

File Room Document Transmittal Sheet

Your Name: Shirley Liggins  
Project ID: 1003306060  
Facility Name: North College St - SilverGirls  
Document Group: Land Use Restriction Updates (LURU)  
Document Type: Annual Certification (AC)  
Description: 2012 annual certification  
Date of Doc: 1/4/2012  
Author of Doc: Lorin Stiefel

**File Room Use Only**

Date Recieved by File Room:

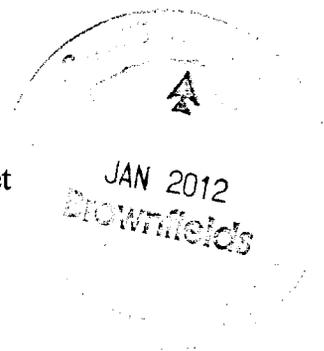
Date Scanned:

Month	Day	Year
8	10	12

1003306060

Scanner's Initials: *sal*

**Brownfields Project #:** 10033-06-60  
**Brownfields Property:** North College St. Property, 900 North College Street  
**Property Owner (In whole or part):** SilverGirls, LLC



**LAND USE RESTRICTIONS ("LUR") UPDATE**

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

- a. "Retail" refers to the sale of goods, products or merchandise directly to the consumer, including without limitation arts and crafts, and health clubs and fitness centers.
- b. "Office" refers to a place where business or professional services are provided.
- c. "Commercial" refers to office and retail use, and to showrooms (rooms where merchandise or samples are displayed), merchandise sales spaces and restaurants.
- d. "Residential" refers to a condominium, town home, apartment, loft unit or other multifamily structure used for human occupancy.

In compliance  Out of compliance

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

LUR 2: Underground water at the Brownfields Property may not be used for any purpose without the prior written approval of the Department of Environment and Natural Resources ("DENR").

In compliance  Out of compliance

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

LUR 3: 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 4: 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 5: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 8 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 6: 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  Out of compliance

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

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LUR 7: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

LUR 8: The Brownfields Property may not be used as a playground, or for child care centers or schools without the prior written approval of DENR.

In compliance  Out of compliance

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

LUR 9: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance  Out of compliance

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

LUR 10: 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, subject to any conditions DENR imposes.

In compliance  Out of compliance

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

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LUR 11: Unless DENR states otherwise in writing, redevelopment activities at the Brownfields Property may not be initiated until DENR approves in writing: a plan to excavate and dispose off-site the soil in an area along the adjoining railroad tracks extending approximately 90 feet in length, 10 feet in width and 2 feet in depth; and the implementation of that plan. The area covered by this requirement is denominated "Soil Subject to Brownfields Agreement Land Use Restriction 11" on the plat component of the Notice referenced in paragraph 17 of the Agreement. If the party proposing redevelopment prefers, that party may request DENR's advance written approval of a plan for installation of an engineered barrier (e.g., a parking lot) over the subject area, in which case DENR must also approve in writing said installation. The plan shall include a health and safety component and shall require, at a minimum:

- a. soil field screening for volatile organic compounds during excavation;
- b. collection of soil samples from the bottom and side walls of the excavation and analysis of said samples for semi-volatile organic compounds by U.S. Environmental Protection Agency Method 8270;
- c. collection of a groundwater sample from the bottom of the excavation and analysis of said sample for semi-volatile organic compounds by U. S. Environmental Protection Agency Method 8270; and
- d. installation of two (2) feet of clean fill or impervious surface after the subject soil is excavated.

In compliance  Out of compliance

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

LUR 12: 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 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. Insert information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In compliance  Out of compliance

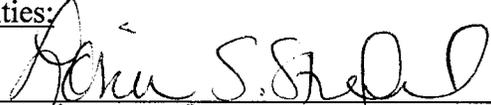
Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Silver Girls, LLC,  
owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Silver Girls, LLC

In the case of owners that are entities:

Signature of individual signing: 

Name typed or printed: Lorin S. Stiefel

Title: owner

In the case of all owners:

Date: 1/4/12

[use for LLCs]

[Name of LLC]

By: SilverGirls LLC  
Name typed or printed:  
Member/Manager

NORTH CAROLINA

Mecklenburg COUNTY

I, DONNA S. DANIELS, a Notary Public of the county and state aforesaid, certify that LORIN S. STICHEL personally came before me this day and acknowledged that he/she is a Member of SilverGirls, LLC, a NC (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 4 day of JANUARY, 2012

DONNA S. DANIELS  
Name typed or printed:  
Notary Public

My Commission expires: 12/14/13

[Stamp/Seal]