Book 2011 Page 679

Document 2011 GWH-679 Type 53 001 Pages 4
Date 2/18/2011 Time 2:42:58PM
Rec Amt $.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT

TO BE COMPLETED BY TRANSFEROR

TRANSFEROR:

Name Chicago, Central & Pacific Railroad Company

Address 17641 S.Ashland Avenue (Number and Street or RR) Homewood (City, Town or P.O.) Illinois (State) 60430 (Zip)

TRANSFEREE:

Name Lyle E. Orcutt

Address P. O. Box 53 (Number and Street or RR) Earlville (City, Town or P.O.) Iowa (State) 52041 (Zip)

Address of Property Transferred:

Railroad Property (Number and Street or RR) Earlville (City, Town, or P.O.) Iowa (State) (Zip)

Legal Description of Property: (Attach if necessary) See Exhibit A attached hereto

1. **Wells (check one)**
   - ☒ 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)**
   - ☒ 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)**
   - ☒ 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)**
   - ☒ 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)

- ☒ 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)

- ☒ All buildings on this property are served by a public or semi-public sewage disposal system.
- ☐ This transaction does not involve the transfer of any building.
- ☐ There is a building served by private sewage disposal system on this property or a building without any lawful sewage disposal system. 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 building served by 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.
- ☐ There is a building served by private sewage disposal system on this property. The buyer has executed a binding acknowledgment with the county board of health to install a new private sewage disposal system on this property within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.
- ☐ There is a building served by 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. [Exemption #9]
- ☐ This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption [Note: for exemption #9 use prior check box]: _____.
- ☐ 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:

The sale includes an old railroad toolhouse located at the west boundary of the sale premises. All other buildings within the sale premises are owned by parties leasing the land from the Seller (Transferor).

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

Signature: _____ (Transferor or Agent) Telephone No.: (708) 332-3541

FILE WITH RECORDER **DNR form 542-0960 (Sept. 1, 2010)**

Exhibit A / Legal Description

A parcel of land located in the Southwest Quarter of the Northwest Quarter of Section 36, Township 89 North, Range 4 West of the Fifth Principal Meridian at Earlville, Delaware County, Iowa, described as follows:

Beginning at the point of intersection of the west right of way line of Williams Street and the south right of way line of North Side Road in Earlville, Iowa, said south right of way line North Side Road also being a long a line parallel with and 110 feet normally distant Northerly from Grantor's main track centerline, as now located and constructed;

Thence run westerly along the last said parallel line, also being along said south right of way line of North Side Road, a distance of 300 feet, more or less, to a point on the east right of way line of Northern Avenue;

Thence run southerly along said east right of way line of Northern Avenue a distance of 60 feet, more or less, to a point on a line parallel with and 50.0 feet normally distant northerly from Grantor's main track centerline, as now located and constructed;

Thence run easterly along the last said parallel line a distance of 300 feet, more or less, to a point on said west right of way line of Williams Street;

Thence run northerly along said west right of way line of Williams Street a distance of ~~300~~ 60 feet, more or less, to the point of beginning.

Containing 0.41 acres, more or less.

IC/CCP

QUITCLAIM DEED ADDENDA

The attached legal description for the property being conveyed to Lyle E. Orcutt is intended to encompass all the property now known as Parcel T and Parcel U, part of the existing Chicago Central & Pacific Railroad Right of Way in the SW 1/4-NW 1/4 of Section 36, T89N, R4W of the 5th Principal Meridian, City of Earlville, Delaware County, IA as described by Plat of Survey recorded in Book 2011, Page 494.

I, Arthur L. Spiros of the Business Development & Real Estate Department of the CN Railroad give consent to this addenda to the Quit Claim Deed to Lyle E. Orcutt as requested by Randall L. Rattenborg, Land Surveyor for Gibbs Engineering & Surveying.