



Brownfields Project #: 11040-07-41
Brownfields Property: Avery Dennison, 2305 Soabar Street
Property Owner (In whole or part): Soabar Street, LLC

LAND USE RESTRICTIONS ("LUR") UPDATE

LUR 1: No use may be made of the Brownfields Property other than for light manufacturing, warehousing, office and related parking purposes. Within the meaning 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 outside the property where such assembly, fabrication or processing occurs, 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 25 percent of the floor area of all the buildings on the property. No process water or wastewater generated may be discharged other than to a Publicly Owned Treatment Works.
- b. "Warehousing" refers to the storage and distribution of goods.
- c. "Office" refers to the rendering of business or professional services.
- d. "Parking" refers to the temporary accommodation of motor vehicles in an area designed and designated for same.

In compliance X Out of compliance _____

Remarks: _____

LUR 2: No activities that remove, use or may encounter groundwater or surface water (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools, or construction or excavation activities that may encounter water) may occur at the Brownfields Property without prior sampling and analysis of the subject water to the written satisfaction of the Department of Environment and Natural Resources ("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: _____

LUR 3: Any stained or odorous soil on the Brownfields Property shall be reported in writing, if only by email, to the official referenced in subparagraph 32.a. of the Brownfields Agreement ("Agreement") within 24 hours of discovery, and no soil may be disturbed pending a DENR determination as to the subject soil. In connection therewith, DENR may require soil sampling and, if the sampling results cause DENR concern as to the Brownfields Property's suitability for the uses specified in LUR 1 above and concern as to whether public health and the environment are fully protected, soil may only be disturbed in compliance with any conditions DENR imposes to eliminate said concerns.

In compliance X 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 X Out of compliance _____

Remarks: _____

LUR 5: 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: _____

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 of Brownfields Property ("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: _____

LUR 7: 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: _____

LUR 8: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance X Out of compliance ____

Remarks: _____

LUR 9: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance Out of compliance

Remarks: _____

LUR 10: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance Out of compliance

Remarks: _____

LUR 11: 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 Out of compliance

Remarks: _____

LUR 12: 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 13: With the exception of buildings that are not enclosed (for example, an open parking garage), no building may be constructed east of the line designated "CONSTRUCTION REGULATED EAST OF THIS LINE," on the plat component of the Notice (which line lies 50 feet west of the center of the Brownfields Property's drainage channel), until Prospective Developer:

- a. installs a vapor barrier system and/or mechanical or passive vapor mitigation system approved in writing by DENR in advance, and submits to DENR certification 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. prepares an assessment of the risk posed by soil gas to potential users of the building that demonstrates to DENR's written satisfaction that neither a vapor barrier nor mitigation system is required.

In compliance X Out of compliance _____

Remarks: _____

LUR 14: 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, and to the chief public health and environmental officials of Guilford County, certifying that the Notice of Brownfields Property containing these land use restrictions remains recorded at the Guilford 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.

- 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 compliance Out of compliance _____

Remarks: _____

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

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

Name typed or printed of party making certification: Dorothy Ann McElveen Bogache, as Trustee of the 1997 Bonnie McElveen-Hunter Generation-Skipping Trust

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: Dorothy Ann McElveen Bogache
Title: Trustee of 1997 Bonnie McElveen-Hunter Generation-Skipping Trust

In the case of all owners:

Date: 1/23/14

Soabar Street, LLC

By:

Dorothy Ann McElveen Bogache

Name typed or printed: Dorothy Ann McElveen Bogache,
Trustee
Member/Manager

SOUTH CAROLINA
Georgetown COUNTY

I, Ryan Grainger, a Notary Public of the county and state aforesaid, certify that Dorothy Ann McElveen Bogache personally came before me this day and acknowledged that he/she is a Member of Soabar Street, 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 23rd day of January, 2014.

Ryan Grainger

Name typed or printed: Ryan Grainger
Notary Public

My Commission expires: 12-02-21

