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MELANIE H. STOREY, Register of Deeds
HERTFORD County, NC

EMS

9 **DECLARATION OF PERPETUAL LAND USE RESTRICTIONS**

**For Property Owned By: Tomahawk Land Company LLC
Former Georgia Pacific Hardwood Sawmill Facility
310 North Fourth Street
Murfreesboro, Hertford County, North Carolina**

The real property which is the subject of this Declaration of Perpetual Land Use Restrictions ("Declaration") is contaminated with hazardous waste or hazardous constituents and is a Contaminated Site for Hazardous Waste or a Solid Waste Management Unit Disposal Site. The real property which is the subject of this Declaration shall hereinafter be referred to as the "Site." Land use restrictions are defined for the Site.

This Declaration is part of a remedial action plan that has been approved by the Secretary of the North Carolina Department of Environmental Quality, Division of Waste Management, Hazardous Waste Section, as authorized by N.C.G.S. § 143B-279.9. The North Carolina Department of Environmental Quality shall hereinafter be referred to as "DEQ." Hereafter, the Division of Waste Management, Hazardous Waste Section shall be referred to as "Hazardous Waste Section."

Tomahawk Land Company, LLC ("Tomahawk Land Company"), a subsidiary of Georgia-Pacific LLC ("Georgia-Pacific"), headquartered in the State of Delaware, is the owner in fee simple of the Site subject to land use restrictions, which is located at 310 North Fourth Street in the County of Hertford, City of Murfreesboro, State of North Carolina, and is legally described in Deed Book 651, Page 62, Deed Book 715, Page 392 and Deed Book 777, Page 496 all in the Office of the Register of Deeds for Hertford County.

The Site is also shown on a Notice of Contaminated Site for Hazardous Waste or Solid Waste Management Unit Disposal Site in the form of a survey plat, hereinafter referred to as the "Survey Plat", which has been recorded immediately prior to the recordation of this Declaration in Map Book 2 Page 288 in the Office of the Register of Deeds for Hertford County. A copy of the Survey Plat showing the Site is included as Exhibit A to this Declaration.

For the purpose of protecting public health and the environment, Tomahawk Land Company hereby declares that the Site shall be held, sold and conveyed subject to the following perpetual land use restrictions, which shall run with the land; shall be binding on all parties having any right, title or interest in the Site or any part thereof, their heirs, successors and assigns; and shall, as provided in N.C.G.S. § 143B-279.9, be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. These restrictions shall continue in perpetuity and cannot be amended or canceled unless and until the Hertford County Register of Deeds receives and records the written concurrence of the Secretary of DEQ (or its successor in function), or his/her delegate. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

PERPETUAL LAND USE RESTRICTIONS

The following restrictions shall apply to the Site (shown on the Survey Plat contained in Exhibit A):

Land Use

1. The Site shall be used exclusively for commercial or industrial purposes, but shall not be used for any commercial or industrial purposes (e.g., child care centers, nursing homes, schools, parks, recreational areas, or athletic fields) that could cause or allow human exposure to constituents of concern unless approved in writing in advance by the Hazardous Waste Section or its successor in function. Grassed, gravel, or paved open space is permitted in this area.

Groundwater

2. Any use of groundwater located at or under the Site is prohibited except for the express purpose of monitoring groundwater quality. This includes the use of groundwater for drinking, bathing, irrigation, industrial processes, or any other purpose which would cause groundwater to come into contact, either directly or indirectly, with people, animals, surface vegetation, or the atmosphere (provided, however, that the inadvertent encountering of groundwater shall not violate this provision).

Compliance

3. No person involved in determining compliance with applicable land use restrictions at the Site on behalf of DEQ may be denied access for the purpose of conducting such activities with reasonable notice to the owner or owners of the Site.
4. Each person who owns any portion of the Site shall submit a letter report, containing the notarized signature of the owner, in January of each year on or before January 31st, to the Hazardous Waste Section, or its successor in function, confirming that this Declaration is still recorded in the Office of the Hertford County Register of Deeds, that activities and conditions at the Site remain in compliance with the land use restrictions herein, and whether the Site has been subdivided since the last letter report submitted to the Hazardous Waste Section.

Future Sales, Leases, Grant, and Transfers

5. Each person who owns any portion of the Site shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Declaration. The failure to include such provision shall not affect the validity or applicability of any land use restriction in this Declaration.

REPRESENTATIONS AND WARRANTIES

The owner of the Site hereby represents and warrants to the other signatories hereto:

- that the owner of the Site is the sole owner;
- that the owner of the Site holds fee simple title to the property free, clear and unencumbered;
- that the owner of the Site has the power and authority to enter into this Declaration, to grant the rights and interests herein provided and to carry out all obligations hereunder;
- that the owner of the Site has provided to the Hazardous Waste Section the names of all other persons that own an interest in or hold an encumbrance on the property and has notified such persons of the owner's intention to enter into this Declaration;
- that this Declaration will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the owner of the property is a party or by which the owner of the property may be bound or affected.

ENFORCEMENT

The above land use restrictions are an integral part of the final remedy for the contamination at the Site. Adherence to the restrictions is necessary to protect public health and the environment. These land use restrictions shall be enforced by any owner, operator, or other party responsible. The above land use restrictions may also be enforced by the Hazardous Waste Section through the remedies provided in N.C.G.S. § 130A, Article 1, Part 2, or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Declaration without the approval of the Hazardous Waste Section or its successor in function shall constitute noncompliance with the remedial action plan approved by the Hazardous Waste Section for the Site, and shall be subject to enforcement by the Hazardous Waste Section to the full extent of the law. Failure by any party required or authorized

to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS

When any portion of the Site is sold, leased, conveyed or transferred, pursuant to N.C.G.S. Section 143B-279.10(e), the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the real property being sold, leased, conveyed, or transferred is a contaminated site and a reference by book and page to the recordation of the Notice of Contaminated Site for Hazardous Waste or Solid Waste Management Unit Disposal Site referenced in this Declaration.

Upon the Hazardous Waste Section approval of the Remedial Action Plan for Risk-Based Remediation for the Site, groundwater monitoring wells shall be abandoned in accordance with 15A NCAC 02C.0100.

OWNER SIGNATURE

IN WITNESS WHEREOF, Tomahawk Land Company LLC, a Delaware limited liability company, has executed these presents on this 10th day of April, 2018.

Tomahawk Land Company LLC

By: [Signature]
 Michael E. Cruz
 Vice President – Real Estate

STATE OF GEORGIA

COUNTY OF FULTON

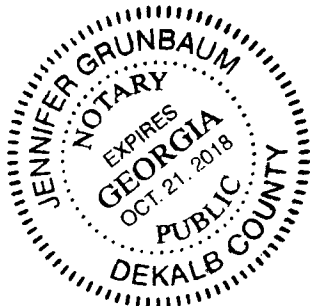
I, Jennifer Grunbaum, a Notary Public, do hereby certify that Michael E. Cruz personally appeared before me this day and who is known to me personally and declared that he is the Vice President – Real Estate of Tomahawk Land Company LLC, a Delaware limited liability company, and that by authority duly given, and as the act of such entity, he has signed this Declaration.

WITNESS my hand and official seal this 10th day of April, 2018.

[Signature]
 Notary Public

My Commission expires: 10/21/2018

[SEAL]



APPROVAL AND CERTIFICATION OF THE NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY

The foregoing Declaration of Perpetual Land Use Restrictions is hereby approved and certified.

By: *Michael Scott*
Michael Scott, Director
Division of Waste Management
North Carolina Department of Environmental
Quality

STATE OF NORTH CAROLINA
COUNTY OF Wake

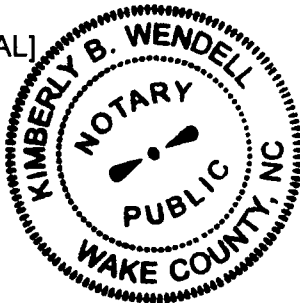
I, Kimberly B. Wendell, a Notary Public, do hereby certify that
Michael Scott personally appeared before me this day, produced proper identification in the
form of NC Driver License, and signed this Declaration.

WITNESS my hand and official seal this 11th day of April, 2018.

Kimberly B. Wendell
Notary Public

My Commission expires: March 19, 2022

[SEAL]



REGISTER OF DEEDS CERTIFICATION

The foregoing Declaration of Perpetual Land Use Restrictions is certified to be duly recorded at the date and time, and the Book and Page, shown on the first page hereof.

Register of Deeds for Hertford County

By:

(signature)

(type or print name and title)

EXHIBIT A
Unrecorded Final Plat Survey

NORTH CAROLINA

I, Kenneth W. Odom, Jr. PLS, certify that this map was drawn under my supervision from an actual survey made under my supervision, deed and description recorded in Deed Book 38, Page 3827H, that the boundaries not surveyed are clearly indicated as drawn from information found in Deed Book 38, Page 3827H, that the ratio of precision as calculated is 1 : 10,000, that this plat was prepared in accordance with G. S. 47 - 50 as amended. Witness my original signature, license number and official seal this 14th day of February, A. D. 2018.

Kenneth W. Odom, Jr.
Professional Land Surveyor

PLS - 3662



License Number _____

I, Kenneth W. Odom, Jr., P.L.S., Professional Land Surveyor No. 3662, certify that this plat is of a survey of an existing parcel or parcels of land that does not create a new street or change an existing street.

Kenneth W. Odom, Jr.
Professional Land Surveyor No. 3662

IN WITNESS WHEREOF, Tomahawk Land Company LLC, a Delaware limited liability company, has executed these presents on this _____ day of _____, 2018.

Tomahawk Land Company LLC,
a limited liability company

By: _____

STATE OF
COUNTY OF _____

I, _____, a Notary Public, do hereby certify that I personally appeared before me this day, produced proper identification in the form of _____ and declared that he is the _____ of Tomahawk Land Company LLC, a Delaware limited liability company, and that by authority duly given, and as the act of such entity, he has signed this Declaration.

WITNESS my hand and official seal this day _____ of _____, 2018.

My Commission expires: _____ Notary Public

(REAL)

4 Declaration of Perpetual Land Use Restrictions limiting the uses of this property is being recorded concurrently with this Notice.

PERPETUAL LAND USE RESTRICTIONS

The following restrictions shall apply to the Site:

Land Use

1. The Site shall be used exclusively for commercial or industrial purposes, but shall not be used for any residential or the following commercial or industrial purposes: solid waste centers, parking areas, parking, recreational areas, or athletic fields, etc. that could cause or allow human exposure to conditions of concern unless approved in writing in advance by the Hazardous Waste Section or its successor in function. Gravel, gravel, or paved open space is permitted in this area.

Groundwater

2. Any use of groundwater located on or under the Site is prohibited except for the express purpose of monitoring groundwater quality. This includes the use of groundwater for drinking, bathing, irrigation, industrial processes, or any other purpose which would cause groundwater to come into contact, either directly or indirectly, with people, animals, surface vegetation, or the atmosphere (provided, however, that the inadvertent encountering of groundwater shall not violate this provision).

Compliance

3. No person involved in determining compliance with applicable land use restrictions at the Site on behalf of DHS may be deemed to be the purpose of conducting such activities with reasonable notice to the owner or owners of the Site.

4. Each person who owns any portion of the Site shall submit a letter report, containing the indicated signature of the owner, in January of each year on or before January 1st, to the Hazardous Waste Section, or its successor in function, confirming that this Declaration is still recorded in the Office of the Hazardous Waste Section of Deeds, that activities and conditions at the Site remain in compliance with the land use restrictions herein, and whether the Site has been subdivided since the last letter report submitted to the Hazardous Waste Section.

Future Sales, Leases, Grant, and Transfers

5. Each person who owns any portion of the Site shall cause the instrument of any sale, lease, grant, or other transfer of the property to be recorded in the Office of the Hazardous Waste Section of Deeds, that activities and conditions at the Site remain in compliance with the land use restrictions herein, and whether the Site has been subdivided since the last letter report submitted to the Hazardous Waste Section.

Site is recorded in the Hazardous Waste Section of Deeds
Office at Book _____ Page _____

Questions concerning the matter may be directed to the:

North Carolina Division of Waste Management
Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27608-1646

I, _____ Review Officer of
Hazardous Waste Section, certify that the map or plat to which this
certification is affixed meets all statutory requirements
for recording.

This survey was performed without the benefit of a current
Title Report, and as such, this survey is subject to all
assessments, agreements, and rights-of-way of record prior
to the date of this plat.

North Reference
NC GRID NORTH
NAD 83(2011)

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon is exempt from subdivision provisions of the subdivision ordinance for the town of Murfreesboro, North Carolina. The plat has been found to comply with the zoning regulations of the zoning ordinance for the town of Murfreesboro, North Carolina, and has been approved by the Town of Murfreesboro for recording in the office of the register of deeds for Hertford County, North Carolina.

Administrator Town of Murfreesboro _____ Date _____

Groundwater
NCGS SL Exceedances
May 2018

Monitoring Well	Total BHC
MW-1	0.545 mg/L
MW-49	0.057 mg/L
MW-6	0.07 mg/L
MW-6	1.381 mg/L
MW-12	0.066 mg/L
NCGS SL	0.05 mg/L

NCGS SL - North Carolina Groundwater Standard from NCGL 154 SL.0028

J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit

Soils

Soils at the property have been remediated to unrestricted use standards and the area has received closure approval as stated in the Former Dip Vat Closure Certification letter dated November 31, 2008 from NC DMR. The engineered cover was originally designed for placement over contaminated soils; however, the contaminated soils were excavated and removed from the site in 2008 and 2009. Maintenance of the engineered cover is not necessary to protect groundwater quality because the source material along with impacted soil has been removed and the footprint of the residual contaminant plume is stable.

The State Plane Coordinates (SPC) for this project were produced with static GPS observation and processed with Online Postprocessing User Service (OPUS) on November 22, 2013.

The following COBS were used by OPUS

PLD	DESIGNATION	LATITUDE	LONGITUDE	DISTANCE(m)
D18886	NCGA GATESVILLE CORN ARP	N350515.856	W770451.518	33611.5
DK7878	NCGA TAYBORO CORN ARP	N350555.901	W773421.366	70915.8
DD0660	DRVS DRIVER 8 CORN ARP	N350730.556	W769323.112	74466.7

Horizontal positions are referenced to NAD_83(2011) (EPOCH: 8010.0000)

Vertical positions are referenced to NAVD86 (Computed using GEOID18A)

Combined Factor: 1.000000013

Class of GPS Survey: Class AA

Positional Accuracy: 0.05'

1/2" FIR Flush with ground
N=986806.7000 Feet
E=2560370.4400 Feet

FUTURE SALES, LEASES, GRANTS AND TRANSFERS

When any portion of the Site is sold, leased, conveyed or transferred, pursuant to N.C.G.S. Section 148B-278.10(a), the deed or other instrument of transfer shall contain in the description portion, in no smaller type than that used in the body of the deed or instrument, a statement that the real property being sold, leased, conveyed, or transferred is a contaminated site. A notice of contaminated site is recorded in the Hazardous Waste Section of Deeds of the Office of the Register of Deeds for Hertford County, North Carolina. The notice of contaminated site may be directed to the North Carolina Division of Waste Management, Hazardous Waste Section, 1646 Mail Service Center, Raleigh, North Carolina 27608-1646.

Upon the Hazardous Waste Section approval of the Risk-Based Remediation for the Site, groundwater monitoring wells shall be abandoned in accordance with 15A NCAC 02C.010.

North Carolina
Hertford County
Plat for registration and recording

in Plat Cabinet _____ Slide _____

Register of Deeds

By: _____ Deputy/Assistant

Located within the Town Of Murfreesboro

Final Notice of Contaminated Site
Hazardous Waste Disposal Site
Former Georgia-Pacific Hardwood Sawmill Facility
TOMAHAWK LAND COMPANY, LLC
a subsidiary of
GEORGIA-PACIFIC, LLC

Township: Murfreesboro County: Hertford, North Carolina

Date: May 1, 2017 Scale: 1" = 40'

Coord: GPMURFRE.crd Drawing: HazardousWastesite4.dwg

Map By: Odom Land Surveying Company

130 Mina Street
Roanoke Rapids, NC 27870 (252-537-4566)

APPROVAL AND CERTIFICATION OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

The foregoing Declaration of Perpetual Land Use Restrictions is hereby approved and certified.

By: _____
Michael Scott, Director
Division of Waste Management
North Carolina Department of Environmental Quality

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public, do hereby certify that I personally appeared before me this day, produced proper identification in the form of _____ and signed this Declaration.

WITNESS my hand and official seal this day of _____, 2018.

My Commission expires: _____ Notary Public

(REAL)

The foregoing Declaration of Perpetual Land Use Restrictions is certified to be duly recorded at the date and time, and the Book and Page, shown on the first page hereof.

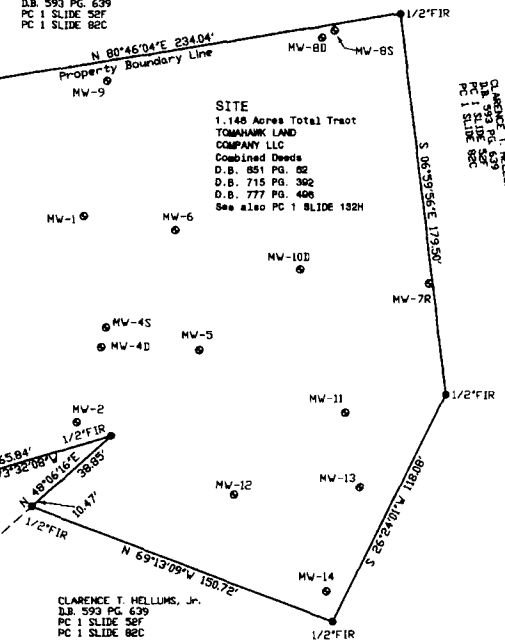
Register of Deeds for Hertford County

By: _____

(Signature)

(Type or print name and title)

CLARENCE T. HELLUMS, Jr.
D.B. 593 PG. 639
PC 1 SLIDE 58F
PC 1 SLIDE 82C



Legend
FIP = Found Iron Pipe
FIR = Found Iron Rod
FIA = Found Iron Axis
FIRI = Found Fill/Road Iron
FBW = Found Bag Wall
FCM = Found Concrete Monument
FSS = Found Steel Spike
FW = Found Wall
FPK = Found P-K Nail
SIP = Set Iron Pipe
SIR = Set Iron Rod
SSS = Set Steel Spike
SBW = Set Bag Wall
CP = Computed Point
R/W = Right of Way
ohp = overhead power lines
mb = minimum building setback
tp = telephone pedestal
pp = power pole
w = well

CLARENCE T. HELLUMS, Jr.
D.B. 593 PG. 639
PC 1 SLIDE 58F
PC 1 SLIDE 82C

GRAPHIC SCALE - FEET
0 40 80 120

FINAL PLAT
NOTICE OF CONTAMINATED SITE
The Site is a Hazardous Waste Disposal Site

Owner: Tomahawk Land Company, LLC is a subsidiary of Georgia-Pacific, LLC

- This site is a hazardous waste disposal site.
- EPA identification number: NCD 980 009 907
- Area by coordinate method
- Murfreesboro Township
- Hertford County, North Carolina
- The area and type of contamination depicted upon the map are approximations derived from the best available information at the time of filing.
- Declaration of perpetual land use restrictions, limiting the uses of the property, is recorded at Book _____ Page _____
- Community flood panel number _____
- Pin # _____
- Deed Book _____ Page _____ Deed Book _____ Page _____
- This property may be subject to existing easements under R/W's recorded or unrecorded, observed or unobserved, and may not be shown on the plat.
- This survey is based upon existing physical evidence and old deed.

MURFREESBORO

