



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

Pat McCrory
Governor

Dexter R. Matthews
Director

John E. Skvarla, III
Secretary

January 29, 2013

Mr. Edward M. Cherry
West Morgan, LLC
121 West Trade Street, 27th Floor
Charlotte, NC 28202

Subject: Conclusion of Brownfields Agreement Process
West Morgan Apartments Brownfields Project
927 W. Morgan Street & 910 Tryon Hill Drive
Raleigh, Wake County
Brownfields Project Number 15029-11-92

Dear Mr. Cherry:

We are very pleased that the Brownfields Agreement process regarding this project is approaching successful conclusion. To that end, please find enclosed the Notice of Brownfields Property (Notice), the Brownfields Agreement (Agreement) and the plat for this Property certified by the North Carolina Department of Environment and Natural Resources (DENR) via the signature of Linda M. Culpepper, Deputy Director of the Division of Waste Management.

Please promptly sign and notarize the Notice, sign the Agreement, and obtain any additional signatures on the Brownfield survey plat as necessary. Please file the documents for recordation with the Register of Deeds of Wake County. Documents to be recorded are:

- The Notice of Brownfields Property (signed and notarized);
- Exhibit A (signed Brownfields Agreement);
- Exhibit B (8 ½ x 11 reduction of the plat);
- Exhibit C (Legal Description);
- Exhibit 1 (Area Map); and
- Full-sized survey plat (signed by DENR).

(N.C.G.S. § 130A-310.35(b) requires filing of the Notice within 15 days of Prospective Developer's receipt of DENR's approval of the Notice or Prospective Developer's entry into the Brownfields Agreement, whichever is later.)

West Morgan Apartments
January 29, 2013

You are responsible for obtaining the Register of Deeds signature at the end of the Notice, although the Register of Deeds' stamp at the top of the Notice's first page with the Book and Page numbers where both the Notice and the plat are recorded will suffice. Upon your filing of the Notice, the Register of Deeds is required by N.C.G.S. § 130A-310.35(c) to record and index it in the grantor index under the names of the owners of the land, and, if different, also under the name of the Prospective Developer.

Pursuant to paragraph 18 of the Agreement, within three days after the Register of Deeds has recorded the Notice of Brownfields Property, you must furnish DENR a copy of the Notice containing a certification by the Register of Deeds as to the Book and Page numbers where both the Notice and the plat are recorded, and a copy of the actual, full-sized plat with notations by the Register of Deeds indicating its recordation. (Make sure that the exhibits to the Notice are attached to the certified copy you furnish DENR.) Please send these items to:

Ms. Shirley Liggins
N.C. Division of Waste Management
Brownfields Program
Mail Service Center 1646
Raleigh, NC 27699-1646

Thank you for your attention to these final administrative matters, and also for your help during the course of completing the Brownfields Agreement process regarding this site.

Sincerely,



Linda M. Culpepper
Deputy Director

Enclosures

ec: Bruce Nicholson
Sharon Poissant Eckard
Central Files