



2009039017 00134

FORSYTH CO, NC FEE \$23.00
PRESENTED & RECORDED

08-28-2009 01:27:00 PM

C. NORMAN HOLLEMAN
REGISTER OF DEEDS
BY: S. GRIFFITH
DPT

BK: RE 2910

PG: 630-633

NOTICE OF RESIDUAL PETROLEUM *Box 165*

R.J. Reynolds Trucking Maintenance Facility – 851 Linden Street, Winston-Salem, Forsyth County, North Carolina:

NCDENR Groundwater Incident # 21334 – (R.J. Reynolds Trucking Maintenance Facility) and:

NCDENR Groundwater Incident # 37501 - (R.J. Reynolds Trucking - B)

(Site Names)

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment and Natural Resources (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment and Natural Resources shall hereinafter be referred to as "DENR".

NOTICE

Petroleum product was released and/or discharged at the Site. **Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with.** This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DENR pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Forsyth County Register of Deeds' office in Book 2910, Page 630.

Source Property

R.J. Reynolds Tobacco Company of Winston-Salem, North Carolina is the owner in fee simple of all or a portion of the Site, which is located in the County of Forsyth, State of North Carolina, and is known and legally described as:

BEING all of Lot 2, containing 7.383 acres, more or less, as shown on Plat entitled "Final Plat for: R. J. Reynolds Tobacco Company" recorded in Plat Book 56, at Page 161, of the office of the Forsyth County, N.C. Register of Deeds, reference to said Plat being made for a more particular description of said Lot 2.

For protection of public health and the environment, the following land use restrictions required by N.C.G.S. Section 143B-279.9(b) shall apply to all of the above-described real property. These restrictions shall continue in effect as long as residual petroleum remains on the site in excess of unrestricted use standards and cannot be amended or cancelled unless and until the Forsyth County Register of Deed receives and records the written concurrence of the Secretary (or his/her delegate) of DENR (or its successor in function).

Additional Affected Property Not Subject to Restrictions

Additionally residual petroleum is also located on the following property. The following property is not subject to land use restrictions pursuant to N.C.G.S. Section 143B-279.9(b). The following property is known and legally described as:

Forsyth County Parcel Identification Number: 6835-48-0470.00 - Deed Book-Page 2625-1429

Being known and designated as Lot No.3, containing 3.567 acres, more or less, as shown on plat entitled "Fifth & Linden" and recorded in Plat Book 41, at Page 169 of the Forsyth County Registry, reference to said plat being made for a more particular description of said Lot. This property is shown on Forsyth County Tax Maps at Lot No.3 of Tax Block 6372.

Being those certain tracts of land acquired by R. J. Reynolds Tobacco Company by Deeds recorded in Book 572, Pages III and 116; Book 573, Page 213; Book 646, Pages 113 and 115; Book 733, Pages 15, 16 and 19; Book 745, Page 11; Book 780, Page 467; Book 792, Page 57; and Book 931, Page 583, Forsyth County Registry.

Forsyth County Parcel Identification Number: 6835-48-0175.00 - Deed Book-Page 2841-374

Being Lot 2 of the property of R. J. Reynolds Tobacco Company as shown on plat entitled "Fifth & Linden Lots 1, 2 & 3" recorded in Plat Book 41, at Page 169, Forsyth County Registry, reference to which is made for a more particular description.

Forsyth County Parcel Identification Number: 6835-47-0995.00 - Deed Book-Page 2076-1568

Being all of Lot 1, containing 3.00 acres, as shown on Plat of said Lot 1 being on the corner of Fifth and Linden Streets, recorded in Plat Book 41 at Page 169 of the Forsyth County, North Carolina, Register's Office, reference to said plat being made for a more particular description of said lot.

PERPETUAL LAND USE RESTRICTIONS

Soil: The Site shall be used for industrial/commercial use only. Industrial/commercial use means a use where exposure to soil contamination is limited in time and does not involve exposure to children or other sensitive populations such as the elderly or sick. The real property shall not be developed or utilized for residential purposes including but not limited to: primary or secondary residences (permanent or temporary), schools, daycare centers, nursing homes, playgrounds, parks, recreation areas and/or picnic areas.

Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DENR through any of the remedies provided by law 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 Notice without the approval of DENR (or its successor in function) shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) 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.

IN WITNESS WHEREOF, R.J. Reynolds Tobacco Company has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 27th day of August, 2009.

R.J. REYNOLDS TOBACCO COMPANY

(name of responsible party if agent is signing)

By: 
(signature of responsible party, attorney or other agent if there is one)

Executive Vice President and Chief Financial Officer

(Title of agent for responsible party if there is one)

Signatory's name typed or printed: Andrew G. Gilchrist

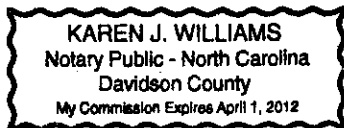
NORTH CAROLINA
Forsyth COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Andrew G. Gilchrist, Executive Vice President and Chief Financial Officer.

Date: August 27, 2009

Karen J. Williams
Karen J. Williams
Notary's printed or typed name
Notary Public

(Official Seal)



My commission expires:
April 1, 2012

Approved for the purposes of N.C.G.S. 143B-279.11

Cynthia Rintoul
(signature of Regional Supervisor)
Cynthia Rintoul, Regional Supervisor
(printed name of Regional Supervisor)
Houston -
Salem Regional Office
UST Section
Division of Waste Management
Department of Environment and Natural Resources

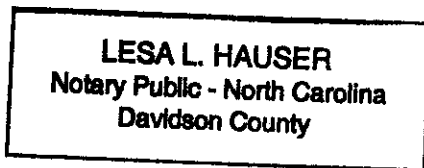
NORTH CAROLINA
Davidson COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Cynthia Rintoul *(full printed name of Regional Supervisor)*

Date: 8/28/09

Les L. Hauser
Les L. Hauser
Notary Public

(Official Seal)



My commission expires:
Dec 7, 2013