

File Room Document Transmittal Sheet

Your Name: Shirley Liggins  
Project ID: 0800304036  
Facility Name: Chester St - City of Gastonia  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2012 annual certification  
Date of Doc: 1/4/2012  
Author of Doc: Saundra Scales

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Date Recieved by File Room:

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Housing and Neighborhoods

P. O. Box 1748

Gastonia, NC 28053-1748

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JAN 2012  
Brownfields

January 19, 2012

Ms. Shirley Liggins  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

RE: Brownsfields Project #: 08003-04-36  
Brownfields Property: Chester Street – City of Gastonia, Hwy 321 & Rankin Avenue

Dear Ms. Liggins:

Enclosed is the Land Use Restrictions Update required for compliance with Section 11 of Land Use Restrictions as outlined in the Brownfields Agreement. Sampling for this year has been waived pending review of the five year assessment submitted last year.

Should you have any questions or need additional information, please contact me at (704) 866-6752.

Sincerely,

Myra Messer  
Housing and Neighborhoods Administrator

**Brownfields Project #:** 08003-04-36

**Brownfields Property:** Chester Street – City of Gastonia, Hwy 321 & Rankin Ave.

**Property Owner (In whole or part):** City of Gastonia

Brownfields  
JAN 2012

**LAND USE RESTRICTIONS (“LUR”) UPDATE**

LUR 1: No use may be made of the Brownfields Property other than for:

- a. a shopping center, defined as a group of commercial establishments, planned and developed as a unit, with common parking, pedestrian movement, ingress and egress, which is used for the sale of merchandise or services to the public;
- b. other commercial use, defined as an occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee; or
- c. retail establishments, defined as buildings, property or activities the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: Commercial banking center branch opened on site on December 18, 2011.

LUR 2: Surface water and underground water at the Brownfields Property may not be used for any purpose without the approval of Department of Environment and Natural Resources (“DENR”).

In compliance  X  Out of compliance \_\_\_\_\_

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

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 in any areas proposed for such activities, and submittal of the analytical results to DENR. If such results disclose to DENR contamination in excess of North Carolina’s groundwater quality standards, the proposed activities may not occur without the approval of DENR on such conditions as DENR 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: 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 5: No basements may be constructed on the Brownfields Property unless they are, as determined by DENR, vented in conformance with applicable building codes.

In compliance  Out of compliance \_\_\_\_\_

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

LUR 6: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in the table in paragraph (2) of the Notice of Brownfields Property ("Notice"), may be used or stored at the Brownfields Property without the prior approval of DENR, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance  Out of compliance \_\_\_\_\_

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

LUR 7: 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.

In compliance  Out of compliance

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

LUR 8: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

LUR 9: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

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

LUR 10: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance  Out of compliance

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

LUR 11: Beginning in the first January following the year in which the Notice is recorded, and every January after that for a minimum of five (5) years, the owner(s) of the portions of the Brownfields Property containing the affected wells or other party agreeable to DENR shall effect sampling, in accordance with the most current version of the Guidelines of the Inactive Hazardous Sites Branch of DENR's Superfund Section, of the following monitoring wells depicted on the plat component of this Notice: MW-3, MW-6, MW-8 and MW-9. As well, the owner(s) of the portion of the Brownfields Property containing MW-8 or other party agreeable to DENR shall effect sampling, in accordance with the most current version of the Guidelines of the Inactive Hazardous Sites Branch of DENR's Superfund Section, of the stream adjacent to MW-8, within 25 feet of said stream. Sampling of the wells referenced in this subparagraph may cease if, at any time after five (5) years, DENR determines that contaminant concentrations are decreasing. The well and stream samples shall be analyzed by EPA Method 8260/8270 for Volatile Organic Compounds (VOCs)/Semi VOCs or any comparable method approved in advance by DENR. Each party conducting well sampling shall submit a report setting forth the sampling procedures and results with the Land Use Restrictions Update referenced in the following Land Use Restriction 12.

In compliance  X  Out of compliance \_\_\_\_\_

Remarks: In February 2011, the annual sampling along with a five year review was submitted as requested. Have not received notification from NCDENR concerning last year's testing and the need to continue testing past the five year period.

LUR 12: 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 certifying that the Notice containing these land use restrictions remains recorded at the Gaston County Register of Deeds office, and that these Land Use Restrictions are being complied with.

In compliance  X  Out of compliance \_\_\_\_\_

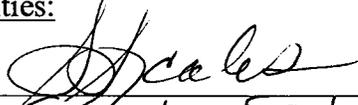
Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the **Gaston** 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: Saundra Scales

In the case of owners that are entities:

Signature of individual signing:   
Name typed or printed: Saundra Scales  
Title: President / CEO

In the case of all owners:

Date: 2-4-12

**[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]**  
**[use for corporations]**

[Insert Name of Corporation]

By: First Legacy Community Credit Union  
Name typed or printed: Saundra Scales  
Title typed or printed: President

ATTEST:

Tamica M Dawkins

Name typed or printed:

Secretary, First Legacy Community Cc (corporation name)

NORTH CAROLINA

Mecklenburg COUNTY

I, Dolores F. Cooper, a Notary Public of the county and state aforesaid, certify that Tamica M Dawkins personally came before me this day and acknowledged that he/she is the Secretary of First Legacy Cc (corporation name), a North Carolina (state) corporation, and that by authority duly given and as the act of the corporation, the foregoing Land Use Restriction Update was signed in its name by its President and attested by him/her as its Secretary.

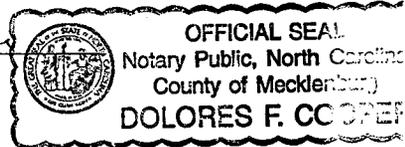
WITNESS my hand and official stamp or seal, this 4th day of

January, 2012

Dolores F. Cooper

Name:

Notary Public



My Commission expires: 11/19/2014

[Stamp/Seal]

[use for LLCs]

[Insert Name of LLC]

By: \_\_\_\_\_

Name typed or printed:

Member/Manager

NORTH CAROLINA