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Recorded: 07/08/2013 at 10:32:33 AM
Fee Amt: \$47.00 Page 1 of 9
Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2014-00002477

BK 14866 PG 398-406

Iowa Department of Natural Resources, No Further Action Certificate

Recorder's Cover Sheet

Preparer Information: (Individual's name, address and phone number)

Robert Drunstrup
Wallace State Office Building
Des Moines, IA 50319
515-281-8900

Taxpayer Information: (Taxpayer's name and full mailing address)

Hubbell Terminal Corporation
6900 Westown Pkwy
West Des Moines, IA 50266

Return Document To: (Name and full mailing address)

RETURN TO:

Dan Cornelison, Hubbell Realty Company
6900 Westown Pkwy
West Des Moines, IA 50266

Grantors:

Iowa Department of Natural Resources

Grantees:

Hubbell Terminal Corporation

Legal Description:

See Exhibit A

4-7-10
ChA

662095
17C

Preparer's name
Robert Drustrup

Address
Wallace State Office Bldg.

City, State
Des Moines, Iowa

Tel.#
(515) 281-8900

IOWA DEPARTMENT OF NATURAL RESOURCES

NO FURTHER ACTION CERTIFICATE

This document certifies that all of the property described below has satisfied regulatory standards qualifying the area for a no further action classification under Iowa's Land Recycling Program (LRP) in accordance with administrative rules contained in chapter 567 Iowa Administrative Code 137. A no further action classification generally means that voluntary participants in this program have identified and assessed certain contaminants of concern and sufficiently addressed them such that the risk to human health, safety and the environment to levels is deemed acceptable according to standards adopted by the Iowa Department of Natural Resources.

The no further action classification applies to areas within the enrolled property defined as "affected areas" within the parcels of real estate legally described in Exhibit A. Exhibit B is a summary of soil and groundwater that were assessed and to which the classification applies. Exhibit C is a list of the contaminants of concern that were identified during the site assessment activities. The no further action classification applies only to contaminants of concern that the participant identified based on known or suspected sources of contamination.

A classification of no further action grants to "protected parties" protection from future environmental liabilities pursuant to Iowa Code Chapter 455H. The scope of the liability protection generally corresponds to the scope of the environmental condition(s) that qualifies for the no further action classification. Iowa Code section 455H.301 enumerates certain conditions which could authorize re-opening regulation of the affected area and removal of liability protections to certain protected parties. Interested parties should contact the Iowa Department of Natural Resources to obtain more information on the environmental conditions assessed within the "affected area" and any potential environmental concerns not specifically addressed or associated with areas outside the affected area.

AFFECTED AREAS:

The affected areas subject to the No Further Action Certificate consist of the entire PDM Site which includes Parcel E, Parcel F, and the street right-of-way parcel (Street ROW Parcel) as depicted in Exhibit A and shown in the attached Plat of Survey.

Property owners and enrolled participants addresses at the time filing:

Hubbell Terminal Corporation
6900 Westown Parkway
West Des Moines, IA 50266-2520

City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

Department file reference:

CON 12-15 LRP – Former Pitt/Des Moines Steel Site

CONDITIONAL NO FURTHER ACTION CLASSIFICATION:

The no further action classification and the attendant liability protections for the affected areas are subject to the maintenance and continued effectiveness of the following institutional controls:

INSTITUTIONAL CONTROLS:

It is recognized that that the entire affected area, including Parcel F, is subject to Polk County Ord. Ch. IV and Des Moines 28E Ordinance No. 49.3(11) which limit installation of a private drinking-water well when public water is available.

PUBLIC NOTICE:

IN ACCORDANCE WITH IOWA CODE CHAPTER 455H AND DEPARTMENT RULES, PARTICIPANTS IN THE LAND RECYCLING PROGRAM MAY NOT HAVE BEEN REQUIRED TO IDENTIFY AND ADDRESS ALL KNOWN OR SUSPECTED RELEASES OF CONTAMINANTS IN ORDER TO QUALIFY FOR A NO FURTHER ACTION CLASSIFICATION FOR THE AFFECTED AREA IDENTIFIED IN THIS CERTIFICATE OR THE REAL ESTATE AFFECTED BY THIS RECORDED DOCUMENT, INTERESTED PARTIES MAY CONTACT THE DEPARTMENT TO OBTAIN FURTHER INFORMATION.

This certificate does not constitute a warranty or a representation of any kind to any person as to the environmental condition, marketability or value of the above referenced property other than

that certification required by Iowa Code section 455H.301 et seq. Interested parties should not rely solely on the representations contained in this certificate.

Chuck Gipp Signed this 27th day of June, 2013.
Chuck Gipp
Director, Iowa Department of Natural Resources

State of Iowa)
County of Polk) ss.

On this 28 day of June, 2013, before me personally appeared Chuck Gipp, known to me to be the Director of the Iowa Department of Natural Resources or the lawful designee of the Director who executed the foregoing instrument, and acknowledge that this person executed the same as his/her/their voluntary act and deed.

Karen Fynaardt
Notary Public for State of Iowa



NO FURTHER ACTION CERTIFICATE

Former Pitt/Des Moines Steel Site (PDM Site), Des Moines, Iowa

Exhibit "A"

Property Description

The No Further Action Certificate covers all three parcels that constitute the PDM Site and are legally described below.

Parcel E: A parcel of land being part of Lots 9, 10, and P (deed recorded on Bk 10960 Pg 950) of Factory Addition Plat No. 3, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Northeast corner of Lot 10 of said Factory Addition Plat No. 3; thence South 15° (degrees) 25' (minutes) 13" (seconds) East along East line of said Lot 10, a distance of 20.73 feet to the Point of Beginning, thence continuing South 15°25'13" East along East line of said Lot 10 and Lot 9 of said Plat, 604.84 feet; thence South 74°32'06" West, 628.91 feet; thence North 7°52'20" West, 610.98 feet; thence North 74°37'02" East, 548.65 feet to Point of Beginning. Said parcel contains 8.18 acres and is subject to easement of records.

Parcel F: A parcel of land being part of Lots C, L, and 9 (deed recorded in Bk 10960 Pg 950) of Factory Addition Plat No. 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Commencing at the Northerly corner of Lot L of said Factory Addition of Plat No. 3 and on the West right-of-way line of Tuttle Street of said Plat; thence South 39° (degrees) 10' (minutes) 24" (seconds) West along Westerly line of said Lot L, 7.81 feet to the Point of Beginning; thence South 7°52'20" East, 1353.79 feet to the Easterly right of way of the Burlington Northern Railroad and the Westerly line of said Lot L, thence North 30°05'57" West along said line, 599.05 feet; thence along said line on the arc of a 666.25 foot radius non-tangent curve to the right, 803.41 feet (chord bearing North 04°26'07" East, 755.61 feet); thence along said line North 39°10'24" East, 89.54 feet to the Point of Beginning. Said parcel contains 5.35 acres and is subject to easements of record.

Street ROW Parcel: A parcel of land being part of Lots C, D, L, P, 9, and 10 (deed recorded on Bk 10960 Pg 950) of Factory Addition Plat No. 3, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa more particularly described as follows:

Beginning at North line of Dart Way and East line of Lot 9 of said Factory Addition Plat No. 3; thence South 74° (degrees) 32' (minutes) and 06" (seconds) West along the North line of Dart Way (being the North line of the South 343.1 feet of said Lot 9, a distance of 645.04 feet; thence North 15°30'07" West, 20.96 feet; thence South 74°30'53" West, 35.00 feet; thence South 15°29'13" East, 64.00 feet; thence South 75°31'13" West, 18.52 feet to the Easterly of the Burlington Northern Railroad; thence North 30°05'57" West, along said , 20.99 feet; thence North 07°52'20" West, 1353.79 feet to the Easterly line of

said railroad; thence North $39^{\circ}10'24''$ East, along said , 7.81 feet to Northerly corner of Lot L of said Plat; thence South $15^{\circ}52'57''$ East along Easterly line of said Lot L, a distance of 58.73 feet to the Southerly of Tuttle Street; thence North $82^{\circ}21'50''$ East along said , 56.11 feet; thence South $07^{\circ}52'20''$ East, 572.07 feet; thence North $74^{\circ}37'02''$ East, 538.61 feet to the Easterly line of said Lot 9; thence South $15^{\circ}25'02''$ East along said line, 4.55 feet to the North line of Lot 1 (Murphy Street) of said Plat; thence South $74^{\circ}30'58''$ West along said line, 125.88 feet to the West line of Lot I (Murphy Street); thence South $15^{\circ}26'03''$ East along said line, 49.88 feet to the Northwest corner of Lot 10 of said Plat; thence North $74^{\circ}26'42''$ East, along North line of said Lot 10, a distance of 126.00 feet to the Northeast corner of said Lot 10; thence South $15^{\circ}25'13''$ East along Easterly line of said Lot 10, a distance of 20.73 feet; thence South $74^{\circ}37'02''$ West, 548.65 feet; thence South $07^{\circ}52'20''$ East, 610.98 feet; thence North $74^{\circ}32'06''$ East, 628.91 feet to the Easterly line of said Lot 9; thence South $15^{\circ}25'13''$ East along said line, 10.00 feet to the Point of Beginning, which parcel contains 3.00 acres and is subject to easements of record.

NO FURTHER ACTION CERTIFICATE
Former Pitt/Des Moines Steel Site (PDM Site), Des Moines, Iowa

Exhibit "B"

Summary of Site Assessment Activities

For about 100 years the PDM Site was used to fabricate and erect structural steel (e.g., water towers). Operations at the site ceased in 2000. Demolition of the buildings at the PDM Site was completed in 2005. A series of environmental investigations were conducted at the site beginning in 2001. These investigations revealed elevated levels of metals in site soils and petroleum product in site groundwater. The contaminants of concern are described in Exhibit "C".

In 2005 Hubbell Terminal Corporation enrolled the PDM Site in the Iowa Land Recycling Program (LRP). In 2006 Hubbell Terminal Corporation initiated cleanup actions at the PDM Site. Soils in the western portion of the site (i.e., Parcel F) were cleaned-up to residential standards. Soils in the remainder of the site (i.e., Parcel E and the Street ROW Parcel) were cleaned-up to nonresidential standards. Cleanup measures included excavating soils containing contaminants above applicable standards. Excavated material was either re-positioned on-site or taken off-site for disposal.

Groundwater cleanup actions involved installation of two trenches that collected contaminated groundwater which was pumped to an on-site treatment facility. Air was injected into the shallow groundwater between the trenches to enhance natural breakdown of contaminants. These actions resulted in a substantially reduced area of groundwater contamination. No off-site groundwater impacts have been identified. Polk County Ord. Ch. IV and Des Moines 28E Ordinance No. 49.3(11) limit installation of private wells when public water is available and serves as institutional controls that limit groundwater use for drinking water for the entire PDM Site.

In February of 2011 a No Further Action Certificate (2011 NFA) for the PDM Site was issued by the Iowa Department of Natural Resources. The 2011 NFA was conditioned on an environmental covenant that was placed on Parcel E and the Street ROW Parcel to prohibit future residential use of the property as well as the groundwater-use restrictions described in the above paragraph.

In 2013 the PDM Site was re-enrolled in the LRP and additional removal of soil containing contaminants of concern in excess of residential standards was conducted. Confirmation soil sampling was conducted that demonstrated compliance with residential standards throughout the site.

This No Further Action Certificate replaces the 2011 No Further Action Certificate and contains no restrictions on the site land use with respect to soil. The environmental covenants that restricted Parcel E and the street right-of-way to nonresidential use have been terminated. Groundwater-use restrictions, as noted above, remain.

NO FURTHER ACTION CERTIFICATE
Former Pitt/Des Moines Steel Site (PDM Site), Des Moines, Iowa

Exhibit "C"

Contaminants of Concern

The contaminants addressed by this No Further Action Certificate are as follows:

<u>Contaminants of Concern in Soil</u>	<u>Statewide Standard (residential use) for Soil</u>
Lead	400 mg/kg
Arsenic	17 mg/kg

Contaminants of Concern Groundwater

Total Extractable Hydrocarbons as Diesel
Total Extractable Hydrocarbons as Waste Oil
Naphthalene

PLAT OF SURVEY

Parcel Letter Designation
 Approved by Polk County Auditor
JAMIE FITZGERALD
 Dated this 29th day of Sept 2008
 JAMIE FITZGERALD, POLK COUNTY AUDITOR

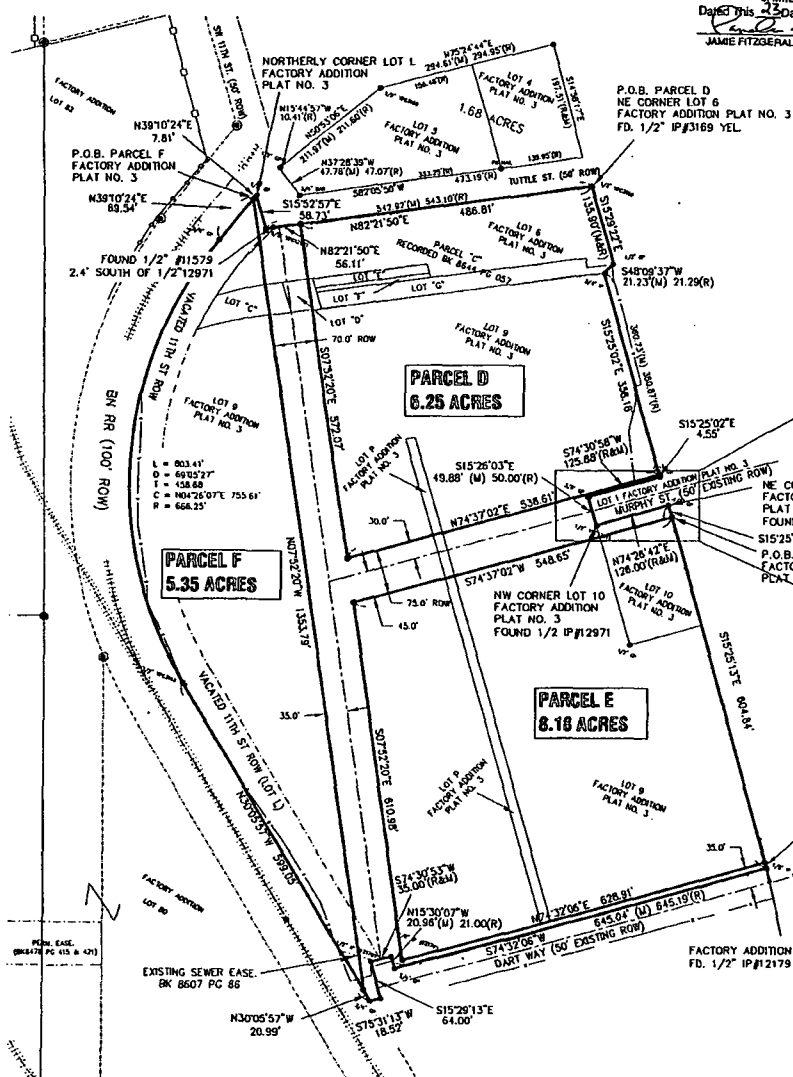
Doc ID: 021563340001 Type: PLT
 Recorded: 08/25/2008 at 02:38:53 PM
 Fee Amt: \$12.00 Page 1 of 1
 Polk County Iowa
 JULIE M. HAGGERTY RECORDER
 File# 2009-00021079
BK 12787 PG 858

PLAT OF SURVEY

Approved w/conditions
 By: *[Signature]*
 Permit and Development Administrator
 Date: 09-24-2008
 City of Des Moines
 Permit & Development Center

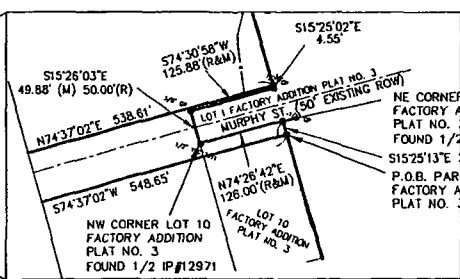
McCLURE

ENGINEERING COMPANY
 M E C results.com
 700 First Avenue North
 Corvallis, Iowa 52241
 515-576-7153
 Fax 515-576-4235
 801 Blackwood Ct. Ste. D
 Johnson, IA 50131
 515-964-0229
 Fax 515-964-2370
 1150 5th St., Suite 270
 Corvallis, Iowa 52241
 319-338-2449
 Fax 319-338-2487



LEGAL DESCRIPTION (PARCEL D)
 A PARCEL OF LAND BEING PART OF LOTS D, E, F, G, P, 6 AND 9 (DEED RECORDED IN BK 10960 PG 950) OF FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF LOT 6 OF SAID FACTORY ADDITION PLAT NO. 3; THENCE SOUTH 15' (DEGREES) 20' (MINUTES) 22" (SECONDS) EAST ALONG EAST LINE OF SAID LOT 6, A DISTANCE OF 135.90 FEET, THENCE SOUTH 48°09'37" WEST, 21.23 FEET TO THE EASTERLY LINE OF LOT 9 OF SAID PLAT; THENCE SOUTH 15°25'02" EAST ALONG SAID EASTERLY LINE, 356.18 FEET; THENCE SOUTH 74°37'02" WEST, 538.61 FEET; THENCE NORTH 07°52'20" WEST, 572.07 FEET TO THE NORTH LINE OF SAID LOT 6 (SOUTH RIGHT OF WAY LINE OF TUTTLE STREET); THENCE NORTH 82°21'50" EAST ALONG SAID LINE, 486.81 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 6.25 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD.

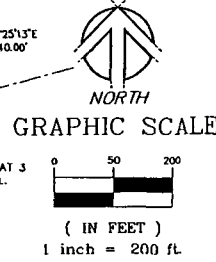
NOTE: PLAT OF SURVEY IS REPLACING THE ACQUISITION PLAT ATTACHED TO RESOLUTION RECORDED AT BOOK 12660 PAGE 736



DATE SURVEYED: August 28, 2008
 CORNERS FOUND:
 ● - FD IP (AS NOTED)
 ○ - FD 1/2" REBAR W/ CAP #15219
 CORNERS SET:
 ○ - 1/2" REBAR & CAP #15219
 (R) - RECORD DISTANCE
 N:\LANDPROJECTS\2008\224022\dwg\boundary\plat.dwg
 OWNER:
 HUBBELL TERMINAL CORPORATION
 SURVEY PREPARED FOR:
 HUBBELL REALTY COMPANY
 NOTE: SURVEY IS A RETRACEMENT OF LAND WITH MULTIPLE LOTS ALL IN THE OFFICIAL PLAT OF FACTORY ADDITION PLAT 3

LEGAL DESCRIPTION (PARCEL E)
 A PARCEL OF LAND BEING PART OF LOTS 9, 10, AND P (DEED RECORDED IN BK 10960 PG 950) OF FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF LOT 10 OF SAID FACTORY ADDITION PLAT NO. 3; THENCE SOUTH 15' (DEGREES) 25' (MINUTES) 13" (SECONDS) EAST ALONG EAST LINE OF SAID LOT 10, A DISTANCE OF 20.73 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 15°25'13" EAST ALONG EAST LINE OF SAID LOT 10 AND LOT 9 OF SAID PLAT, 804.84 FEET; THENCE SOUTH 74°32'06" WEST, 628.91 FEET; THENCE NORTH 07°52'20" WEST, 610.98 FEET; THENCE NORTH 74°37'02" EAST, 548.65 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 6.16 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD

LEGAL DESCRIPTION (PARCEL F)
 A PARCEL OF LAND BEING PART OF LOT C, L, AND 9 (DEED RECORDED IN BK 10960 PG 950) OF FACTORY ADDITION PLAT NO. 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHERLY CORNER OF LOT L OF SAID FACTORY ADDITION PLAT NO. 3 AND ON THE WEST RIGHT OF WAY LINE OF TUTTLE STREET OF SAID PLAT; THENCE SOUTH 39' (DEGREES) 10' (MINUTES) 24" (SECONDS) WEST ALONG WESTERLY LINE OF SAID LOT L, 7.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 07°52'20" EAST, 1353.79 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD AND THE WESTERLY LINE OF SAID LOT L, THENCE NORTH 30°05'57" WEST ALONG SAID LINE, 599.05 FEET; THENCE ALONG SAID LINE ON THE ARC OF A 668.25 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, 803.41 FEET (CHORD BEARING NORTH 04°26'07" EAST, 755.61 FEET); THENCE ALONG SAID LINE NORTH 39°10'24" EAST, 89.54 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.35 ACRES AND IS SUBJECT TO EASEMENTS OF RECORD



NOTICE: Engineer's Certificate reflects my seal of responsibility and liability for the work which I have performed in the preparation of this plat. I am a duly licensed land surveyor under the laws of the State of Iowa.
 I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
 BRUCE D. LOESMAN, L.S. 1618
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009
 PAGES OF SHEETS COVERED BY THIS SEAL: 1



PLAT OF SURVEY

DESMOINES AOWA
 DESM224022
 1/26/07
 DESIGNED BY: SV
 DRAWN BY: BRG
 CHECKED BY: MAC
 FIELD BOOK NO: FIELDBOOK
 DATE: 8/10/08
 8/8/08
 8/7/08
 8/28/08

COPY