

# Brownfields Property Application

North Carolina Brownfields Program

[www.ncbrownfields.org](http://www.ncbrownfields.org)

## I. PROSPECTIVE DEVELOPER (PD) INFORMATION {USE TAB KEY TO GET TO NEXT DATA ENTRY LINE – DO NOT USE THE RETURN KEY}

### A. PD information:

Entity name            41N29E, LLC.  
Principal Officer      BURAK ERDEM  
Representative  
Mailing Address        PO BOX 321  
                                  WRIGHTSVILLE BEACH, NC 28480  
E-mail address         BERDEM@ERDEMINTL.COM  
Phone No.              910-392-2101  
Fax No.                 910-392-6545  
Web site

### B. PD contact person information (i.e., individual who will serve as the NCBP's point of contact if different than above):

Name  
Company  
Mailing Address  
  
E-Mail Address  
Phone No.  
Fax No.

### C. Information regarding all parent companies, subsidiaries or other affiliates of PD (attach separate sheet(s) if necessary):

#### **(Use for LLCs)**

Member-managed or manager-managed?    **Answer: MANAGER MANAGED**

If manager-managed, provide name of manager and percent of ownership:

Name	R. BURAK ERDEM & M.MURAT ERDEM
Ownership (%)	50% EACH
Mailing Address	PO BOX 321 WRIGHTSVILLE BEACH, NC 28480
E-Mail Address	BERDEM@ERDEMINTL.COM
Phone No.	910-616-9686
Fax No.	910-392-6545

For all LLCs, list all members of the LLC and provide their percent of ownership:

Name	R. BURAK ERDEM
Ownership (%)	50%
Mailing Address	PO BOX 321 WRIGHTSVILLE BEACH, NC 28480
E-Mail Address	BERDEM@ERDEMINTL.COM
Phone No.	910-616-9686
Fax No.	910-392-6545

Name	M. MURAT ERDEM
Ownership (%)	50%
Mailing Address	PO BOX 321 WRIGHTSVILLE BEACH, NC 28480
E-Mail Address	MERDEM@ERDEMINTL.COM
Phone No.	910-619-2424
Fax No.	910-392-6545

Name	
Ownership (%)	
Mailing Address	

E-Mail Address	
Phone No.	
Fax No.	

Managers of manager-managed LLCs are required to execute all brownfield documents for the LLC; as to member-managed LLCs, state name of member who will sign these documents.

R. BURAK ERDEM, M. MURAT ERDEM

List all parent companies, subsidiaries and other affiliates:

**(Use for Partnerships)**

Check one:  General Partnership  Limited Partnership

List all partners and percent of ownership:

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

List all parent companies, subsidiaries and other affiliates:

**(Use for corporations other than LLCs)**

*(If information is the same as shown in 1.A., please indicate "same as 1.A." below.)*

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

List all parent companies, subsidiaries and other affiliates:

**(Use for individuals)**

*(If individual is the same as shown in 1.A., -please indicate "same as 1.A." above.)*

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

- D. Does PD have or can it obtain the financial means to fully implement a brownfields agreement and assure the safe reuse of the property? *(Attach supporting documentation such as letters of credit, financial statements, etc.)*

Answer YES

Explanation NECESSARY DOCUMENTS CAN BE PROVIDED UPON REQUEST

- E. Does PD have or can it obtain the managerial means to fully implement a brownfields agreement and assure the safe use of the property?

Answer YES

Explanation WE WILL ALSO GET ASSISTANCE FROM ENVIRONMENTAL ATTORNEY AND/OR ENVIRONMENTAL SERVICES PROVIDER

F. Does PD have or can it obtain the technical means to fully implement a brownfields agreement and assure the safe use of the property?

Answer NO

Explanation WE WILL OBTAIN ASSISTANCE FROM ENVIRONMENTAL ATTORNEY AND OR ENVIRONMENTAL SERVICES PROVIDER

G. Does PD commit that it will comply (and has complied, if PD has had a prior project in the NCBP) with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?

Answer YES, WE WILL.

*(List all NCBP project name(s) and NCBP project ID numbers where PD or any parent company, subsidiary and other affiliate of PD has been a party to.)*

H. Does PD currently own the property?

Answer NO, WE ARE UNDER CONTRACT AND WILL BE CLOSING MARCH 20, 2015.

*If yes, when did PD purchase the property and from whom? (Provide name, address, telephone number and email address of the contact person for the current property owner.)*

*If no, provide the name, address, telephone number and e-mail address of the contact person for the current property owner*

GREYHOUND LINES INC,

I. If PD does not currently own the property, does PD have the property under contract to purchase?

Answer YES

If yes, provide date of contract. DECEMBER 23, 2014

*If no, when does the PD intend to purchase the property (e.g., after the project is determined to be eligible for participation in the NCBP, after PD receives a draft BFA, after the conclusion of the brownfields process)? Note: the Act requires the PD to demonstrate that it intends to either buy or sell the property.*

J. Describe all activities that have taken place on the property since PD or PD's parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD, took ownership of or operated at the property (e.g., industrial, manufacturing or commercial activities, etc.). *(Include a list of all regulated substances as defined at NCGS § 130A-310.31(b)(11) that have been used, stored on, or otherwise present at the property while those activities were conducted, and explain how they were used.)*

NO ACTIVITIES HAVE TAKEN PLACE YET. WE ARE STILL UNDER CONTRACT.

## II. SITE INFORMATION

### A. Information regarding the proposed brownfields property:

Proposed project name      SPECIFIC PROJECT NAME IS NOT AVAILABLE YET

acreage   1.20 street address(es)    201 HARNETT STREET

city WILMINGTON, NC                      County    NEW HANOVER    zip            28401

tax ID(s) or PIN(s)    R04712-004-005-000

past use(s)              FORMER GREYHOUND BUS STATION

current use(s)        VACANT

cause(s)/source(s) of contamination:

known

suspected      PLEASE REFER TO ATTACHED PHASE 2 REPORT AND SUPPORTING DOCUMENTS

B. Regulatory Agency Involvement: List the site names and all identifying numbers (ID No.) previously or currently assigned by any federal, state or local environmental regulatory agencies for the property. The ID No's may include CERCLIS numbers, RCRA generator numbers for past and present operations, UST database, Division of Water Quality's incident management database, and/or Inactive Hazardous Sites Branch inventory numbers. *(In many instances, the PD will need to actively seek out this information by reading environmental site assessment reports, reviewing government files, contacting government officials, and through the use of government databases, many of which may be available over the internet.)*

Agency Name/ID No:

- C. In what way(s) is the property abandoned, idled, or underused?

SITE HAS BEEN VACANT AND FOR SALE OVER 2 YEARS. GREYHOUND MOVED FROM THE LOCATION. SITE IS CONSIDERED PRIORITY DEVELOPMENT AREA BY CITY DUE TO ITS LOCATION. IT CAN BE USED MORE EFFECTIVELY AS MIXED USE, COMMERCIAL USE OR RESIDENTIAL USE.

- D. In what way(s) is the actual or possible contamination at the property a hindrance to development or redevelopment of the property (attach any supporting documentation such as letters from lending institutions)?

THERE ARE 2 SEPERATE PHASE 1 REPORTS DONE SINCE PROPERTY WAS PUT ON SALE ON DECEMBER 2012. NEITHER OF THE TWO POTENTIAL PURCHASERS BOUGHT THE PROPERTY AFTER ISSUANCE OF THE PHASE I REPORTS. THE 2014 PHASE 1 REPORT IDENTIFIED 1 ON-SITE REC AND 3 OFF-SITE RECS. DUE TO LOCATION OF THE SITE, THERE IS PERCEIVED BELIEF THAT AREA IS CONTAMINATED BECAUSE OF PROXIMITY TO OTHER CONTAMINATED SITES.

- E. In what way(s) is the redevelopment of the property difficult or impossible without a brownfields agreement (attach any supporting documentation such as letters form lending institutions)?

SINCE OUR DEVELOPMENT PLANS ARE FOR MEDIUM TO LONG TERM PERIOD, BROWNFIELD AGREEMENT WILL PROVIDE ADDITIONAL ASSURANCE AND CONFIDENCE TO INVESTORS AND BANKS TO FUND THE PROJECT

- F. What are the planned use(s) of the redeveloped brownfields property to which the PD will commit? Be as specific as possible.

WE WOULD LIKE TO REDEVELOP THE AREAS FOR MIXED USE.

- G. Current tax value of brownfields property: \$921,000.00

- H. Estimated capital investment in redevelopment project: \$OVER \$ 20 MILLION

- I. List and describe the public benefits that will result from the property's redevelopment. Be as specific as possible. (Examples of public benefits for brownfields projects include job creation, tax base increases, revitalization of blighted areas, preserved green space, preserved historic places, improving disadvantaged neighborhood quality-of-life related retail shopping opportunities, affordable housing, environmental cleanup activities or set asides that have community or environmental benefits. In gauging public benefit, NCBP places great value

*upon letters of support from community groups and local government that describe anticipated improvements in quality of life for neighboring communities that the project will bring about. The inclusion of such support letters with this application is recommended and encouraged.*)

BECAUSE MIXED USE IS PLANNED, IT WILL CREATE MORE JOBS IN DOWNTOWN WILMINGTON AS WELL AS ADDITIONAL RESIDENTS AND VISITORS. THIS WILL MAKE THE AREA MORE VIBRANT AND ACTIVE AND WILL CONTRIBUTE TO CITY OF WILMINGTON'S " WILMINGTON VISION 2020 PLANS". MIXED USE WILL ALLOW MORE RETAIL BUSINESS THAT CAN BE USED BY NOT ONLY LOCAL NEIGHBORHOOD BUT CAN ALSO HELP TO ATTRACT VISITORS FROM NEIGHBORING COUNTIES. SINCE AREA IS UNDERUTILIZED AND VACANT, MIXED USE WILL HELP REVITALIZE THE AREA AND CONTRIBUTE TO IMPROVE QUALITY OF LIFE. PLEASE REFER TO ATTACHED WILMINGTON VISON 2020 PLANS AND MAPS.

Special Note: Please describe all environment-friendly technologies and designs PD plans to utilize in its redevelopment strategy. For example, environment friendly redevelopment plans could include: Leadership in Energy and Environmental Design (LEED) Certification, green building materials; green landscaping techniques such as using drought resistant plants; energy efficient designs, materials, appliances, machinery, etc.; renewable sources of energy, and/or recycling/reuse of old building materials such as brick or wood.

WHERE ALLOWED BY BUILDING CODES, WE WILL EVALUATE AND CONSIDER ANY ENVIRONMENTAL FRIENDLY TECHNOLOGIES TO SAVE ENERGY AND RESOURCES.

- J. Who will own the brownfields property when the Notice of Brownfields Property is filed with the register of deeds at the conclusion of the brownfields process? (If information is the same as 1.A. above, please indicate.)

Name SAME AS 1.A

Mailing Address

E-Mail Address

Phone No.

Fax No.

### III. OTHER REQUIRED INFORMATION

- A. Brownfields Affidavit: PD must provide its certification, in the form of a signed and notarized original of the unmodified model brownfields affidavit provided by NCBP, that it did not cause or contribute to contamination at the property and that it meets all other statutory eligibility requirements. (Note: The form to use for this affidavit is attached to this application. It must be filled out signed notarized, and submitted with this application.)  
Is the required affidavit, as described above, included with this application?

Answer YES

B. Proposed Brownfields Agreement Form: PD must provide the completed form Proposed Brownfields Agreement. *(Note: The form to use for this document is attached to this application. It must be filled out, initialed, and attached on your submittal.)*  
Is the required Proposed Brownfields Agreement , as described above, included with this application?

Answer YES

C. Location Map: PD must provide a copy of the relevant portion of the 1:24,000 scale U.S.G.S. topographic quadrangle map that shows the property clearly plotted, and that measures at least an 8 ½ by 11 inches. *(Note: these maps can be purchased through the above link, or often through retail outdoor recreation stores that can print out the relevant map. Often environmental reports have location maps that use this type of map as the base for its location map.)*  
Is the required location map included with this application?

Answer YES

D. Survey Plat: PD must provide a preliminary survey plat of the brownfields property with the property boundaries clearly identified, and a metes and bounds legal description that matches the property description on the plat. At this stage of the brownfields process; one or more existing survey plats from a previous property conveyance will suffice. *(Before the brownfields project enters the public comment phase of the brownfields process, the PD will be required to submit a final brownfields survey plat which includes the information listed in the brownfields survey plat guidance.)*  
Is the required preliminary survey plat included with this application?

Answer NO

E. Site Photographs: PD must provide at least one pre-redevelopment photograph of the property, in either hard copy or electronic format that shows existing facilities and structures. **Please note that the NCBP prefers to have electronic photos instead of or in addition to hard copies. Electronic copies of photographs should be emailed to: Shirley.Liggins@ncdenr.gov with a clear indication as to which Brownfields Application they apply to.**  
Are photographs of the property included with this application?

Answer YES, PLEASE REFER TO ATTACHED PHASE 1 REPORTS

Have electronic copies of the photographs been emailed to NCBP?

Answer YES

F. Environmental Reports/Data: If it makes an affirmative eligibility determination, the NCBP will request that PD provide any and all existing environmental reports and data for the

property on **CD only**. The brownfields process may be expedited if PD submits such reports/data with this application.

Are any environmental reports/data being submitted with this application?

Answer            YES

If environmental reports/data are being submitted with this application, please provide the **title**, **date** and **author** of each item being submitted:

**PHASE 1 STUDY - 2013 BY STRATA**  
**PHASE 1 STUDY - 2014 BY AMEC**  
**PHASE 2 FINAL REPORT - 2015 BY AMEC**

#### **IV. ADDITIONAL REQUIRED FORMS**

**The following forms are to be filled out and submitted with the application including the Responsibility and Compliance Affidavit and the Proposed Brownfields Agreement. Submittal of the Affidavit requires signature and notarization, and the Proposed Brownfields Application requires an initial.**



# Preliminary Proposed Brownfields Agreement

## I. Property Facts

a. Property Address(es): 201 HARNETT STREET, WILMINGTON, NC 28401

b. Property Seller: GREYHOUND LINES, INC.

c. Property Buyer: 41N29E, LLC

d. Brief Property Usage History: The site was initially developed prior to 1858, as it is depicted within a developed area on the 1858 Plan of Wilmington North Carolina. On the 1898 Sanborn Fire Insurance Map, it is shown to be subdivided into several residential parcels. The 1946 Map of Wilmington North Carolina contains a hand-written notation stating that the block occupied by the site was connected to municipal utility services in April 1946. Sanborn Fire Insurance (Sanborn) Maps indicate that a filling station occupied the eastern end of the site through a period of time beginning between 1915 and 1951, and ending between 1967 and 1973. The site was an operating bus terminal from 1970 to 2010

e. The planned reuse will potentially involve the following use classification(s) (check all that apply):

- School/childcare/senior care
- Residential
- Commercial, retail (specify) RETAIL SHOPS, RESTAURANTS, GROCERY STORE
- Other commercial (specify) HOTEL
- Office
- Light industrial
- Heavy industrial
- Recreational
- Open space
- Other (specify) MIXED USE

## II. Contaminant Information

a. The contaminant situation at the property is best described by the following (check all that apply):

- Contaminants are from an on-property source(s)
- Contaminants are from an off-property source(s)
- Contaminants are from an unknown source(s)
- Contaminants have not yet been documented on the property

b. Contaminated Media Table. (If known, check appropriate boxes below)

Contaminant Types	Soil		Groundwater and/or Surface Water		Private Wells		Vapor Intrusion	
	known	Suspected	known	Suspected	known	suspected	known	suspected
o r g a n i c s	Chlorinated Solvents (list):							
	Petroleum: ASTs <input type="checkbox"/> USTs <input checked="" type="checkbox"/> Other <input type="checkbox"/>		X		X			X
	Other (list):							
i n o r g a n i c s	Metals (list):							
	Other (list):							

**III. Protective Measures**

I am prepared to take steps necessary to make the property suitable for its planned uses while fully protecting public health and the environment. I propose that NCBP consider a brownfields agreement that will make the property suitable for the planned use(s) through the following mechanism(s) (check all that apply):

- Contaminant remediation to risk-based levels.
- Engineered Controls (e.g., low permeability caps, vapor mitigation systems, etc)
- Land use restrictions that run with the land that will restrict or prohibit uses that are unacceptable from a risk assessment/management perspective. (*Important Note: In any*

*final brownfields agreement generated by the NCBP, land use restrictions will ultimately come with the continuing obligation to submit an annual certification that the Land Use Restrictions are being complied with and are recorded at the applicable register of deeds office.)*

#### **IV. Fees**

In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environment and Natural Resources and the Department of Justice. In satisfaction of the Act, the following fees apply to any brownfields agreement that is developed for this project, subject to negotiation of the brownfields agreement:

- a. A \$2,000 initial fee will be due from the applicant PD when **both** of the following occur:
  - 1) NCBP receives this application and proposed brownfields agreement, AND
  - 2) NCBP notifies the applicant in writing that the applicant PD and the project are eligible for participation in the NCBP and continued negotiation of a brownfields agreement.
- b. A second fee of \$6,000 will be due from the PD prior to execution of the brownfields agreement. Should the prospective developer choose to negotiate changes to the agreement that necessitate evaluation by the Department of Justice, additional fees shall apply.
- c. Any addendum/modifications to the BFA or NBP after they are in effect will result in an additional fee of at least \$1,000.
- d. In the unexpected event that the environmental conditions at the property are unusually complex, such that NCBP's costs will clearly exceed the above amounts, NCBP and PD will negotiate additional fees.

BE Please check this box and initial in space provided to indicate your acknowledgement of the above fee structure.

Date of Submittal: 3/18/15