



January 31, 2014

Ms. Sharon Eckard
NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

**Subject : Land Use Restrictions Update (LURU) for the
Padgett Lane Brownfields Site
105 Padgett Lane, Carrboro, Orange County, NC
NCBP # 08016-04-68**

Dear Ms. Eckard,

As requested by the Prospective Developer (PD) Main Street Properties of Chapel Hill, LLC, (MSP) Pyramid Environmental & Engineering, PC (Pyramid) has prepared the attached LURU for the referenced site.

The Brownfields site (the Former Butler's Garage) has not been altered since the auto repair business closed in 2012. The property has been cleared of trash and cars, and is accessible only from the driveway between the parking garage and the Arts Center.

The Hampton Inn hotel opened in July 2013, and the parking garage is also in use. The subject property (Butler Garage) has not undergone any development in the past year (2013). An asbestos survey was completed for the existing garage building in preparation for building demolition, potentially in 2014.

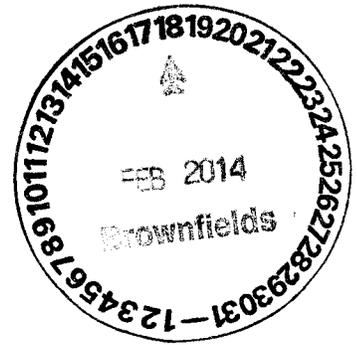
As the development plans are firmed up, we will keep you informed and comply with the BFA requirements as work is planned. If you have any questions, please call Mike Jones at (336) 335-3174 to discuss.

Sincerely,

Michael G. Jones, LG, RSM
Pyramid Operations Manager

Copy : *Kevin Benedict, Main Street Properties of Chapel Hill, LLC*

Brownfields Project #: 08016-04-68
Brownfields Property: Padgette Lane, 105 Padgette Lane
Property Owner (whole or in part): Kay Richardson



LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No use may be made of the Brownfields Property other than for high-density residential and commercial/office purposes. The following definitions apply regarding this restriction:

- i. “High-density residential” refers to structures used as multi-unit human dwellings, such as duplexes, triplexes, quadriplexes, condominiums, town homes and apartments, in which units are attached to each other with common walls and any associated property outside the structure(s) may be used, but is not owned, by particular inhabitants.
- ii. “Commercial/office” refers to wholesale, retail and entertainment uses, and the provision of business or professional services, plus related contiguous parking lots and driveways.

In compliance Out of compliance

Remarks: At this time, the property has not been redeveloped. The re-development process will be coordinated with the NCBP consistent with LUR 1.

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

In compliance Out of compliance

Remarks: The site has made no use of surface water in 2013 in compliance with LUR 2.

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: The site has made no use of groundwater in 2013 in compliance with LUR 3.

LUR 4: No building may be constructed on the Brownfields Property until DENR has been consulted regarding the proximity of the planned building to the Brownfields Property's volatile contaminant plume. If DENR determines that the footprint of a building proposed to be constructed on the Brownfields Property would fall within 100 feet of said plume, it may not be constructed without a vapor barrier system and/or mechanical or passive vapor mitigation system, approved in writing in advance by DENR. Within 30 days following installation of the vapor barrier system and/or mechanical or passive vapor mitigation system, DENR shall be provided certification of proper installation under seal of a professional engineer licensed in North Carolina, as well as photographs illustrating the installation and a brief narrative describing it. With DENR's prior written approval, additional investigation activities including, without limitation, soil gas samples, performed to DENR's written satisfaction, may be conducted, and installation of a barrier or mitigation system possibly excused, so long as the proponent makes an advance written commitment to install a barrier or mitigation system if DENR so requires based on review of a report DENR deems adequate of the investigation activities.

In compliance Out of compliance _____

Remarks: Demolition of the existing building and construction of new buildings on the property are planned for the future. The PD will consult with the NCBP Project Manager prior to implementation of any demolition or construction actions at the site.

LUR 5: Soil underlying paved surfaces and buildings at the Brownfields Property may not be exposed without prior sampling and analysis of such soil to the satisfaction of DENR, and submittal of the analytical results to DENR. If such results disclose contamination in excess of the applicable standards as determined by DENR, the soil may not be exposed 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 activities that would expose such soil.

In compliance Out of compliance _____

Remarks: No soil was excavated or sampled at the property in 2013.

LUR 6: Soil anywhere on the Brownfields Property exhibiting any stain or odor may not be disturbed without prior sampling and analysis, to DENR's written satisfaction,

of soil proposed to be disturbed. If sampling results disclose contamination that DENR determines renders the Brownfields Property unsuitable for the uses specified in Land Use Restriction 1 above, the soil may only be disturbed in conformance with procedures approved in writing in advance by DENR to protect public health and the environment while the disturbed soil is exposed, and if as much soil is treated, removed and disposed of in accordance with applicable law, or covered with an impervious or hard pervious surface, as DENR determines is necessary to render the Brownfields Property suitable for said uses. If treatment is chosen, it shall occur in conformance with procedures approved in writing in advance, and afterwards as to their implementation, by DENR. If covering the soil is chosen, said surface shall be maintained to DENR's satisfaction. If soil removal is chosen, information satisfactory to DENR regarding the transportation and disposition of such soil shall be supplied in a written report to DENR within 90 days following removal. For purposes of this land use restriction, the following definitions apply:

- i. "Impervious surface" means any structure or groundcover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or other natural or man-made material that prevents the absorption of surface water into the soil.
- ii. "Hard pervious surface" means any structure or groundcover that allows absorption of surface water into the soil, but has a hard surface formed or cast in place that protects land users from exposure to any contaminants in the soil. Pervious concrete and pervious tennis court materials are examples.

In compliance Out of compliance

Remarks: *During 2013, no soil was excavated or sampled at the property in compliance with LUR 6.*

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

In compliance Out of compliance

Remarks: *No soil was excavated at the site during 2013.*

LUR 8: 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: *No mining was conducted at the site during 2013.*

LUR 9: 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: *There was no construction or demolition on the property during 2013.*

LUR 10: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A and B 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: *The contaminants of concern (petroleum and PCE) were not stored or used on the property during 2013.*

LUR 11: 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: *The property was not used as a park or for sports of any kind in 2013.*

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

In compliance Out of compliance

Remarks: *The property was not used for grazing, agriculture or timber production in 2013.*

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

In compliance Out of compliance

Remarks: *The property was not used as a playground, or as a child care center, or as a school in 2013.*

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

In compliance Out of compliance

Remarks: The property was not used for kennels, private animal pens, or horse-riding in 2013.

LUR 15: The owner of any portion of the Brownfields Property where any DENR-approved monitoring well installed after recordation of the Notice is damaged shall be responsible for repair of any such wells to DENR's written satisfaction and within a time period acceptable to DENR.

In compliance Out of compliance

Remarks: No new monitoring wells were drilled, damaged, or sampled in 2013.

LUR 16: 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: No environmental assessment or remediation activities were completed in 2013.

LUR 17: During January of each year after the year in which the Notice is recorded, 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 of Brownfields Property containing these land use restrictions remains recorded at the Orange County Register of Deeds office, and that the land use restrictions are being complied with and stating:

- i. the name, mailing address, telephone and facsimile numbers, and contact person's e-mail address of the owner submitting the Land Use Restrictions Update if said owner acquired any part of the Brownfields Property during the previous calendar year. Insert information here, if applicable:

The ownership of the property did not change during 2013. The contact information for the property owner is :

Ms. Kay Richardson
8 Kendall Drive, Chapel Hill, 27517
C/O Kevin Benedict Phone # (919)810-4410
kwbenedict@gmail.com

- ii. the transferee's name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, if said owner transferred any part of the Brownfields Property during the previous calendar year. Insert information here, if applicable:

The property was not sold or transferred during 2013. The contact information for the PD is listed in item (i.) above.

- iii. whether any vapor barrier and/or mitigation systems installed pursuant to Land Use Restriction 4 above are performing as designed, and whether the uses of the ground floors of any buildings containing such vapor barrier and/or mitigation systems have changed, and, if so, how. Attach or insert information here, if applicable:

There were no vapor barriers or mitigation systems existing or installed at the property during 2013.

In compliance Out of compliance

Remarks: This report includes the required information for LUR 17 for the year 2013.

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

This Land Use Restrictions Update is certified by Ms. Kay Richardson, 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:

Kay Richardson

Name typed or printed:

Ms. Kay Richardson

Title:

Kay Richardson

By: Kay Richardson
Name typed or printed: Kay Richardson

NORTH CAROLINA
Orange COUNTY

I, Marina Aguilar a Notary Public of the county and state aforesaid, certify that Kay Richardson personally came before me this day, demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this 3rd day of February, 2014.

Marina Aguilar
Name typed or printed:
Notary Public

My Commission expires: March 14, 2018

