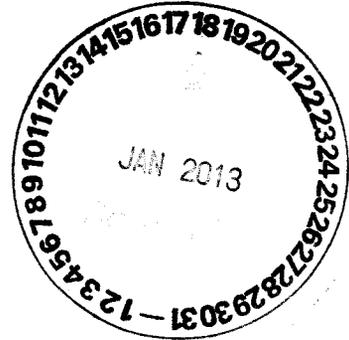


January 15, 2013



Mr. David Peacock  
NC Brownfields Program  
Mail Service Center 1646  
Raleigh, North Carolina 27699-1646

Re: Annual Land Use Restrictions Update  
West Pharmaceutical  
2525 Rouse Road Extension  
Kinston, Lenoir County  
Brownfields Project Number: 11048-07-54

Dear Mr. Peacock:

Attached is the completed and notarized Land Use Restrictions Update (LUR) form for the subject site.

Should there be any further questions, please do not hesitate to contact the Global TransPark.

Sincerely,

Anne C. Stapleford  
Administrative Assistant

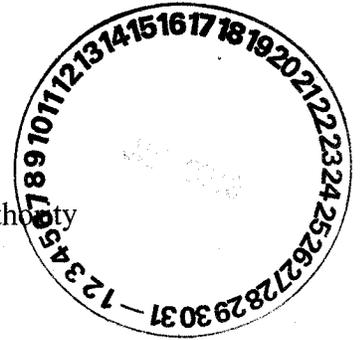
Enclosure as stated

Cc – Bruce Nicholson, NCDENR  
Lori Fuller, Special Deputy Attorney General  
Joey Huff, Director, Lenoir County Health Department

**Brownfields Project #:** 11048-07-54

**Brownfields Property:** West Pharmaceutical, 2525 Rouse Road Ext.

**Property Owner (In whole or part):** North Carolina Global TransPark Authority



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

LUR 1: No use may be made of the Brownfields Property other than for commercial/industrial park development. For purposes of this restriction:

- a. "Commercial/industrial park development" refers to development characterized by unified site design for commercial and industrial uses, including warehousing and office uses, open space, buffers and a mix of building types.
- b. "Warehousing" refers to storage of tangible materials.
- c. "Office" refers to the rendering of business or professional services.
- d. "Commercial" refers to an enterprise carried on for profit by the owner, lessee or licensee.
- e. "Industrial" refers to the assembly, fabrication or processing of goods or materials.

In compliance  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").

In compliance  Out of compliance

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

LUR 3: Soil, landscaping and contours at the Brownfields Property may not be disturbed without the prior written approval of DENR, except for mowing and pruning of above-ground vegetation.

In compliance  Out of compliance

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

LUR 4: 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  Out of compliance

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

LUR 5: The Brownfields Property may not be used as a playground, or for child care centers or schools.

In compliance  Out of compliance

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

LUR 6: The Brownfields Property may not be used for kennels, private animal pens or horse-riding.

In compliance  Out of compliance

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

LUR 7: The owner of any portion of the Brownfields Property where any existing, or later-installed, 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 8: Neither DENR nor any party conducting environmental assessment or remediation at the Brownfields Property at the direction of, or pursuant to a permit, order or agreement issued or entered into by, DENR may be denied access to the Brownfields Property for purposes of conducting such assessment or remediation, which is to be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

In compliance  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 Brownfields Property as of January 1<sup>st</sup> of that year shall submit a notarized Land Use Restrictions Update ("LURU") to DENR, and to the chief public health and environmental officials of Lenoir County, certifying that, as of said January 1<sup>st</sup>, the Notice remains recorded at the Lenoir 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.

\_\_\_\_\_N/A\_\_\_\_\_

- 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.

N/A

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

This Land Use Restrictions Update is certified by NC Global TransPark Authority, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: Thomas W. Bradshaw, Jr.

In the case of owners that are entities:

Signature of individual signing: \_\_\_\_\_

Name typed or printed:

Thomas W. Bradshaw, Jr.

Title:

Executive Director

In the case of all owners:

Date: January 10, 2013

[Insert notary block from among the following that is pertinent to type of party submitting LURU: corporation, LLC, partnership or individual.]  
[use for corporations]

NC Global TransPark Authority

By: *Thomas W. Bradshaw, Jr.*  
Thomas W. Bradshaw, Jr.  
President Executive Director

ATTEST:

*Alanna King*  
Alanna King  
Assistant Secretary, NC Global TransPark Authority

NORTH CAROLINA  
LENOIR COUNTY

I, *CHERYL H. PARRISH* a Notary Public of the county and state aforesaid, certify that *Alanna King* personally came before me this day and acknowledged that he/she is the Secretary of the NC Global TransPark Authority (corporation name), a North Carolina (state) agency, and that by authority duly given and as the act of the agency, the foregoing Land Use Restriction Update was signed in its name by its Executive Director and attested by her as its Assistant Secretary.

WITNESS my hand and official stamp or seal, this *14<sup>th</sup>* day of *January*, 2013.

*Cheryl H. Parrish*

Name:  
Notary Public

My Commission expires *March 17, 2017*

