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Pitt County, NC
Lisa P. Nichols REG OF DEEDS

BK 3548 PG 166-167

Mail: NC Department of Environment Quality
Div. Waste Management -UST Section
Attn: Hassan Osman
1646 Mail Service Center
Raleigh NC 27699-1646 (SASE)

NOTICE OF RESIDUAL PETROLEUM

Melva Buck (Former Fleming Gas station) Pitt County, North Carolina

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 Environmental Quality (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 Environmental Quality shall hereinafter be referred to as "DEQ".

NOTICE

Petroleum product was released and or discharged at the Site. Petroleum constituents remains 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 DEQ pursuant to N.C.G.S. Sections 143B- 279.9 and 143B279.11, 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 DEQ pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the Pitt County Register of Deeds' office, Referenced Book 987, Page 461.

Dennis J. Buck and Wife Melva H. Buck of Pitt County of North Carolina are the owners in fee simple of all or a portion of the site, which is located in the County of Pitt State of North Carolina, and is known and legally described as:

BEING as Referenced in Deed Book 987, Page 461, recorded with the office of the Register of Deeds Pitt County, North Carolina.

For protection of public health and the environment, the following land use restriction 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 Pitt County Register of Deeds receives and records the written concurrence of the Secretary (or his/her delegate) of DEQ (or its successor in function)

PERPETUAL LAND USE RESTRICTIONS

Soil: The site shall be used for industrial/commercial use only. Industrial/commercial use means as 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.

ENFORCEMENT

The above land use restriction(s) shall be enforced by owner, operator, or other party responsible for the site. The above land use restriction(s) may also be enforced by DEQ 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 DEQ (or its successor in function) shall be subject to enforcement by DEQ 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, Z. Vance Jackson Jr. has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 10th day of April, 2017.

By: Z. Vance Jackson Jr.
Z. Vance Jackson, Jr., PG, CPM, Signature of Delegated DEQ Representative
Head of Trust Fund Branch/Underground Storage Tank Section
Title of the above Party

Signatory's name typed or printed: Z. Vance Jackson, Jr.

NORTH CAROLINA

WAKE COUNTY

I, Leann D. Ishak, a Notary public certify that Z. Vance Jackson Jr., personally came before me this day and acknowledged that he is Trust Fund Branch Head, UST Section of NC Department of Environmental Quality and that he as Trust Fund Branch Head being authorized to do so, executed the foregoing on behalf of NC Department of Environmental Quality.

WITNESS my hand and official seal, this 10th day of April, 2017.

(Official Seal) **LEANN D. ISHAK
NOTARY PUBLIC
WAKE COUNTY, N.C.**

Leann D. Ishak
Notary Signature

My commission expires 4/24/17.