

Brownfields Program
File Room Document Transmittal Sheet

23

Your Name: Shirley Liggins
Project ID: 1103807092
Facility Name: Edison Project
Document Group: Brownfields Property Application (BPA)
Document Type: Application (A)
Description: application from PD
Date of Doc: 9/28/2011
Author of Doc: Gregg Sandreuter

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1103807092

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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	Edison Land LLC
Principal Officer	Mr. Gregg Sandreuter
Representative	Same
Mailing Address	c/o Ford Robertson, Kilpatrick Townsend & Stockton LLP 4208 Six Forks Road, Suite 1400, Raleigh, NC 27609
E-mail address	gsandreuter@nc.rr.com
Phone No.	(919) 420-1700
Fax No.	(919) 420-1800
Web site	None

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 Gregg Sandreuter
Ownership (%) 82%
Mailing Address same as 1A

E-Mail Address

Phone No.

Fax No.

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

Name Gregg Sandreuter
Ownership (%) 82%
Mailing Address same as 1A

E-Mail Address

Phone No.

Fax No.

Name Pete Lash
Ownership (%) 9%
Mailing Address Beacon Partners, 9335 Harris Corners Parkway
Charlotte, NC 28269

E-Mail Address n/a
Phone No. (704)-597-7757
Fax No. (704) 598-6335

Name Ed Weisiger
Ownership (%) 9%
Mailing Address Beacon Partners, 9335 Harris Corners Parkway
Charlotte, NC 28269

E-Mail Address n/a
Phone No. (704)-597-7757
Fax No. (704) 598-6335

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:

n/a

(Use for Partnerships)

Check one: General Partnership Limited Partnership

List all partners and percent of ownership:

Name n/a
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 n/a

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 Edison Land LLC is the current owner of the property. The principals of Edison Land LLC have collectively been involved in the commercial real estate industry for over 20 years and have a successful track record of development, acquiring, and financing high quality commercial real estate in the Raleigh/Durham and Charlotte

regions. Collectively, the principals have developed and acquired over \$560,000,000 in commercial real estate, both in suburban and urban locations. Edison Land LLC has the financial capability to fully implement a Brownfields Agreement for the site.

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 explanation in D above demonstrates the PD's managerial means to fully implement a brownfields agreement. To assist with the Brownfields process, Edison Land LLC has retained the services of Mid-Atlantic Associates, Inc., a full service environmental consulting firm headquartered in Raleigh, North Carolina. Mid-Atlantic specializes in the assessment and remediation of contaminated properties and has consulted with numerous clients on the brownfields process.

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 explanations in D and E above demonstrate the PD's technical means to fully implement a brownfields agreement.

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.)

H. Does PD currently own the property?

Answer Yes, over 90% of the property is currently owned by Edison Land LLC. Two small parcels are under contract to be purchased, as described below

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.)*

Mr. Calvin Saboorian, Progress Real Estate Holdings, Inc., Post Office Box 1551, Raleigh, NC 27602-1551, 919-546-4034, calvin.saboorian@pgnmail.com

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

307 S. Wilmington Street: Phillip Horwitz, Reliable Loan Company, 307 S. Wilmington Street, Raleigh NC 27602 919 832 3461 no email on file

109 E. Davie Street: Tony Moore, Coopers BBQ, 109 E> Davie Street, Raleigh NC 27602 919 832 7614 no email on file

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. 5/30/08 for 307 S. Wilmington Street, and 5/28/08 for 109 E. Davie Street.

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 the conclusion of the brownfields process and upon construction commencement of the improvements

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 property has a variety of small, two story brick buildings that are currently occupied by a variety of service retail businesses, including a barber shop, a clothing store, a restaurant, a check cashing business, a tee shirt silk screening company, a jewelry store, and other such urban service retail businesses.

II. SITE INFORMATION

A. Information regarding the proposed brownfields property:

acreage The site consists of two non-contiguous tracts. Tract A-1 consists of approximately 1.161 acres while tract A-3 consists of approximately 1.213 acres. The tract located between the two tracts (A-2) is proposed to be developed with a multi-story

parking deck that will support the under-construction RBC Plaza tower, located across Wilmington Street and already subject to a Brownfields agreement with NCDENR, as well as the mixed-use developments planned for these tracts. Once fully completed, although there will be separate ownership entities, the three tracts will operate and be integrated as one large vertical mixed use development hosting all types of uses, including office, hotel, residential, and restaurant/retail.

street address(es) Tract A-1 is located at 305 South Wilmington Street, Raleigh, NC 27601 while tract A-3 is located at 327 South Wilmington Street, Raleigh, NC 27601.

tax ID(s) or PIN(s) PIN # for the entire approximately 3.59 acre parcel (tracts A-1, A-2 and A-3) is 1703775645

past use(s) Based upon the historical review, the subject site has been developed since at least 1884. Former occupants/uses of note on tract A-1 (the northern tract) include a chemical company, medicine manufacturer, dry cleaner, furniture operations, laboratory, farm supplier and print shop. Former occupants/uses of note on tract A-3 include a gasoline service ("filling") station, printer, veterinarian, sign painting, auto repair and tire retreading.

current use(s) The northeast portion of tract A-1 is currently used as open space/park. The remainder of tracts A-1 and A-3 were previously used as parking areas but they have recently been razed and there is no current use of these portions of the site.

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

known During a subsurface investigation conducted in 2002, naphthalene was detected in a groundwater sample collected from tract A-1 at a concentration above its State 2L Groundwater Standard. Mercury was also detected in a soil sample collected from tract A-1. Benzene was detected in a groundwater sample collected from tract A-3 at a concentration above its State 2L Groundwater Standard. Concentrations of various volatiles, semi-volatiles and metals (chromium and mercury) were detected in soil samples collected from tract A-3. During this same investigation, benzene and 1,2-dichloroethane were detected in a groundwater sample collected from the adjacent tract A-2. These compounds were also detected in concentrations above their respective State 2L Groundwater Standards.

One 1,800-gallon heating oil underground storage tank was removed from tract A-3 in February 2007. Laboratory results indicated a release had occurred from the UST. Contaminated soil was excavated and transported off site for treatment in March 2007. Confirmatory soil samples collected after excavation activities did not exhibit contaminant concentrations in excess of State action levels.

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: Underground Storage Tank Section; pending

Agency Name/ID No:

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

The majority of the property is currently vacant and not in use. There are some small brick buildings that are leased to various tenants as described in P1-J above. Based on its location with respect to other downtown developments and the recently re-opened Fayetteville Street, the property is underused and largely idle.

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 PD proposes to develop the property with multi-use buildings with an approximately at-completion value of \$200,000,000. The development will be supported by the proposed parking deck scheduled for development on the adjacent tract A-2. The proposed parking deck scheduled for tract A-2 will also support the RBC Plaza tower across the street. If completed as proposed, the three developments (tracts A-1, A-2 and A-3) will essentially function as one. Both the under-construction RBC Plaza Tower and the mixed-use developments planned for tracts A-1 and A-3 of the subject site have residential components. As such, the PD considers the presence of contaminants both on and adjacent to the subject site to be an unacceptable liability risk, making a Brownfields Agreement a critical part of this development and the proposed surrounding developments. The PD believes that a Brownfields Agreement with the determination by the Brownfields Section that the property is safe for the intended use will greatly facilitate development of the subject site.

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)?

See explanation in D above.

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

As stated previously, the PD proposes to develop the property with an approximately \$200,000,000 mixed use development that will include office, hotel, residential, and restaurant/retail.

G. Current tax value of brownfields property: \$1,490,707 (the entire 3.59 acres site; tracts A-1, A-2 and A-3).

H. Estimated capital investment in redevelopment project: \$200,000,000 for the mixed use developments on tracts A-1 and A-3. Taking into account that the deck proposed for the adjacent tract A-2, the post-development tax value of these developments could exceed \$230,000,000.

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.)*

The size and scope of this project is large and unlike anything seen in downtown Raleigh's history. Upon completion, the project is expected to generate 800 new construction jobs and 800 permanent jobs to the heart of downtown Raleigh. It is anticipated that development of the tracts A-1 and A-3 will add approximately \$200,000,000 to the local tax base and an additional \$2,120,000 in annual tax revenue. In addition, since this is an urban site versus a suburban site, the project is expected to have additional community benefits, such as lessening the impact on roads and public utilities by enabling more people to live/work/play in downtown Raleigh, where road/water/sewer capacity is already present, and lessening vehicular trips by enabling people to walk to work and other activities.

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.

The project is in the first early phases of design development, and thus no specific environmentally friendly technologies have been identified. It is the PD's goal to have this project be the first LEEDs certified project in downtown Raleigh and is working toward this objective.

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 Yes

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@ncmail.net with a clear indication as to which Brownfields Application they apply.**

Are photographs of the property included with this application?

Answer Yes

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. However, 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) **Assessment Activities Report, May 22, 2002, Mid-Atlantic Associates, Inc. & 2) Phase I Environmental Site Assessment Report, June 27, 2007, Mid-Atlantic Associates, Inc.**

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: Edison Land LLC

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

Edison Land LLC being duly sworn, hereby deposes and says:

1. I am <<Title>> of Manager of Edison Land LLC.
2. [if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind Edison Land LLC."]
3. Edison Land 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 entire city block bounded Martin St, Blount St, Davie St and Wilmington St in downtown Raleigh excluding the 1.213 acres of parcel # 1703775623 parcel(s) in Raleigh, Wake , County, North Carolina:
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Edison Land 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 Edison Land 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.

Gregg F. Sandreut _____ 9/22/11
Signature/Printed Name Date

By: Edison Land LLC
By: Becca Edison Land LLC, By: Gregg F. Sandreut, Manager

Sworn to and subscribed before me
this 22 day of September, 2011.

Susan Y. Barden Notary Public
My commission expires: 9/15/2014

