



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Pre-Permit Submittal and Schedule

This is the agreed upon notification to the WVDED that SWaN Hill Top has submitted the following permit plan for third-party plan review. This will initiate the agreed upon streamlined schedule outlined below.

Permit: Demolition Permit Plan

Engineer of Record: Gordon & Associates

Third Party Reviewer: Urban, LTD

Date Submitted: October 14, 2021

Schedule:

10-14-21	Submitted to Third-Party Plan Reviewer
10-28-21	Third-Party Plan Reviewer's Letter of Recommendation or Review Comments Due

Once SWaN has received the Third-Party Plan Reviewer's Letter of Recommendation we will provide to the WVDED for a 10-day review.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Site Activity #001

This is a notification to the WVDED that SWaN Hill Top will be installing a six-foot construction safety fence at the Tourism Development District (TDD) boundary. This is a life-safety measure used to secure the construction site.

The completion of this fencing will temporarily close:

- Columbia Street north of Washington Street
- East Ridge Street east of TDD boundary
- Promontory Overlook
- Columbia Street Overlook

The above areas will reopen to the public for 24/7 access once the proposed Hill Top House Hotel is constructed and operating.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Site Activity #002

This is a notification to the WVDED that SWaN Hill Top will be installing MOT (Maintenance of Traffic) signs at the Tourism Development District (TDD) boundary on Thursday, November 11, 2021. This is a common standard completed before road closures due to construction.

Also, in preparation for upcoming demolition, movable barriers will be placed near road fence gates. The road gates will remain open until the demolition team mobilizes in a few weeks.

As a reminder, demolition will temporarily close:

- Columbia Street north of Washington Street
- East Ridge Street east of TDD boundary
- Promontory Overlook
- Columbia Street Overlook

The above areas will reopen to the public for 24/7 access once the proposed Hill Top House Hotel is constructed and operating.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Site Activity #003

This is a notification to the WVDED that SWaN Hill Top is beginning the roof replacement at 500 E Ridge Street on December 20, 2021. This was approved by WVDED Hill Top TDD Permit 21-1148TDD (attached) on December 10, 2021.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Permit Application Submittal Permit #001

This is notification to the WVDED that SWaN Hill Top is submitting the following permit application for their review and approval. This will initiate the agreed upon 10-day review process.

**Permit: Roof Replacement Permit Application
500 E Ridge St.
Harpers Ferry, WV 25425**

General Contractor: Pinnacle Enterprises, LLC

Third Party Reviewer: Not applicable

Date Submitted: November 24, 2021

Schedule:

11-24-21	Submitted to WVDED for Review
12-10-21	Review Comments or Approved Permit Placard Due

Once SWaN has received the approved permit we will schedule the contractor to begin.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager

November 24, 2021



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Permit Application Submittal Permit #002

This is notification to the WVDED that SWaN Hill Top is submitting the following permit application for their review and approval. This will initiate the agreed upon 10-day review process.

Permit: Demolition Permit Application
400 E Ridge St.
Harpers Ferry, WV 25425

General Contractor: Turner Construction Co.

Third Party Reviewer: Urban, Ltd.

Date Submitted: November 24, 2021

Schedule:

11-24-21	Submitted to WVDED for Review
12-10-21	Review Comments or Approved Permit Placard Due

Once SWaN has received the approved permit we will schedule the contractor to begin.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager

November 24, 2021



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Site Activity #004

This is a notification to the WVDED that SWaN Hill Top is slipping the beginning of the demolition process at 400 E Ridge Street, from Monday, January 10, 2022, to Wednesday, January 12, 2022. Both gates will be locked at the onset of demolition activity for life-safety measures.

Site access will be for authorized personnel only beginning that day.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager



HILL TOP HOUSE HOTEL

HARPERS FERRY, WV

Notice of Hill Top House Hotel Site Activity #005

This is a notification to the WVDED that SWaN Hill Top is beginning the demolition mobilization process at 400 E Ridge Street on Wednesday, January 12, 2022. Both gates will not be locked until the environmental group begins on site activity next week.

Appreciatively,

Laurel Ziemianski
SWaN Hill Top House Hotel Project Manager



WV Department of Economic Development
Attn: Mike Graney
1900 Kanawha Blvd. East
Charleston, WV 25305

February 17, 2023

Re: TDD Compliance Report for January 2023

Dear Mr. Mike Graney and WVDED Team,

The site that the crumbling Hill Top House Hotel sat on for 130 years is now cleared. As SWaN has in all of their efforts in recreating the Hill Top House Hotel, they carefully and thoughtfully approached how they would reduce, reuse and recycle materials from the existing hotel structure. To that end, Hill Top House Hotel LLC finished its stone salvage project. During the salvage phase, they earned 2 points on our LEED certification for recycling and/or reusing more than 3,200 tons of materials from the previous hotel. They were able to:

- divert more 75% of hotel site materials from landfills, and
- allocate 2,228 tons of that material – almost 2/3rds of which is original stone – for use in the new hotel.

The construction site has been stabilized with seed and straw according to guidelines from the WV Department of Environmental Protection. Groundwater Protection controls are still active and are inspected as required. Activity onsite includes site visits from commercial General Contractors to evaluate geotechnical conditions for proposed excavation and other cost savings requirements. The security service is still active onsite to regulate intruders and vandals who breach the construction safety fence.

Currently, SWaN is in the second comment period on plans for the Lodge and duplex and will apply for the building permits for these structures as soon as they receive third-party sign off next month. They are evaluating bids from local General Contractors for restoration of these structures.

The WV State of Historic Preservation Office (SHPO) has awarded SWaN a matching grant for replacement of the standing seam metal roof on the old barbershop building on the corner of Washington and Columbia Streets. SHPO has outlined a process for securing bids and they are currently walking through that process.

Harpers Ferry Town Council approved the two requested changes for the Street-Use Agreement which were identified by Hill Top House Hotel designers. One change is to leave the existing overlook in its historic existing location. The other change is to allow on grade transformers in the existing Columbia Street Right-of-Way next to the parking garage and hotel infrastructure.

Since December of 2022, the Hill Top design team has performed a significant review of the hotel's construction drawings to date with the goal of reducing high construction costs due to inflation and supply chain issues. SWaN will be receiving General Contractor's construction bids of the revamped requirements by early March.

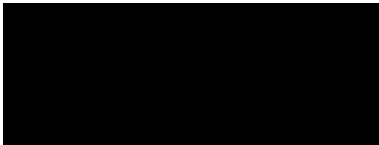


The Hill Top House Hotel's financial package includes private investors, construction loans and tax incentives.

- The Hill Top Financial Team has been in communication with several WV banks to identify opportunities for construction loan financing.
- As part of the Tourism Development Act (TDA) approval the Hill Top project is eligible for the Excise Opportunity Development District (EODD) tax incentive. The WVDED received SWaN's application for the EODD tax incentive that was forwarded from the Jefferson County Commission and it is currently listed for WV legislative decision this session.

SWaN paid the required Fourth Quarter B&O Tax to the Corporation of Harpers Ferry on January 31, 2023.

Thank you for your support!



Elias J. Pace
Vice President – Hospitality
Jones Lang LaSalle

WV Department of Economic Development
Attn: Mike Graney
1900 Kanawha Blvd. East
Charleston, WV 25305

Dear Mr. Mike Graney and WVDED Team,

March 8, 2023

TDD Compliance Report for February 2023

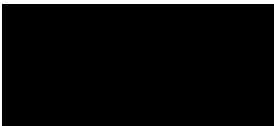
On February 24, 2023, WV Department of Environmental Protection (WVDEP) sent a full compliance letter to the US EPA after their onsite inspection . Groundwater Protection controls are still active and are inspected as required. The security service is still active onsite to regulate intruders and vandals who breach the construction safety fence.

The WV State of Historic Preservation Office (SHPO) approved the Barbershop Historic Structure Roof Replacement “Request for Quote” and it was distributed to six roofers for their competitive bids. On the same Barbershop structure, WVDED sent approval letter for like-for-like improvements to commence.

The Hill Top House Hotel’s financial package includes private investors, construction loans and tax incentives.

- The Hill Top Financial Team is continuing communication with several WV banks to identify opportunities for construction loan financing.
- As part of the Tourism Development Act (TDA) approval the Hill Top project is eligible for the Excise Opportunity Development District (EODD) tax incentive and the State Tax Incremental Financing (STIF). The EODD bill (HB3168) passed the WV House on February 16 and was referred to the Senate. The STIF (HB3013) was passed in both House and Senate.

Thank you for your support!



Elias Pace
Project Executive for JLL



Madison Dale LLC
Kevin D Ash
President
42395 Ryan Rd, STE 112-122
Brambleton, VA 20148

WV Department of Economic Development
1900 Kanawha Blvd.
Building 3, Suite 600
Charleston, WV 25305

Re: Hill Top House Hotel Monthly Update

Attn: Meghan Smith

October 2, 2023

SWaN Hill Top engaged Madison Dale LLC in November 2022 as a consultant to expertly analyze the Hill Top House Hotel design and budget in order to create a plan to value engineer the design for a \$140 million budget. After months of design and estimating iterations, the balance was met, and the construction documents began development. Earlier this month we submitted three of the construction documents (Site Plan, Yellow House and Lodge) for third-party review to seek recommendation letters in preparation for permit submittal to the WV Department of Economic Development. The estimated schedule is as follows:

Site Plan Review - The plan has already been submitted and we have the first round of comments. Urban Engineering, the third-party reviewer, will submit revisions to the third-party reviewer by September 22 and should have fully approved site plan by October 10.

The Yellow House - The Architectural, Structural, and MEP plans were submitted two weeks ago to third-party review. The third-party reviewer is Bowman consulting. They should have the first review comments to the design team by September 29. I would allot 30 days for responses back-and-forth for an approved plan to be out on or before October 30.

The Lodge - The Architectural, Structural, and MEP plans were submitted two weeks ago to third-party review. The third-party reviewer is Bowman consulting. They should have the first review comments to the design team by October 6. I would allot 30 days for responses back-and-forth for an approved plan to be out on or before November 6.

The Main Hotel - The Architectural plans from Gensler have been submitted to the third-party reviewer, Bowman. However, the structural and MEP plans are lagging by about 30 days. The third-party reviewer anticipates having first round comments on the architectural plans on or about October 16. We anticipate having structural and MEP comments approximately

November 15. This would put a full design set of plans for the hotel complete to the state on or about December 15.

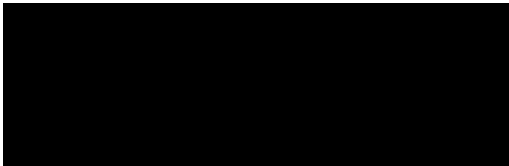
Madison Dale LLC ensures that the TDD constraints quantifying significant change in square footage and budget are within the guidelines stated:

- Square footage change should not exceed 25,000 sqft.
- Budget change should not exceed \$15 million.

The SWaN Hill Top team is in the process of securing an incremental property tax financing incentive (TIF) with the Jefferson County Commission. The TIF application was submitted in June 2023, a public hearing was held in August 2023, and the decision awaits a vote after the fifth commissioner is appointed.

We hope to have a permit application submitted to your office for the Hill Top House Hotel site plan within the next two weeks. Please alert your consulting team at the Jefferson County Engineering and Planning Department that this first permit application is on the way.

Respectfully,
Kevin Ash
President
Madison Dale, LLC





Department of Homeland Security

Cabinet Secretary Mark A. Sorsaia
State Fire Marshal Kenneth E. Tyree, Jr.

Phone: (304) 558-2191

Fax: (304) 558-2537

OFFICE OF THE STATE FIRE MARSHAL

WV State Fire Commission - 4th Floor North
1700 MacCorkle Ave SE
Charleston, WV 25314
www.firemarshal.wv.gov

March 8, 2024

M. Arthur Gensler Jr. & Associates (Variance Request Submitter)
Attn: Derek Ware
2020 K Street, Suite 200
Washington DC 20006

Contact Ph# (202) 368-9946

Ref Project: **Modification Request Response** for Hill Top House Hotel;
Jefferson Co./ Address: 400 East Ridge St., Harpers Ferry WV 25425
Arch Dwg Pending Submittal/Hotel Type Const.: II (222) Stories: 4 SF: tbd

Dear Mr. Derek Ware:

The request for modification for this future pending project has been received and reviewed. The plans for the referenced project have not been submitted yet and nor has construction begun on this project at this time but is pending in the future. This future review relates to State Fire Code requirements only. It does not address Building Code or ADA requirements. **The above referenced request includes the following comments:**

1. As the Authority Having Jurisdiction, this modification request is being accepted and approved based on nationally recognized standards that have been in applicable national consensus standards for years and also our newly passed 2024 legislation, pending completion which includes updates to the State Fire Code that will recognize buildings at or exceeding 75 foot in height from the highest occupiable story as High Rise Buildings, thus eliminating the current 40 foot high rise definition rule. It is understood that the entire project will be reviewed by these codes currently completing the legislative process.
2. We will look forward to this pending project's architectural, mechanical, electrical, plumbing, and fire protection plan review submissions and look forward to not only working with you as the designers but with all general contractors and sub-contractors licensed and acquired for this project.
3. Project's plan(s) submittal intent shall be to meet the WV State Fire Code and other applicable codes and standards which are adopted as a part of the WV State Fire Code (see 87-1-2)

*The Authority Having Jurisdiction (AHJ), and other individuals charged by the AHJ, charged with the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. The AHJ, acting in good faith and without malice in the discharge of the organizations' public duty, shall not thereby be rendered liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of such duties. Any suit brought against the AHJ, or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any

judgment resulting therefrom shall be assumed by this jurisdiction. This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code. (See NFPA 1, Section 1.9)

Please Note: WV State Fire Code, Section 2.1 states: *“The standards and requirements as set out and established by NFPA 1 OF THE 2021 edition of “The National Fire Codes” published by the National Fire Protection Association (“NFPA”) and has the same force and effect as if set out verbatim in this rule and is hereby adopted and promulgated by the State Fire Commission as a part of the State Fire Code with the following exceptions or additions:...”.NFPA 1 and NFPA 101 which is a referenced publication of NFPA 1, Fire Code.*

Should you have any further questions about this request for a proposed modification that would be serviced by this office, contact us at 304-558-2191.

Yours for better fire protection,



Kenneth E. Tyree Jr.
State Fire Marshal

KET Jr. Cc: Agsten Construction (Sam Hull), Dirar Ahmad, File, Inspection, Owner



Madison Dale LLC
Kevin D. Ash
President
42395 Ryan Rd, STE 112-122
Brambleton, VA 20148

April 2, 2024

TDD Compliance, Quarterly Update

To whom it may concern,

This previous quarter, the Hill Top Team has focused on wrapping up the Storm Water Pollution Prevention Permit (SWPPP) and finalizing utility plans for future Hill Top House Hotel utility demands.

All other permits have been processed and approved:

- Yellow House permit was issued May 21, 2024
- Lodge permit was issued May 31, 2024
- Main hotel, Parking Garage, Infinity pool and Patio's permit was issued August 7, 2024

With winter weather breaking into warmer days, SWaN is installing a temporary fence for pedestrian access to the promontory overlook. This public access was approved in a Street-Use Agreement SWaN developed with the Town of Harpers Ferry in 2021. The access will only be available until ground-breaking for the new Hill Top House Hotel occurs, at which time the site will return to being closed to the public according to OSHA regulations.

General Contractors have transported safety equipment to the site. They can be ready to mobilize within 30-days of official "go ahead."

The Hill Top Team continues to develop the bond package for the Tax Incentive Funding which will need a final vote at the Jefferson County Commission. This does not need to be completed prior to ground-breaking.

All paths are moving forward to a potential ground-breaking date in 2025.

We are very appreciative of the support the State of West Virginia has upheld to get this project moving forward. Our eyes are focused on the goal...to bring back the Hill Top House Hotel to an

operating resort for economic development of the state and enjoyment of the residents and visitors who come to Harpers Ferry!

Respectfully,
Kevin D. Ash
President
Madison Dale, LLC



Madison Dale LLC
Kevin D. Ash
President
42395 Ryan Rd, STE 112-122
Brambleton, VA 20148

August 14, 2024

TDD Compliance, Quarterly Update

To whom it may concern,

This previous quarter, the Hill Top Team obtained the final three buildings third-party letters of recommendation and submitted the building permit applications to WVDED office for review and permit.

- Site plan – approved 12-12-23 by WVSDO
- Yellow House permit was issued May 21, 2024
- Lodge permit was issued May 31, 2024
- Main hotel, Parking Garage, Infinity pool and patios permit was issued August 7, 2024

Other construction logistics have been occurring as the General Contractor is beginning mobilization of safety equipment to the site. Temporary utility discussions are in the works and material staging areas are being inspected. Early subcontractors for excavation and foundation are developing their plans.

On the financial track, the WVDED approved the Tax Increment Financing Application on 2024 and both tax incentives (Excise and Incremental Property Tax) went back to the Jefferson County Commission for a unanimous final vote on August 1, 2024, which approved the creation of the Excise and Property TIF Districts. The boundary line of these tax districts matches the real property boundary of Tourism Development District (See attached Map).

The Hill Top Team is developing the bond package for the Tax Incentive Funding which will need a final vote at the Jefferson County Commission in the next month.

All paths are moving forward to a potential ground-breaking date in the Fall of 2024.

We are very appreciative of the support the State of West Virginia has upheld to get this project so close to fruition. Our eyes are focused on the goal...to bring back the Hill Top House Hotel to

an operating resort for economic development of the state and enjoyment of the residents and visitors who come to Harpers Ferry!

Respectfully,
Kevin D. Ash
President
Madison Dale, LLC