

Brownfields Program
File Room Document Transmittal Sheet

Your Name: Shirley Liggins
Project ID: 0904905021
Facility Name: Leary Brothers - Edenton Deve
Document Group: Land Use Restriction Updates (LURU)
Document Type: Annual Certification (AC)
Description: 2012 annual certification
Date of Doc: 1/9/2012
Author of Doc: Gordon Kolb

File Room Use Only

Date Recieved by File Room:

Date Scanned:

Month	Day	Year
8	2	12

0904905021

Scanner's Initials: *sa*

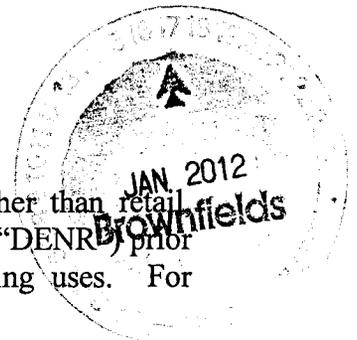
Brownfields Project #: 09049-05-21

Brownfields Property: Leary Brothers, 101 Virginia Road, Edenton, North Carolina

Property Owner (In whole or part): Edenton Development Company I, LLC
(owner of portion of Brownfields Property reflected on Exhibit A)

LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No use may be made of the Brownfields Property other than retail office and, with the Department of Environment and Natural Resources’ (“DENR”) prior written approval, other commercial uses, or a mixture of the foregoing uses. For purposes of this restriction, the following definitions apply:



- a. “Retail” refers to the sale of goods, products or merchandise directly to the consumer.
- b. “Office” refers to the conduct or rendering of business or professional services.
- c. “Commercial” refers to an enterprise carried on for profit by the owner, lessee or licensee.

In compliance YES Out of compliance _____

Remarks: _____

LUR 2: No structure depicted on the plat component of the Notice for Brownfields Property (“Notice”) may be demolished unless and until a plan, prepared by a professional engineer or geologist licensed in North Carolina for the collection and analysis of soil samples from beneath the structure, is approved in writing by DENR. The owner of the affected portion of the Brownfields Property shall be responsible for soil sampling and analysis, within two days after demolition and in accordance with the approved plan, by an environmental professional approved in writing in advance by DENR, and for submittal to DENR, by a deadline acceptable to DENR, of a report of the sampling procedures and results that meets with DENR’s written satisfaction. 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 above in Land Use Restriction 1 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.

Moreover, unless compliance with this requirement is waived in writing by DENR in advance, the owner of any portion of the Brownfields Property where any building depicted on the plat component of the Notice is demolished shall be responsible for submittal to DENR, within 30 days after demolition, of documentation sufficient to demonstrate, to DENR's written satisfaction, that such demolition was conducted 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: No activities that encounter, expose, remove or use groundwater or surface water (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools) may occur on the Brownfields Property without prior sampling and analysis of groundwater or surface water 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. Any groundwater exposed during construction or excavation activities shall be contained on the Brownfields Property until it is properly characterized for disposal purposes by an environmental professional approved in writing in advance by DENR, then disposed of in accordance with applicable law.

In compliance YES Out of compliance _____

Remarks: _____

LUR 4: 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 5: 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 6: 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, 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 7: 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 YES Out of compliance _____

Remarks: _____

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

In compliance YES Out of compliance _____

Remarks: _____

LUR 9: The Brownfields Property may not be used as a playground, or for child care centers or schools

In compliance YES Out of compliance _____

Remarks: _____

LUR 10: The owner of any portion of the Brownfields Property where any existing or later 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 YES 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, which is to be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

In compliance YES 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 certifying that, as of said January 1st, the Notice remains recorded at the Chowan County Register of Deeds office and the land use restrictions are being complied with, and stating:

- a. the address of the owner submitting the LURU if said owner acquired any part of the Brownfields Property during the previous calendar year. Insert Information:

***Edenton Development Company I, LLC
3920 Magazine Street
New Orleans, LA 70115***

- 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. Insert information:

For purposes of the land use restrictions set forth above, the DENR point of contact shall be the DENR official referenced in paragraph 34.a. of Exhibit A hereto, at the address stated therein.

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

This Land Use Restrictions Update is certified by *Edenton Development Company I, LLC*, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: *Gordon H. Kolb*

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: *Gordon H. Kolb*
Title: *Manager*

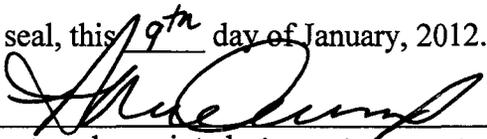
In the case of all owners:

Date: January 9, 2012

LOUISIANA
PARISH OF ORLEANS

I, PHILIP DEV. CLAVERIE, JR, a Notary Public of the ^{parish} ~~county~~ and state aforesaid, certify that Gordon H. Kolb personally came before me this day and acknowledged that he is a Manager of Edenton Development Company I, LLC, a North Carolina limited liability company, 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.

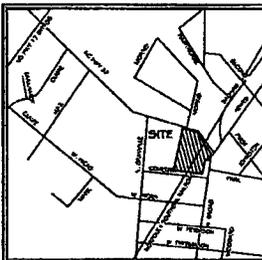
WITNESS my hand and official stamp or seal, this 9th day of January, 2012.


Name typed or printed: *PHILIP DEV. CLAVERIE, JR*
Notary Public

My Commission expires: at death

[Stamp/Seal]

Philip deV. Claverie, Jr.
Notary Public
State of Louisiana
Louisiana Bar Roll # 29126
My Commission is Issued For Life.



VICINITY MAP
N.T.S.

LINE	LENGTH	BEARING
L1	20.85	S72°33'50"E
L2	3.26	S72°33'50"E
L3	31.00	N52°42'00"W
L4	10.00	N55°47'24"W
L5	29.42	S34°12'36"W
L6	10.00	S55°47'24"E
L7	91.22	S54°12'36"W
L8	25.31	S72°29'40"E
L9	23.25	S47°00'41"E

REFERENCES

- DB 404, PG 133
- DB 326, PG 751
- DB 514, PG 45C
- DB 158, PG 589
- FD 41, PG 4C

SURVEY AND PLAT OF PROPERTY BEING ACQUIRED BY LAND CAPITAL GROUP, INC.

NOTES

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- NO PORTION OF TRACT A OR B IS LOCATED IN A FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FROM STREETS/ROADS, DATED OCTOBER 16, 2005.
- THIS SURVEY IS AN EXCEPTION TO THE TOWN OF EDENTON SUBDIVISION ORDINANCE.

LEGEND

- R/W = RIGHT-OF-WAY
- MBL = MINIMUM BUILDING LINE
- DB = BACK OF CURBS TO BACK OF CURBS
- DF = DISTINGUISH IRON PIPE
- DR = DISTINGUISH IRON ROD
- IRB = IRON REBAR SET
- SF = SET IRON PIPE
- ECM = EXISTING CONCRETE MONUMENT
- EPFH = EXISTING PARKER SALON MAIL
- SFPN = SET PARKER SALON MAIL
- R = RADII
- CH = CHORD
- NPS = NO POINT SET
- N/S = NOT TO SCALE
- N/S = NOT TO SCALE

STATE OF NORTH CAROLINA
I, _____, REVIEW OFFICER OF CHOWAN COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

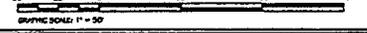
REVIEW OFFICER: _____
DATE: _____

THIS PLAT IS DEEMED FROM THE TOWN OF EDENTON PLANNING BOARD APPROVAL ACCORDING TO THE STANDARDS LISTED IN _____

DATE: _____ DIRECTOR OF PLANNING & DEVELOPMENT

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR CHANGE ANY EXISTING PUBLIC STREETS, AND THAT SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH CHAPTER 21 OF THE EDENTON TOWN CODE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE LAND USE ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE CHOWAN COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

DATE: _____ LAND USE ADMINISTRATOR



CERTIFICATE OF ACCURACY
I, EDWARD HUGH CLARK, REGISTERED LAND SURVEYOR, NO. L-4153, CERTIFY TO ONE OR MORE OF THE FOLLOWING:
D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
Edward H. Clark
SURVEYOR

I, EDWARD HUGH CLARK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB 11, PG 1) (OTHER) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN _____, NAME THAT THE RATIO OF PRECISION AS CALCULATED IS 1:1,023,227; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION SEAL THIS 20th DAY OF APRIL, AD, 2005.
Edward H. Clark
SURVEYOR
SEE DEED REFERENCES
REGISTRATION NUMBER: L-4153

SITE DATA

TOTAL AREA	4.163 AC.
NUMBER OF LOTS	1
PARCEL NUMBERS	780515722515, 780515723406, 780515723447

STATE OF NORTH CAROLINA
COUNTY OF CHOWAN
THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT (THEY/THEY), EDWARD HUGH CLARK OF THE FIRM SHOWN ON THIS PLAT HAVING ACCURATE TITLE THERETO BY DEED RECORDED IN BOOK _____ PAGE _____ OF THE CHOWAN COUNTY REGISTER, AND THAT (THEY/HE/HESS/DECATES), UNLESS OTHERWISE NOTED THEREON TO PUBLIC USE, PLAYGROUNDS, PARKS, OPEN SPACE, AND ENCLOSURES TOGETHER ALL AREAS SO SHOWN OR INDICATED ON THIS PLAT. THE TOWN OF EDENTON IS AUTHORIZED TO RECORD THIS PLAT OF THE APPROPRIATE REGISTER OF DEEDS.

(OWNERS)
SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 20____.
MY COMMISSION EXPIRES: _____ (NOTARY PUBLIC)

REVISIONS

NO.	DATE	DESCRIPTION

OWNER/DEVELOPER:
VIRGINIA ROAD, LLC.
114 W. HICKS ST.
EDENTON, NC 27932
(252) 339-7141



ENGINEERING & SURVEYING, P.A.
216 Main Street
Wentville, N.C. 28590
252.321.5607 (o)
252.321.6206 (f)
hcharris@hcharris.net

RECOMBINATION MAP FOR:
VIRGINIA ROAD, LLC.

TOWN OF EDENTON
FIRST TOWNSHIP
CHOWAN COUNTY, N.C.

ISSUE DATE: 02/19/09
DRAWN BY: CLW
CHKD BY: RHC
JOB NO.: 06106
DWG. NAME: 09025-Edenton.dwg
SCALE: 1" = 50'

DWG. NO.
SHEET | OF |

