770 Muddy Branch Road Open House Info

1) Enter at Muddy Branch Road and School Drive
2) Follow the yellow arrows to the Parking Area and Check-in as shown below

Other Information

1. Suggested attire for the visit:
   a. Closed toe shoes
   b. Flat soled shoes
   c. No high heels
   d. Long Pants

2. Reminder of the hazards:
   a. Animal (snake, etc) and insect (tick, etc) hazards exist
   b. Walkways and all surfaces have trip/fall hazards due to the deteriorating condition of the concrete and asphalt, and the vegetation overgrowth

3. Sign the waiver form (attached)

4. Photographs at the site are permitted without restrictions
WAIVER AND INDEMNITY CERTIFICATION

WHEREAS, the United States of America is the owner of certain improved real property and the improvements thereon commonly known as 770 Muddy Branch Road, located at 770 Muddy Branch Road, Gaithersburg, MD 20899.

WHEREAS, the Undersigned, desires to enter 770 Muddy Branch Road on one or more occasions for building and site inspection purposes pursuant to the sale of the property.

IN CONSIDERATION OF the Undersigned being permitted to enter 770 Muddy Branch Road (without including the improvements thereon, hereinafter, “the Premises”),

__________________________ (hereinafter, “Undersigned”) on behalf of himself or herself, his or her heirs, assigns, and personal representatives, hereby releases, waives, discharges, covenants not to sue, and holds harmless the United States of America (hereinafter, “U.S.”), from and for any and all liability, damage, loss, claim, causes of action, debts or dues, on account of, in connection with, or resulting from, any and all injury to the person or property of the Undersigned or resulting in the death or permanent disability of the Undersigned, whether caused by the negligence of the U.S. or otherwise, in any way related to the Undersigned being on, in, and around the Premises. The Undersigned further agrees and covenants to indemnify the U.S. and hold it harmless from any and all loss, liability, damage, costs, and attorneys’ fees and disbursements which the U.S. may incur or suffer because of the Undersigned’s entry on the Premises.

a. No Representations or Warranties. The U.S. makes no representations or warranties as to the existence or non-existence of any condition or hazard on the Premises.

b. Assignment. The Undersigned may not assign, delegate, or transfer its rights or responsibilities hereunder without the prior written consent of the U.S.

c. Applicable Law. This Waiver and Indemnity Certification shall be governed by the federal laws of the United States of America, and if such laws are not applicable to the issue in question, then this Certification shall be governed by the laws of the District of Columbia.

d. Waiver. Waiver by the U.S. of any provision of this Waiver and Indemnity Certification is not waiver of future compliance with the provision, and that provision, as well as all other provisions shall remain in full force and effect.

e. Severability. If any term, provision or section of this Waiver and Indemnity Certification is held to be unenforceable or invalid under any applicable law or regulation by any court or competent governmental authority having jurisdiction, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way, and such determined unenforceability or invalidity of any term, provision, or section shall not preclude the effectiveness of, or alter, any other term, provision or section unless the effectiveness thereof would result in unjust enrichment or extreme hardship to either of the parties hereto or would otherwise frustrate the basic intent hereof.

The Undersigned has carefully read this Waiver and Indemnity Certification and signs it of his or her own free will and volition.

__________________________  ____________________________
Name (Printed)  Telephone Number

__________________________  ____________________________
Date  Address

__________________________  ____________________________
(Signature)  City, State and Zip Code
INDUSTRY DAY
July 15, 2021
770 Muddy Branch Road
Gaithersburg, MD
Agenda

- Welcome
- Property Overview – GSA
- Entitlement Process – City of Gaithersburg
  - MXD Zone
  - Zoning Process
  - Demolition
- VCP Overview – MDE
- Auction Process – GSA
- Q&A - All
PROPERTY OVERVIEW
Site Info / History

- Size: 13.71 ac / 12 existing structures comprising approximately 28,387 gsf
- Acquired by condemnation in 1956 for Nike Missile Site (W-92)
- NIKE Site decommissioned in 1975
- Site Transferred to Department of Commerce in 1976
- NIST has used the property for various research purposes since 1976. Operations on site terminated in April 2021
Location

- The property is being sold pursuant to the Federal Asset Sale and Transfer Act (FASTA PL 114-287 as amended)

- 770 Muddy Branch Road is a prime development opportunity offered for sale through GSA’s online auction process. The site is located on the west side of Muddy Branch Road, just north of Great Seneca Highway, in the highly desirable City of Gaithersburg in Montgomery County Maryland. Excellent road access and close proximity to public transportation enhance the site’s value.

- The site has extensive frontage along Muddy Branch Road, a major north-south route in the northern part of Montgomery County. I-270, I-370 and the Intercounty Connector are less than 2 miles from the site.

- Immediate neighbors include Muddy Branch Square, a 110,000 square foot Giant Food anchored shopping center which abuts the site to the south, Lakelands Ridge to the southwest and Timberbrook, a garden style condominium community located immediately north of the site.

- The City of Gaithersburg promotes mixed use development through the MXD zone, which is the current zoning for the subject property. Several large and notable mixed use projects in Gaithersburg include The Kentlands, Lakelands, Washingtonian Center and Crown. All of these communities feature a neotraditional, pedestrian friendly approach to development, integrating retail, commercial and residential uses. Crown, a 180 acre urban master planned community is a recent MXD development in Gaithersburg and located less than a mile from the subject site.
Location

- Montgomery County has 1.06 million residents and is ranked among the most affluent and highly educated populations in the country. With an extensive public sector employment base, including the National Institutes of Health, National Institute for Standards and Technology, the Federal Drug Administration and Department of Energy, Montgomery County enjoys a healthy mix of public and private sector employment.

- An area of exceptionally strong private sector employment in Montgomery County is biotechnology, and the life sciences industry has exploded in funding and development activity over the last few years. With dozens of biotechnology companies including GlaxoSmithKline, Novavax, Emergent BioSolutions and AstraZeneca all located along the I-270 corridor, and dozens of other Contract Research Organizations (CROs) also located nearby, this area is poised for continued expansion.
PROPERTY OVERVIEW
PROPERTY OVERVIEW
NIKE Site Configuration

- Estimate of underground area shown in shaded area below
NIKE Site Configuration

- No drawings exist for this site.
- Typical NIKE Missile site configuration shown to the right.
- Depth of underground structure is approximately 20’
Environmental Information

• Numerous environmental studies have been conducted on the site (These are available on the auction website)

• Groundwater cleanup concluded in 2003 with MDE concurrence of No Further Action

• 2012 Study conducted by MDE – Conducted for Commercial Use Standard – No Further Action

• GSA compared sampling information from 2012 and 2007 / 2008 studies against current (2018 MD Residential Criteria) and discussed with MDE. MDE provide guidance on additional sampling required for residential use.
Environmental Information (con’t)

• Summary of Recommendations / Additional Sampling Requirements
  • Review of prior studies indicates that nearly all detected contaminants are below 2018 residential screening values.

  • Soil gas samples for volatile organic compounds (VOCs) should be taken at 5-6ft depth at 5 locations in the vicinity of the former fueling pad, berm area, propellant handling building, former machine shop / missile assembly building, and portions of the southern property boundary. Proposed locations are located on the map below

  • At each of the 5 soil gas sampling locations, samples should be taken and tested for total and hexavalent chromium. The soil samples may be collected during the installation of the soil gas probes.

  • For existing buildings with exterior lead paint, soils samples should be taken in the soil immediately adjacent to the structure and tested for total lead content. Samples should be taken at reasonable intervals around the affected structures.

  • Any final determination of No Further Action for residential use (either Tier 1A or Tier 1B) will be dependent on a site-specific design plan by the new owner.
PROPERTY OVERVIEW

Environmental Information (con’t)
Historic Preservation

• MD State Historic Preservation Office (SHPO) has determined the property Not Eligible for the National Register of Historic Places

• City of Gaithersburg has an independent historic preservation process which would be triggered by a demolition request
ENTITLEMENT PROCESS
Zoning:
NIKE SITE – 770 Muddy Branch Road

Rob Robinson
Long Range Planning Manager
Zoning

- Zoned Mixed-Use Development (MXD)
- Floating Zone – No “By-Right” Traditional Zoning Standards
- Mayor & City Council Approve:
  - Uses
  - Densities
  - Heights
  - Setbacks
Typical MXD Site Plan Process

1. Sketch Plan
   APPROVAL BY: Mayor & City Council

2. Schematic Development Plan (SDP)
   APPROVAL BY: Mayor & City Council

3. Final Site Plan
   APPROVAL BY: Planning Commission
**MXD Sketch Plan Approval Process**

- Sketch Plans are bubble plans and establish larger development framework.
- Establishes uses, broad layout, density and height ranges.
- Approval process from application to adoption takes from 4–6 months.

1. **Joint Public Hearing**
2. **Optional Joint Work Session(s)**
3. **Planning Commission Recommendation**
4. **Mayor & City Council Policy Discussion**
5. **Mayor & City Council Adoption**
Approval is based upon specific Findings:

- The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone.
- The application is in accord with the Master Plan.
- The application is internally and externally compatible and harmonious with existing and planned land uses.
### MXD Schematic Development Plan Approval Process

- SDPs equate to preliminary subdivision & 80% engineering.
- Further defines Sketch Plan elements.
- Public hearing approval process alone typically takes 4-6 months.
- Timing does not include plan development.

<table>
<thead>
<tr>
<th>Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Joint Public Hearing</td>
</tr>
<tr>
<td>2. Optional Joint Work Session(s)</td>
</tr>
<tr>
<td>3. Planning Commission Recommendation</td>
</tr>
<tr>
<td>4. Mayor &amp; City Council Policy Discussion</td>
</tr>
<tr>
<td>5. Mayor &amp; City Council Adoption</td>
</tr>
</tbody>
</table>
Approval is based upon specific Findings:

- The application conforms to the Sketch plan.
- The application is in accord with Master Plan.
- The application is internally and externally compatible and harmonious with existing and planned land uses.
- The application meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone.
- That public facilities are adequate to service the application.
- That the application staging or phasing is adequate in relation to public facilities and private amenities.
- That the application would be in the public interest.
Final Site Plan Approval Process

- Final Site Plans include final elements such as architecture, engineering, forest conservation, and landscaping.
- Typically decided during one Planning Commission meeting.
Demolition:
NIKE SITE – 770 Muddy Branch Road

Greg Mann
Community Planning Manager
Demolition procedures for non-designated buildings & structures

From City of Gaithersburg Code of Ordinances:

- Sec. 24-231: Prior to issuance of each demolition permit, the historic district commission shall review each structure or building fifty (50) years old or older for potential historic or architectural significance.
Existing structures over 50 years old will require review by the City’s Historic District Commission

➢ HDC review required with submission of a demo permit application

The HDC may instruct the city manager or designee to:

(1) Issue the demolition permit.

(2) May direct the city manager to withhold issuance of any permit to demolish, grade or substantially alter the exterior features of any such site, structure or object.

⇒ Maximum of six (6) months from the date of the directive of the commission to explore potential designation.
Find more information at:

Planning & Code Administration
• https://www.gaithersburgmd.gov/government/departments/planning-and-code-administration

City Code & Regulations
• https://www.gaithersburgmd.gov/government/city-code-regulations

Economic Development
• https://www.growgaithersburg.com/site-selection
VCP PROGRAM
Overview Voluntary Cleanup Program (VCP) Process

**VCP Application Process**

- Application Form & Fee
- Determination of Inculpable Party (IP) status
- 30-Day Notice to the Public
- Requires only Phase I Environmental Site Assessment (ESA) to Enter the VCP
- Phase II ESA Required, Unless MDE Determines No “Recognized Environmental Conditions of Concern” at the Site

![Flowchart of VCP Application Process]
## VCP Fees

<table>
<thead>
<tr>
<th>Activity/Description</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial Application Fee:</strong> Non-refundable fee for the first VCP application for the property.</td>
<td>$6,000</td>
</tr>
<tr>
<td><strong>Subsequent Application Fee:</strong> Subsequent application regarding the same property or contiguous or adjacent properties that are part of the same Planned Unit Development (PUD) or similar development plan.</td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>Inculpable Person Determination:</strong> Applicant requesting expedited determination as Inculpable Person.</td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>Institutional Controls Fee:</strong> Issuance of NFRD or COC conditioned on certain uses or on the maintenance of certain conditions.</td>
<td>$2,000</td>
</tr>
<tr>
<td><strong>Changes/Revisions:</strong> Request by participant to alter the record of determination in the land records for an eligible property with certain conditions.</td>
<td>$2,000</td>
</tr>
</tbody>
</table>
VCP Application Specifics

VCP Application must include:

- VCP Application Form and Applicable Fee
- Request for Inculpable Party (IP) status, if applicable
- Applicant Posts a Public Notice Sign at Eligible Property
- Phase I ESA that meets ASTM 1527-13
- Phase II ESA or Work Plan
- Designate Future Land Use Category

Once accepted in the VCP, the property will either receive a NFRD if no unacceptable risk at site; or an applicant prepares a Response Action Plan (RAP) to receive a COC.
Eligible Land Uses Under VCP

VCP Land Uses

• Residential (Tier 1)
  – Examples include single and multi-family dwellings, hospitals and health care facilities, education facilities, day care facilities

• Commercial (Tier 2)
  – Examples include shopping centers, office spaces, vehicle service stations, hotels, restaurants and religious institutions

• Industrial (Tier 3)
  – Examples include manufacturing facilities, maritime facilities, oil refineries, metal working shops
Eligible Land Uses Under VCP

VCP Land Uses

- Public Recreational Area (Tier 4)
  - Low Frequency, Moderate Frequency, High Frequency
- Frequency subcategory is dependant on days in calendar year
  - Examples include athletic fields, golf courses, picnic areas, schools, day care facilities

During the VCP application review period, MDE will evaluate the risk for users of the property in regards to the land use category and lifetime human health exposure risks.
For Further Information:

Barbara Brown
Land Restoration Program
Voluntary Cleanup Program

Check out the Website!

mde.maryland.gov
Select Land-then Land Restoration
Browse the Complete list of Brownfield and VCP Resources and Factsheets!

1800 Washington Blvd., Ste. 625
Baltimore, MD 21230-1719

Phone: 410-537-3212
GSA Online Auction Process and Invitation for Bid (IFB)
Topics

I. Introduction

II. Auction Process

III. Transaction Terms

IV. Notices and Covenants

V. Additional Information
I. Introduction

- GSA Online Auctions – A Proven Sales Methodology
  - A fair and transparent way to dispose of excess real property
  - Sold approximately 400 properties worth over $325 million dollars in the last 5 years

- Auctions are administered through www.RealEstateSales.gov

- Participation requires prior registration and posting of a bid deposit

- Information about sale terms is provided in the Invitation for Bids (IFB)

- Additional information about GSA property sales is provided at https://propertydisposal.gsa.gov
II. Auction Process

Terms

- All Cash Sale; “As-Is, Where-Is”
- Auction Start Date: June 1, 2021
- Auction End Date: September 2, 2021 (Soft Close)
- Bid Deposit: $500,000
- Minimum Bid: $2,000,000
- Bid Increment: $50,000 (subject to change at any time)
- Bid Interval: 24 hours (subject to change at any time)
- GSA reserves the right to
  - modify the bid increments at any time
  - suspend or stop the auction for any reason and without award
  - resume the auction or start a new auction at any time
  - cancel the sale at any time
II. Auction Process

Bidder Registration

• Bidders must register online at www.RealEstateSales.gov

• Bidder Registration:
  1. Create an online User ID and Password (Note: the User ID is used to publicly identify bids on www.RealEstateSales.gov
  2. Complete Bid Form
  3. Post a one-time Registration Deposit

• Approval for bid is contingent upon verification of Registration Deposit

• Registration possible at any time prior to the auction closing

• Bidders must allow GSA up to five (5) business days to complete the registration process
II. Auction Process

Bidder Registration

Click on ‘Register’
II. Auction Process

Bidder Registration
II. Auction Process

Registration Deposit

- A $500,000 Registration Deposit will be required
- Cashiers Check and Certified Check are acceptable
- Personal checks are not acceptable
- Registration Deposits:
  - may be forfeited in case of revocation of bid and/or default
  - will be refunded to all but the highest and the backup bidder after auction close
  - bidder may request refund at any time prior to auction close, unless high bidder or #2 bidder
II. Auction Process

Bidding Process

• Types of Bids
  - Flat Bid
  - Automatic (Proxy) Bid
  - Bids executed on behalf of a bidder by an agent require an authenticated Power of Attorney on file with GSA

• Bids may be increased online by the specified bid increment (or greater) at any time until the auction closes

• Submitted bids will be posted to the website immediately, in real time

• Posted bid amounts and associated bidder user names are visible to the public on www.RealEstateSales.gov
II. Auction Process

Bidding Process
II. Auction Process

Auction Closing and Award

• Auction employs a ‘soft close’

• On soft close date, if there is any activity within the last Bid Increment, the auction ‘rolls over’ for an additional Bid Increment Period

  - e.g. if bid increment is 24 hours, and there is activity in the last 24 hours prior to auction close, the auction continues for another 24 hour period

• Auction continues to ‘roll over’ until a Bid Increment period ends with no bidding activity

• Auctions now do not end on weekends or holidays
II. Auction Process

Auction Closing and Award

- Upon auction closing, GSA evaluates high bid

- If GSA accepts bid, purchaser must produce an additional cash deposit to increase earnest money to at least 10% of the total winning bid within three (3) business days of award

  - The registration deposit counts towards the 10% requirement

  - Failure to provide funds may result in rejection of bid and forfeiture of registration deposit

- Auction is not an absolute auction, e.g. GSA is not compelled to accept the high bid

- The second-highest bidder (backup bidder) may be considered for award for the Continuing Offer period of 60 calendar days
III. Transaction Terms

Closing Process

• Transaction closing must occur within 45 calendar days after acceptance of bid

• All previously paid monies will be credited toward total purchase price

• Remaining balance of purchase price is payable in the form of
  - Cashier’s check
  - Certified check, or
  - Electronic wire transfer

• Purchaser is responsible for all closing costs, including any escrow and financing fees

• Government’s interest in the property is conveyed via Quitclaim Deed
IV. Notices and Covenants

Overview

The following Notices and Covenants will be inserted in the Deed:

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Commercial Use Restriction
- Lead Paint Notice
- Asbestos Notice
- Mold Notice
- PCB Notice
IV. Notices and Covenants cont.

Environmental – Site

• The United States warrants that all remedial actions necessary to protect human health and the environment has been taken before the date of this conveyance pursuant to CERCLA.

• The United States will maintain a right of access in case of unexpected discoveries of CERCLA-covered substances.

• Commercial Use Restriction
  • The Grantee for itself and its successors and assigns by acceptance of this quitclaim deed agrees and covenants that the use of the Property, unless written approval is received from MDE, shall be limited to commercial and industrial purposes and other non-residential use.
  • Should the Grantee desire to undertake a cleanup to allow for residential use, it will seek permission from MDE. Should permission for such an undertaking be granted, upon completion of the proposed action by the Grantee that is satisfactory to the Grantor and MDE, such restrictions will be lifted or modified.
  • Notwithstanding the above-mentioned environmental conditions and restrictions, there is nothing contained herein that requires the Grantor to clean up or remediate the Property beyond its existing condition as suitable for non-residential use, the Grantor issues the following CERCLA warranty"
IV. Notices and Covenants cont.

Environmental – Site

• Lead Based Paint
  - Bidders are advised that several existing buildings contain lead-based paint

• Asbestos Containing Material
  - Bidders are warned that the Property contains asbestos-containing materials

• Polychlorinated Biphenyls (PCBs) / Mercury
  - Bidders are advised that the Property may contain polychlorinated biphenyls (PCBs) resulting from former operations of transformers & light ballasts / gauges

• Mold
  - Bidders are notified that mold is present in various locations in the buildings and underground structures

• The Buyer agrees that in its use and occupancy of the Property it will comply with all Federal, state, and local laws relating to the above mentioned environmental conditions
V. Additional Information

• Additional details are provided in the Invitation for Bid (IFB) document posted at www.realestatesales.gov and

• For any other additional info:
  
  Mr. Tim Sheckler
  U.S. General Services Administration
  Director, Property Disposal and Utilization Division
  National Capital Region
  1800 F Street, NW
  Rm 4459V
  Washington, DC 20405
  202-401-5806
  tim.sheckler@gsa.gov
Presenter Contact Information

Mr. Tim Sheckler  
Director, Real Property Utilization and Disposal, National Capital Region  
U.S. General Services Administration  
202-401-5806  
tim.sheckler@gsa.gov

Rob Robinson  
Long Range Planning Manager  
City of Gaithersburg  
240-805-1072  
rob.robinson@gaithersburgmd.gov

Greg Mann  
Community Planning Manager  
City of Gaithersburg  
240-805-1071  
greg.mann@gaithersburgmd.gov

Barbara Brown  
Voluntary Cleanup Program Section Head  
Maryland Department of the Environment  
410-537-3212  
Barbara.brown1@maryland.gov
Q&A
<table>
<thead>
<tr>
<th>Question #</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>How long is Final site plan process?</td>
<td>Final Site Plans are typically decided during one Planning Commission meeting where at the end the Commission either approves, denies, or defers. The time it takes to get to said meeting is dependent upon how responsive and thorough an applicant’s design team is in putting together a viable application packet.</td>
</tr>
<tr>
<td>2</td>
<td>Can a party obtain Inculpable Party status without a new Phase I and Phase II?</td>
<td>Yes. You may by applying for Expedited Inculpable Person Status—which has a five-business day turn around. After receiving the letter, the recipient may take title to the property and has 6 months to submit the VCP application that requires the Phase I and Phase II or Phase II workplan. The IP affidavit and fee form are part of the VCP application available on the MDE website. If the VCP application is not submitted in six months, the Expedited IP status expires, and if the applicant has purchased the property, they would be then considered a “Responsible Person” under the VCP statutes.</td>
</tr>
<tr>
<td>3</td>
<td>Can the registration Deposit be sent by Wire Transfer?</td>
<td>No. The Registration Deposit should be made with a Cashiers check or Certified check. The final payment can be sent via wire transfer.</td>
</tr>
<tr>
<td>4</td>
<td>Can I do environmental assessment now?</td>
<td>No. There is not a due diligence period, per se, prior to the conclusion of the auction. The Government has provided all environmental reports that it has on the property.</td>
</tr>
<tr>
<td>5</td>
<td>Thank you for the informative presentation. Will this presentation be made available?</td>
<td>The slides / Q&amp;A answers are available on <a href="https://realestatesales.gov/gsauctions/aucpbsidx/?sl=DCNCR021001001">https://realestatesales.gov/gsauctions/aucpbsidx/?sl=DCNCR021001001</a></td>
</tr>
<tr>
<td>6</td>
<td>Will Gaithersburg require MPDU’s? What %?</td>
<td>The City’s affordable housing requirements are 15% MPDU for rental and 7.5% MPDU and 7.5% workforce for residential ≥20 units</td>
</tr>
<tr>
<td>7</td>
<td>Is there a standard form contract of sale that will be used and is it available to be reviewed?</td>
<td>In this case, the Invitation for Bid (IFB) document represents the contract. There is not a separate contract form that is used.</td>
</tr>
<tr>
<td>8</td>
<td>Can you speak to the impact of legacy easements on the site? Specifically, the access easement in the Southwest corner and the conservation easement to the North?</td>
<td>The easement to the north is a forest conservation easement established for the Lakelands Ridge community in fulfilling their Forest Conservation requirements and reflecting a require 75’ buffer from Timberbrook. Alteration or extinguishing is highly unlikely. The 2 ingress egress easements to the Southwest: 1 off Shadowglen Ct. and 1 off High Gables end at</td>
</tr>
<tr>
<td>Question #</td>
<td>Question</td>
<td>Response</td>
</tr>
<tr>
<td>------------</td>
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<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td></td>
<td></td>
<td>property line and were established to facilitate <strong>possible</strong> future connectivity. The Shadowglen easement is recorded in Montgomery County land records at liber16074 folio 276.</td>
</tr>
<tr>
<td>9</td>
<td>Will we receive the contact information for all presenters?</td>
<td>Contact information for all the Industry Day presenters has been added to the presentation slides.</td>
</tr>
<tr>
<td>10</td>
<td>What is your determination of the fair market value?</td>
<td>The Government has performed an appraisal on the property to inform its understanding of fair market value for the property, but cannot share the appraisal.</td>
</tr>
<tr>
<td>11</td>
<td>Will the slides from this presentation be made available?</td>
<td>The slides / Q&amp;A answers are available on <a href="https://realestatesales.gov/gsaauctions/aucpbisndx/?sl=DCNCR021001001">https://realestatesales.gov/gsaauctions/aucpbisndx/?sl=DCNCR021001001</a></td>
</tr>
<tr>
<td>12</td>
<td>What is the status of the land immediately north(?) of thin portion of site?</td>
<td>The heavily forested parcel is owned by the City. Dedicated to City with Lakelands Ridge development. There is no specific Master Plan recommendation for this parcel. It is not platted</td>
</tr>
<tr>
<td>13</td>
<td>Why isn't GSA performing a new Phase 1/2 &amp; soils testing now?</td>
<td>The need to perform the Phase I as part of the Voluntary Cleanup Program would be dependent on the proposed use. The property has a 'No Further Action' determination from MDE for Commercial use, so a Phase I would not be required if the intended use is commercial. If a residential use was proposed, MDE and/or project lenders for the buyer often have specific requirements on the Phase I/II reports.</td>
</tr>
<tr>
<td>14</td>
<td>do you allow soil test borings on the site, or will gov provide that</td>
<td>The Government has provided all known environmental reports for the property it is aware of. Soil borings by the successful offer would typically be done after title to the property conveys. The Government may be willing to allow some sampling by the successful offeror between issuance of the award letter and closing with the express provision that any results from the sampling would not constitute grounds for withdrawal of a bid or extension of the closing date, and any earnest money would be forfeited in the event of a default by the high bidder.</td>
</tr>
<tr>
<td>15</td>
<td>Can Gaithersburg Planning Stages proceed concurrently?</td>
<td>No, they occur sequentially as the first 2 steps are approved by council with a SDP finding being conformance with the approved sketch plan and final site plans are approved by the Planning Commission and must conform to an approved SDP.</td>
</tr>
<tr>
<td>Question #</td>
<td>Question</td>
<td>Response</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>16</td>
<td>Does GSA provide any forum in which bidders can reach out to surrounding property owners to understand any concerns prior to bidding on the property. If not, does any dialog between the successful bidder and the surrounding property owners occur during the entitlement process at Gaithersburg.</td>
<td>GSA does not provide a specific forum, but would encourage interested parties to reach out to the Homeowners Associations for the communities that border the site.</td>
</tr>
<tr>
<td>17</td>
<td>What is the City of Gaithersburg’s intent for the property they own directly adjacent to the north? Will they want to develop that as a park in conjunction with the development of this property?</td>
<td>Rob / Tom / Sharon</td>
</tr>
<tr>
<td>18</td>
<td>If the VCP program requires that the Inculpable Party be identified and approved PRIOR to taking title to the property, can this be accomplished in the 45 day period established by GSA?</td>
<td>Yes. The Expedited IP process can be used during the 45-day period.</td>
</tr>
<tr>
<td>19</td>
<td>So then, Rob, would the City sell the land? (Reference Question #17)</td>
<td>This cannot be answered with certainty. Disposition of City property needs approval of the Gaithersburg City Council.</td>
</tr>
<tr>
<td>20</td>
<td>What clean up liability does the Federal Govt retain if the purchaser is an inculpable party?</td>
<td>The Federal Government would be liable for any unanticipated discoveries of CERCLA-covered substances in accordance with the notices and covenants in the Invitation for Bid.</td>
</tr>
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<td></td>
<td>A Memorandum of Agreement was signed by MDE and the Environmental Protection Agency Region III to facilitate the voluntary cleanup and redevelopment of contaminated properties. The agreement addresses federal liability of a participant in Maryland’s voluntary program by providing that EPA will consider sites (in Maryland’s program) of no interest. Eligible properties in Maryland’s VCP will fall under this agreement once a No Further Requirements Determination or Certificate of Completion has been issued for the property by MDE.</td>
</tr>
<tr>
<td>21</td>
<td>Is the property served by public water and sewer or well and septic? if well, was the water in the well(s) tested for contaminants.</td>
<td>The only building on the site that had water / sewer service was the Barracks building on the section of the property adjacent to Muddy.</td>
</tr>
<tr>
<td>Question #</td>
<td>Question</td>
<td>Response</td>
</tr>
<tr>
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<tr>
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<td></td>
<td>Branch Road. There is water and sewer service in Muddy Branch Road.</td>
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<td>The Nike site has WSSC categories of S1 and W1 meaning:</td>
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<tr>
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<td>Areas served by community systems which are either existing or under construction. – This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.</td>
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<tr>
<td></td>
<td></td>
<td>The City does not allow new development to use dwell and septic.</td>
</tr>
</tbody>
</table>