

**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	Advantage Machinery Services, Inc.
Principal Officer	Chad Eller
Representative	Benjamin (Scott) Brendle
Mailing Address	P.O. Box 1848 Yadkinville, North Carolina 27055
E-mail address	sbrendle@amsrigging.com
Phone No.	336-463-4700
Fax No.	336-463-2440
Web site	www.amsrigging.com

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

Name	Stephen C. Brown
Company	Terracon Consultants, Inc.
Mailing Address	2020-E Starita Road Charlotte, North Carolina 28206
E-Mail Address	scbrown@terracon.com
Phone No.	704-509-1777
Fax No.	704-509-1888

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:**

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

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

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

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

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.

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 Same as I.A. above

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 PD has the financial means necessary to fully implement a brownfields agreement and assure the safe reuse of the property. In particular, PD has adequate financing from lenders to fully implement a brownfields agreement and assure the safe reuse of the property. Financial records will be submitted under separate cover.

- 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 PD will assume managerial responsibilities to ensure compliance with the requirements of a brownfields agreement and assure the safe reuse of the property. In addition, PD has retained Stephen C. Brown of Terracon Consultants, Inc., a qualified environmental consultant, who is experienced in Brownfields redevelopment and implementation of Brownfields requirements.

- 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 Yes

Explanation PD has retained Hamilton Stephens Steele + Martin, PLLC to provide necessary legal counsel with respect to the intended upfitting (redevelopment) and reuse of the property in the North Carolina Brownfields Program. As noted above, PD has retain a qualified environmental consultant to provide environmental consulting services with respect to the intended redevelopment and reuse of the property in the North Carolina Brownfields Program.

- 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

*(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.)*

Not Applicable

- H. Does PD currently own the property?

Answer No

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

William C. Stokesbury, Esq.

Stokesbury, Shipman & Fingold, LLC  
10 Waterside Drive, Suite 204  
Farmington, CT 06032  
Ph: (860) 606-1708 Email: WStokesbury@LAWSSF.COM

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.    March 28, 2013 and revised on February 9, 2015

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.)*

PD has neither taken ownership of, nor begun operations at the property. PD's activities have been limited to a Phase I environmental site assessment.

## II. SITE INFORMATION

A. Information regarding the proposed brownfields property:

Proposed project name        527 Atando

acreage    Approximately 4 acres        street address(es)    527 Atando Avenue

city    Charlotte        County    Mecklenburg        zip        28206

tax ID(s) or PIN(s)    085-054-12

past use(s)        Past users of the site have been various steel distributors.

current use(s)        The site is currently occupied by a steel bar stock distributor.

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

known            Releases from petroleum USTs on the site have impacted soils and groundwater. Groundwater at the site appears to have also been impacted by chlorinated compounds from off-site upgradient sources. There are no known uses of chlorinated products on the site.

suspected        Potential chlorinated VOC vapor intrusion concerns.

- 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: [NCDENR UST Section / 16839](#)

Agency Name/ID No: [NCDENR UST Section / 27296](#)

Agency Name/ID No: [NCDENR IHSB / NONCD0001992](#)

Agency Name/ID No:

Agency Name/ID No:

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

About 34% of the approximate 104,757-sf building (estimate 33,000 sf) has been vacant for years. Furthermore, about 1,000 sf of the approximate 7,500 sf office area is vacant. The property is known to be contaminated; however, the property is located in a desirable commercial/light industrial area in proximity to trucking and rail transportation centers.

- 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)?

The presence of known soil and groundwater impacts on the property and the possible presence of other contaminants are a hindrance to redevelopment and reuse of the property in that redevelopment activities could subject PD to cleanup liability if these activities are conducted without a Brownfields agreement. Potential cleanup liability may also hinder sale or leasing of the property to third parties. In addition, known and suspect contamination and the associated cleanup liability may hinder financing for redevelopment of the property.

- 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)?

The presence of known soil and groundwater impacts on the property and the possible presence of other contaminants are a hindrance to redevelopment and reuse of the property in that redevelopment activities could subject PD to cleanup liability if these activities are conducted without a Brownfields agreement. Potential cleanup liability may also hinder sale or leasing of the property to third parties. In addition, known and suspect contamination and the associated cleanup liability may hinder financing for redevelopment of the property.

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

In order to expand their presence in the Charlotte business market, PD intends for the property to be used for offices, warehousing and heavy equipment staging. A portion of PD's business niche includes installing roof-mounted HVAC units using their large cranes. The additional warehouse space will allow PD to order and store the HVAC units for delivery to their job sites in Charlotte in a timely manner. This will allow the PD a proven business advantage in that the HVAC equipment can be order many months in advance of construction, warehoused (for a fee) and still represent a significant cost savings for PD's clients. PD intends to convert the office area into a control room for the warehousing operations.

- G. Current tax value of brownfields property: \$2,013,700. Tax value was obtained from Mecklenburg Geographic Information System (GIS) via the Internet.

- H. Estimated capital investment in redevelopment project: \$1.25 million in acquisition costs and approximately \$250,000 intended for redevelopment and property improvements.

- 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.)*

The redevelopment and revitalization of the property will return it to its highest and best use for the PD and potential future owners/occupants. Potential vapor intrusion concerns will be addressed during redevelopment activities. Revitalization of the property will result in PD greatly increasing their presence in the Charlotte market and the creation of many new jobs, including temporary construction jobs and permanent commercial jobs. Notably, the revitalized property will result in an enhanced tax base increase for the City of Charlotte in an otherwise declining neighborhood. The planned reuse of the property will result in an increase of the productive use of the property and will be compatible with surrounding activities. The planned revitalization of the property may also provide a spur to additional neighborhood reuse and redevelopment, new tax revenue and additional employment opportunities.

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.

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 I.A. above.](#)

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. Please see Exhibit A.](#)

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. Please see Exhibit B.](#)

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. Please see Exhibit C.

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. PD has no survey plat for the site. The current property owner reported he has no survey plat for the site. PD will develop a Brownfields survey plat which will be forwarded to the NCBP for approval prior to the public comment phase.

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](mailto: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 see Exhibit D.

Have electronic copies of the photographs been emailed to NCBP?

Answer Yes. Exhibit D was emailed to [Shirley.Liggins@ncdenr.gov](mailto:Shirley.Liggins@ncdenr.gov)

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:

**(1) Environmental Resources Management (ERM) Phase I Environmental Site Assessment: Project Turret, 527 Atando Avenue, December 2011 (labeled as Exhibit E on the enclosed CD)**

(2) Froehling & Robertson Phase I Environmental Site Assessment, 527 Atando Avenue, May 15, 2013 (labeled as Exhibit F on the enclosed CD)

(3) Froehling & Robertson Limited Phase II Environmental Site Assessment, 527 Atando Avenue, June 5, 2013 (labeled as Exhibit G on the enclosed CD)

(4) HRP Associates, Inc. Limited Phase II Environmental Site Assessment, 527 Atando Avenue, November 1, 2013 (labeled as Exhibit H on the enclosed CD)

#### **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.**

## **EXHIBIT A**

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

**IN THE MATTER OF: Advantage Machinery Services, Inc.**

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

Chad Eller being duly sworn, hereby deposes and says:

1. I am <<Vice President>> of Advantage Machinery Services, Inc.
2. [if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind Advantage Machinery Services, Inc."]
3. Advantage Machinery Services, Inc. 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 085-054-12 parcel(s) in Charlotte, Mecklenburg, County, North Carolina: 527 Atando Avenue
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Advantage Machinery Services, Inc., 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**  **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 Advantage Machinery Services, Inc. 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.

Chad Eller Chad Eller

Signature/Printed Name

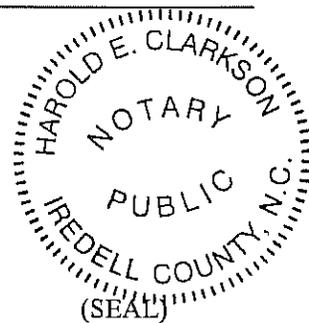
Date 5-29-15

Sworn to and subscribed before me

this 29<sup>th</sup> day of MAY, 2015.

Harold E. Clarkson Notary Public

My commission expires: 7-26-2019



**EXHIBIT B**

# Preliminary Proposed Brownfields Agreement

## I. Property Facts

- a. Property Address(es): 527 Atando Avenue
- b. Property Seller: Gould Family Properties II, LLC
- c. Property Buyer: Advantage Machinery Services, Inc.
- d. Brief Property Usage History:
- e. The planned reuse will potentially involve the following use classification(s) (check all that apply):
  - School/childcare/senior care
  - Residential
  - Commercial, retail (specify)
  - Other commercial (specify)
  - Office
  - Light industrial
  - Heavy industrial
  - Recreational
  - Open space
  - Other (specify)

## 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):			Cis-1,2-dichloroethylene, Tetrachloroethylene, Trichloroethylene, Vinyl chloride					Various
	Petroleum: ASTs <input type="checkbox"/> USTs <input checked="" type="checkbox"/> Other <input type="checkbox"/>			Benzene, 1-methylnapthalene, napthalene					Various
	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

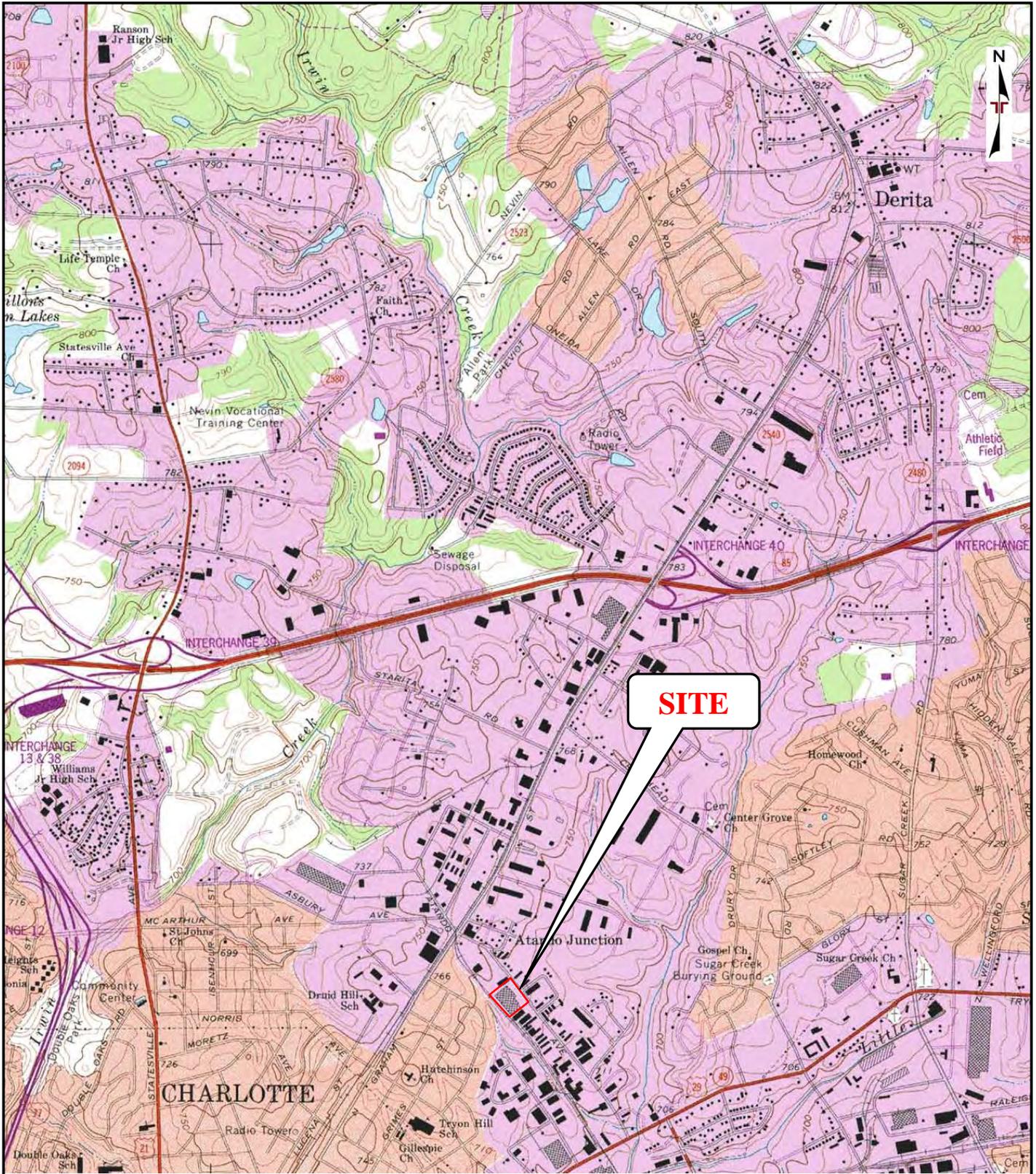
In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environment and Natural Resources and the Department of Justice. In satisfaction of the Act, the following fees apply to any brownfields agreement that is developed for this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

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

Date of Submittal: 5-25-15

## **EXHIBIT C**



REFERENCE: USGS 7.5 MINUTE SERIES TOPOGRAPHIC MAP; DERITA, NORTH CAROLINA QUADRANGLE; 1999.

Project Manager:	SCB
Project No.:	71157718
Drawn by:	SCB
Scale:	1:24,000
Checked by:	CLC
File Name:	
Approved by:	SCB
Date:	April 2015

**Terracon**  
 2020-E Starita Road  
 Charlotte, NC

**SITE LOCATION MAP**

527 Atando Avenue Property  
 527 Atando Avenue  
 Charlotte, Mecklenburg County, North Carolina

Exhibit	1
---------	---

## **EXHIBIT D**



**Photo 1** View of the site, looking westward along Atando Avenue.



**Photo 2** View of the office building located on the site.



**Photo 3** View of the vacant warehouse building located in the southern portion of the site.



**Photo 4** View of the bar stock storage/laydown building.



**Photo 5** View of the site, looking southwest along Atando Avenue.



**Photo 6** View looking northwest along the western property boundary.



**Photo 7** View looking northeast along the northern property boundary.



**Photo 8** View inside the vacant warehouse building.



**Photo 9** Additional view inside the vacant warehouse building.



**Photo 10** View of mezzanine storage area inside the vacant warehouse building.



**Photo 11** View of storage area inside the western portion of the building.



**Photo 12** View of the bar stock storage/laydown area.



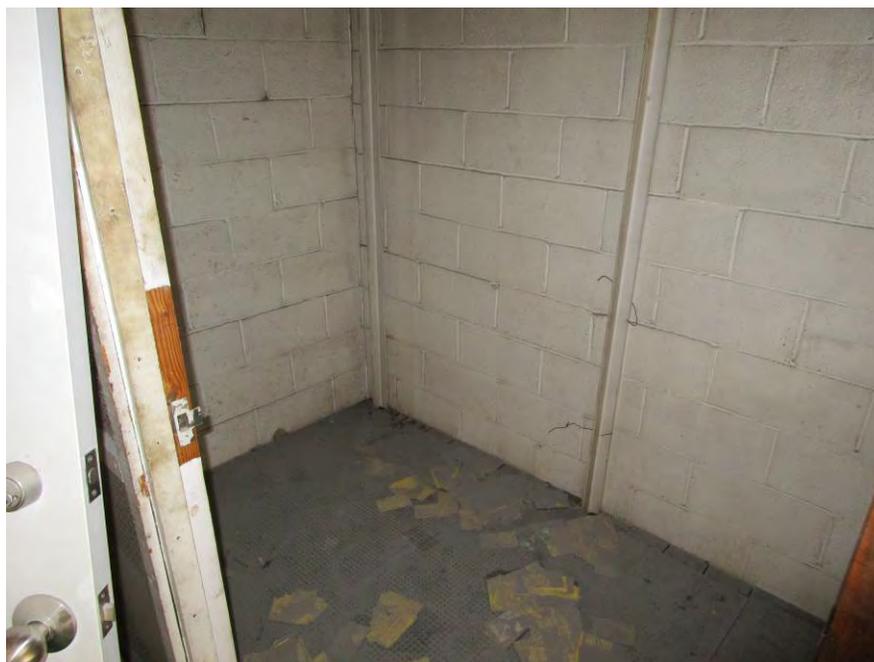
**Photo 13** View of the cutting area inside the bar stock storage/laydown building.



**Photo 14** View inside the vacant office area.



**Photo 15** Additional view inside the vacant office area.



**Photo 16** Additional view inside the vacant office area.



**Photo 17** View inside the employee locker room.



**Photo 18** View inside the employee restroom.



**Photo 19** Typical view inside the office area of the building.



**Photo 20** Additional view inside the office area of the building.

**EXHIBIT E through EXHIBIT H  
Included on attached Compact Disk (CD).**