

BROWNFIELDS

The U.S. Government and several states have enacted “brownfield” programs to promote the redevelopment and/or reuse of contaminated urban and industrial properties. Moore and Van Allen PLLC has extensive experience in assisting clients in the redevelopment of these so-called brownfields sites. We take a collaborative approach in helping our clients work together with regulatory agencies, local governments, stakeholders and financial institutions to find creative solutions that make these projects viable and successful for all parties involved in or affected by the brownfields transaction.

Moore and Van Allen attorneys possess a wealth of experience in assisting clients with issues related to federal “Superfund” and Resource Conservation and Recovery Act (“RCRA”) statutes. This specific experience allows us to properly evaluate on a case-by-case basis whether alternative brownfields programs are truly beneficial for our clients and whether those clients are eligible to participate. Our approach to assisting clients in brownfields transactions is to coordinate efforts among the various regulatory agencies and to assist in finding creative solutions the myriad issues that present themselves in a typical brownfields transaction (i.e., environmental, developmental, political, land use and financial).

Our full range of brownfields services includes the negotiation of prospective purchaser agreements, certificates of completion, covenants not to sue and other forms of “comfort letters” which formally recognize that the regulatory agency will not hold the developer or responsible party liable for the subject contamination at the site. Moore and Van Allen can also assist clients with plan development, negotiation of contracts to provide for investigation, remediation and development of the property and document preparation that ensures the best opportunity for agency approval. Often, Moore and Van Allen can help assist clients in obtaining innovative financing and insurance products to help diffuse the financial costs and liabilities associated with brownfields projects. Finally, our attorneys can also assist with obtaining the necessary zoning and use approvals to ensure that the property is developed to its highest and best use. Moore and Van Allen is the best option for a full service and innovative approach to brownfields redevelopment.

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The following is a representative example of our work in the brownfields arena:

Charlotte South End Brownfields Property. We represented a developer in connection with the negotiation of the first, and one of the most substantial brownfields agreements covering property in Charlotte's historic South End neighborhood. The agreement provided liability protection to the developer, and allowed the developer to redevelop the property, once the site of a manufactured gas plant, into a mixed commercial and residential project.