

Brownfields Project #: 09011-05-60

Brownfields Property: Arrow Laundry & Cleaners, 4701, 4733, 4735 Monte Road
2301 Shade Valley Road

Property Owner (In whole or part): Lake City Tractor Supply, LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for commercial, retail, residential, office and open space purposes. For purposes of this restriction, the following definitions apply:

- a. Commercial refers to an enterprise carried on for profit by the owner, lessee or licensee.
- b. "Retail" refers to an activity, the principal use or purpose of which is the sale of goods, products or merchandise directly to the consumer.
- c. "Residential" refers to use for a permanent dwelling of a single family, detached, duplex, triplex, quadraplex, attached or multifamily dwelling.
- d. "Office" refers to a use or structure where business or professional services are conducted or rendered.
- e. "Open space" refers to open, unobstructed land maintained in a natural or undisturbed character or improved for recreation and used for active or passive recreation, natural resource protection, amenities and/or buffers.

In compliance YES Out of compliance _____

Remarks: _____

LUR 2: Unless compliance with this Land Use Restriction is waived in writing by the Department of Environment and Natural Resources ("DENR") in advance, no use of the Brownfields Property may occur prior to demolition of all buildings depicted on the plat component of the Notice of Brownfields Property ("Notice") in accordance with applicable legal requirements, including without limitation those administered by the Lead and Asbestos Abatement Program of DENR's Division of Public Health.

In compliance YES Out of compliance _____

Remarks: _____

LUR 3: Soil underlying building foundations at the Brownfields Property, as identified as on the plat component of this Notice, may not be exposed, and 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 exposed or 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 exposed or disturbed in conformance with DENR-approved plans and procedures for protection of public health and the environment while the soil is exposed or disturbed, and if as much soil as DENR requires is removed and disposed of in accordance with applicable law, or covered with an impervious or hard pervious surface, in which case the cover shall be maintained in good repair. Information approved in writing by DENR regarding the transportation and disposition of any soil removed from the Brownfields Property must be supplied in a letter report to DENR within ninety (90) days following removal.

In compliance YES Out of compliance _____

Remarks: _____

LUR 4: Surface water and underground water at the Brownfields Property may not be used for any purpose without the prior written approval of DENR.

In compliance YES Out of compliance _____

Remarks: _____

LUR 5: 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 YES Out of compliance _____

Remarks: _____

LUR 6: 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 the building would fall within two hundred (200) feet of said plume, it may not be constructed without a vapor barrier system and/or mechanical or passive vapor mitigation system, or other effective vapor mitigation system approved by DENR. Within thirty (30) days following installation of the 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.

In compliance YES Out of compliance _____

Remarks: _____

LUR 7: 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 YES Out of compliance _____

Remarks: _____

LUR 8: 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 YES Out of compliance _____

Remarks: _____

LUR 9: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in the table at (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 YES Out of compliance _____

Remarks: _____

LUR 10: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance YES Out of compliance _____

Remarks: _____

LUR 11: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance YES Out of compliance _____

Remarks: _____

LUR 12: 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 YES _____ Out of compliance _____

Remarks: _____

LUR 13: 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:

- a. the Notice of Brownfields Property containing these Land Use Restrictions remains recorded at the Mecklenburg County Register of Deeds office;
- b. the Land Use Restrictions are being complied with; and
- c. any vapor barrier and/or mitigation systems installed pursuant to Land Use Restriction 6 above are performing as designed, and the uses of the ground floors of any buildings containing such vapor barrier and/or mitigation systems have not changed (unless they have changed, in which case a certified update of uses shall be submitted).

In compliance YES _____ Out of compliance _____

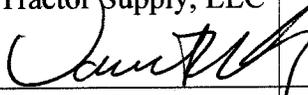
Remarks: _____

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 David R Krug, Manager, of at least part of the Brownfields Property.

Name typed or printed of party making certification: David R. Krug, Manager, Lake City Tractor Supply, LLC.

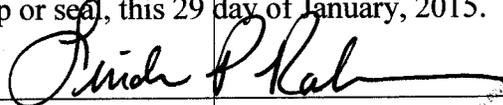
Lake City Tractor Supply, LLC

By: 
David R. Krug, Manger

NORTH CAROLINA
MECKLENBURG COUNTY

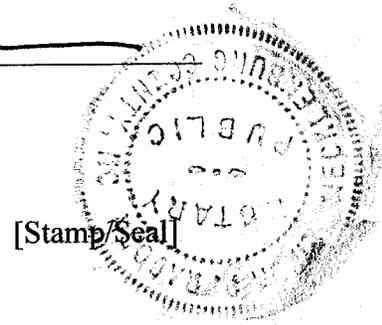
I, Linda P. Raborn, a Notary Public of the county and state aforesaid, certify that **David R. Krug** personally came before me this day and acknowledged that he is the Manager of Lake City Tractor Supply, LLC, a North Carolina limited liability company, and its Manager, and that by authority duly given 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 29 day of January, 2015.



Linda P Raborn
Notary Public

My Commission expires: 4/7/18



[Stamp/Seal]

[use for Partnerships]