

LAND USE RESTRICTIONS

1. No use may be made of the Property other than for residential, recreational use, open space, and a transportation corridor. For purposes of this restriction, the following definitions apply:

- i. Residential Use - refers to use for a permanent dwelling of any single- or multi-unit building;
- ii. Recreational Use - public or private golf courses, swimming pools, tennis courts, ball fields, ball courts, and similar uses which are not enclosed in buildings and are owned by a municipal, commercial or membership basis;
- iii. Open Space - An area of open space within a development site designed and intended for the use and enjoyment of the general public; and
- iv. Transportation Corridor - An area that is predominantly used for vehicular transportation. This area may also contain pedestrian walkways, utility easements, railroad crossings, and/or on-street parking areas.
- 2. Surface water and groundwater at the Property may not be used for any purpose without the prior written approval of DENR.
- 3. Soil on the Property not covered by the cap or clean fill required in paragraph 12 of the Agreement (Exhibit A to this Notice), or by impervious surfaces, may not be disturbed, unless and until DENR is notified in writing, in advance of the disturbance, that the disturbance is proposed. If notified in writing, the disturbance shall be subject to the terms of the DENR decision with the proposed disturbance to avoid endangering the Property unsuitable for the uses specified in Restriction No. 1 above or public health or the environment less than fully protected. This restriction shall not apply to routine disturbances associated with the use and maintenance of the areas containing such soil or emergency activities that may be needed.
- 4. The cap and cover of clean fill required in paragraph 12 of the Agreement (Exhibit A to this Notice) must be maintained to specifications approved by DENR.
- 5. No building may be constructed on the Property unless and until DENR determines in writing that:
 - i. it is demonstrated to DENR's written satisfaction through a site-specific risk assessment, that the building is protective of the building's users, public health and the environment from risk of vapor intrusion;
 - ii. the building would be sufficiently distant from the Property's groundwater contamination to ensure that the building's users, public health and the environment will be protected from risk from vapor intrusion or explosive hazards related to said contamination; or
 - iii. a plan for a vapor intrusion mitigation system and methane monitoring system, unless all waste material has been removed, approved in writing by DENR in advance and including a proposed performance assessment prior to the building's use for demonstration of the system's protection of the building's users, public health and the environment from risk of vapor intrusion, is approved by a North Carolina-licensed professional engineer as reflected by implementation documentation sealed by said engineer.

- 6. No mining may be conducted on or under the Property, including, without limitation, extraction of coal, oil, gas or any other minerals or non-mineral substances.
- 7. None of the contaminants known to be present in the environmental media at the Property, including those appearing in Exhibit 2 to the Agreement (Exhibit A to this Notice), may be used or stored at the Property without the prior written approval of DENR, except in the minimum amounts for cleaning and other routine housekeeping activities.
- 8. The Property may not be used for agriculture, grazing, timbering or timber production.
- 9. The owner of any portion of the 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.
- 10. Neither DENR nor any party conducting an environmental assessment or remediation at the Property at the direction of, or pursuant to a permit, order or agreement issued by or entered into by DENR, 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.

- 11. 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 1st of that year shall submit a material Land Use Restriction Report to DENR, in accordance with the requirements of the DENR Land Use Restriction Report Form, certifying that as of said January 1st, the Notice of Brownfields Property containing these land use restrictions remains recorded at the Craven County Register of Deeds office and that the land use restrictions are being complied with. A joint LURR may be submitted for multiple owners by a duly constituted board or association, or another entity approved in advance by DENR. The LURR shall include:
 - i. the name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, of the owner of the Property, and
 - ii. the transferee's name, mailing address, telephone and facsimile numbers, and contact person's e-mail address, if said owner or each of the owners on whose behalf the joint LURR is submitted, acquired any part of the Property during the previous calendar year, and
 - iii. whether any vapor barrier and/or mitigation systems installed pursuant to Restriction No.5 above are performing as designed, and whether the uses of the ground floors of any building containing such vapor barrier and/or mitigation systems have changed, and if so, how.

GROUNDWATER CONTAMINANTS IN METROGRAM PER LITER (the equivalent of parts per billion).

the standards for groundwater contaminants in Title 15A of the North Carolina Administrative Code, Subchapter 21.1, Rule 02025, April 1, 2013 version.

Groundwater Contaminant	Sample Location	Date of Sampling	Maximum Concentration (µg/L)	Standard (µg/L)
Antimony	GW-1	4/15/2011	416	1
Arsenic	GW-1	10/6/2010	195	10
Arsenic	GW-2	10/6/2010	40.4	10
Arsenic	GW-5	10/7/2010	77.9	10
Arsenic	GW-6	10/7/2010	10.5	10
Arsenic	MW-2	4/14/2011	32.5	10
Arsenic	MW-3	12/6/2014	32	10
Arsenic	MW-5	12/7/2010	260	10
Arsenic	MW-6	12/7/2014	37.8	10
Arsenic	MW-7	4/14/2011	48.7	10
Arsenic	MW-9	11/4/2011	48.7	10
Arsenic	MW-5	12/7/2014	3.2	2
Cadmium	MW-6	12/7/2014	2.6	2
Cadmium	MW-7	12/7/2014	2.7	2
Chromium	GW-1	10/6/2010	24.2	10
Chromium	GW-5	4/14/2011	187	10
Chromium	GW-6	10/7/2010	14.8	10
Chromium	MW-2	12/7/2014	80	10
Chromium	MW-5	12/7/2014	62	10
Chromium	MW-6	12/7/2014	37	10
Chromium	MW-7	12/7/2014	39	10
Iron	MW-1	12/9/1999	2600	300
Iron	MW-3	3/13/1996	5400	300
Iron	MW-5	1/29/1999	3100	300
Iron	MW-4	1/29/1999	5460	300
Lead	GW-1	10/6/2010	25.6	15
Lead	MW-5	12/7/2014	17	15
Lead	MW-6	12/7/2014	75	15
Lead	MW-7	12/7/2014	130	15
Manganese	GW-1	10/6/2010	580	50
Manganese	GW-2	10/6/2010	507	50
Manganese	GW-3	10/6/2010	205	50
Manganese	GW-4	10/6/2010	1300	50
Manganese	GW-5	4/14/2011	824	50
Manganese	GW-6R	4/14/2011	956	50
Manganese	MW-10	11/4/2011	59.1	50
Manganese	MW-2	4/14/2011	359	50
Manganese	MW-3	10/6/2010	145	50
Manganese	MW-4	10/6/2010	60.8	50
Manganese	MW-5	10/6/2010	213	50
Manganese	MW-5R	4/14/2011	589	50
Manganese	MW-6	4/14/2011	313	50
Manganese	MW-7	10/6/2010	854	50
Manganese	MW-8	4/14/2011	1390	50
Manganese	MW-9	11/4/2011	584	50
Manganese	MW-4	12/6/2014	22	1
Mercury	MW-5	12/7/2014	2	1
Naphthalene	GW-5	10/7/2010	6.88	6
Selenium	MW-7	12/7/2014	25	20
Chloride	SW-1	1/29/1999	31700	230 ¹
Chloride	SW-2	1/29/1999	43800	230 ¹
Chloride	SW-3	1/29/1999	21600	230 ¹
Chloride	SW-4	3/13/1996	39600	230 ¹
Iron	SW-2	1/29/1999	2560	1000 ¹
Iron	SW-3	1/26/1996	1650	1000 ¹
Iron	SW-4	3/13/1996	3500	1000 ¹
Mercury	SW-1	12/7/2014	0.21	0.012 ¹
Mercury	SW-3	12/7/2014	0.21	0.012 ¹
Mercury	SW-5	12/6/2014	0.22	0.012 ¹
Toluene	SW-2	1/29/1999	12900	11 ¹

1. The Surface Water standard contained in Title 15A of the North Carolina Administrative Code, Subchapter 21b, Rule 0208, May 1, 2007 version.

SOIL

Soil contaminants in milligrams per kilogram (the equivalent of parts per million), the screening limits for which are derived from the Preliminary Residential Health-Based Soil Remediation Goals of the Inactive Hazardous Sites Branch of DENR's Superfund Section (March 2013 version).

Soil Contaminant	Sample Location	Depth (ft)	Date of Sampling	Maximum Concentration Exceeding Screening Limit (mg/kg)	Residential Screening Limit (mg/kg)
Antimony	WCP-5	0-1	4/15/2011	6.52	6.2
Arsenic	Ars-6	0-1	10/7/2010	165	0.67
Arsenic	Ars-2	0-1	10/7/2010	94.5	0.67
Arsenic	(Comp)	0-1	10/7/2010	29.5	0.67
Arsenic	Ars-3 (Grab)	5	4/12/2011	136	0.67
Arsenic	TP-2 (2011)	12	4/12/2011	6.4	0.67
Arsenic	TP-2 (172)	15-16	4/12/2011	1.21	0.67
Arsenic	TP-3 (2011)	18	4/12/2011	12.8	0.67
Arsenic	TP-3 (2011)	1-1.5	4/15/2011	44.4	0.67
Arsenic	SS-2	1-1.5	4/15/2011	95.7	0.67
Arsenic	SS-3	1-1.5	4/15/2011	124	0.67
Arsenic	SS-4	1-1.5	4/15/2011	53.7	0.67
Arsenic	SS-5	1-1.5	4/15/2011	57	0.67
Arsenic	SS-7	1-1.5	4/15/2011	10.1	0.67
Arsenic	SS-8	1-1.5	4/15/2011	114	0.67
Arsenic	SS-9	1-1.5	4/15/2011	87	0.67
Arsenic	SS-12	1-1.5	4/15/2011	65.2	0.67
Arsenic	SS-13	1-1.5	4/15/2011	221	0.67
Arsenic	SS-14	1-1.5	4/15/2011	34	0.67
Arsenic	SS-15	1-1.5	4/15/2011	46	0.67
Arsenic	SS-16	1-1.5	4/15/2011	13.7	0.67
Arsenic	SS-17	1-1.5	4/15/2011	79.9	0.67
Arsenic	SS-18	1-1.5	4/15/2011	2.01	0.67
Arsenic	SS-22	1-1.5	4/15/2011	10	0.67
Arsenic	SS-23	1-1.5	4/15/2011	24.5	0.67
Arsenic	SS-24	1-1.5	4/15/2011	1.4	0.67
Arsenic	WS-3	0-1	4/15/2011	4.46	0.67
Arsenic	WS-8 (GRAB)	0-1	4/15/2011	2.88	0.67
Arsenic	(CONLP)	0-1	4/15/2011	15.6	0.67
Arsenic	WCP-5	0-1	4/15/2011	338	0.67
Arsenic	WCP-7	0-1	4/15/2011	43.2	0.67
Arsenic	WCP-8	0-1	4/15/2011	69.3	0.67
Arsenic	WCP-9	0-1	4/15/2011	17.8	0.67
Arsenic	WCP-1 (CONLP)	0-1	4/15/2011	25.1	0.67
Arsenic	TP-1	7-8	1/23/2015	2.1	0.67
Arsenic	TP-2	9-10	1/23/2015	2.0	0.67
Arsenic	TP-3	8	1/26/2015	1.9	0.67
Arsenic	TP-4	22	1/26/2015	1.5	0.67
Arsenic	TP-5	16-17	1/20/2015	1.7	0.67
Arsenic	TP-6	15-16	1/20/2015	2.0	0.67
Arsenic	TP-7	19-20	1/20/2015	0.94	0.67
Arsenic	TP-8	6-7	1/23/2015	0.68	0.67
Arsenic	TP-9	9-10	1/23/2015	1.5	0.67
Arsenic	TP-10	1-1.5	1/26/2015	1.7	0.67
Arsenic	TP-11	13-14	1/21/2015	3.0	0.67
Arsenic	TP-12	33-34	1/21/2015	1.7	0.67
Arsenic	TP-13	19-20	1/21/2015	2.4	0.67
Arsenic	TP-14	33-34	1/21/2015	2.2	0.67
Arsenic	TP-15	28-29	1/22/2015	2.0	0.67
Arsenic	TP-16	27-28	1/22/2015	3.2	0.67
Arsenic	TP-17	31-32	1/22/2015	1.7	0.67
Arsenic	TP-18	30-31	1/22/2015	3.9	0.67
Arsenic	TP-19	11-12	1/21/2015	2.2	0.67
Arsenic	TP-20	8-9	1/21/2015	3.0	0.67
Arsenic	TP-21	12-13	1/20/2015	1.0	0.67
Arsenic	TP-22	16-17	1/19/2015	0.92	0.67
Arsenic	TP-23	11-12	1/19/2015	1.4	0.67
Arsenic	TP-24	11-12	1/19/2015	1.1	0.67

Arsenic	TP-25	17-18	1/19/2015	0.85	0.67
Arsenic	TP-26	12-13	1/19/2015	2.5	0.67
Arsenic	TP-27	20-21	1/19/2015	1.4	0.67
Arsenic	TP-28	11-12	1/21/2015	3.5	0.67
Arsenic	TP-29	11-12	1/19/2015	2.1	0.67
Arsenic	TP-30	12-13	1/20/2015	4.5	0.67
Arsenic	TP-31	12-13	1/20/2015	2.1	0.67
Arsenic	TP-32	12-13	1/20/2015	11	0.67
Arsenic	TP-33	8-9	1/23/2015	2.5	0.67
Arsenic	TP-34	31	1/27/2015	2.8	0.67
Arsenic	TP-35	16	1/26/2015	3.2	0.67
Arsenic	TP-36	16	1/27/2015	3.8	0.67
Arsenic	TP-37	32	1/26/2015	1.2	0.67
Arsenic	TP-38	22-23	1/23/2015	1.4	0.67
Arsenic	TP-39	28	1/26/2015	5.3	0.67
Arsenic	TP-40	13	1/26/2015	2.5	0.67
Arsenic	TP-41	18-19	1/23/2015	2.6	0.67
Arsenic	TP-42	28-29	1/23/2015	3.0	0.67
Arsenic	TP-43	10	1/26/2015	1.6	0.67
Arsenic	TP-45	20-21	1/23/2015	1.4	0.67
Benzox(a)anthracene	Ars-3 (Grab)	0-1	10/7/2010	23	0.15
Benzox(a)anthracene	TP-3	18	4/12/2011	0.84	0.15
Benzox(b)fluoranthene	Ars-3 (Grab)	0-1	10/7/2010	0.67	0.015
Benzox(b)fluoranthene	TP-3	18	4/12/2011	24	0.15
Chrysene	Ars-3 (Grab)	0-1	10/7/2010	22	15
Manganese	Ars-3 (Grab)	0-1	10/7/2010	456	360


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.

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES, OR CONVEYANCES

North Carolina
Craven County
Filed For Registration
at _____ o'clock a.m./p.m. _____ day of
In Book _____ Page _____
Register of Deeds

SHEET 2 OF 2

NOTE:
SEE SHEET 1 FOR
CONTRAMINANTS MAP



BARTLETT
ENGINEERING & SURVEYING, PC

1906 NASH STREET NORTH
WILSON, N.C. 27789-1726
License No. C-1551

DATE: JULY 2015
SCALE: 1"=100'

PROJECT:
15-062

REVISIONS

899 US HWY 70 W. (POB: 6-031-005), SERMONS BLVD. (POB: 6-031-003)

SAND INC. OF HAVELOCK
PROSPECTIVE DEVELOPER
CITY OF HAVELOCK

No. 6 TOWNSHIP
NORTH CAROLINA

CRAVEN COUNTY
ZONE: