



office memorandum

DATE: January 26, 2023

TO: Darrel Pyle, City Manager

FROM: Anthony Purinton, Assistant City Attorney *AP*

THROUGH: Kathryn Walker, City Attorney *KW*

SUBJECT: Imhoff and Oakhurst Affordable Housing Project Phase I
Environmental Inspection Contract

City Council approved a purchase and sale agreement for property located on the NE Corner of Imhoff and Oakhurst on 1/24/23. Attached is a vendor agreement for an environmental inspection services (K-2223-115). The price of the inspection service is \$2,150.00. City Staff recommends approval of the contract so that the City can begin due diligence inspections as soon as possible. If approved, please sign and return so that we can provide the vendor with notice to proceed. Let me know if you have any questions or concerns.

K-2223-115

Redbud Environmental LLC
2124 Dakota Street
Norman, OK 73069
405-255-8677
Daphne@RedbudEnvironmental.com

**Engagement of Services Agreement for Imhoff Road Development
Land Cleveland County Parcel ID: NC29 8 2W 4046**

This letter engages Redbud Environmental, LLC to perform a **Phase One Environmental Site Assessment** for the property listed above. The report will be performed in accordance with the American Society for Testing and Materials (ASTM) most current standard E-1527-21 All Appropriate Inquiry and will provide the client with a technical summary and supporting data regarding recognized environmental conditions. The Phase One report will meet SBA requirements and contain maps, photographs, land use documentation, regulatory compliance issues, interviews, and other items of due diligence. The objective of the report is to provide CERCLA liability protection to the buyer and lender. Additional environmental or real estate conditions which may adversely affect the use of the property will be reviewed including oil and gas activities. The environmental consultant meets ASTM criteria for doing the Phase One reports and carries \$1,000,000 of professional liability insurance with Traveler's insurance company.

The cost for the Phase One report will be \$2,150.00 payable at the time of report delivery. No testing will be conducted unless specified by the client. The Phase One report will be submitted electronically within 15 working days.

I acknowledge and agree by my signature below to engage Redbud Environmental, LLC under the terms described above to conduct a Phase one report for the property listed.

Darrel Pyle City Manager
Client Clearly Printed Name Title
[Signature] 1-26-23
Client Signature Date

THE FOLLOWING INFORMATION IS REQUIRED TO PROCEED:

- If available, please provide appraisals or historical appraisals and historical Phase I/Phase II reports or other environmental reports.
- How should the report be titled (Name, Title, and Mailing Address)?

For questions please contact: **Daphne Summers at 405-255-8677**

Please send the signed Engagement Letter to: Daphne@RedbudEnvironmental.com

USER QUESTIONNAIRE
ASTM E 1527 – 21 for
Imhoff Road Development Land Cleveland County Parcel ID: NC29 8 2W 4046

INTRODUCTION

In order to qualify for one of the *Landowner Liability Protections (LLPS)* offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must conduct the following inquiries required by 40 C.F.R. §§ 312.25, 312.28, 312.29, 312.30, and 312.31. the user should provide the following information to the environmental professional. Failure to conduct these inquiries could result in a determination that "all appropriate inquiry" is not complete.

1. Environmental cleanup liens that are filed or recorded against the Subject Property (40 CFR 312.25).

Did a search of land title records (or judicial records where appropriate, see Note 1 below) identify any environmental liens filed or recorded against the Subject Property under federal, tribal, state, or local law? (Note 1: in certain jurisdictions, federal, tribal, state, or local statutes or regulations specify that environmental liens and AULs be filed in judicial records rather than in land title records. In such cases, judicial records shall be searched for environmental liens and AULs).

_____ Yes _____ No If yes, please describe and provide records to the environmental professional

Title Work is in progress, will update
2. Activity and land use limitations (AULs) that are in place on the Subject Property or that have been filed or recorded against the Subject Property.

Did a search of land title records (or judicial records per Note 1 above) identify any AULs, such as engineering controls, land use restrictions, or institutional controls that are in place at the Subject Property and/or have been filed or recorded against the Subject Property under federal, tribal, state, or local law?

_____ Yes _____ No If yes, please describe and provide records to the environmental professional

Title work in progress, will update
3. Specialized knowledge or experience of the person seeking to qualify for the Landowner Liability Protections (40 CFR 312.28).

Do you have any specialized knowledge or experience related to the Subject Property or nearby properties? For example, are you in the same line of business as the current or former occupants of the Subject Property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business _____ Yes ☒ No If yes, please describe (use additional sheets as needed)

4. Relationship of the purchase price to the fair market value of the Subject Property if it were not contaminated (40 CFR 312.29).

Does the purchase price being paid for the Subject Property reasonably reflect the fair market value of the property?

☒ Yes _____ No

If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property? _____ Yes ☒ No If yes, please describe (use additional sheets as needed)

5. Commonly known or reasonably ascertainable information about the Subject Property (40 CFR 312.30).

Are you aware of commonly known or reasonably ascertainable information about the Subject Property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For Example,

- Do you know the past uses of the Subject Property?
- Do you know of specific chemicals that are present or once were present at the Subject Property?
- Do you know of spills or other chemical releases that have taken place at the Subject Property?
- Do you know of any environmental cleanups that have taken place at the Subject Property?
- If you answered yes above, please describe. Use additional sheets as necessary.

No
6. The degree of obviousness of the presence of likely presence of contamination at the Subject Property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).

Based on your knowledge and experience related to the Subject Property, are there any obvious indicators that point to the presence of likely presence of releases to the Subject Property? _____ Yes ☒ No If yes, please describe (use additional sheets as needed)

Prepared by (Print and sign):

Anthony Purinton

Date: *1/26/23*