

CON 12-1-1  
Doc # 98250

TRUE LINE DESIGN SOLUTIONS, LLC  
1701 S Main Street  
Fairfield, IA 52556  
Phone: 641-472-9499  
Fax: 641-472-9417

RECEIVED

AUG 13 2020

August 12, 2020

Mr. Chad A. Stobbe  
Environmental Specialist Senior  
Land Quality Bureau – Iowa Department of Natural Resources  
502 East 9<sup>th</sup> Street  
Des Moines, IA 50319-0034

Subject: Deed Notation  
BUD Site Closure – Faircast, Inc.  
Fairfield, Iowa  
Permit #51-SDP-06-19C

Dear Mr. Stobbe:

On behalf of Faircast, Inc., True Line Design Solutions, LLC (TLDS) is submitting the enclosed deed notation filed with the county recorder. The deed notation is required by Special Provision #12 of Closure Permit #51-SDP-06-19C, issued on

The affidavit was recorded on August 12, 2020. The notation describes the existence of a spent foundry sand disposal site on Faircast, Inc. property and that closure activities were performed on the spent foundry sand disposal site in accordance with the closure permit.

Also attached is the as built grading sheet for the closed site. The closure was performed in general conformance to the Site Closure Design Plan (Doc #95135) dated November 20, 2018 and the Site Closure Plan Narrative (Doc #95134) dated November 19, 2018. Also shown on the as built grading sheet is the locations and elevations of the installed groundwater monitoring wells that were installed last week.

If you any questions or need any additional information, please contact us at 641-472-9499.

Sincerely,



Trevor C. Brown, PE & LS  
True Line Design Solutions, LLC

Instrument #: 2020-1781  
08/12/2020 08:18:21 AM Total Pages: 5  
AFF AFFIDAVIT  
Recording Fee: \$ 27.00 Transfer Tax: \$0  
Kelly L. Spees, Recorder, Jefferson County Iowa



Prepared By: Kenneth Ledoux Faircast, Inc. -905W.Depot Fairfield, IA 52556 (641) 954-3200  
Return To: Kenneth Ledoux Faircast, Inc. -905W.Depot Fairfield, IA 52556 (641) 954-3200

SPACE ABOVE THIS LINE FOR RECORDER

## AFFIDAVIT

Grantor: Faircast, Inc.  
905 W. Depot  
Fairfield, IA 52556

By virtue of this recorded Affidavit, Faircast, Inc. satisfies the requirement to record a notation on the deed to the property for the purpose of compliance with Iowa DNR closure permit #51-SDP-06-19C. :

A copy of the notation filed with the county recorder showing, for the purposes of title abstract, the existence of a spent foundry sand disposal site on the property and that closure activities were performed on the disposal site in accordance with this permit.

**1. Affected Property.** Grantor is the fee simple title owner of the property.

The Description of the Tract of Land containing the Spent Foundry Sand Disposal Site (the "Property") as described in a Corrected Warranty Deed Recorded in Instrument 2019-1233 in the Jefferson County Recorder's Office:

The following described real estate situated in Jefferson County, Iowa, to-wit: Beginning at the Southeast corner of the Northeast Quarter of Section 27, Township 72 North, Range 10 West of the 5th P.M., thence North 89°57' West 2062.5 feet, thence North 1209.0 feet, thence South 83°29' East 28.0 feet, thence South 6°31' West 50.0 feet, thence South 83°29' East 470.0 feet, thence South 86°45' East 252.0 feet, thence South 88°03 1/2 East 321.6 feet, thence North 6°31' East 60.0 feet, thence South 83°29' East 400.0 feet, thence South 74°57' East 101.1 feet, thence North 87°59' East 101.1 feet, thence South 83°29' East 400.0 feet, thence South 1025.5 feet, to the point of beginning, containing 51.87 acres, more or less.

EXCEPT:

A strip of land 90 feet in width lying the Southeast quarter of the Northeast Quarter of Section 27, Township 72 North, Range 10 West of the Fifth Principal Meridian in the City of Fairfield, Jefferson County, Iowa, described as follows: From the East Quarter corner of said Section 27, run on a bearing assumed to be due North along the East line of the Northeast Quarter of said Section 27 for 50.0 feet to the North right of way line of

Grimes Avenue and the point of beginning; thence run North 89 degrees 55 minutes West along said North right of way line for 90.0 feet; thence run North parallel with East line of the Northeast Quarter of said Section 27 for 985.8 feet to the South right of way line of the Burlington-Northern railroad; thence South 83 degrees 29 minutes East along said South right of way line for 90.45 feet to the East line of the Northeast Quarter of said Section 27; thence run South along said section line for 975.6 feet to the point of beginning, containing 2.026 acres. Being a part of Stever Heights Addition to the City of Fairfield, Iowa.

EXCEPT:

A part of the Stever Heights Addition to the City of Fairfield, and also being a part of the Irregular Survey of the Southwest Quarter of the Northeast Quarter of Section 27, Township 72 North, Range 10 West of the Fifth Principal Meridian, in the City of Fairfield, Jefferson County, Iowa, as shown by a plat of said survey recorded in Plat Book 129, page 21, Jefferson County Recorder's office, and more particularly described as follows:

Commencing at the Center of said Section 27; thence North 90 degrees 00 minutes 00 second East (assuming bearing) along the south line of the Southwest Quarter of the Northeast Quarter of said Section 27 a distance of 577.50 feet to the Southwest corner of said Irregular Survey and the Point of Beginning; thence North 00 degrees 01 minutes 13 seconds West along the west line of said Irregular Survey a distance of 410.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 302.5 feet; thence South 00 degrees 01 minutes 13 seconds East a distance of 410.0 feet to the south line of the Southwest Quarter of the Northeast Quarter of said Section 27; thence South 90 degrees 00 minutes 00 seconds West along the south line of the Southwest Quarter of the Northeast Quarter of said Section 27 a distance of 302.50 feet to the Point of Beginning; Containing 2.85 acres, more or less, including 0.35 acres of County road right-of-way casement on the south side thereof.

AND ALSO EXCEPT:

A part of Stever Heights to the City of Fairfield, and a part of the Irregular Survey of the Southwest Quarter of the Northeast Quarter, and a part of the Southeast Quarter of the Northeast Quarter, all in Section 27, Township 72 North, Range 10 West of the Fifth Principal Meridian, City of Fairfield, Jefferson County, Iowa, also designated as Parcel "N", and being more particularly described as follows:

Commencing at the East One-Quarter Corner of said Section 27; thence North 89 degrees 57 minutes 00 seconds West (assumed) along the south line of the Southeast Quarter of the Northeast Quarter of said Section 27 a distance of 90.00 feet to the Point of Beginning; thence continuing North 89 degrees 57 minutes

00 seconds West along said south line a distance of 1230.23 feet to the Southwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 27; thence North 89 degrees 58 minutes 19 second West along the south line of the Southwest Quarter of the Northeast Quarter of said Section 27 a distance of 439.82 feet to the easterly line of a certain parcel of land as shown in a plat of survey recorded in Drawer no. 3, Document no. 1791 in the Jefferson County Recorder's Office, thence North 00 degrees 00 minutes 52 seconds East along said easterly line a distance of 410.63 feet to the north line of said parcel of land; thence South 89 degrees 54 minutes 42 seconds West along said north line a distance of 302.74 feet to the west line of said parcel; thence North 00 degrees 01 minutes 13 seconds West along the west line of said parcel extended northerly a distance of 90.08 feet; thence South 89 degrees 57 minutes 20 seconds East a distance of 1972.83 feet to the westerly right-of-way line of North 23rd Street, thence South 00 degrees 00 minutes 46 seconds West along said westerly right-of-way line a distance of 500.00 feet to the Point of Beginning, containing 19.79 acres, more or less, including 191 acres of presently established road easement.

**2. Deed Notation.** Any future deed shall reflect that a spent foundry sand disposal site has existed on the Property. The disposal site has been closed pursuant to Iowa DNR closure permit #51-SDP-06-19C and is subject to post closure care obligations as listed in Section 4 of this Affidavit.

**3. Running with the Land.** Compliance with this permit is perpetual and runs with the land and is binding on Grantor and all successors in interest, assigns, and transferees acquiring or owning any right, title, lien, or interest in the Property. The term "transferee," as used in this Affidavit shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, contract buyers, mortgagees, easement holders, and/or lessees.

**4. Post Closure Care Obligations.** The Property is subject to following the post-closure care obligations pursuant to permit #51-SDP-06-19C:

**Special Condition #2** - The existing foundry sand disposal site shall be closed in a manner that will:

- a. Control, minimize or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste and releases of spent foundry sand, leachate, or contaminated runoff to the ground or surface waters or to the atmosphere;
- b. Preclude the probability of future impoundment of water or sediment. All diversion and drainage structures shall be designed to meet a 25-year, 24-hour rainfall event, and must be maintained to prevent run-on and runoff erosion or other damage to the final cover;
- c. Include measures that provide for slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;
- d. Minimize the need for further maintenance of the closed disposal site; and
- e. Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.

- Special Condition #9** - At a minimum, post-closure care shall consist of at least the following:
- a. Maintaining the integrity and effectiveness of the final cover system to original specifications, including making repairs to the final cover as necessary to correct the effects of seeps, settlement, subsidence, erosion, ponding or other events, and preventing run-on and runoff from eroding or otherwise damaging the final cover;
  - b. Reseeding the vegetative cover as necessary to maintain good vegetative growth. Any invading vegetation whose root system could damage the compacted soil layer shall be removed or destroyed as soon as possible. The permit holder shall monitor the final cover and vegetation on a quarterly basis for the first year, until vegetation is well established, and annually thereafter throughout the remainder of the permit term; and
  - c. Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of Special Condition #6.

**Special Condition #12** - "Pursuant to Iowa Code paragraph 455B.306(7)(a) and Iowa Code subsection 455B.306(9), Faircast, Inc shall establish and maintain financial assurance for the costs of conducting post-closure care and corrective action (if applicable) of the closed spent foundry sand disposal site. Faircast, Inc shall adhere to the financial assurance provisions of 567 IAC 113.14(4) through 567 IAC 113.14(7) utilizing a financial assurance mechanism in 567 IAC 113.14(6), and will provide continuous coverage for post-closure care until released from this requirement by the DNR. Proof shall be sent to DNR and yearly thereafter by April 1st."

**5. Effective Date.** The effective date shall be the date upon which this fully executed Affidavit has been properly recorded with the Jefferson County Recorder's Office.

**GRANTOR:**

FAIRCAST, INC.

Signature: Kenneth Ledoux  
Printed Name: Kenneth Ledoux  
Title: President / General Manager  
Date: 8/12/2020

STATE OF IOWA )

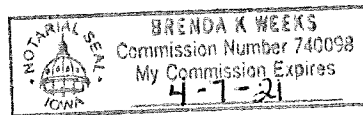
) SS.

COUNTY OF ) JEFFERSON

On this 12<sup>th</sup> day of August, 2020, before me personally appeared Kenneth Ledoux, known to me to be the President / General Manager of Faircast, Inc. and acknowledged that he executed the same as his voluntary act and deed.

Brenda Weeks  
Brenda K Weeks, Notary Public

My Commission expires on April 7, 2021



BNSF RAILROAD

MONITORING WELL #5  
GROUND ELEVATION = 764.5  
TOP OF PIPE = 737.5

MONITORING WELL #6  
GROUND ELEVATION = 755.2  
TOP OF PIPE = 757.8

MONITORING WELL #2  
GROUND ELEVATION = 753.1  
TOP OF PIPE = 756.3

MONITORING WELL #4  
GROUND ELEVATION = 762.2  
TOP OF PIPE = 765.1

MONITORING WELL #3  
GROUND ELEVATION = 763.0  
TOP OF PIPE = 766.2

MONITORING WELL #1  
GROUND ELEVATION = 770.5  
TOP OF PIPE = 773.5

23rd STREET (CONCRETE)

DEXTER SOCCER COMPLEX

