NOTES:

1. THIS SURVEY MEETS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS DEFINED IN THE "STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA."
2. DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
3. SUBJECT TO EASEMENTS AND RIGHTS–OF–WAY OF RECORD.
4. PROPERTY LINES NOT SURVEYED ARE SHOWN AS DASHED LINES.

Groundwater Contaminant	Sample Location	Date of Max. Concentration Sampling	Maximum Concentration	Standard
Trichloroethene	MW-2	12/22/03	31	2.8
Vinyl Chloride	MW-2	12/22/03	6.9	0.015
Lead	MW-1	12/22/03	75	15

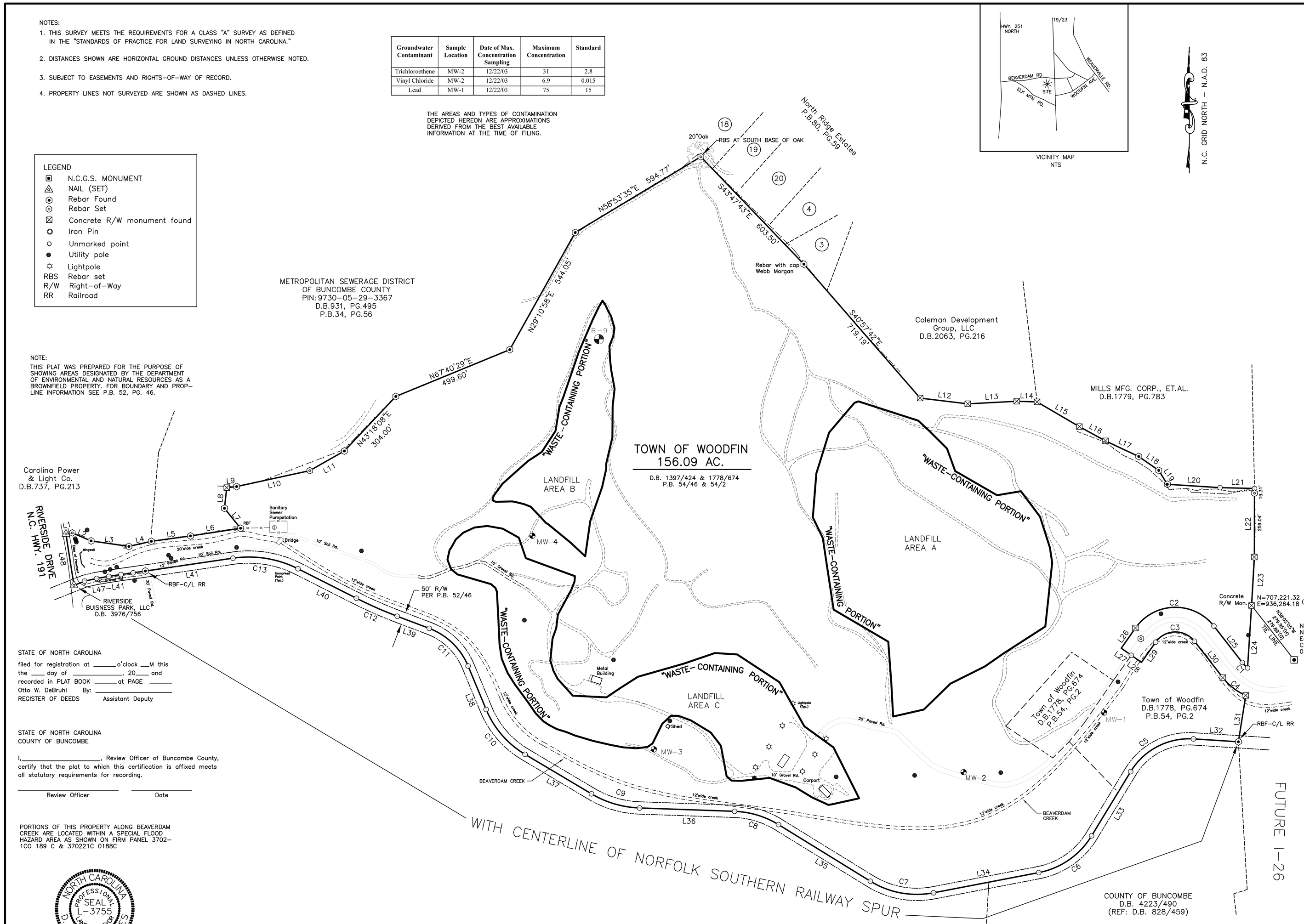
THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING.

LEGEND

- N.C.G.S. MONUMENT
- NAIL (SET)
- Rebar Found
- Rebar Set
- Concrete R/W monument found
- Iron Pin
- Unmarked point
- Utility pole
- Lightpole
- RBS Rebar set
- R/W Right–of–Way
- RR Railroad

NOTE:

THIS PLAT WAS PREPARED FOR THE PURPOSE OF SHOWING AREAS DESIGNATED BY THE DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES AS A BROWNFIELD PROPERTY. FOR BOUNDARY AND PROP–LINE INFORMATION SEE P.B. 52, PG. 46.



LAND USE RESTRICTIONS

THE FOLLOWING LAND USE RESTRICTIONS ARE HEREBY IMPOSED ON THE BROWNFIELDS PROPERTY DEPICTED ON THIS PLAT AND APPEAR AS FOLLOWS IN THE DOCUMENTARY COMPONENT OF THE NOTICE OF BROWNFIELDS PROPERTY ("NOTICE"). THIS PLAT IS EXHIBIT B TO THE NOTICE, WHICH IS BEING RECORDED AT THE BUNCOMBE COUNTY REGISTER OF DEEDS OFFICE. N.C.G.S. 130A–310.35(a) 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, WHERE THESE LAND USE RESTRICTIONS ARE SO DESIGNATED. THE RESTRICTIONS SHALL REMAIN IN FORCE IN PERPETUITY UNLESS CANCELED BY THE SECRETARY OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (OR ITS SUCCESSOR IN FUNCTION), OR HIS/HER DESIGNEE, AFTER THE HAZARDS HAVE BEEN ELIMINATED, PURSUANT TO NCGS 130A–310.35(e).

1. No residential or retail structure may be constructed at the Property until the Plan has been approved in writing by DENR and recorded at the Buncombe County Register of Deeds office in accordance with paragraph 15 of this Agreement, and until DENR has approved in writing the Implementation Report pertaining to the affected portion of the Property in accordance with paragraph 16 of this Agreement.

2. Only the following uses may be made of the Property, and then only if they comply with the Plan: (a.) on non–landfill portions of the Property, a mixed–use residential and commercial community; and (b.) on the portion of the property formerly used as a municipal landfill, recreational open space, parking areas, roadways, utility corridors, ball fields, lights, walking paths and a possible golf course with associated amenities such as tennis courts and a clubhouse, or other features or structures which meet all performance standards of this Agreement and receive prior written approval from DENR. No residential use is permitted on any portion of the Property whose boundary lies within 50 feet of the area denominated "Waste–Containing Portion" on the plat component of the Notice of Brownfields Property referenced below in paragraph 33, unless such use is incorporated into the Plan, is engineer–certified, and is approved by DENR. All residences constructed on the Property are subject to the Plan's engineering controls and monitoring requirements, and require the engineering certifications set forth in the Plan.

3. Except as provided in subparagraph i. below, surface water and groundwater at the Property may not be used for any purpose without the prior written approval of DENR.

4. 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.

5. No disturbance, displacement, relocation or removal of waste material in areas of the Property denominated "Waste–Containing Portion" on the plat component of the Notice of Brownfields Property filed in connection with this Agreement is permitted without (a.) prior notification to and written approval by DENR, (b.) sampling of such waste material as required by DENR, (c.) submittal to DENR of analyses of such sampling along with plans and procedures to protect human health and the environment during the proposed activities, and (d.) preparation, by a land surveyor licensed in North Carolina, and recordation of a revised and DENR–approved plat component of the Notice of Brownfields Property filed in connection with this Agreement depicting any changes to the "Waste–Containing Portion" of the Property.

6. Disturbance, displacement, relocation or removal of waste material on the Property shall require DENR's advance written approval and shall be conducted in accordance with the following:

a. No such activities may occur unless and until DENR has approved a plan for their conduct in writing. Said plan must include information pertaining to any work in the area of the plat component of the Notice of Brownfields Property filed in connection with this Agreement denominated "Waste–Containing Portion," such as construction of roads and utilities that is anticipated to occur in phases. The plan must address the contingency of encountering waste material not suitable for disposal in a municipal or construction/demolition landfill, such as hazardous materials. The activities in question shall be conducted in strict accordance with all applicable local, state and federal legal provisions concerning sampling, characterization, handling and transportation of waste material for off–site disposal. Relocation of waste material on the Property may not occur unless such activities are approved in the plan and conducted in accordance with the plan as approved.

b. Any relocation of waste material from the outermost portions of any on–site landfill area or consolidation/relocation of waste material from one portion of a landfill area to another portion within that same landfill area, or from one on–site landfill area to another on–site landfill area, all as denominated on the plat component of the Notice of Brownfields Property filed in connection with this Agreement, may only occur prior to completion of initial redevelopment activities (defined as having occurred upon issuance of the certificate of occupancy for the phase of construction that DENR determines is applicable).

c. The plan referenced in subparagraph 18.f.i. above may propose the uncovering of waste material, with associated deadlines for relocation, other than in connection with development activities involving engineering controls (e.g., the landfill gas cut–off trench) described in the Plan.

d. Anyone conducting activities involving the disturbance, displacement, relocation or removal of waste material at the Property shall provide to DENR a written report regarding the procedures and results of such activities within 30 days after the completion of the activities, using reporting criteria designated in the plan referenced in subparagraph 18.f.i. above. Neither the activities nor the report shall be deemed satisfactory until DENR states in writing that they are.

7. If any existing waste material at the Property is disturbed other than pursuant to subparagraph 18.e. or 18.f, the owner of any affected portion of the Property shall effect sampling, characterization, handling, transportation and disposal of such waste material in strict accordance with applicable local, State, and federal legal provisions. Such waste material may not be relocated on the Property other than in areas denominated "Waste–Containing Portion" on the plat component of the Notice of Brownfields Property filed in connection with this Agreement. The owner of any affected portion of the Property shall also, no later than seven (7) days following discovery of the disturbance, report the disturbance to DENR in writing. Thereafter, the owner of any affected portion of the Property shall report when and as required by DENR regarding the disturbance, which reporting shall include, at a minimum, a written report that describes the nature and extent of the disturbance, the sampling, characterization and handling of the waste material, and its transportation and disposal.

8. Activities that are deemed necessary by DENR to comply with the Plan referenced in Exhibit 2 hereto, but that would otherwise conflict with the provisions of subparagraphs 18.e., 18.f ,18.g, 18.i or 18.j., shall be allowed at the Property, subject to DENR's prior written approval.

9. No activities which result in direct exposure to or removal of groundwater (for example, construction or excavation activities which encounter or expose groundwater) may be conducted on the Property without prior sampling and analysis of groundwater in the area where such activities are to be conducted, submittal of the analytical results to DENR along with plans and procedures to protect human health and the environment during those activities, and approval of those activities by DENR.

10. No basements may be constructed on the Property without DENR's prior written approval and inclusion of the design in the Plan or elsewhere. Additionally, no fountains, ponds, lakes, swimming pools or other items which are supplied, in whole or in part, by groundwater under the Property may be constructed on the Property. Reservoirs and ponds used exclusively for irrigation purposes and supplied by groundwater originating other than on the Property (e.g., from adjoining properties) or by municipally supplied water may be constructed in areas of the Property that are not within areas denominated "Waste–Containing Portion" on the plat component of the Notice of Brownfields Property filed in connection with this Agreement if the base of any such reservoir or pond is at least two (2) feet above the shallowest groundwater at the location of such reservoir or pond, as determined by sampling satisfactory to DENR by the reservoir or pond's proponent. Regardless of whether any reservoir or pond constructed pursuant to this subparagraph is used as a source of irrigation water for the Property, the monitoring and use requirements set forth in paragraph 25 below apply to such reservoir or pond.

11. No groundwater derived from adjoining properties may be used at the Property unless, prior to its initial use and no less frequently than once every six months thereafter, the owner of any portion of the Property where such groundwater is proposed to be used provides analytical data to DENR that demonstrates, and obtains written concurrence from DENR, that such groundwater complies with the groundwater standards contained in the North Carolina Administrative Code, Title 15A, Subchapter 2L, Rule .0202.

12. A sign, satisfactory to DENR and indicating that portions of the Property have previously been used as a landfill, shall be maintained at the Property in a manner satisfactory to DENR.

13. No party conducting environmental assessment or remediation at the Property at the direction of, or pursuant to a permit or order issued by, DENR may be denied access to the Property for purposes of conducting such assessment or remediation at reasonable times, following reasonable efforts to provide notice to the owner(s) of the affected portion(s) of the Property, and given reasonable efforts to minimize interference with operations on the affected portion(s) of the Property.

14. During January of each year after this Agreement becomes effective, the then current owner of any portion of the Property shall submit a notarized Land Use Restrictions Update ("LURU") to DENR or its successor in function certifying that (a.) the Notice of Brownfields Property containing these land use restrictions remains recorded at the Buncombe County Register of Deeds office; (b.) the Land Use Restrictions are being complied with; (c.) soil gas monitoring is being conducted in accordance with the Plan, and the groundwater, and pond water monitoring activities required by paragraphs 23 and 25 below are being conducted; and (d.) all caps installed at the Property pursuant to paragraphs 19 and 20 below are in place and in good repair. Each LURU shall also include a complete record of any erosion, erosion repairs or other activities affecting the Land Use Restrictions or the integrity and function of the cap, and, in required years, reports prepared in conjunction with the groundwater and pond water monitoring activities required by paragraphs 23 and 25 below. Alternatively, the obligations of this subparagraph may be discharged on behalf of any owner(s) by a party that satisfies DENR it is validly acting as agent for said owners, and that accepts responsibility for compliance with this subparagraph pursuant to a notarized instrument satisfactory to DENR.

STATE OF NORTH CAROLINA

filed for registration at _____o'clock ___M this the ____ day of _____, 20____ and recorded in PLAT BOOK _____ at PAGE _____

Otto W. DeBruhl By: _____

REGISTER OF DEEDS Assistant Deputy

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I,_____, Review Officer of Buncoombe County, certify that the plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____
Review Officer Date

PORTIONS OF THIS PROPERTY ALONG BEAVERDAM CREEK ARE LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3702–1C0 189 C & 370221C 0188C

NORTH CAROLINA PROFESSIONAL SEAL L–3755 LAND SURVEYOR D. BRIAN HUGHES

I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE:

G.S. 47–30 (f)(11)(d). This survey is of another category, such as a recombination of existing parcels, a court–ordered survey, or other exception to the definition of subdivision.

I, D. Brian Hughes, certify that this plat was drawn under my supervision from an actual survey made under my supervision recorded in Deed Book SEE, Page PLAT, Plat Book SEE, Page PLAT; that the boundaries not surveyed are clearly indicated as drawn from Deed Book _____, Page _____; that the ratio of precision as calculated is 1:10,000, that this plat was prepared in accordance with G.S. 47–30 as amended. Witness my original signature, registration number and seal this 14th day, of March, A.D., 2007.

_____
D. Brian Hughes, P.L.S. 3755

_____ FOR THE PURPOSES OF N.C.G.S.130A–310.35

_____
LINDA M. CULPEPPER, DEPUTY DIRECTOR
DIVISION OF WASTE MANAGEMENT
STATE OF NORTH CAROLINA
COUNTY OF WAKE

LINE TABLE		
LINE	LENGTH	BEARING
L1	26.05	N79°12'45"E
L2	83.01	S66°47'15"E
L3	155.01	S81°47'15"E
L4	93.01	N77°12'45"E
L5	160.06	N82°11'09"E
L6	205.62	N81°17'07"E
L7	104.17	N38°56'53"W
L8	83.96	N06°28'05"E
L9	40.22	N83°26'02"E
L10	303.57	N77°42'35"E
L11	161.32	N60°25'35"E
L12	194.35	S83°07'16"E
L13	198.64	N86°58'56"E
L14	82.56	S88°08'47"E
L15	198.76	S59°39'00"E
L16	120.68	S61°23'07"E
L17	148.77	S64°53'07"E
L18	98.82	S55°09'43"E
L19	66.05	S31°43'47"E
L20	214.25	S86°20'22"E
L21	139.74	S88°37'22"E
L22	278.35	S00°05'10"W
L23	196.63	S03°20'35"W
L24	253.38	S03°42'25"W

LINE TABLE		
LINE	LENGTH	BEARING
L25	187.22	N37°57'26"W
L26	100.01	S35°06'11"W
L27	49.99	S54°53'49"E
L28	50.01	S54°53'49"E
L29	100.01	N35°06'11"E
L30	187.22	S37°57'26"E
L31	190.23	S09°02'41"W
L32	182.41	N86°18'06"W
L33	304.70	S31°16'45"W
L34	433.95	S79°07'42"W
L35	437.69	N58°21'22"W
L36	385.47	N87°58'13"W
L37	313.34	N59°16'00"W
L38	190.87	N22°32'37"W
L39	138.69	N69°15'11"W
L40	265.44	N63°11'22"W
L41	358.94	S81°39'07"W
L42	50.00	S81°51'28"W
L43	50.00	S81°49'18"W
L44	50.00	S81°17'53"W
L45	50.00	S80°32'13"W
L46	50.00	S77°05'27"W
L47	46.18	S68°18'25"W
L48	210.67	N08°51'47"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD DIRECTION	CHORD
C1	30.55	141.01	N44°09'47"W	30.49
C2	369.48	197.96	S88°34'23"W	318.14
C3	182.84	97.96	N88°34'23"E	157.43
C4	118.95	241.01	S52°05'46"E	117.74
C5	301.95	277.17	S62°29'18"W	287.24
C6	269.21	322.35	S55°12'11"W	261.45
C7	266.29	358.86	N79°36'51"W	260.22
C8	188.09	363.91	N73°09'48"W	186.00
C9	205.28	409.77	N73°37'06"W	203.14
C10	244.94	382.15	N40°54'20"W	240.77
C11	225.45	276.54	N45°53'52"W	219.26
C12	181.21	1712.22	N86°13'17"W	181.12
C13	271.16	441.89	N80°46'07"W	266.92

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

WOODFIN GOLF COURSE

FRENCH BROAD & BEAVERDAM TOWNSHIPS
PIN: 9730–06–37–9605
D.B.1397, PG.424
BUNCOMBE COUNTY, N.C.

SCALE 1"=200' 3/2/07

D. BRIAN HUGHES, PLS

ED HOLMES & ASSOCIATES, LAND SURVEYORS P.A.
P.O. BOX 17335, ASHEVILLE, N.C. 28816
(828)225–6562

100' 0' 200' 400' 600' 800' 1000'

REVISED: 3/13/07, 3/14/07

BRIAN E:\DWG 06\WOODFIN\GOLF COURSE\WASTE LIMITS.DWG

D06–110