508-8417 or [bruce.nicholson@ncdenr.gov](mailto:bruce.nicholson@ncdenr.gov).

Sincerely,



Linda M. Culpepper  
Deputy Director  
Division of Waste Management

- cc: Central Files
- ec: Bruce Nicholson, DENR Brownfields Program Manager  
Rob McDaniel, DENR Hazardous Waste Section  
Robert R. Gelblum, Special Deputy Attorney General  
Carlton E. Harlow

**DESCRIPTION OF 1.02 ACRES TO BE REMOVED FROM BROWNFIELD'S AGREEMENT**

BEGINNING at an iron stake in the eastern right-of-way line of U. S. Highway 301 (also known as North Wesleyan Boulevard) at the southwest corner of parcel of real estate containing 49.153 acres as shown on map recorded in Plat Book 33, Pages 269 and 270, Nash County Registry (said stake marking the corner between said 49.153 acre parcel and property of M. C. Braswell Company as shown on said plat); thence along the eastern right-of-way line of U. S. Highway 301 (North Wesleyan Boulevard), N. 12 deg. 21' 47" E. 147.06 feet to an iron stake; thence S. 77 deg. 38' 13" E. 300 feet to an iron stake; thence S. 12 deg. 21' 45" W. 148.46 feet to an iron stake; thence N. 77 deg. 22' 07" W. 300 feet to the point of beginning, containing 1.02 acres.

**ENTIRE PARCEL SUBJECT TO BROWNFIELD'S AGREEMENT LESS 1.02 ACRES  
TO BE REMOVED FROM BROWNFIELD'S AGREEMENT**

BEGINNING at an iron stake found in the western right-of-way line of the CSX Railroad, said BEGINNING point being located North 22 degrees 22 minutes 43 seconds East 2850.94 feet from North Carolina Geodetic Survey Station "Wesleyan", said monument having NC Grid Coords North equals 251915.716 Meters East equals 720681.875 Meters, thence along the property line of M. C. Braswell Agri Services property North 77 degrees 22 minutes 07 seconds West 1175.57 feet to an iron stake found, a new corner, thence North 12 degrees 21 minutes 45 seconds East 148.46 feet to a PK Nail found, a new corner, thence North 77 degrees 38 minutes 13 seconds West 300 feet to an iron stake found in the eastern right-of-way of U. S. Highway 301 also known as North Wesleyan Boulevard, thence along the eastern right-of-way line of U. S. Highway 301 North 12 degrees 21 minutes 47 seconds 1257.94 feet to an iron stake found located in the eastern right-of-way line of U. S. Highway 301 and the southern right-of-way line of State Road 1558 also known as Red Iron Road, thence with the southern right-of-way line of State Road 1558 South 71 degrees 22 minutes 07 seconds East 494.84 feet to an iron stake found, thence with a curve in the southern right-of-way line of State Road 1558 having a radius of 1205.93 feet, an arc length of 123.15 feet, and a chord bearing and distance of South 74 degrees 22 minutes 07 seconds East 123.10 feet to an iron stake found, thence with the southern right-of-way line of State Road 1558 South 77 degrees 06 minutes 48 seconds East 250.90 feet to an iron stake found in the southern right-of-way line of State Road 1558, said point being the corner of the land owned by the City of Rocky Mount, thence with the City of Rocky Mount line South 12 degrees 33 minutes 51 seconds West 147.96 feet to an iron stake found, cornering, thence with the City of Rocky Mount line South 77 degrees 27 minutes 50 seconds East 250.13 feet to an iron Stake found, thence with the City of Rocky Mount line North 12 degrees 30 minutes 07 seconds East 147.88 feet to an iron stake found in the southern right-of-way line of State Road 1558, thence along the southern right-of-way line of State Road 1558 South 77 degrees 26 minutes 29 seconds East 619.84 feet to an iron stake found located in the southern right-of-way line of State Road 1558 and the western right-of-way line of CSX Railroad, thence along the western right-of-way line of CSX Railroad South 23 degrees 17 minutes 45 seconds West 1370.94 feet to the point of BEGINNING containing 49.15 acres according to the survey prepared by Chamblee & Strickland Land Surveying entitled "Property of Community Resource Exchange" dated November 11, 2002 and recorded in Plat Book 30 Page 350 Nash County Registry, less a 1.02 acre tract situated in the southwestern corner of the larger parcel.

TOGETHER WITH that certain easement for ingress, egress and regress as described in the Deed of Easement from Mattie May B. Gorham, widow, Vivian B. Braswell, unmarried, Thomas J. Pearsall and wife, Elizabeth B. Pearsall, to Schlage Lock Company, dated May 21, 1971, and recorded in Book 895, Page 666, Nash County Registry.

23.00  
25.00 N/S

## Nicholson, Bruce

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**From:** Nicholson, Bruce  
**Sent:** Wednesday, June 06, 2012 11:51 AM  
**To:** 'George T. Barnes Jr.'  
**Cc:** Meadow, John A.; Deal, Robert L.; 'Woody Harrison'  
**Subject:** RE: Dollar General - Rocky Mount - Brownfields Property Schlage Lock Site

Mr. Barnes,

I responded to a similar email from Mr. Harrison earlier this morning and as I mentioned yesterday as well, I don't know what activities or construction have taken place on the property. As such, regrettably, I cannot certify the things you request below. As you have attached in your email, I sent Mr. Deal an email on May 10 containing correspondence approving a plan for working on this property at Schlage. Perhaps that would help. My continued recommendation is that someone on your side of the transaction (environmental consultant, perhaps) prepare a written letter report to the prospective buyer describing the activities/construction, including footprint and other matters pertinent to the brownfields agreement provisions, and how these activities and footprint are compliant with the brownfields agreement in correspondence to the property buyer. If they have a signed sealed report to that effect, I would think that would satisfy them.

Compliance/noncompliance with the land use restrictions of the brownfields agreement should be relatively obvious to any parties in such a transaction. It may or may not help your buyer to know that such transactional difficulties on brownfields agreement properties are a highly unusual circumstance. In all 215 or so brownfield agreements we have produced, I cannot remember a time when we have been so involved in such transactional issues to this level. We are trying to help as best we can, but I cannot certify what I do not know.

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
[Bruce.Nicholson@ncdenr.gov](mailto:Bruce.Nicholson@ncdenr.gov)  
919-707-8330

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**From:** George T. Barnes Jr. [mailto:gbarnes@vanguardpg.com]  
**Sent:** Wednesday, June 06, 2012 9:33 AM  
**Cc:** Meadow, John A.; Nicholson, Bruce; Deal, Robert L.  
**Subject:** RE: Dollar General - Rocky Mount - Brownfields Property Schlage Lock Site

Terracon  
John (Meadow) and Rob (Deal)-

You have already provided a reliance letter to the Buyer of the subject. BUT, I need your help, hopefully one last time as it relates to this new Dollar General project we constructed in Rocky Mount. As you are aware, a good portion of our business is developing sites to Dollar General for sale to investors. As we are all aware, Terracon was involved in all of the testing, and we followed through with all of the requirements outlined in the Brownsfield program. This project is 100% compliant with what we were required to do.

The problem, is that I find myself in this loop that I cannot get out of. We have a buyer, whose window of opportunity is closing this week, which will create a domino effect with respect to a related transaction that we are affecting next week. The Buyer and his attorney are simply asking for a recordable form letter from NCDENR stating the following (an excerpt from a recent letter):

*Bullet point # 1 from NCDENR would say that you built all things according to their requirements.*

So a summary on the okays needed from NC DENR.

- # 1- built to their requirements and they are ok
- # 2 building is not in a no build area and they are ok
- # 4- DENR reqd stormwater pond is ok in a Brownfield area.

Being in the Brownfield does give me protection if they have signed off on the above.

Judson

Being that the Brownsfield requirements are outlined, recorded and run with the land, it seems reasonable that NCDENR could conversely provide a letter certifying compliance with the requirements, as it relates to the development of this particular parcel. The absence of such a letter leaves this open-ended. All of the information is available, so I am hoping that this matter could be closed, and letter written today, restoring my confidence in this system.

Thank you.

George T. Barnes | 919.459.2601

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Wednesday, June 06, 2012 8:13 AM  
**To:** George T. Barnes Jr.  
**Cc:** 'Beth Voltz'; 'Rob Markworth'  
**Subject:** FW: Amendment of Notice of Brownfields Property Schlage Lock Site

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**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 5:33 PM  
**To:** Woody Harrison  
**Cc:** Liggins, Shirley; Peacock, David  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

I do not know who Judson is or have such a letter (though I take it they may be on the purchaser side of a pending transaction?). I do not know what activities you or they are referring to and cannot certify them as compliant. My suggestion is that someone on your side of the transaction describe the activities and how they are compliant with the brownfields agreement in correspondence to the property buyer. Perhaps your client has an environmental contractor who can do that. Of course, if they are not compliant we would like to know. There ought to be Land Use Restriction updates certifying compliance with the LURs submitted to our program each year. Those also ought to help.

Bruce Nicholson

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
[Bruce.Nicholson@ncdenr.gov](mailto:Bruce.Nicholson@ncdenr.gov)  
919-707-8330

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 5:04 PM

**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Thank you again. I can now see the map lines you pointed out. The Letter from Judson sets out some things they are hoping to get from you to clarify the activity on the Lot is compliant.

**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 3:57 PM  
**To:** Woody Harrison  
**Cc:** Liggins, Shirley; Peacock, David  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Mr. Harrison,  
Hope that helps. But do let me know if you are still having trouble after what I sent. Tomorrow, I will have someone here who can scan the large size maps we have here into a pdf file. If the scans come out with good resolution, I can email it to you and you will be able to zoom in and see things well using adobe acrobat.  
Thanks,  
Bruce

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
[Bruce.Nicholson@ncdenr.gov](mailto:Bruce.Nicholson@ncdenr.gov)  
919-707-8330

---

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 3:48 PM  
**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Thank you.

**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 3:20 PM  
**To:** Woody Harrison  
**Cc:** Peacock, David; Liggins, Shirley  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Mr. Harrison,  
No apologies necessary.

On the actual plat at the deeds office it will be apparent. It is a large size plat that may be difficult to see in a reduced size on a computer screen. You will see there is a thick dashed line essentially around the shaded plant building. In the legend you will see the line type denoted as the "No Build Line". Also, there is a label "No Build Line" located a bit north west of the plant building with an arrow pointing to the line. If you get a pdf file, you can blow it up to see it.

It might help to view the attached Google Earth file that has an overlay of the original 2005 plat with a Google earth satellite image...this was also from the register of Deeds website. You may need [Google Earth](#) to view it if you don't have it already. You can see the thick dashed line pretty well.

We also have a 22 inch by 30 inch copy here at our offices if there is no other way.

Thanks,  
Bruce

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 2:55 PM  
**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

I apologize for bothering you, BUT with my magnifying glass, I cannot decipher where on that map it says there are No Build zones. Help.

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**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 2:35 PM  
**To:** Woody Harrison  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

The no build zone is shown on the 2005 plat from Book 33 page 269. The 2009 plat merely shows the Sheetz parcel that was excised and does not re-show the no-build zone.

Thanks,  
Bruce

---

**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 2:32 PM  
**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

I am sending you the maps from 2005 and 2009. It would be very helpful if you could identify for me where the "No Build" areas are on those maps. Our lot is immediately adjacent to the Lot of Sheetz that was taken out in 2009. Thank you for your assistance and education on this matter.

---

**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 11:34 AM  
**To:** Woody Harrison; Culpepper, Linda  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Mr. Harrison,

Thank you for our phone conversation regarding your request letter of June 1, 2012. As I mentioned, the excision of the parcel purchased by Sheetz from the brownfields property was an exception we made after our understanding that Sheetz would not purchase the parcel without such an excision. Generally speaking, brownfields agreements are sought by developers as a desirable thing for sale of the property. That is, they exist to provide liability protection for all future owners so long as land use restrictions are complied with. The 1.02 acre parcel that Sheets purchased that you cited was on the extreme periphery of the site and was not contaminated, and for whatever reason, Sheetz would not purchase the parcel without the excision. We recommended against it at the time as they no longer have liability protection on that parcel. Not only would we would we recommend against doing so for your parcel, but we would be unable to do so unless it was shown to be uncontaminated and such a property excision was a condition of sale for its redevelopment.

If you are able to identify the boundaries of your parcel on the final brownfields plat (a copy recorded at the register of deeds should be available if your client does not possess a copy from the original seller), then anyone should be able to look at that overlay and determine if the 1.21 acre parcel you referenced in your letter is inside or outside the no-build boundary.

Thank you,

Bruce Nicholson

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
[Bruce.Nicholson@ncdenr.gov](mailto:Bruce.Nicholson@ncdenr.gov)  
919-707-8330

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 10:01 AM  
**To:** Culpepper, Linda  
**Cc:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Thank you for your acknowledgement of our letter. I hope Bruce can let us know soon what other information might be needed to move on the request. Thanks, woody Harrison

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**From:** Culpepper, Linda [<mailto:linda.culpepper@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 9:39 AM  
**To:** [wharrison@narronholdford.com](mailto:wharrison@narronholdford.com)  
**Cc:** Nicholson, Bruce  
**Subject:** Amendment of Notice of Brownfields Property Schlage Lock Site

Good morning Mr. Harrison,

We received your letter dated June 1, 2012 regarding the subject matter. I am forwarding your letter to Bruce Nicholson, the Brownfields Program Manager, who will be back in touch with you request to release property from the Brownfields Agreement.

Thank you,  
linda

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## Nicholson, Bruce

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**From:** Nicholson, Bruce  
**Sent:** Wednesday, June 06, 2012 10:46 AM  
**To:** 'Woody Harrison'  
**Cc:** Liggins, Shirley; Peacock, David  
**Subject:** RE: Bullet Point Summary for NCDENR

As I mentioned yesterday, I don't know anything about what activities or construction that may have taken place on the property. I do see Terracon is involved below. Is this perhaps the same property the Robert Deal with Terracon is working on? I sent him an email on May 10 containing correspondence approving a plan for working on a property at Schlage. You may want to look into that letter I already sent, if this is the same parcel. Perhaps that would help. My continued recommendation is that someone on your side of the transaction (environmental consultant, perhaps) describe the activities and how they are compliant with the brownfields agreement in correspondence to the property buyer. There ought to be Land Use Restriction updates certifying compliance with the LURs submitted to our program each year. Those also ought to help.

As an FYI...I now have a high resolution pdf of the plat showing the no-build zone. It's too large to email and zipping it does not seem to compress it much. You can send someone by with a flash drive and I can load it onto that for you.

Bruce

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
Bruce.Nicholson@ncdenr.gov  
919-707-8330

---

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.

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**From:** Woody Harrison [mailto:wharrison@narronholdford.com]  
**Sent:** Tuesday, June 05, 2012 5:40 PM  
**To:** Nicholson, Bruce  
**Subject:** FW: Bullet Point Summary for NCDENR

A simplified statement of the Buyer's request.

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**From:** George T. Barnes Jr. [mailto:gbarnes@vanguardpg.com]  
**Sent:** Tuesday, June 05, 2012 4:53 PM  
**To:** Woody Harrison  
**Subject:** FW: Bullet Point Summary for NCDENR

To follow up on the previous email – it will satisfy the Buyer if Bruce with NCDENR can issue a letter addressing the following 3 points. Thank you Woody, if we can get this, I think we are done.

George T. Barnes | 919.459.2601

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**From:** Judson Pope [mailto:Judson\_Pope@ejpope.com]  
**Sent:** Tuesday, June 05, 2012 3:46 PM  
**To:** George T. Barnes Jr.  
**Cc:** C.H. Pope Jr. - 5405  
**Subject:** Bullet Point Summary for NCDENR

Bullet point # 1 from NCDENR would say that you built all things according to their requirements.  
So a summary on the okays needed from NC DENR.

# 1- built to their requirements and they are ok  
# 2 building is not in a no build area and they are ok  
# 4- stormwater pond is ok in a Brownfield area.

Being in the Brownfield does give me protection if they have signed off on the above.

Judson

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**From:** Judson Pope  
**Sent:** Tuesday, June 05, 2012 3:40 PM  
**To:** 'George T. Barnes Jr.'  
**Subject:** FW: Recap of call

Bullet point # 2 in prior email if you don't have at hand.

Judson

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**From:** Judson Pope  
**Sent:** Friday, May 18, 2012 12:42 PM  
**To:** George T. Barnes Jr.; C.H. Pope Jr. - 5405  
**Cc:** [rideal@terracon.com](mailto:rideal@terracon.com); Scott Driscoll; justin mullarkey; Judson Pope  
**Subject:** Recap of call

George,

Attached above is the recap of the call. I had CH review my notes and also cross reference to the title objections he sent in April. I have also discussed the site with BB& T regarding their note and Carlton Harlow today.

Please review and let me know your thoughts. I know you don't want to spend a lot of money on attorney fees, but I think you are going to have to get one involved to solve a couple of these issues if you sell it to me or to the next person. I have done a lot of due diligence and still want the property if we can solve these issues.

Judson

---

**From:** George T. Barnes Jr. [<mailto:gbarnes@vanguardpg.com>]  
**Sent:** Friday, May 18, 2012 11:48 AM  
**To:** Judson Pope; C.H. Pope Jr. - 5405  
**Subject:**

Judson – thanks for the update call yesterday. Please send me the list of items we discussed so I can get Terracon and others starting on this with the idea of having everything wrapped up as best we can by the 30<sup>th</sup>. Thank you.

George T. Barnes



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender and delete it from your system. Please note that any views or opinions presented in this email or any attachment are solely those of the author and do not necessarily represent those of EJ Pope & Son, Inc., Handy Mart, or Pope Transport Co.. This email and any attachments have been scanned for viruses, but you are encouraged to check them for the presence of viruses as the company accepts no liability for any damage caused to your computer and/or network by any virus transmitted herewith.

## Nicholson, Bruce

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**From:** Nicholson, Bruce  
**Sent:** Tuesday, June 05, 2012 5:33 PM  
**To:** 'Woody Harrison'  
**Cc:** Liggins, Shirley; Peacock, David  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

I do not know who Judson is or have such a letter (though I take it they may be on the purchaser side of a pending transaction?). I do not know what activities you or they are referring to and cannot certify them as compliant. My suggestion is that someone on your side of the transaction describe the activities and how they are compliant with the brownfields agreement in correspondence to the property buyer. Perhaps your client has an environmental contractor who can do that. Of course, if they are not compliant we would like to know. There ought to be Land Use Restriction updates certifying compliance with the LURs submitted to our program each year. Those also ought to help.

Bruce Nicholson

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
Bruce.Nicholson@ncdenr.gov  
919-707-8330

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**From:** Woody Harrison [mailto:wharrison@narronholdford.com]  
**Sent:** Tuesday, June 05, 2012 5:04 PM  
**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Thank you again. I can now see the map lines you pointed out. The Letter from Judson sets out some things they are hoping to get from you to clarify the activity on the Lot is compliant.

---

**From:** Nicholson, Bruce [mailto:bruce.nicholson@ncdenr.gov]  
**Sent:** Tuesday, June 05, 2012 3:57 PM  
**To:** Woody Harrison  
**Cc:** Liggins, Shirley; Peacock, David  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Mr. Harrison,

Hope that helps. But do let me know if you are still having trouble after what I sent. Tomorrow, I will have someone here who can scan the large size maps we have here into a pdf file. If the scans come out with good resolution, I can email it to you and you will be able to zoom in and see things well using adobe acrobat.

Thanks,  
Bruce

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
Bruce.Nicholson@ncdenr.gov  
919-707-8330

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 3:48 PM  
**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Thank you.

---

**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 3:20 PM  
**To:** Woody Harrison  
**Cc:** Peacock, David; Liggins, Shirley  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Mr. Harrison,  
No apologies necessary.

On the actual plat at the deeds office it will be apparent. It is a large size plat that may be difficult to see in a reduced size on a computer screen. You will see there is a thick dashed line essentially around the shaded plant building. In the legend you will see the line type denoted as the "No Build Line". Also, there is a label "No Build Line" located a bit north west of the plant building with an arrow pointing to the line. If you get a pdf file, you can blow it up to see it.

It might help to view the attached Google Earth file that has an overlay of the original 2005 plat with a Google earth satellite image...this was also from the register of Deeds website. You may need [Google Earth](#) to view it if you don't have it already. You can see the thick dashed line pretty well.

We also have a 22 inch by 30 inch copy here at our offices if there is no other way.  
Thanks,  
Bruce

---

**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 2:55 PM  
**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

I apologize for bothering you, BUT with my magnifying glass, I cannot decipher where on that map it says there are No Build zones. Help.

---

**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 2:35 PM  
**To:** Woody Harrison  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

The no build zone is shown on the 2005 plat from Book 33 page 269. The 2009 plat merely shows the Sheetz parcel that was excised and does not re-show the no-build zone.  
Thanks,  
Bruce

---

**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 2:32 PM

**To:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

I am sending you the maps from 2005 and 2009. It would be very helpful if you could identify for me where the "No Build" areas are on those maps. Our lot is immediately adjacent to the Lot of Sheetz that was taken out in 2009. Thank you for your assistance and education on this matter.

---

**From:** Nicholson, Bruce [<mailto:bruce.nicholson@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 11:34 AM  
**To:** Woody Harrison; Culpepper, Linda  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Mr. Harrison,  
Thank you for our phone conversation regarding your request letter of June 1, 2012. As I mentioned, the excision of the parcel purchased by Sheetz from the brownfields property was an exception we made after our understanding that Sheetz would not purchase the parcel without such an excision. Generally speaking, brownfields agreements are sought by developers as a desirable thing for sale of the property. That is, they exist to provide liability protection for all future owners so long as land use restrictions are complied with. The 1.02 acre parcel that Sheets purchased that you cited was on the extreme periphery of the site and was not contaminated, and for whatever reason, Sheetz would not purchase the parcel without the excision. We recommended against it at the time as they no longer have liability protection on that parcel. Not only would we would we recommend against doing so for your parcel, but we would be unable to do so unless it was shown to be uncontaminated and such a property excision was a condition of sale for its redevelopment.

If you are able to identify the boundaries of your parcel on the final brownfields plat (a copy recorded at the register of deeds should be available if your client does not possess a copy from the original seller), then anyone should be able to look at that overlay and determine if the 1.21 acre parcel you referenced in your letter is inside or outside the no-build boundary.

Thank you,  
Bruce Nicholson

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
[Bruce.Nicholson@ncdenr.gov](mailto:Bruce.Nicholson@ncdenr.gov)  
919-707-8330

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**From:** Woody Harrison [<mailto:wharrison@narronholdford.com>]  
**Sent:** Tuesday, June 05, 2012 10:01 AM  
**To:** Culpepper, Linda  
**Cc:** Nicholson, Bruce  
**Subject:** RE: Amendment of Notice of Brownfields Property Schlage Lock Site

Thank you for your acknowledgement of our letter. I hope Bruce can let us know soon what other information might be needed to move on the request. Thanks, woody Harrison

---

**From:** Culpepper, Linda [<mailto:linda.culpepper@ncdenr.gov>]  
**Sent:** Tuesday, June 05, 2012 9:39 AM  
**To:** [wharrison@narronholdford.com](mailto:wharrison@narronholdford.com)

**Cc:** Nicholson, Bruce

**Subject:** Amendment of Notice of Brownfields Property Schlage Lock Site

Good morning Mr. Harrison,

We received your letter dated June 1, 2012 regarding the subject matter. I am forwarding your letter to Bruce Nicholson, the Brownfields Program Manager, who will be back in touch with you request to release property from the Brownfields Agreement.

Thank you,

linda

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## Nicholson, Bruce

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**From:** Judson Pope [Judson\_Pope@ejpope.com]  
**Sent:** Friday, June 08, 2012 12:06 PM  
**To:** Nicholson, Bruce  
**Cc:** C.H. Pope Jr. - 5405  
**Subject:** RE: Former Schlage Lock Property

Mr. Nicholson,

Thank you for responding and sending the attachments. I will review all the information with my attorney. Thanks again for your help and have a good weekend.

Judson

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**From:** Nicholson, Bruce [mailto:bruce.nicholson@ncdenr.gov]  
**Sent:** Friday, June 08, 2012 12:01 PM  
**To:** Judson Pope  
**Cc:** rideal@terracon.com; George T. Barnes Jr.; C.H. Pope Jr. - 5405; Culpepper, Linda; Peacock, David; Liggins, Shirley; Duque, Tony; wharrison@narronholdford.com  
**Subject:** RE: Former Schlage Lock Property

My apologies to all...I failed to include the attachment the first time. The compliance certification (LURU) is now attached.

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
Bruce.Nicholson@ncdenr.gov  
919-707-8330

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**From:** Nicholson, Bruce  
**Sent:** Friday, June 08, 2012 11:51 AM  
**To:** 'Judson Pope'  
**Cc:** rideal@terracon.com; George T. Barnes Jr.; C.H. Pope Jr. - 5405; Culpepper, Linda; Peacock, David; Liggins, Shirley; Duque, Tony; 'wharrison@narronholdford.com'  
**Subject:** Former Schlage Lock Property

Mr. Pope,

I believe this refers to the transaction I was discussing with Mr. Barnes, Mr. Harrison, and Mr. Deal at the former Schlage Lock property. The recordable restrictions you refer to were agreed to by DENR and placed on the property by the owner under a brownfields agreement. I can also tell you that brownfields agreements such as this have facilitated many loans and property transactions because they come with liability protection in the form of a covenant-not-to sue within the agreement. Because the agreement defines the environmental liabilities, they facilitate rather than hinder property transactions, now and into the future. By design, the agreement defines the liabilities and reduces the uncertainty on the environmental liabilities to levels manageable by reasonable business decision. In fact, banks making sizable loan decisions on such properties often require that the buyer get a brownfields agreement as a condition of the loan.

Regarding your other query, I have responded to queries of the sellers regarding the location of the no-build zone and the plans to handle environmental issues during construction on the property at various times. However, as I explained in an email yesterday to Mr. Barnes, the program does not know about what has or has not been constructed on the property. For both practical reasons (we are not on site during construction of the project and it would be impractical to do so at 215 or more brownfields agreement properties that presently exist across the state) and liability reasons (for example, certification of the existing situation today could become problematic tomorrow if someone spilled something in the meantime that we have no way of knowing about) we simply cannot certify the project that has been constructed there. Due diligence regarding compliance with the brownfields agreement is now a matter between buyer and seller and any professionals that they employ.

**That being said, I can tell you the following with respect to compliance at this property and hope it helps:** annually, for every brownfields agreement, we receive a certification of compliance with land use restrictions from the owner of the property. The latest annual land use restriction compliance certification (attached) was submitted by the owner on time and also shows compliance. We also visit properties on a random basis to see if there are obvious compliance issues. Our compliance coordinator visited the site on a compliance inspection about one year ago. His report indicated nothing out of compliance at that time. I sincerely hope this information helps.

Furthermore, completion of brownfields improvements to a property under a brownfields agreement starts a five-year tax incentive of reduced property taxes for the owner of that property (note that clock starts not signing upon signing of the agreement, but completion of the improvements). Any transactional costs regarding establishing due diligence should be more than made up for by that tax incentive.

I hope this information helps you, and facilitates your decision making process.  
Bruce Nicholson

Bruce Nicholson  
Brownfields Program Manager  
N.C. Division of Waste Management  
[Bruce.Nicholson@ncdenr.gov](mailto:Bruce.Nicholson@ncdenr.gov)  
919-707-8330

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**From:** Judson Pope [[mailto:Judson\\_Pope@ejpope.com](mailto:Judson_Pope@ejpope.com)]  
**Sent:** Thursday, June 07, 2012 1:37 PM  
**To:** Nicholson, Bruce  
**Cc:** [rideal@terracon.com](mailto:rideal@terracon.com); George T. Barnes Jr.; C.H. Pope Jr. - 5405  
**Subject:**

Mr. Nicholson,

I am attempting to purchase a piece of property in Rocky Mount. As I understand it, DENR has put some recordable restrictions on the property. I plan to hold this property for some years for my mother ( we sold the family farm) as an investment and then sell it. When I sell it, I need to make sure there are no recordable documents that may prevent a buyer from purchasing it.

As I understand it, you approved the preconstruction plans from Terracon for Vanguard Properties. Attached above is your letter dated May 10, 2012 regarding November and December communications. As part of DENR's restrictions, DENR has a no build area on the site. I need to have some recordable document or

statement from DENR that the site was built in a buildable area on the property. Also, there was a restriction regarding no disturbance of the groundwater, but a retention pond disturbs groundwater and was required in the building of the site.

If you will please look at the statements in the second attachment and tell me if these are correct and put in writing that it is correct on your letterhead, I can have my attorney attach an affidavit to it. Then, I can record something.

Thank you for your help and prompt response.

Judson Pope

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## Nicholson, Bruce

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**From:** George T. Barnes Jr. [gbarnes@vanguardpg.com]  
**Sent:** Friday, June 08, 2012 2:41 PM  
**To:** Nicholson, Bruce  
**Subject:** Re: Former Schlage Lock Property

Very helpful. Makes sense to me. Thank you

Sent from my Verizon Wireless 4G LTE Smartphone.

---

**From :** Nicholson, Bruce  
**Subject :** Former Schlage Lock Property

Mr. Pope,

I believe this refers to the transaction I was discussing with Mr. Barnes, Mr. Harrison, and Mr. Deal at the former Schlage Lock property. The recordable restrictions you refer to were agreed to by DENR and placed on the property by the owner under a brownfields agreement. I can also tell you that brownfields agreements such as this have facilitated many loans and property transactions because they come with liability protection in the form of a covenant-not-to sue within the agreement. Because the agreement defines the environmental liabilities, they facilitate rather than hinder property transactions, now and into the future. By design, the agreement defines the liabilities and reduces the uncertainty on the environmental liabilities to levels manageable by reasonable business decision. In fact, banks making sizable loan decisions on such properties often require that the buyer get a brownfields agreement as a condition of the loan.

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Bruce Nicholson

Bruce Nicholson  
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Bruce.Nicholson@ncdenr.gov  
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**From:** Judson Pope [[mailto:Judson\\_Pope@ejpoppe.com](mailto:Judson_Pope@ejpoppe.com)]  
**Sent:** Thursday, June 07, 2012 1:37 PM  
**To:** Nicholson, Bruce  
**Cc:** [rideal@terracon.com](mailto:rideal@terracon.com); George T. Barnes Jr.; C.H. Pope Jr. - 5405  
**Subject:**

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If you will please look at the statements in the second attachment and tell me if these are correct and put in writing that it is correct on your letterhead, I can have my attorney attach an affidavit to it. Then, I can record something.

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Judson Pope

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