

# File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins  
Project ID: 0906005060  
Facility Name: Camden Square Second Amendment  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2012 Annual luru update  
Date of Doc: 4/11/2012  
Author of Doc: Karen Geller & David Dean

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Ram Realty Services  
Ram Development Company

April 11, 2012



**Via Certified Return Receipt Requested (7011 0110 0000 1832 4922)**

Ms. Shirley Liggins  
North Carolina Division of Waste Management  
Brownfields Program  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605

Re: Annual Land Use Restrictions Update ("LURU")  
Camden Square Second Amendment Site  
Camden Square Second Amendment, W. Worthington, Doggett & Hawkins Streets,  
Charlotte, Mecklenburg County, North Carolina  
Brownfields Project Number: 09060-05-60

Dear Ms. Liggins:

In connection with the above captioned matter, enclosed please find a completed, executed and notarized LURU which is being submitted on behalf of the property owner, Design Center Carolinas LLC, a North Carolina limited liability company.

Warm Regards,

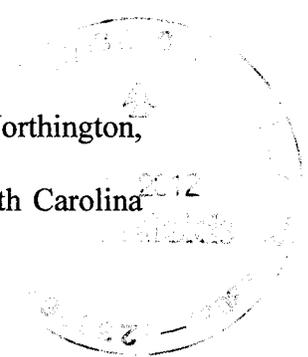
Kimberly Brown  
Legal Associate  
Enclosure

cc: Karen D. Geller, General Counsel

**Brownfields Project #:** 09060-05-60

**Brownfields Property:** Camden Square Second Amendment, W. Worthington,  
Doggett & Hawkins Streets

**Property Owner (In whole or part):** Design Center Carolinas LLC, a North Carolina  
limited liability company



**LAND USE RESTRICTIONS (“LUR”) UPDATE**

LUR 1: No water supply wells may be installed or used at the Brownfields Property.

In compliance XX Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 2: No mining activities may be conducted on the Brownfields Property.

In compliance XX Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 3: No activities which result in direct exposure to, use of, or removal of groundwater (for example, construction or excavation activities which encounter or expose groundwater) may be conducted on the Brownfields Property without prior sampling and analysis of groundwater in the area where activities are to be conducted, provision of the analytical results to the Department Environment and Natural Resources (“DENR”) or its successor in function along with plans and procedures to protect public health and the environment during those activities, and approval of those activities by DENR.

In compliance XX Out of compliance \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 4: No fountains, ponds, lakes, or other items which are supplied, in whole or in part, by groundwater may be constructed on the Brownfields Property.

In compliance XX Out of compliance     

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 5: On the land denominated “Second Amendment Property” on the plat component of the Notice of Brownfields Property (“Notice”), no use may occur other than for residential, office, studio, or retail use. For purposes of this restriction, the following definitions apply:

- a. Residential: Use for a permanent dwelling of any single family, detached, duplex, triplex, quadraplex, attached or multifamily dwelling; any townhome or condominium; any manufactured home; any mobile home; any group home; any boarding house or any dormitory.
- b. Office: A place where business or professional services are conducted or rendered.
- c. Studio: A place where ideas, and plans and designs for implementation and/or production of those ideas, are developed.
- d. Retail: A place, the principle use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

In compliance XX Out of compliance     

Remarks: \_\_\_\_\_  
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LUR 6: On the land denominated “Second Amendment Property” on the plat component of the Notice, no slab-on-grade building may be constructed without a vapor barrier system and/or mechanical or passive vapor barrier mitigation system, at the Department of Environment and Natural Resources (“DENR”) discretion installed in accordance with a plan approved in writing in advance by DENR. Unperforated sheeting at least six (6) mils thick, a spray membrane liner system consisting of a material resistant to the contaminants listed in paragraph 2.b. of the Brownfields Agreement

("Agreement"), or another vapor barrier system may be proposed. No vapor barrier shall be approved that is not to be installed under the entire slab-on-grade foundation of the building, and sealed around any necessary penetrations, such as plumbing, utility chases, vertical pilings and other support structures underneath the slab, and overlapped, and taped, glued or otherwise stabilized, so as to minimize air migration pathways. Within thirty (30) days after installation of the vapor barrier system and/or vapor mitigation system, a professional engineer registered in North Carolina shall provide DENR certification under seal of proper installation, as well as photographs illustrating the installation and a brief narrative describing it. Non-slab-on-grade construction may not occur at the subject "Second Amendment Property" without DENR's prior written approval, which shall be conditioned, at a minimum, on the incorporation of measures to ensure that the subject "Second Amendment Property" is suitable for the uses specified in the documents comprising the Agreement.

In compliance XX Out of compliance     

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LUR 7: On the land denominated "Second Amendment Property" on the plat component of the Notice, no building constructed may be used or occupied unless and until it is mechanically ventilated. Within thirty (30) days after installation of a mechanical ventilation system in a particular building, a professional engineer registered in North Carolina shall certify to DENR under seal that the system was installed as designed and that it complies with the Mechanical Ventilation section of the Ventilation chapter of the North Carolina Building Code.

In compliance XX Out of compliance     

Remarks: \_\_\_\_\_  
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\_\_\_\_\_

LUR 8: During January of each year commencing in 2007, the then current owner of any property subject to the Second Amendment or the other documents comprising the Agreement shall submit a notarized Land Use Restrictions Update to DENR certifying that the Second Amendment Notice and the Notices recorded in connection with the other documents comprising the Agreement, remain recorded at the Mecklenburg County Register of Deeds' office and that all the Land Use Restrictions contained in the three (3) Notices are being complied with.

In compliance XX Out of compliance

