

Brownfields Project #: 09048-05-60

Brownfields Property: Universal Stainless, 10801 Nations Ford Rd.

Property Owner (In whole or part): ADH PROPERTIES LLC



LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for office, industrial, retail, parking and, if the Department of Environment and Natural Resources ("DENR") issues prior written approval, other commercial purposes. Within the meaning of this restriction, the following definitions apply:

- a. "Office" refers to the rendering of business or professional services.
- b. "Industrial" refers to the assembly, fabrication or processing of goods or materials.
- c. "Retail" refers to the sale of goods, products, materials or merchandise directly to the consumer.
- d. "Parking" refers to the temporary accommodation of motor vehicles in an area designed and designated for same.
- e. "Commercial" refers to a business enterprise.

In compliance Out of compliance

Remarks: _____

LUR 2: Surface water at the Brownfields Property may not be used for any purpose without the prior written approval of DENR.

In compliance 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 contamination in excess of North Carolina's groundwater quality standards, the groundwater-related activities proposed may only occur in compliance with any written conditions DENR imposes.

In compliance Out of compliance

Remarks: _____

LUR 4: No new building (defined as a building not appearing on the plat component of the Notice of Brownfields Property ("Notice")) may be constructed on the Brownfields Property until:

- a. DENR determines in writing, based on submittals from the building's proponent, that the building's users, and public health and the environment, would not be at risk from the Brownfields Property's volatile contaminant plume; or
- b. vapor mitigation measures approved in writing by DENR in advance are installed to the satisfaction of a professional engineer licensed in North Carolina, as evidenced by said engineer's seal, and photographs illustrating the installation and a brief narrative describing it are submitted to DENR and deemed satisfactory in writing by that agency.

In compliance Out of compliance

Remarks: _____

LUR 5: Soil in the area designated "Area of Known Soil Contamination" on the plat component of the Notice, may not be disturbed unless and until DENR approves in writing a plan with a schedule, and its implementation, that requires:

- a. capping (with asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or other impervious material approved in writing in advance by DENR), remediation and/or removal of sufficient soil to satisfy DENR that the Brownfields Property is suitable for the uses specified in LUR 1 above and that public health and the environment are fully protected despite any remaining soil contamination, as determined by sampling of each excavation's side walls and bottom; and
- b. a written report regarding implementation of the plan, submitted no later than 30 days following its implementation, and correction of any deficiencies DENR identifies in the report or in plan implementation within 30 days after DENR provides written notice of such deficiencies.

In compliance Out of compliance

Remarks: _____

LUR 6: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A, B, C and D 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 7: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance Out of compliance

Remarks: _____

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: _____

LUR 9: The Brownfields Property may not be used for kennels, private animal pens or horse-riding, without the prior written approval of DENR.

In compliance Out of compliance

Remarks: _____

LUR 10: The owner of any portion of the Brownfields Property where any existing, or subsequently installed, DENR-approved monitoring well 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: _____

LUR 11: Neither DENR, nor any party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit, order or agreement issued or entered into by DENR, may be denied access to the Brownfields Property for purposes of conducting such assessment or remediation, which is to be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

In compliance 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 Brownfields Property as of January 1st of that year shall submit a notarized Land Use Restrictions Update (“LURU”) to DENR, and to the chief public health and environmental officials of Mecklenburg County, certifying that, as of said January 1st, the Notice of Brownfields Property containing these land use restrictions remains recorded at the Mecklenburg County Register of Deeds office and that the land use restrictions are being complied with, and stating:

- a. the name, mailing address, telephone and facsimile numbers, and contact person’s e-mail address of the owner submitting the LURU if said owner acquired any part of the Brownfields Property during the previous calendar year.

- b. 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.

- c. whether any vapor barrier and/or mitigation systems installed pursuant to LUR 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.

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 Mecklenburg County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by ADH PROPERTIES, LLC
ALAN HOLCOMBE,
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: ALAN HOLCOMBE

In the case of owners that are entities:

Signature of individual signing: Alan Holcombe
Name typed or printed: ALAN Holcombe
Title: MANAGER

In the case of all owners:

Date: 8-5-2012

[use for LLCs]

[Insert Name of LLC]

By: ADH PROPERTIES LLC
Name typed or printed:
Member/Manager

NORTH CAROLINA
Mecklenburg COUNTY

I, Michele Williette Reapsmith a Notary Public of the county and state aforesaid, certify that Alan Holcombe personally came before me this day and acknowledged that he/she is a Member of ADH PROPERTIES LLC LLC, a N.C. (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 5th day of August, 2012.

Michele Williette Reapsmith
Name typed or printed:
Notary Public

My Commission expires: MY COMMISSION EXPIRES 5/13/2013

[Stamp/Seal]

