



Maryland Department of the Environment Voluntary Cleanup Program

Attachment One Voluntary Cleanup Program Application

**LAND MANAGEMENT ADMINISTRATION
LAND RESTORATION PROGRAM**

VOLUNTARY CLEANUP PROGRAM APPLICATION

➤ **APPLICATION REVIEW AND APPROVAL**

The information provided in this application will be used to determine the eligibility of the applicant and the property for Maryland's Voluntary Cleanup Program (VCP) pursuant to Title 7 of the Environment Article.

Within 45 days after receipt of the application, the Department will notify the applicant, in writing, whether the application is approved, incomplete, denied or if the Department has no further requirements related to the investigation of controlled hazardous substances and oil at the property. If the application is denied, the Department will provide reasons for its denial in writing and will advise the applicant that the application may be resubmitted within 60 days.

➤ **PRE-APPLICATION MEETINGS**

Applicants are encouraged to request a pre-application meeting to discuss the environmental issues at the property prior to submitting the application. To schedule a meeting, please contact the VCP at 410-537-3493.

➤ **APPLICATION PACKAGE MAILING ADDRESS**

Please submit the application package and required environmental site assessment information and all other available site information to the following address:

Maryland Department of the Environment
Voluntary Cleanup Program
1800 Washington Boulevard, Suite 625
Baltimore, Maryland 21230-1719
ATTN: VCP Division Chief

➤ **APPLICATION FEE MAILING ADDRESS**

Please send the applicable \$6,000 or \$2,000 application fee, made payable to the Voluntary Cleanup Fund, and the Application Fee Form (VCP Application Attachment I) to the following address:

Maryland Department of the Environment
P.O. Box 1417
Baltimore, Maryland 21203

➤ **EXPEDITED INculpABLE PERSON APPROVAL REQUESTS**

To obtain expedited inculpable person approval, a written request accompanied by a completed Inculpable Person Affidavit (VCP Application Attachment II) and the \$2,000 fee made payable to the Voluntary Cleanup Fund must be forwarded or hand delivered to the Department at the 1800 Washington Street address listed above.

➤ **QUESTIONS**

Any questions regarding the application should be directed to the VCP at 410-537-3493.

FOR DEPARTMENT USE ONLY
PCA# 13758 AOBJ# 5671, Suffix 001

Form Number: MDE/WAS/COM.029
December 13, 2012 (Revision 14)
TTY Users 1-800-735-2258
(Via Maryland Relay Service)



VOLUNTARY CLEANUP PROGRAM APPLICATION

I. PROPERTY	
Property Name: Frederick Brick Works	
Address: 184 E South Street	
City: Frederick	County: Frederick
Zip Code: 21701	
Tax Parcel Number: 02-044110	Acreage: 64.6
List any other names (i.e. aliases) for this property that could help identify historical environmental records: Brick Works Development LLC	
Please check one of the following, if applicable:	
<input type="checkbox"/> This application is for multiple contiguous parcels. Please include the tax parcel number and the acreage for each individual parcel. If parcels are not contiguous, a separate application accompanied by another \$6000 application fee must be filed for each non-contiguous parcel.	
<input type="checkbox"/> This property has already applied to the VCP under a different applicant.	
<input type="checkbox"/> This property is adjacent to a property that has already applied to the VCP and both properties are part of the same planned unit development or similar development plan.	
NOTE: Pursuant to Maryland law, properties that are listed on the National Priorities List, subject to a controlled hazardous substance permit issued by the State, or owned by a "responsible person" and contaminated after October 1, 1997, are <u>not</u> eligible for this Program.	
II. APPLICANT	
Attachment III of the application provides a checklist of the information that should be included in the VCP application package. Although not mandatory, applicants are encouraged to complete the checklist and submit it with the application.	
Name(s) of Representative(s): Eric Allen	Title: Authorized Signatory
Organization: GG Frederick Holdings LLC	
Mailing Address: 2077 Somerville Road	
City: Annapolis	State: Maryland
Zip Code: 21401	
Telephone: (410) 559-2534	Fax: () -
E-mail: eallen@ggcommercial.com	
(A) Indicate the legal form of the applicant's organization and provide the date founded. GG Frederick Holdings LLC was formed on 12/13/2022	
III. APPLICANT'S INTEREST IN PROPERTY	
(A) Indicate the interest in the property by checking all the applicable box(es) below.	
Interest in Property	Interest in Property
<input type="checkbox"/> Currently own property	<input type="checkbox"/> Under contract for option to purchase property
<input type="checkbox"/> Currently renting or leasing property	<input type="checkbox"/> Under contract for conditional sale of property
<input checked="" type="checkbox"/> Considering purchasing property	<input type="checkbox"/> Considering making a loan or investment to a purchaser for the acquisition of the property
<input type="checkbox"/> Considering renting or leasing property	<input type="checkbox"/> Holder of a mortgage, deed or trust or other security interest
<input type="checkbox"/> Other (explain):	
(B) If purchasing the property and a contract offer has been accepted, has a settlement date been scheduled?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Date:	
(C) If considering renting or leasing the property, has the applicant entered into a lease option or lease agreement?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Date term of lease option expires or lease begins:	



IV. DEPARTMENT ACTION SOUGHT BY APPLICANT (Check only one)

- “No Further Requirements Determination”**: A “No Further Requirements Determination” is a notice by the Department that it has no further requirements related to the investigation of controlled hazardous substances at the eligible property. Please be aware that the “No Further Requirements Determination” will be conditioned on a specific property use (residential, industrial or commercial) and might include land use controls that include, but are not limited to: maintenance of existing pavement or ground covering; use of air monitoring instruments during excavation; and, a deed restriction on use of groundwater beneath the property for any purpose.
- “Certificate of Completion”**: A “Certificate of Completion” is a notice issued by the Department after satisfactory completion of an approved response action plan stating: the requirements of the response action plan have been completed; implementation of the response action plan has achieved the applicable cleanup criteria; the Department may not bring an enforcement action at the eligible property; the participant is released from further liability for remediation of the eligible property for any contamination identified in the environmental site assessment; and the participant will not be subject to a contribution action instituted by a responsible person. Please be aware that the “Certificate of Completion” may be conditioned on a specific property use (residential, industrial or commercial) and might include land use controls that include, but not limited to: continual maintenance of controls (e.g., cap); use of air monitoring instruments during excavation; a deed restriction on groundwater use beneath the property for any purpose; periodic inspection of controls; and, submittal of periodic inspection reports to the Department.

V. PARTICIPANT STATUS SOUGHT BY APPLICANT (Check only one)

- “Responsible Person”**: A responsible person is defined as any person who: 1) is the owner or operator of a vehicle or site containing a hazardous substance; 2) at the time of disposal of any hazardous substance, was the owner or operator of any site at which the hazardous substance was disposed; 3) by contract, agreement or otherwise, arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of a hazardous substance owned or operated by another party or entity and containing such hazardous substances; or 4) accepts or accepted any hazardous substances for transport to a disposal or treatment facility or any sites selected by the person. Please note that there are numerous exceptions to the definition of responsible person set forth in Section 7-201 (x)(2) of the Environment Article, Annotated Code of Maryland.
- “Inculpable Person”**: An inculpable person is defined as any person who has no prior or current ownership interest in an eligible property and has not caused or contributed to contamination at the eligible property at the time of application to participate in the Voluntary Cleanup Program. **An applicant seeking inculpable person status must complete the Application Attachment II: “Inculpable Person Affidavit.”**
- Expedited inculpable person** approval is requested (additional \$2,000 fee required).

VI. CURRENT PROPERTY OWNER (if different from applicant)

Organization:	Brick Works Development LLC				
Name(s) of Representative(s):			Title:		
Mailing Address:	PO Box 130339				
City:	Carlsbad	State:	California	Zip Code:	92013
Telephone:	() -	Fax:	() -	E-mail:	
(A)	Indicate the legal form of the applicant’s organization and provide the date founded. Brick Works Development, LLC was formed on 8/2/2010				

VI. CURRENT PROPERTY USE

- (A)** Describe all current property uses (e.g. residential, retail, office space, warehousing, industrial, manufacturing, etc.).
Construction storage and vacant land
- (B)** Provide the property’s current zoning classification:
MU
- (C)** Are any requests for zoning variances, special exceptions or reclassification pending? If yes, explain.
 Yes No
- (D)** Has the property been subdivided during the present ownership? If yes, attach an explanation and provide the date and zoning classification of the subdivision. Yes No



VII. FUTURE PROPERTY USE

(A) Indicate the intended future use of the property as defined by the VCP land use definitions. This section must be completed because the selected cleanup criteria and issuance of a No Further Requirements Determination or a Certificate of Completion will be contingent upon the future use of the property. If this section is not completed, the property will be evaluated under the most conservative scenario of Tier 1 (Residential). (Check one.)

- Tier 1 (Residential)** Planned use of the property that allows exposure and access by all populations including infant, children, elderly, and infirmed populations. Tier 1 properties typically include single-family and multi-family dwellings, hospitals and health care facilities, education facilities, day care facilities, playgrounds and other recreational areas.
- Tier 2 (Commercial)** Planned use of the property that allows exposure and access by the general public, workers, and other expected users, including customers, patrons, or visitors. Commercial purposes allow access to the property and duration consistent with a typical business day. Tier 2 properties typically include shopping centers, retail businesses, vehicle service stations, medical offices, hotels, office space, religious institutions and restaurants.
- Tier 3 (Industrial)** Planned use of the property by workers over the age of 18, adult workers and construction workers, and other potential expected users. Industrial purposes allow access to the property at a frequency and duration consistent with a typical business day. Tier 3 properties typically include manufacturing facilities, maritime facilities, metal working shops, oil refineries, chemical and other material plants.
- Tier 4 (Public Recreational Areas)** Planned use of the property by all populations for recreational uses. Sub-category must be selected based on frequency of use.
- High Frequency Use:** A high frequency public recreational area is any area that is available for recreational use by all populations at the highest potential exposure frequency (youth, child, adult, senior, etc.). Examples may include, but are not limited to, playgrounds, day care facilities, schools, golf courses, and picnic areas. The frequency of visits by all populations is 250 days per year or less.
- Medium Frequency Use:** A moderate frequency use public recreational area is any area that is available for recreational use by all populations but the frequency of use is less than a high frequency use public recreational area. Such areas may be restricted through the use of fencing, permitting requirements, or other similar restrictions that prevent or hinder unimpeded access to the recreational area. Examples include, but are not limited to, outdoor aquatic facilities, athletic facilities, dog parks, and limited access parks. The frequency of visits by all populations is 182 days per year or less.
- Low Frequency Use:** An open space public recreational use area is defined as any area where access and use is restricted by a combination of: (a) Covenants or other legal restrictions that prohibit the use of the property where such use may impair the flora and fauna in the open space; and (b) Physical environmental barriers impede the use of the open space, including but not limited to swamps, marshes, dense vegetation, and areas with steep inclines that limit the use of open space. The frequency of visits by all populations is 52 days per year or less.

(B) Indicate whether any land use controls are part of the anticipated future use of the property. "Land Use Controls" means any restriction or control that serves to protect human health and the environment by limiting use of or exposure to any portion of the property, including water resources. These controls may include engineering controls and institutional controls. See Section IV of the application for examples of land use controls. If this section is not completed, the property will be evaluated under the most conservative scenario of unrestricted use (Check one).

- A (Unrestricted)** No land use controls are imposed on the property for residential, commercial, or industrial use, as applicable.
- B (Restricted)** One or more land use controls are imposed on the property as a condition for residential, commercial, or industrial use, as applicable. If your development plans or funding do not allow for specific land use controls, these requirements should be communicated to the VCP since additional sampling or additional cleanup may be required.

(C) Based on future use of the property, please describe any anticipated physical changes to the property (e.g., building demolition, building expansion, paving, changes in site operations, etc.)

Development of townhomes, apartments, retail stores, a hotel, and senior living facilities as well as necessary infrastructure.



VIII. FUTURE PROPERTY USE (Continued)

(D) Will a day care facility be located on the property? (Note: A day care facility is included under the Tier 1 (Residential) or Tier 4 (Public Recreational High Frequency Use) category in the VCP land use definition and is not permitted under Tier 2 or Tier 3 land use categories.) Yes No

(E) If known, describe the number and types of businesses that will be operating at the property after completion of the Voluntary Cleanup Program.
Retail stores, a hotel, and a senior living facility

(F) If known, provide the estimated cost of property redevelopment, number of jobs created, and the approximate increase in the property tax after redevelopment.
To be determined.

IX. INVOLVEMENT WITH OTHER REGULATORY PROGRAMS

(A) Based on information known to the applicant, describe any prior contact with federal, State, or local environmental regulatory agencies regarding this property. Prior contact includes any permits, notices of violation, consent orders, and other enforcement actions that have been issued for the property, as well as any applications, remediation plans, sampling data, or reports that have been submitted for the property.
See attachments

(B) List all processes, discharges, tanks, and activities at the property that require an environmental permit. For each permit, include the appropriate regulatory agency contact information, the relevant permit identification number, and confirm the permit's compliance status. Please be advised that if the VCP identifies permits that are out of compliance or processes, discharges, tanks, or activities that may not be properly permitted, VCP will notify the appropriate regulatory agency or program.
See attachments

(C) Has the applicant ever been convicted in any Maryland state court of a criminal offense under either the Annotated Code of Maryland, Environment Article, Title 7 (Hazardous Materials and Hazardous Substances) or any Code of Maryland Regulations (COMAR) provision promulgated under the Annotated Code of Maryland, Environment Article, Title 7? If yes, attach an explanation. Yes No

(D) Has the applicant ever been convicted in a criminal court of any other state of knowingly or willfully violating that particular state's laws or regulations governing hazardous materials, hazardous substances or hazardous wastes? If yes, attach an explanation. Yes No

(E) Has the applicant ever been convicted in any federal court of a criminal offense under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)? If yes, attach an explanation. Yes No

X. BROWNFIELD INCENTIVE PROGRAMS

(A) Is the applicant applying, or does the applicant plan to apply, for grants, loans or property tax credits available through the Brownfields Revitalization Incentive Program? (For more information about this program, please contact Jim Henry at the Department of Business and Economic Development at 410-767-6353.) Yes No

(B) Is the property located in a State designated enterprise zone? Contact the Maryland Department of Business and Economic Development at 410-767-6438 for information on location of enterprise zones. Yes No



XI. OTHER CONTACTS

(A) Consultant

Organization: Geo-Technology Associates, Inc.

Name(s) of Representative(s): **Kevin P. Plocek** Title: **Associate**

Mailing Address: 1414 Key Highway

City: Baltimore State: Maryland Zip Code: 21230

Telephone: (443) 286-5506 Fax: () - E-mail: kplocek@gtaeng.com

Send copies of correspondence to this contact in addition to the applicant.

(B) Other (e.g., Project Manager, Attorney)

Organization:

Name(s) of Representative(s): Title:

Mailing Address:

City: State: Zip Code:

Telephone: () - Fax: () - E-mail:

Send copies of correspondence to this contact in addition to the applicant.

Attach additional contacts as necessary.

XII. REQUIRED ENVIRONMENTAL INFORMATION

Pursuant to Maryland Law, each applicant to the Voluntary Cleanup Program is required to submit the following three items:

(A) A detailed report of all available relevant information on environmental conditions including contamination at the property known to the applicant at the time of the application.
(The report must include all information known about all controlled hazardous substances and oil contamination and a statement that all known environmental information about the property has been provided to the Department. If information provided by the detailed report will be provided as part of the Phase I and Phase II assessments, an applicant may, in lieu of the report, submit a statement that all known environmental information for the property is being provided to the Department as part of the Phase I and Phase II site assessment.)

All known environmental information for the property is being provided to the Department as part of the following reports (list reports. If additional space is needed, attach a separate sheet.):

<u>TITLE</u>	<u>PREPARED BY</u>	<u>DATE</u>	<u>NO. OF PAGES</u>
See Attachment B _____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(B) An environmental Phase I and Phase II site assessment that: (1) includes established Phase I and Phase II environmental site assessment standards; (2) follows the most current principles established by the American Society for Testing and Materials; and (3) demonstrates that the assessment has adequately investigated all potential sources and areas of contamination.

(A discussion of the requirements for the Phase I and Phase II site assessments is provided in the MDE/VCP Guidance Document available on-line at http://www.mde.state.md.us/Programs/LandPrograms/ERRP_Brownfields/vcp_info/index.asp).

Phase I assessment enclosed Phase II assessment enclosed Phase II work plan enclosed

(C) A summary description of the proposed voluntary cleanup project including the following information:

- Source(s) of contamination Exposure pathways
- Need for additional investigation (e.g., sampling), if applicable Proposed cleanup criteria
- Proposed remedial alternatives Map depicting areas of the property to be remedied
- Future land use of the property



XIII. OVERSIGHT COSTS

- (A) The application must be accompanied by an initial application fee of \$6,000, or a \$2,000 fee for each application submitted subsequent to the initial application for the same property, or a \$2,000 fee for each application submitted subsequent to the initial application for contiguous or adjacent properties that are part of the same planned unit development or a similar development plan. The appropriate application fee shall be made payable to the Voluntary Cleanup Fund and will be used by the Department for activities related to the review of proposed voluntary cleanup projects and the direct administrative oversight of voluntary cleanup projects.
- (B) If the application is accepted and a response action plan is approved, the participant will be required to file a performance bond or other security with the Department prior to commencement of any work on the property and that there is a \$2000 fee for issuance of an NFRD or COC with land use controls.

XIV. STATEMENT OF CERTIFICATION

"I, the applicant, certify under penalty of law that the information provided on this application form and within the documents of the application package is, to the best of applicant's knowledge and belief, accurate and complete. I, the applicant, am aware that there are significant penalties for falsifying any information required by the Department under Title 7, Subtitle 5 of the Environment Article, Annotated Code of Maryland, Voluntary Cleanup Program, and that the information in this application is required for the Voluntary Cleanup Program authorized by Title 7, Subtitle 5 of the Environment Article, Annotated Code of Maryland.

I certify I am an authorized representative of the applicant.

I certify that all information on environmental conditions relevant to the property and known to the applicant is provided as part of this application."

Printed Name Eric Allen Title Authorized Signatory
 Signature _____ Date _____

(Please note that another signed Statement of Certification must accompany any documents, maps, reports, or other information submitted to the Department subsequent to the initial application. Multiple items can be submitted under a single Statement of Certification; however, an accurate description of the items being submitted should be included in the cover letter.)



VCP Application Attachment I

Maryland Department of the Environment
Voluntary Cleanup Program

APPLICATION FEE FORM

This form must be completed and mailed with the appropriate applicable fee(s) to the following address, except as noted below*:

Maryland Department of the Environment
P.O. Box 1417
Baltimore, Maryland 21203

Please indicate which fees are included and make the check payable to the “Voluntary Cleanup Fund.”

- \$6,000 initial application fee
- \$2,000 application fee for a subsequent application for the same property
- \$2,000 application fee for a contiguous or adjacent property that is part of the same planned unit development or a similar development plan and an active VCP application is already submitted to the Department
- \$2,000 fee for expedited inculpable person approval (**please send payment directly to MDE/VCP*)
- \$2,000 fee for alteration of Record of Determination
- \$2,000 fee for issuance of a No Further Requirements Determination conditioned on certain use of the property or on the maintenance of certain conditions
- \$2,000 fee for issuance of a Certificate of Completion on the permissible use of the property

APPLICANT

Applicant's Name:	Eric Allen				
Organization:	GG Frederick Holdings LLC				
Mailing Address:	2077 Somerville Road, Suite 310				
City:	Annapolis	State:	Maryland	Zip Code:	21401

PROPERTY

Property Name:	Frederick Brick Works				
Property Address:	184 E South Street				
City:	Frederick	State:	Maryland	Zip Code:	21701

PCA #13758
AOBJ #5671
SUFFIX#001



II.1
VCP Application Attachment II

INCULPABLE PERSON AFFIDAVIT

(To Be Completed by Applicants Seeking Inculpable Person Status)

APPLICANT

Affiant's Name: **Eric Allen** Title: **Authorized Signatory**

Organization: GG Frederick Holdings LLC

Mailing Address: 2077 Somerville Road, Suite 310

City: Annapolis State: Maryland Zip Code: 21401

PROPERTY

Property Subject to Voluntary Cleanup Program Application: **Frederick Brick Works**

Property Address: 184 E South Street

City: Frederick State: Maryland Zip Code: 21701

I, Eric Allen, am over eighteen years of age and competent to testify to the matters set forth in this Affidavit.

Authorized Representative

I am presently the Authorized Signatory (title) and an authorized representative of GG Frederick Holdings LLC (applicant) and I possess the legal authority to make this affidavit on behalf of myself and the Applicant for which I am acting.

Certification of Property Ownership

The Applicant has satisfied the property ownership requirements of an Inculpable Person ("IP") as defined in Environment Article, Section 7-501(j), Annotated Code of Maryland.

Certification of Position Regarding Environmental Contamination

The Applicant has not caused or contributed to contamination, including release, discharge, or threatened release, at the above referenced property at the time of this application, pursuant to Environment Article, Section 7-501(j)(1)(ii).

Certification Regarding Related Entities

For the purpose of this "Certification Regarding Related Entities":

a) "Owner" means a holder of a 10% or greater interest in an entity, whether held by shares of stock, partnership interest, membership interest, or any other means; and b) "Responsible person" means a responsible person as defined in Section 7-201 (u) of the Environment Article of the Annotated Code of Maryland.

The Applicant was incorporated or formed in 2022 (year) for the purpose of owning real estate.

The officers, directors, or owners of the Applicant are not any of the officers, directors, or owners of the current, or any previous, owner and/or responsible person for the above-referenced property.

The Applicant was not organized or established, in part or in whole, to avoid liability as a responsible person pursuant to Sections 7-201 (u) and 7-501 et seq. of the Environment Article of the Annotated Code of Maryland.



**INCULPABLE PERSON AFFIDAVIT
(Continued)**

Acknowledgement

Applicant acknowledges that any fraud or material misrepresentation in this Affidavit shall void inculpable person status, approval letters or certificates of completion issued pursuant to Title 7, Subtitle 5 of the Environment Article.

I acknowledge that this affidavit is made subject to the applicable civil and criminal laws of Maryland including Section 7-267 of the Environment Article of the Annotated Code of Maryland which provides for criminal penalties for false statements in required documents. The Voluntary Cleanup Program application is a document required under Title 7 of the Environment Article of the Annotated Code of Maryland.

I acknowledge that nothing in this affidavit shall be construed to supersede, amend, modify or waive the exercise of any statutory right or remedy under state law with respect to any misrepresentation made.

I DO DECLARE AND AFFIRM UNDER PENALTY OF LAW, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT.

GG Frederick Holdings LLC

Legal Name of Applicant

Sworn and subscribed before me this _____ day of _____,

Signature of Authorized Affiant

Notary's Signature

Eric Allen, Authorized Signatory

Authorized Affiant's Name and Title

My Commission Expires

Date of Signature



III.1
VCP Application Attachment III

VCP Application Checklist

Although not mandatory, applicants are encouraged to complete this checklist to help expedite review of the application package. VCP staff will use the checklist to verify that an application package is complete and will notify the applicant of missing items and any other deficiencies.

Property Name: _____

Applicant: _____

Date: _____

III. APPLICATION

A. Completed Application Form

Each application question must be completed.

B. Statement of Certification

An original, signed Statement of Certification, must be included with the application and with each subsequent submission of information regarding the property.

C. Application Fee

Please mail the application fee to the address listed in Attachment I of the application.

D. Inculpable Person Status Affidavit

For those applicants seeking inculpable person status (see Section V of the application), please complete and include Attachment II, "Inculpable Person Affidavit," with the application. Applicants requesting an expedited (within five business days) inculpable person determination must submit the \$2,000 fee to the address listed on Application Attachment I.

II. ENVIRONMENTAL SITE ASSESSMENTS

For each item, indicate the location of the requested information (e.g., attachment number or document title with date and page numbers).

A. Current Property Conditions

Document the property conditions existing at the time of application and summarize any changes that have occurred at the property since the most recent Phase I site assessment.

Location: _____

B. Current and Past Uses of the Property

1. Provide a complete listing of the entities that have owned and/or occupied (including tenants) the property from the time of first agricultural, commercial, or industrial use or 1940, whichever is earlier. Identify the name and type of each business, the years of occupancy, and the nature of the on-site operations.

Location: _____

2. Describe the controlled hazardous substances and petroleum products each business stored and handled (or was likely to have stored and handled at the property).

Location: _____



3. Provide an abstract of a property title search summarizing recorded land title records, including records of ownership, leases, land contracts, easements, liens, and other encumbrances on the property. Identify whether any environmental cleanup liens are recorded against the property.

Location: _____

4. Summarize the standard and supplementary historical sources used to determine the history of the property from the present back to the property's first developed use or 1940, whichever is earlier.

Location: _____

5. Define the current zoning of the property. Describe any requested changes in zoning and detail the status of the request.

Location: _____

C. Historical Maps, Site Plans and Aerial Photographs

Provide legible copies of all available historical maps, including Sanborn Fire Insurance Maps, site plans and aerial photographs. The approximate boundaries of the property must be indicated on each historical map and aerial photograph provided to the Department. Summarize the review of historical site plans to help identify historic on-site work areas, process areas, manufacturing operations, chemical and hazardous waste handling activities, aboveground and underground storage tanks, and spills or releases that may have resulted in environmental contamination at the property.

Location: _____

D. Property Investigations

1. Discuss the federal and State environmental records, and any additional environmental reports and records reviewed for the assessment.

Location: _____

2. Chronologically summarize all environmental property investigations.

Location: _____

3. Submit one copy of each environmental report previously prepared for the property, including site assessments, subsurface investigations, and groundwater sampling reports. Include all applicable analytical data reports and quality assurance / quality control documentation for the laboratory analyses. Review these documents to ensure that there are no missing pages, figures, or appendices.

Location: _____

E. Current and Past Uses of Adjoining Properties

Summarize the historical and current uses of all adjoining properties.

Location: _____

F. Property Hydrology

1. Describe the property's topography, surface drainage pathways (including man-made channels and drains) and receiving surface water bodies (e.g., wetlands, seeps, streams, rivers, lakes, ponds). Discuss local surface water uses (e.g., reservoir, recreational, irrigation, commercial).

Location: _____

2. Provide a site plan that identifies the location of each swale, trench, culvert, catch basin, sewer, drainage pathway, interior drain, and sump on the property and describe the nature and source of the historic and current runoff or release to each identified feature.



Location: _____

3. Describe the point of discharge (e.g., a drain field, a named or unnamed surface water body, the municipal sanitary sewer, etc.) for each identified feature.

Location: _____

G. Property Geology and Hydrogeology

Describe the property’s soil conditions, geology (including fill materials), depth to groundwater, groundwater flow direction, and potential subsurface contaminant migration pathways. Discuss regional geologic and hydrogeologic conditions.

Location: _____

H. Scaled Site Plan

Provide a scaled site plan which clearly shows the legal boundaries and acreage of the property and the locations of all existing buildings, paved areas, monitoring wells, tanks, surface water bodies, rail spurs, and other notable structures.

Location: _____

I. Site Plan with Utilities

Provide a site plan showing the approximate location and depth of each water, sanitary, storm sewer, and natural gas pipeline currently on the property. List service providers for each utility.

Location: _____

J. Tax Parcel Map

Provide a current tax parcel map that clearly defines the property boundaries. If a current tax map is not obtainable, please provide a current land survey.

Location: _____

K. Groundwater Use Investigation

1. Provide written documentation from the county, municipality, and/or water authority concerning existing potable wells, the availability of municipal water, and potential future groundwater use areas within 0.5-miles of the property boundary.

Location: _____

2. Provide a copy of the county and/or municipality water plan map that depicts existing service areas, planned service areas, and no-service-planned areas within a minimum of 0.5-miles from the property boundary.

Location: _____

3. Contact the Department’s Water Supply Program at 410-537-3702 and Water Rights Division at 410-537-3714 to request a survey for all area wells and other available information pertaining to groundwater use in the vicinity of the proposed property. Please note that commercial information search services do not include sufficient information on municipal and/or domestic wells and are not appropriate substitutes for contacting state and local authorities.

Location: _____



4. Locate each identified well (excluding test or observation wells) on a scaled map. If available, provide the permit number, screen depth, and current use of each well. If exact well addresses are unavailable, delineate likely groundwater use areas based on reported street names, subdivision names, and other information available in the well survey and other sources. Provide written documentation from the local health department, engineering department, or water authority, confirming whether or not these wells are being used.

Location: _____

L. Groundwater Map

Provide a current (i.e., less than a year old) scaled groundwater contour map for the site.

Location: _____

M. Future Development Plans

Provide the anticipated future use of the property and any development plans. Detail any planned future improvements (pavement, landscaped areas, buildings, etc.) and/or any changes in current operations (e.g. number of employees that will work on the property, type of work future employees will perform) anticipated for this property. Discuss any proposed alterations to the property, such as grade changes, demolition of buildings, construction of new structures or additions, extensions of public water or sewer, and installation of storm water management systems.

Location: _____

N. Property Reconnaissance

Summarize the methodology, limitations, and findings of the property reconnaissance, and discusses the interior and exterior conditions observed at the property and exterior conditions observed on the adjoining properties. The site inspection should verify the location of all areas that could be potential discharge points. The report should also discuss any limiting site conditions that could affect the results of the reconnaissance such as snow cover, thick vegetation, locked buildings, unsafe areas to enter etc.

Location: _____

O. Interviews

Summarize interviews with individuals having knowledge of the past uses of the property including past and present owners, operators and occupants of the property. A separate interview should also be conducted with the user of the Phase I in order to identify any environmental cleanup liens that have been recorded against the property and to help identify possible RECs.

Location: _____

P. Required Information From Other Regulatory Programs

Applicants applying to the VCP with properties that have information regarding other regulatory agencies must identify the programs and regulated items or processes.

Q. Phase II Environmental Assessments

1. Provide a copy of a recent Phase II site assessment for the property.

Location: _____

2. Provide a copy of a work plan for Phase II site characterization of the property for review.

Location: _____

3. Documentation that sufficient site characterization has been performed to waive Phase II requirement.

Location: _____



APPENDICES TO VCP APPLICATION

Frederick Brick Works Frederick, Maryland

Appendix A

VCP Project Summary

Appendix B

Prior Reports (Previously provided by or supplied to MDE during the initial VCP application process)

- *UST Removal Report; Frederick Brick Works;* by Bay Environmental Corporation (Bay), for Frederick Brick Works, Inc.; June 4, 1999
- *Phase I Environmental Site Assessment and Limited Phase II Environmental Investigation Draft Report;* by Bay for Frederick Brick Works, Inc.; August 30, 2000
- *Subsurface Soil Investigation East Street Extension;* by KCI Technologies, Inc. for Maryland State Highway Administration; July 11, 2001
- *Fill Areas Drawing Notes;* by Hydro-Terra; January 25, 2002
- *Environmental Inspection of Cline Fill;* by Hydro-Terra, for Frederick Brick Works, Inc.; March 17, 2005
- *Phase II Environmental Inspection of Former Clay Pit (Site) Adjacent to Southern States Cooperative;* by Hydro-Terra for Frederick Brick Works, Inc.; April 3, 2006
- *Environmental Approach and Associated Cost;* by Hydro-Terra, Inc. for The Wormald Companies; December 26, 2006
- *Phase I Environmental Site assessment of the Frederick Brick Works Property of East South Street;* by Hydro-Terra, Inc. for The Frederick Brick Works Inc.; April 23, 2007
- *Subsurface Exploration, Environmental and Geotechnical Study;* by Specialized Engineering, for Foulger-Pratt Development, LLC; June 25, 2019
- *Report of Phase I and Phase II Environmental Site Assessment; Frederick Brick Works;* by Geo-Technology Associates, Inc. for Greenberg Gibbons; July 8, 2022

Appendix C

Property Tax/Boundary Information

- *Real Property Information (1 page)*
- *ALTA/NSPS Land Title Survey – Property Acquired by Brick Works Development, LLC;* by Rodgers Consulting; December 17, 2022 (1 page)

Appendix D

Utility Information

- *ALTA/NSPS Land Title Survey – Property Acquired by Brick Works Development, LLC;* by Rodgers Consulting; December 17, 2022 (1 page)

APPENDIX A

VCP PROJECT SUMMARY

Frederick Brick Works
Frederick, Maryland

INTRODUCTION

The subject of this VCP application consists of approximately 64.6 acres located south of East South Street in Frederick, Maryland. The westernmost portion of the Site is separated from the remainder of the property by East Street. The Site contains asphalt and concrete covered areas, a construction storage area, disturbed land, open fields, and undeveloped woods. A former railroad easement crosses the northeastern portion of the Site. One portable 100-gallon above ground storage tank (AST) was observed on the northwestern portion of the Site. In addition, one apparent remnant groundwater monitoring well was identified on the north-central portion of the Site. No other ASTs, underground storage tanks (USTs), or groundwater monitoring wells were identified in association with the subject property. The subject property is proposed to be developed for mixed uses, including townhomes, retail purposes, a hotel, apartments, and senior housing.

GENERAL SITE HISTORY

Historically, the northwestern portion of the subject property contained a brick manufacturing facility, including several buildings and kilns from the late 1800s until the 1940s. Clay for the brick manufacturing process was mined from the north-central, central, and southern portions of the subject property and areas adjacently north. Some of the former borrow areas were utilized by the City of Frederick as a municipal dump from the 1890s through 1940s, with most of the municipal dump area located adjacently north of the subject property. By the 1940s, brick manufacturing had been discontinued and the northwestern portion of the subject property was utilized as a brick retail facility until the early 2000s. Additional fill materials were reportedly placed on the central and southern portions of the subject property during the 1960s and 1990s.

ENVIRONMENTAL SITE HISTORY

From the 1990s to the 2020s, several environmental and geotechnical evaluations were performed at the subject property. These evaluations were performed to: (1) evaluate the former brick manufacturing facility portion of the subject property, and (2) evaluate the historical fill areas identified on the subject property. Two petroleum USTs were identified and properly removed from the former brick manufacturing facility in conjunction with the Maryland Department of the Environment (MDE). Most of the fill materials identified on the subject property primarily consisted of soil mixed with construction, demolition, and land clearing debris. Materials associated with the former brick manufacturing facility (e.g., glass and rejected brick) were also observed in some areas. An area of soil mixed with municipal solid waste, construction and demolition debris, wood, and organic materials was also observed on the north-central portion of the subject property. The construction and demolition debris are likely the primary contributor of identified fill impacts. A soil gas evaluation did not identify methane concerns associated with the anaerobic biodegradation of the organic materials located in the fill areas on the property.

1. **Source(s) of contamination**
Impacted soils with total petroleum hydrocarbon diesel range organics (DRO), several metals, and polycyclic aromatic hydrocarbons as well as groundwater VOC impacts.
2. **Exposure pathways**
Soil and groundwater.
3. **Need for additional investigation**
Prior Phase II ESAs have identified soil and groundwater concerns at the subject property.
4. **Proposed cleanup criteria**
Remedial cleanup standards were based on MDE Residential Cleanup Standards) for soil.
5. **Proposed remedial alternatives**
Removal and capping of impacted soil and groundwater usage restrictions.
6. **Map depicting areas of the property to be remedied**
Please reference attached plans for additional details.
7. **Future land uses of the property**
Townhomes, retail stores, hotels, apartments, and senior living centers.

**APPENDIX B
PRIOR REPORTS**

(Previously provided by or supplied to the MDE during the initial VCP application process)

APPENDIX C
PROPERTY TAX/BOUNDARY INFORMATION

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 **Account Number -** 044110

Owner Information

Owner Name: BRICK WORKS DEVELOPMENT LLC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 130339 **Deed Reference:** /09206/ 00188
 CARLSBAD CA 92013-

Location & Structure Information

Premises Address: 184 E SOUTH ST **Legal Description:** PART 1 EAST PARCEL
 FREDERICK 21701-0000 57.70 ACRES
 FREDERICK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 077C 13 0962A 20000.11 0000 2023 Plat Ref:

Town: FREDERICK CITY

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 57.7000 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
 /

Value Information

	Base Value	Value		
		As of 01/01/2023	Phase-in Assessments	
		As of 07/01/2022	As of 07/01/2023	
Land:	6,911,800	6,911,800		
Improvements	0	0		
Total:	6,911,800	6,911,800	6,911,800	6,911,800
Preferential Land:	0	0		

Transfer Information

Seller: **Date:** 11/16/2012 **Price:** \$7,150,000
Type: ARMS LENGTH MULTIPLE **Deed1:** /09206/ 00188 **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments: Class 07/01/2022 07/01/2023
County: 000 0.00
State: 000 0.00
Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

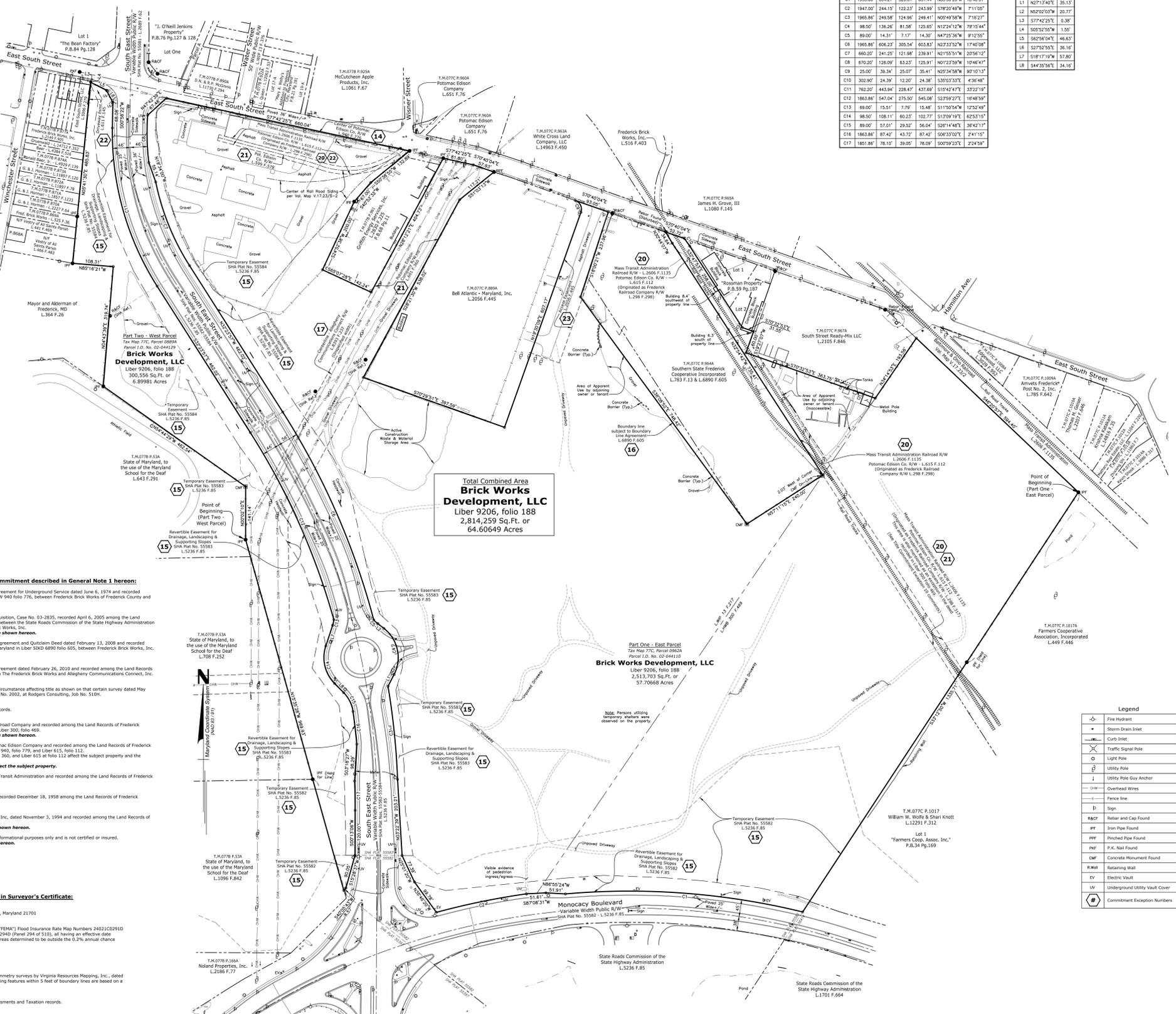
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**



Curve Table with columns: Curve, Radius, Length, Tangent, Chord, Bearing, Delta. Lists 17 curves with their respective geometric data.

Line Table with columns: Line, Bearing, Length. Lists 8 lines with their bearings and lengths.



Total Combined Area
Brick Works Development, LLC
Liber 9206, folio 188
2,814,259 Sq. Ft. or
64,606.649 Acres

Regarding Schedule B, Part II, Exceptions of the Commitment described in General Note 1 hereon:

- 14. Subject to the terms and conditions contained in a Right of Way Agreement for Underground Service dated June 6, 1974 and recorded among the Land Records of Frederick County, Maryland in Liber EC94 940 folio 776, between Frederick Brick Works, Inc. and the Potomac Edison Company of Maryland. This item affects the subject property and is shown hereon.
15. Subject to the terms and conditions contained in a State Roads Acquisition, Case No. 03-2815, recorded April 6, 2005 among the Land Records of Frederick County, Maryland in Liber SMD 5236 folio 85, between the State Roads Commission of the State Highway Administration acting for and on behalf of the State of Maryland vs. Frederick Brick Works, Inc. This item affects the subject property and is shown hereon.
16. Subject to the terms and conditions contained in a Boundary Line Agreement and Quitclaim Deed dated February 11, 2008 and recorded February 21, 2008 among the Land Records of Frederick County, Maryland in Liber EC94 940 folio 776, between Frederick Brick Works, Inc. and Southern States Frederick Cooperative Incorporated. The boundary line subject to this item is identified hereon.
17. Subject to the terms and conditions contained in a Right of Way Agreement dated February 26, 2010 and recorded among the Land Records of Frederick County, Maryland in Liber BMD 8393 folio 237, between The Frederick Brick Works and Allegany Communications Connect, Inc. This item affects the subject property and is shown hereon.
18. Any encroachments, encumbrances, violation, variation or adverse circumstance affecting title as shown on that certain survey dated May 2012, prepared by Timothy Paul Quinn, Professional Land Surveyor No. 2002, at Rodgers Consulting, Job No. 510H. Updated survey hereby provided.
19. Rights or claims of parties in possession not shown by the public records. Unless noted hereon, none observed.
20. Subject to easements and/or rights of way granted to Frederick Railroad Company and recorded among the Land Records of Frederick County, Maryland in Liber 298, folio 298; Liber 299, folio 217; and Liber 300, folio 469. This item affects the subject property and is shown hereon.
21. Subject to the easements and/or rights of way granted to the Potomac Edison Company and recorded among the Land Records of Frederick County, Maryland in Liber 599, folio 576; Liber 601, folio 360; Liber 940, folio 776; and Liber 615, folio 11. The easements recorded in Liber 599 at folio 576, Liber 601 at folio 360, and Liber 615 at folio 11 affect the subject property and the easements are shown hereon.
22. Subject to the easements and/or right of way granted to the Mass Transit Administration and recorded among the Land Records of Frederick County, Maryland in Liber 611, folio 145. This item affects the subject property and is shown hereon.
23. Subject to the Driveway Easement dated December 11, 1958 and recorded December 18, 1958 among the Land Records of Frederick County, Maryland in Liber 611, folio 145. This item affects the subject property and is shown hereon.
24. The amount or computation of area or acreage of premises is for informational purposes only and is not certified or insured. Area of the subject property based on this survey is shown hereon.

Notes Regarding Table A - Optional Items Listed in Surveyor's Certificate:

- Item 2 Address of the surveyed property: 184 East South Street, Frederick, Maryland 21701
Item 3 Based on examination of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Numbers 24021C0291D (Panel 29 of 510), 24021C0292D (Panel 292 of 510) and 24021C0294D (Panel 294 of 510), all having an effective date September 19, 2007, the property lies in Zone X (Other Areas); Areas determined to be outside the 0.2% annual chance floodplain.
Item 4 Gross Land Area: As shown hereon.
Item 8 The existing features shown hereon are taken from aerial photogrammetry surveys by Virginia Resources Mapping, Inc., dated April 2011 and by Rodgers Consulting, Inc., dated April 2022. Existing features within 5 feet of boundary lines are based on a field run survey by Rodgers Consulting, Inc.
Item 13 All other information was taken from Maryland Department of Assessments and Taxation records.
Item 15 The existing features shown hereon were taken from aerial photography provided by Virginia Resources Mapping, Inc., dated April 2011 and by Rodgers Consulting, Inc., dated April 2022. Existing features within 5 feet of boundary lines are based on a field run survey by Rodgers Consulting, Inc.
Item 16 An active construction waste and material storage area was observed on the subject property and is noted hereon.
Item 17 Any proposed changes in street right of way lines will be determined by the controlling agency upon submission of an application for development. No evidence of recent street or sidewalk construction or repairs were observed in the process of conducting the fieldwork.

General Notes:

- 1. This survey was prepared with the benefit of an ALTA Commitment for Title Insurance issued by First American Title Insurance Company, Commitment Number: 11729-23 NM, Commitment Date: February 8, 2022, (the "Commitment"). The location of each easement, right of way, servitude, and other matters affecting title to the Property listed Schedule B, Part II of this Commitment, to the extent that it can be located, has been shown on this survey with appropriate recording references. All exceptions noted in this Commitment which cannot be located or shown are specified in the table set forth hereon.
2. The property included in this survey is the same property described in the above referenced Commitment.
3. This survey is in the Maryland Coordinate System (NAD83/91, SPCS Zone 1900, U.S. Survey Feet), based on GPS and conventional survey measurements. Control stations are City of Frederick, Maryland Geodetic Monumentation Stations #52, #54 and #71. The average combined (scale + elevation) factor for the site is 0.99999396.
#52 N 636821.7235 E 1202730.3364
#54 N 636219.6715 E 1198732.7270
#71 N 631671.4840 E 1203414.0769
4. The basis of the bearings shown on this survey is the Maryland Coordinate System (NAD83/91) as defined above. The basis of the bearings described in the record documents is as described in a deed recorded in Liber 9206 at folio 188.
5. All property corner monumentation found was held unless otherwise shown hereon.
6. Surface indications of underground utilities are shown hereon. Underground utilities and structures are not shown.

Surveyor's Certificate

To Greenberg Gibbons Properties, Brick Works Development, LLC, First American Title Insurance Company, Crown Title Corp., and to each of their successors and/or assigns, as their interest may appear:

This is to certify that this map and plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 8, 13, #52, N 636821.7235 E 1202730.3364, #54 N 636219.6715 E 1198732.7270, #71 N 631671.4840 E 1203414.0769

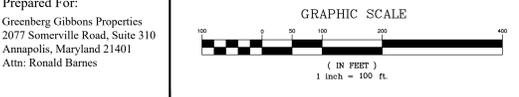
The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey, worked in this boundary survey, in compliance with the requirements set forth in "COMAR" Title 09, and to each of their successors and/or assigns, as their interest may appear:

12-7-2022 Date of Plat or Map
Aron Eugene Woddy Professional Land Surveyor Maryland Registration No. 21539 License Expiration/ Renewal Date: 12-23-2023



Legend table listing symbols for various features: Fire Hydrant, Storm Drain Inlet, Curb Inlet, Traffic Signal Pole, Light Pole, Utility Pole, Utility Pole Guy Anchor, Overhead Wires, Fence Line, Sign, Rebar and Cap Found, Iron Pipe Found, Pinned Pipe Found, P.W. P.W. Nail Found, Concrete Monument Found, Retaining Wall, Electric Vault, Underground Utility Vault Cover, and Commitment Exception Numbers.

Table with columns: REVISION, DATE, REVISION, DATE. Includes a Prepared For section for Greenberg Gibbons Properties, 2077 Somerville Road, Suite 310, Annapolis, Maryland 21401, Attn: Ronald Barnes.



ALTA/NSPS Land Title Survey "Frederick Brick Works"

RODGERS CONSULTING logo and address: 1841 Century Boulevard, Suite 300, Germantown, Maryland 20874, Ph: 301.948.4700, Fax: 301.948.6256, www.rodgers.com

Property Acquired by Brick Works Development, LLC Liber 9206, folio 188 City of Frederick (2nd) Election District, Frederick County, Maryland. Includes a table with columns: JOB No. 1355A, DATE May 2022, SHEET No. 1 of 1.

APPENDIX D
UTILITY INFORMATION



Curve	Radius	Length	Tangent	Chord	Bearing	Delta
C1	1935.00'	634.27'	320.01'	631.44'	N85°38'20"W	18°46'51"
C2	1947.00'	244.15'	122.23'	243.99'	S78°20'49"W	7°11'06"
C3	1965.86'	249.58'	124.96'	248.41'	N05°49'58"W	7°16'23"
C4	98.50'	136.26'	81.58'	125.65'	N127°24'12"W	79°10'44"
C5	89.00'	14.31'	7.17'	14.30'	S47°30'36"W	8°12'55"
C6	1965.86'	626.25'	313.12'	623.83'	N02°53'26"W	17°40'28"
C7	460.20'	241.25'	121.88'	238.91'	N02°50'51"W	20°56'12"
C8	870.20'	126.09'	63.03'	125.91'	N07°25'50"W	10°46'47"
C9	25.00'	39.34'	25.07'	35.41'	N09°34'56"W	90°10'13"
C10	302.80'	24.39'	12.20'	24.38'	S39°03'33"E	4°36'48"
C11	762.20'	443.94'	228.47'	437.69'	S19°42'47"E	33°21'19"
C12	1863.86'	547.04'	273.50'	545.08'	S23°59'27"E	18°48'59"
C13	69.00'	15.51'	7.79'	15.48'	N17°50'54"W	12°52'49"
C14	98.50'	108.11'	60.23'	102.77'	S13°09'10"E	62°52'15"
C15	89.00'	31.01'	29.52'	58.04'	S00°14'04"E	50°42'17"
C16	1863.86'	87.42'	43.72'	87.42'	S06°33'02"E	21°45'15"
C17	1851.86'	78.10'	39.02'	78.09'	S00°59'23"E	23°59'37"

Line	Bearing	Length
L1	N02°13'40"E	36.13'
L2	N20°20'30"W	20.77'
L3	S77°42'25"E	0.38'
L4	S20°52'50"W	1.50'
L5	S62°56'04"E	46.63'
L6	S27°52'58"E	36.16'
L7	S18°17'19"W	57.80'
L8	S44°39'58"E	34.16'

Regarding Schedule B, Part II, Exceptions of the Commitment described in General Note 1 hereon:

- Subject to the terms and conditions contained in a Right of Way Agreement for Underground Service dated June 6, 1974 and recorded among the Land Records of Frederick County, Maryland in Liber EC94 folio 776, between Frederick Brick Works, Inc. and the Potomac Edison Company of Maryland. **This item affects the subject property and is shown hereon.**
- Subject to the terms and conditions contained in a State Roads Acquisition, Case No. 83-2815, recorded April 6, 2005 among the Land Records of Frederick County, Maryland in Liber 52D 5236 folio 85, between the State Roads Commission of the State Highway Administration acting for and on behalf of the State of Maryland vs. Frederick Brick Works, Inc. **This item affects the subject property and is shown hereon.**
- Subject to the terms and conditions contained in a Boundary Line Agreement and Quitclaim Deed dated February 11, 2008 and recorded February 21, 2008 among the Land Records of Frederick County, Maryland in Liber 53D 6910 folio 405, between Frederick Brick Works, Inc. and Southern States Frederick Cooperative Incorporated. **This item affects the subject property and is shown hereon.**
- Subject to the terms and conditions contained in a Right of Way Agreement dated February 26, 2010 and recorded among the Land Records of Frederick County, Maryland in Liber 54D 8393 folio 237, between the Frederick Brick Works and Allegany Communications Connect, Inc. **This item affects the subject property and is shown hereon.**
- Any encroachments, encumbrances, violation, variation or adverse circumstance affecting title as shown on that certain survey dated May 2012, prepared by Timothy Paul Quinn, Professional Land Surveyor No. 2002, at Rodgers Consulting, Job No. 510H. **Updated survey hereby provided.**
- Rights or claims of parties in possession not shown by the public records. **Unless noted hereon, none observed.**
- Subject to easements and/or rights of way granted to Frederick Railroad Company and recorded among the Land Records of Frederick County, Maryland in Liber 29B, folio 29B; Liber 29B, folio 217; and Liber 300, folio 469. **This item affects the subject property and is shown hereon.**
- Subject to the easements and/or rights of way granted to the Potomac Edison Company and recorded among the Land Records of Frederick County, Maryland in Liber 599, folio 578; Liber 601, folio 360; Liber 940, folio 778; and Liber 615, folio 11. The easements recorded in Liber 599 at folio 578, Liber 601 at folio 360, and Liber 615 at folio 11 affect the subject property and the easements are shown hereon. **The easement recorded in Liber 940 at folio 778 does not affect the subject property.**
- Subject to the easements and/or right of way granted to the Mass Transit Administration and recorded among the Land Records of Frederick County, Maryland in Liber 611, folio 142. **This item affects the subject property and is shown hereon.**
- Subject to the Driveway Easement dated December 11, 1958 and recorded December 18, 1958 among the Land Records of Frederick County, Maryland in Liber 611, folio 142. **This item affects the subject property and is shown hereon.**
- Subject to the Easement in Deed granted to Bell Atlantic-Maryland, Inc. dated November 3, 1994 and recorded among the Land Records of Frederick County, Maryland in Liber 2026, folio 445. **This item affects the subject property and is shown hereon.**
- The amount or computation of area or acreage of premises is for informational purposes only and is not certified or insured. **Area of the subject property based on this survey is shown hereon.**

Notes Regarding Table A - Optional Items Listed in Surveyor's Certificate:

- Item 2** Address of the surveyed property: 184 East South Street, Frederick, Maryland 21701
- Item 3** Based on examination of Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Numbers 24021C0291D (Panel 29 of 510), 24021C0292D (Panel 292 of 510) and 24021C0294D (Panel 294 of 510), all having an effective date September 19, 2007, the property lies in Zone X (Other Areas); Areas determined to be outside the 0.2% annual chance floodplain.
- Item 4** Gross Land Area: As shown hereon.
- Item 8** The existing features shown hereon are taken from aerial photogrammetry surveys by Virginia Resources Mapping, Inc., dated April 2011 and by Rodgers Consulting, Inc., dated April 2022. Existing features within 5 feet of boundary lines are based on a field run survey by Rodgers Consulting, Inc.
- Item 13** Assessor information was taken from Maryland Department of Assessments and Taxation records.
- Item 15** The existing features shown hereon were taken from aerial photography provided by Virginia Resources Mapping, Inc., dated April 2011 and by Rodgers Consulting, Inc., dated April 2022. Existing features within 5 feet of boundary lines are based on a field run survey by Rodgers Consulting, Inc.
- Item 16** An active construction waste and material storage area was observed on the subject property and is noted hereon.
- Item 17** Any proposed changes in street right of way lines will be determined by the controlling agency upon submission of an application for development. No evidence of recent street or sidewalk construction or repairs were observed in the process of conducting the fieldwork.

General Notes:

- This survey was prepared with the benefit of an ALTA Commitment for Title Insurance issued by First American Title Insurance Company, Commitment Number: 11729-23 NM, Commitment Date: February 8, 2022, (the "Commitment"). The location of each easement, right of way, servitude, and other matters affecting title to the Property listed Schedule B, Part II of this Commitment, to the extent that it can be located, has been shown on this survey with appropriate recording references. All exceptions noted in the Commitment which cannot be located or shown are specified in the table set forth hereon.
- The property included in this survey is the same property described or shown in the referenced Commitment.
- This survey is in the Maryland Coordinate System (NAD83/91, SPCS Zone 1900, U.S. Survey Feet), based on GPS and conventional survey measurements. Control stations are City of Frederick, Maryland Geodetic Monumentation Stations #52, #54 and #71. The average combined (scale + elevation) factor for the site is 0.99999396. #52 N 636821.7235 E 1120270.3364 #54 N 636219.6715 E 1188732.7270 #071 N 631071.4840 E 1120314.0769
- The basis of the bearings shown on this survey is the Maryland Coordinate System (NAD83/91) as defined above. The basis of the bearings described in the record documents is as described in a deed recorded in Liber 9206 at folio 188.
- All property corner monumentation found was held unless otherwise shown hereon.
- Surface indications of underground utilities are shown hereon. Underground utilities and structures are not shown.

Surveyor's Certificate

To Greenberg Gibbons Properties, Brick Works Development, LLC, First American Title Insurance Company, Crown Title Corp., and to each of their successors and/or assigns, as their interest may appear:

This is to certify that this map and plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 8, 13, #052, N 636821.7235 E 1120270.3364 #054 N 636219.6715 E 1188732.7270 #071 N 631071.4840 E 1120314.0769

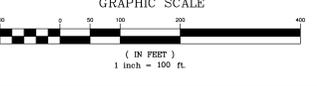
The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation and the survey, worked in this boundary survey, in compliance with the requirements set forth in "COMAR" Title 09, and to each of their successors and/or assigns, as their interest may appear:

12-7-2022
Date of Plat or Map
Aaron Eugene Worley
For: Rodgers Consulting, Inc.
Professional Land Surveyor
Maryland Registration No. 21539
License Expiration/Renewal Date: 12-23-2023



REVISION	DATE	REVISION	DATE

Prepared For:
Greenberg Gibbons Properties
2077 Somerville Road, Suite 310
Annapolis, Maryland 21401
Attn: Ronald Barnes



ALTA/NSPS Land Title Survey
"Frederick Brick Works"

RODGERS CONSULTING
1841 Century Boulevard, Suite 300, Germantown, Maryland 20874
Ph: 301.948.4700, Fax: 301.948.6256, www.rodgers.com

Property Acquired by
Brick Works Development, LLC
Liber 9206, folio 188
City of Frederick (2nd) Election District, Frederick County, Maryland

SCALE: 1" = 100'
JOB No. 1355A
DATE: May 2022
SHEET No. 1 of 1