Book 2011 Page 448

Document 2011 GWH-448 Type 53 001 Pages 3
Date 2/03/2011 Time 9:44:06AM
Rec Amt $.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT

TO BE COMPLETED BY TRANSFEROR

TRANSFEROR:

Name: Elk Wind Energy LLC

Address 4800 Mills Civic Parkway, Suite #207, West Des Moines, IA 50265
(Number and Street or RR; City, Town or P.O.; State; Zip)

TRANSFEREE:

Name: ITC Midwest LLC

Address 27175 Energy Way, Novi, Michigan 48377
(Number and Street or RR; City, Town or P.O.; State; Zip)

Address of Property Transferred:
1421 220th Avenue Greeley IA 52050
(Number and Street or RR; City, Town, or P.O.; State; Zip)

Legal Description of Property: (Attach if necessary) LEGAL DESCRIPTION ATTACHED

1. **Wells (check one)**
   - X There are no known wells situated on this property.
   - ☐ There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.
2. **Solid Waste Disposal (check one)**
   - X There is no known solid waste disposal site on this property.
   - ☐ There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.
3. **Hazardous Wastes (check one)**
   - X There is no known hazardous waste on this property.
   - ☐ There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.
4. **Underground Storage Tanks (check one)**
   - X There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
   - ☐ There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.

5. Private Burial Site (check one)

X There are no known private burial sites on this property.

☐ There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

6. Private Sewage Disposal System (check one)

X There are no known private sewage disposal systems on this property.

☐ There is a private sewage disposal system on this property. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.

☐ There is a private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form. When the inspection is completed, an amended Groundwater Hazard Statement shall be recorded with the certified inspection and shall include the document numbers of both the real estate transfer document and the original Groundwater Hazard Statement.

☐ There is a private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.

☐ This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption: _____.

☐ The private sewage disposal system has been installed within the past two years pursuant to permit number _____.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

_____

_____

_____

_____

_____

_____

I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM
AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Elk Wind Energy LLC

Signature: _____ Telephone No.: (515) 223-0511
(Transferor or Agent) Stephen F. Dryden, Authorized Representative

FILE WITH RECORDER **DNR form 542-0960 (June 26, 2009)**

LEGAL DESCRIPTION

The following described real estate in Delaware County, Iowa, according to a Plat of Survey recorded at Book 2010, Page 2874 of the Delaware County records:

PARCEL "C" A PART OF PARCEL "A" OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 5 WEST OF THE 5TH P.M., DELAWARE COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25, THENCE SOUTH 87°38'40" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 ALSO BEING THE SOUTH LINE OF PARCEL "A", PER PLAT RECORDED IN BOOK 2010, PAGE 2160, A DISTANCE OF 333.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 0°17'32" WEST ALONG THE WEST LINE OF SAID PARCEL "A", 312.01 FEET; THENCE NORTH 89°38'33" EAST, 332.78 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 ALSO BEING THE EAST LINE OF SAID PARCEL "A"; THENCE SOUTH 0°17'32" EAST, ALONG SAID EAST LINE, 300.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.34 ACRES (101,930 S.F.) INCLUDING 0.22 ACRES OF ROAD RIGHT OF WAY MORE OR LESS.