



Atlantic Environmental Solutions, Inc.

ENVIRONMENTAL PERMITTING & MITIGATION

July 18, 2006

Mr. Arthur Franke
Brevard Land Development, LLC
6511 Arlington Lane
Parkland, Florida 33067

Re: Phase I Environmental Site Assessment of the Brevard Land Development site
AES File No. 06166

Dear Mr. Franke:

Atlantic Environmental Solutions, Inc. (AES) has completed a Phase I Environmental Site Assessment (ESA) in accordance with the American Society of Testing and Materials (ASTM) E1527-00 guidelines for the above-referenced property. The property is an ± 8.61 acre tract of land consisting of tax parcels 22-35-16-00-00021.0-0000.00 and 22-35-16-00-00005.0-0000.00, located in Section 16, Township 22 South, Range 35 East, Titusville, Florida. **Our research leads us to the conclusion that the subject property does not contain Recognized Environmental Conditions. No additional testing or environmental evaluation is recommended.** This report is certified to you and Brevard Land Development, LLC, both of whom are entitled to rely on the contents, findings, and conclusions therein.

Sincerely,

Jon H. Shepherd, M.S.
President/Ecologist

enc.: Phase I Environmental Site Assessment Report



Atlantic Environmental Solutions, Inc.

ENVIRONMENTAL PERMITTING & MITIGATION

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Of the

**Proposed Brevard Land Development, LLC Site
Titusville, Florida**

Section 16, Township 22 South, Range 35 East

Conducted By:

Atlantic Environmental Solutions, Inc.
500 N. Harbor City Boulevard, Suite C
Melbourne, Florida 32935

Certified To:

Mr. Arthur Franke
Brevard Land Development, LLC
6511 Arlington Lane
Parkland, Florida 33067

July 2006

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1.0. EXECUTIVE SUMMARY

Atlantic Environmental Solutions, Inc. (AES) has conducted a Phase I Environmental Site Assessment (ESA) of the proposed Brevard Land Development, LLC site in Titusville, Florida, hereinafter referred to as the "Property." The Property is an approximately 8.61 acre parcel of undeveloped land within Section 16, Township 22 South, Range 35 East, Titusville, Florida (Figure 1), consisting of tax parcels 22-35-16-00-00021.0-0000.00 and 22-35-16-00-00005.0-0000.00. The primary purpose of this assessment is to evaluate the Property and surrounding properties to identify Recognized Environmental Conditions (REC's) associated with past or present uses of the Property and adjacent properties. As defined by the American Society for Testing and Materials (ASTM) standard E1527-00, a Recognized Environmental Condition is "the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the Property or into the ground, groundwater, or surface water of the Property."

As required by the ASTM Standard Practice for Environmental Site Assessments (E-1527-00), AES has assessed past and present uses of the Property through review of historical aerials, research of federal and state environmental record sources, interviews of site representatives, and site reconnaissance. Environmental Data Resources, Inc. (EDR) provided information for this report in the form of an ASTM radius assessment of all federally and state listed potentially contaminated facilities in the vicinity of the Property.

Analyzed data obtained from review of all available information indicates that, within the limitations of this assessment, the subject property does not contain Recognized Environmental Conditions. No additional evaluation or testing is considered necessary for the Property.

2.0. INTRODUCTION

2.1. Purpose

The primary purpose of this assessment is to evaluate the Property and surrounding properties to identify any potential REC's associated with past or present uses of the Property and neighboring properties. This assessment was conducted following the ASTM E1527-00 Standard Practice for Environmental Site Assessment Guidelines. In addition, this assessment was conducted to identify potential off-site contaminant sources within the minimum search radii set forth in ASTM method E1527-00.

This assessment was completed as agreed between AES and Mr. Arthur Franke, and is certified to Mr. Franke and Brevard Land Development, LLC. These parties, and their agents, successors, and assigns, are entitled to use and rely upon this ESA as if it had originally been prepared and addressed to each of them.

2.2. Detailed Scope of Services

The contracted scope of services consisted of the completion of a Phase I ESA of the Property. This Phase I ESA was conducted in accordance with the requirements set forth in ASTM E1527-00. The contracted scope of services did not include an evaluation of lead-based paints, lead in drinking water, asbestos containing building materials, cultural or ecological resources, high voltage power lines, or radon potential.

2.3. Limitations and Exceptions

This Phase I investigation was performed in sufficient detail and scope to determine the general observable environmental conditions of the Property which are needed for a Phase I ESA. The findings of this report represent AES's professional judgment; no warranty is expressed or implied. This evaluation has been performed to provide information regarding apparent indications of existing or potential REC's on the Property, and is limited to the conditions observed at the time of the site visit and research.

This Phase I ESA was performed in an effort to identify REC's based upon reasonably ascertainable documentation and information. However, environmental conditions may still exist on the Property that were not identifiable through this scope of investigation. The results of this Phase I ESA are not, and cannot, be interpreted as a representation or guarantee that no environmental conditions may exist on, beneath or around the Property. AES can accept no responsibility for interpretations of these data made by other parties.

2.4. Limiting Conditions and Methodology Used

There were no limiting conditions to completing this Phase I ESA. This assessment was conducted following the ASTM E1527-00 Standard Practice for Environmental Site Assessment Guidelines. Site visits were made to the Property and adjacent areas to document specific site conditions and verify locations of off-site listed facilities. Field reviews included an on-site inspection of the Property, adjacent sites, and any EDR-listed facilities.

3.0. PROPERTY DESCRIPTION

3.1. Location and Legal Description

The Property is located immediately west of Barna Avenue and approximately 0.1 mile south of the Barna Avenue – Harrison Street intersection in Section 16, Township 22 South, Range 35 East in Titusville, Florida. The Property is bound on the east by Barna Avenue, on the west by undeveloped land, on the south by single-family homes, and on the north by a bank, undeveloped land, and a condominium complex. A legal description of the Property, taken from the Brevard County Tax Collector's website, is included as Appendix A.

3.2. Property and Vicinity Characteristics

The vast majority of the Property remains undeveloped and naturally vegetated. Only the extreme southern edge of the Property has been cleared and now supports grass and a few sparse trees. The Property is bound on the east by Barna Avenue, on the west by undeveloped land, on the south by single-family homes, and on the north by a bank, undeveloped land, and a condominium complex. Figure 3, the 2006 aerial photograph of the area, and Appendix B depict the Property and its surroundings in their current condition.

3.3. Descriptions of Structures, Roads, Other Improvements on the Property

With the exception of the clearing of the southern edge of the Property, no improvements were noted on the Property.

3.4. Information Reported by User Regarding Environmental Liens or Specialized Knowledge or Experience

The User has not reported any environmental liens on the Property, or any specialized knowledge or experience.

3.5. Current Uses of the Property

Currently, the Property does not appear to be in use.

3.6. Past Uses of the Property

AES' review of the historical uses of the Property is based upon an analysis of historical aerial photographs (discussed below), a review of state and federal environmental records, and a search for historical map information.

Aerial photographs of the Property were reviewed from 1951 to 2006, and included an assessment of the 1951, 1958, 1969, 1979, 1984, 1995, and 2000 aerial site photographs at the Brevard County Map Reproduction Office. In addition, a copy of the 2006 aerial photograph was obtained separately. Based upon this review, the following account of the historical land uses on the Property was developed. Figures 3, 4, and 5 of this report are copies, respectively, of the 2006, 1984, and 1951 aerial photographs of the Property.

1951 to 2006: From 1951 to 2006, the Property has remained naturally vegetated with the exception of a few manmade trails. Over the years, the Property has become more densely wooded. Sometime in the 1960's it appears that the southern edge of the Property was cleared.

Since the 2006 aerial photograph was taken the Property has not changed notably. Review of historical aerial photographs did not suggest any historic negative environmental conditions or land uses on the Property.

3.7. Current and Past Uses of Adjoining Properties

Current and past uses of adjoining properties were assessed via the site visit and the review of historical aerial photographs as described in section 3.6. Figures 3, 4, and 5 depict the land immediately surrounding the Property in 2006, 1984, and 1951, respectively. Following is a synopsis of previous land uses on properties adjoining the Property, along with a description of their current condition.

1951 to 2006: In 1951, the majority of the land surrounding the Property was undeveloped and naturally vegetated. Dirt trails can be noted around the Property at this time. A large amount of development occurred around the Property, particularly to the south and west during the 1960's subsequent to the installation of Barna Avenue and Harrison Street. Another surge of development occurred in the 1980's to the north and northwest of the Property.

Between 2006 and the present, no significant changes have occurred to the vicinity of the Property. According to the aerial photographic record, historic land uses adjacent to the Property within the last 55 years have consisted mainly of undeveloped land, retail and commercial space, single-family homes, and multifamily residences. Based on the historical aerial evidence, the land uses and activities within the vicinity of the Property do not appear to pose a risk of REC's to the Property itself.

3.8. Property Map

Figure 3, the 2006 Aerial Photograph, depicts the Property in its current condition.

4.0. RECORDS REVIEW

4.1. Standard Environmental Record Sources

AES reviewed regulatory sources to locate information pertaining to the release of hazardous substances on or near the Property. To meet the ASTM requirements for a Government Records/Historic Sources Inquiry, AES contracted Environmental Data Resources, Inc. (EDR) to conduct a search of Federal and State regulatory database records using a coded geographic information system. Researched search distances included, but were not limited to, the following:

| | |
|----------------------------------|-----------|
| Federal NPL list | 1.00 mile |
| Federal Proposed NPL list | 1.00 mile |
| Federal CERCLIS | 1.00 mile |
| Federal ROD list | 1.00 mile |
| Federal CERC-NFRAP list | 0.25 mile |
| Federal CORRACTS list | 1.00 mile |
| Federal RCRIS-TSD list | 0.50 mile |
| Federal RCRIS Lg. Quan. Gen list | 0.25 mile |

| | |
|----------------------------------|-----------------|
| Federal RCRIS Sm. Quan. Gen list | 0.25 mile |
| Federal ERNS list | Target Property |
| State Hazardous Waste | 1.00 mile |
| State Landfill | 0.50 mile |
| State LUST lists | 0.50 mile |
| State VCP list | 0.50 mile |
| State Priority Cleaners list | 0.50 mile |
| State UST list | 0.25 mile |
| State Indian UST list | 0.25 mile |

Figure 6 is an EDR computer-generated map that identifies registered sites located within the required search radii. EDR's complete report is attached as Appendix C. Two sites were identified by EDR within the search radii, both at the same address. No additional sites were found by AES during our field reconnaissance. Below please find a brief description of the mapped facilities and how they affect the property.

The Star Enterprise facility is located at 1500 Harrison Street. The facility is listed as a Small Quantity Generator of Hazardous Waste. However, no violations have ever been recorded at this facility. Thus, this site does not constitute a REC to the Property.

The Texaco Food Mart is also listed by EDR as being located at 1500 Harrison Street. This facility is listed on the Leaking Underground Storage Tank (LUST) and Underground Storage Tank (UST) databases. No surface water or groundwater has been recorded as having been contaminated by past spills on this site. This fact, in combination with the distance (± 550 feet) between it and the Property, leads AES to the conclusion this site does not constitute a REC to the Property.

4.2. Physical Setting Sources

The United States Geological Survey (USGS) topographic quadrangle map (Titusville, Florida Quadrangle), dated 1949 and photorevised in 1988 and 1999, provides information on topography and land uses for the Property and vicinity. A portion of this quadrangle map is depicted on Figure 7. This map suggests that no structures have stood on this Property. The surrounding historical development in the vicinity of the Property is recorded on this map. The map indicates that the Property lies at an elevation of approximately 25 feet NGVD.

As an additional physical setting source, the 1974 U.S. Department of Agriculture Soil Conservation Service (SCS) Soil Survey of Brevard County was reviewed. This document provides information on soil types and their characteristics. Figure 8 is a copy of the SCS map depicting the soil types underlying the Property and its surroundings.

The soil types underlying the Property, as mapped by SCS, are Canaveral-Urban Land Complex, Myakka Sand, Myakka-Urban Land Complex, Pomello Sand, and Quartzipammments. A description of these soils can be found below.

Canaveral-Urban Land Complex (Cc)

This soil is a mixture of sand and shells that have been drained from the Indian and Banana Rivers, deposited on tidal marshes and swamps, and then leveled and smoothed. In wet seasons the water table is between depths of 40 to 60 inches, and the rest of the year it is below a depth of 60 inches.

Myakka Sand (Mk)

Myakka sand is a nearly level, poorly drained sandy soil in broad areas in the flatwoods and in areas between sand ridges and sloughs and ponds. In most years the water table is within a depth of 10 inches for 1 to 4 months and between 10 and 40 inches for more than 6 months. In dry seasons it is below a depth of 40 inches. The soil is flooded for 2 to 7 days once in 1 to 5 years.

Myakka-Urban Land Complex (Mu)

This soil is actually a complex composed of 40 to 55 percent Myakka soil, 25 percent a Myakka soil that has been altered for use as building sites or covered by streets and buildings, and 20 to 45 percent urban land or areas covered by houses, streets, driveways, buildings, parking lots, and other related construction. The open areas of Myakka soils are mostly in lawns, vacant lots, or playgrounds. Most of the areas in these soils have permanent drainage systems and the water table is generally between depths of about 20 inches to more than 40 inches.

Pomello Sand (Ps)

This is a nearly level, moderately well drained sandy soil on broad low ridges and low knolls. The water table is 30 to 40 inches below the surface for 2 to 4 months in most years and between 40 and 60 inches for more than 6 months. During dry periods, it is below 60 inches for short periods.

Quartzipammments (Qr)

These soils are nearly level to steep sandy soils that have been reworked and shaped by earthmoving equipment. As with this case, they are commonly near urban centers or along major highways on the mainland.

Based upon site reconnaissance, the review of topographic maps, aerial photographs, and the information gathered on the EDR-listed site near the Property, the potential of hazardous waste contamination from off-site sources appears negligible.

4.3. Historical Use Information

Historical aerial photographs show that since at least 1951 the Property has remained relatively untouched, with the exception of a small amount of clearing along the Property's southern edge.

4.4. Additional Record Sources

No additional record sources were used for this Phase I ESA.

5.0. INFORMATION FROM SITE RECONNAISSANCE AND INTERVIEWS

AES traversed the Property to inspect for the presence of any indicators of hazardous substances, hazardous substance containers, storage tanks, solid waste, and any other potential sources of contamination. In addition, AES conducted an interview with the Property owner's representative, Mr. Costis Papanikos. Mr. Papanikos stated that he knows of no current or past conditions or practices on the Property that may have caused, or had the risk to cause, any amount of contamination to on-site soils, ground water, or surface waters. Photographs depicting the condition of the Property are provided in Appendix B.

5.1. Hazardous Substances in Connection with Identified Uses

Based upon historical site analysis, other than a minor amount of clearing along the Property's southern boundary, the Property has been left relatively untouched for the last 55 years. No physical evidence of hazardous substance use was observed on the Property.

5.2. Hazardous Substance Containers and Unidentified Substance Containers

During the site inspection, the Property was inspected for the presence of hazardous substance containers and unidentified substance containers. No such items were located on the site.

5.3. Storage Tanks

No records of any UST's buried within the Property's boundaries were located, and no physical evidence of such was found.

5.4. Indications of Solid Waste Disposal

No indicators of solid waste disposal were observed on the Property, with the exception of minor amounts of household debris and miscellaneous trash. No historical evidence was discovered to suggest that any solid waste disposal has occurred on the Property.

5.5. Physical Setting Analysis if Migrating Hazardous Substances are an Issue

Based on the historical record, listed facility inventory, and geographical information, migrating hazardous substances do not appear to be an issue for this site.

5.6. Other Conditions of Concern

No conditions of concern were noted on the Property.

6.0. FINDINGS

AES has performed this Phase I ESA in accordance with the scope and limitations of ASTM E1527-00 on tax parcels 22-35-16-00-00021.0-0000.00 and 22-35-16-00-00005.0-0000.00 in Section 16, Township 22 South, Range 35 East in Titusville, Florida. This assessment has revealed no evidence of Recognized Environmental Conditions in connection with the Property.

7.0. CONCLUSIONS

Based on the results of this assessment, it is our conclusion that the site appears to be free of Recognized Environmental Conditions, and does not merit further testing or additional environmental evaluation.

8.0. SIGNATURE OF ENVIRONMENTAL PROFESSIONAL

This Phase I ESA was performed and reviewed by environmental professionals employed by Atlantic Environmental Solutions, Inc.


Jon H. Shepherd M.S.
President/Ecologist

9.0. QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONAL

Mr. Shepherd obtained his Bachelor of Science degree (Biological Sciences) at Florida State University in 1996 and his Master of Science degree (Ecology) at the Florida Institute of Technology in 2002. He has worked as an environmental professional in the environmental consulting field in central Florida since 1997, and has conducted in excess of 75 Phase I ESA's. He is a member of the National Association of Environmental Professionals and the Florida Association of Environmental Professionals, and has been granted the designation of a Professional Wetland Scientist (PWS 00001400) by the Society of Wetland Scientists. Mr. Shepherd has been trained in state and federal wetland delineation methodologies, prescription burning, hydric soils analysis, conservation lands management, ASTM E-1527 standards, and identification of native vegetation. Additional qualifications and resumes are available upon request.