



**PHASE I  
ENVIRONMENTAL SITE ASSESSMENT**

Myth Nightclub Property  
3090 Southlawn Drive  
Maplewood, Minnesota 55109

**AET Project No. P-0013925**

**Date:**  
July 19, 2022

**Prepared for:**  
Enclave Development  
300 23<sup>rd</sup> Avenue E, Suite 300  
West Fargo, ND 58078

Geotechnical • Materials  
Forensic • Environmental  
Building Technology  
Petrography/Chemistry

**American Engineering Testing**  
550 Cleveland Avenue North  
St. Paul, MN 55114-1804  
teamAET.com • 800.972.6364

July 19, 2022



Enclave Development  
300 23<sup>rd</sup> Avenue E, Suite 300  
West Fargo, ND 58078

Attn: Mr. Patrick Brama  
Patrick.Brama@enclavecompanies.com

RE: Phase I Environmental Site Assessment  
Myth Nightclub Property  
3090 Southlawn Drive, Maplewood, MN  
AET Report No. P-0013925

Dear Mr. Brama:

American Engineering Testing, Inc. has completed Phase I Environmental Site Assessment services at the Myth Nightclub Property located at 3090 Southlawn Drive, Maplewood, Minnesota. This Phase I Environmental Site Assessment was done in accordance with our Proposal No. P-0013925.

We appreciate the opportunity to serve you on this project. If you have any questions regarding the information presented in this Phase I Environmental Site Assessment report, or if we may be of additional service, please contact me.

Sincerely,  
**American Engineering Testing, Inc.**

Dennis McComas, PG (MN, WI)  
Senior Geologist, Due Diligence Manager

Phone: (651) 647-2759  
Email: dmccomas@teamAET.com



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## EXECUTIVE SUMMARY

In accordance with Proposal No. P-0013925, American Engineering Testing, Inc. performed a Phase I Environmental Site Assessment of the Myth Nightclub Property located at 3090 Southlawn Drive, Maplewood, Minnesota (Subject Property). Services were performed in accordance with the scope and limitations of the Standards and Practices of the United States Environmental Protection Agency All Appropriate Inquiries rule (40 CFR Part 312, December 30, 2013) and the American Society for Testing Materials Standard Practice for Environmental Subject Property Assessments: Phase I Environmental Subject Property Assessment Process – ASTM E1527-13 and ASTM E1527-21 for the exclusive use of Enclave Development.

The Subject Property area is currently commercial properties that began development in the 1970s. The Subject Property was undeveloped and was mostly wetlands and pond through the 1980s. Sometime before 1991 the Subject Property was filled and graded, and the pond was limited to the south property line and the south adjoining property. The building was constructed in 1998 and has been utilized as a retail shoe store and concert venue.

The adjoining property to the north was developed in the 1980s as a multi-tenant retail mall. The building(s) has undergone several reconfigurations and occupants have included a nursery, paint store, printer, sporting goods, and hair salon. The building to the east has been a toy store; to the south a hotel and senior living facility; and to the west a furniture store.

This assessment has revealed no evidence of RECs in connection with the Subject Property, except for the following:

- Undocumented fill soils associated with historic filling of the wetland and pond exist at the Subject Property.

This assessment has revealed no evidence of CRECs conditions in connection with the Subject Property.

No significant data gaps were encountered with regard to evaluating the Subject Property for this Phase I Environmental Site Assessment.

## 1.0 INTRODUCTION

### 1.1 Purpose and Methodology

The purpose of this Phase I Environmental Site Assessment (ESA) is to identify, to the extent reasonable pursuant to the methodology prescribed below, recognized environmental conditions (RECs) in connection with the Myth Nightclub Property located at 3090 Southlawn Drive, Maplewood, Minnesota (hereafter referred to as the Subject Property). American Engineering Testing, Inc. (AET) understands this Phase I ESA is being performed as part of the due diligence process for Enclave Development to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability.

This Phase I ESA was conducted in accordance with the United States Environmental Protection Agency (USEPA) All Appropriate Inquiries (AAI) rule (40 CFR Part 312), December 30, 2013, and the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process: ASTM E 1527-13 and ASTM E 1527-21

A list of the acronyms and abbreviations and definitions of common terms used in this report is included as Appendix A.

### 1.2 Scope of Services

The scope of this Phase I ESA was defined in AET's Proposal No. P-0013678 which Enclave Development authorized on June 10, 2022. The scope of services included the following items:

- Review reasonably ascertainable and readily available records and historical use information to help identify suspect environmental concerns in connection with the Subject Property.
- Perform a reconnaissance of the Subject Property to obtain information indicating the likelihood of identifying suspect environmental concerns in connection with the Subject Property.
- Interview owners, occupants, state, and/or local government officials to obtain information indicating suspect environmental concerns in connection with the Subject Property.
- Interpret information collected in conjunction with performing the records review, site reconnaissance and interviews to determine whether RECs are present at the Subject Property and present the results in a written report.

### **1.3 Limitations and Exceptions of Assessment**

Although the USEPA AAI rule and the ASTM standard have been followed, the scope of services is not exhaustive and there may be certain environmental conditions AET cannot ascertain and will not be AET's responsibility. Localized contamination related to disposal of contaminants not reported to appropriate government agencies, not made known to AET or not reasonably observable at the time of AET's Site Reconnaissance visit may be on the Subject Property.

The services performed by AET have been conducted in a manner consistent with the level of skill and care ordinarily exercised by other members of the profession currently practicing in this area. No environmental site assessment can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. Performance of this Phase I ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with the Subject Property.

The findings, opinions, and conclusions presented in this report are based on AET's understanding of the client's intended use of the Subject Property. If the intended use of the Subject Property changes, or if conditions differing from AET's original findings are found, AET should be notified to review these changes and to determine the impact, if any, of the changes on the presented findings, opinions, and conclusions.

### **1.4 Reliance**

This Phase I ESA has been prepared for the exclusive use of Enclave Development for specific application to the Subject Property.

## **2.0 SUBJECT PROPERTY DESCRIPTION**

### **2.1 Subject Property Location and Description**

Figure 1 shows the location of the Subject Property and Figure 2 shows the configuration of the Subject Property. Information obtained from the Ramsey County property information website used to identify the Subject Property is included in Appendix B.

The Site is composed of two parcels comprising approximately 4.9 acres. The north parcel is approximately 2.81 acres. There is no address associated with this parcel and the property identification number (PIN) is 02 29 22 22 0016. The south parcel is 2.08 acres. There is no address assigned to this parcel and the PIN is 02 29 22 22 0017. The north parcel and the east side of the south parcel is a paved parking lot, the west side of the south parcel is occupied by a commercial building constructed in 1998 and there is a man-made stormwater pond along the south property line that extends onto the south adjoining property. The address associated with the Subject Property is 3090 Southlawn Drive. The Subject Property is located in the northwest quarter of the northwest quarter of Section 2, Township 29 North, Range 22 West, Ramsey County.

The Subject Property was most recently occupied by the Myth nightclub.

## 2.2 Current Use of Adjoining Properties

The Subject Property is adjoined as noted below.

North	County Road D followed by an outdoor shopping mall occupied by Best Buy, Pizza Ranch
East	Empty retail building, most recently occupied by Toys R Us.
South	Stormwater pond followed by Maple Hill Senior Living and assisted living apartment complex.
West	Southlawn Drive followed by an Ashley Furniture retail store.

## 3.0 USER PROVIDED INFORMATION

AET provided Enclave Development with a User Questionnaire and requested the completed Questionnaire be returned to AET. The questionnaire, attached in Appendix B, was completed by the Mr. Patrick Brama. Mr. Brama did not respond to questions regarding knowledge of environmental liens; activity and use limitations; specialized knowledge or experience related to the Subject Property or nearby properties; or whether the purchase price being paid for the Subject Property reasonably reflects the fair market value of the Subject Property if it were not contaminated. Mr. Brama responded “Don’t know or not to my knowledge” regarding questions regarding; specific chemicals that are present or that once were present; spills or other chemical releases that have taken place at the Subject Property; environmental cleanups that have taken place at the Subject Property; or obvious indicators that point to the presence or likely presence of releases at the Subject Property. Mr. Brama indicated past use of the Site included a nightclub and shoe store.

As indicated in AET’s proposal to Enclave Development, the User will share with AET all available and relevant information pertaining to the Subject Property. AET was not provided with Subject Property specific information.

## 4.0 RECORDS REVIEW

### 4.1 Physical Setting

Spills, leaks, or disposal of hazardous substances or petroleum products at a Subject Property will generally migrate on the surface or in the subsurface via soil, groundwater, and/or vapor. There is also the potential for surface or subsurface contamination to migrate from adjoining properties towards the Subject Property or migrate off Subject Property depending on subsurface conditions.

AET reviewed published geologic studies, atlases, the current topographic map, and available subsurface reports. Publications not included in the appendices are referenced in Section 10.0. The review indicated the following:

- The Subject Property is located in the Twin Cities section of the Mississippi River watershed.
- The surficial soils in the vicinity of the Subject Property are meltwater stream sediments composed of medium to coarse sand with pebbles.
- The uppermost bedrock underlying the Subject Property is the St. Peter Sandstone. The depth to bedrock is 100 to 150 feet below ground surface (bgs).
- The regional groundwater gradient in the vicinity of the Subject Property is west towards Kohlman Lake with a depth to groundwater of approximately 10 feet bgs.

It is important to note that our agreed upon scope of services did not include performing soil borings or rock coring at the Subject Property. Soil borings/rock coring would need to be performed to judge the engineering properties (strength, compressibility, etc.) of soils and rock that underlie the Subject Property and to confirm bedrock formations and depths to the top of bedrock. Also, installation and monitoring of groundwater monitoring wells or piezometers would be required to document current groundwater elevations and localized flow patterns at the Subject Property.

The Minnesota Department of Health (MDH) maintains a limited database of water well records. AET reviewed this database for well logs located at or near the Subject Property. Our review of the website did not identify any wells registered to the Site or adjoining properties.

## 4.2 Regulatory Data Review

Environmental Risk Information Services (ERIS) provided Federal, State, Local, and Tribal record information within ASTM-specified minimum search distances of the Subject Property. A copy of their report, dated June 15, 2022, is included in Appendix C. Additionally, AET reviewed regulatory information available on the Minnesota Pollution Control Agency (MPCA) What's in My Neighborhood (WIMN) website. The results of the regulatory data review are discussed below.

### 4.2.1 Standard Environmental Record Sources for the Subject Property

The Subject Property was not identified within the ASTM specified Federal, State, Local and/or Tribal databases.



#### 4.2.2 Standard Environmental Record Sources for Surrounding Properties

The following table identifies ASTM specified databases that were searched, distances searched, and the number of sites identified within the searched distances.

Regulatory Database	Search Distance (miles)	Federal	State/Tribal Equivalent
NPL	1.0	0	0
NPL (Delisted)	0.5	0	0
CERCLIS	0.5	0	1
CERCLIS-NFRAP	0.5	0	NA
RCRA CORRACTS	1.0	0	NA
RCRA-TSD	0.5	0	NA
RCRA Generators	Adjoining Properties	4	NA
Landfill/Solid Waste Disposal Sites	0.5	NA	0
Registered Leaking Storage Tanks	0.5	NA	12
Registered Storage Tanks	Adjoining Properties	NA	0
Voluntary Cleanup Sites	0.5	NA	1
Brownfields Sites	0.5	0	4

NA: Not applicable – this database is not included in the ASTM standard.

Due to their upgradient position relative to the Subject Property, proximity to the Subject Property, and/or current and historical operations, the database records for the following properties were further assessed by AET to evaluate potential impacts to the Subject Property:

- Maple Hill Senior Living at 3030 Southlawn Drive adjoining to the south is identified as a Resource Conservation and Recovery Act (RCRA) Large Quantity Hazardous Waste Generator (LQG). A hazardous waste generator is any person or site whose process and/or actions create hazardous waste. Waste generated at this facility is not identified. As of April 2022, there are no compliance monitoring or enforcement records associated with this facility.
- Located adjoining to the north at 1845 County Road D are several RCRA non-generators or generators identified by the Minnesota Pollution Control Agency (MPCA) Agency Interest database: Now Sports, Sir Speedy Printing Center, Diamond Vogel Paints and Saloncentric, Inc. Non-generators no longer generate hazardous waste. Waste generated at Now Sports was ignitable waste, no waste is listed for Sir Speedy Printing Center. As of April 2022, there are no compliance monitoring or enforcement records associated with these facilities.

Because these facilities are not associated with any violations or known releases, AET does not consider these facilities an environmental concern in connection with the Subject Property.

### ***4.2.3 Unlocatable Properties (Orphan Sites) and Non-ASTM Specified Databases***

ERIS also included a list of sites that could not be mapped due to poor or inadequate address information (Unlocatable Properties) and various non-ASTM specified databases. The Unlocatable Properties and non-ASTM specified databases and distances searched are listed in the ERIS report.

Based on our review of the Unlocatable Properties listings and the additional non-ASTM specified database search results, we did not identify any sites that we consider environmental conditions for the Subject Property.

## **4.3 Historical Data Review**

Historical records were reviewed because past land use is an indication of whether hazardous substances or petroleum products have been used at the Subject Property and adjoining properties and potentially introduced to the subsurface. The historical records were searched for and reviewed, if available, for types of businesses regulated for hazardous substances or petroleum products, evidence of spills, leaks, or disposal, and suspect routes of entry to the subsurface.

In evaluating historical land use, the suspect for hazardous substances or petroleum products are generally inferred from typical uses by the tenant on the Subject Property. The tenants are determined from User provided information, insurance maps, city directories, wells logs, building and fire inspection records, and interviews or they are inferred from aerial photographs, topographic maps, and plat maps. The routes of entry may be determined from User provided information, fire insurance maps, aerial photographs, and the site reconnaissance. Releases including the import of fill may be determined from User provided information, aerial photographs, topographic maps, the site reconnaissance, boring logs, and regulatory data.

The historical records discussed below were found in the User provided information and/or were provided to AET by Historical Information Gatherers, Inc. (HIG) and are included in Appendix D.

### ***4.3.1 Topographic Maps***

AET reviewed United States Geological Survey (USGS) 7.5- and 15-Minute Series Topographic Maps. These are limited in urban areas because improvements are not always shown. Topographic maps were reviewed for evidence of land use and changes in topography suggesting the import of fill. The review comprised the Subject Property and adjoining properties. Our review of the topographic maps is summarized in the table below.



<b>Summary of Topographic Maps Review</b>		
<b>Year</b>	<b>Direction</b>	<b>Observations</b>
1902	Subject Property and adjoining properties	No improvements are indicated, a road borders the Subject Property to the north, there are wetland icons to the north. Site elevation is approximately 910±10 feet above mean sea level (amsl).
1952, 1955 1967, 1972,1980	Subject Property	Most of the Subject Property is covered in wetland icons. No improvements are indicated
	North	No change except for small building icon to the northwest.
	East	Similar to the Site.
	South	An electrical transmission line followed by vacant land including some wetlands.
1993	West	No change. There is a building icon to the northwest.
	Subject Property	No change.
	North	Beyond the road are two commercial size building icons.
	East	A commercial size building icon.
2013, 2016	South	There is a pond indicated north of the electrical transmission line and a commercial building icon south of the electrical transmission line.
	West	No change.
	Subject Property and adjoining properties	Topographic maps no longer show individual buildings, and improvements are limited to roads, rail lines, and icons for landmark buildings such as fire stations and schools. Streets border the Site to the north and west. The 2013 map shows topographic lines indicating a depression on the central portion of the Site where the wetland icons had been on previous maps. By 2016 the Subject Property is level. The pond near the south Subject Property boundary is larger, extending on to the Subject Property and to the south.

The former presence of wetlands and associated undocumented fill is a suspect environmental concern at the Subject Property.

#### **4.3.2 Aerial Photographs**

AET reviewed aerial photographs that include the Subject Property area. These are limited by the quality and resolution of the photograph. The aerial photographs were reviewed for indications of land use, routes of entry such as unpaved areas, and indications of spills, leaks, or disposal such as stains, lack of vegetation, or debris. The review comprised the Subject Property and adjoining properties. Our review of the aerial photography is summarized in the table below.



Summary of Aerial Photographs Review		
Year	Direction	Observations
1940	Subject Property and adjoining properties	Mostly agricultural land, there is a ditch running north-south through the Subject Property and then from the center of the Site to the east. It also appears at the south end of the ditch and on the south adjoining property is a low-lying wet area. There is also a low-laying wet area to the east. The Subject Property is bordered to the north by a road and there is a residence beyond.
1947, 1953 1958, 1966	Subject Property and adjoining properties	Similar to the prior photograph except for the residence to the north is gone and it appears the electrical transmission line to the south has been constructed.
1974, 1980 1985, 1991 1994	Subject Property	A pond occupies the central portion of the Subject Property. By 1991 the Subject Property appears to have been graded for development and there is only a portion of the pond along the south boundary.
	North	Similar to the prior map but Interstate 694 has been constructed beyond the adjoining properties. By 1991 two commercial buildings surrounded by parking and drive areas is visible.
	East	The pond on the Subject Property extends on to the east adjoining property that appears recently graded in preparation for development. By 1991 the existing commercial building has been constructed.
	South	The pond on the Subject Property extends on to the south adjoining property that appears recently graded in preparation for development. By 1980 the existing commercial building and pond is visible.
	West	No change until 1991 when Southlawn Drive is visible.
2000, 2004	Subject Property	The existing commercial building is visible in the southwest portion of the Site. The east half of the Subject Property is a parking lot, and the northwest portion is undeveloped.
	North	No change.
	East	No change.
	South	No change.
	West	No change.
2009, 2012 2019	Subject Property	Mostly unchanged except the northwest quadrant has been paved.
	North	The western two-thirds of the western building has been demolished and that area is paved and a new commercial size building is located on the western end where there had been parking.
	East	No change.
	South	No change.
	West	The existing commercial building had been constructed by 2009.



The former presence of wetlands/pond and drainage ditch and subsequent filling with undocumented fill is a suspect environmental concern at the Subject Property.

### 4.3.3 Fire Insurance Maps

AET requested fire insurance maps for the Subject Property and adjoining properties. Fire insurance maps were created by insurance companies and typically contain maps of occupants and fire hazards, land use and the specific use and storage of hazardous substances or petroleum products such as fuels and solvents. HIG indicated fire insurance maps for the Subject Property area are not available

### 4.3.4 Street Directories

Street directories were provided by HIG, limited by errors in cross street location and thoroughness of validation. Directories (approximately every 5 years), indexed by address, were reviewed for tenant identification and land use at the Subject Property and adjoining properties. The Subject Property address and adjoining properties were registered in the directories as follows.

<b>Summary of Street Directory Listings for the Subject Property and Adjoining Addresses Review – County Road D</b>				
<b>Year</b>	<b>Subject Property 1800 to 1850 County Road D</b>	<b>North Adjoining 1845 County Road D</b>	<b>East Adjoining 1852 County Road D</b>	<b>West Adjoining 1770 County Road D</b>
1961, 1966 1971, 1976/77, 1982, 1987	No listing	No listing	No listing	No listing
1992, 1997	No listing	Town Center Shopping *	Toys R Us	No listing
2002	No listing	R & B Lock and Key	Toys R US	No listing
2007	No listing	Shopping Center	Toys R US	Ashley Home Store & Outlet
2012	No listing	Shopping Center*	Toys R US	Ashley Home Store & Outlet
2017	No listing	Shopping Center*	Toys R US, Babies R US	Ashley Home Store & Outlet

\*Tenants of environmental concern included, Now Sports (1992 to 1997), Frank’s Nursery/Frank’s Nursery & Craft (1992 to 1997), Sir Speedy Printing (1992 to 1997), Diamond Vogel Maplewood (2012 to 2017) and Saloncentric (2017).



Summary of Street Directory Listings for the Subject Property and Adjoining Addresses Review – Southlawn Drive			
Year	Subject Property 3090 Southlawn	South Adjoining 3030 Southlawn Dr	West Adjoining 3091 to 3099 Southlawn Dr.
2007	Myth Nightclub	Best Western Maplewood Inn*	No listing
2012	Myth Nightclub	Days In Maplewood Hotel and Conference	No listing
2017	Myth Nightclub	Maple Hill Senior Living/Apartments	No listing

\* 1780 County Road D

#### 4.3.5 Additional Record Sources

**Underground Pipelines Review:** AET reviewed the National Pipeline Mapping System online mapping system regarding underground petroleum pipelines in the vicinity of the Subject Property. The map shows a hazardous liquid pipeline bordering the Site to the south. However, there are no accidents or incidents associated with this pipeline in the vicinity of the Subject Property.

**Minnesota Groundwater Contamination Atlas:** AET reviewed the MPCA online Groundwater Contamination Atlas that includes current and available groundwater data from Superfund sites. There is no documented groundwater contamination associated with a Superfund site in the Subject Property vicinity.

**Minnesota Institutional Control Atlas:** AET reviewed the MPCA online Institutional Control (IC) Map that includes locations of agency controls to provide information and context to support decisions on past land use, remediation, best management practices, maintaining environmental quality and agency operations. Institutional Controls are restrictions, conditions or control intended to protect the integrity of a response action and help minimize the suspect for exposure to contamination. The map does not identify any ICs for the Subject Property or adjoining properties.

**2022 AET Geotechnical Exploration:** In conjunction with this Phase I ESA AET conducted a Geotechnical Exploration for the User. Our review of the draft boring logs, included in Appendix D, identified the depth of fill soils ranged from 5.5 to 14.5 feet and cinders were found in five of the ten borings in layer ranging from 1 to 3 foot thick at depths ranging from 0.75 feet to 9 feet bgs. Other debris including brick, concrete and bituminous were also encountered in some locations. The presence of undocumented fill in connection with the presence of cinders and other demolition debris is a suspect environmental concern in connection with the Subject Property.



### 4.3.6 Historical Information Summary

The Subject Property area is currently commercial properties that began development in the 1970s. The Subject Property was undeveloped and was mostly wetlands and pond through the 1980s. Sometime before 1991 the Site was filled and graded, and the pond was limited to the south property line and the south adjoining property. The building was constructed in 1998 and has been utilized as a retail shoe store and concert venue.

The adjoining property to the north was developed 1980s as a multi-tenant retail mall. The building(s) has undergone several reconfigurations, occupants have included a nursery, paint store, printer, sporting goods, and hair salon. The building to the east has been a toy store; to the south a hotel and senior living facility; and to the west a furniture store.

## 5.0 SITE RECONNAISSANCE

The Subject Property was visited by Susan Mickus of AET on June 27, 2022. Ms. Mickus was accompanied by Kervy Sanchez, General Manager of Myth Live. Photographs taken at the time of AET's visit are included in Appendix E.

### 5.1 Subject Property Description

Information contained in this section is based on a visual reconnaissance conducted while walking through the Subject Property including the accessible interior areas of structures, if present, and may include information obtained from on-site interviews.

Subject Property Description and Observations	
Feature	Description
Structures	One roughly rectangular slab-on-grade building occupies the southwest corner of the Subject Property. The building is utilized as a concert venue. There are bar areas, performance area, ticketing area, an office, mechanical rooms, a private event space on the third floor and storage under the stage.
Drinking Water/ Sanitary Sewer	According to Mr. Sanchez the buildings at the Subject Property are connected to the municipal water and sanitary services.
Stormwater Runoff	Stormwater water runoff drains to the topographically lowest areas of the Subject Property occupied by catch basins that likely flow into the pond on the south side of the property.
Roads	County Road D borders the Subject Property to the north, Southlawn Drive borders the Subject Property to the west. Access to the Subject Property is from the adjoining streets and the east adjoining property.
Containers	Containers of household cleaners and building maintenance supplies typical for an occupied property were observed throughout the mechanical rooms and storage area under the stage. The containers were closed, appeared to be in good condition without signs of spills or leaks.
Storage Tanks	No storage tanks or indicators of storage tanks such as piping, dispensers or



<b>Subject Property Description and Observations</b>	
<b>Feature</b>	<b>Description</b>
	concrete pads were observed. However, a backup generator is located on the west side of the building, according to Mr. Sanchez there is an integrated diesel tank.
Drums	No drums, totes or other bulk storage containers were observed.
Odors	No usual odors were detected.
Liquids/Stains/Corrosion	No liquids, stains or corrosion indicative of a release was observed.
Stressed Vegetation	Vegetation was in poor condition most likely due to poor upkeep and lack of watering.
Drains/Waste Traps/Sumps	No floor drains, waste traps, sumps were observed other than floor drains in bar areas and the package receiving area.
PCB Containing Equipment	Two pad-mounted transformers were observed at the Subject Property. One was located near the southwest corner near the building by the backup generator and the second was located near the northeast corner building corner. These transformers are typically owned by the local power company who is responsible for any maintenance and cleanup. No evidence of leaks or releases associated with the transformers was observed.
Pits, Ponds, or Lagoons	A pond is present along the south property line and on the south adjoining property.
Solid Waste Disposal	No evidence of indiscriminate dumping or solid waste disposal was observed on the surface of the Subject Property.
Physical Setting Analysis	<p>The Subject Property is located in a commercially developed area. The properties to the north, east and west are relatively level with the Subject Property. The pond to the south is 6 to 8 feet lower than the Site and then the property rises to the south to 4 to 6 feet higher in elevation than the Site.</p> <p>Two electrical transmission lines runs east-west just south of the property line. There was one marker indicating the location of the pipeline on the west side of Southlawn Drive between the two electrical transmission lines.</p>
Adjoining Property Observations	To the north beyond County Road D is a retail center with multiple tenants including Best Buy, Pizza Ranch, Pure Hockey, Flooring Expo, Saloncentric, DSW Shoes and Office Max. To the east the commercial building is undergoing remodeling and signage indicates a Becker Furniture will be the new occupant. To the south beyond the pond is Maple Hill Senior Living. To the west is Ashley Furniture. No suspect environmental concerns were observed.
Other Observations	Most buildings contain thermostats, switches, door closers (hydraulic), fluorescent lights, etc. Some of these components contain regulated materials.

## 6.0 INTERVIEWS

AET representative Susan Mickus interviewed various parties as part of this Phase I ESA. The results of the interviews are summarized below.

### **Mr. Kervy Sanchez, General Manager, Myth Live (Owner's Representative)**

The owner representative, Mr. Sanchez, is not aware of any pending, threatened, or past litigation, administrative proceedings, or notices from any governmental entity relevant to hazardous substances or petroleum products in, on or from the Subject Property.

Mr. Sanchez indicated they have no liquid, dissolvable, or leachable materials other than typical cleaning and building maintenance supplies. They have no bulk storage of fuels except for the diesel tank integrated into the backup generator. He is not aware of any spills or leaks, and they do not dispose of any materials on site.

### **City of Maplewood– Entity Representing Local Government (Government Official Representative)**

AET submitted a data request to the City of Maplewood. Ajla Arnold with the City of Maplewood replied and indicated review of the Fire Department records found no documentation on hazardous material storage, spills, or response to the Subject Property.

## 7.0 FINDINGS AND OPINIONS

The following suspect environmental concerns and AET's opinions concerning the suspect environmental concerns are provided below.

The 2022 AET geotechnical exploration conducted at the Subject Property identified fill soils from an undocumented source ranging in depth from 5.5 to 14.5 feet and containing cinders, concrete, brick and bituminous. As the source of these fill materials is unknown and the fill material contains debris and cinders this material may not meet the Minnesota Pollution Control Agency (MPCA) definition of unregulated fill (Best Management Practices for the off-Site of Unregulated Fill, c-rem1-01) and may require special handling and disposal if the fill material cannot be used on the Subject Property. Therefore, AET considers the undocumented fill material used to infill the historic wetlands a Recognized Environmental Condition (REC).

## 8.0 DATA GAPS

No significant data gaps were encountered with regard to evaluating the Subject Property for this Phase I Environmental Subject Property Assessment.

## 9.0 CONCLUSIONS

AET has performed a Phase I ESA in conformance with the scope and limitations of the USEPA All Appropriate Inquiries rule (40 CFR Part 312) and ASTM Practice E 1527-13 of the Subject Property. Any exceptions to, or deletions from, this practice are described in Section 1.3 of this report.

This assessment has revealed no evidence of RECs in connection with the Subject Property, except for the following:

- Undocumented fill soils associated with historic filling of the wetland and pond exist at the Subject Property.

This assessment has revealed no evidence of CRECs conditions in connection with the Subject Property.

## 10.0 REFERENCES

American Society for Testing and Materials, Standard Practice for Environmental Subject Property Assessments: Phase I Environmental Subject Property Assessment Process, Designation: E 1527-13, 2013.

American Society for Testing and Materials, Standard Practice for Environmental Subject Property Assessments: Phase I Environmental Subject Property Assessment Process, Designation: E 1527-21, 2021.

Minnesota Department of Health, Minnesota Well Index (MWI) Online.  
<http://www.health.state.mn.us/divs/eh/cwi/>.

Minnesota Pollution Control Agency (MPCA) What's in My Neighborhood online database.  
<https://mpca.maps.arcgis.com/apps/webappviewer/index.html?id=9d45793c75644e05bac197525f633f87>

MPCA Minnesota Groundwater Contamination Atlas online map viewer.  
<https://www.pca.state.mn.us/data/minnesota-groundwater-contamination-atlas>

MPCA Institutional Controls in Minnesota online map viewer.  
<https://mpca.maps.arcgis.com/apps/webappviewer/index.html?id=483aabfa54d24b1b92945538ecafc95f&center=-93.24612912,44.97779713&zoom=17>

Minnesota Department of Natural Resources and the University of Minnesota in conjunction with the Minnesota Geological Survey - Geologic County Atlas Program online access

[https://www.dnr.state.mn.us/waters/groundwater\\_section/mapping/status.html](https://www.dnr.state.mn.us/waters/groundwater_section/mapping/status.html)

National Pipeline Mapping System (NPMS) online viewer.  
<https://www.npms.phmsa.dot.gov/>

Ramsey County Minnesota Property Information website.  
<https://maps.co.ramsey.mn.us/MapRamsey/>

United States Environmental Protection Agency, All Appropriate Inquiries Final Rule (40 CFR Part 312), December 30, 2013.

## 11.0 QUALIFICATIONS AND RESUMES

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed all the appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Refer to Appendix F for resumes of the AET personnel associated with this Phase I ESA.

Report Prepared By:

Report Reviewed By:

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Susan Mickus, PG  
Senior Geologist

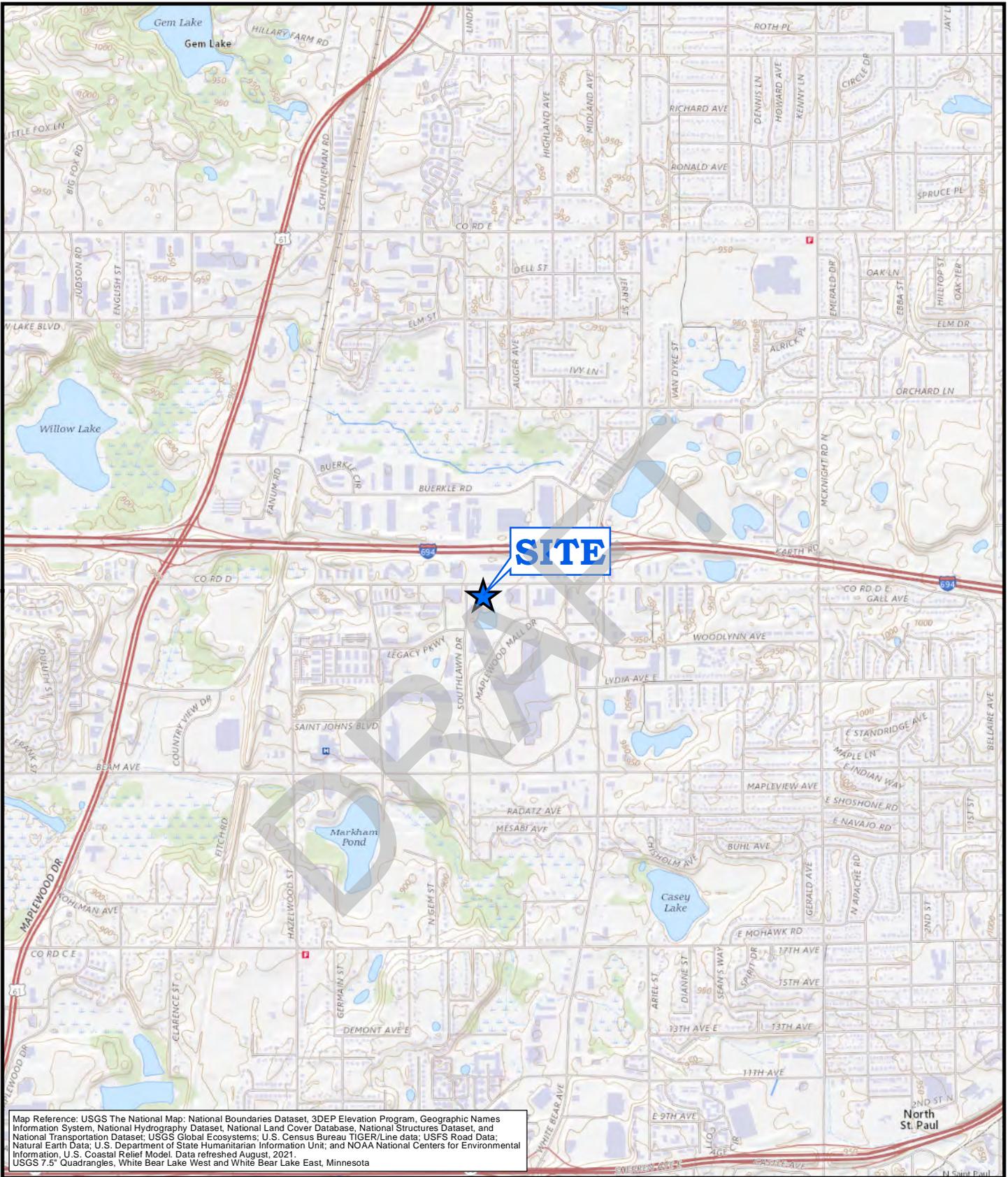
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Eric Hesse, PE  
Principal Engineer

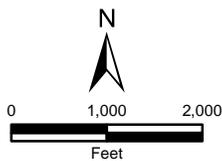
# Figures

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DRAFT



Map Reference: USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed August, 2021.  
 USGS 7.5" Quadrangles, White Bear Lake West and White Bear Lake East, Minnesota



**Figure 1**  
 Subject Property Location Map

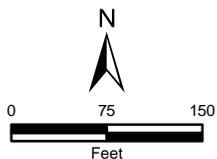
Myth Nightclub  
 3090 Southlawn Drive  
 Maplewood, Minnesota

Date: 06/21/2022

AET Project No. P-0013925



Map Reference: Ramsey County, 2020



**Figure 2**  
 Subject Property Map

Myth Nightclub  
 3090 Southlawn Drive  
 Maplewood, Minnesota

Date: 06/29/2022

AET Project No. P-0013925