



**Brownfields Project #:** 09007-05-41  
**Brownfields Property:** Industrial Plastic, 4810 Clover Road  
**Property Owner (In whole or part):** Standard Tool & Equipment Co.

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

LUR 1: No use may be made of the Brownfields Property other than for non-residential commercial purposes, including, without limitation, industrial purposes, as limited by the other Land Use Restrictions and the following definitions:

- i. “Commercial” refers to an occupation, employment or enterprise carried on for profit by the owner, lessee or licensee.
- ii. “Residential” refers to use for a permanent dwelling of any single family, detached, duplex, triplex, quadriplex, attached or multifamily dwelling; any manufactured home; any mobile home; any group home; any boarding house or any dormitory.
- iii. “Industrial” refers to assembly, fabrication or processing of goods or materials.

In compliance  Out of compliance

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

LUR 2: Other than pumping, storing and using as process water in manufacturing processes the groundwater at the Brownfields Property (in accordance with a plan approved in writing in advance by Department of Environment and Natural Resources (“DENR”)), 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 at 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 reasonably 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 3: No part of the Brownfields Property denominated "Area of Possible Soil Contamination" on the plat component of the Notice of Brownfields Property ("Notice") may be used prior to the placement of at least two (2) feet of fill dirt on top of the part of the Brownfields Property proposed to be used. No fill dirt may be placed on any such part of the Brownfields Property unless the characteristics of the dirt have been established to DENR's written satisfaction. DENR may require the proponent of the use of any such part of the Brownfields Property to conduct any analytical sampling reasonably DENR deems necessary to determine that the fill dirt proposed to be used does not contain contaminants. Soil within the area denominated "Area of Possible Soil Contamination" on the plat component of the Notice may not be disturbed, including, without limitation, being moved, graded, dug, excavated, bored through or penetrated, other than in compliance with a construction plan approved in writing in advance by DENR. The construction plan must include, at a minimum, procedures to safely collect, store, remove and dispose of, in accordance with applicable law, all disturbed soil resulting from construction activities in the "Area of Possible Soil Contamination," and procedures for re-capping any soil cap in the "Area of Possible Soil Contamination" proposed to be removed in connection with construction activities.

In compliance  Out of compliance

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

LUR 4: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in the tables set forth in the paragraph numbered "(2)" of the 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  Out of compliance

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

LUR 5: 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 prior written approval of DENR.

In compliance  Out of compliance

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

LUR 6: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

LUR 7: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

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

LUR 8: 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 9: 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 remains recorded at the Guilford 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 Guilford County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Michael Kestler,  
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: MICHAEL KESTLER

In the case of owners that are entities:

Signature of individual signing: Michael Kestler  
Name typed or printed: MICHAEL KESTLER  
Title: PRESIDENT / PARTNER

In the case of all owners:

Date: 01/03/13

[use for LLCs]

CLOVER ROAD, LLC

By: Michael Kestler  
Name typed or printed: MICHAEL KESTLER  
Member/Manager

NORTH CAROLINA  
Guilford COUNTY

I, THERESA L. ALEXANDER, a Notary Public of the county and state aforesaid, certify that MICHAEL KESTLER personally came before me this day and acknowledged that he/she is a Member of CLOVER ROAD, LLC, a NORTH CAROLINA (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 3 day of  
JAN., 2013.

THERESA L. ALEXANDER  
Name typed or printed:  
Notary Public

My Commission expires: 10/8/13

