

Conditional Sales Agreement

WITNESSETH THIS AGREEMENT dated **May 9, 2013**, by and between **THE STATE OF INDIANA** acting through the Indiana Department of Administration, ("Seller") and _____, ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property (collectively, "Property"):

- 1.1 Property. The property commonly known as **INDOT Code 4230 – 9, 5953 S. Meridian Rd, Hancock County, Indiana** described on the attached **Exhibit A** ("Land") together with all buildings, improvements and fixtures constructed or located on the Land ("Buildings") and all easements of record and rights benefiting or appurtenant to the Land (collectively the "Property"), subject to all existing legal rights-of-way, easements, conditions and restrictions of record.
- 1.2 Access. The subject parcel currently has limited public access or right of entry. The buyer will be responsible for gaining legal access to the property. Ingress/Egress permits may be submitted to the Department of Transportation and approved or denied at the agencies sole discretion. No assurance of such a permit is expressed or implied.
- 1.3 Personal Property. No personal property is being sold or conveyed as a part of this Purchase Agreement.

2. Purchase Price, Buyer's Premium, and Manner of Payment. The total purchase price ("Purchase Price") to be paid for the Property shall be _____ Dollars (\$_____). The Purchase Price shall be payable as follows:

- 2.1 In conjunction with execution of this Agreement (the "Execution Date"), Buyer shall submit _____ Dollars (\$_____) to Seller as earnest money ("Earnest Money"). In the event this Agreement is not accepted by Seller, the Earnest Money shall be promptly returned to Buyer. Upon acceptance of this Offer by Seller, such Earnest Money shall secure the Buyer's performance of this Agreement and in the event of a default by Buyer in the performance of its obligations herein specified, Seller shall have the right to terminate this Agreement and the Earnest Money shall be paid to Seller as liquidated damages as Seller's sole remedy at law or in equity; and
- 2.2 The balance of the Purchase Price, subject to adjustments as set forth herein, shall be payable in certified funds or by electronic transfer of funds on the "Closing Date" (as hereinafter defined).
- 2.3 In addition to the Purchase Price, Buyer shall, at Closing as hereinafter defined, pay Seller's representative a 10% Buyer's premium pursuant to the terms of a separate addendum to this Agreement.

3. Contingencies and Inspection Period. The obligation of the Seller is contingent upon approval of the transaction contemplated by this Agreement as required by **IC 4-13-2-14.1, IC 4-13-2-14.2 and IC 4-20.5-7**.

4. Closing. In the event that Seller has accepted this Agreement and the parties proceed to closing, the closing of the purchase and sale contemplated by this Agreement (the "Closing") shall occur within thirty (30) days following State approval as set forth above (the "Closing Date"), **such final closing is subject to and conditional upon approval by the Office of the Governor and the Indiana Attorney General**, unless extended by mutual agreement of the parties. The Closing shall take place at a time, place, and on a date agreeable by Seller and Buyer. The Buyer will be responsible for title fees, escrow fees, and costs charged by the company with whom the earnest money is deposited as outlined in Section 5.1.

4.1 Seller's Closing Documents. On the Closing Date, Seller shall have executed and delivered or caused to be delivered to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Quitclaim Deed conveying the Property to Buyer, **an exemplar of such Quitclaim Deed is attached hereto as Exhibit B**.

4.1.2 Documents. Copies of all contracts, permits and warranties affecting the Property that will survive the Closing, if any.

4.1.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.1.4 Other Documents. All other documents reasonably determined by Buyer to be necessary to transfer title to the Property to Buyer free and clear except Permitted Exceptions to Title.

4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):

4.2.1 Purchase Price. Funds representing the Purchase Price, by electronic transfer of immediately available funds.

4.2.2 Assumption of Contracts, Permits, Warranties and Miscellaneous Documents. An Assumption of Contracts, Permits and Warranties, if any, assuming Seller's obligations under such documents.

4.2.3 Sales Disclosure Form. An Indiana sales disclosure form.

4.2.4 Other Documents. All other documents reasonably determined by Seller or Title Company to be necessary to complete the transaction contemplated by this Agreement. Including a Vendor Information form required by the State of Indiana Auditor's Office, **an exemplar of such Vendor Information form is attached hereto as Exhibit C**.

5. Allocation of Costs. Seller and Buyer agree to the following allocation of costs regarding this Agreement:

5.1 Title Insurance and Closing Fee. Buyer shall be solely responsible for the payment of all premiums and fees associated with title insurance, including any and all closing fees or recording charges. Buyer shall be responsible for payment, at or before Closing, of search fees charged by the title company from whom Seller obtained a preliminary title review and commitment. Unless waived by the title company, said closing fees shall be payable by Buyer whether or not Buyer obtains a policy of title insurance.

5.2 Taxes and Assessments. The Property being conveyed is owned by the State of Indiana and is exempt from all real property taxes. The Seller shall assume no responsibility or liability for any real property taxes or other assessments from

which it is statutorily exempt. Buyer shall be solely responsible for, and indemnify Seller against, any and all real property taxes assessed with respect to the Real Property on or after Closing.

- 5.3 Utilities. Seller shall either ensure that utility service to the Property is disconnected as of the Closing Date or shall cooperate with Buyer in having such utility services transferred to Seller's account. All contracts relating to operating the Property shall be canceled as of the Closing Date.

- 5.4 Attorney's Fees. Each of the parties will pay its own attorney's fees.

6. Evidence of Title. In the event that Buyer does not order and receive a commitment for title insurance, Seller shall, at its expense, within ten (10) days after written request from Buyer, furnish to Buyer a copy of the documents by which the State obtained or otherwise holds title or a letter from the State Land Office describing the documents by which the State obtained and otherwise holds title. Seller will cooperate with the Buyer or its title company in clarifying or resolving any perceived deficiencies or clouds in the title, but shall not be required to incur any expense beyond commitment of the time of the State Land Office. If such issues cannot be resolved to Buyer's satisfaction, Buyer may terminate this Agreement, and the Earnest Money, if any, shall be returned.

7. Maintenance of the Real Property Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date, Seller shall maintain the Property and improvements in a reasonably prudent manner. Seller shall execute no contracts, leases or other agreements regarding the Property between the date hereof and the Date of Closing that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

8. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

- 8.1 Existence; Authority. Seller has the requisite power and authority to enter into and perform this Agreement and to execute and deliver Seller's Closing Documents; such documents have been duly authorized by all necessary action.
- 8.2 Contracts. Seller has made available to Buyer a correct and complete copy of any Contract and its amendments which will survive a closing hereunder, if any.
- 8.3 Operations. Seller has received no written notice of actual or threatened cancellation or suspension of any utility services for any portion of the Property. Seller has received no written notice of actual or threatened special assessments or reassessments of the Property.
- 8.4 Litigation. To Seller's knowledge, there is no litigation or proceeding pending or threatened against or relating to the Property, nor does Seller know of or have reasonable grounds to know of any basis for any such action or claim.
- 8.5 Physical Condition. Seller makes no representation or warranty concerning the physical condition of the Property and puts Buyer to the obligation to satisfy itself pursuant to the contingency contained in Section 3 above.

9. Casualty; Condemnation. If all or any part of the Property is materially damaged by fire, casualty, the elements or any other cause, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. If eminent domain proceedings are threatened or commenced against all or any part of the Property, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all

Earnest Money by giving notice within thirty (30) days after Seller's notice. Termination of this Agreement and return of all Earnest Money are Seller's sole remedies

10. Notices. Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed by United States certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: Commissioner
Indiana Department of Administration
402 W. Washington St., W479
Indianapolis, IN 46204

With Copy to: Attorney General
Office of the Indiana Attorney General
302 W. Washington St.
Indianapolis, IN 46204

If to Buyer:

With a Copy to:

Notices shall be deemed effective on the date of receipt. Any party may change its address for the service of notice by giving notice of such change ten (10) days prior to the effective date of such change.

11. Miscellaneous. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns. This Agreement has been made under the laws of the State of Indiana, and any suit must be brought in an Indiana court of competent jurisdiction.

12. Remedies. If Buyer defaults, and if Buyer fails to cure such default within ten (10) days of the date of notice of such default from Seller, then Seller shall have the right to terminate this Agreement by giving written notice of termination to Buyer. In the event of termination Seller will receive the Earnest Money as liquidated damages, time being of the essence of this Agreement. The termination of this Agreement and retention of the Earnest Money will be the sole remedy available to Seller for such default by Buyer, and Buyer will not be liable for damages or specific performance. Buyer's sole remedy for any default by Seller shall be termination of this Agreement and return of the Earnest Money.

13. Buyer's Examination. Buyer is relying solely upon its own examination of the Property and inspections in determining its physical condition, character, and suitability for Buyer's intended use of the Property and is not relying upon any representation by Seller or any broker, except for those made by Seller directly to Buyer in writing in **Exhibit D, which is attached to this**

agreement. Buyer agrees and acknowledges that it is accepting the Property “**AS IS**” subject to all faults of every kind and nature whatsoever, whether latent or patent, and whether now or hereafter existing, and Buyer acknowledges that it has based its decision to purchase the Property solely upon information obtained independently by Buyer. Buyer shall sign a Hold Harmless Affidavit, **an exemplar of such Hold Harmless Affidavit is attached hereto as Exhibit E.** Buyer shall acquire the Property subject to all laws imposed upon the Property by any governmental or quasi-governmental authority having jurisdiction thereof. Buyer represents and warrants to Seller that Buyer has not relied, and will not rely, upon the representation or statement, or the failure to make any representation or statement, by Seller or Seller’s agents, employees or by any person acting or purporting to act on the behalf of Seller with respect to the physical condition of the Property.

14. Compliance with Telephone Privacy. As required by IC 5-22-3-7:

(1) the Buyer and any principals of the Buyer certify that (A) the Buyer, except for de minimis and nonsystematic violations, has not violated the terms of (i) IC 24-4.7 [Telephone Solicitation Of Consumers], (ii) IC 24-5-12 [Telephone Solicitations] , or (iii) IC 24-5-14 [Regulation of Automatic Dialing Machines] in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) the Buyer will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

(2) The Buyer and any principals of the Buyer certify that an affiliate or principal of the Buyer and any agent acting on behalf of the Buyer or on behalf of an affiliate or principal of the Buyer (A) except for de minimis and nonsystematic violations, has not violated the terms of IC 24-4.7 in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

15. Withdrawal of Offer. This Agreement shall be deemed to be withdrawn, unless accepted by Seller, after one-hundred-fifty (150) days of delivery to Seller. In the event of a withdrawal under this section, Buyer shall be entitled the return of the Earnest Money.

16. Additional terms.

17. Non-Collusion and Acceptance. The undersigned attests, subject to the penalties for perjury, that he/she is the Buyer, or that he/she is the properly authorized representative, agent, member or officer of the Buyer, that he/she has not, nor has any other member, employee, representative, agent or officer of the Buyer, directly or indirectly, to the best of the undersigned’s knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he/she has not received or paid any sum of money or other consideration for the execution of this Property Purchase Agreement other than that which appears upon the face of this Agreement.

In Witness Whereof, Buyer and the Seller have, through their duly authorized representatives, entered into this Property Purchase Agreement. The parties, having read and understood the foregoing terms, do by their respective signatures dated below hereby agree to the terms thereof.

BUYER:

Signature

Printed Name

Title

BUYER SHALL TAKE TITLE OF THE PROPERTY AS FOLLOWS:

BUYERS PRIMARY ADDRESS:

SELLER:

State of Indiana acting through the Indiana Department of Administration.

By _____
For:

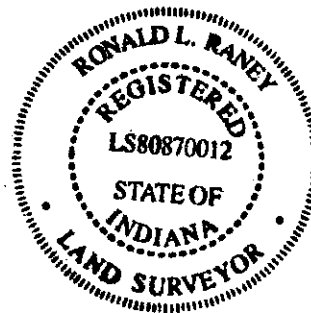
EXHIBIT "A"
Parcel 9—Excess Land

Code: 4230

A part of the West Half of the Southwest Quarter of Section 31, Township 15 North, Range 7 East, in Hancock County, Indiana more particularly described as follows: Beginning at the point of intersection of said west half of the southwest quarter of said section, with the centerline of U.S. Highway 52; thence North on said West line 200.00 feet; thence Southeasterly parallel with the centerline of said U.S. Highway 52, a distance of 110.00 feet; thence South parallel with said west line of quarter section; thence Northwesterly on said Highway centerline 110.00 feet to the point of beginning.

Except the following: beginning at the aforesaid point of beginning; thence North 00 degrees 20 minutes 27 seconds West 200.00 feet; thence South 71 degrees 31 minutes 00 seconds East 23.61 feet to the eastern boundary of Meridian Road; thence South 03 degrees 26 minutes 25 seconds East 92.47 feet along said eastern boundary of Meridian Road to point # 17 on the attached plat; thence South 11 degrees 11 minutes 31 seconds East 27.07 feet along said eastern boundary of Meridian Road to point # 13 on the attached plat; thence South 54 degrees 24 minutes 50 seconds East 68.01 feet along the northeastern boundary of the intersection of said U.S. Highway 52 and Meridian Road to point # 14; thence South 71 degrees 31 minutes 00 seconds East 17.55 feet along said eastern boundary of U.S. Highway 52 to the East line of the grantors' land, which point is # 15; thence South 00 degrees 20 minutes 27 seconds East 63.39 feet to the centerline of said U.S Highway 52; thence North 71 degrees 31 minutes 00 seconds West 110.00 feet along said centerline of U.S. Highway 52 to the point of beginning and containing 0.249 acres more or less, and containing after said exception 0.229 acres more or less.

The above description was prepared from existing INDOT Record and a route survey recorded as Instrument #0113578 in the Office of the Recorder of Hancock County.



*This description was prepared for the Indiana
Department of Transportation by Ronald L. Raney,
Indiana Registered Land Surveyor,
License Number LS 80870012
on the 27th day of March, 2009.*

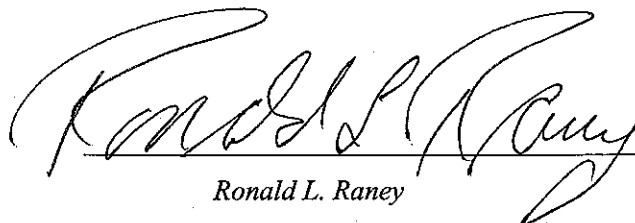

Ronald L. Raney

EXHIBIT B

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, acting through the Governor of the State of Indiana and the Commissioner of the Indiana Department of Administration, or their respective designees, and by the authority of Indiana Code 4-20.5-7-11, RELEASES and QUITCLAIMS to:

for good, valuable, and sufficient consideration, receipt of which is hereby acknowledged, the real property located in _____ County, Indiana and more fully described on Exhibit A, attached hereto and incorporated fully herein.

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

IN WITNESS WHEREOF, the undersigned have executed the foregoing Quitclaim Deed on behalf of the State of Indiana this _____ day of _____ 2011.

**David L. Pippen, Designee for
Mitchell E. Daniels, Jr. Governor**

State of Indiana)

County of Marion)

ss:

Before me, a Notary in and for said County and State, personally appeared David L. Pippen, designee of the Governor of Indiana pursuant to IC 4-20.5-7-17 (b), and acknowledged execution of the foregoing Quitclaim Deed this _____ day of _____ 2011.

Notary signature: _____

Notary name printed: _____

My commission expires: _____ I reside in _____ County

[illegible]

My commission expires: _____ I reside in _____ County

Gregory F. Zoeller, Attorney General

Filed in Indiana State Land Office:

This instrument prepared by Tim A. Grogg Esq. (Attorney No. 7316-03), Legal Counsel, Indiana Department of Administration, 402 West Washington Street, W 479, Indianapolis, IN 46204. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. _____

EXHIBIT C



Vendor Information

State Form 53788 (12-08)
Approved by Auditor of State, 2008
Approved by State Board of Accounts, 2008

Name and telephone number of the Person who completed this document must be provided.

Name: _____

Daytime Telephone Number: _____

Send completed form to Auditor of State, 240 Statehouse, 200 W. Washington St., Indianapolis, IN 46204 or fax to (317) 234-1916

Print or Type

Legal Name (OWNER OF THE EIN OR SSN AS NAME APPEARS ON YOUR TAX RETURN. DO NOT ENTER THE BUSINESS NAME OF A SOLE PROPRIETORSHIP ON THIS LINE.)

Trade Name (Doing Business as Name D/B/A) (Complete only if payment is to be made payable to the DBA name)

Remit Address

Purchase Order Address - Optional

Enter 9-digit Taxpayer Identification Number (TIN) of the legal name:

(SSN=Social Security Number, EIN=Employer Identification Number)

(Individual's SSN) _____ - _____ or EIN _____ - _____

Check legal entity type (A box must be checked in this section. Check only one box.)

- ☐ Individual ☐ Sole Proprietorship ☐ Partnership
☐ Estate / Trust Note: Show above, the name and number of the legal trust, or estate, not personal representatives
☐ Other [Limited Liability Company (LLC) (attach IRS Form 8832 if applicable), Joint Venture, Club, etc.]
☐ Corporation Do you provide legal or medical services? ☐ Yes ☐ No
☐ Government (or Government operated entity)
☐ Organization Exempt from Tax under Section 501(a)

One box must be checked ☐ I am a U.S. Person (including a U.S. resident alien) ☐ I am not a U.S. Person (a W-8 must be filed with the Auditor of State)

☐ Add Deposit ☐ Change Deposit **Indiana law (I.C. 4-13-2-14.8) requires that YOU receive PAYMENT(S) by means of electronic transfer of funds.**

SECTION 1: AUTHORIZATION

According to Indiana law, your signature below authorizes the transfer of electronic funds under the following terms:

Account Holder's Name: _____ Account Number: _____

Type of Account: ☐ Checking (Demand) ☐ Savings

SECTION 2: FINANCIAL INSTITUTION'S APPROVAL (Attach a voided check or have your financial institution complete this section)

The financial institution identified below agrees to accept automated deposits under the terms set forth herein:

Name of Financial Institution: _____

Telephone: (____) _____

Address: _____

Number and Street, and/or P.O. Box No.

Financial Institution's Authorized Signature

City, State, and Zip Code (00000-0000)

Title

ABA Transit-Routing Number

_____, 20____

Date

SECTION 3: ELECTRONIC NOTIFICATION OF ELECTRONIC FUND TRANSFER (EFT) DEPOSITS

(Complete this section only if you are requesting electronic notification. You may provide up to four email addresses.)

I hereby request that all future notices of EFT deposits to the bank account specified above be sent to the following email addresses:

I agree to the provisions contained on the reverse side of this form.

NAME (Print or Type) _____ TITLE _____

AUTHORIZED SIGNATURE _____ DATE _____ PHONE _____

EXHIBIT D

Categorical Exclusion Level 1

Project #: STP-082-2 (020)

LA Code: 4230

Parcel: 9

Sale of Excess R/W (*Des 9800840*)

Intersection of US 52 and Meridian Rd., 1.53 miles west of SR 9
Hancock County

November 2009

Prepared by:



Aaron Lawson
Indiana Department of Transportation
Greenfield District Planning
32 South Broadway Street
Greenfield, IN 46140

Environmental Screening/CE-1 Form

Date: November 2009

☒ Initial Version☐ Revision to Version Dated:

Purpose of this document:

☐ CE Level 1 documentation for
exempted projects☐ Determine scope of Federal
documentation (CE Level 2-4)☒ State-funded categorical
exemption documentation

Approval of Exempt, CE-1 Level or State-Funded CE:

Nate DK
Environmental Scoping Manager11/10/09
Date

(If used for scoping, this form should be completed prior to using the CE/EA form.)

PROJECT INFORMATION:			
Project Number, County, Route	STP-082-2 (020), Hancock County, US 52, parcel 9	Des No.	LA Code: 4230
Project Description	This project involves the sale of 0.229 acres of excess R/W from parcel 9 located 1.53 miles west of SR 9 at the intersection of US 52 and Meridian Road in Hancock County. The parcel is located in the southwest quarter of Section 31, Township 15 north, Range 7 east. The parcel was purchased by INDOT as part of a previous intersection improvement project under Des 9800840. The house that once stood on the property has been demolished due to R/W requirements for roadway construction. The remaining parcel is considered excess R/W. Therefore, INDOT seeks to dispose of the property.		
Purpose and Need for Action	The purpose of this project is to exonerate the 0.229 acres of excess R/W currently in INDOT possession. The need of the project is the excess R/W created by the intersection improvement project under Des 9800840.		
Alternatives Considered	Do nothing		
Project Termini	Parcel 9 is located in the northeast quadrant of the intersection at US 52 and Meridian Road, 1.53 miles west of SR 9 in Hancock County.		
Funding Source(s)	___ Federal <u>X</u> State ___ Local	Estimated Selling Price \$	\$ 108,000.00
Project Sponsor	Indiana Department of Transportation	Project Length	Area: 0.229 acres

SCOPE OF THE PROPOSED ACTION:	No	Possible	Comments
Public Involvement	X		This project does not meet any of the conditions described in the Public Involvement Manual Part 1, Section IV.C.4 which would require INDOT to offer an opportunity to the public to request a public hearing.
Relocation of residences/businesses/etc.*	X		No relocations of any residences or businesses will result from this project.
Right-of-way in acres (permanent and temporary)*	X		No permanent or temporary right-of-way will be required for this project.
Added through-traffic lanes – length*	X		No through-traffic lanes will be added.
Permanent alteration of local traffic pattern*	X		There will be no alteration of local traffic patterns.
Facility on new location or realignment*	X		No facilities will be relocated or realigned during the completion of this project.
Disruption to public facilities/services (such as schools, emergency service)	X		No disruption to public facilities or services will result from this project.
Involvement with existing bridge(s) (Include structure number(s))	X		No bridges or small structures will be involved in this project.

INVOLVEMENT WITH RESOURCES:	No	Possible	Studies, Coordination, and Comments
Watercourses Impacted (linear feet)	X		The field visit on April 8, 2009 and review of indianamap.org hydrology GIS layers revealed that there are no streams, rivers, or watercourses, jurisdictional or otherwise, located in or near the project area.
Other Surface Waters (such as ponds, lakes, reservoirs, in acres)	X		The field visit on April 8, 2009 and review of indianamap.org hydrology GIS layers revealed that no surface waters are located in or near the project area.
Wetlands (acres)*	X		No wetlands are identified on the National Wetlands Inventory map (attached). No wetlands or potential wetland areas were observed in or near the project area during field investigation on April 8, 2009.
Disturbance of Terrestrial Habitat (acres)	X		Land use in and near the project is previously disturbed mowed residential grass. This habitat will not be affected by the project. No additional terrestrial habitats will be impacted.
Karst Features	X		The project is located outside of the designated karst area of the state as identified in the October 13, 1993 MOU. No karst features were observed or are known to exist within or adjacent to the proposed project area.
Threatened and Endangered Species Present/Impacted*	X		This project type falls under the category of “No Coordination Required” per the MOU between INDOT and USFWS, dated September 1993.
Impacts to Sole Source Aquifer*	X		The project is not located within the legally designated St. Joseph Aquifer System.

INVOLVEMENT WITH RESOURCES:	No	Possible	Studies, Coordination, and Comments
Flood Plains (note transverse or longitudinal impact)	X		The project does not encroach upon a regulatory floodplain as determined from available FEMA flood plain maps (attached). Therefore, it does not fall within the guidelines for the implementation of 23 CFR 65, 23 CFR 771, and 44 CFR.
Farmland (acres)	X		None of the land within the project limits meets the definition of farmland under the Farmland Protection and Policy Act (FPPA) Section 658.2. The requirements of the FPPA do not apply to this project.
Cultural Resources (Section 106)*	X		It was determined by the INDOT Cultural Resources Department, via email coordination with Shaun Miller (attached), that the APE boundary for the previous intersection improvement project under Des 9800840 incorporated the house on this parcel which was not found to be eligible for the National Register of Historic Places. Therefore the house was demolished due to R/W requirements. Shaun Miller of the INDOT Cultural Resources Department concludes that INDOT's "finding of no historic properties affected" concurred by the SHPO via letter dated 7-25-03 is still valid and no further Section 106 consultation is necessary.
Section 4(f) and Section 6(f) Resources*	X		The field visit on April 8, 2009 and review of INDOT Infrastructure ArcGIS layer revealed that there are no Section 4(f) or Section 6(f) resources located in or near the project area.
Air Quality Non-attainment Area	X		This project is located in Hancock County. This county is currently in non-attainment for the O ₃ criteria pollutant. No construction activities are scheduled to take place within this project area. This is merely an effort to dispose of INDOT excess R/W. Therefore, the conformity procedures of 40 CFR Part 93 do not apply.
Noise Analysis Required*	X		This project is not a Type 1 project. In accordance with 23 CFR 772 and the INDOT Traffic Noise Policy (FHWA concurrence on February 26, 2007), this action does not require formal noise analysis.
Community/Economic Impacts	X		The project will not impact the community.
Environmental Justice	X		Per the INDOT CE Manual Section IV.C.7.d, no analysis for environmental justice (EJ) is required for projects with fewer than two relocations and less than 0.5 acre of R/W. This project meets both of these criteria. Therefore no EJ analysis is required.

INVOLVEMENT WITH RESOURCES:	No	Possible	Studies, Coordination, and Comments
Hazardous Materials	X		During a site visit on April 8, 2009 no hazardous materials were observed in or near the project area. Additionally, a review of the Red Flag GIS Base Map and Red Flag Investigation provided by the INDOT Office of Environmental Services, Hazardous Materials Unit (attached) revealed that no hazardous materials are located in or near the project area. However, since the project involves disposing of INDOT R/W, a Phase I investigation was completed by the INDOT OES Hazardous Materials Unit for precautionary measures. The result of the Phase I investigation (attached) revealed that there was no evidence of recognized environmental conditions on or within a one mile radius of the property. Therefore, no further investigation is needed, and this property can be disposed of without any concern for environmental issue.
Permits	X		No permits are required for this project. However, if any permits become applicable it will be the responsibility of the project designer to apply for them.

*Criteria used for determination of CE Level. See threshold table below.

Environmental Screening/CE-1 Form Project: Sale of Excess R/W

Des
No:

LA Code 4230
Parcel 9

Environmental Commitments:

1. If any artifacts, burial objects, or human remains are discovered, ground disturbing activities shall cease, and the Department of Natural Resources will be notified within two (2) business days. In the event, please call (317) 232-5161.

Categorical Exclusion Level Thresholds

	Level 1	Level 2	Level 3	Level 4
Relocations	None	≤ 2	> 2	> 10
Right of way¹	< 0.5 acres	< 10 acres	≥ 10 acres	≥ 10 acres
Length of added through lane	None	< 1 miles	≥ 1 mile	≥ 1 mile
Traffic pattern alteration	None	None	Yes	Yes
New alignment	None	None	< 1 mile	≥ 1 mile ²
Wetlands*	< 0.1 acres	< 1 acre	< 1 acre	≥ 1 acre
Section 4(f)	None	None	Programmatic/ <i>de minimis</i> Findings ³	Individual 4(f)
Section 6(f)	None	None	Any impacts	Any impacts
Section 106*	"No Historic Properties Affected" or falls within guidelines of Minor Projects PA	"No Adverse Effect"	"Adverse Effect"	If ACHP involved
Noise Analysis Required*	No	No	Yes ⁴	Yes ⁴
Threatened/Endangered Species*	"No Effect", or Falls within Guidelines of USFWS 9/8/93 Programmatic Response	"Not likely to Adversely Effect"	"Not likely to Adversely Effect"	"Likely to Adversely Effect" ⁵
Sole Source Aquifer Groundwater Assessment	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Required
Approval Level* • ESM ⁶ • OES • FHWA	Yes	Yes	Yes Yes	Yes Yes Yes

*These thresholds have changed from the March 2006 Manual.

¹Permanent and/or temporary right of way.

²If the length of the new alignment is equal to or greater than one mile, contact the FHWA's Air Quality/Environmental Specialist.

³The FHWA must review and approve Programmatic and *de minimis* Section 4(f) prior to CE approval.

⁴In accordance with INDOT's Noise Policy.

⁵If the project is considered Likely to Adversely Affect Threatened and/or Endangered Species, INDOT and the FHWA should be consulted to determine whether a higher class of document is warranted.

⁶Environmental Scoping Manager

In accordance with the *Categorical Exclusion Programmatic Agreement* between INDOT and FHWA, the following type of environmental documentation is needed:

INDOT CE Manual Section I.C.3 Table 4 Item 10	No Additional Documentation: State-Funded Project. For projects that are 100% state-funded, and meets IDEM's approved list of Categorically Exempted Projects.
	No Additional Documentation: Categorical Exclusion, Level 1. The necessary supporting documentation, including maps and coordination, are attached to this document and will be kept on file in the district. If the project is approved as a CE-1 under Tables 2 or 3 in the CE Manual, provide the number or letter under which this CE-1 is approved. For projects not listed on Tables 2 or 3, but determined to be Level 1 CEs on other criteria, such as the threshold chart above, attach appropriate documentation.
	Categorical Exclusion, Level 2 through 4 – The proposed action exceeds the thresholds for a CE-1 in the thresholds table above. The project must be documented on the Categorical Exclusion/Environmental Assessment Form. Additional research and documentation are necessary to determine environmental impacts and the type of environmental documentation.
	EA – An Environmental Assessment will be prepared.
	EIS – An Environmental Impact Statement will be prepared.

Appendices

Appendix A	Maps & Aerial Photographs
Appendix B	Site Photographs
Appendix C	Hazardous Materials
Appendix D	Ecological Site Evaluation
Appendix E	Additional Documentation

Appendix A

Maps & Aerial Photographs

Indiana Road Map Location - 0.229 Acres Excess R/W (Des 9800840)



Approximate Location Of Project

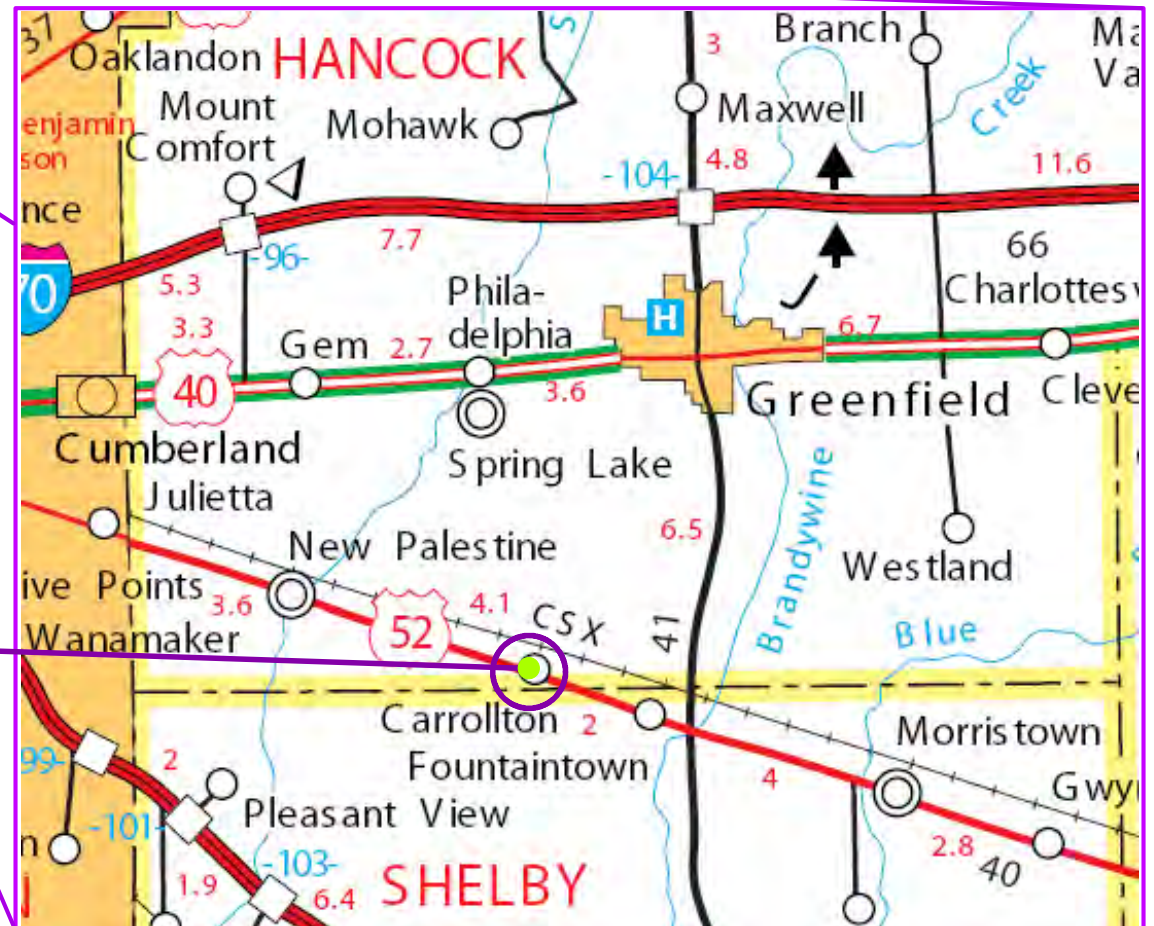


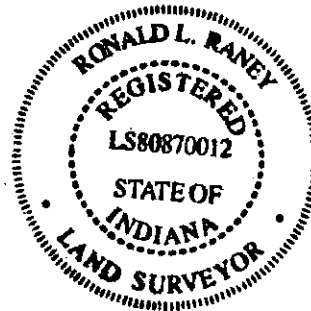
EXHIBIT "A"
Parcel 9—Excess Land

Code: 4230

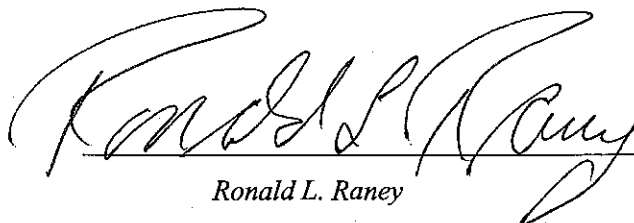
A part of the West Half of the Southwest Quarter of Section 31, Township 15 North, Range 7 East, in Hancock County, Indiana more particularly described as follows: Beginning at the point of intersection of said west half of the southwest quarter of said section, with the centerline of U.S. Highway 52; thence North on said West line 200.00 feet; thence Southeasterly parallel with the centerline of said U.S. Highway 52, a distance of 110.00 feet; thence South parallel with said west line of quarter section; thence Northwesterly on said Highway centerline 110.00 feet to the point of beginning.

Except the following: beginning at the aforesaid point of beginning; thence North 00 degrees 20 minutes 27 seconds West 200.00 feet; thence South 71 degrees 31 minutes 00 seconds East 23.61 feet to the eastern boundary of Meridian Road; thence South 03 degrees 26 minutes 25 seconds East 92.47 feet along said eastern boundary of Meridian Road to point # 17 on the attached plat; thence South 11 degrees 11 minutes 31 seconds East 27.07 feet along said eastern boundary of Meridian Road to point # 13 on the attached plat; thence South 54 degrees 24 minutes 50 seconds East 68.01 feet along the northeastern boundary of the intersection of said U.S. Highway 52 and Meridian Road to point # 14; thence South 71 degrees 31 minutes 00 seconds East 17.55 feet along said eastern boundary of U.S. Highway 52 to the East line of the grantors' land, which point is # 15; thence South 00 degrees 20 minutes 27 seconds East 63.39 feet to the centerline of said U.S Highway 52; thence North 71 degrees 31 minutes 00 seconds West 110.00 feet along said centerline of U.S. Highway 52 to the point of beginning and containing 0.249 acres more or less, and containing after said exception 0.229 acres more or less.

The above description was prepared from existing INDOT Record and a route survey recorded as Instrument #0113578 in the Office of the Recorder of Hancock County.



*This description was prepared for the Indiana
Department of Transportation by Ronald L. Raney,
Indiana Registered Land Surveyor,
License Number LS 80870012
on the 27th day of March, 2009.*


Ronald L. Raney

Parcel #: 9
 Road #: State Road 52
 County: Hancock
 Section: 31
 Township: 15 North
 Range: 7 East

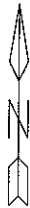
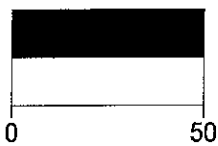
Plat of Excess Land

EXHIBIT "B"

Code: 4230

Prepared by: K. Goodpaster
 Checked by: Ron Raney

Point	Northing	Easting	Station	Offset	Line
13	69.00	146.90	445+25.00	-80.00' RT	"A"
14	29.43	202.20	445+90.00	-60.00' RT	"A"
15	23.87	218.84	446+07.55	-60.00' RT	"A"
17	98.12	141.63	51+00.00	35.00' LT	"S-1-A"

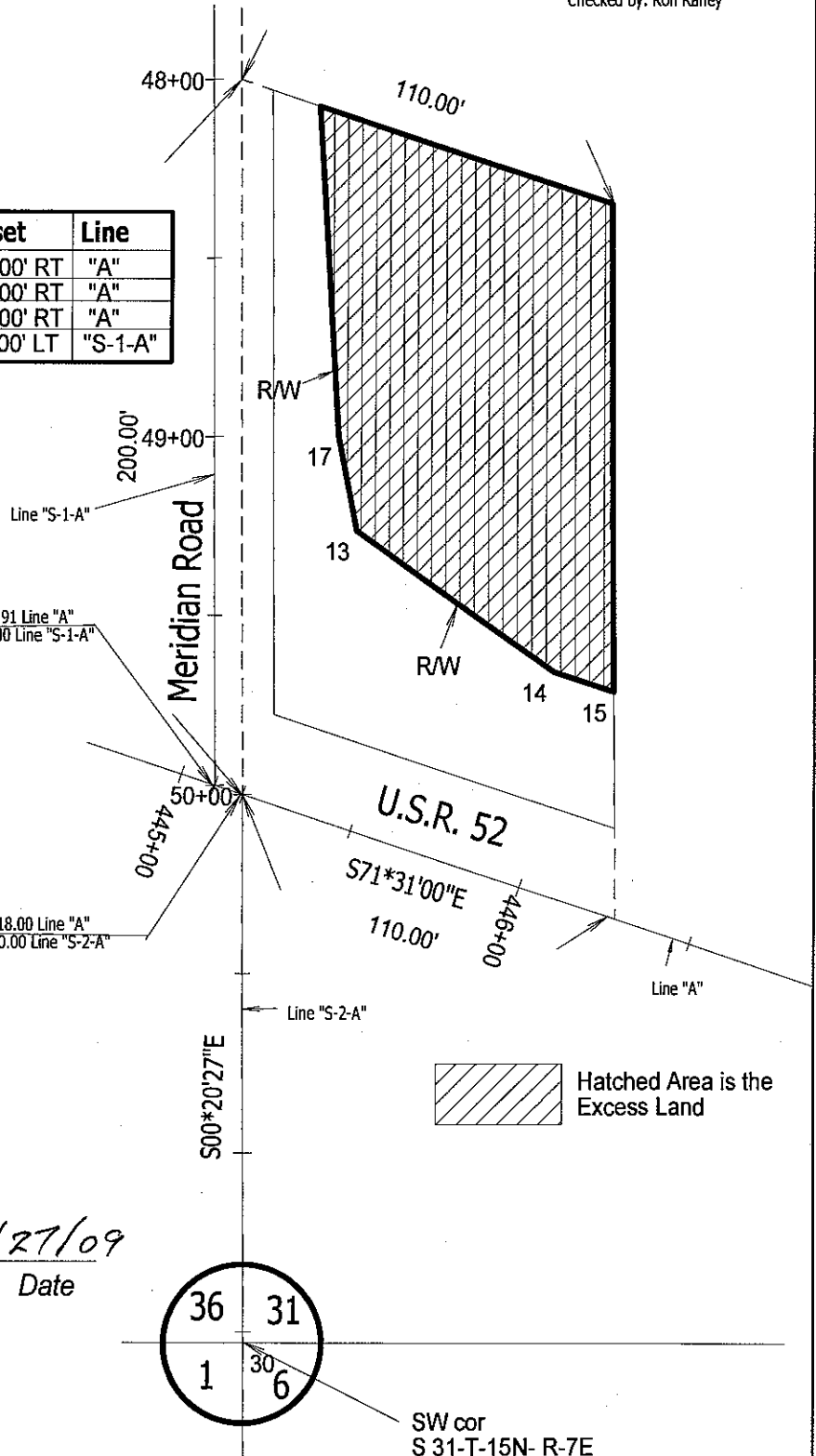


Ronald L. Raney 3/27/09
 Ronald L. Raney, LS 80870012, Date

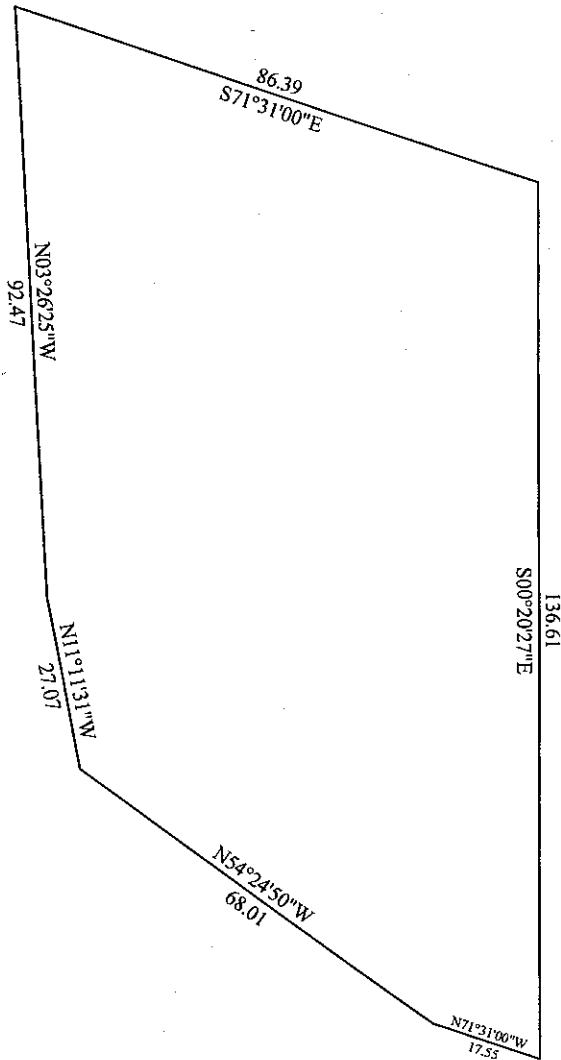
SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat, together with the Location Route Survey Plat Recorded as Instrument Number 0113578, in the Office of the Recorder of Hancock County, Indiana (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

This plat was prepared from information obtained from the Recorder's Office and other sources which were not necessarily checked by a field survey.

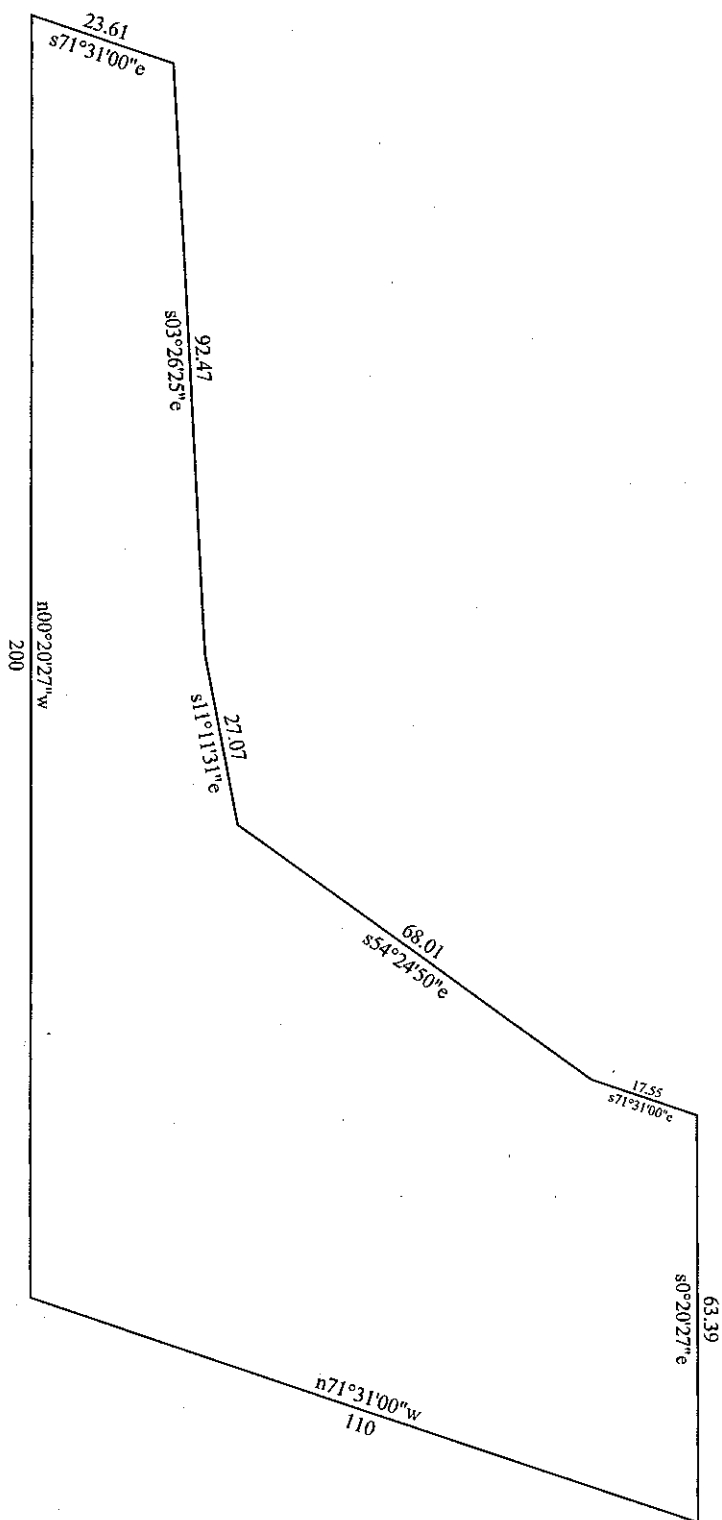


4230.9



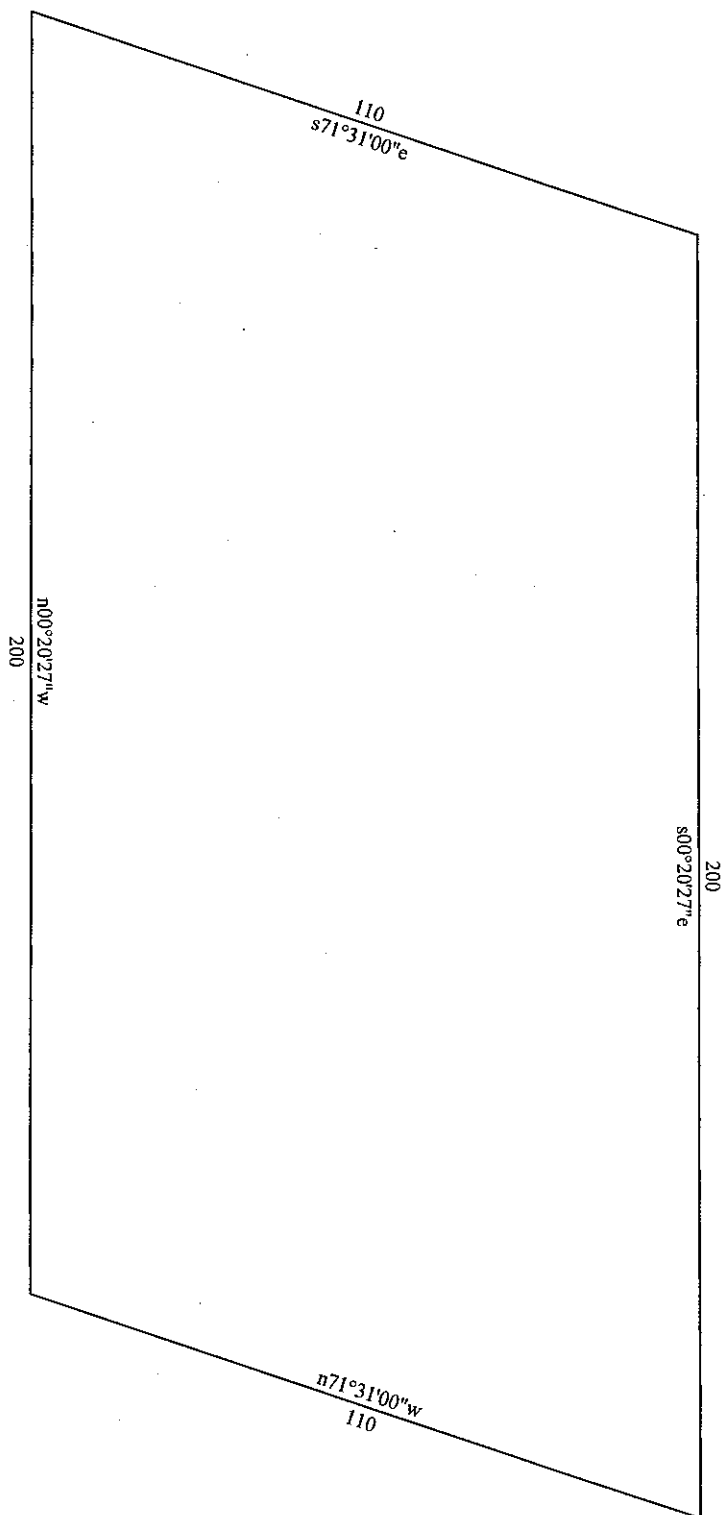
Title:		Date:
Scale: 1 inch = 30 feet	File: Untitled	
Tract 1: 0.229 Acres: 9962 Sq Feet: 925.5 Sq Meters: Closure = s70.5949e 0.01 feet: Precision =1/39982: Perimeter = 428 feet		
001=S71.3100E 86.39	004=N54.2450W 68.01	
002=S00.2027E 136.61	005=N11.1131W 27.07	
003=N71.3100W 17.55	006=N03.2625W 92.47	

4230.9

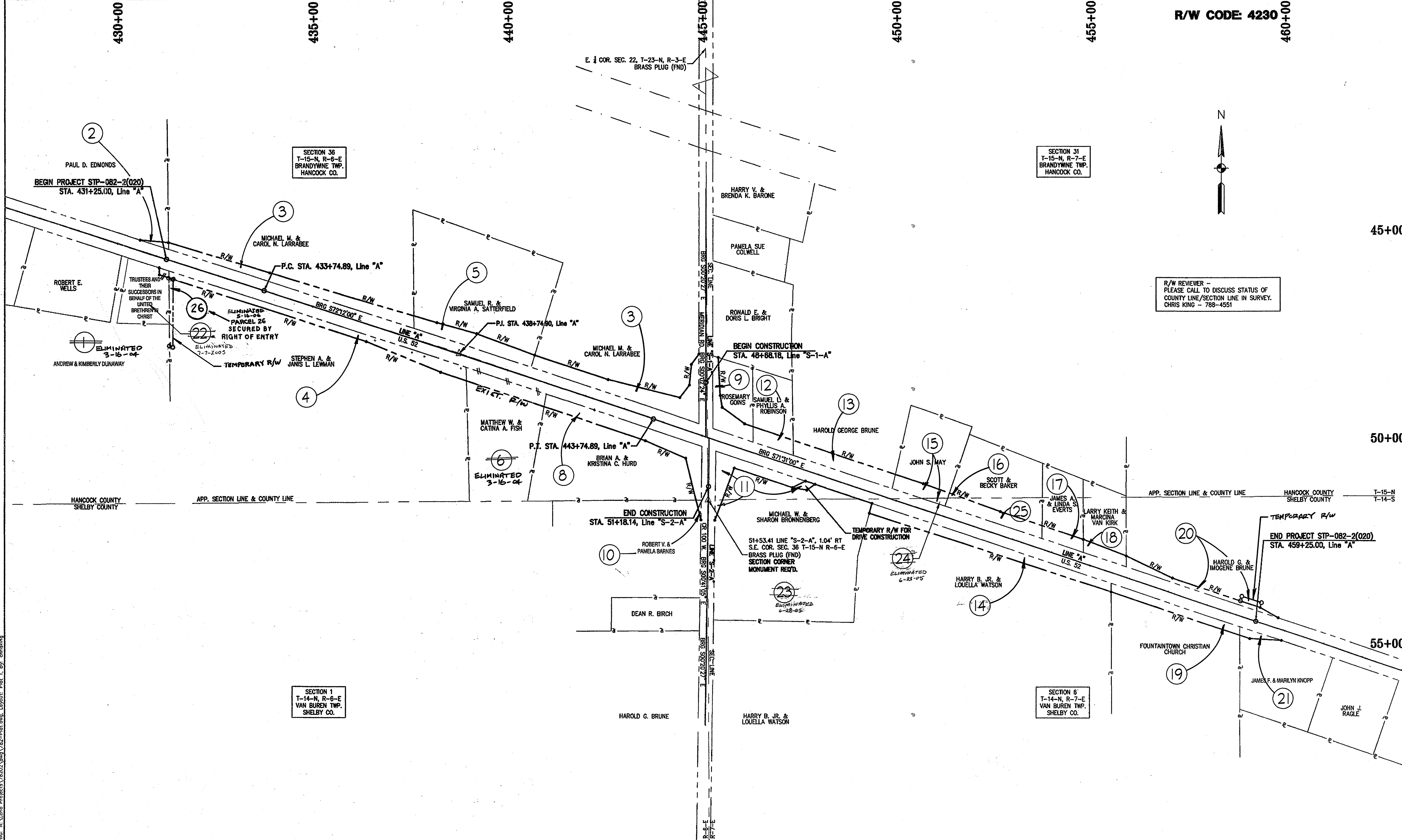


Title:		Date:
Scale: 1 inch = 30 feet	File: Untitled	
Tract 1: 0.249 Acres: 10862 Sq Feet: 1009.1 Sq Meters: Closure = n70.5949w 0.01 feet: Precision =1/56232: Perimeter = 602 feet		
001=n00.2027w 200	004=s11.1131e 27.07	007=s0.2027e 63.39
002=s71.3100e 23.61	005=s54.2450e 68.01	008=n71.3100w 110
003=s03.2625e 92.47	006=s71.3100e 17.55	

4230-9

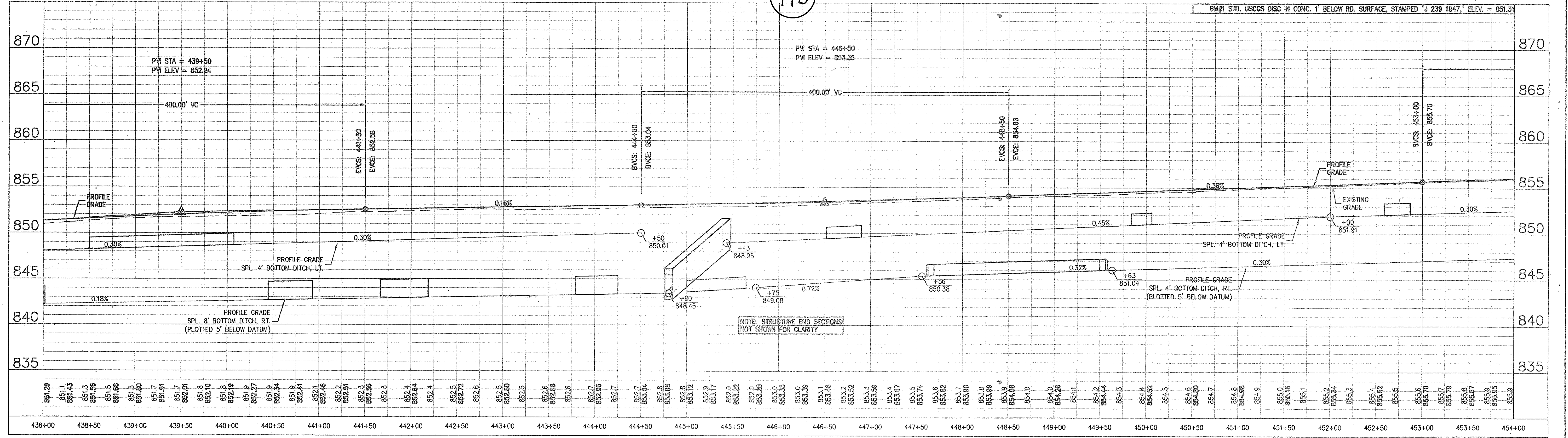
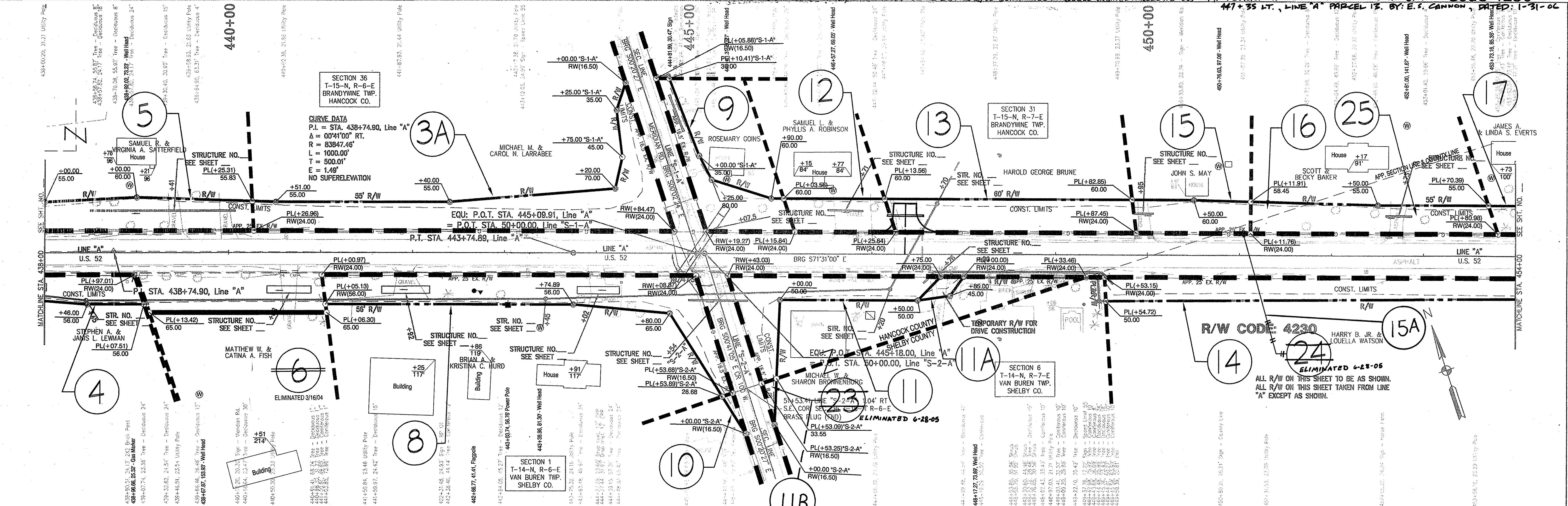


Title:		Date:
Scale: 1 inch = 30 feet	File: Untitled	
Tract 1: 0.478 Acres: 20823 Sq Feet: 1934.5 Sq Meters: No significant closure error. : Perimeter = 620 feet		
001=n00.2027w 200	003=s00.2027e 200	
002=s71.3100e 110	004=n71.3100w 110	



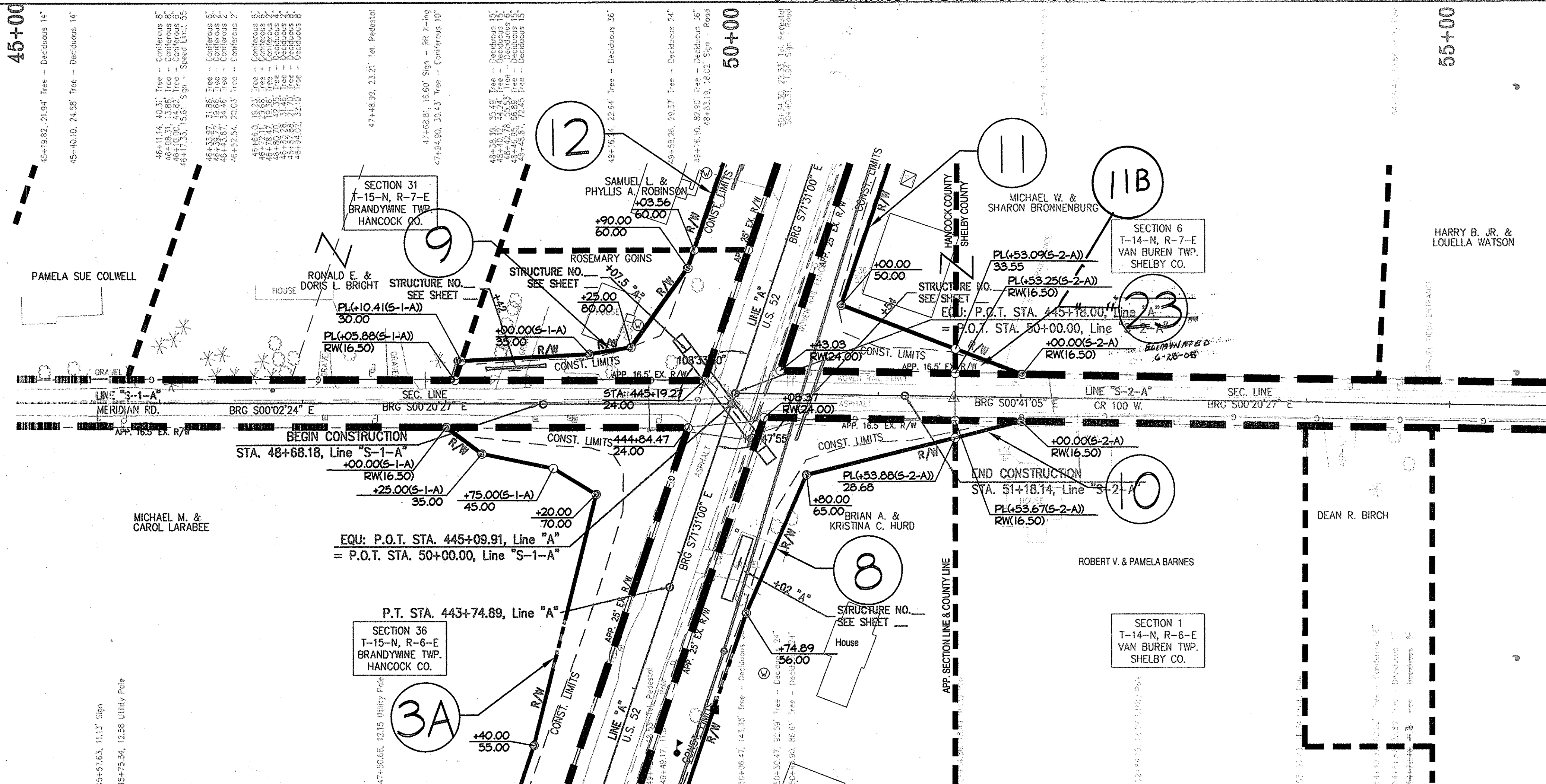
		RECOMMENDED FOR APPROVAL		INDIANA DEPARTMENT OF TRANSPORTATION		HORIZONTAL SCALE		BRIDGE FILE	
						1" = 100'			
		DESIGN ENGINEER		DATE		VERTICAL SCALE		DESIGNATION	
						1" = 100'		9800840	
		DESIGNED: PDR		DRAWN: PDR		SURVEY BOOK		SHEETS	
						16918		3 of 12	
		CHECKED: KBM		CHECKED: KBM		CONTRACT		PROJECT	
								STP-082-2(020)	

Plotted: 11/04/03 @ 10:10am. DWG: N:\Land Projects\7802\dwg\782-Plat.dwg. Layout: Plat 1. By: chrisling

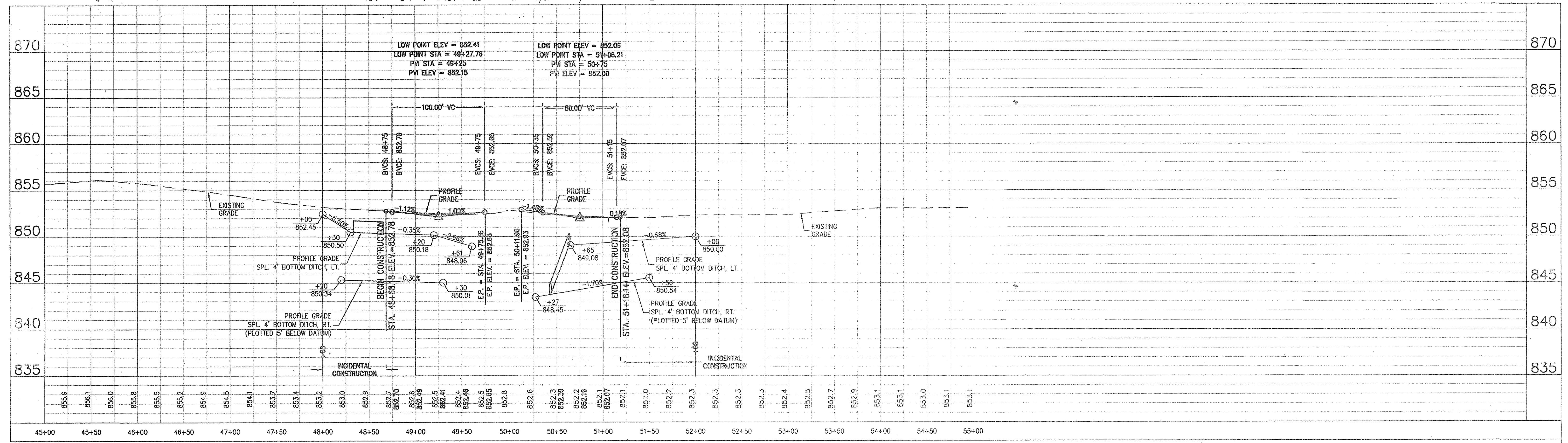


RECOMMENDED FOR APPROVAL		INDIANA DEPARTMENT OF TRANSPORTATION		HORIZONTAL SCALE 1" = 50'		BRIDGE FILE -	
DESIGN: _____ ENGINEER: _____ DATE: _____				VERTICAL SCALE 1" = 5'		DESIGNATION 9800840	
DESIGNED: KBM		DRAWN: PDR		SURVEY BOOK 16918		SHEETS 6 of 12	
CHECKED: JAB		CHECKED: KBM		CONTRACT		PROJECT STP-082-2(020)	
PLAN & PROFILE STA. 438+00 TO STA.454+00, LINE "A"							

R/W CODE: 4230



ALL R/W ON THIS SHEET TO BE AS SHOWN.
ALL R/W ON THIS SHEET TAKEN FROM LINE
"A" EXCEPT AS SHOWN.

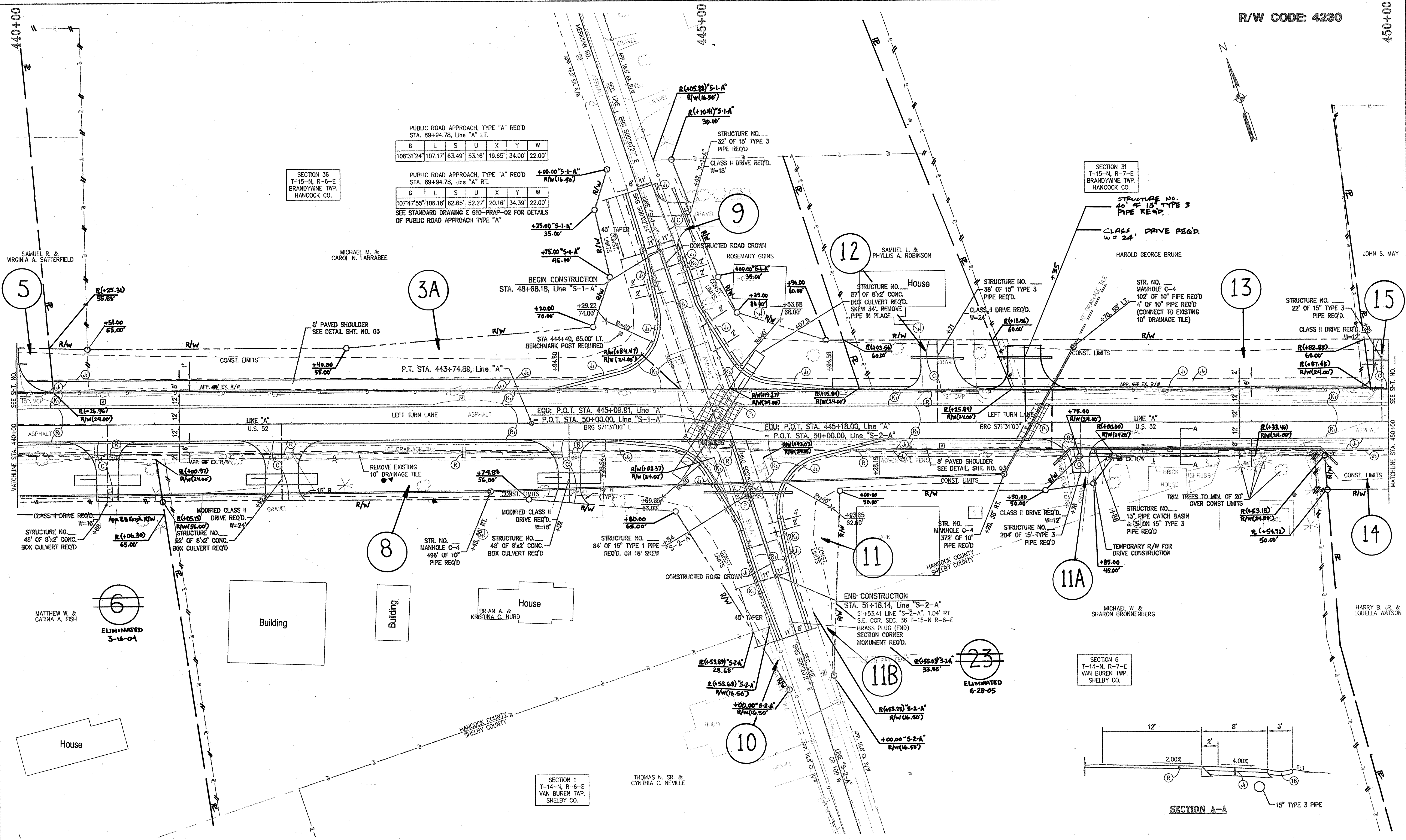


RECOMMENDED FOR APPROVAL	
DESIGN ENGINEER	DATE
DESIGNED: KBM	DRAWN: PDR
CHECKED: JAB	CHECKED: KBM

INDIANA DEPARTMENT OF TRANSPORTATION	
PLAN & PROFILE LINE "S-1-A" & LINE "S-2-A"	

HORIZONTAL SCALE 1" = 50'	BRIDGE FILE -
VERTICAL SCALE 1" = 5'	DESIGNATION 9800840
SURVEY BOOK 16918	SHEETS 8 of 12
CONTRACT	PROJECT STP-082-2(020)

R/W CODE: 4230



LEGEND

PRELIMINARY PAVEMENT SECTIONS

- (K) 165 #/SYD. QC/QA-HMA, 76, SURFACE, 9.5mm, ON
- (K) 275 #/SYD. QC/QA-HMA, 76, INTERMEDIATE, 19.0mm, OVER
- (K) 1210 #/SYD. QC/QA-HMA, 76, BASE, 25.0mm
- (R) 165 #/SYD. QC/QA-HMA, 76, SURFACE, 9.5mm, ON
- (R) 275 #/SYD. QC/QA-HMA, 76, INTERMEDIATE, 19.0mm, OVER
- (R) MILL TO A MINIMUM OF 4" BELOW FINISHED GRADE AS REQ'D

- (K) 165 #/SYD. QC/QA-HMA, 76, SURFACE, 9.5mm, ON
- (K) 275 #/SYD. QC/QA-HMA, 76, INTERMEDIATE, 19.0mm, OVER
- (K) 880 #/SYD. QC/QA-HMA, 76, BASE, 25.0mm
- (J) 165 #/SYD. HMA, TYPE B, SURFACE, ON
- (J) 495 #/SYD. HMA, TYPE B, BASE, OVER
- (J) 6" COMPACTED AGGREGATE BASE, #53
- (J) 12" COMPACTED AGGREGATE BASE, #53
- (C) 440 #/SYD. HMA, TYPE A, FOR APPROACHES, OVER
- (C) 4" COMPACTED AGGREGATE BASE, #53

- (R) REMOVE ITEM INDICATED
- (P) HMA FOR PATCHING
- (B) 3" CONCRETE GUTTER

RECOMMENDED FOR APPROVAL		DESIGN ENGINEER	DATE
DESIGNED: KBM	DRAWN: PDR		
CHECKED: JAB	CHECKED: KBM		

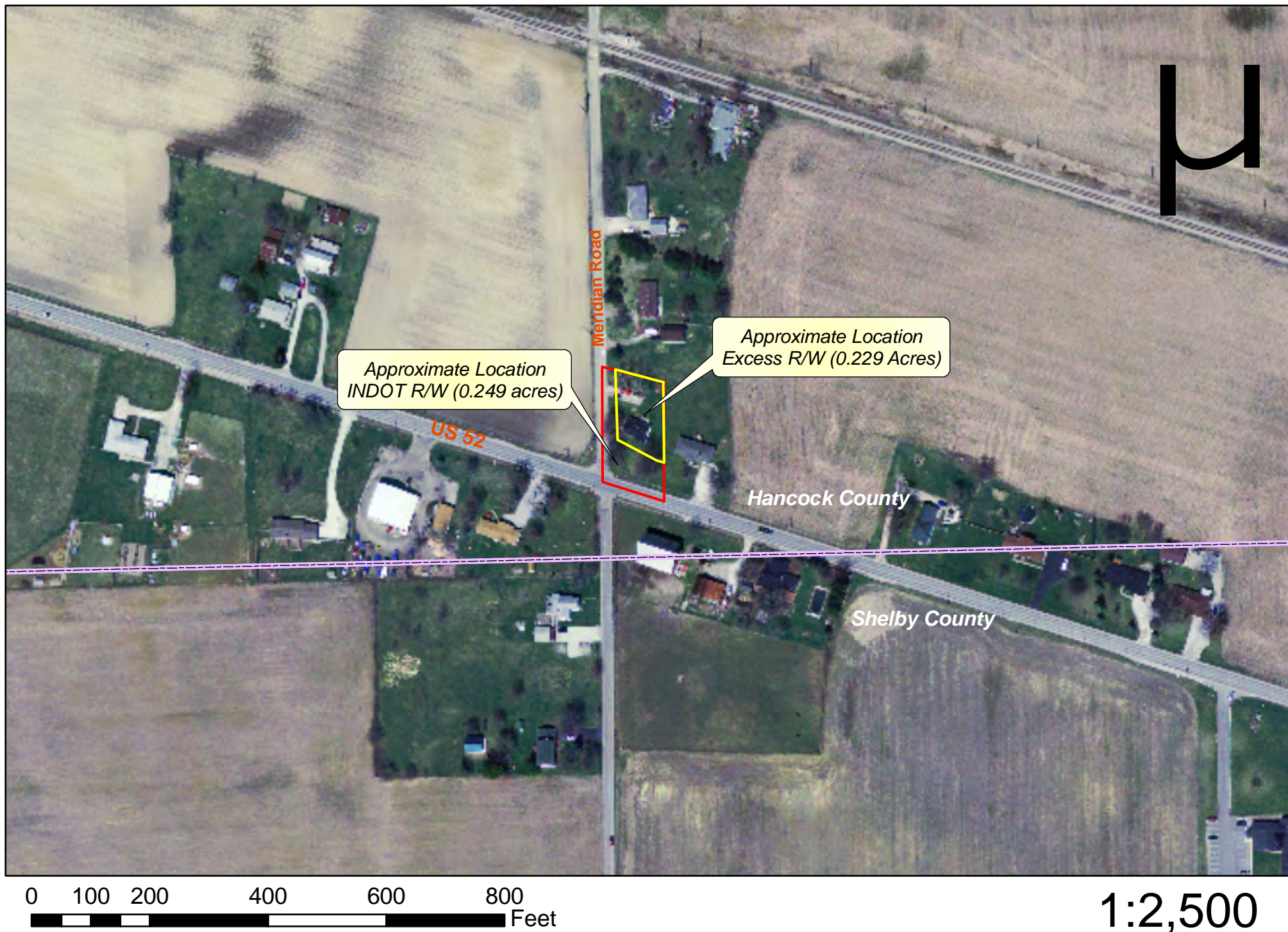
**INDIANA
DEPARTMENT OF TRANSPORTATION**

DETAILS

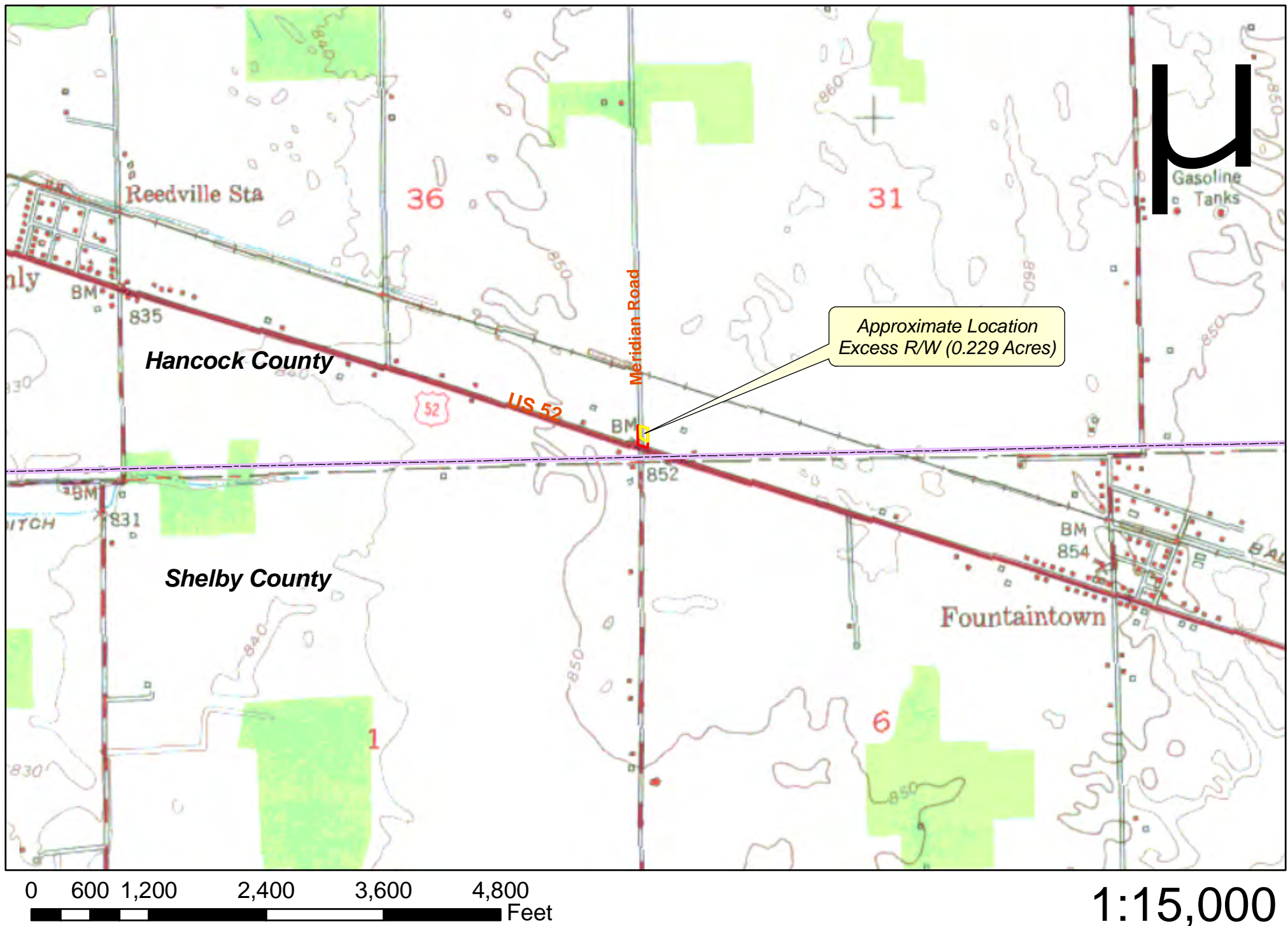
STA. 440+00 TO STA.540+00, LINE "A"

HORIZONTAL SCALE 1" = 30'	BRIDGE FILE
VERTICAL SCALE 1" = 30'	DESIGNATION 9800840
SURVEY BOOK 16918	SHEETS 10 of 12
CONTRACT	PROJECT STP-082-2(020)

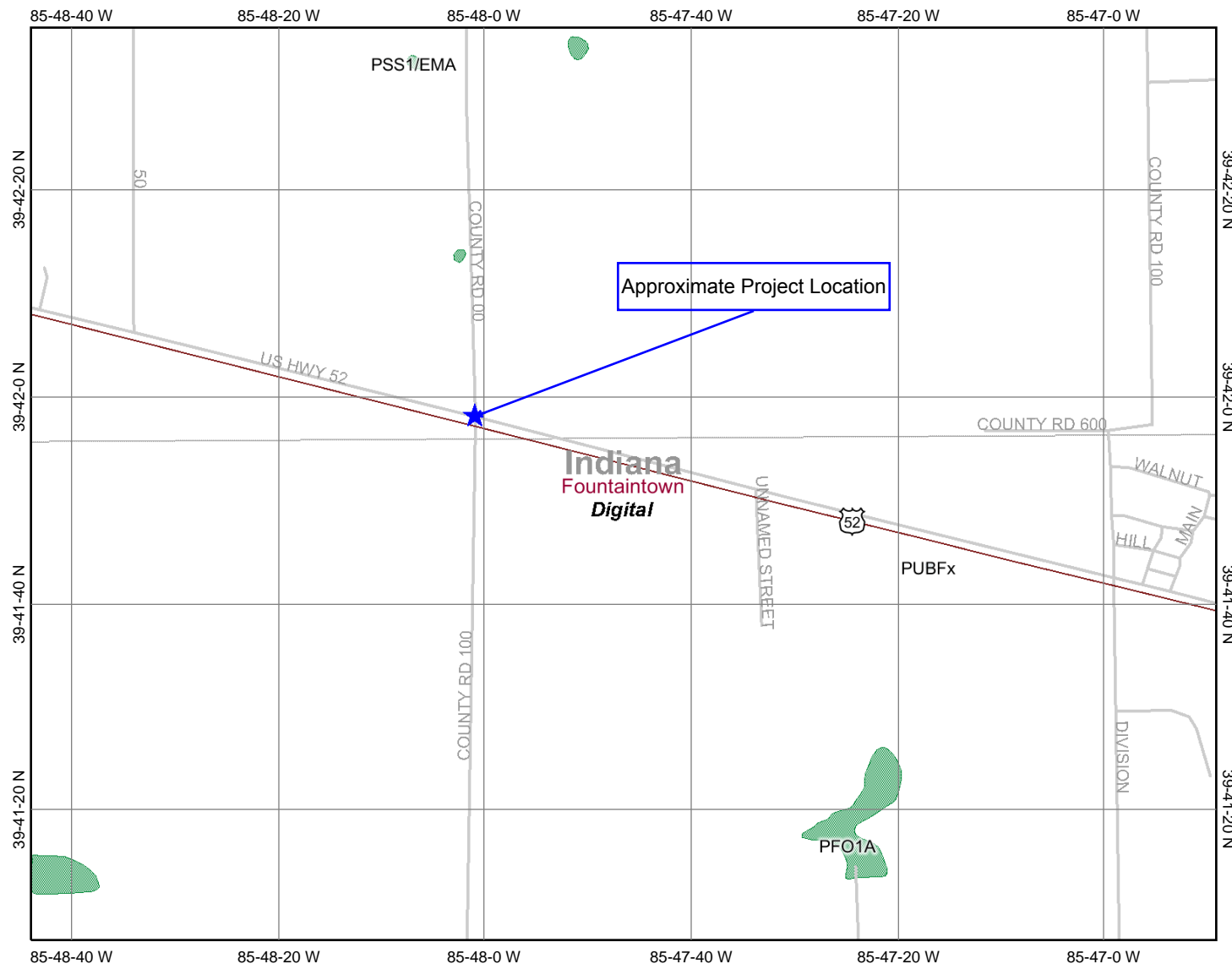
Aerial Location of Des 9800840 - Disposal of Excess R/W



Topographic Map Location of Des 9800840 - Excess R/W



National Wetland Inventory Map - Des 9800840



Legend

Ohio_wet_scan

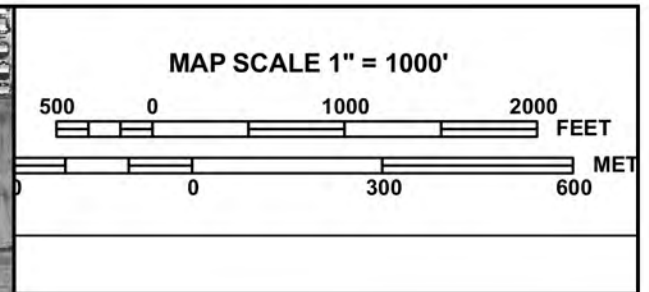
- 0
- 1
- Out of range
- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Streams
- Counties 100K
- States 100K
- South America
- North America



Scale: 1:19,104

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 39° 41' 52" N, 85° 47' 47" W



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0235D

FIRM

FLOOD INSURANCE RATE MAP

HANKOCK COUNTY,
INDIANA
AND INCORPORATED AREAS

PANEL 235 OF 259

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
HANKOCK COUNTY	180419	0235	D

Des 9800840
R/W Code:4230

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
18059C0235D
EFFECTIVE DATE
DECEMBER 4, 2007

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Appendix B

Site Photographs

Site Photographs
Disposal of INDOT excess R/W 0.229 ac
Code: 4230 Parcel: 9



Facing south from the north side of the parcel.



Facing northwest from the southeast corner of the parcel.



Facing southwest from the northeast corner of the parcel.



Facing south from the west side of the parcel.

Appendix C

Hazardous Materials

HAZARDOUS MATERIALS SITE VISIT FORM

Des # Code 4230 Parcel 9 Project # STP-082-2 (020)
Road # US 52 Type of Road Project Sale of Excess INDOT R/W
Description of area (either general location or exact location of parcel) Parcel # 9(0.229 acres of excess R/W) located at the intersection of US 52 and Meridian Road, 1.53 miles west of SR 9 in Hancock County
Person completing this Field Check Aaron C. Lawson

1. **Has a Red Flag Investigation been completed?** ☒ Yes ☐ No

Notes:

2. **Right-of-Way Requirements:**

☒ No New ROW ☐ Strip ROW ☐ Minor Take ☐ Whole Parcel Take ☐ Information Not Available

Notes:

3. **Land Use History and Development:** (Industrial, Light Industry, Commercial, Agricultural, Residential, Other – also, indicate source of data: visual inspection, aerial photos, U.S.G.S. topo maps, etc.)

Setting (rural or urban): *Rural (visual inspection, aerial GIS photos, USGS topo maps)*

Current Land Uses: *Vacant land / INDOT excess R/W*

Previous Land Uses: *Residential property*

Adjacent Land Uses: *Agricultural and residential properties*

Describe any structures on the property:

4. Visual Inspection:	Property	Adjoining Property	Property	Adjoining Property
Storage Structures:			Evidence of Contamination:	
Underground Tanks	<u>NO</u>	<u>NO</u>	Junkyard	<u>NO</u>
Surface Tanks	<u>NO</u>	<u>NO</u>	Auto Graveyard	<u>NO</u>
Transformers	<u>NO</u>	<u>NO</u>	Surface Staining	<u>NO</u>
Sumps	<u>NO</u>	<u>NO</u>	Oil Sheen	<u>NO</u>
Ponds/Lagoons	<u>NO</u>	<u>NO</u>	Odors	<u>NO</u>
Drums	<u>NO</u>	<u>NO</u>	Vegetation Damage	<u>NO</u>
Basins	<u>NO</u>	<u>NO</u>	Dumps	<u>NO</u>
Landfills	<u>NO</u>	<u>NO</u>	Fill Dirt Evidence	<u>NO</u>
Other	<u>NO</u>	<u>NO</u>	Vent pipes or fill pipes	<u>NO</u>
			Other	<u>NO</u>

5. **Is a Phase I, Initial Site Assessment required?** ☒ Yes ☐ No

This project involves the sale of excess R/W and will require a Phase I Investigation per Ken McMullen of the INDOT OES.



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

Mitchell E. Daniels, Jr., Governor
Michael W. Reed, Commissioner

Date: April 9th, 2009

To: Aaron Lawson
INDOT – Greenfield District
32 S. Broadway Street
Greenfield, IN
alawson@indot.IN.gov

From: Kenneth McMullen, CHMM
Hazardous Materials Unit Supervisor
Office of Environmental Services
Indiana Department of Transportation
100 N Senate Avenue, Room N642
Indianapolis, IN 46204

Re: Project: STP-082-2 (020)
Code: 4230
Parcel #: 9
0.229 acres of INDOT excess R/W to be sold (Des 9800840)
US 52 and Meridian Intersection (northeast quadrant), 1.53 miles west of SR 9
Hancock County, Indiana

Narrative:

This project involves the disposal of 0.229 acres of INDOT excess R/W resulting from the project completion of Des 9800840 located at the intersection of US 52 and Meridian Road in southern Hancock County.

SUMMARY

Infrastructure			
Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Other road projects	Des 9800840	Airports	
Cemeteries		Hospitals	
Railroads		Recreational Facilities	
Religious Facility		Schools	
Trails		Pipelines	X

Explanation:

The intersection improvement project with added turn lanes under Des 9800840 has been completed and the house that once stood on the property has been demolished and will not impact the excess R/W transaction. Although within the half-mile radius investigation area, the pipelines are located outside the vicinity of the 0.229 acres of excess R/W and should not be of concern during this transaction.

Supervisory concurrence: _____ KBM _____ (Initial)

Water Resources Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Canal Routes – Historic		Canal Structures – Historic	
Wetland Line		Floodplain-DFIRM	X
Rivers and Lakes		Wetlands	X
Wetland Points		Lakes – Impaired*	
Streams – Impaired*		Cave Entrance Density	
Sinkhole Areas		Karst Springs	
		Sinking-Stream Basins	

* Reason for impairment, if applicable:

Explanation:

Although within the half-mile radius investigation area, the wetland and floodplain (according to the Flood Insurance Rate Map provided by FEMA) are located outside the vicinity of the 0.229 acres of excess R/W and should not be of concern during this transaction. No additional waterway permitting should be necessary for this transaction.

Supervisory concurrence: _____ KBM _____ (Initial)

Mining/Mineral Exploration Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Oil Wells		Gas Wells	
Mines – Surface		Mines – Underground	
Petroleum Fields	X		

Explanation:

Although within the half-mile radius investigation area, the petroleum field is located outside the vicinity of the 0.229 acres of excess R/W and should not be of concern during this transaction.

Supervisory concurrence: _____ KBM _____ (Initial)

Ecological Information

From the county listing of the Indiana Natural Heritage Data Center, information on endangered, threatened, or rare (ETR) species and high quality natural communities:

One terrestrial species (vertebrate) from the federal list of Endangered, Threatened and Rare Species List is located within Hancock County, but is not indicated to be within the half-mile radius of the excess R/W. Due to the scope of this project, no potential for contact with endangered, threatened or rare species is anticipated.

Cultural Resources

It was determined by the INDOT Cultural Resources Department that the APE boundary for the previous intersection improvement project under Des 9800840 incorporated the house on this parcel which was not found to be eligible for the National Register of Historic Places. Therefore the house was demolished due to R/W requirements. Shaun Miller of the INDOT Cultural Resources Department concluded that INDOT's "finding of no historic properties affected" concurred by the SHPO via letter dated 7-25-03 is still valid and no further Section 106 consultation is necessary.

Supervisory concurrence: KBM (Initial)

Hazmat Concerns			
Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Confined Feeding Operation		Construction Demolition Waste	
Industrial Waste Sites		Leaking UG Storage Tanks	
Open Dump Waste Sites		NPDES Pipe Locations	
NPDES Facilities		Corrective Active Sites	
Restricted Waste Sites		Septage Waste Sites	
Solid Waste Landfills		Superfund Sites	
Tire Waste Sites		Underground Storage Tanks	
Voluntary Remediation Program		Brownfields	
Waste Transfer Stations		Waste Treatment Storage Disposal	
Manufactured Gas Plant		State Cleanup Site	
Etiological Waste Site		Lagoon	
IDEM 303d Listed Streams*		303d Listed Rivers*	
303d Listed Lakes*			

* Reason for impairment, if applicable:

Explanation:

No Hazardous Material Concern sites were observed within the half-mile radius of the excess R/W location.

Supervisory concurrence: KBM (Initial)

Recommendations

Due to the scope of this project, no potential for contact with any associated hazard listed within this report is anticipated. However, a Phase I Investigation will be completed since the excess R/W is to be sold.

Supervisory concurrence: _____KBM_____ (Initial)

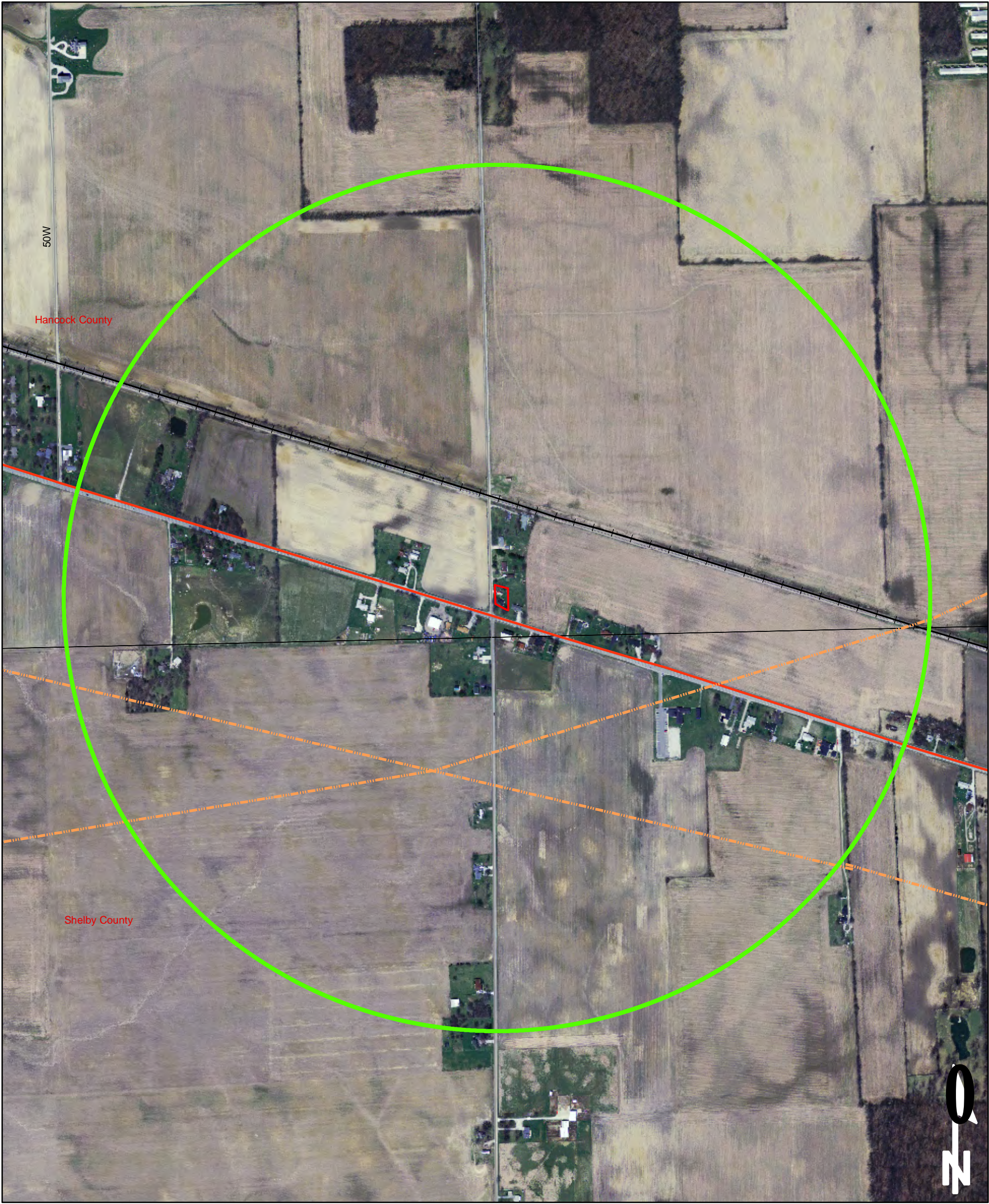


Aaron C. Lawson
Environmental Scientist
INDOT – Greenfield District

Graphics:

A map for each report section with a ½ mile radius buffer around all project area(s) showing all items identified as possible items of concern is attached.





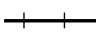





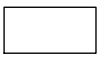





Red Flag Investigation - Infrastructure
Disposal of Excess R/W
Code: 4230 Parcel: 9 (Des 9800840)
Hancock County, Indiana



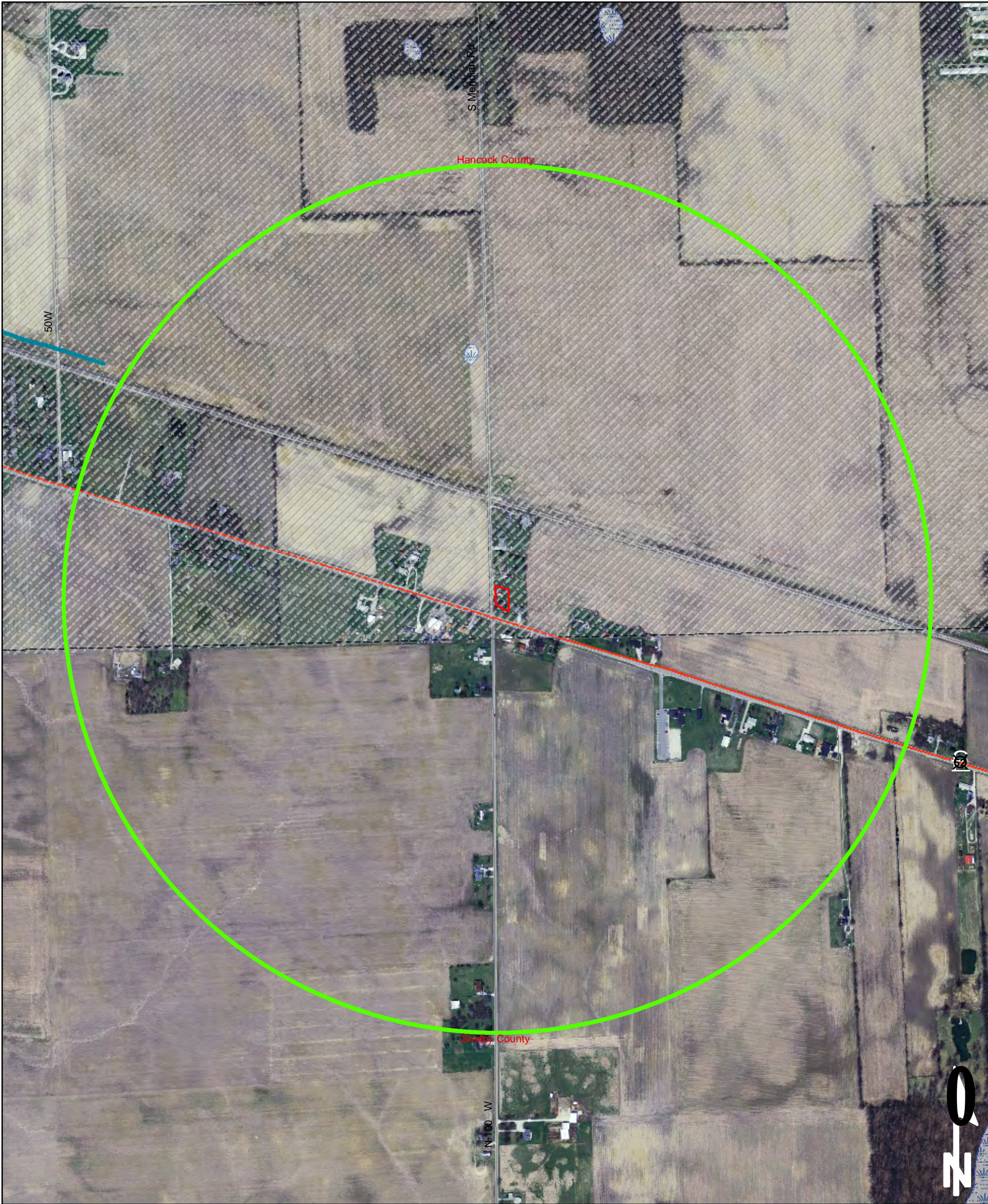
0.09 0.045 0 0.09 Miles

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

	Religious Facility		Pipeline		Half Mile Radius
	Airport		Railroad		Interstate
	Cemetaries		Trails		State Route
	Hospital		County Boundary		US Route
	School		Project Area		Local Road
	Recreation Facility				

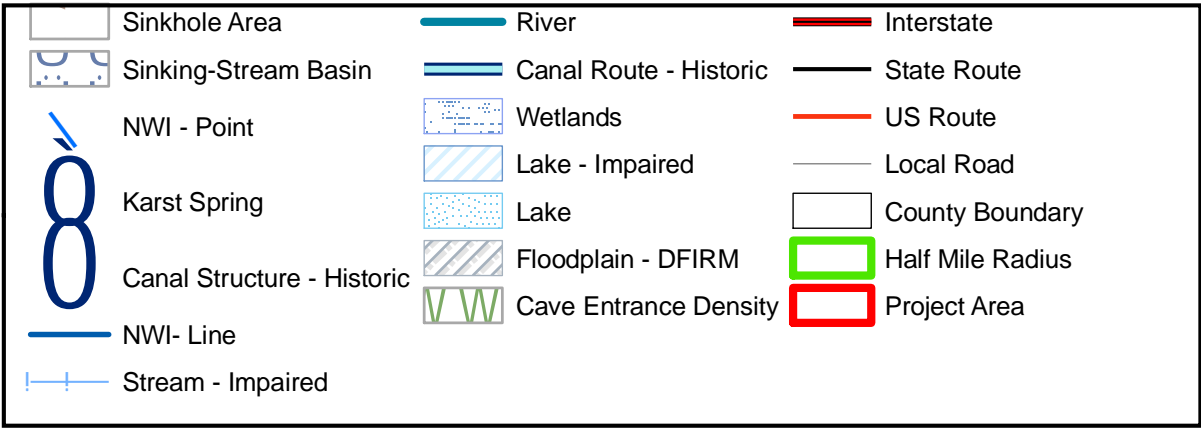
Red Flag Investigation - Water Resources
Disposal of Excess R/W
Code: 4230 Parcel: 9 (Des 9800840)
Hancock County, Indiana



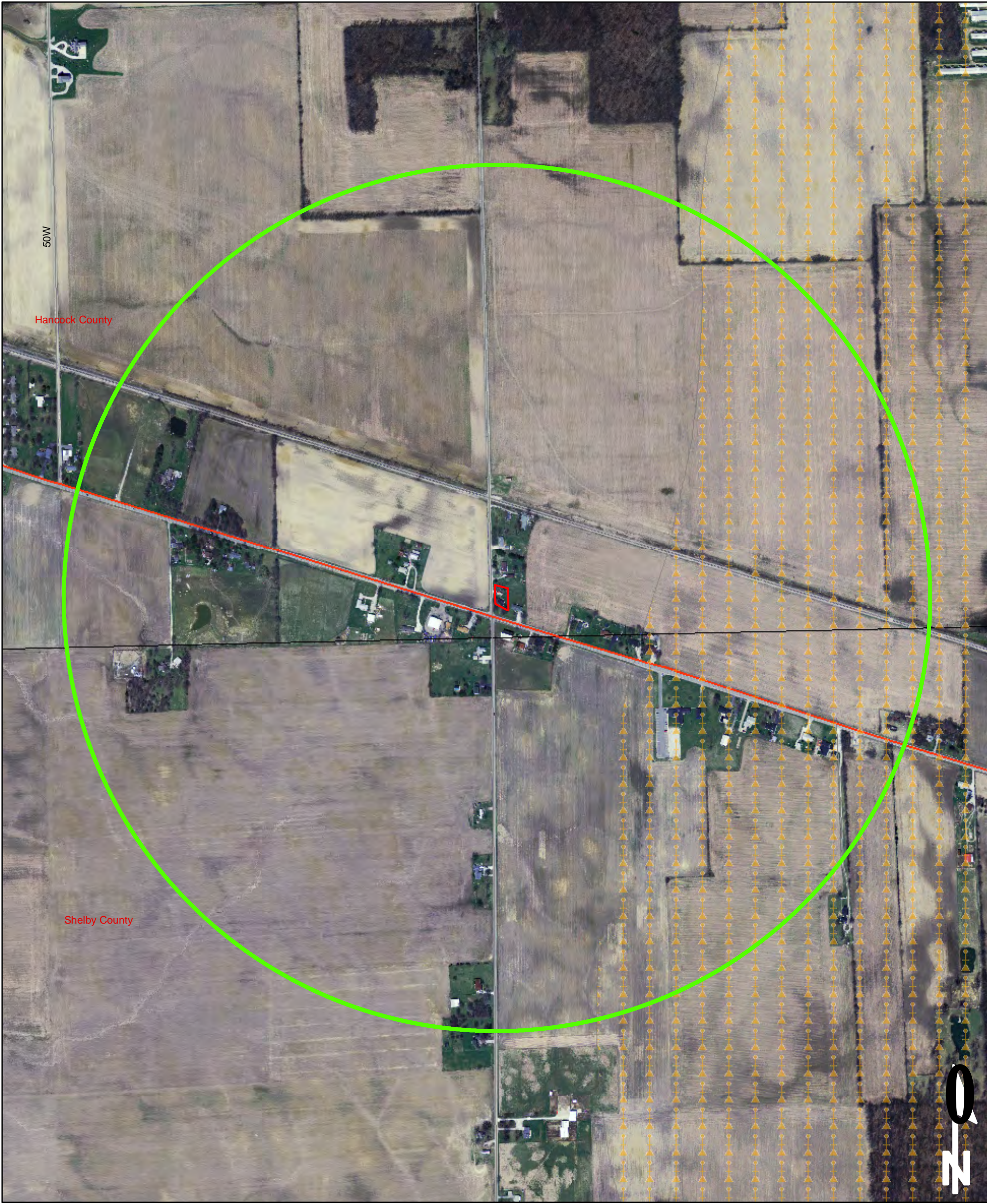
0.1 0.05 0 0.1 Miles

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Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83



Red Flag Investigation - Mining/Mineral Exploration
Disposal of Excess R/W
Code: 4230 Parcel: 9 (Des 9800840)
Hancock County, Indiana



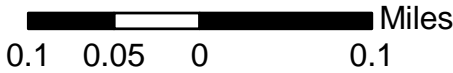
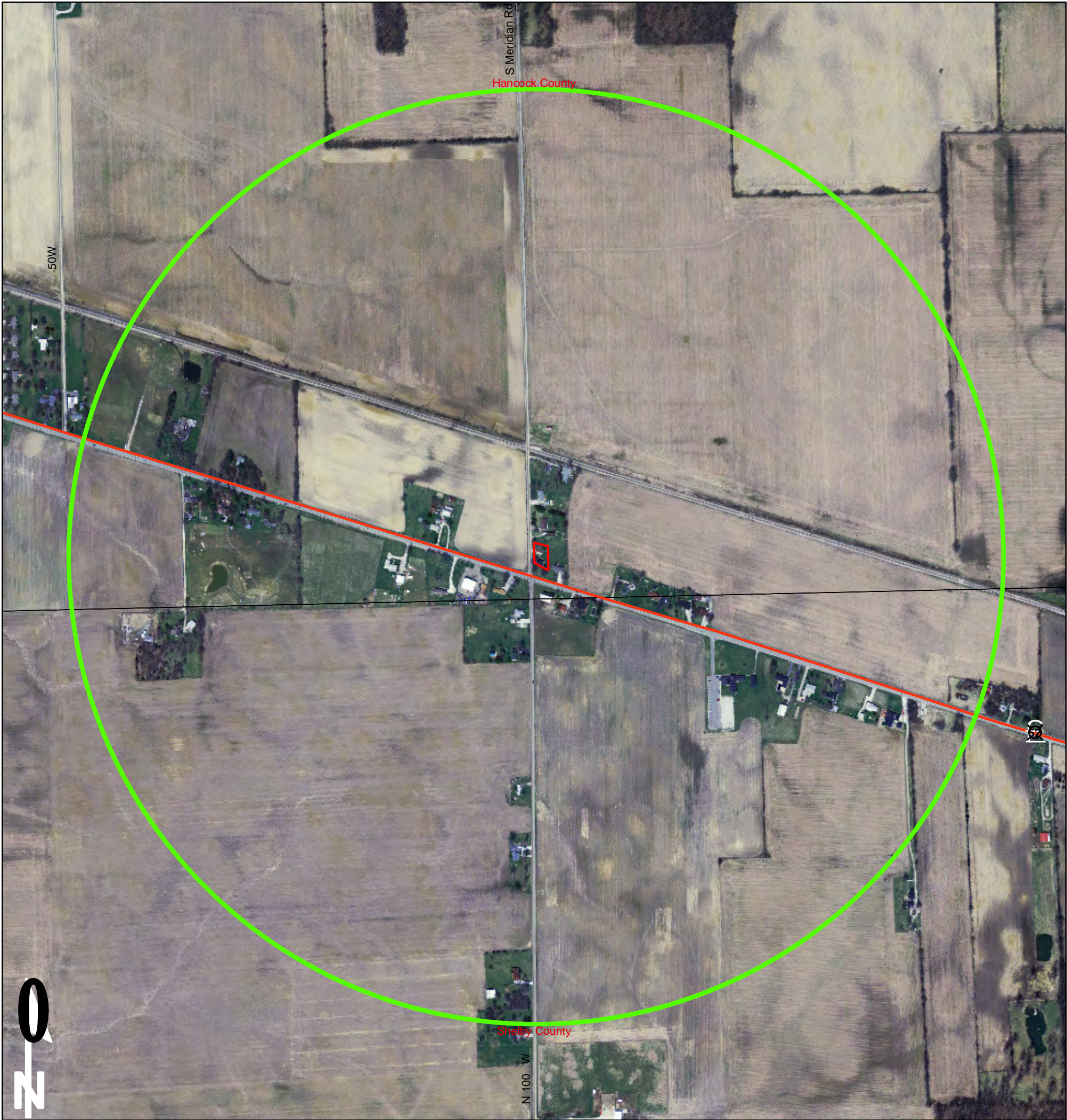
0.09 0.045 0 0.09 Miles

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Sources:
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Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

	Gas Well		Interstate
	Oil Well		State Route
	Mine - Surface		US Route
	Mine - Underground		Local Road
	Petroleum Field		Half Mile Radius
	County Boundary		Project Area

Red Flag Investigation - HazMat Concerns
Disposal of Excess R/W
Code: 4230 Parcel: 9 (Des 9800840)
Hancock County, Indiana



This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

Sources:
Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83

	Brownfield		Open Dump Waste Site		Superfund
	Corrective Action Sites		Restricted Waste Site		303d Listed Rivers
	Confined Feeding Operation		Septage Waste Site		303d Listed Lakes
	Construction/Demolition Site		Solid Waste Landfill		Interstate
	Leaking Underground Storage Tank		State Cleanup Site		State Route
	Etiological Waste Site		Tire Waste Site		US Route
	Lagoon		Waste Transfer Station		Local Road
	Manufactured Gas Plant		Waste Treatment Storage Disposal		County Boundary
	NPDES Facilites		Underground Storage Tank		Half Mile Radius
	NPDES Pipe Locations		Voluntary Remediation Program		Project Area

PHASE I
ENVIRONMENTAL SITE ASSESSMENT

Excess Parcel 0.229 acres at Intersection SR 52 & Meridian Road
On SR 52 1.53 Miles West of SR 9
Fountaintown, IN.

Prepared for

Greenfield District

Prepared by

The Office of Environmental Services
100 North Senate Ave Rm N642
Indianapolis, IN
46204-2216

8/21/09

100 North Senate Ave Rm N642
Indianapolis, IN
46204-2216

8/21/09

Greenfield District
32 Broadway
Greenfield, IN 46140

Attention: Greenfield District

Re: Phase I Environmental Site Assessment Report

A 0.229 acre excess parcel for disposal located at the north east corner of the intersection of SR 52 and Meridian Road, 1.53 miles west of the SR 52 and SR 9 intersection. This parcel remains after an INDOT intersection improvement project.

The Office of Environmental Services is pleased to submit our report describing the findings of the Phase I Environmental Site Assessment (ESA) of the 0.229 acre parcel on the northeast corner of the intersection of SR 52 and Meridian. This parcel formerly was the site of a residence. The residence has been demolished, and no structures remain on the property. This assessment was prepared in general accordance with the American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05).

The purpose of the Phase I ESA was to identify, to the extent feasible, recognized environmental concerns in connection with the property. This assessment included a site reconnaissance as well as records research and interviews.

If you have any questions or require further clarification of the report findings, please contact the undersigned at your convenience.

Yours very truly,

The Office of Environmental Services

Kenneth Gill, LPG
Environmental Scientist

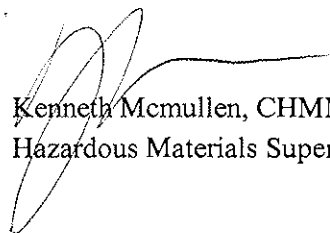

Kenneth McMullen, CHMM 14768
Hazardous Materials Supervisor

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SUMMARY

A Phase I Environmental Site Assessment (ESA) of an excess parcel located on the northeast corner of SR 52 and Meridian. This was a former residential parcel. INDOT acquired the parcel for an intersection improvement and demolished the residence prior to the road project. The remainder of the parcel consists of 0.29 acres, and is subsequently referred to in this report as "the property" or "the parcel". The Phase I Environmental Assessment was conducted by this office. This assessment was prepared in general accordance with the American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05).

The purpose of the Phase I ESA was to identify, to the extent feasible, recognized environmental conditions in connection with the property. This assessment included a site reconnaissance as well as records research and interviews with representatives of the public, property management, and regulatory agencies.

The subject property consists of a now vacant lot, with a residence and metal shop building adjacent to and north of the parcel. East of the parcel is an occupied single family residence. South of the parcel is SR 52. West of the parcel is Meridian Road. The current property use is vacant, waiting disposal as excess INDOT property. The parcel is flat, with a mowed grass cover. A limestone lane is present on the west side of the parcel.

The following buildings and structures are located on the subject property:

There are no longer any buildings or parcels on the property. It is reported that there is an underground pipeline on the parcel, but there is no visible indication of the pipeline.

The results of this assessment have revealed the following suspected current recognized environmental conditions associated with the property:

None

The results of this assessment have revealed the following historical suspected Recognized Environmental Concerns associated with the property:

None

The results of this assessment have revealed no de minimis conditions associated with the property.

No current recognized environmental conditions were identified in the Findings section of this report and thus in our professional opinion no impact is anticipated.

In our professional opinion it is recommended that there no additional environmental investigations be conducted at or near this parcel.

There were no data gaps that significantly affected our ability to identify recognized environmental conditions associated with the property.

This Phase I ESA complies with the ASTM Standard 1527-05.

Two interviews were conducted related to this property by the Indiana Department of Transportation. See Section 7.0 Interviews Section of this report.

2.0 INTRODUCTION

The INDOT Greenfield District engaged The Office of Environmental Services to conduct a Phase I Environmental Site Assessment (ESA) of the 0.229 acre excess property. The property formerly was the site of a residence. The parcel was acquired by INDOT as part of an intersection improvement. Part of the property was used for the intersection project. The remainder of the property is not needed by INDOT and has been declared excess property to be disposed of. The property is located on the northeast corner of the intersection of SR 56 and Meridian Road, in Hancock County. The parcel is located 1.53 miles west of SR 9. This assessment was prepared in general accordance with the American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05).

2.1 Purpose

The purpose of the Phase I ESA was to identify, to the extent feasible, recognized environmental concerns in connection with the property. This assessment included a site reconnaissance as well as research and interviews with representatives of the public, property management, and regulatory agencies.

2.2 Scope of Services

The scope of work for this assessment was in general accordance with the American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05). These methodologies are described as representing good commercial and customary practice for conducting an ESA of a property for the purpose of identifying recognized environmental conditions.

2.3 Significant Assumptions

While this report provides an overview of potential environmental concerns, both past and present, the environmental assessment is limited by the availability of information at the time of the assessment. It is possible that unreported disposal of waste or illegal activities impairing the environmental status of the property may have occurred which could not be identified. The conclusions and recommendations regarding environmental conditions that are presented in this report are based on a standard operating procedure. Note, however, that virtually no scope of work, no matter how exhaustive, can identify all contaminants or all conditions above and below ground.

2.4 Limitations and Exceptions

The report has been prepared in accordance with generally accepted environmental methodologies referred to in ASTM 1527-05, and contains all of the limitations inherent in these methodologies. No other warranties, expressed or implied, are made as to the professional services provided under the terms of our contract and included in this report.

Specific limitations and exceptions to the report are:

All pictures and site surveys were conducted from the right of way of the state of Indiana or other public right of ways, or from direct access to the property and neighboring properties.

The conclusions of this report are based in part, on the information provided by others. The possibility remains that unexpected environmental conditions may be encountered at the site in locations not specifically investigated. Should such an event occur, The Office of Environmental Services must be notified in order that we may determine if modifications to our conclusions are necessary.

The services performed and outlined in this report were based, in part, upon visual observations of the site and attendant structures. Our opinion cannot be extended to portions of the site that were unavailable for direct observation, reasonably beyond the control of The Office of Environmental Services.

The objective of this report was to assess environmental conditions at the site, within the context of our contract and existing environmental regulations within the applicable jurisdiction. Evaluating compliance of past or future owners with applicable local, provincial and federal government laws and regulations was not included in our contract for services.

Our observations relating to the condition of environmental media at the site are described in this report. It should be noted that compounds or materials other than those described could be present in the site environment.

2.5 Special Terms and Conditions

There were no special terms or contractual conditions for this assessment.

2.6 User Reliance

This report may be distributed and relied upon by INDOT, its successors and assigns. Reliance on the information and conclusions in this report by any other person or entity is not authorized without the written consent.

2.7 SITE DESCRIPTION

2.8 Location and Legal Description

The subject property is located on the northeast corner of the intersection of SR 52 and Meridian Road. The property is located on SR 52 between Carrollton and Fountaintown. It is 1.53 miles west of the intersection of SR 52 and SR 9. The property was acquired by INDOT in order to construct an intersection improvement. Of the original parcel, 0.228 acres remain and is to be disposed of. The parcel originally had a residential building. That building was demolished by INDOT. No legal description is available. The property is roughly rectangular in shape.

2.9 Site and Vicinity General Characteristics

The area around and near the property is rural. SR 52 is a busy east-west roadway. Approximately two hundred (200) feet to the north of the property is an active railroad, which mostly parallels SR 52. There are a small number of other houses adjacent to and near the INDOT parcel. Other than for these houses, the area is dominantly agricultural. There is one commercial operation 500 hundred (500 feet south and west of the parcel. This is the Autumn Oaks Tree Services. This facility was visited during the site reconnaissance, and information about the business is included in Section 8.0 Findings Section of this

report. The location of the INDOT parcel and the location of the Autumn Tree Service is depicted on the map in Appendix 4, Aerial Photography Detail of this report.

2.10 Current Use(s) of the Property

The current property use is: Vacant, grassy lot, formerly with a residential structure. No structures at this time.

2.11 Structures, Roads, Other Improvements on the Site

The following buildings and structures are located on the subject property:

None. An underground pipeline is reportedly beneath the site.

The following roads are located on the property:

None. SR 52 is present to the south of the property. Meridian Road is present to the west of the property.

There are no buildings on the property.

It is not known if public sanitary sewage utility is present, or whether the former house used a septic system. The property appears to be perhaps too small to have a functioning septic system

The remains of a small limestone gravel lane is present connecting the property to Meridian Road.

2.12 Current Uses of Adjoining Properties

The current adjoining property uses are:

North:	Residential, house with a new metal barn. The barn is very near the property line.
South:	SR 52. South of SR 52 are farm buildings, sheds, barn
East:	Residential
West:	Transportation (Meridian Road) West of Meridian is residential

2.13 USER PROVIDED INFORMATION

2.14 Title Records

No title company or professional was engaged by the INDOT to review recorded land title records and lien records.

2.15 Environmental Liens or Activity and Use Limitations (AULs)

INDOT is not aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law. Nor any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry.

2.16 Specialized Knowledge

INDOT does not have any specialized knowledge or experience related to the property or nearby properties.

2.17 Commonly Known or Reasonably Ascertainable Information

Indications are present indicating following past uses of the property:
Former residential lot.

INDOT does not know of any specific chemicals that are present or once were present at the property, or of any spills or other chemical releases that have taken place at the property, or of any environmental cleanups that have taken place at the property.

2.18 Valuation Reduction for Environmental Issues

The existing property will be sold; additional right of way from surrounding parcels is not likely to be purchased, since the intersection project has been completed.

2.19 Owner, Property Manager and Occupant Information

The subject property is currently owned by the State of Indiana and is currently not occupied. No Key Site Contact for the property exists.

2.20 Reason for Performing Phase I ESA

The Phase 1 ESA was prepared by The Office of Environmental Services for the following reasons:

In order to determine the likelihood of contamination being present that would affect the value of the property, or would impede the disposal of the property

2.21 Other

The following indicators point to the presence or likely presence of contamination at the property:
None.

3.0 RECORDS REVIEW

The purpose of the records review was to obtain and review records that will help identify recognized environmental concerns in connection with the property.

Some records reviewed pertain not only to the property, but also to properties within an additional approximate minimum search distance in order to help assess the likelihood of problems from migrating hazardous substances or petroleum products. Unless stated otherwise the approximate minimum search distances used below were as specified in the ASTM Standard 1527-05.

3.1 Standard Environmental Records

A search of available federal and state environmental records was obtained from various federal and state agencies to include but not limited to IDEM, EPA, IDNR, DHS, and INDOT. A copy of this search is provided in Appendix B. The environmental records were reviewed on 4/28/09 from IDEM, US Coast Guard, EPA, IDNR, USFWS, US Army Corps of Engineers, IDHS, and ISDH.

A review of the regulatory information from this database search for possible recognized environmental conditions (RECs) within the ASTM approximate minimum search distance is provided in the Federal and State sections below. A one mile search was conducted. No sites were found.

5.1.1 Federal Environmental Records

Record Source	Within Property	Adjoining Properties
National Priorities List (NPL) Facilities	None	None
Delisted NPL Facilities	None	None
CERCLIS Facilities	None	None
CERCLIS NFRAP Facilities	None	None
RCRA CORRACTS TSD Facilities	None	None
RCRA Non-CORRACTS TSD Facilities	None	None
RCRA Generators	None	None

5.1.2 State Environmental Records

Record Source	Within Property	Adjoining Properties
Hazardous Waste Sites	None	None
Equivalent NPL Facilities	None	None
Equivalent CERCLIS Facilities	None	None
Landfill/Solid Waste Disposal Sites	None	None
Leaking Underground Storage Tanks	None	None
Registered Storage Tank	None	None
Institutional/Engineering Control	None	None
Voluntary Cleanup Sites	None	None
Brownfield Sites	None	None

One Leaking Underground Storage Tank site was located just outside of the One Mile search radius.

5.2 Additional Environmental Record Sources

The following records were reviewed from the Pollution Control Agency:

IDEM's database, the Virtual File Cabinet and the IDEM ArcView GIS maps were consulted and no indication of concern was associated with this property.

5.3 Physical Setting Source(s)

A current USGS 7.5 Minute Topographic Map, for the Fountaintown 7'5" Quadrangle, was reviewed to determine the physical setting and historical information of the property.

5.4 Historical Use Information on the Property

The objective of consulting historical sources is to develop a history of the previous uses of the property in order to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the property. Historical use information describing the subject property was obtained from a variety of sources as discussed below. This information is summarized in the table below.

Period/Date	Land Use	Source(s) of Information
2005	Residential, house present	INDOT 2005 air photography
1952	Agricultural, no house on INDOT parcel	USGS Topographic Map, 1954

5.5 Historical Use Information on Adjoining Properties

The objective of consulting historical sources is to develop a history of the previous uses of the surrounding properties in order to help identify the likelihood of past uses having led to recognized environmental conditions in connection with the property. The historical uses of adjoining properties to the subject property are summarized below. These uses were determined using the standard historical sources noted above.

North Historical Land Use

Period/Date	Land Use	Source(s) of Information
Present	residential	INDOT site reconnaissance
2005	residential	INDOT air photography
1950	agricultural, no house	1950 USGS topological map

South Historical Land Use

Period/Date	Land Use	Source(s) of Information
Present	SR 52	INDOT site reconnaissance
1950	SR 52	1950 USGS topological map

East Historical Land Use

Period/Date	Land Use	Source(s) of Information
Present	residential	INDOT site reconnaissance
1950	residential	1950 USGS topological map

West Historical Land Use

Period/Date	Land Use	Source(s) of Information
Present	Meridian Road, residential west of Meridian	
1939/1970	transportation	

6.0 SITE RECONNAISSANCE

The purpose of the site reconnaissance is to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property.

6.1 Methodology and Limiting Conditions

The subject property was inspected by Kenneth Gill, INDOT Environmental Services Section on 4/22/2009. Mr. Gill was not accompanied during the inspection. The weather during the inspection was clear sunny day.

All areas of the subject property were accessible at the time of the inspection.

All areas were reviewed from state or public right of ways. The following obstructions limited the inspection of areas of the subject property:

A property fence obstructed view of possible REC on the southeast side of SR 25

During the inspection an exterior and interior walk-through of the culvert was performed. The exterior of adjoining properties were visually evaluated for any recognized environmental concerns (RECs).

6.2 General Site Setting

6.2.1 Current Use(s) of the Property

The current property use is Transportation, box culvert.

The following Recognized Environmental Concerns (RECs) may be associated with the current property use:

Three observed RECs are associated with this property. 1. Auto junkyard

6.2.2 Past Use(s) of the Property

The past use of the property was:

Transportation, the new rights of way appear to have been forested and /or agricultural/residential.

The following RECs may be associated with the past property use:

6.2.3 Current Use(s) of Adjoining Properties

The current uses of the adjoining properties are:

North:	residential/agricultural
South:	undeveloped/industrial
East:	residential/commercial/transportation
West:	transportation

The following recognized environmental concerns (RECs) were identified on the adjoining properties:

North:	None
South:	Glenn's Garage has what appears to be and from here on will be referred to as an "auto graveyard". Several dozen abandoned automobiles are present and appear to have been present for some time.
East:	
West:	None

6.2.4 Past Use(s) of Adjoining Properties

The past uses of the adjoining properties are:

North:	agricultural
South:	residential/undeveloped
East:	undeveloped/light commercial(super test)
West:	transportation

The following recognized environmental concerns (RECs) from past uses were identified on the adjoining properties:

North:	None
South:	None
East:	None
West:	None

6.2.5 Current or Past Uses in the Surrounding Area

The area is zoned as residential to the south, Commercial/Industrial to the west, Agricultural to the north and east. The general area of the property is used for residential/light industrial. The following recognized environmental concerns may be associated with the present and past uses of the properties in the general area:

RCRA generators, LUST, UST, spills

6.2.6 Geologic, Hydrogeologic, Hydrologic, and Topographic Conditions

The topography of the property is relatively flat, roadway. The topography of the surrounding area is rolling hills.

Based on the topography and likely presence of hazardous substances or petroleum products on nearby properties there is a possibility that these substances could migrate to the property. The auto graveyard appears to be uphill, and the stream runs through this site.

Based on the topography and likely presence of hazardous substances or petroleum products on the property there is a possibility that these substances could migrate from the property to the groundwater or soil. Because of the un-named tributary any contaminants on the parcel are likely to migrate.

6.2.7 General Description of Structures

The following buildings and structures are located on the subject property:

A box culvert

Age	Stories	Usage	Construction
20	0	Culvert	Concrete

6.2.8 Roads

The following roads are located on the property:

6.2.9 Potable Water Supply

No potable water on the property.

6.2.10 Sewage Disposal System

No sanitary sewage on the property.

6.3 Interior and Exterior Observations

6.3.1 Hazardous Substances and Petroleum Products in Connection with Identified Uses

No hazardous materials were observed to be stored or used on the property in connection with identified uses.

6.3.2 Storage Tanks

Determining the presence of Aboveground Storage Tanks (ASTs) and Underground Storage Tanks (USTs) is considered essential in assessing potential contamination sources. Visual inspection and the

review of tank registration records are used to determine the possible existence of past and present storage tanks in the area of the subject property. It must be noted however, that the absence of certain site conditions or lack of records may restrict or prevent the determination of the number and contents of storage tanks on the subject property.

No aboveground storage tanks were observed on the subject property. 1 AST with Kerosene was noted on an adjacent parcel owned/operated by Morrison's CITGO.

No underground storage tanks were observed on the subject property. Several UST's were noted at the same adjacent parcel above.

Vent, fill pipes, or access ways were not observed on the subject property.

6.3.3 Odors

No strong, pungent or noxious odors were noted.

6.3.4 Pools of Liquid

Standing surface water was observed on the property due to recent flooding in the area.

6.3.5 Drums

There are no drums or containers on the property.

6.3.6 Hazardous Substances and Petroleum Products Containers

No containers with hazardous materials or petroleum products that might represent a recognized environmental condition were observed on the property.

6.3.7 Unidentified Substance Containers

No open or damaged containers containing unidentified substances suspected of being hazardous substances or petroleum products were observed on the property.

6.3.8 PCBs

The past use of PCBs in electrical equipment such as transformers, fluorescent lamp ballasts, and capacitors was common. PCBs in electrical equipment are controlled by United States EPA regulation 40 CFR, Part 761. According to this regulation there are three categories for classifying electrical equipment; less than 50 ppm of PCBs is considered "Non-PCB"; between 50 and 500 ppm is considered "PCB-Contaminated"; and greater than 500 ppm is considered "PCB".

No electrical or hydraulic equipment known or likely to contain PCBs were observed on the property.

6.4 Interior Observations

6.4.1 Heating/Cooling

Not Applicable. There are no heated or air-conditioned buildings on the property.

6.4.2 Stains or Corrosion

There were not stains of corrosion observed on the property.

6.4.3 Drains and Sumps

There are no buildings on the property which would have drains or sumps.

6.5 Exterior Observations

6.5.1 Pits, Ponds, or Lagoons

No pits, ponds, or lagoons were observed on the property or adjoining properties.

6.5.2 Stained Soil or Pavement

The following areas of stained soil were observed on the property:

None.

6.5.3 Stressed Vegetation

No areas of stressed vegetation were observed on the property not readily explained by normal climate conditions.

6.5.4 Solid Waste

No areas, mounds, or depressions that may be filled or graded by non-natural causes or filled with fill of unknown origin suggesting trash or other solid waste disposal were observed on the property.

6.5.5 Waste Water

Waste Water issues Not Applicable.

6.5.6 Wells

No wells were observed on the property. Not known if property had a well or status of possible former well.

<u>Type</u>	<u>No. of Wells</u>
Potable	0
Irrigation	0
Industrial	0
Abandoned	0

6.5.7 Septic Systems

No septic systems or cesspools were observed on the property.

7.0 INTERVIEWS WITH KNOWLEDGEABLE PEOPLE

The purpose of interview is to obtain information indicating recognized environmental conditions in connection with the property. Copies of the interview documentation can be found in Appendix 6.

7.1 Interviews with Neighboring Owners and Occupants

Interviews were conducted with the following people who have knowledge about the property and surrounding area:

Ronald Bright. Owner of the property north of and adjacent to the INDOT excess property. Retired telephone company executive.

Jennifer Pope. Employee of Autumn Oak Tree Removal. Interviewed about Underground Storage Tanks.

7.2 Interviews with State and/or Local Government Officials

No interviews were conducted with State or Local officials.

8.0 FINDINGS

The results of this assessment have revealed the following suspected current recognized environmental conditions associated with the property:

The results of this assessment have revealed the following historical suspected recognized environmental conditions associated with the property: None.

The results of this assessment have revealed no de minimis conditions associated with the property.

9.0 OPINION

Two current recognized environmental conditions were identified in the Findings section of this report and thus in our professional opinion, it is very unlikely that environmental problems exist either on the property or in the vicinity.

The rationale for concluding that a condition is or is not currently a recognized environmental condition was relative proximity and potential risk from the hazards outlined in the findings section.

In our professional opinion it is recommended that the following additional investigation be conducted to detect the presence of hazardous substances or petroleum products and provide greater certainty regarding identified recognized environmental conditions on the property:

There were no data gaps that significantly affected our ability to identify recognized environmental conditions associated with the property.

10.0 CONCLUSIONS

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 on the INDOT 0.229 acre excess property at the intersection of SR 52 and Meridian Road in Hancock County Indiana. This property is 1.52 miles west of SR 9.

This assessment has revealed no evidence of recognized environmental conditions on or within a one mile radius of the property. In our professional opinion, no further investigation is needed, and this property can be disposed of with out any concern for environmental issues.

11.0 DEVIATIONS

Except for the limitations and exceptions discussed in Section 2.4 and below, this Phase I ESA complies with the ASTM Standard 1527-05.

12.0 ADDITIONAL SERVICES

No additional services beyond the scope of the ASTM Standard 1527-05 were conducted as part of this assessment. No soil, water or groundwater samples were collected for this Phase I study.

13.0 REFERENCES

The following documents, maps, or other publications may have been used in the preparation of this report.

- American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-05).
- American Society for Testing and Materials Guide for Environmental Site Assessments: Transaction Screen Process (ASTM E1528).
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA" or "Superfund"), as amended by Superfund Amendments and Reauthorization Act of 1986 ("SARA") and Small Business Liability Relief and Brownfields Revitalization Act of 2002 ("Brownfield Amendments"), 42 U.S.C. §§9601, et. seq.
- Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. §6901, et. seq.
- Federal Emergency Management Agency, National Flood Insurance Program, Flood Insurance Maps.
- United States Department of Agriculture, Soil Conservation Service, Soil Surveys.
- United States Geological Survey, Fountaintown 7'5" Topographic Map.
- United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory Map
- INDOT's Hazardous Materials Unit Operating Manual

14.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

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. 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 the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Prepared by:



Kenneth Gill
Environmental Scientist INDOT

Reviewed by:



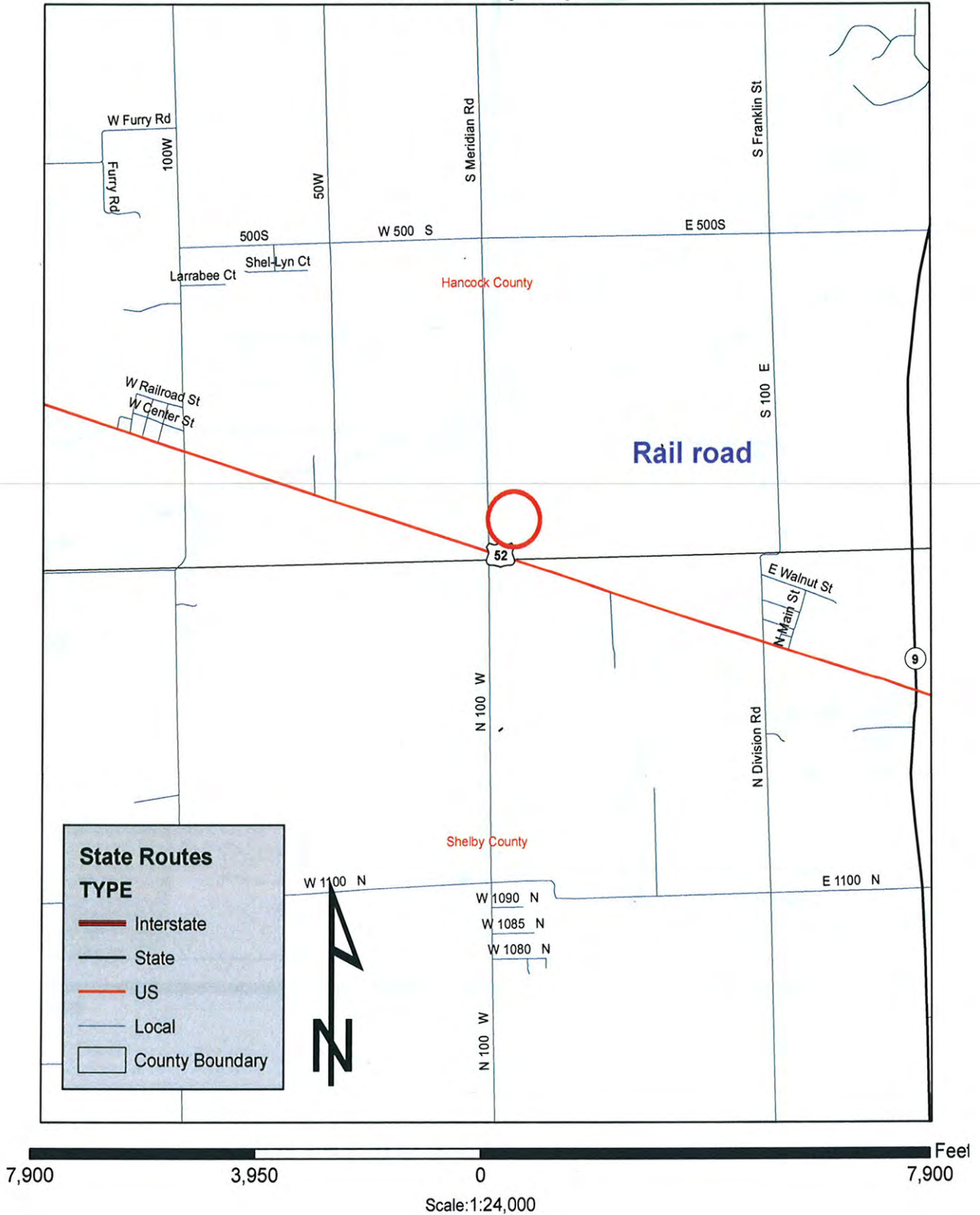
Kenneth McMullen
Hazardous Materials Supervisor INDOT

15.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

The qualifications of the environmental professional(s) and personnel conducting the site reconnaissance and interviews (if conducted by someone other than an environmental professional) are provided in Appendix 8.

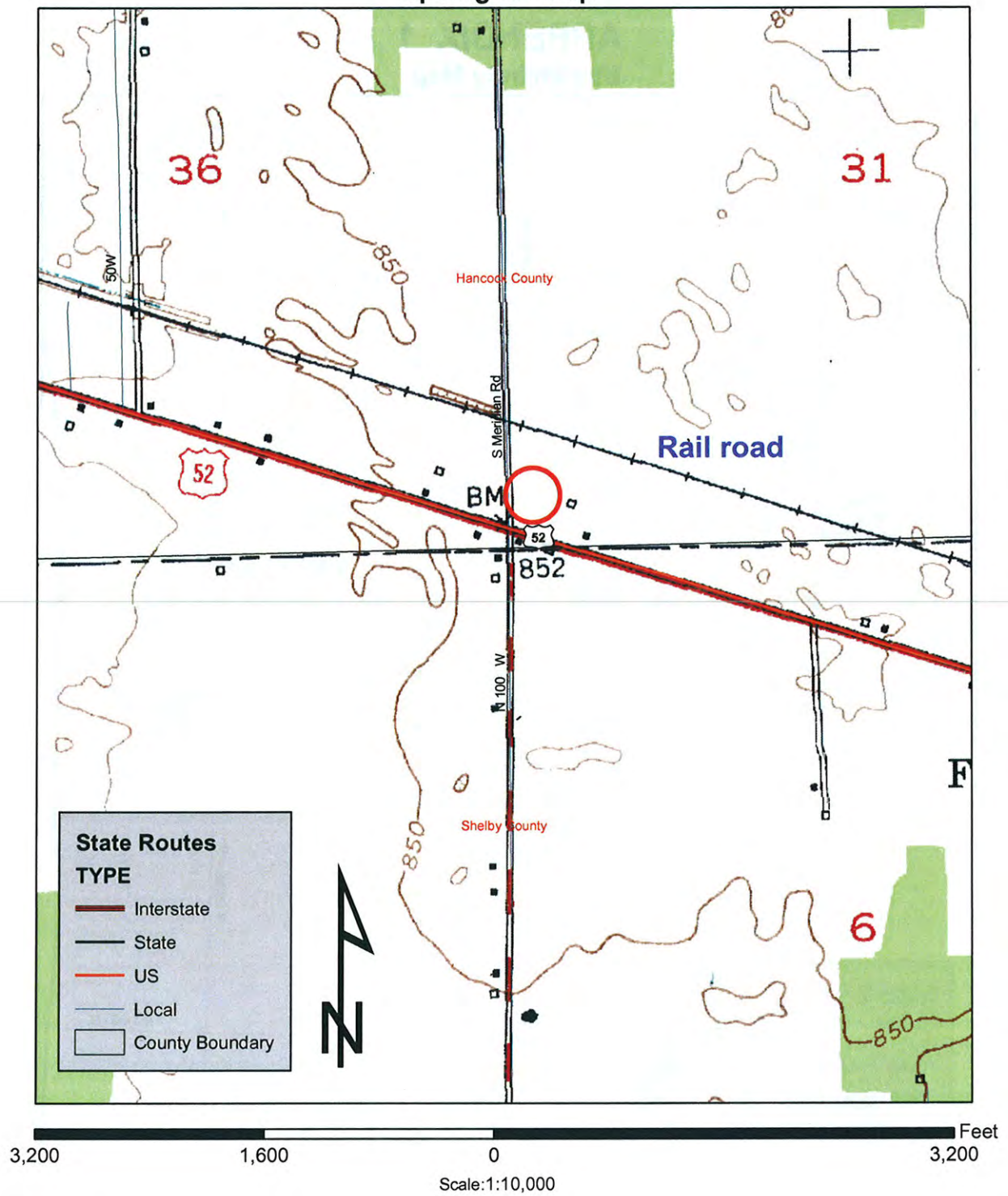
APPENDIX 1

Site Vicinity Map



APPENDIX 2

Topological Map



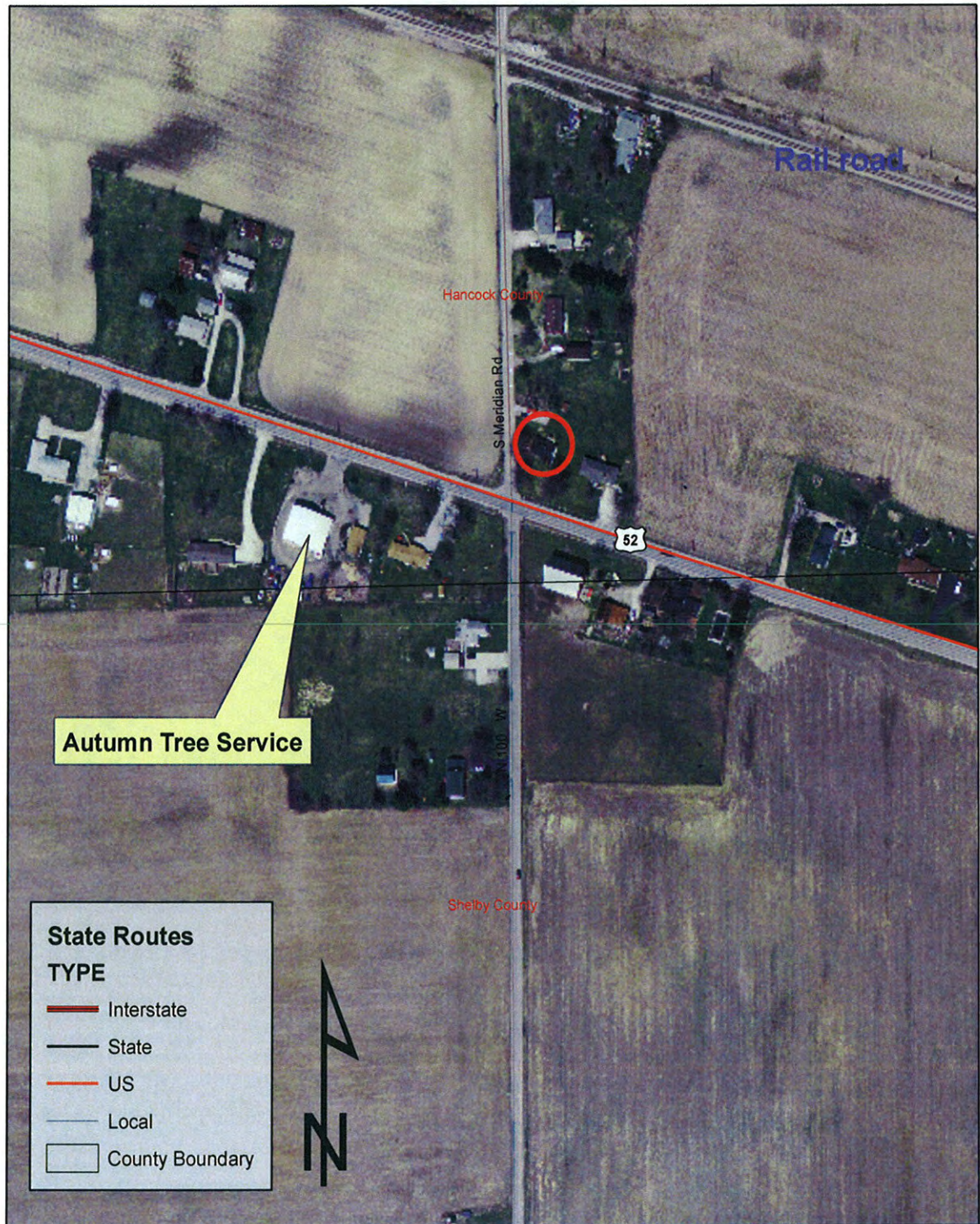
APPENDIX 3

AERIAL PHOTOGRAPHY



APPENDIX 4

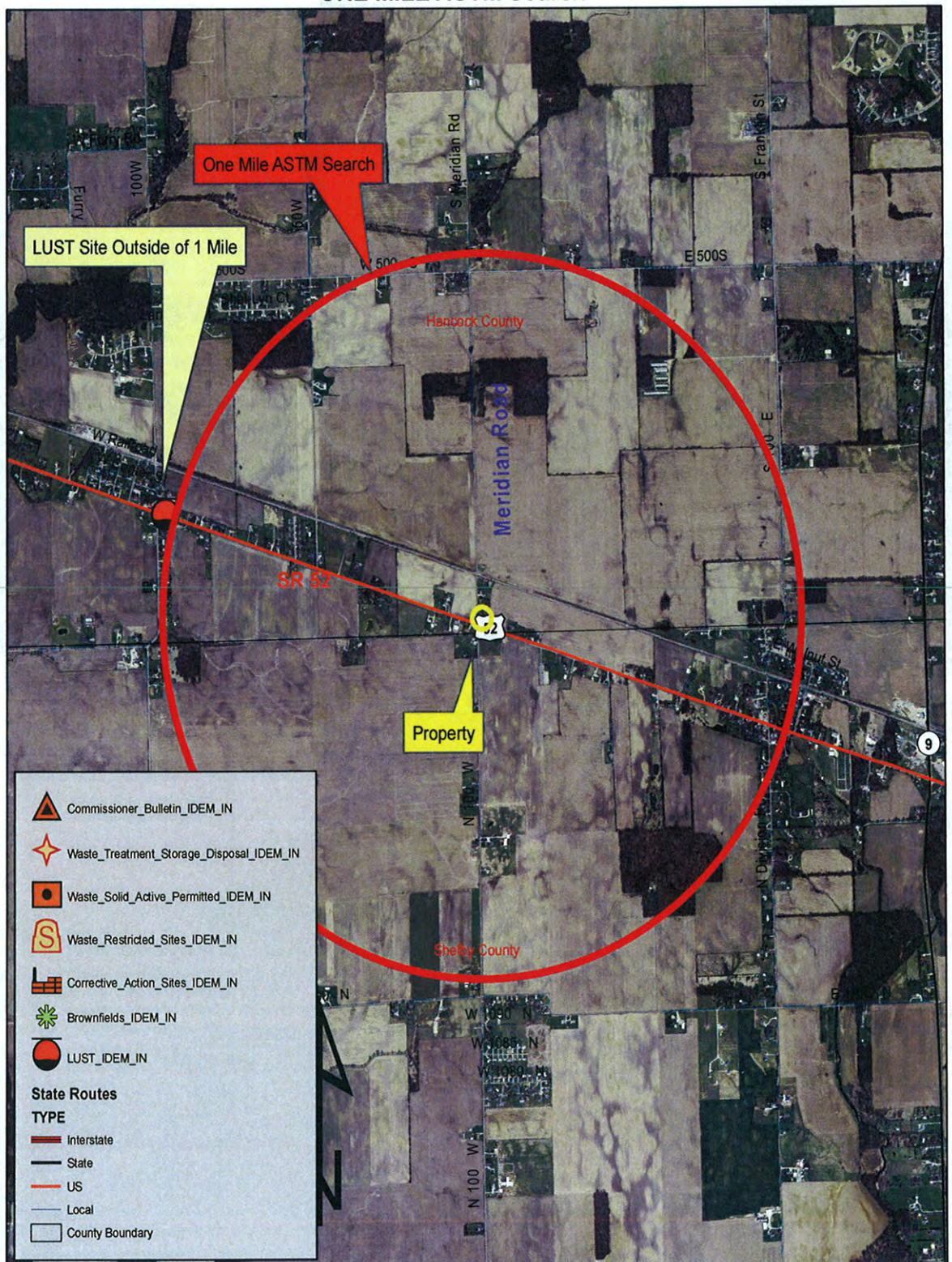
Aerial Detail



820 410 0 820 Feet

Scale: 1:2,597

ONE MILE ASTM Search



7,700 3,850 0 7,700 Feet

Scale: 1:24,000

APPENDIX 8

SITE PHOTOGRAPHY



INDOT 0.229 Acre Excess Property is Grassy Area. Meridian Road in Foreground. Steel Barn in Back is on Neighbor to North Property Line. View to Northeast.



View to North. Meridian Road Goes North. Neighboring House to North is in photograph.

View to North on Meridian Road. INDOT Property to Right. Portion Remains of Former Gravel Driveway.



View to East. Portion of INDOT Property is Grassy Area Behind House. Meridian Road in Foreground. Road Stretching into Distance on right is SR 52 Going East.



View to southwest from SR 56 & Meridian Road Intersection.



View to West. Meridian Road in foreground, Road fading into Distance is SR 52 going West.



View to southwest. Shows Autumn Oaks Tree Service Building (White).

APPENDIX 8 QUALIFICATIONS

Institute of Hazardous Materials Management



Certifies that

Kenneth B. McMullen

has successfully met all requirements of education,
experience and examination, and is hereby designated a

Certified Hazardous Materials Manager



August 2008

Certified

14768

Number

August 12, 2013

Expiration Date

John H. Frick
Executive Director

So long as this credential is renewed according to schedule and is not otherwise revoked.

Appendix D

Ecological Site Evaluation

ECOLOGICAL SITE EVALUATION FORM

Road: US 52 Des. No: LA Code 4230-9 Project No: STP-082 (020) County: Hancock County
Project Description: Sale of 0.229 acres of INDOT excess R/W
Project Location: Intersection of US 52 and Meridian Road, 1.53 miles west of SR 9
Natural Region and Section: Central Till Plain Region, New Castle Till Plains
8-Digit Watershed: 05120204 USGS Quadrangle: Fountaintown Quad Soil Survey Map Sheet N/A

RIGHT-OF-WAY BY LAND USE TYPE

Permanent Right-of-way

Land Use Type	R/W (ha)	R/W (ac)
Commercial	0	0
Industrial	0	0
Residential	0	0
Agricultural	0	0
Wooded	0	0
Total Perm R/W	0	0

Temporary Right-of-way

Land Use Type	R/W (ha)	R/W (ac)
Commercial	0	0
Industrial	0	0
Residential	0	0
Agricultural	0	0
Wooded	0	0
Total Temp R/W	0	0

Is the project located in an urban or a rural setting? Rural

Is land use in the project changing? Yes No If yes, explain: _____

QUADRANT DESCRIPTION

Northeast Residential and agricultural
Northwest Agricultural
Southeast Residential
Southwest Residential

STREAM INFORMATION

Channel Width: N/A Channel Depth: N/A Maximum Water Depth in Channel: N/A
Substrate Material: (circle one) silt sand gravel loose rock bedrock
Flow Velocity: (circle one) stagnant slow moderate swift rapid
Does the stream contain riffle/pool complexes? Yes No
Does the stream contain meanders within the proposed right-of-way? Yes No
Is channel work proposed as part of this project? Yes No If yes, describe: _____

Is aquatic flora present? Yes No If yes, please list: _____

Is aquatic fauna present? Yes No If yes, please list: _____

Comments: _____

TERRAIN

Immediate Area: Depressed Flat Gently Rolling Rolling Hilly
Extended Area: Depressed Flat Gently Rolling Rolling Hilly

TERRESTRIAL WILDLIFE

Fauna Observed or Indicated

Class¹	Common Name	Scientific Name	Indication²
<i>None Observed</i>			

¹Mammal, Bird, Reptile, or Amphibian

²Observed Animal, Tracks, Scat, Homes, and/or Markings

Dominant Flora Observed

Strata¹	Common Name	Scientific Name	Wetland Indicator²	Location³
<i>None Observed</i>				

¹Overstory, Understory, Vine, or Herbaceous

²UPL, FACU-, FACU, FACU+, FAC-, FAC, FAC+, FACW-, FACW, FACW+, or OBL

³Floodplain, Depression, or Upland

SOILS INFORMATION

Abbreviation	Soil Name	Soil Texture	Drainage Class¹	Hydric Soil Status²	Location³
<i>N/A</i>					

¹ED-Excessively Drained, WD-Well Drained, MWD-Moderately Well Drained, SWPD-Somewhat Poorly Drained, PD-Poorly Drained, VPD-Very Poorly Drained

²H-Hydric Soil, HI-Contains Hydric Inclusions, NH-Non-Hydric

³Floodplain, Depression, or Upland

ENDANGERED AND THREATENED SPECIES

Is this project located within the range of any Federally Endangered or Threatened Species? Yes No

If yes, please list below.

Common Name	Scientific Name	Status	Suitable Habitat Present	
<i>Indiana Bat</i>	<i>Myotis sodalis</i>	<i>Endangered</i>	Yes	<u>No</u>
			Yes	No
			Yes	No
			Yes	No
			Yes	No

Will any of the above listed species be impacted by the planned improvements? Yes No

NATURAL AREAS

Are there any natural areas located within 5 miles of the project area? Yes No

If yes, please list below.

Property Name	Ownership	Proximity to Project
<i>None Observed</i>		

Will any of the above listed properties be impacted by the planned improvements? Yes No

WETLAND INFORMATION

Are wetlands mapped within or adjacent to project limits? Yes No

If yes, please list below.

Wetland Type	Abbreviation	Location within Project	Confirmed in Field?		
<i>None Observed</i>			Yes	No	Undetermined
			Yes	No	Undetermined
			Yes	No	Undetermined
			Yes	No	Undetermined
			Yes	No	Undetermined
			Yes	No	Undetermined
			Yes	No	Undetermined
			Yes	No	Undetermined

Were any of the following wetland indicators observed in or adjacent to project limits?

	<u>Yes</u>	<u>No</u>	<u>Location within Project</u>
Standing Water	___	<u>X</u>	_____
Saturated Soil	___	<u>X</u>	_____
Depressional Areas	___	<u>X</u>	_____
Water Marks on Trees	___	<u>X</u>	_____
Drift Lines	___	<u>X</u>	_____
Fluted Tree Trunks/Roots	___	<u>X</u>	_____
Sediment Deposits	___	<u>X</u>	_____
Water Stained Leaves	___	<u>X</u>	_____
Other_____	___	<u>X</u>	_____

Is there a potential for impacts to jurisdictional wetlands as a result of the planned improvements? Yes No

Comments: _____

[illegible]

Performed by: Aaron C. Lawson

Date: 4/8/2009

Appendix E

Additional Documentation

Lawson, Aaron C.

From: Miller, Shaun
Sent: Wednesday, April 08, 2009 9:36 AM
To: Lawson, Aaron C.; Kennedy, Mary
Subject: RE: Excess R/W disposal 0.229 acres at US 52 and Meridian Rd

Aaron,

In looking through the environmental documents, I don't think any additional 106 work is necessary. The APE for the project would have incorporated the house on the parcel and it was not found to be eligible since it was demolished. The addendum to the CE states that INDOT archaeologist Curtis Tomak visited the project area twice to assess impacts to cultural resources due to an increase in the scope of the project. This occurred after the Ball State survey so I'm inclined to believe (and Curtis thinks this is also the case) that the increase in scope included the purchasing of this particular parcel. The Ball State archaeological records check and survey found no sites and the subsequent investigations by Curtis failed to find anything also. Therefore, no archaeological work is needed. It is also my opinion that INDOT's "finding of no historic properties affected" concurred by SHPO by letter dated July 25, 2003 is still valid and no further Section 106 consultation is necessary. I believe this parcel is covered by the addendum to the CE.

Thanks,

Shaun Miller
Senior Archaeological Supervisor
INDOT, Office of Environmental Services
100 North Senate Avenue, Room 642
Indianapolis, In 46204
(317)233-6795

From: Lawson, Aaron C.
Sent: Tuesday, April 07, 2009 10:54 AM
To: Miller, Shaun; Kennedy, Mary
Subject: Excess R/W disposal 0.229 acres at US 52 and Meridian Rd

Hello,

I am preparing a CE document for the disposal of 0.229 acres of INDOT excess R/W located at US 52 and Meridian Rd, 1.53 miles west of SR 9 in Hancock County (parcel 9). This action is the result in the completion of the project under Des 9800840. The parcel was originally purchased by INDOT as part of permanent R/W required for the construction of Des 9800840 and had the house and outbuilding demolished. Now the land is vacant and INDOT intends on selling the excess R/W. The original CE document for Des 9800840 can be found in Projectwise along with other information concerning this parcel. The information can be found at: <pw:\\indotge10:INDOTWise\Documents\District Offices\Greenfield\EnvironmentalScoping\Projects\9800840\Environmental Document\EnvDoc Des 9800840 CE signed.pdf> I am requesting the opinion of the Cultural Resources Department and the Archaeological Department as to whether or not this project requires an additional full Section 106 and 4(f)/6(f) investigation and a full Archaeological Investigation. Please let me know if you have any questions or if you need anymore information.

Thanks

*Aaron C. Lawson
INDOT/Greenfield District
Environmental Scientist
32 S. Broadway St.
Greenfield, IN 46140
email: alawson@indot.IN.gov
317-467-3929, Fax: 317-467-3954*

Lawson, Aaron C.

From: Knies, Nathan
Sent: Tuesday, March 31, 2009 4:25 PM
To: Lawson, Aaron C.
Subject: FW: Excess Land Request, Parcel 9, Des. #9800840

Please get this process started whenever you get a chance. Give me an estimate on when we think it'll be completed once you get to that point. This takes a back seat to any ARRA (stimulus) project you're working on right now. Thanks!

Nathan D. Knies, P.E.
317-467-3937

From: Rogers, Michael J.
Sent: Monday, March 30, 2009 9:36 AM
To: Knies, Nathan
Cc: Raney, Ronald
Subject: Excess Land Request, Parcel 9, Des. #9800840

Nathan,

Attached are the parcel plat and legal description, deed of acquisition, and plan sheet for an excess land request. We are requesting that the environmental reports be updated for this parcel so that the request to sell this parcel may proceed.

Construction on this project has concluded, but the project has not been closed out in SPMS yet. We are hoping to get a jump on the sale process by compiling the paperwork needed in advance. Once the project is closed out, we will send all the paperwork to CO to proceed with the sale.

Please let me know if you need any additional information or have any questions.

Mickey Rogers

INDOT Greenfield District Production
Assistant Real Estate Services Manager
32 South Broadway
Greenfield, IN 46140
Telephone: 317-467-3472
Fax: 317-467-3955
E-Mail: mrogers@indot.in.gov

The information contained in this e-mail is information protected by attorney-client and/or attorney/work product privilege. The information is intended to be excepted from disclosure under the Indiana Public Records Law pursuant to IC 5-14-3-4(b)(2). It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this e-mail or any other reader of this e-mail is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 317-467-3472.

5995
NC

CAROLYN GRA 5P
HANCOCK COUNTY RECORDER
RDL Date 03/03/2006 Time 07:44:34
FEE: 0.00
I 060002347
Page 1 of 5

Form WD-1
8/98

WARRANTY DEED

Project: STP-082-2 (020)
Code: 4230
Parcel: 9
Page: 1 of 2

THIS INDENTURE WITNESSETH, That Rosemary Goins, the Grantor(s), of Hancock County, State of Indiana Convey(s) and Warrant(s) to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of One Hundred Eight Thousand and No/100 Dollars (\$108,000.00) (of which said sum \$ 108,000.00 represents land and improvements acquired and \$ -0- represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Hancock, State of Indiana, and being more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

TRANSACTION EXEMPT FROM SALES
DISCLOSURE REQUIREMENTS UNDER
IC6-1-1-5-5
This Instrument Prepared By _____
Attorney at Law

MARK G. AHEARN
ATTORNEY AT LAW

DULY ENTERED
FOR TAXATION

MAR 03 2006

Theresa L. Saunders
Auditor of Hancock County

INDIAN

Project: STP-082-2 (020)

Code: 4230

Parcel:

Page: 2 of 2

IN WITNESS WHEREOF, the said Grantor(s) has 5 executed this instrument this 7th day of

June, 2005.

X Rosemary Goins (Seal)
Signature
Rosemary Goins

(Seal) Signature

Printed Name

Printed Name

Signature (Seal)

Signature (Seal)

Printed Name

Printed Name

STATE OF Indiana:

COUNTY OF Marion:

SS:

Before me, a Notary Public in and for said State and County, personally appeared Rosemary Goins, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be her voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 7th day of June, 2005.

Signature

Printed Name

My Commission expires September 30, 2006.

I am a resident of Marion County.



EXHIBIT "A"

Project STP-082-2(020)

Code 4230

Parcel 9 Fee (Excess Land Included)

Form WD-1

Sheet 1 of 1

A part of the West Half of the Southwest Quarter of Section 31, Township 15 North, Range 7 East, in Hancock County, Indiana more particularly described as follows:

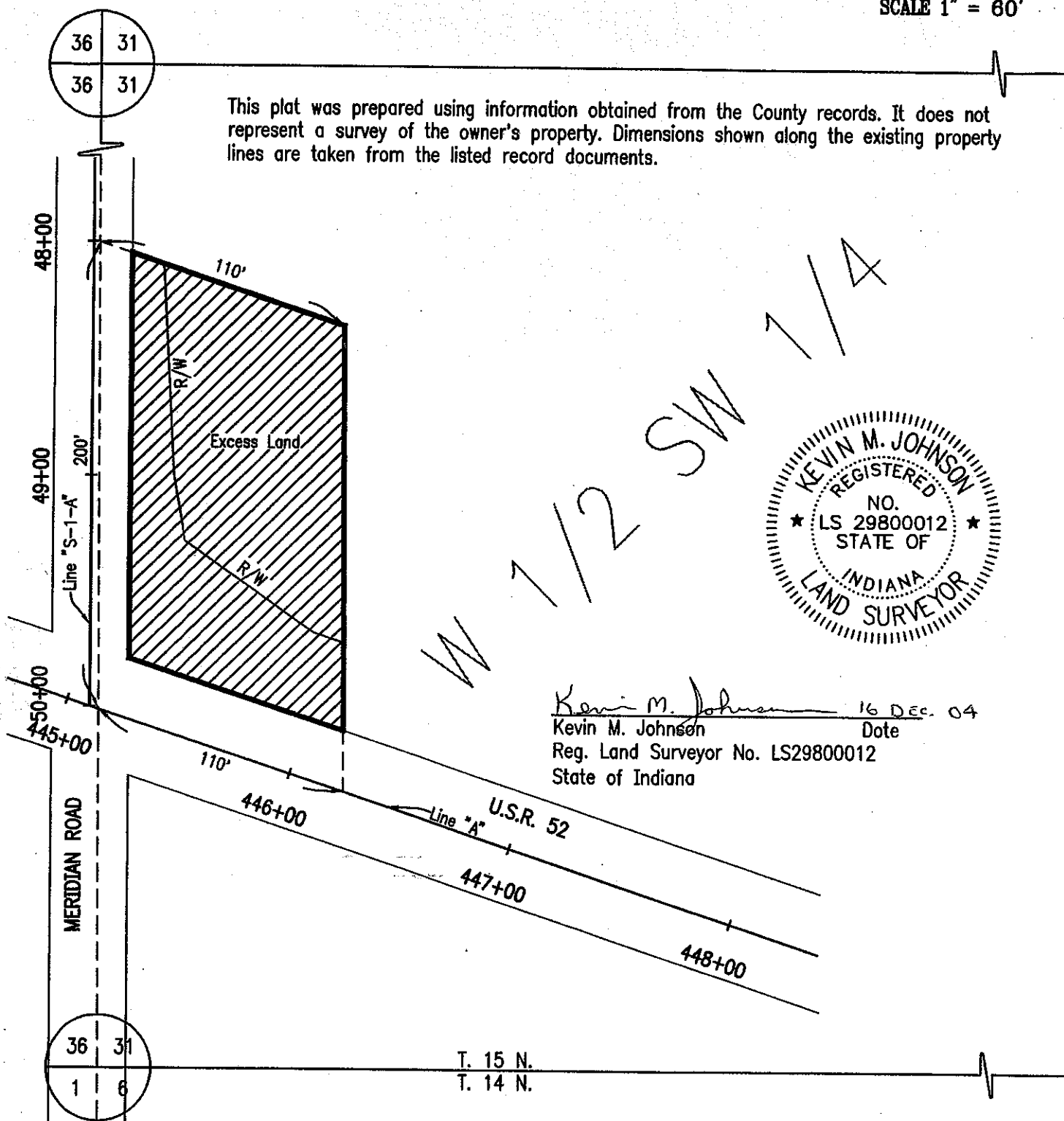
BEGINNING at the point of intersection of the West line of the West Half of the Southwest Quarter of said Section 31, with the centerline of U.S. Highway 52; thence North on said West line 200 feet; thence Southeasterly parallel with the centerline of U.S. Highway 52, a distance of 110 feet; thence South parallel with the West line of the Southwest Quarter of said Section 31; thence Northwesterly on said Highway centerline 110 feet to the place of beginning.

RIGHT-OF-WAY PARCEL PLAT

Prepared for Indiana Department of Transportation
by Bevin Lochmueller & Associates, Inc. (Job No. 204-0004-ZES/4230)

0 1 2 3 4 5 6 7 8 9 10
feet
SCALE 1" = 60'

This plat was prepared using information obtained from the County records. It does not represent a survey of the owner's property. Dimensions shown along the existing property lines are taken from the listed record documents.



PARCEL: 9 OWNER: Goins, Rosemary
CODE: 4230
PROJECT: STP-082-2(020)
ROAD: U.S.R. 52
COUNTY: Hancock
SECTION: 31
TOWNSHIP: 15 N.
RANGE: 7 E.



HATCHED AREA IS THE
APPROXIMATE TAKING

DRAWN BY: K.M. Johnson 12/15/2004
CHECKED BY: R.Z. Bennett 12/16/2004
DES. NO.: 9800840

INSTRUMENT No. 94-9125 ,DATED 8/19/94

END OF DOCUMENT

Prescribed by the
State Board of Accounts
(2005)

County Form 170

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.



Signature of Declarant

DIANA L. KILE

Printed Name of Declarant

EXHIBIT E

Hold Harmless Affidavit

STATE OF INDIANA)
)SS:
COUNTY OF _____)

AFFIDAVIT

Comes now the Affiant(s), _____, and swear and affirm to the following:.

- 1) That the above Affiant(s) shall **hold harmless and indemnify** the State of Indiana and its agent Indiana Department of Transportation and accept the property transfer through Quit Claim Deed without any Warrants and receive property As-Is.

SUBSCRIBED AND SWORN TO THIS _____ DAY OF _____,
20____.

Affiant's printed name

Affiant's signature

State of Indiana)
) SS:
County of _____)

Subscribed and sworn to before me a Notary Public this _____ day of _____,
20____.

Notary Public

A Resident of _____ County Indiana
My Commission expires: _____