MEMO – Notice of Brownfields Property – Survey Plat Requirements

Check List for Brownfields Property Survey Plat

In accordance with N.C.G.S. 130A-310.35, a **survey plat** of areas designated by the Department of Environmental Quality (DEQ) as a Brownfields Property must be included with the Notice of Brownfields Property which is required to be filed in the register of deeds' office in the county or counties in which the brownfields Property is located. Prospective Developer must submit a draft of the plat to DEQ for review, and because the plat is included with the project information made available for public review during the required public comment period, the draft plat must be deemed "approvable" by DEQ before public comment can commence. The requirements of the brownfields survey plat follow:

_____1. The plat must meet the requirements of N.C.G.S. 47-30, and thus must be prepared and certified by a North Carolina registered land surveyor. In addition, the N.C. Geodetic Survey will require that brownfields survey plats comply with the Board Rules. Check with your county Register of Deeds office for their size restrictions before finalizing the Brownfields Survey Plat as the maximum size of the plat map they will accept varies by county.

_____2. The words, **EXHIBIT B to the Notice of Brownfields Property – SURVEY PLAT**" must appear in the plat's title block; the current owner's name and the name of the Prospective Developer (if different), appropriately labeled, must also appear in the title block along with location information. Tax PINs, the property address and the Brownfields Project Name and Brownfields Project Number should also be placed in the title block;

_____3. The plat must contain clearly demarcated boundaries of the Brownfields Property with a line of heavier weight than surrounding parcels; north arrow; scale; and bearings/distances that must match the legal description of the Property;

_____4. To the extent known, and with respect to permanently surveyed benchmarks, the plat must contain a graphic depiction of the location of areas of potential environmental concern on the brownfields Property. This can be accomplished by plotting the name and lateral position of locations where soil, groundwater, surface water, or other environmental media samples have been collected for which analytical results indicate contaminant concentrations in excess of the remedial goals of the NC Superfund Section's Inactive Hazardous Sites Branch or DWM Vapor Intrusion Screening Levels;

_____5. The plat must contain the following:

a. A note stating "The areas and types of contamination depicted hereon are approximations derived from the best available information at the time of filing. A listing of the technical reports used to prepare this plat are referenced in Section 1 of the Brownfields Agreement for this property."
b. Legend to include all line types and all symbols on the plat; Brownfields Property Line should be prominent, and sampling location symbols such as groundwater, soil, or vapor points must be legible and easily distinguishable from each other.
c. Adjacent property owner information such as name, parcel number, and deed book/page numbers.

_____6. The plat must contain a table that provides the names of the contaminants known to exist at the site, only those sample locations at which the contaminants were detected in concentrations exceeding applicable standards or screening levels, and the concentrations of contaminants detected at those sample locations. This information is provided by the Brownfields Project Manager;

_____7. The plat must contain a verbatim list of the Land Use Restrictions (LURs) that are included in the Notice of Brownfields Property (NBP). This information is provided by the Brownfields Project Manager; the plat must contain the following preamble, plotted before the list of LURs:

LAND USE RESTRICTIONS

NCGS 130A-310.35(a) requires recordation of a Notice of Brownfields Property ("Notice") that identifies any restrictions on the current and future use of a Brownfields Property that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the property and that are designated in a Brownfields Agreement pertaining to the property. This survey plat constitutes one of three exhibits to the Notice pertaining to the Brownfields Property depicted on this plat and recorded at the _____ County Register of Deeds' office. The exhibits to the Notice are: the Brownfields Agreement for the subject property, which is attached as Exhibit A to the Notice; a reduced version of this survey plat, which is attached as Exhibit B to the Notice; and a legal description for the subject property, which is attached as Exhibit C to the Notice. The land use restrictions below have been excerpted verbatim from paragraph ___ of the Brownfields Agreement, and all paragraph letters/numbers are the same as those used in the Brownfields Agreement. The following Land Use Restrictions are hereby imposed on the Brownfields Property and shall remain in force in perpetuity unless canceled by the Secretary of the North Carolina Department of Environmental Quality (or its successor in function), or his/her designee, after the hazards have been eliminated, pursuant to NCGS § 130A-310.35(e):

_____ 8. Before the end of the public comment period, you must supply the Brownfields project manager with a Mylar® copy of the full-sized plat and an 8-1/2" x 11" reduced paper version of the approved BF plat (which will be included in the NBP as Exhibit B); and

_____ 9. The plat must contain the following approval/signature block for the Brownfields Redevelopment Section Chief's approval and signature. If the plat has multiple sheets, the signature block must only be included on the sheet with LURs required in step 7.

_____ for the purposes of N.C.G.S. § 130A-310.35

_____ _____

Tracy Wahl, Chief Date
Brownfields Redevelopment Section
Division of Waste Management
State of North Carolina
County of Wake