

Brownfields Project #: 08008-04-60
Brownfields Property: American Cyanamid, 2200 Donald Ross Road
Property Owner (In whole or part): DRR of the Carolinas, LLC



LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No use may be made of the Brownfields Property other than as a gravel parking lot for trailers, cars and other commercial vehicles, and for commercial and light industrial manufacturing purposes.

- i. Commercial is defined herein as meaning an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
- ii. Light industrial manufacturing is defined herein as meaning manufacturing in which no process water or wastewater is generated, and involving 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 of 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.

In compliance Out of compliance

Remarks: _____

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 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 written 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 prior written 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: 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 or its successor in function, 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 Notice of Brownfields Property ("Notice") at (2)a. and b., 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 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 or its successor in function.

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: 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 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 or its successor in function certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance Out of compliance

Remarks: _____

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

This Land Use Restrictions Update is certified by G. P. Hunter III,
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: G. P. Hunter III

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 LLCs]

DRR of the Carolinas, LLC
[Insert Name of LLC]

By: G.P. Hunter III
Name typed or printed: G.P. Hunter III
Member/Manager

NORTH CAROLINA
Mecklenburg COUNTY

I, Alba Colon-Nieves, a Notary Public of the county and state aforesaid, certify that G.P. Hunter III personally came before me this day and acknowledged that he/she is a Member of DRR of the Carolinas 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 24 day of July, 2012

Alba Colon-Nieves
Name typed or printed:
Notary Public

09/17/2013

My Commission expires: _____



Patrick Hunter

From: "Peacock, David" <david.peacock@ncdenr.gov>
To: "Patrick Hunter" <gphlaw@earthlink.net>
Cc: "Minnich, Carolyn" <carolyn.minnich@ncdenr.gov>
Sent: Monday, July 23, 2012 3:36 PM
Attach: American Cyanamid LURU Model.doc
Subject: RE: American Cyanamid
Form attached for your use.

David Peacock
Brownfields Program
NC Division of Waste Management
Mail Service Center 1646
Raleigh, NC 27699-1646
(910)796-7401 : (919)280-3408 cell
david.peacock@ncdenr.gov
<http://portal.ncdenr.org/web/wm/bf>

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Patrick Hunter [mailto:gphlaw@earthlink.net]
Sent: Monday, July 23, 2012 1:39 PM
To: Minnich, Carolyn
Cc: Peacock, David
Subject: Re: American Cyanamid

Carolyn:

Thank you for your message. I am still the contact for this site, and I am sorry I was unaware that we had a filing that was due. I am copying this e-mail to David Peacock and asking him to send me any necessary forms. I will get them sent back immediately.

Sincerely,

G. Patrick Hunter III
Attorney At Law

----- Original Message -----

From: Minnich, Carolyn
To: Patrick Hunter
Sent: Monday, July 23, 2012 11:22 AM
Subject: RE: American Cyanamid

Patrick:

Are you still the main contact for the American Cyanamid Brownfields Site at 2200 Donald Ross Road?

7/24/2012

The 2011 LURU is past due and needs to be submitted ASAP. If you have questions or need the form, please contact David.peacock@ncdenr.gov.

Carolyn Minnich

Brownfields Project Manager
NCDENR-DWM
704/661-0330
www.ncbrownfields.org
Come Clean Up With Us!

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Patrick Hunter [<mailto:gphlaw@earthlink.net>]
Sent: Monday, December 01, 2008 12:06 PM
To: carolyn.minnich@ncmail.net
Subject: Re: American Cyanamid

I have moved my law office and my new address is:

628 Griffith Rd.
Suite A
Charlotte, N.C. 28217

Thanks,

Patrick Hunter

----- Original Message -----

From: [Carolyn Minnich](#)
To: 'Patrick Hunter'
Cc: 'Shirley Liggins'; 'David Peacock'
Sent: Monday, December 01, 2008 9:20 AM
Subject: FW: American Cyanamid

Patrick:

What is your current contact information? We have the following are record and our letter was returned as non-deliverable. Please respond.

Mr. G. Patrick Hunter, III
DRR of the Carolinas, LLC
290 Meacham Street, Suite 201
Charlotte, NC 28203

Subject: Annual Land Use Restrictions Update
American Cyanamid
2200 Donald Ross Road
Charlotte, Mecklenburg County
Brownfields Project Number: 08008-04-60

Carolyn

Carolyn F. Minnich
Project Manager

Brownfields Program
DWM, DENR
Come Clean-Up with Us
ph: 704-661-0330
www.ncbrownfields.org
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Shirley Liggins
Administrative Assistant
NCDENR - Div. Waste Management
Brownfields Program
(919) 508-8411 Fax: (919) 715-4061

www.ncbrownfields.org
