



Waste Management  
ENVIRONMENTAL QUALITY

PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

MICHAEL SCOTT  
*Acting Director*

March 24, 2016

Martin Lewis  
Enka Partners of Asheville, LLC  
1091 Hendersonville Road  
Asheville, NC 28806  
[mlewis@lewisrealestatenc.com](mailto:mlewis@lewisrealestatenc.com)

Subject: Conclusion of Brownfields Agreement Process  
Former BASF Landfill Brownfields Project  
Asheville, Buncombe County  
Brownfields Project Number 15011-11-11

Dear Mr. Lewis:

We are very pleased the Brownfields Agreement process regarding this project is approaching successful conclusion. To that end, please find enclosed the Notice of Brownfields Property (Notice), the Brownfields Agreement (Agreement) and the plat for this Property certified by the North Carolina Department of Environmental Quality (DEQ) that I have signed as the Acting Director of the Division of Waste Management.

Please promptly have all necessary parties on the Prospective Developers' side of the transaction sign and notarize the Notice and sign the Agreement. Also note that the Prospective Developer's signature on the Notice requires notarization. Please file the documents for recordation with the Register of Deeds of Buncombe County. Documents to be recorded are:

- The Notice of Brownfields Property (signed and notarized),
- Exhibit A (signed Brownfields Agreement),
- Exhibit B (8 ½ x 11 reduction of the plat),
- Exhibit C (Legal Description),
- Exhibit 1 (Area Map),
- Exhibit 2 (environmental data tables) and
- Full-sized survey plat (signed by DEQ).

(NCGS § 130A-310.35(b) requires filing of the Notice within 15 days of Prospective Developer's receipt of DEQ's approval of the Notice or Prospective Developer's entry into the Brownfields Agreement, whichever is later.)

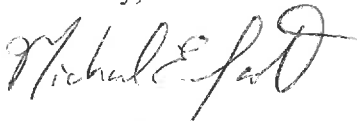
You are responsible for obtaining the Register of Deeds signature at the end of the Notice, although the Register of Deeds' stamp at the top of the Notice's first page with the Book and Page numbers where both the Notice and the plat are recorded will suffice. Upon your filing of the Notice, the register of deeds is required by NCGS § 130A-310.35(c) to record and index it in the grantor index under the names of the owners of the land, and, if different, also under the name of the Prospective Developer.

Pursuant to paragraph 22 of the Agreement, within three days after the Register of Deeds has recorded the Notice of Brownfields Property, you must furnish DEQ a copy of the Notice containing a certification by the register of deeds as to the Book and Page numbers where both the Notice and the plat are recorded, and a copy of the actual, full-sized plat with notations by the register of deeds indicating its recordation. (Make sure that the exhibits to the Notice are attached to the certified copy you furnish DEQ.) Please send these items to:

Ms. Shirley Liggins  
NC Department of Environmental Quality  
Division of Waste Management  
Brownfields Program  
Mail Service Center 1646  
Raleigh, NC 27699-1646

Thank you for your attention to these final administrative matters, and also for your help during the course of completing the Brownfields Agreement process regarding this site.

Sincerely,



Michael E. Scott, Acting Director  
Division of Waste Management

Enclosures

ec: Bruce Nicholson, NCDEQ  
Tracy Wahl, NCDEQ  
Shirley Liggins, NCDEQ