

Brownfields Program
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins
Project ID: 0601602060
Facility Name: Radiator Specialty
Document Group: Brownfields Property Application (BPA)
Document Type: Other (O)
Description: Eligibility of CSL as PD
Date of Doc: 9/14/2007
Author of Doc: David A. Franchina

File Room Use Only

0601602060

Date Recieved by File Room:

Month	Day	Year
7	6	12

Date Scanned:

Scanner's Initials:

DAF

Kennedy Covington
ATTORNEYS AT LAW 

David A. Franchina
dfranchina@kennedycovington.com
704.331.7543 (Voice)
704.353.3243 (Fax)

September 14, 2007

VIA FEDEX

Mr. Bruce Nicholson
Special Remediation Branch, Superfund Section
North Carolina Department of
Environment and Natural Resources
401 Oberlin Road
Raleigh, North Carolina 27605

Ms. Carolyn F. Minnich
Brownfields Project Manager, Superfund Section, North Carolina Department of
Environment and Natural Resources
1314 Mallard Ridge Drive
Tega Cay, SC 29708

RE: Radiator Specialty Brownfields Property
1900 Wilkinson Boulevard, Charlotte, North Carolina
Brownfields Project Number 0616-02-60

Eligibility of CSL Suttle Avenue, LLC as an additional Prospective Developer of
the Brownfields property

Dear Mr. Nicholson and Ms. Minnich:

This Firm represents Suttle Avenue, LLC, with respect to the referenced Brownfields property.

Suttle Avenue, LLC continues to pursue redevelopment of the referenced Brownfields property. More specifically, and as you are aware, Suttle Avenue, LLC plans to redevelop a portion of the property for use as the site for the newly formed Charlotte Law School. The Prospective Developer has been working with the Brownfields Program in connection with this important development effort. To facilitate the development, the two members of Suttle Avenue, LLC – Crosland Suttle Avenue, LLC and APS Wilkinson Properties, LLC – plan to secure financing for this redevelopment under the New Market Tax Credit Program (the "Program") - a program designed to finance, among other things, Brownfields infill projects and prospects in economically disadvantaged areas. As a condition to approval of a loan under



this Program, the lender requires that Suttle Avenue, LLC convey that portion of the property sought to be financed to a single-holding entity.

The purpose of this letter is to request that the single-holding entity, to be named CSL Suttle Avenue, LLC, be deemed eligible as an additional Prospective Developer of the referenced Brownfields property. It is anticipated that the obligation of CSL Suttle Avenue, LLC under the Brownfields Agreement will be limited to that portion of the referenced Brownfields property which it is acquiring from Suttle Avenue, LLC.

In support of this request, CSL Suttle Avenue, LLC, provides the following information:

1. Contact Information. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
2. Contact Person for Prospective Developer. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
3. Parents, Subsidiaries, Affiliates of Prospective Developer. CSL Suttle Avenue, LLC is a manager-managed LLC. It is comprised of two members: Suttle Avenue, LLC and APS Wilkinson Properties, LLC. Information on these entities has been provided to the Brownfields Program in the past. The economic and controlling interests of members of CSL Suttle Avenue, LLC are identical to the economic and controlling interests of Suttle Avenue, LLC.
4. Property History & Real or Suspected Contamination. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
5. Intended Uses of the Redeveloped Property. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
6. Public Benefit from Redevelopment. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
7. Financial, Managerial & Technical Means to Implement Brownfields Agreement. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
8. Commitment that Prospective Developer Will Comply with all Applicable Procedural Requirements Under the Brownfields Program, including Payment of All Statutorily Required Fees. Same as set out in letter of intent submitted by Suttle Avenue, LLC.
9. Prospective Developer Certification. An Affidavit Re: Responsibility and Compliance submitted by CSL Suttle Avenue, LLC is provided as Attachment 1.
10. Site Location Map. A site location map is included in the survey provided as Attachment 2.

Mr. Bruce Nicholson
Ms. Carolyn F. Minnich
September 14, 2007
Page 3

10. Site Location Map. A site location map is included in the survey provided as Attachment 2.
11. Plat or Survey of Property. A survey of the Property is provided as Attachment 2.
12. Photograph of Property. Photographs of the Property were provided with letter of intent submitted by Suttle Avenue, LLC.

Because Suttle Avenue, LLC has been deemed an eligible Prospective Developer under the Brownfields Program, it is anticipated that CSL Suttle Avenue, LLC will be declared an eligible Prospective Developer as well.

Thank you in advance for you attention to this matter.

Please contact me if you have questions.

Sincerely,



David A. Franchina
For the Firm

DAF/jrs

Enclosures

cc: Mr. George Macon
Ronald M. Weiner, Esq.
Benne C. Hutson, Esq.
(each without enclosures)

SEP 2007

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
NORTH CAROLINA BROWNFIELDS PROGRAM

IN THE MATTER OF: CSL Suttle Avenue, LLC

UNDER THE AUTHORITY OF) AFFIDAVIT
NORTH CAROLINA GENERAL) RE: RESPONSIBILITY
STATUTES § 130A-310.30, et. seq.) AND COMPLIANCE

EDWARD F. LONG, being duly sworn, hereby deposes and says:

EFZ I am ~~Senior Vice President~~ of Crosland, LLC, which is the manager of Crosland Suttle Avenue, LLC, which in turn is the Manager of Suttle Avenue, LLC, which in turn is the manager of CSL Suttle Avenue, LLC.

EFZ 2. ~~[if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind CSL Suttle Avenue, LLC."]~~ *EFZ*

3. CSL Suttle Avenue, LLC is applying for a Brownfields Agreement with the North Carolina Department of Environment and Natural Resources, pursuant to N.C.G.S. § 130A, Article 9, Part 5 (Brownfields Act), in relation to the following 067-014-03 (portion) and 067-014-07 (portion) parcel(s) in Charlotte, Mecklenburg, County, North Carolina: 1900 Wilkinson Blvd (former address; new parcel being created), Charlotte, North Carolina.

4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that CSL Suttle Avenue, LLC, and any parent, subsidiary or other affiliate meets the eligibility requirements of N.C.G.S. § 130A-310.31(b)(10), in that it has a *bona fide*, demonstrable desire to ~~buy~~ *EFZ* ~~sell~~ for the purpose of developing or redeveloping, and did not cause or contribute to the contamination at, the parcel(s) cited in the preceding paragraph.

5. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that CSL Suttle Avenue, LLC meets the eligibility requirement of N.C.G.S. § 130A-310.32(a)(1) in that it and any parent, subsidiary or other affiliate have substantially complied with:
a. the terms of any brownfields or similar agreement to which it or any parent, subsidiary or other affiliate has been a party;
b. the requirements applicable to any remediation in which it or any parent, subsidiary or other affiliate has previously engaged;
c. federal and state laws, regulations and rules for the protection of the environment.

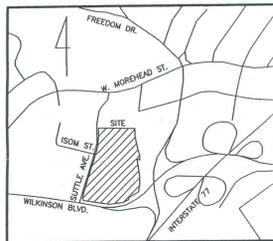
Affiant further saith not. CSL Suttle Avenue, LLC, by Suttle Avenue LLC, its Manager, by Crosland Suttle Avenue, LLC, its Manager, by Crosland LLC, its Manager

By: Edward F. Long
Signature/Printed Name Edward F. Long, Senior Vice President Date

Sworn to and subscribed before me
this 13th day of September, 2007.

Melanie MastalSKI Notary Public
Commission Expires: May 30, 2012





VICINITY MAP
NOT TO SCALE

LEGEND

- C&G - CURB & GUTTER
- CB - CATCH BASIN
- CCF - COMBINED GRID FACTOR
- CI - CURB INLET
- CM - CORRUGATED METAL PIPE
- C/O - CLEAN OUT
- D.B. - DEED BOOK
- DI - DRAIN INLET
- ECM - EXISTING CONCRETE MONUMENT
- EIR - EXISTING IRON ROD
- EGP - EDGE OF GRAVEL
- EOP - EDGE OF PAVEMENT
- FH - FIRE HYDRANT
- FP - FLAG POLE
- FV - FIRE VALVE
- GM - GAS METER
- GV - GAS VALVE
- GW - GUY WIRE
- LP - LIGHT POLE
- M.B. - MAP BOOK
- MW - MONITORING WELL
- N.C.S. - NORTH CAROLINA GEODETIC SURVEY
- NIR - NEW IRON ROD
- NN - NEW NAIL
- PB - POWER BOX
- PM - POWER METER
- PG - PAGE
- R/W - RIGHT-OF-WAY
- RCP - REINFORCED CONCRETE PIPE
- SDMH - STORM DRAIN MANHOLE
- SSMH - SANITARY SEWER MANHOLE
- (T) - TOTAL
- TBX - TELEPHONE BOX
- TERR. - TERRACOTTA PIPE
- TMH - TELEPHONE MANHOLE
- UP - UTILITY POLE
- CAV - CABLE TV BOX
- WBX - WATER BOX
- WM - WATER METER
- WV - WATER VALVE

LINE LEGEND

- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- EASEMENT
- FIBER OPTIC LINE
- GAS LINE
- POWER LINE
- POWER LINE (UNDERGROUND)
- SANITARY SEWER PIPE
- STORM DRAIN PIPE
- TELEPHONE LINE (UNDERGROUND)
- WATER LINE

GENERAL NOTES

1. BOUNDARY SURVEY BASED ON EXISTING PHYSICAL EVIDENCE OBSERVED ON THE DATE OF SURVEY.
2. NO RECOVERABLE NGS MONUMENTATION EXISTS WITHIN 2,000 FEET OF SUBJECT PROPERTY. PROJECT BEARINGS AND COORDINATES ARE BASED ON THE NC STATE PLANE GRID COORDINATE SYSTEM (NAD 83) AND LOCALIZED TO UPTOWN CONTROL POINT #24. PROJECT BOUNDARIES AND WERE ORIENTED TO NC GRID BY GPS PROCEDURES PERFORMED BY R.B. PHARR & ASSOCIATES. EQUIPMENT USED WAS A TOPCON HIPER XT USING RTK PROCEDURES.
3. PORTIONS OF THE SUBJECT PROPERTY ARE LOCATED INSIDE THE 100 YEAR FLOODPLAIN AS GRAPHICALLY DETERMINED FROM MAP PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP# 3718C0186E EFFECTIVE DATE FEBRUARY 4, 2004. DELINEATION OF FEMA FLOODLINES, ZONES, FLOODWAY AREAS, COMMUNITY ENCROACHMENT AREAS, AND BASE FLOOD ELEVATION LINES WERE SCALED FROM SAID MAP.
4. ALL UNDERGROUND UTILITY LOCATIONS OTHER THAN THOSE WITH VISIBLE ABOVE GROUND APPURTENANCES WERE DELINEATED WITH PAINT MARKINGS IN THE FIELD BY "NORTH CAROLINA ONE CALL" OF CHARLOTTE, NC AND SUPPLEMENTED BY "ON TARGET" UTILITY LOCATIONS OF CHARLOTTE, NC. NO WARRANTY IS MADE BY R.B. PHARR & ASSOCIATES THAT ALL UTILITY THAT EXIST ON THE SITE ARE SHOWN HEREON.

ZONING:
ZONING RESTRICTIONS AS PER ZONING ORDINANCE:
SUBJECT PROPERTY ZONED: I-2

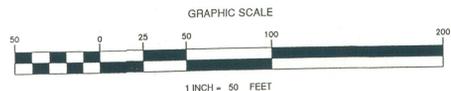
MINIMUM SETBACK: 20'
MINIMUM SIDE YARD: 0' OR 5' (NO SIDEWALK IS REQUIRED, BUT IF ONE IS PROVIDED, IT MUST BE A MINIMUM OF 5')
MINIMUM REAR YARD: 10'
MAXIMUM BUILDING HEIGHT: 40'



NOW OR FORMERLY
SUTTLE AVENUE LLC
D.B. 21400 PG. 273
PID #067-021-16

NOW OR FORMERLY
APS WILKINSON PROPERTIES, LLC
PORTION OF D.B. 21400 PG. 273
PORTION OF PID #067-014-03
PORTION OF PID #067-014-07

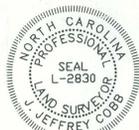
CURVE	RADIUS	ARC LENGTH	CHORD	BEARING
C1	31.50'	48.22'	43.65'	N31°32'36"W



ALTA/ACSM CERTIFICATION

THIS IS TO CERTIFY TO
-CSL SUTTLE AVENUE, LLC
-WACHOVIA COMMUNITY DEVELOPMENT ENTERPRISES V, LLC
-APS WILKINSON PROPERTIES, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY
-SUTTLE AVENUE, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES 1.2, 3.4, 6.7, 7.6(1), 8, 10, 11(e), 11(f), 13, 16 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS LAND SURVEYOR REGISTERED IN THE STATE OF NORTH CAROLINA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

(SIGNED)
J. JEFFREY COBB, P.L.S., L.S.
R.B. PHARR & ASSOCIATES, INC.
UNION COMMONS BUSINESS PARK
1548 UNION ROAD - SUITE B
GASTONIA, NC 28054



LEGAL DESCRIPTION

BEING ALL OF A NEW TRACT, SAID TRACT BEING A PORTION OF THE APS WILKINSON, LLC PROPERTY AS DESCRIBED IN DEED BOOK 13451 PAGE 986 AND ALSO A PORTION OF THE APS WILKINSON, LLC PROPERTY AS DESCRIBED IN DEED BOOK PAGE STEELE CREEK TOWNSHIP, CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, COMMENCE AT "UPTOWN CONTROL POINT 24", SAID POINT HAVING NORTH CAROLINA STATE PLANE GRID COORDINATES OF NORTHING: 540971.33 FEET AND EASTING: 1446794.19 FEET (NAD 83); THENCE A GROUND TIE OF NORTH 92°-47'-54" WEST A DISTANCE OF 5518.88 FEET TO A POINT SITUATED ON THE EASTERN RIGHT-OF-WAY LIMIT OF SUTTLE AVENUE (60' PUBLIC R/W). SAID POINT BEING THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY LIMIT SOUTH 73°-06'-44" EAST A DISTANCE OF 294.92 FEET TO A POINT; THENCE NORTH 16°-55'-08" EAST A DISTANCE OF 435.46 FEET TO A POINT; THENCE SOUTH 73°-04'-52" EAST A DISTANCE OF 470.48 FEET TO A POINT IN STEWART CREEK; THENCE SOUTH 21°-07'-13" EAST A DISTANCE OF 8.74 FEET TO A POINT IN STEWART CREEK; THENCE SOUTH 10°-35'-20" EAST A DISTANCE OF 139.67 FEET TO A POINT IN STEWART CREEK; THENCE SOUTH 04°-24'-40" WEST A DISTANCE OF 116.64 FEET TO A POINT IN STEWART CREEK; SAID POINT ALSO BEING SITUATED UPON THE NORTHERN RIGHT-OF-WAY LIMIT OF SUTTLE AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LIMIT THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1.) SOUTH 51°-07'-29" WEST A DISTANCE OF 130.18 FEET TO AN EXISTING IRON PIN; 2.) ALONG THE ARC OF A CIRCULAR CURVE WITH A RADIUS OF 691.20 FEET, ARC LENGTH OF 482.25 FEET, CHORD BEARING OF SOUTH 74°-12'-04" WEST, AND A CHORD DISTANCE OF 472.53 FEET TO AN EXISTING IRON ROD; 3.) NORTH 81°-45'-53" WEST A DISTANCE OF 147.38 FEET TO AN EXISTING CONCRETE MONUMENT 4.) NORTH 79°-57'-15" WEST A DISTANCE OF 212.98 FEET TO AN EXISTING IRON ROD; THENCE ALONG THE ARC OF A CIRCULAR CURVE, SAID CURVE FORMING THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY LIMIT OF WILKINSON BOULEVARD AND THE EASTERN RIGHT-OF-WAY LIMIT OF SUTTLE AVENUE WITH A RADIUS OF 31.50 FEET, ARC LENGTH OF 48.22 FEET, CHORD BEARING OF NORTH 31°-32'-36" WEST, AND CHORD LENGTH OF 43.65 FEET TO AN EXISTING IRON ROD SITUATED UPON THE EASTERN RIGHT-OF-WAY LIMIT OF SUTTLE AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LIMIT NORTH 16°-54'-50" EAST A DISTANCE OF 190.88 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING, CONTAINING 7.7016 ACRES AS SHOWN ON THAT SURVEY PERFORMED BY R.B. PHARR & ASSOCIATES DATED AUGUST 7, 2007 (FILE NUMBER G-L-396).

MOREHEAD TITLE COMPANY

COMMITMENT NO. 06-2674

ISSUED: NOVEMBER 11, 2006

REVISED: AUGUST 9, 2007 @ 11:52 AM

COMMENTS TO SCHEDULE B EXCEPTIONS THAT ARE OF A SURVEY MATTER

(NUMBER OF EACH ITEM CORRESPONDS TO THE NUMBER INDICATED IN SCHEDULE B)

2. EASEMENT(S) TO DUKE POWER COMPANY RECORDED IN BOOK 929, PAGE 502 (EASEMENT IS BLANKET IN NATURE, THEREFORE UNABLE TO PLOT); BOOK 993, PAGE 343 (EASEMENT IS BLANKET IN NATURE, THEREFORE UNABLE TO PLOT); AND BOOK 1644, PAGE 535 (THERE IS NO REMAINING EVIDENCE OF THE SUBSTATION LOT OR OVERHEAD UTILITY LINES, THEREFORE EASEMENT IS UNABLE TO PLOT), MECKLENBURG COUNTY REGISTRY.
3. EASEMENTS IN FAVOR OF THE CITY OF CHARLOTTE RECORDED IN BOOK 1603, PAGE(S) 347 (DOCUMENT IS A PROPERTY CONVEYANCE BETWEEN RADIATOR SPECIALTY COMPANY AND THE ELEMENTAL PROPERTIES, INC., AND NOT EASEMENT IN FAVOR OF THE CITY OF CHARLOTTE); BOOK 1648, PAGE 245 (AREAS ARE LOCATED IN THE CURRENT RIGHT-OF-WAY OF WILKINSON BOULEVARD, THEREFORE DO NOT AFFECT SUBJECT PROPERTY); BOOK 3403, PAGE 351 (HATCHED PORTIONS OF THE 30' SANITARY SEWER EASEMENT RUNNING ALONG STEWART CREEK AS SHOWN HEREON); BOOK 11907, PAGE 90 (PORTION OF THE 30' SANITARY SEWER EASEMENT RUNNING ALONG STEWART CREEK AS SHOWN HEREON); AND BOOK 2382, PAGE 613 (PORTION OF THE 30' SANITARY SEWER EASEMENT RUNNING ALONG STEWART CREEK AS SHOWN HEREON), MECKLENBURG COUNTY REGISTRY.
4. RIGHT OF WAY TO THE STATE HIGHWAY COMMISSION RECORDED IN BOOK 2973, PAGE(S) 247, MECKLENBURG COUNTY REGISTRY (RIGHT-OF-WAY PER NCDOT PROJECT #8.1657602 AS SHOWN HEREON).
5. THE COMPANY DOES NOT INSURE THE CALCULATION OF THE ACREAGE OR SQUARE FOOTAGE OF THE LAND.
6. SUCH A STATE OF FACTS AS WOULD BE DISCLOSED BY A SURVEY AND INSPECTION OF THE LAND.
7. RIGHTS OF WAY OF SUTTLE AVENUE AND WILKINSON BOULEVARD, AND RIPARIAN RIGHTS OF OTHERS IN AND TO STEWART CREEK.

REVISIONS				ALTA/ACSM LAND TITLE SURVEY PREPARED FOR:			
				CSL SUTTLE AVENUE, LLC			
				WILKINSON BOULEVARD & SUTTLE AVENUE, CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA			
				PORTION OF D.B. 21400 PG. 273, PORTION OF PID #067-014-03, PORTION OF PID #067-014-07			
				R.B. PHARR & ASSOCIATES, P.A.			
				SURVEYING & MAPPING			
				UNION COMMONS BUSINESS PARK			
				1548 UNION ROAD SUITE-B GASTONIA, NC 28054			
				TEL. (704)864-9636 FAX (704)853-0816			
CREW:	DC & FL	JAMES G.	REVISION:	SCALE:	DATE:	SEPTEMBER 5, 2007	FILE NO. G-D-398
				1"=50'	PROJECT NO. G221		JOB NO. 71632

Radiator Specialty 0606-02-060