LAND USE RESTRICTIONS

NCGS 130A-310.35(A) REQUIRES RECORDATION OF A NOTICE OF BROWNFIELDS PROPERTY ("NOTICE") THAT IDENTIFIES ANY RESTRICTIONS ON THE CURRENT AND FUTURE USE OF A BROWNFIELDS PROPERTY THAT ARE NECESSARY OR USEFUL TO MAINTAIN THE LEVEL OF PROTECTION APPROPRIATE FOR THE DESIGNATED CURRENT OR FUTURE USE OF THE PROPERTY AND THAT ARE DESIGNATED IN A BROWNFIELDS AGREEMENT PERTAINING TO THE PROPERTY. THIS SURVEY PLAT CONSTITUTES ONE OF THREE EXHIBITS TO THE NOTICE PERTAINING TO THE BROWNFIELDS PROPERTY DEPICTED ON THIS PLAT AND RECORDED AT THE NEW HANOVER COUNTY REGISTER OF DEEDS' OFFICE. THE EXHIBITS TO THE NOTICE ARE: THE BROWNFIELDS AGREEMENT FOR THE SUBJECT PROPERTY, WHICH IS ATTACHED AS EXHIBIT A TO THE NOTICE; A REDUCED VERSION OF THIS SURVEY PLAT, WHICH IS ATTACHED AS EXHIBIT B TO THE NOTICE; AND A LEGAL DESCRIPTION FOR THE SUBJECT PROPERTY, WHICH IS ATTACHED AS EXHIBIT C TO THE NOTICE. THE FOLLOWING LAND USE RESTRICTIONS, EXCERPTED VERBATIM FROM THE NOTICE, ARE HEREBY IMPOSED ON THE BROWNFIELDS PROPERTY AND SHALL REMAIN IN FORCE IN PERPETUITY UNLESS CANCELED BY THE SECRETARY OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (OR ITS SUCCESSOR IN FUNCTION), OR HIS/HER DESIGNEE, AFTER THE HAZARDS HAVE BEEN ELIMINATED, PURSUANT TO NCGS § 130A-310.35(E):

1. NO USE MAY BE MADE OF THE PROPERTY OTHER THAN FOR COMMERCIAL AND RESIDENTIAL PURPOSES. FOR PURPOSES OF THIS RESTRICTION, THE FOLLOWING DEFINITIONS APPLY:
   I. COMMERCIAL REFERS TO AN ENTERPRISE CARRIED ON FOR PROFIT BY THE OWNER, LESSEE OR LICENSEE; AND
   II. RESIDENTIAL REFERS TO SINGLE AND MULTI-UNIT HUMAN DWELLINGS, SUCH AS DUPLEXES, TRIPLEXEX, QUADRIPLEXEX, CONDOMINIA, TOWN HOMES, DORMITORY OR APARTMENTS.
2. NO ACTIVITIES THAT ENCOUNTER, EXPOSE, REMOVE OR USE GROUNDWATER (FOR EXAMPLE, INSTALLATION OF WATER SUPPLY WELLS, FOUNTAINS, PONDS, LAKES OR SWIMMING POOLS, OR CONSTRUCTION OR EXCAVATION ACTIVITIES THAT ENCOUNTER OR EXPOSE GROUNDWATER) MAY OCCUR ON THE PROPERTY WITHOUT PRIOR SAMPLING AND ANALYSIS OF GROUNDWATER TO THE WRITTEN SATISFACTION OF DEQ IN ANY AREAS PROPOSED FOR SUCH ACTIVITIES, AND SUBMITTAL OF THE ANALYTICAL RESULTS TO DEQ. IF SUCH RESULTS REFLECT CONTAMINANT CONCENTRATIONS THAT EXCEED THE STANDARDS AND SCREENING LEVELS APPLICABLE TO THE USES AUTHORIZED FOR THE PROPERTY, THE GROUNDWATER-RELATED ACTIVITIES PROPOSED MAY ONLY OCCUR IN COMPLIANCE WITH ANY WRITTEN CONDITIONS DEQ IMPOSES.
3. NO BASEMENTS MAY BE CONSTRUCTED ON THE PROPERTY UNLESS THEY ARE, AS DETERMINED IN WRITING BY DEQ, VENTED IN CONFORMANCE WITH APPLICABLE BUILDING CODES.
4. NONE OF THE CONTAMINANTS KNOWN TO BE PRESENT IN THE ENVIRONMENTAL MEDIA AT THE PROPERTY, INCLUDING THOSE APPEARING IN EXHIBIT 2 TO THE AGREEMENT, MAY BE USED OR STORED AT THE PROPERTY WITHOUT THE PRIOR WRITTEN APPROVAL OF DEQ, EXCEPT IN *DE MINIMIS* AMOUNTS FOR CLEANING AND OTHER ROUTINE HOUSEKEEPING ACTIVITIES.
5. THE OWNER OF ANY PORTION OF THE PROPERTY WHERE ANY EXISTING, OR SUBSEQUENTLY INSTALLED, DEQ-APPROVED MONITORING WELL IS DAMAGED SHALL BE RESPONSIBLE FOR REPAIR OF ANY SUCH WELLS TO DEQ'S WRITTEN SATISFACTION AND WITHIN A TIME PERIOD ACCEPTABLE TO DEQ.
6. NEITHER DEQ, NOR ANY PARTY CONDUCTING ENVIRONMENTAL ASSESSMENT OR REMEDIATION AT THE PROPERTY AT THE DIRECTION OF, OR PURSUANT TO A PERMIT, ORDER OR AGREEMENT ISSUED OR ENTERED INTO BY DEQ, MAY BE DENIED ACCESS TO THE 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 PROPERTY.
7. DURING JANUARY OF EACH YEAR AFTER THE YEAR IN WHICH THIS NOTICE IS RECORDED, THE OWNER OF ANY PART OF THE PROPERTY AS OF JANUARY 1" OF THAT YEAR SHALL SUBMIT A NOTARIZED LAND USE RESTRICTIONS UPDATE ("LURU") TO DEQ, AND TO THE CHIEF PUBLIC HEALTH AND ENVIRONMENTAL OFFICIALS OF NEW HANOVER COUNTY, CERTIFYING THAT, AS OF SAID JANUARY 1", THE NOTICE OF BROWNFIELDS PROPERTY CONTAINING THESE LAND USE RESTRICTIONS REMAINS RECORDED AT THE NEW HANOVER COUNTY REGISTER OF DEEDS OFFICE AND THAT THE LAND USE RESTRICTIONS ARE BEING COMPLIED WITH, AND STATING:
   I. 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 PROPERTY DURING THE PREVIOUS CALENDAR YEAR; AND
   II. 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 PROPERTY DURING THE PREVIOUS CALENDAR YEAR.

GROUNDWATER

GROUNDWATER CONTAMINANTS IN MICROGRAMS PER LITER (THE EQUIVALENT OF PARTS PER BILLION), THE STANDARDS FOR WHICH ARE CONTAINED IN TITLE 15A OF THE NORTH CAROLINA ADMINISTRATIVE CODE, SUBCHAPTER 2L, RULE .0202; APRIL 1, 2013 VERSION:

Groundwater Contaminant	Sample Location	Date of Sampling	Maximum Concentration (µg/L)	Standard (µg/L)
Arsenic	MW-1	1/7/2008	20.4	10
Arsenic	MW-5D	1/7/2008	96.9	10
Barium	MW-1	11/10/2006	1360	700
Bromodichloromethane	MW-3	1/7/2008	2.98	0.6
Bromodichloromethane	MW-4	1/7/2008	3.27	0.6
Chromium	MW-1	1/7/2008	86.1	10
Chromium	MW-2	1/7/2008	12.8	10
Chromium	MW-4	1/7/2008	51.8	10
Chromium	MW-5D	1/7/2008	23.5	10
Chromium	MW-1	11/10/2006	536	10
Lead	MW-1	1/7/2008	84.1	15
Lead	MW-5D	1/7/2008	26.5	15
Lead	MW-1	11/10/2006	365	15
Tetrachloroethene	MW-3	1/7/2008	2.07	0.7

SOIL

SOIL CONTAMINANTS IN MILLIGRAMS PER KILOGRAM (THE EQUIVALENT OF PARTS PER MILLION), THE SCREENING LIMITS FOR WHICH ARE DERIVED FROM THE PRELIMINARY INDUSTRIAL HEALTH- BASED SOIL REMEDIATION GOALS OF THE INACTIVE HAZARDOUS SITES BRANCH OF DEQ'S SUPERFUND SECTION (SEPTEMBER 2015 VERSION):

Soil Contaminant	Sample Location	Depth (ft)	Date of Sampling	Maximum Concentration Exceeding Screening Limit (mg/kg)	Residential Screening Limit[1] (mg/kg)
Arsenic	S-2	4	11/10/2006	1.7[2]	0.68
Arsenic	S-6	4	11/10/2006	3.03[2]	0.68
Arsenic	S-7	4	11/10/2006	1.3[2]	0.68
TPH-Oil & Grease	S-1	4	11/10/2006	2380[3]	250*

1. SCREENING LIMITS DISPLAYED FOR NON-CARCINOGENS ARE FOR A HAZARD QUOTIENT EQUAL TO 0.2. SCREENING LIMITS DISPLAYED FOR CARCINOGENS ARE FOR A 1.0E-6 LIFETIME INCREMENTAL CANCER RISK.
2. CONCENTRATION IS CONSISTENT WITH KNOWN AREA NATURAL BACKGROUND CONCENTRATIONS.
3. ADDITIONAL CONSTITUENT SPECIFIC ANALYSES DID NOT DETECT THE PRESENCE OF ANY COMPOUNDS EXCEEDING CURRENT STANDARDS.

* FORMER UNDERGROUND STORAGE TANK SECTION SCREENING LEVEL FOR TPH-OIL AND GREASE. NO CURRENT COMPARISON EXISTS AS MORE CONSTITUENT SPECIFIC ANALYSES ARE CURRENTLY REQUIRED.

Approved _____ FOR THE PURPOSES OF N.C.G.S. 130A-319.35

Michael E. Scott

MICHAEL E. SCOTT, DIRECTOR
DIVISION OF WASTE MANAGEMENT
STATE OF NORTH CAROLINA

8/26/16
DATE
WAKE COUNTY

REV	D	M	Y	ISSUE/REVISION DESCRIPTION	ENG.	APPR.
G						
F						
E						
D						
C						
B						
A						

CLIENT LOGO:

CLIENT: Prospective Developer (511 N 3rd, LLC)

Amec Foster Wheeler Environment & Infrastructure, Inc.
4021 STIRRUP CREEK DRIVE, SUITE 100
DURHAM, NC 27703
TEL: (919) 381-9900
LICENSURE: NC ENG: F-1253 NC GEOLOGY: C-247

amec foster wheeler

DATUM: NAD 83 (2011)
PROJECTION:
DRAWN BY: J.E. LEE
REVIEWED BY: A.S. DEGROAT
SCALE: NONE

PROJECT: BROWNFIELDS SURVEY PLAT

SHEET TITLE: EXHIBIT B to the Notice of Brownfields Property
PIN #R04813-030-005-000
511 N 3rd, LLC
CITY OF WILMINGTON, NC NEW HANOVER COUNTY

PROJECT NO.: 6480144157.4000
REVISION NO.
DATE: 04-04-2016
SHEET NO. 2 OF 2

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