

COPY

Brownfields Project #: 09004-05-83

Brownfields Property: Scotland Memorial Hospital, 600 McLean Street

Property Owner (In whole or part): Board of Trustees of Richmond Community College

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for a community college-related job-training facility and for open space and/or a greenway and/or a park. For purposes of this restriction, the following definitions apply:

- a. Job-Training Facility: An institutional use where individuals are provided skills with which to obtain full-time employment. Institutional use refers to the use of land, buildings or structures for public, non-profit or quasi-public use.
- b. Open Space: an area of open space within a development site designed and intended for the use and enjoyment of the general public.
- c. Greenway: a linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features or historic sites, with each other and with populated areas.
- d. Park: land owned by the public and open for use by the public for active or passive recreational purposes, or as a refuge for wildlife.



In compliance XX Out of compliance _____

Remarks: Richmond Community College operates a college owned facility at this location for the purpose of training students for job skills.

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

In compliance XX 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 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 prior written 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 XX Out of compliance _____

Remarks: _____

LUR 4: Soil on the Brownfields Property below a depth of four (4) feet may not be disturbed without a minimum of seven (7) business days advance written notice to DENR, unless DENR states otherwise in writing in advance. At the time such soil is disturbed, DENR may inspect and sample, or require sampling of, the disturbed soil for contaminants. If soil contamination is discovered that DENR determines would likely contaminate groundwater even if capped, or that may pose an imminent threat to public health or the environment if exposed, as much soil as DENR reasonably requires shall be removed and disposed of in accordance with applicable law, and any other actions that DENR reasonably requires to make the Brownfields Property suitable for the uses specified in LUR 1 above while fully protecting public health and the environment shall be taken. If soil contamination is discovered that DENR determines would not likely contaminate groundwater if capped, or likely pose an imminent threat to public health or the environment if exposed, as much soil as DENR reasonably requires shall be removed and disposed of in accordance with applicable law or capped to the written satisfaction of DENR.

In compliance XX Out of compliance _____

Remarks: _____

LUR 5: 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 XX Out of compliance _____

Remarks: _____

LUR 6: No basements may be constructed on the Brownfields Property unless they are, as determined in writing by DENR, vented in conformance with applicable building codes.

In compliance XX Out of compliance _____

Remarks: _____

LUR 7: None of the contaminants known to be present in the environmental media at the Brownfields Property, including the groundwater and soil contaminants 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 written approval of DENR, except in *de minimis* amounts for cleaning and other routine housekeeping activities.

In compliance XX Out of compliance

Remarks: _____

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

In compliance XX Out of compliance

Remarks: _____

LUR 9: The Brownfields Property may not be used as a playground or for organized sports without the prior written approval of DENR, or for child care centers or schools other than the aforementioned community college-related job-training facility.

In compliance XX Out of compliance

Remarks: _____

LUR 10: 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 XX Out of compliance

Remarks: _____

LUR 11: If and when the owner of any portion of the Brownfields Property containing any groundwater monitoring wells, injection wells, recovery wells, piezometers or other man-made points of groundwater access receives approval from DENR's UST Section to abandon such points, within thirty (30) days thereafter the subject owner shall notify DENR that it is ready to effect abandonment in accordance with Subchapter 2C of Title 15A of the North Carolina Administrative Code. Unless DENR, within ten (10) days of receiving such notification, requires said owner in writing to refrain from abandonment, the owner shall effect the abandonment and shall, within thirty (30) days after concluding abandonment, provide DENR a report setting forth the procedures and results.

In compliance XX Out of compliance

Remarks: _____

LUR 12: During January of each year after the year in which the Notice is recorded, the owner of any part of the Property as of January 1st of that year shall submit a notarized LURU to DENR, with a copy to the chief environmental and health officials of Scotland County, certifying that, as of said January 1st, the Notice containing these land use restrictions remains recorded at the Scotland County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance _____ Out of compliance XX

Remarks: *The College was just made aware via notification by DENR of our requirement to submit the LURU in January of each year. The College is in compliance in all other areas of this matter and intends for this document to bring us into full compliance with DENR regarding this requirement.*

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

This Land Use Restrictions Update is certified by Board of Trustees of Richmond Community College, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Board of Trustees of Richmond Community College

In the case of owners that are entities:

Signature of individual signing:  _____

Name typed or printed: William D. McInnis

Title: Secretary, Richmond Community College Board of Trustees

In the case of all owners:

Date: July 30, 2014

Board of Trustees of Richmond Community College

By: William D. McInnis
Name typed or printed: William D. McInnis
Title typed or printed: Secretary

ATTEST:

William D. McInnis
Name typed or printed: William D. McInnis
Secretary, Board of Trustees of Richmond Community College

NORTH CAROLINA
Richmond COUNTY

I, Teresa L. Parsons, a Notary Public of the county and state aforesaid, certify that William D. McInnis personally came before me this day and acknowledged that he/she is the Secretary of the Board of Trustees of Richmond Community College, a North Carolina Community College Board of Trustees, 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 Secretary and attested by him/her as its Secretary.

WITNESS my hand and official stamp or seal, this 30th day of July, 2014.

Teresa L. Parsons
Name:
Notary Public

My Commission expires: July 2, 2018

[Stamp/Seal]

