

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	French Broad River Academy
Principal Officer	Will Yeiser
Representative	same
Mailing Address	191 Lyman Street Suite 316
E-mail address	wyeiser@fbriveracademy.org
Phone No.	828.348.4320
Fax No.	828.333.4263
Web site	www.fbriveracademy.org

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

Name
Company
Mailing Address

E-Mail Address
Phone No.
Fax No.

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

(Use for LLCs)

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

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 French Broad River Academy Inc.

Mailing Address same as 1.A

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 See attached financial information

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

Answer Yes

Explanation We are working with local environmental attorney Billy Clarke, engineer Mark Brooks from Brooks Engineering, as well as local NC DENR representative Tracy Wahl to implement brownfields agreement.

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 We are working with local environmental attorney Billy Clarke, engineer Mark Brooks from Brooks Engineering, as well as local NC DENR representative Tracy Wahl to implement 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.)

NA

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

Riverside Business Park-Bill Goacher, 2000 Riverside Drive, Asheville, NC 28804, (828) 254-8105 goacherints@juno.com

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

Answer No

If yes, provide date of contract.

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.

The property is being donated by Riverside Business Park and we intend to close on the land donation as soon as we are accepted into the NC Brownfield Program.

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

No activity has taken place since our involvement.

II. SITE INFORMATION

A. Information regarding the proposed brownfields property:

Proposed project name French Broad River Academy
acreage 3.15 street address(es) 1990 Riverside Drive, , NC 28804

city Asheville County Buncombe zip 28804
tax ID(s) or PIN(s) 973005736300000
past use(s) textile mill
current use(s) green space
cause(s)/source(s) of contamination:

known unknown

suspected unknown

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: see phase I ESA

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 site is underused in the sense that it is not currently developed or used by anyone and has desirable waterfront access that fits our school's mission and vision.

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)?

See attached phase I/II environmental report-since we are building up on pilings, there would be minimal disturbance to the property. The actual contaminants do not physically hinder redevelopment. Primary hinderance of contamination is limitations to financing options.

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)?

Most banks will not finance a construction loan without a Brownfield Agreement in place. Also, the French Broad River Academy (FBRA) does not want to assume any liability for clean-up of the site.

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

The site will be developed into a campus for the French Broad River Academy, a middle school for boys whose. Our curriculum, conservation work, and outdoor education program is primarily focused on the French Broad River and the surrounding watershed. See attached renderings.

G. Current tax value of brownfields property: \$\$176,500 according to appraisal-see attached appraisal

H. Estimated capital investment in redevelopment project: \$1 M

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 project will create jobs for the architects, engineers, general contractors, and builders involved in the project. It will also create at least four more jobs for FBRA, as well as sustain the existing ten full-time positions and one part-time position. The new location will also result in exposure to Riverside Business Park by our over seventy-two different families from all over the region. FBRA will improve the site by removing invasive species, protecting riparian vegetation, and installing rain gardens. Any potential remedial efforts will serve as an educational opportunity. Securing a riverfront campus is critical for the sustainability and success of the school.

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.

LEED certification will be part of the proposed construction budget, as well as Xeriscape landscaping. We will explore solar hot water and electricity options as well.

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@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

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:

French Broad River Academy Site, 2000 Riverside Drive (Portion), Woodfin, NC,
December 16, 2013, Brooks Engineering Associates, P.A.

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: **French Broad River Academy**

UNDER THE AUTHORITY OF) **AFFIDAVIT**
NORTH CAROLINA GENERAL) **RE: RESPONSIBILITY**
STATUTES $\text{\textcircled{R}}$ 130A-310.30, et. seq.) **AND COMPLIANCE**

Will Yeiser, being duly sworn, hereby deposes and says:

1. I am <<Director>> of <<French Broad River Academy>>.
2. [if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind <<French Broad River Academy>>."]
3. <<French Broad River Academy>> is applying for a Brownfields Agreement with the North Carolina Department of Environment and Natural Resources, pursuant to N.C.G.S. $\text{\textcircled{R}}$ 130A, Article 9, Part 5 (Brownfields Act), in relation to the following <<973005736300000>>parcel(s) in <<Asheville>>, <<Buncombe>> , County, North Carolina: <<1990 Riverside Drive.>>
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that <<French Broad River Acadmey>>, and any parent, subsidiary or other affiliate meets the eligibility requirements of N.C.G.S. $\text{\textcircled{R}}$ 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 <<French Broad River Academy>> meets the eligibility requirement of N.C.G.S. $\text{\textcircled{R}}$ 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.

Will Yeiser
Signature/Printed Name

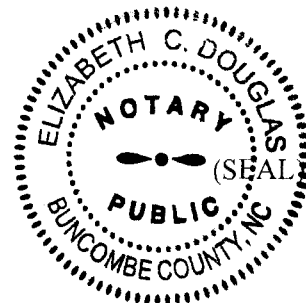
Date March 14, 2014

Sworn to and subscribed before me

this 14th day of March, 2014.

Elizabeth C. Douglas Notary Public

My commission expires: 8/12/2018



Preliminary Proposed Brownfields Agreement

I. Property Facts

- a. Property Address(es): 1990 Riverside Drive, Asheville, NC 28804
- b. Property Seller: Riverside Business Park
- c. Property Buyer: French Broad River Academy
- d. Brief Property Usage History: green space
- 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):								
	Petroleum: ASTs <input type="checkbox"/> USTs <input checked="" type="checkbox"/> Other <input type="checkbox"/>		X		X				
	Other (list):								
i n o r g a n i c s	Metals (list):	X		X					
	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.

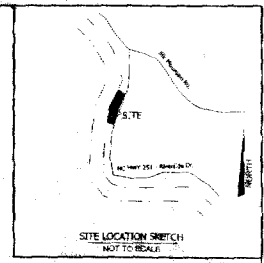
W.Y. Please check this box and initial in space provided to indicate your acknowledgement of the above fee structure.

Date of Submittal: 3/14/14

STATE OF NORTH CAROLINA
 COUNTY OF WOODFIN
 I, Tracy A. Shelton, Notary Public for Woodfin County, North Carolina, do hereby certify that the within plat and plat thereon is a true and correct copy of the original as recorded in the public records of this county, and that the same is in accordance with the requirements of the laws of this State.
 Witness my hand and seal this 14 day of November, 2013.
 Tracy A. Shelton
 Notary Public
 My Commission Expires 11/12/15

North Carolina, Buncombe County
 I, Tracy A. Shelton, Notary Public for Buncombe County, North Carolina, do hereby certify that the within plat and plat thereon is a true and correct copy of the original as recorded in the public records of this county, and that the same is in accordance with the requirements of the laws of this State.
 Witness my hand and seal this 14 day of November, 2013.
 Tracy A. Shelton
 Notary Public
 My Commission Expires 11/12/15

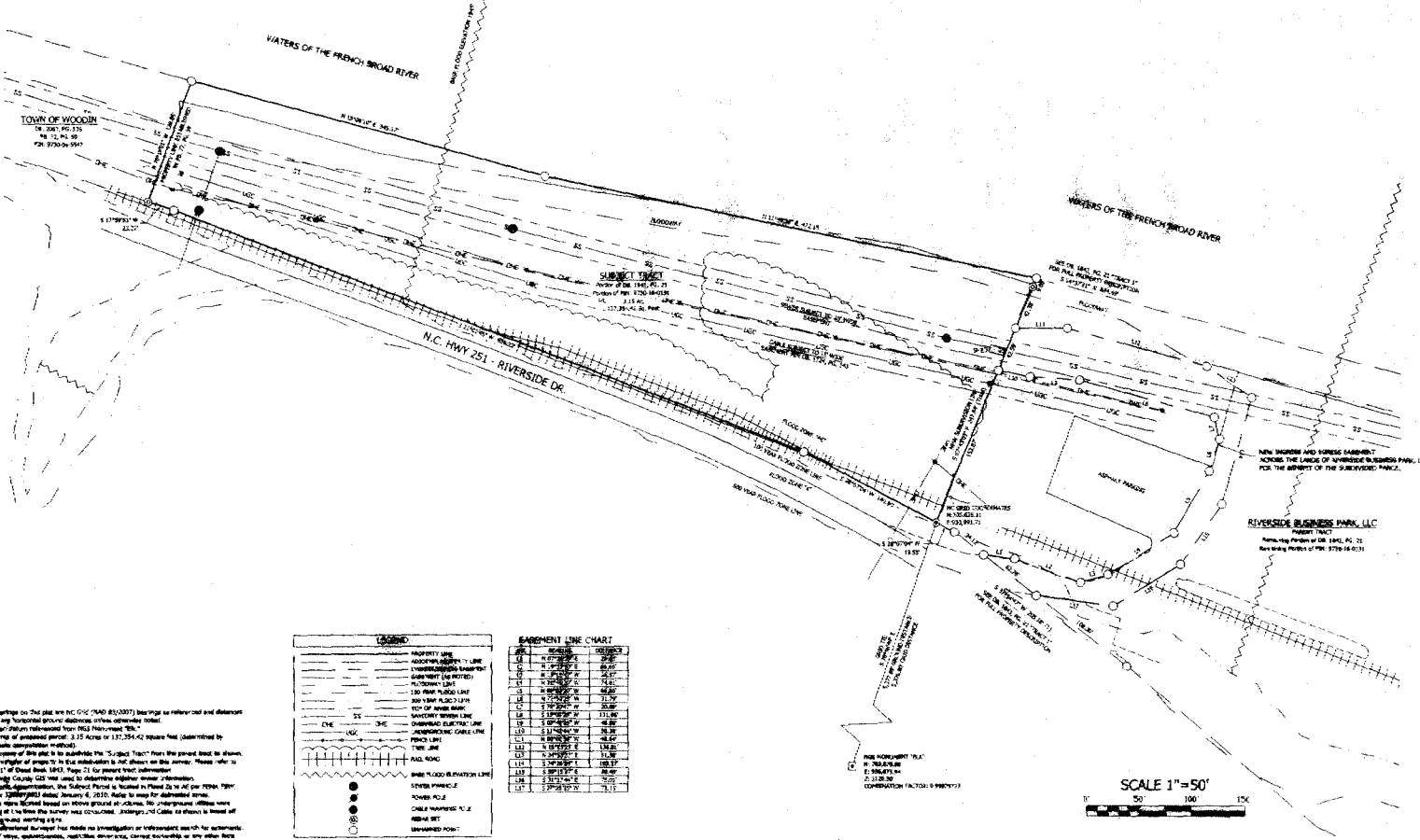
CERTIFICATE OF APPROVAL FOR RECORDING
 I hereby certify that the subdivision plat shown herein has been found to comply with the Statewide Regulations of the Town of Woodfin, North Carolina and that this plat is exempt from the requirements of Zoning Board of Adjustment review.
 Nancy Young
 Town Administrator
 Date: 11/12/13
 ONLY



I, Tracy A. Shelton, certify that this site was drawn by me from an actual survey made under my supervision. (See description recorded in Deed Book 1843, Page 21; or the four corners map attached as clearly indicated on other plat information found in Book No. A, Page No. 1, of the 4th of January as indicated in 1-1000). Describe part was prepared in accordance with G.S. 47-30 as amended.
 Witness my hand and seal this 14 day of November, 2013.
 Signature: Tracy A. Shelton
 Professional Land Surveyor
 Certificate Number L-5033



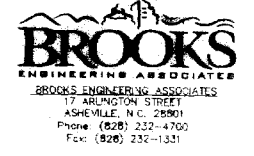
- I, Tracy A. Shelton, Professional Land Surveyor, certify to one or more of the following as indicated:
- X. A. That this plat is a survey that creates a subdivision of land within a county or municipality that has an ordinance that regulates parcels of land.
 - B. That this plat is a survey that is located in an area of a County or municipality that has an ordinance that regulates parcels of land.
 - C. Any one of the following:
 1. That the survey is of an existing parcel or parcels of land and does not create a new parcel or change an existing parcel.
 2. That the survey is of an existing building or other structure of substantial value, such as a water course.
 3. That the survey is a corner survey.
 - D. That the survey is of another category, such as the reestablishment of existing parcels, a corner survey, or other assistance to the delineation of a subdivision.
 - E. That the information available to the surveyor is such that the surveyor is unable to make a determination as to the best of the surveyor's professional ability as to decisions contained in (a) through (d) above.



LEGEND		BENCHMARK CHART	
—	PROPERTY LINE	1	100.00
—	ADJACENT PROPERTY LINE	2	100.00
—	EXISTING EASEMENT	3	100.00
—	PROPOSED EASEMENT	4	100.00
—	100' WIDE PLAZA LANE	5	100.00
—	200' WIDE PLAZA LANE	6	100.00
—	SAVINGS BANK LINE	7	100.00
—	SHARED UTILITY LINE	8	100.00
—	ADJACENT GOLF COURSE	9	100.00
—	PAVED ROAD	10	100.00
—	UNPAVED ROAD	11	100.00
—	STATE PRINCIPLE	12	100.00
—	CONCRETE POLE	13	100.00
—	WOODEN POLE	14	100.00
—	CEMENT MARKING 1/2"	15	100.00
—	REBAR SET	16	100.00
—	MARKED POINT	17	100.00

- PLAT NOTES:
1. The bearings on this plat are NAD 83 (2011) bearings as determined and adjusted using National Geodetic System, unless otherwise noted.
 2. Bearings/Plots were measured from 1962 National T.M.
 3. Total area of proposed parcel is 3.15 acres or 137,294.42 square feet (determined by coordinate intersection method).
 4. The purpose of this plat is to establish the "Subject Parcel" from the parcel land in shown.
 5. The height of points in this subdivision is not shown on this survey. Please refer to 17.1 of the 2011 NCEES Surveying Code of Ethics for more information.
 6. Surveying Code (2011) used to determine whether corner determination.
 7. By graphic representation, the Subject Parcel is located in Parcel 25 in AC per 1978B 1981 Public Law 95-602 dated January 6, 2010. Refer to map for additional details.
 8. Utilities shown based on known ground or other. No underground utilities were shown on this map. The surveyor has no obligation to locate or show any other utilities shown on this map.
 9. The professional surveyor has made no investigation or observation as to the ownership, right of way, easements, mortgages, encumbrances, or any other facts that may affect the title to the land shown hereon. A.C. National disclaimer per A.C. Code.

Survey For:
FRENCH BROAD RIVER ACADEMY
 Current Owners:
RIVERSIDE BUSINESS PARK, LLC
 Property Address: 2000 Riverside Dr.
 Asheville, NC 28804
 Portion of Deed Book 1843, Page 21
 Portion of Tax PIN: 9730-16-0131.
 Town of Woodfin Beaverdam Township
 Buncombe County, NC
 November 7, 2013 Scale: 1" = 50'



DRAWN BY: T.A.S. CHECKED BY: P.E.S.

