

PLAT NORTH
PB 175, PAGE 108

REGISTERED THIS THE 21 DAY OF June
2016 AT 11:31 AM, RECORDED IN BOOK 160
AT PAGE 189

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

BY Drew Reisinger DEPUTY REGISTER OF DEEDS
Assistant

REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
REVIEW OFFICER _____ DATE _____

Approved FOR THE PURPOSES OF N.C.G.S. 130A-310.35
Michael E. Scott DATE 6/7/16
MICHAEL E. SCOTT, DEPUTY DIRECTOR
DIVISION OF WASTE MANAGEMENT
STATE OF NORTH CAROLINA
WAKE COUNTY

LAND USE RESTRICTIONS

NCGS § 130A-310.35(e) also requires that the Notice identify any restrictions on the current and future use of the Brownfields Property that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the Brownfields Property and that are designated in the Brownfields Agreement. The restrictions shall remain in force in perpetuity unless canceled by the Secretary of DEQ (or its successor in function), or his/her designee, after the hazards have been eliminated, pursuant to NCGS § 130A-310.35(e). All references to DEQ shall be understood to include any successor in function. The restrictions are hereby imposed on the Brownfields Property, and are as follows:

- No use may be made of the Property other than for restaurant, studio and gallery space, retail, offices, an outdoor public venue with green space, greenhouse for local tail gate market purpose, and other commercial uses with prior written DEQ approval. For purposes of this restriction, the following definitions apply:
 - "Retail" refers to the sale of goods, products, services or merchandise wholesale and directly to the consumer, including restaurants and the sale of food and beverages.
 - "Commercial" refers to an enterprise carried on for profit by the owner, lessee or licensee.
 - "Office" refers to land parcels used for wholesale, retail, office, entertainment or services, including those uses predominantly at street level on multi-functional structures, plus related contiguous accessory uses such as parking areas and service drives.
 - "Outdoor public venue with green space" refers to an outdoor area used for private, public and community activities such as, for example, festivals, musical events, recreation, or relaxation purposes.
 - "Greenhouses" refers to the growing of plants or produce for sale or use directly by the consumer.
- 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.
- Unless compliance with this Land Use Restriction is waived in writing by DEQ in advance in regard to particular activity, no activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, 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.
- 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 Notarized Land Use Restrictions Update ("LURU") to DEQ, and to the chief public health and environmental officials of Buncombe County, certifying that, as of said January 1st, the Notice of Brownfields Property containing these land use restrictions remains recorded at the Buncombe County Register of Deeds office and that the land use restrictions are being complied with, and stating:
 - 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
 - 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.

For purposes of the land use restrictions set forth above, the DEQ point of contact shall be the DEQ official referenced in paragraph 35.a. of Exhibit A hereto, at the address stated therein.

NOTES

- * Total area is 1.80 +/- acres.
- * All areas calculated by coordinate computation method.
- * This survey was prepared without benefit of abstract title and matters of title should be referred to an attorney-at-law.
- * This survey may be subject to all rights-of-ways, easements, reservations and restrictions, written and unwritten, recorded and unrecorded.
- * The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
- * Adjoining property owner information obtained from the Buncombe County GIS website.
- * Not all underground utilities were located. Call 1-800-632-4949 before digging.
- * Based on geographical information, this property lies in Zone AE (Special flood hazard areas subject to inundation by the 1% annual flood chance - Base Flood Elevations determined) as shown on the National Flood Insurance Program, Flood Insurance Rate Map 3700963800J, effective date January 6, 2010. The western half (more or less) of the subject property is within the "Floodway" as shown.
- * Base Flood Elevation (BFE) for the subject property is 1980 feet (NGVD29) based on information obtained on the NC Flood Maps website.
- * Any streams, creeks, ponds, lakes, wetlands, etc. located on this property, shown or not shown hereon, may be subject to buffer areas. It is the owner/developer's responsibility to have the areas designated by person(s)/firm(s) authorized, by the proper authorities, to make such determination.
- * All distances shown hereon are horizontal ground distances unless otherwise noted.
- * No NCGS Monument found within 2000' of property.
- * This property is zoned "RIVER" in the City of Asheville.

THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING.

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Recorded: 06/21/2016 at 11:31:28 AM
Fee Amt: \$21.00 Page 1 of 1
Workflow# 000035114-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 160 Pg 189

LEGEND:

- = CORNER FOUND (AS NOTED)
- = #5 REBAR SET WITH CAP
- UP = UTILITY POLE
- ☆ = LIGHT POLE
- ⋈ = GUY WIRE
- ⊙ = SEWER CLEANOUT
- ⊙ = SEWER MANHOLE
- ⊙ = WATER METER
- ⊙ = WATER VALVE
- ⊙ = FIRE HYDRANT
- FDC = FIRE DEPARTMENT CONNECTION
- ⊙ = GAS METER
- = OVERHEAD UTILITY LINE
- - - = CHAIN-LINK FENCE
- SS = UNDERGROUND SEWER LINE
- EP = EDGE OF PAVEMENT
- - - = FLOODWAY LINE
- ⊙ = APPROXIMATE LOCATION OF FORMER AST
- ⊙ = APPROXIMATE AREA OF SOIL REMOVAL

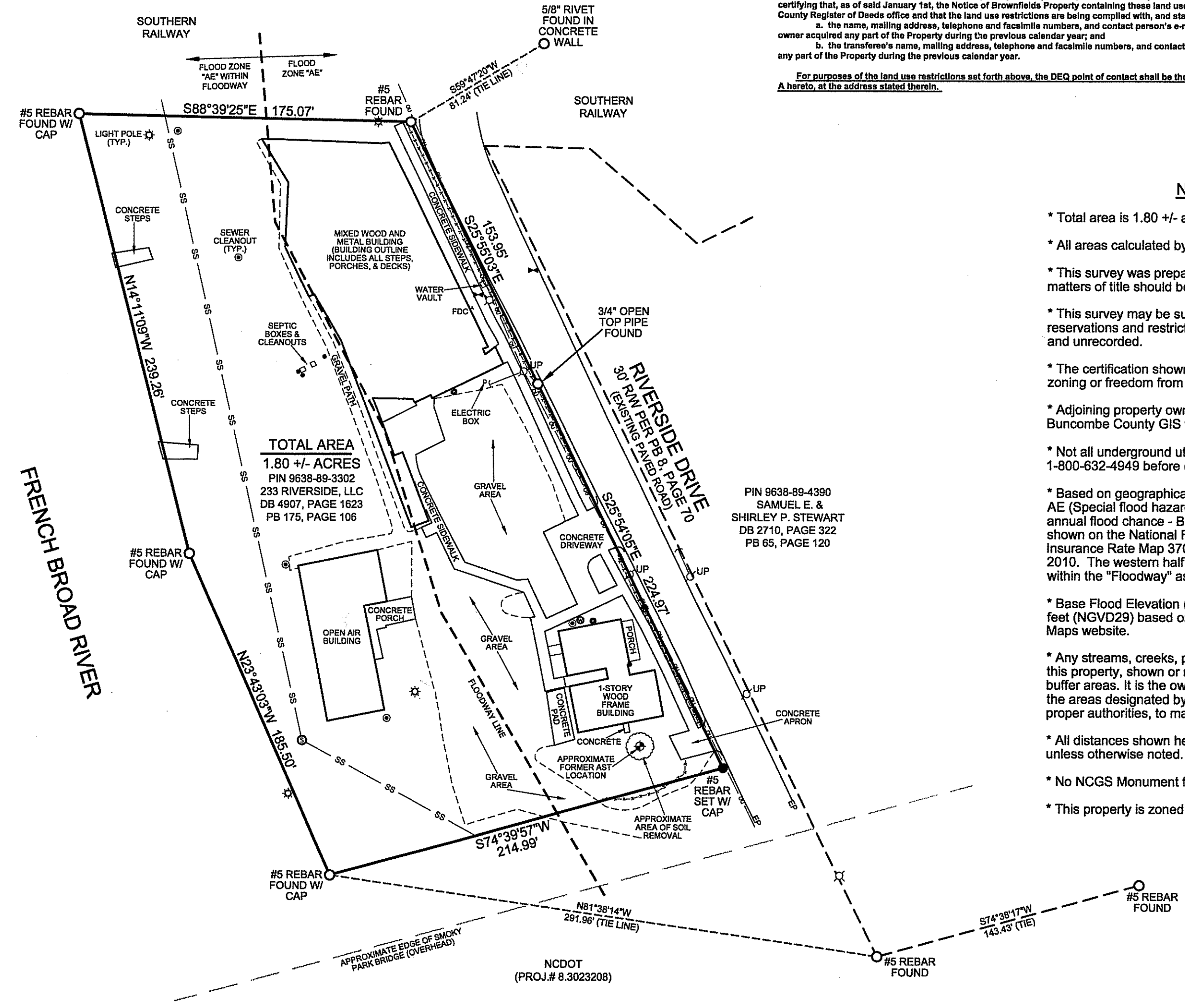


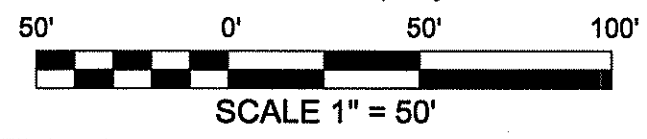
EXHIBIT "B" to the Notice of Brownfields Property - SURVEY PLAT

Boundary Survey for CAROLINA RIVERSIDE, LLC

REFERENCES

Property Owner: Carolina Riverside, LLC
Property Address: 233, 318, 326, & 350 Riverside Drive
Being all of PIN 9638-89-3302
as described in Deed Book 4907, Page 1623
and as shown in Plat Book 175, Page 106
City of Asheville, Buncombe County, N.C.
Date: 03-09-2016 Drawn By: M. Edgerton
Job#: 15131 Checked By: B. Brown

C. M. Edgerton, Jr., PLS
Ed Holmes & Associates Land Surveyors, PA
200 Ridgefield Ct., Suite 215 Asheville, NC 28803
828.225.6562 Company# C-2806



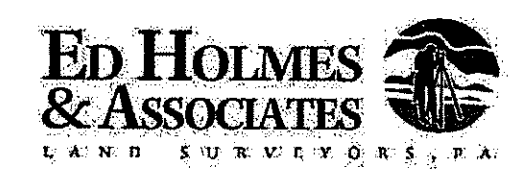
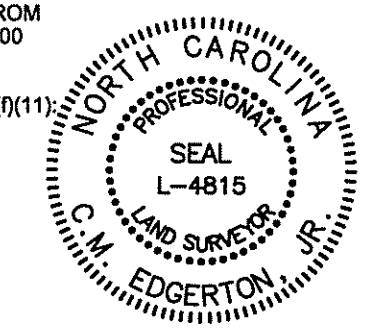
I, C.M. EDGERTON JR., N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(1):
(c.)(1.) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 9TH DAY OF MARCH, A.D., 2016.

C.M. Edgerton
N.C. PROFESSIONAL LAND SURVEYOR

L-4815
LICENSE #



DWG#: C15-064

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