



CITY OF DALLAS

Brownfields Program Site Prioritization Process

The City of Dallas has approved a Brownfields Program Site Prioritization Process for properties identified as Dallas brownfields. Brownfields are abandoned, idled or under-used commercial, industrial or residential properties where expansion or redevelopment is complicated by real or perceived environmental contamination. A qualified applicant may be eligible to have a Phase I Environmental Site Assessment (ESA) completed on his/her brownfield property.

The program budget limitations prohibits program participation by every qualified business or applicant, therefore priority will be given to eligible brownfield applicants developing the greatest potential for employment creation opportunities, cleanup and improvement of abandoned or idled sites, and most evident community benefits.

Attached are the program guidelines which describe program objectives, site eligibility, site ranking, application format, required site information, property eligibility for inclusion into the Brownfields Program and a Site Assessment Access Agreement. Eligible properties must be located within Dallas City limits. The property must be underutilized or abandoned with the potential redevelopment of property having near-term economic viability. The property must have real or perceived environmental contamination challenges or concerns. The site cannot be under any Federal or State enforcement actions, be a Resource Conservation and Recovery Act permitted or interim-status facility or listed on the Environmental Protection Agency's (EPA) National Priority List (NPL). Other site eligibility issues are fully explained in the document. Properties and applicants in all areas of the City are eligible for the program.

Should you have interest in the Brownfields Program Site Prioritization Process for identified brownfields in Dallas and wish to have more information on the program, you may contact Ann Grimes of the Economic Development Division Brownfields Program at 670-1686, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m.

Staff is prepared to meet with you to discuss program opportunities. We look forward to working with you to improve our community.

City of Dallas Brownfields Program Site Prioritization Process

1.0 Introduction

Using Environmental Protection Agency (EPA) Brownfields assistance funds, the City of Dallas Economic Development Departments Brownfields Program will contract with professional, experienced environmental consultant companies to conduct a limited number of City-funded Phase I Environmental site Assessments (ESA) for qualifying applicants. The program budget limitations prohibit program participation by every qualified business or applicant. Therefore, priority will be given to eligible properties creating the greatest potential for employment creation opportunities; cleanup and improvement of abandons or idled sites, and community benefits.

The Phase I ESAs are the same type of environmental assessments as required by the financial industry when they are considering real estate loans. This chapter provides a brief introduction, discussion of eligibility, application review process, names of contact persons, application instructions, and a blank application. Applicants can fill in the blanks provided, retype the application, or secure a WordPerfect 6.0 copy of the application. Appendix B provides an example of a City of Dallas Brownfields Program Site Prioritization Process Phase I ESA Agreement. An access agreement will have to be executed prior to the City conducting any on-site environmental assessment activities.

1.1 Site Eligibility

In order to be accepted into the City of Dallas Brownfields Program Site Prioritization Program, all of the following criteria must be met:

1. Property must be located within City limits;
2. Property must be underutilized or abandoned;
3. Redevelopment of property must have near-term economic viability;
4. Property must have real or perceived environmental contamination challenges or concerns;
5. Property is not under any Federal or State enforcement actions;
6. Property owner or potential purchaser should have site reuse plan developed;
7. Redevelopment must be planned to start within three months after entering Process;
8. If applicable, new purchaser of site must be on board;
9. Site is not a Resource Conservation and Recovery Act (RCRA) permitted or interim-status facility;
10. Site is not listed on the EPA National Priority List (NPL);
11. Owner must authorized, in writing, permission to allow City to designate property as a Brownfield; and
12. Applicant is willing to consider entering into Texas Voluntary Cleanup Program (VCP).

1.2 Site Ranking

After applications are accepted, they will then be scored and ranked according to the parameters listed below.

1. Level of commitment from prospective purchaser;
2. Site location;
3. Years site has been abandoned;
4. Site ownership;
5. Tax status of site;
6. Condition of site;
7. Transportation access;
8. Contamination concern;
9. Taxable appraised value after cleanup;
10. Employment creation; and
11. Redevelopment plan.

1.3 Application Process

To qualify for participation in the City of Dallas Brownfields Program Site Prioritization Process, all applicants must complete the application. One original and two copies of the application must be submitted to:

Ann Grimes
Brownfields Project Manager
City of Dallas, 5CS
1500 Marilla Street
Dallas, Texas 75201

All applications become the property of the City of Dallas. The contents of all applications shall be considered as part of the public record unless deemed otherwise by law. A claim of confidentiality may be subject to review by the City's legal staff. The City reserves the right to reject or return confidential information.

1.4 Application Format

The Application is organized into five sections:

1. Applicant information
2. Site information
The information in this section relates to site location, size, access, features, layout and utilities location.
3. Site eligibility
This section requests information, statements, and supporting documentation regarding the eligibility of the site.
4. Site ranking
The criteria in this section will be used to prioritize sites as to their potential for being a Brownfields redevelopment success. There are 10 scoring parameters

which require supporting documentation (length of statements are indicated after each listed criteria).

5. Attachments
All supporting documentation listed under the above listed sections is to be placed in this section. Any other relevant site documentation or information is also to be placed in this section.

1.5 City of Dallas Contact Names

Questions related to the contents of this application and other application requirements should be directed to:

Ann Grimes, Project Manager at (214) 670-3056

Mailing address:

City of Dallas
Brownfields Program
Economic Development Department, 5CS
1500 Marilla Street
Dallas, Texas 75201

1.6 Limitations of the City of Dallas Brownfields Program Site Prioritization Process

The purpose of the Program is to encourage economic redevelopment of Brownfields sites. It is not designed to give assurances about the environmental conditions of selected applicants= properties. The following limitations of the City of Dallas Brownfields Program Phase I ESA should be considered prior to completing a Program Application.

1. The City of Dallas Brownfields Program Site Prioritization Process and related consultant work is not appropriate to correct situations where an immediate and substantial endangerment to human health and the environment exists. For the assessment and remediation of such sites, the applicant is directed to contact the Texas Commission on Environmental Quality (TCEQ) Regional Office.
2. The City of Dallas Brownfields Program Site Prioritization Process and its agents, employees, officers, principals, and successors work are not appropriate for, and will not assess concerns of, asbestos-containing materials, lead-based paint in/on buildings, lead in drinking water system, wetlands, or radon gas. For asbestos or lead-based paint, the applicant is directed to the Texas Department of Health at (512) 834-6600. For lead in drinking water, the applicant is directed to call Water Supply Division of TCEQ at (512) 239-6020. For wetlands questions, the applicant is directed to contact the Water Quality Standards Team of the TCEQ at (512) 239-5366.
3. The applicant should recognize that the City of Dallas Brownfields Program Site

Prioritization Process and its agents, employees, officers, principals, and successors cannot eliminate all uncertainty, and is not always exhaustive in its level of inquiry. Therefore, the City cannot be held liable for any damage arising from contamination not discovered during the City of Dallas Brownfields Program Site Prioritization Process, or from any damages, monetary or otherwise, from contamination discovered during the Process.

4. The City of Dallas Brownfields Program Site Prioritization Process and its agents, employees, officers, principals, and successors cannot address all of the safety hazards associated with a site.

2.0 Application to Participate in the City of Dallas Brownfields Program Site Prioritization Process

The authorized contact person should complete the entire application and sign the document in the appropriate location. Unsigned applications will be returned as incomplete. Only one site per application will be considered for entry into the City of Dallas Brownfields Program Site Prioritization Process. All statements made in the application will be verified. At the sole discretion of the City of Dallas, applications containing unsubstantiated statements will be declared as ineligible for participation in the Program. Supporting documentation should be attached to the end of the application. In all instances, please note where in the application the supporting documentation can be found (e.g. see attached "Environmental Site Assessment").

2.1 Applicant Information:

Contact Person:

Title:

Organization:

Phone: ()

Fax: ()

Address:

City:

State:

Zip Code:

Interest in property:

CERTIFICATION, INDEMNIFICATION, AND LIABILITY RELEASE

(Must be signed by either a principle officer of a non-profit organization, a principle executive officer or property owner.)

The signee indicated below certifies that the information submitted is, to the best of the undersigned=s knowledge and belief, true, accurate, and complete. The signess indicated below hereby releases, indemnifies, and agrees to hold the City of Dallas, its agents, employees, officers, principals, and successors from all liability, claims, damages or actions, including attorney=s fees and expenses of litigation, that arise or result from the performance of the City of Dallas Brownfields Program Site Prioritization Process, **REGARDLESS OF WHETHER SUCH LIABILITY, CLAIMS, DAMAGES, OR ACTIONS ARE CAUSED IN WHOLE OR IN PART BY A NEGLIGENT ACT OR OMISSION OF THE CITY OF DALLAS, ITS AGENTS, EMPLOYEES, OFFICERS, PRINCIPALS, AND SUCCESSORS.**

Signature: _____ Date: _____

2.2 Site Information:

Property/Site Name

Address

City

State

Zip Code

Latitude

Longitude

Property size (acres)

2.3 Brownfields Baseline Property Information

- X Legal description
- X 50-Year property history with title search (if owner or developer has available)
- X Property layout/deed survey/property survey
- X Property size
- X Type and number of buildings
- X Condition of buildings/structures
- X Total floor space
- X Zoning
- X Assessed value
- X Property taxes
- X Adjacent properties
- X Plans regarding future use
- X Potentially contaminated areas
 - Interior
 - Exterior
- X Utilities and process information
- X Access routes
- X Other significant remarks

2.3 Determining Property Eligibility for Inclusion in Brownfields Program

In order to be considered for inclusion in the City of Dallas Brownfields Program, a property must meet criteria 1 through 11. Criterion 12 is optional.

1. Property must be located within City limits
2. Property must be underutilized or abandoned
3. Redevelopment of property must be economically viable
4. Property must have real or perceived environmental contamination challenges or concerns
5. Property is not under any Federal or State enforcement actions
6. Property owner should have site reuse plan developed
7. Redevelopment must be planned to start within three months after entering

Program

8. If applicable, new purchaser of site must be on board
9. Site is not a RCRA permitted or interim-status facility
10. Site is not listed or proposed to be listed on the EPA NPL
11. Owner must have written permission for the City to designate property as a Brownfield site
12. Owner or purchaser willing to consider entering into Texas VCP

Appendix A

(For use by City Staff only)

<u>Ranking Parameter</u>	<u>Points</u>
1. Level or commitment from prospective purchaser (Provide statement up to one-half page in length with supporting documentation under Application Attachments.):	
low level written commitment	1
mid-level commitment with earnest money	5
high commitment with contingent contract	10
2. Site located in (Provide statement up to one-half page in length with supporting documentation under Application Attachments.):	
City Historic District	5
State Enterprise Zone	5
Both of the above	10
3. Years that the site has been abandoned (Provide statement up to one-half page in length with supporting documentation under Application Attachments.):	
<1 year	0
>1<5 years	1
>5<10 years	2
>10 years	3
4. Site ownership (Provide statements up to one-half page in length with supporting documentation under Application Attachments.):	
local governmental entity	5
private interest	10
non-profit organization	15
5. Condition of site (Provide statement up to one-half page in length with supporting documentation under Application Attachments.):	
lot with building in poor condition needing demolition	0
lot with building in medium condition needing renovation	5
lot with building in good condition	10
vacant lot	10
6. Transportation access to railroad loading area, public road, airport, navigable water access area (Provide statement up to one-half page in length with supporting documentation under Application Attachments.):	
none	0
more than one mile	5

- | | | |
|--|--|----|
| | less than one mile | 10 |
| | adjacent | 15 |
| | multiple (rail, road, air, water access) | 20 |
7. Contamination concerns (**Provide statement up to one-half page in length with supporting documentation under Application Attachments.**):
- | | | |
|--|----------------------------------|----|
| | known high contamination | 1 |
| | probable low level contamination | 5 |
| | probable little contamination | 10 |
| | known little contamination | 15 |
8. Taxable appraised value added after response action (**Provide statement up to one-half page in length with supporting documentation under Application Attachments.**):
- | | | |
|--|-----------|---|
| | <10 % | 0 |
| | >10 <30% | 3 |
| | >30 <70 % | 5 |
| | >70% | 7 |
9. Employment Creation (EC=number of new employees) x Time Factor (TF=0.1 if projected employment created after two years of response action; TF=0.5 if employment created within 0 to 24 months of response action) (**Provide statement up to one-half page in length with supporting documentation under Application Attachments.**):
- ___ (EC) x _____ (TF) = _____ Points
10. Redevelopment Plan (**Provide statement up to two pages in length with supporting documentation under Application Attachments.**) to include:
- a. Redevelopment potential
 - b. Community benefits
 - c. Implementation

RIGHT OF ACCESS

**THE STATE OF TEXAS)
)
COUNTY OF DALLAS)**

KNOW ALL BY THESE PRESENTS:

That the City of Dallas has notified _____, hereinafter referred to as "Owner", of its need for the right of access under, over and across the property hereinafter described and which property is located in the City of Dallas, Dallas County, Texas, for the purpose of performing a Phase I Environmental Site Assessment (ESA). Owner of the property hereby grants and extends to the City of Dallas the right of access under, over and across the property for the purpose of performing a Phase I ESA. The City of Dallas, its agents, employees, contractors and assignees will be permitted to enter upon said property in order to perform the project described above, said property being more particularly described as:

Lot _____ Block _____ Addition as recorded in Volume _____, page _____.

Street address:

EXECUTED this _____ day of _____, 2006

Signature

Owner's name

