

Brownfields Project #: 10050-06-32
Brownfields Property: Golden Belt, 807 East Main Street
Property Owner (In whole or part): Edgemont Realty, LLC



LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No use may be made of the Brownfields Property other than for mixed use that may include office, high-density residential, retail, light manufacturing, institutional and, with prior written Department of Environment and Natural Resources (“DENR”) approval, other commercial use. For purposes of this restriction, the following definitions apply:

- a. “mixed use”: a project involving three or more significant revenue-producing uses that are mutually supporting, significant physical and functional integration of project components, and development of said components in conformance with a coherent plan.
- b. “office use”: the conduct or rendering of business or professional services.
- c. “high-density residential use”: use for permanent dwellings of residential units attached to each other with common walls (such as condominiums, apartments, group homes, dormitories or boarding houses) and involving shared privileges, and in some cases ownership, regarding property outside the dwelling units.
- d. “retail use”: the sale of goods, products or merchandise directly to consumers.
- e. “light manufacturing use”: the assembly, fabrication or processing of goods and materials entirely within a building, using processes that do not create more than legally compliant noise, smoke, fumes, odors, glare, or health or safety hazards outside the building, and involving outdoor storage of goods and material used in such assembly, fabrication or processing that does not exceed 25 percent of the floor area of all buildings on the Brownfields Property.
- f. “institutional use”: an art studio, religious institution, library, school, hospital or government-owned or -operated building.
 - i. “religious institution”: a church, temple, or synagogue, the principal purpose of which is religious worship.

- ii. "school": a use, whether privately or publicly owned, providing pre-school, elementary school, middle school, junior high school, high school or adult education.

In compliance Out of compliance

Remarks: _____

LUR 2: 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 3: Any area of the Brownfields Property denominated "Area of Possible Soil Contamination," on the plat component of the Notice of Brownfields Property ("Notice"), must, to DENR's written satisfaction prior to use, be overlain by a permanent structure, asphalt or concrete pavement (collectively a "cap"), or covered with at least two (2) feet of clean soil ("cover"), and shall be inspected for continuity and integrity annually and maintained such that the option chosen is continuing to function as an effective cap or cover over soil in the subject area.

In compliance Out of compliance

Remarks: _____

LUR 4: Within any area denominated "Area of Possible Soil Contamination" on the plat component of the Notice, neither pavement caps nor soil cover may be disturbed or removed without a minimum of seven business days advance written notice to DENR, unless DENR states otherwise in writing in advance. At any time between DENR's receipt of said notice and the conclusion of the disturbance or removal of the pavement cap(s) or soil cover(s) in question, DENR may inspect and sample, or require sampling of, the exposed soil for contaminants. 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 in Land Use Restriction 1 above 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.

In compliance Out of compliance

Remarks: _____

LUR 5: No new basements may be constructed on the Brownfields Property.

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 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 necessary for cleaning (including cleaning of visual art-related material) and other routine housekeeping activities.

In compliance Out of compliance

Remarks: _____

LUR 7: 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 8: During January of each year after the year in which the Notice was 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 remains recorded at the Durham County Register of Deeds office, and that these land use restrictions are being complied with. The Land Use Restrictions Updates submitted by owners of any part of the Brownfields Property that includes areas denominated "Area of Possible Soil Contamination," on the plat component of the Notice, shall include a written report of annual inspection of caps or covers over such areas for continuity and integrity, and maintenance of such caps or covers such that they are continuing to serve their purpose.

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

This Land Use Restrictions Update is certified by Edgemont Realty, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Edgemont Realty, LLC

In the case of owners that are entities:

Signature of individual signing: _____

Name typed or printed: Dr. Garril Kueber

Title: CEO, Scientific Properties, LLC, manager of Edgemont Realty, LLC

In the case of all owners:

Date: 7.31.2014

EDGEMONT REALTY, LLC

By: EDGEMONT MANAGER, LLC, its manager.

By: WOODLAKE AVENUE PARTNERS, LLC,
its manager.

By: [Signature] SCIENTIFIC PROPERTIES, LLC, its manager.

By: [Signature]
Dr. Garril Kueber, CEO

NORTH CAROLINA
Durham COUNTY

I, Maya Kelley, a Notary Public of the county and state aforesaid, certify that Garril Kueber personally came before me this day and acknowledged that he/she is a Member of Scientific Properties LLC, a North Carolina limited liability company, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Brownfields Property was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 31st day of July, 2014.

[Signature]
Name typed or printed: Maya Kelley
Notary Public

My Commission expires: 08-11-2018



[Stamp/Seal]