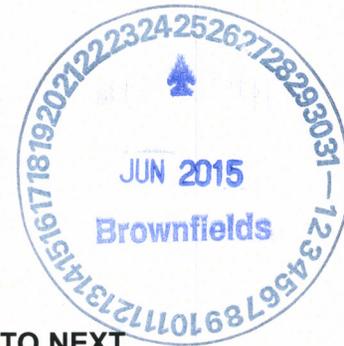


Brownfields Property Application
North Carolina Brownfields Program
www.ncbrownfields.org



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 Blackwell Street RR Lot, LLC
Principal Officer Michael Goodman
Representative Mark Stanford
Mailing Address 300 Blackwell Street, Suite 104
 Durham, NC 27701
E-mail address mstanford@cbc-raleigh.com
Phone No. 919-433-1576
Fax No. 919-433-4278
Web site www.americantobacchohistoricdistrict.com

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

Name Cheryl Moody
Company Atlantic Shores Environmental Services
Mailing Address 154 Backhoe Road
 Leland, NC 28451
E-Mail Address cmoody@atlanticshoresenv.com
Phone No. 910-371-5980
Fax No. 910-371-6652

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 [Capitol Broadcasting Company, Inc.](#)
Ownership (%) [100](#)
Mailing Address [See below](#)

E-Mail Address
Phone No.
Fax No.

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

Name [Capitol Broadcasting Company, Inc.](#)
Ownership (%) [100](#)
Mailing Address [2619 Western Boulevard](#)
[Raleigh, NC 27606](#)
E-Mail Address webmaster@cbc-raleighcom
Phone No. [919-890-6000](#)
Fax No. [919-890-6095](#)

Name [NA](#)
Ownership (%)
Mailing Address

E-Mail Address
Phone No.
Fax No.

Name [NA](#)
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.

NA

List all parent companies, subsidiaries and other affiliates:

Capitol Broadcasting Company, Inc.

(Use for Partnerships)

Check one: General Partnership Limited Partnership

List all partners and percent of ownership:

Name NA

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner? NA

Name NA

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner? NA

List all parent companies, subsidiaries and other affiliates:

NA

(Use for corporations other than LLCs)

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

Name NA

Mailing Address

E-Mail Address

Phone No.

Fax No.

List all parent companies, subsidiaries and other affiliates:

NA

(Use for individuals)

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

Name NA

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

- 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 The project will be managed in house with guidance from the law firm of Moore & VanAllen and environmental consultant, Atlantic Shores Environmental Services, Ltd., each of whom have experience in management of Brownfield activity.

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 The law firm Moore & VanAllen PLLC and the environmental consulting firm Atlantic Shores Environmental Services, Ltd. have been retained to aid in the technical implementation of the brownfield agreement, each of whom have experience in the technical implementation of Brownfield agreements.

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.)

1. ATC Phase II 17032-13-032;
2. Rocky Mount Villas 18013-1-064

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

North Carolina Railroad Company
2809 Highwoods Blvd. - Suite 100
Raleigh, NC 27613
Attn: Charles Burnell
919-954-7601
chuckburnell@ncrr.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. May 5, 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.

NA

- 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.)

The PD or PD's Parents, subsidiaries and or other affiliates assumed a ground lease of the property on January 17, 2008 from a prior lessor. To PD's limited knowledge, the prior lessor secured a ground lease on the property with intentions of development but did no work on the site during the period of its ground lease prior to PD assuming said ground lease. At that time, the southern portion of the site was used as a staging area for the adjacent Durham Performing Arts Center construction site and an approximate 4,700 square-foot concrete block structure was present on the northern portion of the site. An asbestos survey of the structure was completed on August 13, 2008 that identified asbestos containing materials (ACM) on the interior and exterior of this structure. Identified ACM were removed from the building in September 2008 and the building was subsequently demolished in late 2008. A ground Penetrating Radar survey was conducted on the property to attempt to identify abandoned USTs on the property. USTs were not identified. After the building was demolished, a paved parking lot was constructed. The site has only been used as green space and a surface parking lot since the PD or PD's Parents, subsidiaries and or other affiliates assumed the ground lease.

II. SITE INFORMATION

- A. Information regarding the proposed brownfields property:

Proposed project name	Blackwell Street RR Lot		
acreage	1.769	street address(es)	205 Blackwell Street
city	Durham	County	Durham
		zip	27701
tax ID(s) or PIN(s)	103361		

past use(s) Based on our historical review, it appears that the site was initially developed in the late 1800s for use by the railroad. Occupants have included an oil company, an ice and bottle works, a wholesale meat company, a paper warehouse, and an auto depot and storage for the railroad. Storage included fertilizer and oil. According to Sanborn maps, the oil company formerly located on the southeastern portion of the site utilized both aboveground and underground storage tanks. Ground penetrating radar surveys of the site did not identify underground storage tanks on the former oil company footprint, or on other areas of the site.

current use(s) The site is currently a paved parking lot with associated landscaped areas.

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

known Swift & Company and Mapelli Brothers formerly operated a wholesale meat and trucking facility from approximately 1932 (construction date of the former building) to the early 1990s on the southwestern portion of the site. On July 5, 1990, one 550-gallon gasoline UST was removed from the site. Indications of impact were identified during the tank removal. Subsequent investigation identified groundwater impacts. Groundwater flow on this portion of the site was identified to be toward the southwest during a 1991 groundwater investigation. Groundwater flow on this portion of the site was identified to be toward the south-southeast during a 1992 groundwater investigation. An additional groundwater investigation conducted in 2001 identified groundwater flow on this portion of the site toward the southwest.

A Notice of No Further Action (NFA) for this incident was issued on June 3, 2002. The NFA letter indicated that the soil contamination did not exceed residential maximum soil Contaminant Concentrations. However, groundwater did exceed the groundwater quality standards established in 15A NCAC 2L.0202. Therefore, the NFA stated that use of the groundwater is prohibited.

suspected Possible additional petroleum, metals, PCBs, PAHs due to former uses as a rail road depot and oil storage facility.

- 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: UST Section, NCDENR - (Incident No. 7038).

Swift Independent Packing Co, 205 Blackwell Street is included on the UST Database. This listing suggests that a 550-gallon steel gasoline UST was installed on the property in 1976

and was "Permanent Closed" in July 1990. A conflicting listing identifies a 550-gallon steel gasoline UST was installed on the property in 1974 and was "Permanent Closed" in August 1990. The two listings appear to be describing the same tank.

The site was identified on the LUST list under "Swift Independent Packing Co., 205 Blackwell Street" (Incident No. 7038). The site was also identified on the IMD list under "Mapelli Brothers – Durham, 205 South Blackwell Road". The IMD listing duplicates the listing under the LUST section. The LUST listing indicates that a leaking UST was reported to NCDENR on October 25, 1991. The release reportedly occurred on August 16, 1991. Upon removal of a UST, soil contamination was identified. Groundwater contamination was reportedly also identified. This incident was closed by the State on June 3, 2002.

The following documents were contained in the NCDENR file for Incident No. 7038:

- Spatco, UST Removal and Soil Evaluation, August 9, 1990.
- Monfort, Underground Storage Tank Removal Site Closure, August 15, 1990.
- Spatco, Phase I Groundwater and Soil Quality Assessment, September 30, 1991.
- Bill Rodman/Mapelli Brothers, Pollution Incident/UST Leak Reporting Form, October, 1991.
- Monfort, Email Correspondence to NCDENR, Submission of Phase I Groundwater and Soil Quality Assessment, October 11, 1991.
- NCDENR, North Carolina Groundwater Contamination Incident Management Site Priority Ranking System, October 25, 1991.
- NCDENR, Division of Environmental Management, Notice of Violation, October 28, 1991.
- NCDENR, Division of Environmental Management, Notice of State Requirements, October 28, 1991.
- Monfort, Email Correspondence to NCDENR, Intent to Comply with Regulations and Completion of Phase I Study, November 8, 1991.
- Spatco, Phase II Groundwater and Soil Quality Assessment, March 31, 1992.
- Monfort, Email Correspondence to NCDENR. Phase II Groundwater and Soil Quality Assessment. April 8, 1992.
- NCDENR, Division of Environmental Management, Notification of Corrective Action Requirements, April 28, 1992.
- Environmental Resources Management, Request for Extension of LSA Report, September 9, 1998.

- NCDENR, Underground Storage Tank Section, Notice of Regulatory Requirements, 15A NCAC 2L .0115(c). Risk-based Assessment and Corrective Action for Petroleum Underground Storage Tanks, January 15, 1999.
- Environmental Resources Management, Request for Extension, July 6, 1999.
- Karen A. Harmon, Record of Communication, January 25, 2001.
- NCDENR, Division of Waste Management, UST Section, Notice of Violation of 15A NCAC 2L .0115, February 14, 2001.
- Hart & Hickman, Site Assessment and Request for Closure, December 13, 2001.
- NCDENR, Division of Waste Management, UST Section, Additional Soil Sampling, February 19, 2002.
- Mark Powers, NCDENR, Email Correspondence, Mapelli Brothers Soil Sample, March 11, 2002.
- Hart & Hickman, Soil Assessment Activities, May 15, 2002.
- Site Closure Process Checklist, May 31, 2002.
- NCDENR, Division of Waste Management, UST Section, Notice of No Further Action (NFA), 15A NCAC 2L .0115(h), Risk-based Assessment and Corrective Action for Petroleum Underground Storage Tanks, June 3, 2002.
- Hart & Hickman, Former Mapelli Brothers Site, July 22, 2002.
- Hart & Hickman, Public Notice Receipts, July 30, 2002.

Agency Name/ID No:

Agency Name/ID No:

Agency Name/ID No:

Agency Name/ID No:

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

The property has a long history of commercial and industrial uses. A portion of the site was redeveloped between 2008 and 2009 as a parking lot, and the remaining portion of the site consists of landscaped areas. The site is located in the heart of the American Tobacco Historic District, which has been redeveloped from formerly abandoned, idle and underused properties. The site is one of the few remaining underused properties in this district.

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 known contaminants on the property are currently regulated under the UST section. A Notice of No Further Action (NFA) was issued on June 3, 2002. The NFA letter indicated that the soil contamination does not exceed residential maximum soil Contaminant Concentrations. Although the site has received an NFA for the soils, undocumented pockets of soil contamination could remain.

Groundwater at the site exceeded the groundwater quality standards established in 15A NCAC 2L.0202. Therefore, the NFA stated that use of the groundwater is prohibited. Deep footings would likely be required for the construction of the proposed development. Impacted groundwater will greatly increase the cost and timeframe for dewatering activities associated with the installation of these footings.

Additionally, if other contaminants are identified on the site, proper handling of these soils would increase the cost of redevelopment.

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)?

Known contaminants and potential unknown contaminants would increase the cost of development. Although pre-development efforts are in early stages, PD maintains concerns about the financiability of the site without a brownfields agreement due to liability concerns, given the known contamination.

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

PD is in initial design stages of the project, and as such, no formal site plan application has been submitted to the City of Durham Planning Department. However, PD anticipates redeveloping the site into a parking deck comprised of +/- 700 spaces, up to 100,000 square feet of commercial space, and up to 50 residential units. The residential units would be located on floors two and higher of the proposed structure.

G. Current tax value of brownfields property: \$1,038,107

H. Estimated capital investment in redevelopment project: \$To be determined but initially estimated at approximately \$35 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.)

The site is located in the heart of the American Tobacco District, which has been redeveloped from formerly abandoned, idle, and underused properties. The site is one of the few remaining underused properties in this district. Redevelopment of this tract of land has numerous benefits, including job creation during construction, additional urban-situated housing, parking for publicly and privately owned facilities, and additional office space in a submarket with very little

office vacancy. This would represent a significant additional tax base increase to the City of Durham and Durham County, as well as revitalize a low-density urban in-fill site.

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.

Given the early stage of the pre-development efforts, the prospective developer has not yet made design decisions regarding environmentally friendly technologies or LEED certification. The prospective developer has successfully secured LEED certification for a prior project near the property. The prospective developer will consider implementing certain energy efficient design features and environmentally sensitive materials usage practices in construction and operation of the project, but the precise nature of those features and practices will be determined further into the design phase. The prospective developer believes it is important to secure a brownfields agreement prior to completion full design and engineering.

- 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	Blackwell Street RR Lot, LLC, Attn: General Counsel
Mailing Address	2619 Western Blvd. Raleigh, NC 27606
E-Mail Address	jvenable@cbc-raleigh.com
Phone No.	919-821-8933
Fax No.	919-821-8733

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

- 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

- 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

- 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

- 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

Have electronic copies of the photographs been emailed to NCBP?

Answer

- 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

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

Phase I Environmental Site Assessment, 205 Blackwell Street, Durham, North Carolina, ASE, August 14, 2008.

Phase I Environmental Site Assessment, 205 Blackwell Street, Durham, North Carolina, ASE, June 15, 2015.

Appendix IV in 2015 Phase I ESA contains NCDENR files for Incident No. 7038, as listed in Section IIB, above.

Appendix III in 2015 Phase I ESA contains the following historical reports:
Report of Asbestos Survey, ASE, August 13, 2008. Report of Asbestos Services, ASE September 15, 2008. Report of Environmental Services, ASE, October 13, 2008.

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.

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

IN THE MATTER OF: Blackwell Street RR Lot, LLC

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

Blackwell Street RR Lot, LLC, being duly sworn, hereby deposes and says:

1. I am <<Michael J. Goodman, Sr., Vice President>> of Blackwell Street RR Lot, LLC.
2. [if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind Blackwell Street RR Lot, LLC."]
3. Blackwell Street RR Lot, 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 103361 parcel(s) in Durham, Durham , County, North Carolina: 205 Blackwell Street
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Blackwell Street RR Lot, 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** **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 Blackwell Street RR Lot, 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.

 / Michael Goodman

Signature/Printed Name

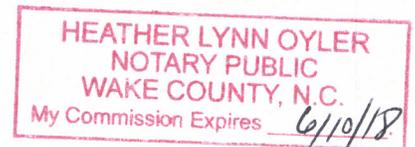
Date 6/22/15

Sworn to and subscribed before me

this 22 day of June, 2015.

 Notary Public

My commission expires: 6/10/18



(SEAL)

Preliminary Proposed Brownfields Agreement

I. Property Facts

a. Property Address(es): 205 Blackwell Street, Durham, NC 27701

b. Property Seller: North Carolina Railroad

c. Property Buyer: Blackwell Street RR Lot, LLC

d. Brief Property Usage History: The site was initially developed in the late 1800s for use by the railroad. Occupants have included an oil company, an ice and bottle works, a wholesale meat company, a paper warehouse, and an auto depot and storage for the railroad. Storage included fertilizer and oil. A portion of the site was redeveloped between 2008 and 2009 as a parking lot. The remaining portion of the site was maintained as landscaped areas.

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

- School/childcare/senior care
- Residential
- Commercial, retail (specify) Restaurants and dry goods retail
- Other commercial (specify) Parking deck, office space
- 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):							
	Petroleum: ASTs <input type="checkbox"/> USTs <input checked="" type="checkbox"/> Other <input type="checkbox"/>	X		X				
	Other (list):	TPH						
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.

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

Date of Submittal: June 22, 2015

North Carolina Brownfields Program
Redevelopment Now Option Pilot



Fee Consent Document

I, the undersigned, am the authorized agent of Blackwell Street RR Lot LLC ("Prospective Developer"), who the North Carolina Brownfields Program ("Program") has determined to be eligible to seek to engage in the brownfields process regarding a property and project that the Program has also determined to be eligible. See N.C.G.S. 130A-310.30, *et seq.* The property is known as the Blackwell St. RR Lot site and is located at 205 Blackwell St, Durham County, North Carolina. Prospective Developer is herewith paying a \$30,000.00 fee to the Program, by check payable to "DENR," in satisfaction of a Prospective Developer's obligations under N.C.G.S. 130A-310.39(a). Prospective Developer understands that payment of this fee entitles Prospective Developer to expedited Program review of technical documents and processing of a draft Brownfields Agreement and ancillary documents regarding the project in question. Prospective Developer further understands that payment of this fee in no way guarantees successful completion of the brownfields process regarding the project.

I understand that, pursuant to payment of the fees, the Program shall handle the subject project under the Program's expedited processing provisions, with appropriate staff resources, so long as Prospective Developer is engaging in the process in good faith and complying with the Program's procedures.

Should the Program determine that the resources required to complete the brownfields process in regard to the subject project ever exceed the fee set forth herein due to unforeseen technical, administrative, or regulatory complexities, the Program may (1) remove the project from the expedited processing program and return it to standard processing status, or (2) expend resources it deems reasonable seeking to negotiate an additional fee that the Program deems sufficient to complete the brownfields process in regard to the project.

Disclaimers:

- 1) The Program makes no promises or claims that payment of the subject fee will result in successful completion of the Brownfields process regarding this project.
- 2) Public comment shall be solicited pursuant to N.C.G.S. 130A-310.34, and may affect the outcome of the brownfields process regarding this project, including without limitation its timing and/or provisions/features of the Brownfields documents and plat.

Prospective Developer: Blackwell Street RR Lot LLC
Mailing Address: 300 Blackwell St Suite 104
Durham NC, 27701

By (signature): [Signature] 6/22/15
Date

Name typed or printed:
Title typed or printed: