

BEFORE THE IOWA DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF:

City of Fort Madison

NOTICE OF INTENT TO
INCLUDE PROPERTY ON
REGISTRY OF CONFIRMED
ABANDONED OR UNCONTROLLED
DISPOSAL SITES

TO: City of Fort Madison
c/o Honorable Michael R. Foster, Mayor
City Hall
Fort Madison, IA 52627

CON 12-15
Doc #18525

Pursuant to Iowa Code section 455B.426, the director of the Department of Natural Resources is required to maintain a registry of confirmed abandoned or uncontrolled disposal sites located in Iowa. Iowa Code section 455B.429(1) provides that thirty days prior to the addition of a site to the registry, the director of the Department shall notify the owner of any part of the site. You are hereby notified of the proposed addition of the site described below to the registry of abandoned or uncontrolled sites, effective 30 days from your receipt of this notice, for the reasons stated below.

1. The City of Fort Madison is the owner of real property which is legally described in Appendix A which is attached and is incorporated herein in its entirety.

2. The director has evidence that wastes containing arsenic, barium, cadmium, chromium, lead, nickel, cyanide, methylene chloride, tetrachloroethylene, toluene, trichloroethylene and xylenes were disposed of on this site from approximately 1950 to 1980. These substances constitute "hazardous substances" as is defined by Iowa Code section 455B.411(1).

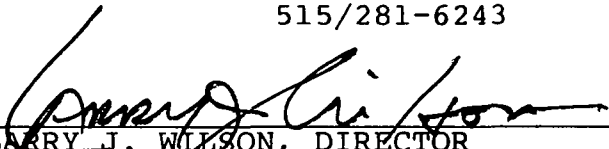
3. Because of the types, amounts and location of these substances, the director classifies this site as "b" - significant threat to the environment - action required.

You may petition the director for deletion of the site from the registry, modification of the site classification, or modification of any information regarding the site. Such a petition will constitute an appeal of the director's decision. Within 90 days of an appeal, this Department shall conduct a hearing to review the determination.

IOWA DEPARTMENT OF NATURAL RESOURCES
REGISTRY NOTICE
ISSUED TO: City of Fort Madison

Any questions regarding this notice should be directed to:

Mark Landa
Iowa Department of Natural Resources
Henry A. Wallace Building
900 East Grand Avenue
Des Moines, Iowa 50319-0034
515/281-6243



LARRY J. WILSON, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 15 day of
September, 1989

89236DNR0024

APPENDIX A

The Fort Madison Landfills site consists of adjacent two parts, the Rodeo Park Landfill and the Old Fort Madison Landfill.

The Rodeo Park Landfill occupies property described as:

That part of the Northeast Quarter of the Northeast Quarter of Section 33, T68N, R4W of the Fifth P.M., Lee County, Iowa, lying on the west side of Denmark Road and County Road X-32 (formerly State Highway 88).

-and-

The South 470 feet of that part of the Southeast Quarter of the Southeast Quarter of Section 28, T68N, R4W of the Fifth P.M., Lee County, Iowa, lying on the west side of County Road X-32 (formerly State Highway 88).

The Old Fort Madison Landfill occupies property described as:

Part of Sections 27, 28, and 34 in T68N, R4W of the Fifth P.M., Lee County, Iowa, more particularly described as follows:

Beginning at the southeast corner of said Section 28; thence north $88^{\circ}53'$ west, 293.86 feet to the east right-of-way line of Highway 88; thence 346.16 feet along the arc of a 2924.93 foot radius curve concave westerly with a 345.70 chord bearing north $10^{\circ}50'$ west; thence north $14^{\circ}15'$ west along said right-of-way line 184.3 feet; thence south $85^{\circ}40'$ east, 681.12 feet; thence south 470.83 feet; thence south $89^{\circ}40'$ east, 725.00 feet; thence south $00^{\circ}33'$ west, 2639.84 feet; thence south $89^{\circ}40'$ west, 576.00 feet; thence north $16^{\circ}13'$ west, 955.36 feet; thence west 148.50 feet to the west line of said Section 34; thence north $00^{\circ}33'$ east along said section line 1719.98 feet to the place of beginning.

The owner of the site is the City of Fort Madison. The deeds that pertain to the site are identified below:

Patent No. 245. Lee County Recorder's Office, Book 3, Page 355, filed July 30, 1949. Owner: Municipal Park Commission of the City of Fort Madison, Iowa.

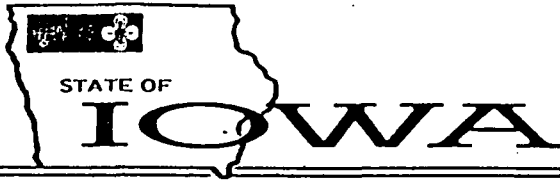
Warranty Deed, Instrument No. 43. Lee County Recorder's Office, Book 43, Page 515, filed January 5, 1949. Owner: Park Board of the City of Fort Madison, Iowa.

Patent No. 1461. State of Iowa, Office of the Secretary of State, State Land Office, Volume 6, Page 413, dated July 13, 1971. Owner: City of Fort Madison.

91370037

<p>SENDER: Complete Items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge) 2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to: City of Fort Madison c/o Honorable Michael R. Foster, Mayor City Hall Fort Madison, IA 52627</p>	<p>4. Article Number 558784</p> <p>Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>
<p>5. Signature - Address X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid) 8/11E 52627</p>
<p>6. Signature - Agent X <i>P. Steffensmeier</i></p>	
<p>7. Date of Delivery <i>9.19.89</i></p>	

Linda Harrison



TERRY E. BRANSTAD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

LARRY J. WILSON, DIRECTOR

October 23, 1989

Larry J. Holtkamp
Lee County Recorder
Lee County Courthouse
Ft. Madison, IA 52627

Dear Mr. Holtkamp:

Iowa Code section 455B.426 provides that the director of the Department of Natural Resources shall maintain a registry of sites used for the disposal of hazardous wastes or hazardous substances. Pursuant to Iowa Code section 455B.431, when the director places a site on the registry, he must then file with the county recorder of the county in which the property is located, a statement disclosing the period during which the site was used as a disposal site. Upon receipt of evidence that the site no longer poses a present or potential adverse impact, this determination will also be filed with your office.

Please find enclosed the Notice which is to be attached to the proof of ownership of property described in the Notice. The owner of record is identified at the bottom of the Notice. If there are filing fees, please submit a bill to the Department.

Thank you for your cooperation. If you have any questions regarding this request, please contact me at 515/281-6243.

Sincerely,

Mark Landa
Compliance Officer
Legal Services

ML:mjg

ATTACHMENT

NOTICE

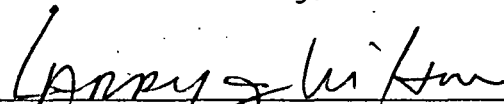
The director of the Department of Natural Resources provides notice that the real property owned by City of Fort Madison which is legally described as:

Appendix A which is attached and is incorporated herein in its entirety

has been used for the disposal of hazardous wastes or hazardous substances. The director has determined that wastes containing arsenic, barium, cadmium, chromium, lead, nickel, cyanide, methylene chloride, tetrachloroethylene, toluene, trichloroethylene and xylenes were disposed of on the above-described site from approximately 1950 to 1980. The site is classified pursuant to Iowa Code section 455B.426 as "b" - significant threat to the environment - action required.

For these reasons, the director has placed this site on the registry of abandoned or uncontrolled disposal sites which is compiled in accordance with Iowa Code sections 455B.411 through 455B.440. Be advised that this property may not be sold, conveyed or transferred without the written approval of the director, pursuant to Iowa Code section 455B.430(2).

Questions regarding this Notice may be directed to the Department of Natural Resources, 900 East Grand Avenue, Henry A. Wallace Building, Des Moines, Iowa 50319-0034, Ph: 515-281-8690.

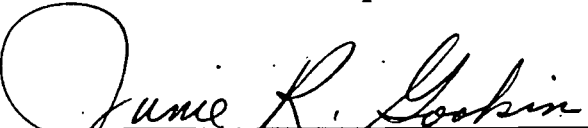


LARRY J. WILSON, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 7 day of
November, 1989

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 7th day of November, 1989, before me, a notary public in and for said county, personally appeared Larry J. Wilson who stated that he is the duly appointed and acting director of the Iowa Department of Natural Resources, and that he was authorized to execute the foregoing on behalf of the Iowa Department of Natural Resources pursuant to Iowa Code section 455B.431.



Notary Public in and for the
State of Iowa

APPENDIX A

The Fort Madison Landfills site consists of adjacent two parts, the Rodeo Park Landfill and the Old Fort Madison Landfill.

The Rodeo Park Landfill occupies property described as:

That part of the Northeast Quarter of the Northeast Quarter of Section 33, T68N, R4W of the Fifth P.M., Lee County, Iowa, lying on the west side of Denmark Road and County Road X-32 (formerly State Highway 88).

-and-

The South 470 feet of that part of the Southeast Quarter of the Southeast Quarter of Section 28, T68N, R4W of the Fifth P.M., Lee County, Iowa, lying on the west side of County Road X-32 (formerly State Highway 88).

The Old Fort Madison Landfill occupies property described, as:

Part of Sections 27, 28, and 34 in T68N, R4W of the Fifth P.M., Lee County, Iowa, more particularly described as follows:

Beginning at the southeast corner of said Section 28; thence north $88^{\circ}53'$ west, 293.86 feet to the east right-of-way line of Highway 88; thence 346.16 feet along the arc of a 2924.93 foot radius curve concave westerly with a 345.70 chord bearing north $10^{\circ}50'$ west; thence north $14^{\circ}15'$ west along said right-of-way line 184.3 feet; thence south $85^{\circ}40'$ east, 681.12 feet; thence south 470.83 feet; thence south $89^{\circ}40'$ east, 725.00 feet; thence south $00^{\circ}33'$ west, 2639.84 feet; thence south $89^{\circ}40'$ west, 576.00 feet; thence north $16^{\circ}13'$ west, 955.36 feet; thence west 148.50 feet to the west line of said Section 34; thence north $00^{\circ}33'$ east along said section line 1719.98 feet to the place of beginning.

The owner of the site is the City of Fort Madison. The deeds that pertain to the site are identified below:

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<p>5. Signature - Address X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid) 8/11/89 52627</p>
<p>6. Signature - Agent X <i>P. Stoffersmeier</i></p>	
<p>7. Date of Delivery <i>9/19/89</i></p>	

Linda Harrison

89 NOV 13 AM 9:56

89N-78E12

FEES 15.00R A
LARRY HOLT KAMP, RECORDER
Receipt # 192

NOTICE

The director of the Department of Natural Resources provides notice that the real property owned by City of Fort Madison which is legally described as:

Appendix A which is attached and is incorporated herein in its entirety

has been used for the disposal of hazardous wastes or hazardous substances. The director has determined that wastes containing arsenic, barium, cadmium, chromium, lead, nickel, cyanide, methylene chloride, tetrachloroethylene, toluene, trichloroethylene and xylenes were disposed of on the above-described site from approximately 1950 to 1980. The site is classified pursuant to Iowa Code section 455B.426 as "b" - significant threat to the environment - action required.

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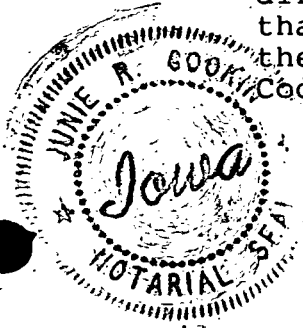
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Larry J. Wilson
LARRY J. WILSON, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

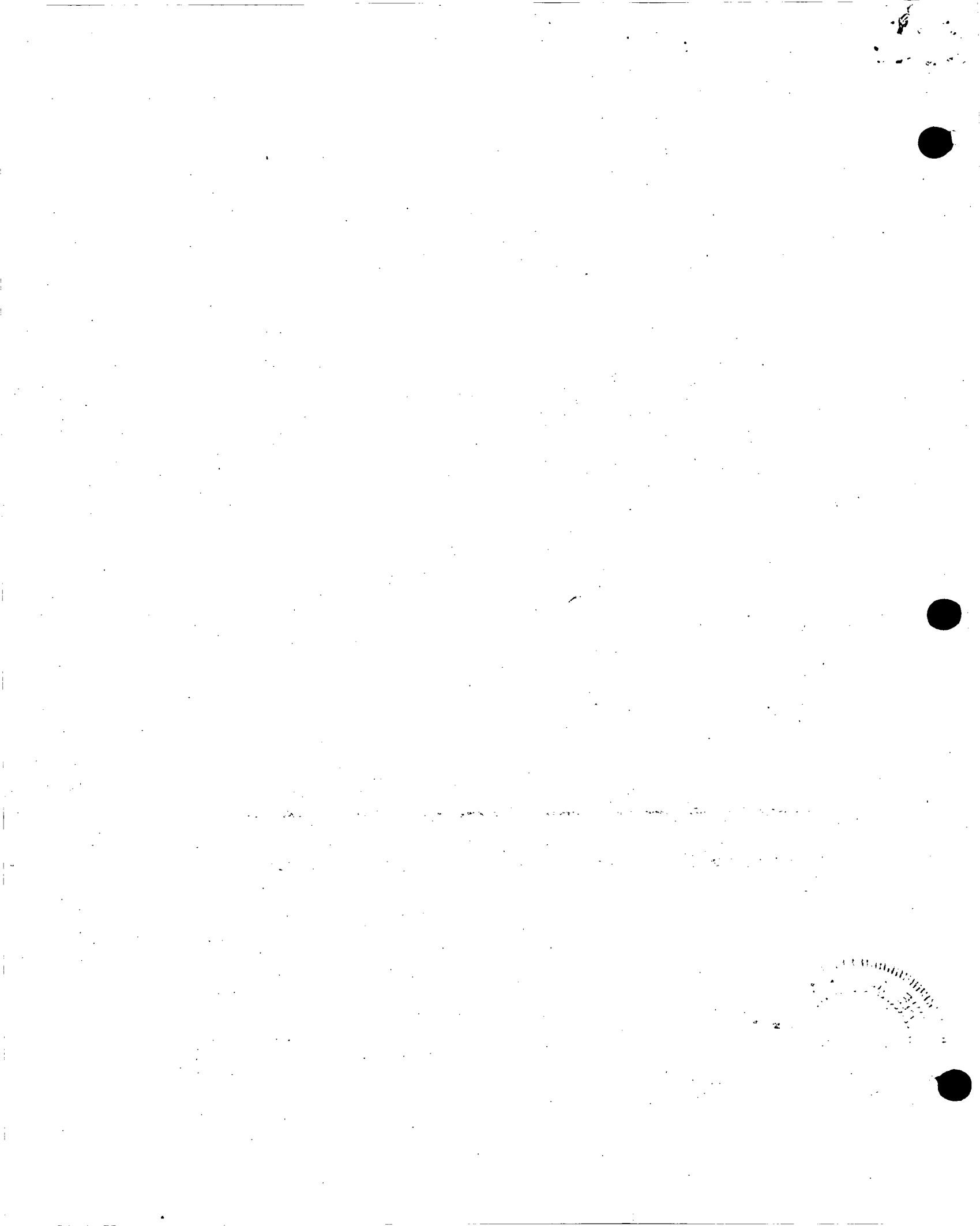
Dated this 7 day of
November, 1989

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 7th day of November, 1989, before me, a notary public in and for said county, personally appeared Larry J. Wilson who stated that he is the duly appointed and acting director of the Iowa Department of Natural Resources, and that he was authorized to execute the foregoing on behalf of the Iowa Department of Natural Resources pursuant to Iowa Code section 455B.431.



June R. Gookin
Notary Public in and for the
State of Iowa



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<p>7. Date of Delivery 9/19/89</p>	
<p>PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT</p> <p><i>Landa / Harrison</i></p>	

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