



THE HOUSING PARTNERSHIP

January 27, 2014

VIA FEDERAL EXPRESS

NC Department of Environmental and Natural Resources  
Division of Waste Management, Brownfields Program  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

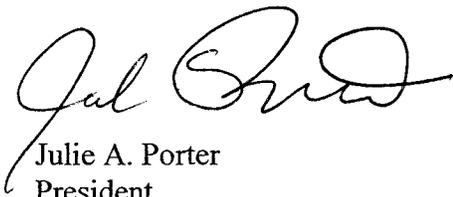
Re: Annual Land Use Restrictions Update Form  
Double Oaks  
2623 Double Oaks Road  
Charlotte, Mecklenburg County  
Brownfields Project Number: 11037-07-60

Dear Sirs:

Enclosed please find the completed Land Use Restriction Update ("LURU") for the above referenced property as required by Paragraph 9 of the Brownfields Agreement.

If you have any questions about the enclosed LURU, please feel free to contact me at the above address.

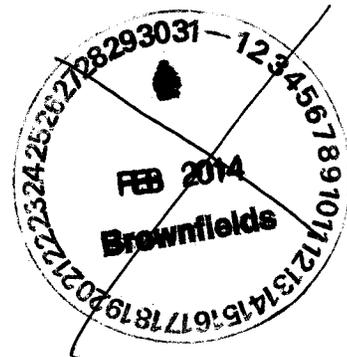
Very truly yours,



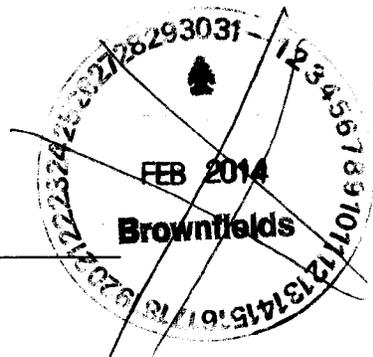
Julie A. Porter  
President

Enclosure

CC: Fred Dodson, Jr.  
David Peacock, Brownfields Compliance Coordinator  
Tom Griffin, Attorney at Law



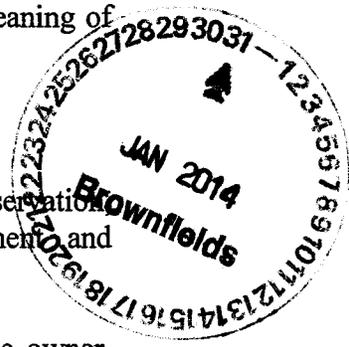
**Brownfields Project #:** 11037-07-60  
**Brownfields Property:** Double Oaks, 2623 Double Oaks Road  
**Property Owner (In whole or part):** Double Oaks Development, LLC



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

LUR 1: No use may be made of the Brownfields Property other than for retail, hotel and other commercial purposes, and for residential, recreational, educational, open space and office purposes, except as set forth in LUR 3 below. Within the meaning of this restriction, the following definitions apply:

- a. "Retail" refers to the sale of goods directly to the consumer.
- b. "Hotel" refers to the provision of overnight lodging for reservation, cleaning services, associated utilities and on-site management and reception for paying customers.
- c. "Commercial" refers to an enterprise operated for profit by the owner, lessee or licensee.
- d. "Residential" refers to use for a permanent dwelling of any single- or multi-unit building.
- e. "Educational" refers to the provision of primary (including pre-kindergarten), secondary, post-secondary or vocational education, or child care or senior care.
- f. "Recreational" refers to indoor and outdoor health or exercise clubs and sports, and the facilities for same, including swimming pools and courts and fields for outdoor sports.
- g. "Open space" refers to land maintained in a natural, undisturbed character, and improved areas, used for passive recreation, natural resource protection, buffers and/or detention facilities for stormwater.
- h. "Office" refers to the provision of business or professional services.



In compliance   X   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 the Department of Environment and Natural Resources ("DENR"), other than in connection with stormwater management in conformance with law.

In compliance  Out of compliance

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

LUR 3: This LUR concerns a 50-foot buffer area, at the Brownfields Property's border with the former Double Oaks Landfill, designated "NO RESIDENTIAL OR COMMERCIAL USE IN THIS ZONE" on the plat component of the Notice of Brownfields Property. Title to that area shall remain in Double Oaks Development, LLC, or in a homeowner's association created pursuant to a condominium declaration, "covenants, conditions and restrictions" or functionally equivalent instrument recorded in the land records of Mecklenburg County. Absent prior written DENR approval, the area may only be used as open space or, with prior written approval and implementation to DENR's satisfaction, for a multi-family swimming pool, clubhouse and associated parking.

In compliance  Out of compliance

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

LUR 4: 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 5: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in Table A 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, and as constituents of fuel for vehicles used in construction and operations at the Brownfields Property or for backup generators.

In compliance  Out of compliance

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

LUR 6: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance  Out of compliance

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

LUR 7: 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 8: 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 such assessment or remediation, which is to be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property. If a party legally responsible for the Brownfields Property's contamination conducts assessment and/or remediation pursuant to this restriction, DENR shall use reasonable efforts to cause said party to promptly restore the Brownfields Property as closely as reasonably possible to its prior condition.

In compliance   x   Out of compliance       

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

LUR 9: During January of each year after the year in which the Notice is recorded, the owner of any part of the Property as of January 1st of that year shall submit a notarized Land Use Restrictions Update ("LURU") to DENR and to Mecklenburg County's Land Use and Environmental Services Agency, currently located at 700 North Tryon Street, Charlotte, North Carolina 28202, certifying that, as of said January 1st, this Notice remains recorded at said county's 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; and
- 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.

In lieu of submissions of LURUs by particular owners, a property owners association or other entity may submit same on behalf of some or all owners of the Property, if said association or entity:

- c.
  - i. has accepted responsibility for LURU submission pursuant to a notarized instrument that includes, at a minimum, the name and mailing address, and if available, telephone and facsimile numbers and e-mail address, of each owner on whose behalf the LURU is being submitted; or

ii. is responsible for LURU submission on behalf of such owners pursuant to a condominium declaration, "covenants, conditions and restrictions" or a functionally equivalent instrument recorded in the land records of Mecklenburg County; and

d. provides, contemporaneously with submission to DENR, a copy of each LURU submitted to each party on whose behalf it is submitted.

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

This Land Use Restrictions Update is certified by Double Oaks Development, LLC, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Double Oaks Development, LLC

In the case of owners that are entities:

Signature of individual signing:   
Name typed or printed: Julie A. Porter  
Title: President

In the case of all owners:

Date: January 27, 2014

[use for LLCs]

[Name of LLC] Double Oaks Development, LLC

By: *Julie A. Porter*  
Name typed or printed: Julie A. Porter  
Member/Manager

NORTH CAROLINA  
Mecklenburg COUNTY

I, Linda L. Hall, a Notary Public of the county and state aforesaid, certify that Julie A. Porter personally came before me this day and acknowledged that he/she is a Member of Double Oaks Development LLC, a North Carolina (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 27th day of  
January, 2014

*Linda L. Hall*  
Name typed or printed: Linda L. Hall  
Notary Public

My Commission expires: June 12, 2016

