

Brownfields Project #: 10062-06-90
Brownfields Property: Schrader-Bridgeport, 1609 Airport Road
Property Owner (In whole or part): Richard D. Mandt, LLC

LAND USE RESTRICTIONS (“LUR”) UPDATE

LUR 1: No use may be made of the Brownfields Property other than for light manufacturing, warehousing and, with the Department of Environment and Natural Resources’ (“DENR’s”) prior written approval, other commercial uses. For purposes of this restriction, the following definitions apply:

- a. “Light Manufacturing” refers to the assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare, or health or safety hazards in excess of applicable legal standards, where such processes are housed entirely within a building, and where the area occupied by the outdoor storage of goods and material used in such processes does not exceed twenty-five (25) percent of the floor area of all the buildings on the property. Any process water or wastewater generated at a light manufacturing facility must be managed in compliance with all applicable law.
- b. “Warehousing” refers to the storage and distribution of products not precluded by Land Use Restriction No. 9 below for a business or other enterprise.
- c. “Commercial” refers to an enterprise carried on for profit by the owner, lessee or licensee, as limited by the other land use restrictions below.

In compliance X Out of compliance _____

Remarks: _____

LUR 2: The owner of the portion of the Brownfields Property containing the building denominated “Schrader-Bridgeport Building” on the plat component of the Notice of Brownfields Property (“Notice”) shall, on the days(s) mandated for sampling pursuant to the plan required by paragraph 13 of the Brownfields Agreement (“Agreement”), be responsible for complying with the referenced plan on that/those day(s). If sampling pursuant to that plan indicates to DENR that volatile organic compound levels are such that the Brownfields Property may not be suitable for the uses specified in Land Use Restriction 1 above while fully protecting public health and the environment, the subject owner shall submit a vapor mitigation plan, including a schedule, for DENR approval and shall implement said plan as approved in writing by DENR. Provided, that mitigation shall be waived if the subject owner submits a risk assessment that DENR determines in writing renders it unnecessary. DENR shall alter or terminate the testing and/or sampling requirement if it conclusively determines that it is

not necessary in order for the Brownfields Property to remain suitable for the uses specified in Land Use Restriction 1 above.

In compliance X Out of compliance _____

Remarks: In accordance with the approved air sampling plan, the company has conducted two samplings in 2011 and submitted the results to DENR.

LUR 3: No building may be constructed on the Brownfields Property until DENR has been consulted regarding the proximity of the planned building to the Brownfields Property's volatile contaminant plume. If DENR determines that the footprint of a building proposed to be constructed on the Brownfields Property would fall within one hundred (100) feet of said plume, it may not be constructed without:

- a. a vapor barrier system and/or mechanical or passive vapor barrier mitigation system, or other effective vapor mitigation system approved by DENR, followed, within 30 days after installation of the vapor barrier system and/or mechanical or passive vapor barrier mitigation system, by certification to DENR of proper installation under seal of a professional engineer licensed in North Carolina, as well as photographs illustrating the installation and a brief narrative describing it; or
- b. investigation activities including, without limitation, soil gas samples performed to DENR's written satisfaction, which DENR determines in writing demonstrate that a vapor barrier system and/or mechanical or passive vapor barrier mitigation system, or other effective vapor mitigation system approved by DENR, are not needed in order for the Brownfields Property to be and remain suitable for the uses specified in Land Use Restriction 1 above.

In compliance X Out of compliance _____

Remarks: No building has been constructed on the Brownfield's Property's volatile containment plume, nor are there plans at this time to do so.

LUR 4: 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 X Out of compliance _____

Remarks: Surface water and underground water are not used at the Brownfields Property.

LUR 5: 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 X Out of compliance _____

Remarks: There have been no activities that have encountered or exposed groundwater at the Brownfields Property.

LUR 6: Soil within the area denominated "Area of Possible Soil Contamination/Soil Vapor Extraction/Air Sparging Area" on the plat component of this Notice may not be exposed without a minimum of seven (7) business days advance written notice to DENR, unless DENR states otherwise in writing in advance. At the time such soil is exposed, DENR may inspect and sample, or require sampling of, the exposed soil for contaminants. If the nature and extent of soil contamination indicates to DENR that the Brownfields Property may be unsuitable for the uses specified in Land Use Restriction 1 above while fully protecting public health and the environment, as much soil as DENR reasonably requires shall be removed and disposed of in accordance with applicable law or, at DENR's discretion, capped to the written satisfaction of DENR.

In compliance X Out of compliance _____

Remarks: No soil within the denominated area has been exposed.

LUR 7: 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 X Out of compliance _____

Remarks: No mining has been conducted on or under the Brownfields Property.

LUR 8: 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 X Out of compliance _____

Remarks: No basements have been constructed on the Brownfields Property.

LUR 9: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Tables A, B and C of the Notice, 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 X Out of compliance _____

Remarks: Only de minimus amounts of certain contaminants known to be present at the Brownfields Property are safely stored and used at the Brownfields Property.

LUR 10: Except for occasional recreational use by employees, 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 X Out of compliance _____

Remarks: The Brownfields Property is not used for recreational purposes.

LUR 11: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance X Out of compliance _____

Remarks: The Brownfields Property is not used for agriculture, grazing, timbering or timber production.

LUR 12: 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 X Out of compliance _____

Remarks: _____

LUR 13: The Brownfields Property may not be used for kennels, private animal pens or horse-riding without the prior written approval of DENR.

In compliance X Out of compliance _____

Remarks: _____

LUR 14: The owner of any portion of the Brownfields Property where any existing or later DENR-approved monitoring well is damaged shall be responsible for repair of any such wells to DENR's written satisfaction and within a time period acceptable to DENR.

In compliance X Out of compliance _____

Remarks: To the best of our knowledge there are no damaged wells on the Brownfields Property.

LUR 15: 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 X Out of compliance _____

Remarks: Access to the Brownfields Property has not been denied.

LUR 16: 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 ("LURU") to DENR certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Union 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.

There have been no changes in ownership in 2011.

- 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.

There have been no changes in ownership in 2011.

- c. whether any changes have occurred to the soil vapor extraction and air sparging remediation systems on the Brownfields Property.

To the best of our knowledge there have been no changes to the soil vapor extraction and air sparging systems since our last LURU.

- d. whether any vapor barrier and/or mitigation systems installed pursuant to Land Use Restrictions 3.a. and 3.b. above are performing as designed, and whether the uses of the ground floors of any buildings containing such vapor barrier and/or mitigation systems have changed, and, if so, how.

To the best of our knowledge the systems are performing as designed. There have been no changes to the usage of the ground floors containing vapor barrier and/or mitigation systems.

In compliance X Out of compliance ____

Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice remains recorded at the Union County Register of Deeds office and that the Land Use Restrictions are being complied with.

This Land Use Restrictions Update is certified by Richard D. Mandt, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Richard D. Mandt

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: Richard D. Mandt
Title: Managing Member

In the case of all owners:

Date: 12-29-2011

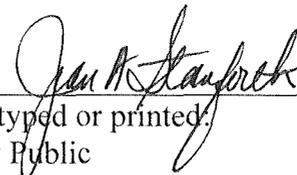
Richard D. Mandt, LLC

By: Richard D. Mandt
Name typed or printed:
Member/Manager

FLORIDA
HILLSBOROUGH COUNTY

I, Jean A. Stanforth, a Notary Public of the county and state aforesaid, certify that Richard D. Mandt personally came before me this day and acknowledged that he/she is a Member of Richard D. Mandt, 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 Land Use Restriction Update was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this 29th day of December, 20 11.


Name typed or printed:
Notary Public

My Commission expires: 5/6/2012

[Stamp/Seal]

