



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

May 2, 2013

Sent Via Email

David A. Franchina
K&L Gates
Hearst Tower
214 N. Tryon Street, 47th Floor
Charlotte, NC 28202
Dave.Franchina@klgates.com

Subject: Charlotte Chemical Laboratory,
Correction of notice deficiency in easement agreement
1100 (formerly 1200) South Boulevard,
Charlotte, Mecklenburg County
Brownfields Project Number 11045-07-60

Dear Mr. Franchina

Thank you for your recent telephone correspondence and summary email of March 6, 2013, to Dan Hirschman in the Attorney General's Office regarding your client's inadvertent omission of required Notice of Brownfields Property language from a recently recorded easement agreement between your client and the City of Charlotte at the above-referenced Brownfields property. The North Carolina Brownfields Program ("NCBP") understands that all parties involved in the transaction were fully aware of the subject Brownfields Agreement and that the omission of the required notice was simply a ministerial recording error. The NCBP also understands that your client wishes to correct the inadvertent mistake by recording an "Affidavit of Correction of Typographical or Other Minor Error" pursuant to N.C. Gen. Stat. § 47-36.1.

Dan and I have discussed your proposal, and, after careful consideration of the specific facts and circumstances of this case, the NCBP is in agreement that filing an Affidavit of Correction is the appropriate remedy to correct the error. Please be aware however, that while the NCBP understands that this error may have been minor for the purposes of determining the method of correction in the context of the recording statutes, the NCBP considers notice requirements to be fundamentally important in the context of the Brownfields Property Reuse Act and in individual Brownfields Agreements.

Mr. Franchina, May 2, 2013

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The NCBP appreciates your client's efforts to expeditiously correct this inadvertent deficiency. Please be assured that the subject Brownfields Agreement remains valid and the property in question continues to be in good standing with the NCBP.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Nicholson", with a stylized, flowing script.

Bruce Nicholson
Brownfields Program Manager
Division of Waste Management

cc: Carolyn Minnich, Brownfields Project Manager
Dan Hirschman, Special Deputy Attorney General