

Recorded: 11/29/2022 at 10:29:45.0 AM
County Recording Fee: \$42.00
Iowa E-Filing Fee: \$3.78
Combined Fee: \$45.78
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2022 PG: 3505

Type / Title of Document: Environmental Covenant

Return Document to:

Name: Kay Watson, Seneca Companies, Inc.
Address: 4140 E 14th Street Des Moines, IA 50313
Street Address City Zip
Telephone: 515-264-4337

Preparer Information:

Name: Kay Watson, Seneca Companies, Inc.
Address: 4140 E 14th Street Des Moines, IA 50313
Street Address City Zip
Telephone: 515-264-4337

Taxpayer Information:

Name: Jenifer Simon and Mitchell Ronnebaum
Address: 2779 190th Street Earlville, IA 52041
Street Address City Zip
Telephone: (563) 920-4356

Grantor(s): Jenifer Simon and Mitchell Ronnebaum

Holder(s) / Grantee(s): Jenifer Simon and Mitchell Ronnebaum

Agency(s): Iowa Department of Natural Resources

Legal Description, including parcel identification number, if available:

The South eighty eight (88.0) feet of the West one hundred one and five-tenths (101.5) feet of Lot Seven (7) of the subdivision of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty Five (25), Township Eight Nine (89) North, Range Four (4), West of the Fifth P.M., according to plat recorded in Book A Plats, Page 72.

Parcel: 550000108100

**IOWA UNDERGROUND STORAGE TANK PROGRAM
ENVIRONMENTAL COVENANT**

This environmental covenant is established pursuant to Iowa Code (IC) chapter 455I entitled Uniform Environmental Covenants Act.

Jenifer Simon and Mitchell Ronnebaum, hereafter "grantor(s)," Jenifer Simon and Mitchell Ronnebaum, hereafter "holder(s)," and the Department of Natural Resources (Department) in its capacity as an agency of the State of Iowa, enter into this environmental covenant for the purpose of subjecting the property described below to certain activity and use limitations in accordance with the terms and conditions included herein pursuant to the authority granted to the Department in IC chapter 455I, IC § 455B.103(7), and Department rules in chapter 567 Iowa Administrative Code (IAC) 135.

1. Affected Property. The grantor(s) identified below is the fee title owner(s) of the property located at 1 East Margaret Street, Earlville, Iowa, at which petroleum exists. The property is legally described as:

The South eighty eight (88.0) feet of the West one hundred one and five-tenths (101.5) feet of Lot Seven (7) of the subdivision of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty Five (25), Township Eight Nine (89) North, Range Four (4), West of the Fifth P.M., according to plat recorded in Book A Plats, Page 72.

Parcel: 550000108100

Hereinafter, the affected property will be referred to as "the property."

2. Risk Management and Institutional Controls.

Seneca Companies for Jenifer Simon and Mitchell Ronnebaum has conducted a soil and groundwater investigation and risk assessment (tiered site assessment) of the UST source site located at 1 East Margaret Street, Earlville, Iowa, in accordance with Department rules in chapter 567 IAC 135. Persons associated with the UST source site have requested that the grantor execute this environmental covenant in order to satisfy regulatory requirements applicable to the UST site.

This assessment constitutes an environmental response project as defined in IC § 455I.2(5). The purpose of this environmental covenant is to manage the risk of future exposure to existing soil and/or groundwater contamination at the site by limiting specified land use activities at this property, establishing affirmative obligations, and enforcing the terms of this covenant.

3. Tiered Assessment Reports. Department files reference the UST source site located at 1 East Margaret Street, Earlville, IA by Registration No. 197910428 and LUST No. 9LTI89.

RBCA Tier 2 Report accepted by the DNR on 9/18/01 and subsequent Tier 2 Reports.

4. Reopening. The signatories to this covenant acknowledge that failure of the activity and use limitations to serve their intended purpose including the prevention of exposure to contamination could result in the Department reopening its review and regulation of the contaminant condition on the property as provided under the terms of this covenant, IC chapters 455B and 455I, and applicable Department administrative rules.

5. Identity of Grantor(s) and Holder(s).

GRANTOR(S): Jenifer Simon and Mitchell Ronnebaum

HOLDERS: Jenifer Simon and Mitchell Ronnebaum

AGENCY: Iowa Department of Natural Resources

6. Representations and Warranties. The grantor(s) warrants to the other signatories to this covenant the following:

- a. The grantor[s] is/are the sole fee title owner[s] of the property;

- b. the grantor[s] holds sufficient fee title to the property to grant the rights and interests described in this covenant free of any conflicting legal and equitable claims;
- c. the grantor[s] has/have identified all other persons holding legal or equitable interests, including, but not limited to, contract buyers, mortgage holders, other consensual lienholders and lessees, and secured their consent either by signatures on this covenant or by a separate subordination and consent agreement attached as Exhibit A.

7. Running with the Land. This environmental covenant is perpetual and runs with the land as provided in IC § 455I.9 until modified or terminated. The terms of this environmental covenant are binding on the grantors and all successors in interest, assigns and all transferees acquiring or owning any right, title, lien or interest in the property and their heirs, successors, assigns, grantees, executors, administrators and devisees. The term "transferee," as used in this environmental covenant, 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.

8. Activity and Use Limitations and Terms. The property is subject to the following activity and use limitations:

Basements -Receptor ID

No confined spaces as described in Iowa Department of Natural Resources Rule 567 Iowa Administrative code 135.10(7) (groundwater vapor) shall be constructed within the area of the applicable receptor ID plume as specified in DNR rule 135.10(6) (groundwater vapor). Confined spaces include basements in buildings occupied by humans. For reference, the area of the receptor ID plume which exceeds the Tier 2 default levels and zoning are shown on the attached map as Exhibit A.

9. Notice of Non-Compliance. Any property owner or subsequent transferee of an interest in the property shall notify the Department as soon as possible of conditions which would constitute a breach of the activity and use limitations in paragraph eight (8) if they have actual knowledge of these conditions or would reasonably be deemed to have knowledge within the normal course of administration of their property interest.

10. Notice to Lessees. Grantor, any holder with a property interest sufficient to grant a lease of the property, and any subsequent transferee shall incorporate the activity and use limitations of this covenant either in full or by reference to this instrument in any lease, license, or other instrument granting a right to possession of the property.

11. Access to Property. Reasonable access to the property is granted the Department or any authorized representative of the Department, public or private, for the purpose of implementation, monitoring and enforcement of the terms of this environmental covenant. The Department, its authorized representatives or other persons entitled to access shall provide the current owner of the property with reasonable notice, an explanation of the reasons for entry and the scope of onsite activities prior to access. Right of access includes, but is not limited to, the following activities:

- a. repair and maintenance of remedial action equipment, soil caps, groundwater monitoring wells and associated aboveground or subsurface structures
- b. fencing and other technological controls
- c. groundwater sampling and monitoring
- d. additional drilling
- e. construction of soil boring and/or groundwater monitoring wells
- f. other activities authorized or otherwise directed by the Department.

12. Groundwater Hazard Statement Notice. IC § 558.69 requires submission of a groundwater hazard statement and disclosure if "hazardous waste" exists on the property as defined in IC § 455B.411(3) or if the Department determines that solid waste exists on the property that is potentially hazardous. If hazardous waste is present, the groundwater hazard statement must state that the condition is being managed in accordance with Department rules. The signatories and all subsequent transferees required to submit a groundwater hazard statement under Iowa

Code section 558.69 shall make reference to this environmental covenant in substantially the following form:

THE INTEREST CONVEYED IS SUBJECT TO AN
ENVIRONMENTAL COVENANT, DATED _____
RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE
Delaware COUNTY RECORDER ON _____ IN
_____.

THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Basements -Receptor ID

No confined spaces as described in Iowa Department of Natural Resources Rule 567 Iowa Administrative code 135.10(7) (groundwater vapor) shall be constructed within the area of the applicable receptor ID plume as specified in DNR rule 135.10(6) (groundwater vapor). Confined spaces include basements in buildings occupied by humans. For reference, the area of the receptor ID plume which exceeds the Tier 2 default levels and zoning are shown on the attached map as Exhibit A.

13. Modification and Termination. Modification or termination of the terms of this covenant shall comply with the standards in IC chapter 455I and applicable Department administrative rules. The terms of this environmental covenant may be modified or terminated by written consent of the Director of the Department, the then current fee simple title owner and all original signatories (unless exempted under the provisions of IC § 455I.10(1)"c" in accordance with and subject to the provisions of IC § 455I.10). The termination or modification is not effective until the document evidencing consent of all necessary persons is properly recorded. If not by consent, any modification or termination of this environmental covenant shall be in accordance with IC § 455I.9 and such additional terms as specified in this covenant.

14. Enforcement. The terms of this environmental covenant may be enforced in a civil action for injunctive or other equitable relief by the signatories and those persons authorized by and in accordance with IC § 455I.11.

15. Severability. If any provision of this environmental covenant is found to be unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

16. Governing Law. This environmental covenant shall be governed by and interpreted in accordance with the laws of the State of Iowa.

17. Recordation. Within thirty (30) days after Department approval of this environmental covenant, the grantor[s] shall record the environmental covenant in the same manner as a deed to the property with the Delaware County Recorder's Office.

18. Effective Date. The effective date of this environmental covenant shall be the date upon which the fully executed environmental covenant has been properly recorded with the Delaware County Recorder's Office.

19. Notice. Unless otherwise notified in writing by the Department, any document or communication required by this environmental covenant shall be submitted to:

Iowa Department of Natural Resources
UST Section Supervisor
Wallace State Office Building
502 E 9th Street
Des Moines, IA 50319

20. Subordination and Consent. By signing this environmental covenant, the signatories knowingly and intentionally acknowledge their consent to the terms of this agreement and agree to subordinate their interest in the property. The following persons have expressly consented and subordinated interests:

No subordinated interests.

ACKNOWLEDGMENTS

GRANTORS:

Jenifer Ronnebaum
Jenifer Simon / Jenifer Ronnebaum

Dated this 18 day of Nov, 2022

On this 18 day of Nov, 2022 before me personally appeared Jenifer Ronnebaum who being duly sworn, did say that they are the corporation, and that the instrument was signed on behalf of said corporation by authority of its board of directors and that the said officers acknowledge the execution of said instrument to be the voluntary act and deed of said corporation by them voluntarily executed.

Elaine Mary Diesburg
Notary Public, State of Iowa:



Mitchell Ronnebaum
Mitchell Ronnebaum

Dated this 18 day of Nov, 2022

On this 18 day of Nov, 2022 before me personally appeared Mitchell Ronnebaum who being duly sworn, did say that they are the corporation, and that the instrument was signed on behalf of said corporation by authority of its board of directors and that the said officers acknowledge the execution of said instrument to be the voluntary act and deed of said corporation by them voluntarily executed.

Elaine Mary Diesburg
Notary Public, State of Iowa:



HOLDERS:

Jenifer Ronnebaum
Jenifer Simon / Jenifer Ronnebaum

Dated this 18 day of Nov, 2022

On this 18 day of Nov, 2022 before me personally appeared Jenifer Ronnebaum who being duly sworn, did say that they are the corporation, and that the instrument was signed on behalf of said corporation by authority of its board of directors and that the said officers acknowledge the execution of said instrument to be the voluntary act and deed of said corporation by them voluntarily executed.

Elaine Mary Diesburg
Notary Public, State of Iowa:

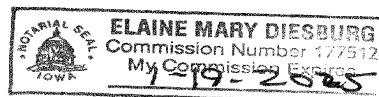


Mitchell Ronnebaum
Mitchell Ronnebaum

Dated this 18 day of Nov, 2022

On this 18 day of Nov, 2022 before me personally appeared Mitchell Ronnebaum who being duly sworn, did say that they are the corporation, and that the instrument was signed on behalf of said corporation by authority of its board of directors and that the said officers acknowledge the execution of said instrument to be the voluntary act and deed of said corporation by them voluntarily executed.

Elaine Mary Diesburg
Notary Public, State of Iowa:



AGENCY:

Kayla Lyon
Kayla Lyon
Director, Iowa Department of Natural Resources

Signed this 12th day of October, 2022

State of Iowa)
County of Polk) ss.

On this 12th day of October, 2022, before me personally appeared Kayla Lyon, 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.

Jennifer Miller
Notary Public for State of Iowa

SUBORDINATED INTERESTS:
No subordinated interests.

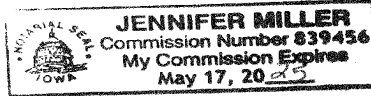


EXHIBIT A
GROUNDWATER VAPOR TO CONFINED SPACE

Groundwater RID: Vapor - Confined Space Residential
9LTI89

Receptor ID Map

T: TL>=SC
E: TL>=SC
X: N/A
TEHD: TL>=SC
TEHWO: N/A

NORTHERN AVENUE

MARGARET STREET

MW-7

DMW-6

DMW-2

DMW-1

DMW-3

DMW-7

DMW-4

DMW-5

FORMER PANIS

LEGEND:

- MONITORING WELL LOCATION
- SOIL BORING LOCATION

SITE AND SURROUNDING PROPERTIES ARE RESIDENTIAL
TO THE NORTH, EAST, & WEST. TO THE SOUTH IS RESIDENT

SITE HAS 0-2% SLOPES

0 25' 50'

SCALE IN FEET

- FIBER OPTICS
- SANITARY SEWER
- STORM SEWER
- TELEPHONE
- WATER

This drawing and all parts thereof is the exclusive property of Seneca Companies and may not be reproduced in whole or part without written permission.

REV. NO.	DATE



JOB DESCRIPTION:
FORMER STANDARD STATION
1 EAST MARGARET STREET
EARLVILLE, IA

SHEET TITLE:
POTENTIAL CONFINED SPACE RESIDENTIAL

PROJECT NO: 6358320	FILENAME:	DATE: 12/22/2021	DRAWN BY: EMMA REYNOLDS	CHECKED BY: LESLIE NAGEL	SCALE: 1"=40'	SHEET NO. 01
------------------------	-----------	---------------------	----------------------------	-----------------------------	------------------	-----------------