

# NOTICE OF RESIDUAL PETROLEUM

David Howe Property, 100078, Wake County, North Carolina  
*(Site name)* *(Incident #)*  
**Current property owner's Deed Book** 11414 **Pages** 1255-1258  
**Site Address** 1811 Park Drive, Raleigh, NC

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 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 DEQ 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 DEQ pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the

Wake Register of Deeds' office Book \_\_\_\_\_, Page \_\_\_\_\_.  
(name of county)

Source Property

David Howe, Judy Howe & Margie Chenery of Albany, New York  
(Owner's name) (city & state of homeowner)  
is the owner in fee simple of all or a portion of the Site, which is located in the County of Wake, State  
of North Carolina, and is known and legally described as:

**See Attachment A (excerpted from Wake County Register of Deeds Book 11414, Page 1257).**

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 Wake County Register of Deed 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: Soil containing residual petroleum above applicable regulatory standard(s) remains on the site in the area identified in Figure 1, Attachment B. No soil shall be excavated or disturbed within 3 feet of the area identified in Figure 1, Attachment B except to remediate the soil in accordance with all applicable state and federal statutes, regulations and guidelines.*

*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 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, David Howe, Judy Howe & Margie Chenery has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 7<sup>th</sup> day of May, 2025.

David Howe, Judy Howe & Margie Chenery

(name of responsible party if agent is signing)

By:

Josiah D. Payne

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

Vice President, Cedar Rock Environmental, P. C.

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

Signatory's name typed or printed: Josiah D. Payne

NORTH CAROLINA

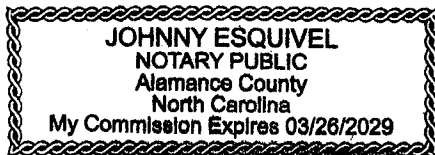
Wake COUNTY

(Name of county in which acknowledgment was taken)

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Josiah D. Payne.

Date: 5-7-25

(Official Seal)



Johnny Esquivel

(signature of Notary Public)


Johnny Esquivel

(printed or typed name of Notary Public)

Notary Public

My commission expires: 3/26/29

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

  
(signature of Regional Supervisor)

MARK R. POWERS, Regional Supervisor  
(printed name of Regional Supervisor)

RALEIGH Regional Office

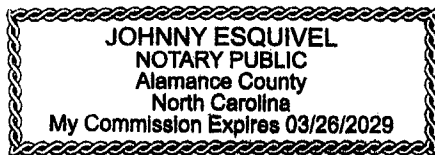
UST Section  
Division of Waste Management  
Department of Environment Quality

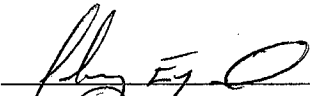
NORTH CAROLINA  
WAKE COUNTY  
(Name of county in which acknowledgment was taken)

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: MARK R. Powers (full printed name of Regional Supervisor)

Date: 5-7-25

(Official Seal)



  
(signature of Notary Public)

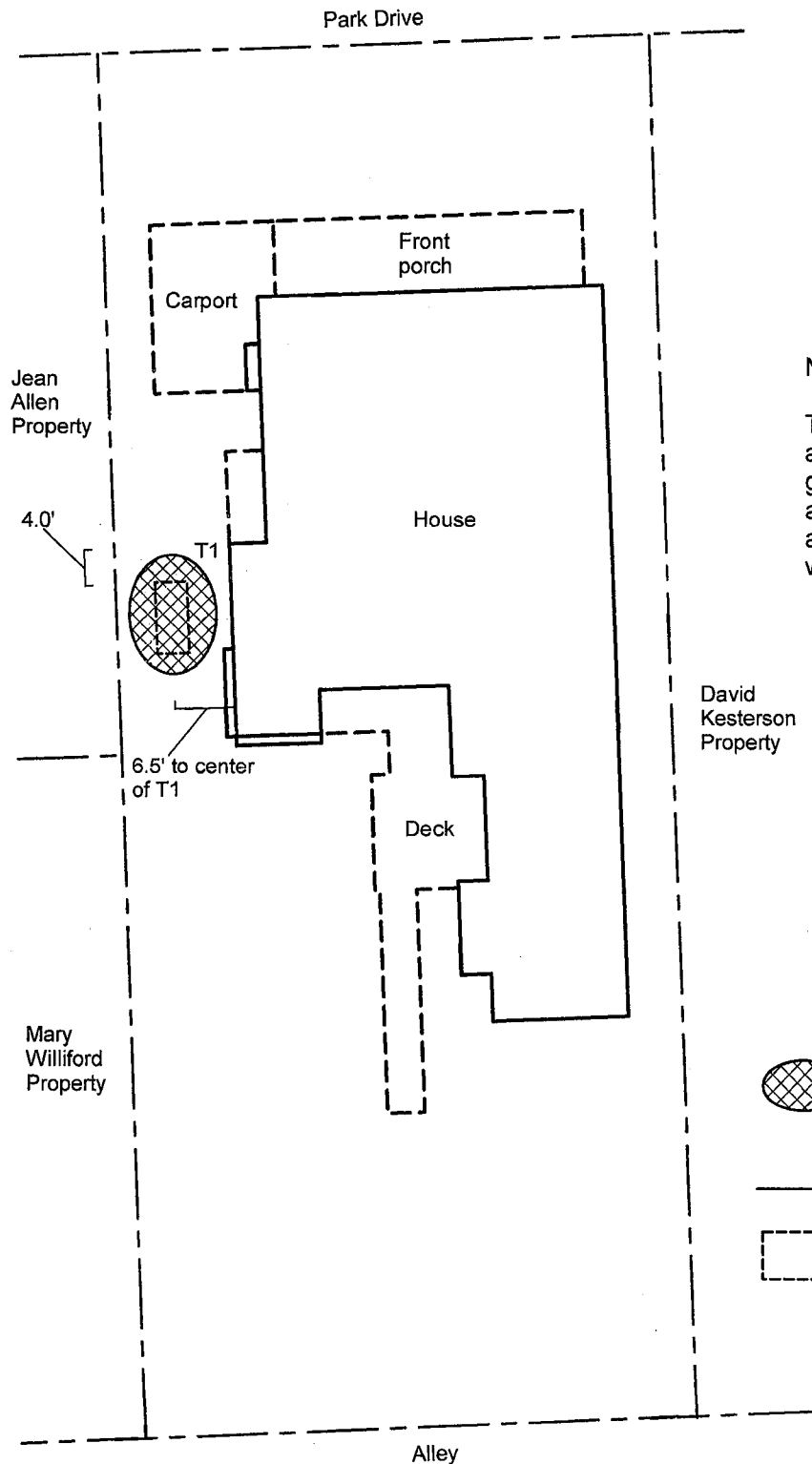
Johnny Esquivel  
(printed or typed name of Notary Public)  
Notary Public

My commission expires: 3/26/29

## ATTACHMENT A

BEGINNING at a point in the Southern boundary line of Park Drive, Cameron Park, Raleigh, N. C., 180 feet West of its intersection with Woodburn Road, and being the Northwest corner of Lot No. 8; and runs thence Southwardly in a line parallel with Woodburn Road 150 feet to an alleyway; thence West with said Alleyway 60 feet; thence North 150 feet to the Southern boundary line of Park Drive; thence Eastwardly with Park Drive 60 feet to the point of beginning, and being Lot No. 9, Block No. 3 of the Cameron Park Property, and conveyed to the Parker-Hunter Realty Company by Mrs. Sallie M. Taylor as shown by deed recorded in Book 352, page 587, Registry of Wake County, North Carolina, and being the same land conveyed to Mrs. Ella Ford Senter by deed from the Parker-Hunter Realty Company, dated January 4, 1922, and recorded in Book 386, page 223, said Wake County Registry. And being the same property conveyed to May Ford Bateman and later conveyed by her to Herman Q. Senter and wife, Ella Ford Senter, by deed recorded in Book 974, page 93, said Registry; and being devised to May Ford Bateman under the last will and testament of Ella Ford Senter, deceased (whose husband, Herman Q. Senter, predeceased her); and being the property devised to Robert Johnston Bateman and William Carey Bateman under the last will and testament of May Ford Bateman, deceased.

# ATTACHMENT B



## NOTE:

This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.

David  
Kesterson  
Property

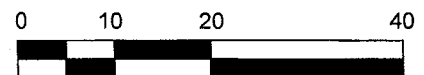


: RESTRICTED AREA (estimated extent of soil contamination exceeding applicable cleanup standards.)

--- : Property Lines



: T1 = 560-Gallon UST



1 inch = 20 feet

PROJECT: David Howe Property

INCIDENT #: 100078

LOCATION: 1811 Park Drive

Raleigh, Wake Co.

CRE PROJECT NUMBER: 409122590

**CEDAR ROCK  
ENVIRONMENTAL, P. C.**

FILENAME: 4091NoRP.tcw

VERSION DATE: 5/2/2025

## FIGURE 1