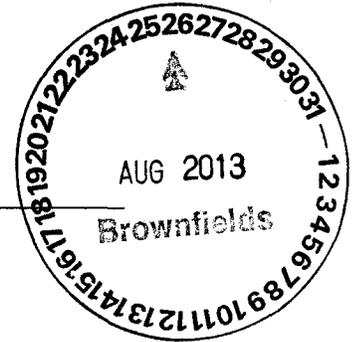


Brownfields Project #: 09053-05-21
Brownfields Property: Chowan Veneer, 259 & 262 Coke Avenue
Property Owner (In whole or part): _____



LAND USE RESTRICTIONS ("LUR") UPDATE

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

- i. Residential: Use for a permanent dwelling of any single family, detached, duplex, triplex, quadraplex, attached or multifamily dwelling; or of any manufactured home, mobile home, group home, boarding house or dormitory.
- ii. Commercial office: A use or structure where business or professional services are conducted or rendered.
- iii. Commercial retail: An activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer, including restaurants.

In compliance Out of compliance

Remarks: _____

LUR 2: No redevelopment may occur of any portion of the Brownfields Property containing any groundwater monitoring wells, injection wells, recovery wells, piezometers or other man-made points of groundwater access prior to compliance with the requirements of this paragraph to the Department of Environment and Natural Resources' ("DENR") written satisfaction. The owner of any such portion of the Brownfields Property shall notify DENR in writing that the owner is ready to effect abandonment of such man-made points of groundwater access in accordance with Subchapter 2C of Title 15A of the North Carolina Administrative Code. Unless DENR, within ten (10) days of receiving such notification, notifies the owner of the affected portion of the Brownfields Property to refrain from such abandonment, the owner shall effect abandonment and shall, within thirty (30) days after concluding the abandonment, provide DENR a written report setting forth the procedures and results.

In compliance Out of compliance

Remarks: _____

LUR 3: 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 Out of compliance

Remarks: _____

LUR 4: 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 Out of compliance

Remarks: _____

LUR 5: Soil underlying paved, and other impervious or hard pervious, surfaces and buildings at the Brownfields Property, and soil anywhere on the Brownfields Property exhibiting any stain or odor, both of which categories of areas are denominated "SUBJECT TO LAND USE RESTRICTION #5" on the plat component of the Notice of Brownfields Property ("Notice"), may not be disturbed without prior sampling and analysis to DENR's written satisfaction of soil proposed to be 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 disturbed in conformance with plans and procedures approved in writing by DENR that

are designed to protect public health and the environment while the soil is exposed or disturbed, and if, at DENR's discretion, 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. If DENR requires an impervious or hard surface, the cover shall be maintained in good repair. If DENR requires removal of any soil, information satisfactory to DENR regarding the transportation and disposition of such soil shall be supplied in a written report to DENR within ninety (90) days following removal. For purposes of this land use restriction, the following definitions apply:

- i. "Impervious surface" means any structure or groundcover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or other natural or man-made material that prevents the absorption of surface water into the soil.
- ii. "Hard pervious surface" means any structure or groundcover that allows absorption of surface water into the soil, but has a hard surface formed or cast in place that protects land users from exposure to potential contaminants in the soil. Pervious concrete and pervious tennis court materials are examples.

In compliance Out of compliance

Remarks: _____

LUR 6: 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 7: 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 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 9 of the Brownfields Agreement ("Agreement"), 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 9: 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 10: 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 containing these land use restrictions remains recorded at the Chowan County Register of Deeds office, and that the land use restrictions are being complied with.

In addition to the land use restrictions set forth above, the Potential Developer must implement the following measures to the written satisfaction of DENR prior to making any use of the Brownfields Property or offering it for sale or redevelopment.

- a. All containers on the Brownfields Property, and their contents, must be inventoried, removed and disposed of in compliance with all applicable legal requirements.

- b. Petroleum on floors and loading docks at the Brownfields Property must be steam-cleaned. Rinse water shall be containerized, characterized and disposed of in compliance with all applicable legal requirements.

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

This Land Use Restrictions Update is certified by DALTON FYRLOUGH,
owner of at least part of the Brownfields Property. Dale Fyrlough

Name typed or printed of party making certification: DALTON FYRLOUGH

In the case of owners that are entities:

Signature of individual signing: Dale Fyrlough
Name typed or printed: DALTON FYRLOUGH
Title: OWNER

In the case of all owners:

Date: 8-20-13

[use for individuals]

[Insert Name of Owner]

By: DALTON FURLONG
Name typed or printed:

NORTH CAROLINA
Chowan COUNTY

I, Andrea L. Glenn, a Notary Public of the county and state aforesaid, certify that Dalton Furlong personally came before me this day, demonstrated her/his identity, and signed the foregoing Land Use Restriction Update.

WITNESS my hand and official stamp or seal, this 19th day of August, 2013

Andrea L. Glenn
Name typed or printed:
Notary Public

My Commission expires: 5, April 2014

[Stamp/Seal]

