

WAKE COUNTY, NC 359
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/10/2009 AT 15:15:15

BOOK:013428 PAGE:00664 - 00669

Return to: Matt Hanchey
Hunton & Williams
One Bank of America Plaza
Suite 1400, Raleigh NC 27601 March 9, 2009

Ms. Laura Riddick
Wake County Register of Deeds
One Bank of America Plaza
421 Fayetteville Street
Suite 300 - Floor 3
Raleigh, NC 27601

Subject: Amendment of Notice of Brownfields Property
Former NC Equipment Facility
Raleigh, Wake County
Brownfields Project No. 10056-06-92

Dear Ms. Riddick:

On September 28, 2007, a Notice of Brownfields Property ("Notice") regarding the subject project was recorded in your office in **Book 012772, Page 01872**, by the Prospective Developer (Rose Mary Developments LLC), pursuant to the Brownfields Property Reuse Act ("Act"), N.C.G.S. 130A-310.30, *et seq.* The Brownfields Agreement regarding the project constitutes Exhibit A to the Notice. The plat component, Exhibit B, to the Notice, was recorded in **Book 2007, Page 2322**.

The owner of the property involved (Prospective Developer), and the owner of 0.99 acres of adjoining land that Prospective Developer intends to purchase and use only for parking, have requested that the Notice be changed to include said 0.99 acres. That is acceptable to Department of Environment and Natural Resources ("DENR"), for which I speak in this regard as the delegate of powers granted to DENR's Secretary under the Act.

Thus, the Notice and Brownfields Agreement are hereby amended to include this information:

- To the original 2.04 acres comprising the Brownfields Property at 3101 Hillsborough Street, Raleigh, NC are added 0.99 adjoining acres with the addresses 5 Rosemary Street, 7 Rosemary Street and 3112 Stanhope Ave, for a new total of 3.03 acres;

Ms. Laura Riddick
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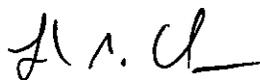
- The land hereby added to the Brownfields Property may be exclusively used for parking. The 5 and 7 Rosemary Street parcels have been in residential use since 1940 and 1935, respectively. For the past several years, the residences at both parcels have been vacant. Prior to their residential use, all three (3) parcels were owned by an entity known as Makepeace Lumber Company. No evidence of lumber-related use has been discovered at the parcels.
- From the mid-1940s until recently, the parcel at 3112 Stanhope has been owned by the NC Equipment Company. It is now owned by N.C. Equipment Parking, LLC. The parcel, which was used by said company for heavy equipment parking and equipment storage, is currently gravel-covered and vacant.
- Regarding the three additional parcels, Prospective Developer Rose Mary Developments LLC commissioned a June 2008 environmental report titled *Phase I Environmental Site Assessment, NC Equipment Parking, LLC, Rosemary Street and Stanhope Avenue, Raleigh, North Carolina 27607* by Babb & Associates, P.A.

Pursuant to N.C.G.S. 130A-310.35(e), please record this amended documentary component of the Notice along with its Exhibit A (the 8 ½ x 11-inch reduction of the amended plat referenced in the following paragraph) in the deed books and index it on the grantor index in the names of the owners of the land as shown in the Notice and on the grantee index in the name "Secretary of Environment and Natural Resources." If you would be so kind, please return to me a copy of this Amendment and its Exhibit A evidencing recordation.

Please also find attached hereto a full-sized amended plat component of the Notice entitled "SURVEY PLAT – EXHIBIT B" that complies with N.C.G.S. 130A-310.35(a) and supersedes the plat component of the Notice referenced in the first paragraph of this document. As mentioned in the preceding paragraph, also attached is an 8 ½ x 11-inch paper reduction of the amended plat labeled Exhibit A. Please, and also pursuant to N.C.G.S. 130A-310.35(e), record the full-sized amended plat. As with the documentary component of this Amendment, please return to me a copy of this revised survey the amended plat evidencing recordation.

We appreciate your assistance in this matter. If you have questions or require additional information, please contact DENR official Tony Duque at (919) 508-8407 or tony.duque@ncmail.net.

Sincerely,



Linda M. Culpepper
Deputy Director

Ms. Laura Riddick
One Bank of America Plaza
421 Fayetteville Street
Suite 300 - Floor 3
Raleigh, NC 27601

cc: Central Files

cc: Bruce Nicholson, DENR Brownfields Program Manager
Robert R. Gelblum, Special Deputy Attorney General
Tony Duque, DENR Brownfields Project Manager
Matt Hanchey, Esq., Hunton & Williams

NORTH CAROLINA
Wake COUNTY

I, Holly A. Murray, a Notary Public of the county and state aforesaid,
certify that Linda M. Culpepper personally came before me this day, demonstrated
her/his identity, and signed the foregoing certification.

WITNESS my hand and official stamp or seal, this 9th day of March, 2009.

Holly A. Murray
Name typed or printed: Holly A. Murray
Notary Public

My Commission expires: 1/19/2014

[Stamp/Seal]
HOLLY A. MURRAY
Notary Public
Wake County, NC
My Commission Expires 1/19/2014

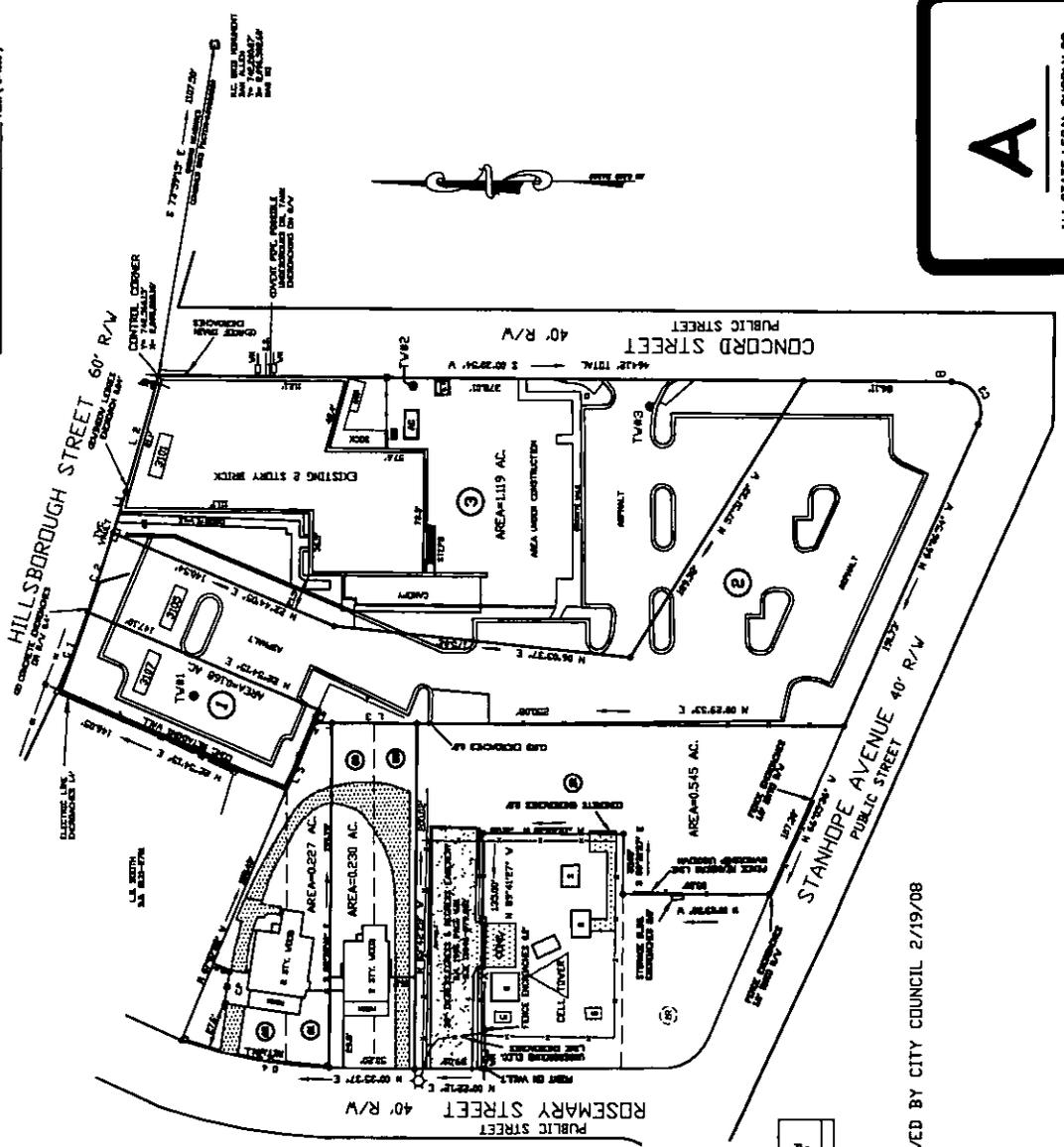
AL PRINCE & ASSOCIATES, P.A.
 975 WALNUT STREET
 SUITE 233
 CARY, N.C.
 PH. 467-3545

TITLE: SURVEY PLAT - EXHIBIT B
 TO THE NOTICE OF BROWNFIELD'S PROPERTY
 Owner: N.C. EQUIPMENT PARKING, LLC
 610 SHERRILL CIRCLE, WASHINGTON, N.C. 27681
 Owner: M.E. YANTER
 114 FLEMING DRIVE, RALEIGH, N.C. 27607
 Owner & Prospective Developer: Rose Mary Developments LLC
 860 AVIATION PARKWAY, SUITE 300, MORRISVILLE, N.C. 27550
 FLEET NUMBER: 1128
 CHECKED BY: AL PRINCE
 DRAWN BY: MJP
 SCALE: 1"=50'
 DATE: 12/10/08



A
 ALL-STATE LEGAL SUPPLY CO.

THIS PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE "C" BASED ON FLOOD DATA FROM ONE F.E.M.A. FIRM NUMBER 27207000A WITH AN EFFECTIVE DATE MAY 7, 2004. ZONE "C" SPECIAL FLOOD HAZARD AREAS INDICATED BY THE 100 YEAR FLOOD ZONE "X" AREAS OUTSIDE OF SPECIAL FLOOD HAZARD.



- NOTES:**
- NO FLOOD PLAIN ON THIS PROPERTY.
 - DISTANCES INDICATED ARE HORIZONTAL DISTANCES.
 - ONLY ABOVE GROUND UTILITIES AND THOSE MARKED WITH "X" ARE SHOWN.
 - OTHER UNDERGROUND UTILITIES MAY EXIST.
 - AREAS COMPUTED BY COORDINATE GEOMETRY.
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AREA-0227 AC

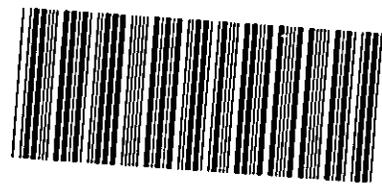
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- NOTES:**
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 - DISTANCES INDICATED ARE HORIZONTAL DISTANCES.
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BOOK:013428 PAGE:00664 - 00669

Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.



Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

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_____ New Time Stamp
_____ # of Pages
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