



WAKE FOREST
UNIVERSITY

Legal Department



January 23, 2013

CERTIFIED MAIL /RETURN RECEIPT REQUESTED

Ms. Shirley Liggins
NC Dept of Environment & Natural Resources
Division of Waste Management – Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646

Re: Land Use Restrictions Updates
Brownfields Project Numbers: 09025-05-34, 09046-05-34, 09069-05-34

Dear Ms. Liggins:

On behalf of BRF-A1a, LLC, Piedmont Triad Research Park, PTRP Holdings, LLC, PTRP Holdings II, LLC, PTRP Holdings III, LLC and PTRP Development Corp., I hereby submit the enclosed Land Use Restrictions (“LUR”) Updates to the North Carolina Department of Environment and Natural Resources for the following Brownfields Projects:

1. Brownfields Project No.: 09025-05-34 – Piedmont Triad Research Park, 401 East Third Street;
2. Brownfields Project No.: 09046-05-34 – Piedmont Triad Research Park II, 601 Vine Street;
3. Brownfields Project No.: 09069-05-34 – Piedmont Triad Research Park (Southern).

If you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

Lisa G. Jones
Legal Secretary

cc: Celeste Caskey via email w/ enclosures
Lori P. Hinnant via email w/ enclosures

Brownfields Project #: 09025-05-34

Brownfields Property: Piedmont Triad Research Park, 401 East Third Street

Property Owner (In whole or part): BRF-A1a, LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than as the site of a bio-technology research facility, for offices and/or for industrial purposes. For purposes of this land use restriction, the following definitions apply:

- a. "Bio-technology research facility": a facility designed to facilitate critical and exhaustive investigation or experimentation in the field of bio-technology, which has as its aim the discovery of new facts and their correct interpretation, the revision of accepted conclusions, theories or laws in light of newly discovered facts, and the practical applications of such new or revised conclusions, theories or laws.
- b. "Offices": places where business or professional services are conducted or rendered.
- c. "Industrial": refers to the business of manufacturing products, in the sense of assembling, fabricating or processing goods or materials. The term does not include utility, transportation and financial businesses.

In compliance X Out of compliance

Remarks: _____

LUR 2: The Brownfields Property shall not be used for child care centers, schools, parks, recreational areas, or athletic fields, unless those uses are approved in writing by the Department of Environment and Natural Resources ("DENR").

In compliance X Out of compliance

Remarks: _____

LUR 3: The Brownfields Property shall not be used for sporting activities of any kind, including, but not limited to, golf, football, basketball, soccer, and baseball, without the prior written approval of DENR.

In compliance Out of compliance

Remarks: _____

LUR 4: The Brownfields Property shall not be used for agricultural or grazing purposes or for timber production. The Brownfields Property shall not be used for kennels, private animal pens, or for riding clubs, unless the animals are confined in a building.

In compliance 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 Out of compliance

Remarks: _____

LUR 6: Surface water or groundwater at the Brownfields Property shall not be used for any purpose without the prior written approval of DENR. The installation of groundwater wells or other devices providing access to groundwater for any purpose other than monitoring groundwater quality, and activities that otherwise encounter, expose or remove groundwater, are prohibited, unless approved in writing by DENR on such conditions as DENR imposes, including at a minimum compliance with plans and procedures, approved in advance by DENR, to protect public health and the environment

during the proposed activities and to manage and dispose of any such water in accordance with applicable rules and regulations.

In compliance Out of compliance

Remarks: _____

LUR 7: No construction, excavation, or disturbance of soils at a depth greater than three (3) feet, whether in connection with utility installation or any other activity, shall occur without DENR's advance written approval, which must be requested no later than ten (10) business days in advance. Pursuant to such request, DENR may choose to inspect, and may require screening or sampling for contaminants in, the soil exposed pursuant to construction, excavation, or soil disturbance. If screening or sampling results disclose contamination that may pose an unacceptable level of risk to human health and/or the environment as determined by DENR, the soil may not be left exposed without the written approval of DENR, or on such conditions as it imposes, including at a minimum compliance with plans and procedures, approved by DENR, to protect public health and the environment while the soil remains exposed and the management and disposal of such soil in accordance with applicable legal requirements. Any soil removed from any depth must be managed and disposed of in accordance with applicable law, and legally compliant worker protection precautions must be observed during such construction.

In compliance Out of compliance

Remarks: _____

LUR 8: Any building constructed or placed at the Brownfields Property shall incorporate a vapor control system that has been approved in writing by DENR prior to its installation, and 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 Out of compliance

Remarks: _____

LUR 9: Soil, landscaping and contours at the Brownfields Property may not be disturbed without the prior written approval of DENR, except for mowing and pruning of above-ground vegetation. Subject to a presumption of reasonableness, such approval shall not be unreasonably withheld.

In compliance Out of compliance

Remarks: _____

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 written approval of DENR, except in *de minimis* amounts for: cleaning, other routine housekeeping activities and in conjunction with the uses allowed by Land Use Restriction 1 above.

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. Any such party shall use reasonable efforts to perform all such activities in a manner that minimizes interference with the use of the Brownfields Property. Any prior agreements regarding access to the Brownfields Property involving another DENR program remain enforceable in relation to that program.

In compliance Out of compliance

Remarks: _____

LUR 12: During January of each year after the year in which this 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 Forsyth County Register of Deeds office, and that the land use restrictions are being complied with.

In compliance X Out of compliance _____

Remarks: _____

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

This Land Use Restrictions Update is certified by BRF-A1a, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: BRF-A1a, LLC.

Date: 1-16-2013

BRF-A1a, LLC

By: 
Eric Tomlinson, DSc, PhD
Manager

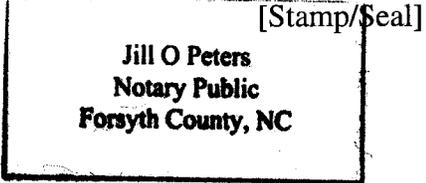
NORTH CAROLINA
FORSYTH COUNTY

I, Jill O Peters, a Notary Public of the county and state aforesaid, certify that Eric Tomlinson personally came before me this day and acknowledged that he is a Manager of BRF-A1a, 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.

WITNESS my hand and official stamp or seal, this 16th day of January, 2013.


Name typed or printed: Jill O Peters
Notary Public

My Commission expires: 06-11-2014



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