

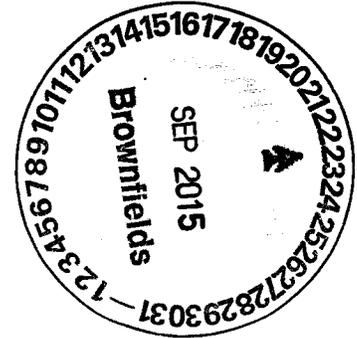
**Via Email and FedEx**

September 21, 2015

NCDENR – Division of Waste Management  
Brownfields Program  
1646 Mail Service Center  
Raleigh, NC 27699-1646

Attn: Ms. Shirley Liggins

Re: Brownfields Property Application  
1200 South Graham Street  
Charlotte, North Carolina  
H&H Project No. WIP-003



Dear Ms. Liggins:

On behalf of South End Gold, LLC, enclosed please find the original signed notarized Brownfields Property Application package for the above referenced site located in Charlotte. The Preliminary Site Assessment report identified in Section III. F. of the application is provided in the attached CD. An electronic copy of the application was submitted via email on September 21, 2015.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

*Hart & Hickman, PC*



Steve Hart, PG  
Principal

SCH/vmg

Enclosures

cc: Jim Whiteside (via email)  
Carolyn Minnich (via email)

**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                    South End Gold, LLC  
Principal Officer             James Whiteside  
Representative               James Whiteside  
Mailing Address              1300 S. Mint Street  
   Charlotte, North Carolina 28203  
E-mail address                jim@whitesideindustrial.com  
Phone No.                      (704) 347-4676  
Fax No.  
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                            Same as above  
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 James Whiteside  
Ownership (%) 100%  
Mailing Address 1300 S. Mint Street, Suite 400  
Charlotte, North Carolina 28203  
E-Mail Address jim@whitesideindustrial.com  
Phone No. (704) 347-4676  
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.

James Whiteside

List all parent companies, subsidiaries and other affiliates:

Not Applicable

**(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    South End Gold, LLC (hereinafter the "PD") is managed by Mr. James Whiteside, the President of Whiteside Industrial. Mr. Whiteside is an experienced real estate broker and developer. South End Gold, LLC, is financially sound and is capitalized to complete the redevelopment of this property.

- 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 PD has extensive experience managing real estate projects. In addition, the PD has retained professionals, including Hart & Hickman, PC, who are experienced in Brownfields redevelopment and the implementation of Brownfields requirements in particular. These professionals (i) have significant experience with the Brownfields Program and the redevelopment of challenged properties, and (ii) are aware of the work and restrictions that are typically included in Brownfields agreements to assure the safe use of property. The combination of these resources will ensure successful implementation of a Brownfields agreement and safe use of the property.

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** Please see our responses to Questions I.D and I.E, above. The PD has the technical ability to fully implement a Brownfields agreement and to assure the safe use of the property. It has a range of engineering and environmental experience available to it. In particular, the PD has hired Hart & Hickman, PC to assist with the technical aspects of both this application and the implementation of an eventual Brownfields agreement (including technical "work to be performed"). Hart & Hickman has extensive experience with Brownfields projects in North Carolina and is thoroughly familiar with the technical aspects and requirements of the 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

Harold D. Albright III  
2201 Providence Road  
Charlotte, North Carolina 28211

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. July 14, 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.

After receipt of the Brownfields eligibility determination and further evaluation of potential site risks.

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.)*

Not Applicable

## II. SITE INFORMATION

A. Information regarding the proposed brownfields property:

Proposed project name 1200 S. Graham

acreage 0.73 street address(es) 1200 South Graham Street

city Charlotte County Mecklenburg zip 28203

tax ID(s) or PIN(s) 07326225

past use(s) Residences, outboard motor sales and service facility, and wholesale electrical fixture, furniture, and appliances warehouse

current use(s) church

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

known Petroleum impacts detected in shallow soil samples collected in the northeastern and central portion of the property

off-site source(s) - TCE detected in groundwater samples collected at the site appear to be associated with a release located south and west of the subject site

suspected

- 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?

The property is located in the fast growing area of South End in Charlotte where many underused properties are being converted to higher uses such as multi-family residential and office buildings located near and along Charlotte's light rail line. Despite the property's prime location, the property currently is low density (currently occupied by a church and a parking lot) and therefore is being underused.

- 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)?

Before the PD acquires the property and incurs the costs associated with the redevelopment of the property, it needs to ensure that the property can safely be used through the Brownfields Program, and that it and future owners and occupants will have the protections and benefits afforded by a Brownfields agreement. Further, the availability of financing for the acquisition

and/or redevelopment of the property may depend on the property's entry into the Brownfields Program. Thus, given the current condition of the property, a Brownfields protection is critical for the safe 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)?

Please see the response to Question II.D above. Given the impacts to soil and groundwater from historical uses of the property and adjacent off-site properties, the PD believes that a Brownfields agreement will be essential for the viable and safe use of the property. Indeed, the PD will not proceed with its redevelopment of the property unless the property is entered into the Brownfields Program.

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.

Office, commercial/retail, high density residential, hospitality.

G. Current tax value of brownfields property: \$532,300

H. Estimated capital investment in redevelopment project: \$200,000

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.)

1. Creation of additional jobs during construction and redevelopment of the site, as well as permanent retail and hospitality jobs.
2. Spur to additional community investment and development in the area resulting in further tax base and employment opportunities.
3. Positive impacts on the surrounding business community.
4. Tax base improvement with regard to real property and business activity in the surrounding area, including both increased property tax bases and taxes associated with increased economic activity.
5. Beneficial use of the property and creation of density in a rapidly-densifying area, thereby avoiding the use of "green space" in other areas of the community.



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 Figure 1 attached to this document

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 YES, please see tax identification map provided in Appendix A.

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 see photographs included as Appendix B

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:

**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): 1200 South Graham Street

b. Property Seller: Albright Properties, LLC

c. Property Buyer: South End Gold, LLC

d. Brief Property Usage History: Review of City Directories, Sanborn maps, and aerial photographs indicate that the property was previously occupied by residences, an outboard motor sales and service facility, and a wholesale electrical fixture, furniture, and appliance warehouse. The property is currently occupied by Charlotte Church.

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) Hospitality

## 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):		X					
	Petroleum: ASTs <input type="checkbox"/> USTs <input type="checkbox"/> Other <input checked="" type="checkbox"/>	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):

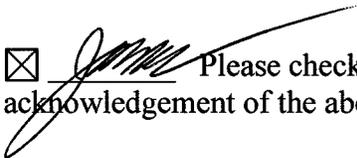
- Contaminant remediation to risk-based levels.
- Engineered Controls (e.g., low permeability caps, vapor mitigation systems, etc)
- Land use restrictions that run with the land that will restrict or prohibit uses that are unacceptable from a risk assessment/management perspective. (*Important Note: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

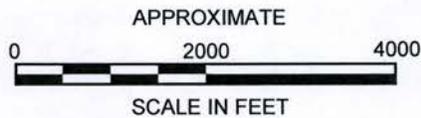
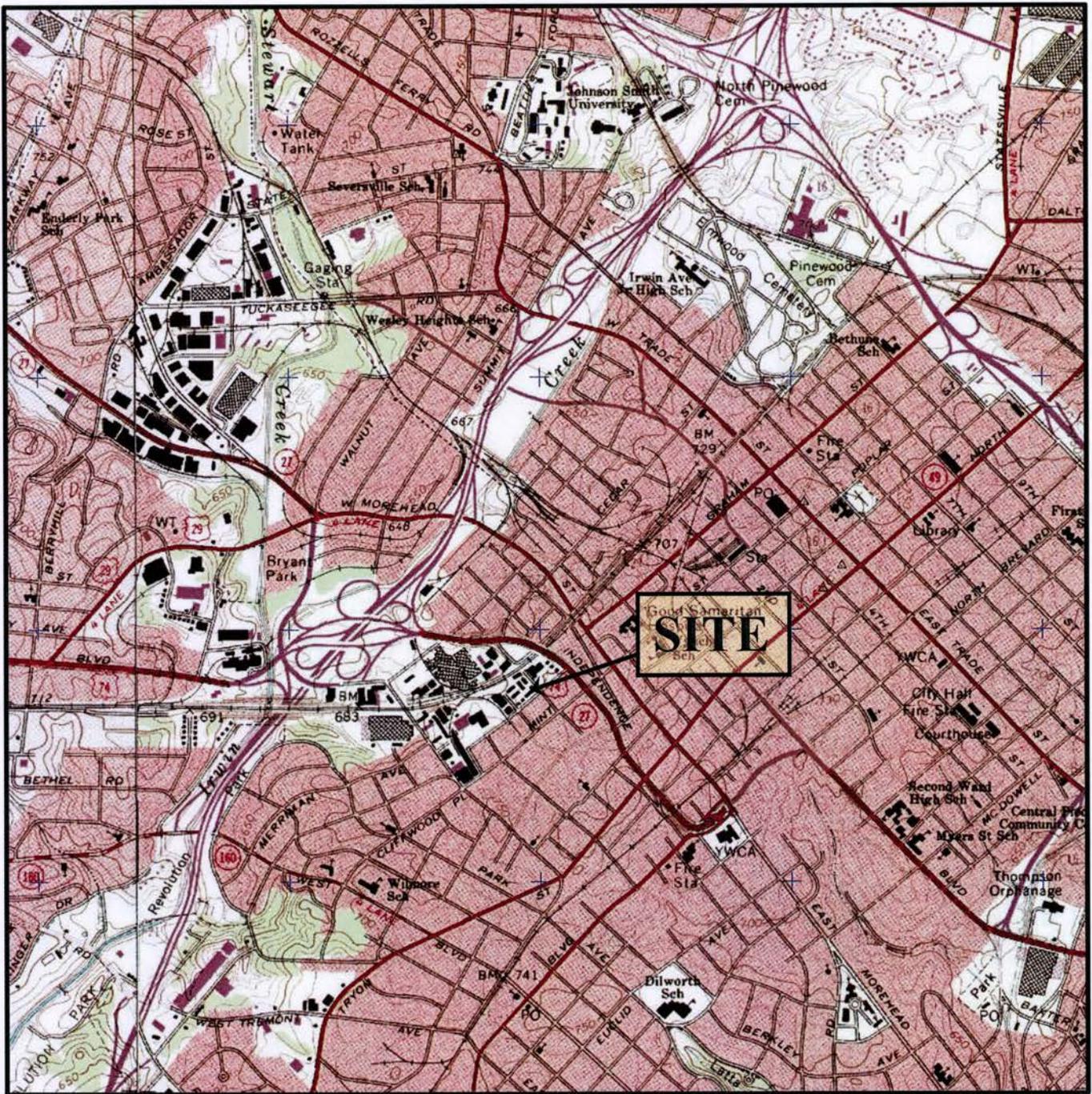
In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environment and Natural Resources and the Department of Justice. In satisfaction of the Act, the following fees apply to any brownfields agreement that is developed for this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

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

Date of Submittal: 9/21/2015

**FIGURES**



U.S.G.S. QUADRANGLE MAP

Charlotte East, NC 1991

QUADRANGLE  
7.5 MINUTE SERIES (TOPOGRAPHIC)

TITLE	<b>SITE LOCATION MAP</b>		
PROJECT	1200 S. GRAHAM PROPERTY 1200 S. GRAHAM STREET, CHARLOTTE MECKLENBURG COUNTY, NORTH CAROLINA		
			2923 South Tryon Street-Suite 100 Charlotte, North Carolina 28203 704-586-0007 (p) 704-586-0373 (f)
	SMARTER ENVIRONMENTAL SOLUTIONS		
DATE:	09-16-15	REVISION NO:	0
JOB NO:	WIP-003	FIGURE:	1

**APPENDIX A**  
**SURVEY PLAT**

# Polaris 3G Map – Mecklenburg County, North Carolina

## 1200 S. Graham Street - 07326225

Date Printed: 9/21/2015 12:47:47 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

**APPENDIX B**  
**SITE PHOTOGRAPHS**



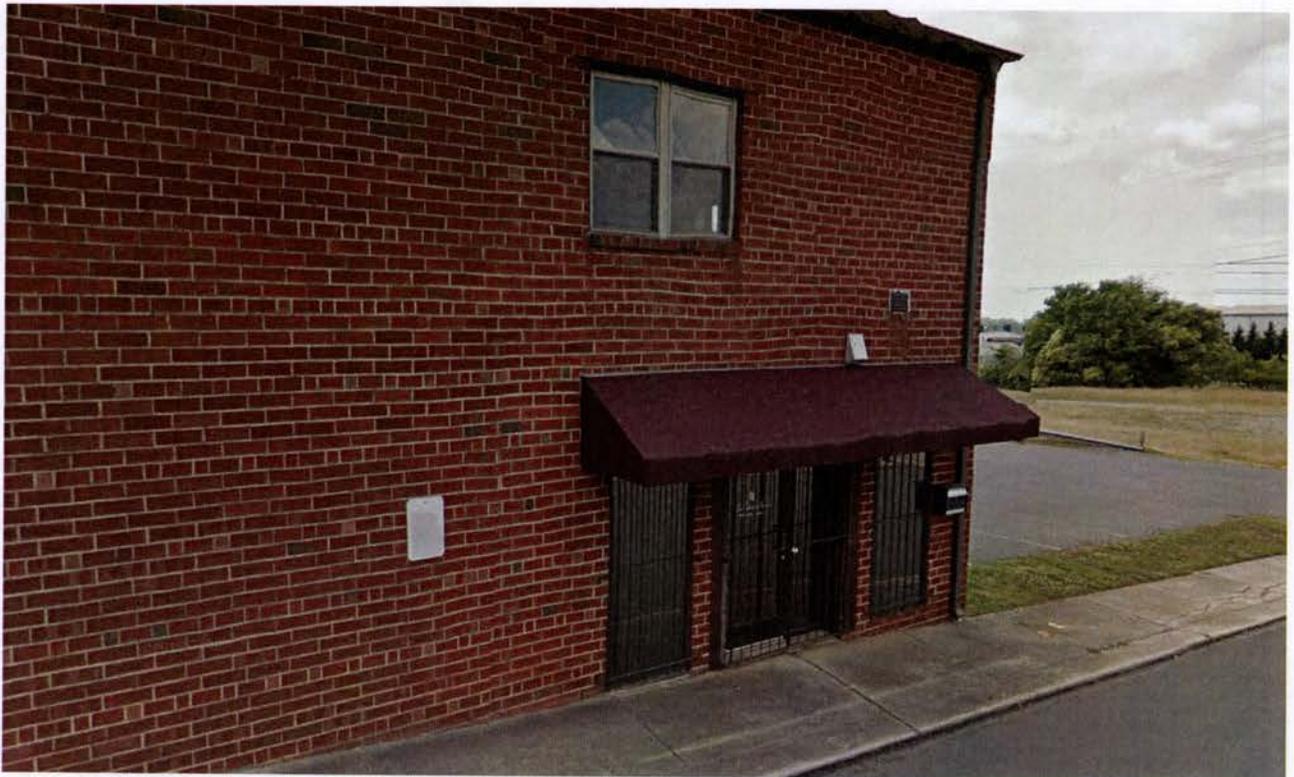
Photograph 1: Main entrance to site building. Viewed from the southwest along S. Graham St.



Photograph 2: View of rear parking area and southwest side of the site building.



Photograph 3: View of the site building from the intersection of S. Graham St. and W. Palmer St.



Photograph 4: View of side entrance to site building from S. Graham St.

WIP-003



2923 S. Tryon Street, Suite 100  
Charlotte, NC 28203  
704.586.0007(p) 704.586.0373(f)

1200 S. GRAHAM STREET  
CHARLOTTE, NORTH CAROLINA



Photograph 5: View of parking areas and rear of the site building from S. Graham St.



Photograph 6: View of rear entrance to the site building from the parking area.