

NC BROWNFIELDS
LAND USE RESTRICTIONS ("LUR") UPDATE



Certification Year: 2017

Name: Newman Machine
Project #: 13020-09-41

Address: 702 Fulton Street
County: Guilford

Property Owner (In part or whole): Greensboro Properties I, LLC

Read the following LURs and mark each restriction accordingly. Additional remarks may be added for compliance status clarification. Attach any required or supplemental documentation, sign, notarize and submit to the following address:

NC Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646

LUR 1: No use may be made of the Brownfields Property other than for High Density Residential purposes, as limited by these LURs and defined as use of units in multi-unit buildings as permanent dwellings and including ancillary green space, a swimming pool and a community center.

In compliance Out of compliance

Remarks: _____

LUR 2: Surface 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: 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 Brownfields Property without DENR's prior written approval on such conditions as DENR determines are warranted, which may include prior sampling and analysis of groundwater to DENR's written satisfaction. If sampling occurs and discloses to DENR contamination that DENR determines may place at risk the Brownfields Property's suitability for the use specified in Land Use Restriction 1 above or public health or the environment, 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 Out of compliance

Remarks: _____

LUR 4: Within the areas designated "Soil Cap Area" on the plat component of the Notice of Brownfields Property ("Notice"), building slabs, sidewalks, streets, parking lots and other impervious surfaces existing or later constructed shall be maintained such that they continue to function as soil caps.

In compliance Out of compliance

Remarks: _____

LUR 5: No building that is not shown on the plat component of the Notice may be constructed on the Brownfields Property until:

- a. DENR determines in writing, based on submittals from the building's proponent, that the building's users, and public health and the environment, would not be at risk from the Brownfields Property's volatile contaminant plume; or
- b. vapor mitigation measures approved in writing by DENR in advance are installed to the satisfaction of a professional engineer licensed in North Carolina, as evidenced by said engineer's seal, and photographs illustrating

the installation and a brief narrative describing it are submitted to DENR and deemed satisfactory in writing by that agency.

In compliance Out of compliance

Remarks: _____

LUR 6: No playgrounds may be constructed at the Brownfields Property without DENR's prior written approval.

In compliance Out of compliance

Remarks: _____

LUR 7: No mining may be conducted on or under the Brownfields Property, which includes without limitation extraction of coal, oil, gas and any other minerals or non-mineral substances, without DENR's prior written approval.

In compliance Out of compliance

Remarks: _____

LUR 8: None of the contaminants known to be present in the environmental media at the Brownfields Property, including those listed in paragraph 7 of Exhibit A of the Notice, may be used or stored at the Brownfields Property without the prior written approval of DENR, except in *de minimis* amounts for cleaning, routine housekeeping activities and as a component in fuel used for an emergency generator or similar equipment, provided that DENR has approved, in writing, the storage of such fuel in advance.

In compliance Out of compliance

Remarks: _____

LUR 9: The Brownfields Property may not be used for agriculture, grazing, timbering or timber production.

In compliance Out of compliance

Remarks: _____

LUR 10: The owner of any portion of the Brownfields Property where any existing or subsequently 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 11: No 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 activities shall be conducted using reasonable efforts to minimize interference with authorized uses of the Brownfields Property.

In compliance Out of compliance

Remarks: _____

LUR 12: 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 1st of that year 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, as of said January 1st, the Notice 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.

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

- c. whether any volatile contaminant vapor mitigation measures installed pursuant to LUR 5 above are performing as designed, and whether the uses of the ground floors of any buildings containing such measures have changed and, if so, how.

No change

- d. whether impervious surfaces in the areas designated "Soil Cap Area," on the plat component of the Notice, are being maintained such that they are continuing to function as soil caps.

No change

In compliance Out of compliance

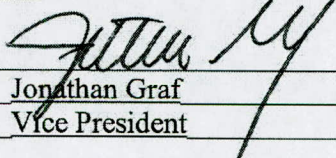
Remarks: _____

Notarized signing and submittal of this Land Use Restrictions Update constitutes certification that the Notice of Brownfields Property 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 _____, owner of at least part of the Brownfields Property.

Name typed or printed of party making certification: _____

In the case of owners that are entities:

Signature of individual signing: 
Name typed or printed: Jonathan Graf
Title: Vice President

In the case of all owners:

Date: 11/9/2017

Erin Anderson
REGIONAL MANAGER
EAnderson@AmericanCampus.com


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Greensboro Properties I, LLC

By: *Jonathan Graf*
Name typed or printed: Jonathan Graf
Member/Manager

TEXAS
TRAVIS COUNTY

I, Karen Wilson, a Notary Public of the county and state aforesaid, certify that Jonathan Graf personally came before me this day and acknowledged that he/she is a Member of Greensboro Properties I, LLC, a North Carolina 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 9th day of January, 2017.

Karen L. Wilson
Name typed or printed:
Notary Public

My Commission expires: March 19, 2017

[Stamp/Seal]

