



Document 2013 2319

Book 2013 Page 2319 Type 06 017 Pages 18

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Type / Title of Document: Environmental Covenant

WJ

Return Document to:

Name: Leslie Nagel, Seneca Companies, Inc.
Address: 4140 E. 14th Street Des Moines, IA 50313
 Street Address City Zip
Telephone: 515-261-7717

Preparer Information

Name: Leslie Nagel, Seneca Companies, Inc.
Address: 4140 E. 14th Street Des Moines, IA 50313
 Street Address City Zip
Telephone: 515-261-7717

Taxpayer Information

Name: Casey's Marketing Company
Address: One Convenience Blvd., Ankeny, IA 50021
Telephone: 515-965-6238

Grantor(s): Casey's Marketing Company
One Convenience Blvd., Ankeny, IA 50021
515-965-6238

Holder(s) / Grantee(s): Casey's Marketing Company

Agency(s): Iowa Department of Natural Resources

Legal Description, including parcel identification number, if available:

Lot Four (4) of the Replat of Lot Three (3), Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, according to the Final Plat filed of record July 24, 1998, in Book 2, Page 367 in the records of the Madison County Recorder.

Parcel: 821004900072200

UST ENVIRONMENTAL COVENANT

This environmental covenant is established pursuant to Iowa Code chapter 455I entitled Uniform Environmental Covenants Act (*see also* 2005 Iowa Acts, Senate File 375).

Casey's Marketing Company hereafter "grantor", and Casey's Marketing Company, hereafter "holder", and the Iowa Department of Natural Resources (Department) in its capacity as an agency 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 as specified and the authorities granted the Department in Iowa Code section 455B.103(7), section 455B.474(1)(f)(4)"f", Iowa Code chapter 455I, and Department rules in chapter 567 Iowa Administrative Code (I.A.C.) 135.

1. Affected Property. The grantor(s) identified below is the fee title owner(s) of the property located at 1021 North 1st Street, Winterset, IA, at which petroleum exists. The property is legally described as:

Lot Four (4) of the Replat of Lot Three (3), Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, according to the Final Plat filed of record July 24, 1998, in Book 2, Page 367 in the records of the Madison County Recorder.

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

2. Risk Management and Institutional Controls. Seneca Companies, Inc. for Casey's Marketing Company has conducted a soil and groundwater investigation and risk assessment (tiered site assessment) of the property in accordance with Department rules in chapter 567 I.A.C. 135.

This assessment constitutes an environmental response project as defined in Iowa Code section 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. This assessment constitutes an environmental response project as defined in 2005 Iowa Code Supplement Chapter 455I.2(5). Applying existing Department rules, this site assessment has identified soil or groundwater contaminant conditions on the property which may not pose an unreasonable risk to health, safety and the environment based on present land use but may present an unreasonable risk to health, safety and the environment unless certain future land use activities are limited and enforced as specified in this agreement. Iowa Code section 455B.474(1)"f" and Department rules in Chapter 567 I.A.C. Chapter 135 authorize the use of an environmental covenant as an Institutional Control. The purpose of this environmental covenant is to manage the risk of future exposure to existing contaminant conditions by limiting specified land use activities at this property, establishing affirmative obligations and enforcing the terms of this covenant. Casey's Marketing Company and Seneca Companies, Inc. wish to use this environmental covenant as an institutional control in order to obtain a No Action Required classification for the designated exposure pathways.

3. Tiered Assessment Reports. Department files reference the UST source site located at 1021 North 1st Street, Winterset, IA, Iowa by Registration No. 199317629 and LUST NO. 9LTP91.

Tier 2 Site Cleanup Report submitted April 9th, 2013 and approved by the IDNR on April 15, 2013.

4. Reopening. The signatories 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, Iowa Code chapters 455B and 455I, and applicable Department administrative rules.

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

GRANTOR(S): Casey's Marketing Company

HOLDERS: Casey's Marketing Company

AGENCY: Iowa Department of Natural Resources

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

- a. The grantor is the sole fee title owner of the property;
- b. The grantor 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 has 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.

7. Running with the Land. This environmental covenant is perpetual and runs with the land as provided in Iowa Code section 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:

No "enclosed spaces" as described in Iowa Department of Natural Resources Rule 567 Iowa Administrative Code 135.10(7) (soil vapor) shall be constructed within the area of the applicable receptor ID plume as specified in DNR rule 135.10(7) (soil vapor). Enclosed spaces include space which can act as a receptor or pathway capable of creating a risk of explosion or inhalation hazard to humans and includes "explosive receptors" and "confined spaces." Explosive receptors means those receptors designated in these rules which are evaluated for explosive risk. Confined spaces means those receptors designated in these rules for evaluation of vapor inhalation risks. 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 5.

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. Iowa Code section 558.69 requires submission of a groundwater hazard statement and disclosure if "hazardous waste" exists on the property as defined in Iowa Code subsections 455B.411(3), 455B.412(2) or section 455B.464 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 _____, 20__, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE MADISON COUNTY RECORDER ON _____, 20__, IN [DOCUMENT ____, or BOOK ____, PAGE ____, or by parcel number ____].

THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS: *see paragraph 8 above.*

13. Modification and Termination. Modification or termination of the terms of this covenant shall comply with the standards in Iowa Code 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 Iowa Code section 455I.10(1)"c" in accordance with and subject to the provisions of Iowa Code section 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 Iowa Code section 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 Iowa Code section 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 shall record the environmental covenant in the same manner as a deed to the property with the Madison 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 Madison 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
Lee Osborn
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 intelligently acknowledge their consent to the terms of this agreement and agree to subordinate their interest in the property.

ACKNOWLEDGMENTS

GRANTOR

Jill Reams-Widder
Casey's Marketing Company
GRANTOR

Dated this 2 day of July, 2013

State of Iowa)
County of Polk) ss.

On this 2nd day of July, 2013, before me personally appeared Jill Reams-Widder and _____, who being duly sworn, did say that they are the corporation, that (the seal affixed to said instrument is the seal of said corporation or no seal has been procured by said corporation) and that the instrument was signed and sealed 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.

Marie D. Blatt
Notary Public, State of Iowa :



HOLDER:

Jill Reams-Widder
Casey's Marketing Company
Holder

Dated this 29 day of July, 2013

State of Iowa)
County of Polk) ss.

On this 29th day of July, 2013, before me personally appeared Jill Reams-Widder and _____, who being duly sworn, did say that they are the corporation, that (the seal affixed to said instrument is the seal of said corporation or no seal has been procured by said corporation) and that the instrument was signed and sealed 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.

Marie D. Blatt
Notary Public, State of Iowa :



AGENCY:

Chuck Gipp
Chuck Gipp
Director, Iowa Department of Natural Resources

Signed this 19th day of June, 2013

State of Iowa)
County of Polk) ss.

On this 19 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



EXHIBIT 1
TITLE CERTIFICATION LETTER

PROPERTY INTEREST FORM

To: Iowa Department of Natural Resources (DNR)
Wallace State Office Building
502 E 9th Street
Des Moines, IA 50319

Re: Environmental Covenant Supporting Documentation
Subject Property Location: 1021 North 1st Street, Winterset, IA
Source Site Location: 1021 North 1st Street, Winterset, IA
DNR File Reference: LUST No. 9LTP91

This letter is to certify that Seneca Companies, Inc. has conducted a thorough search of the real estate records and has identified the following legal and equitable interests in the property in accordance with Department rules in chapter 567 Iowa Administrative Code 14.

FEE TITLE OWNER

1. The current fee title interests evidenced by a warranty deed, deed of trust or similar instrument:
Casey's Marketing Company
One Convenience Blvd., Ankeny, IA 50021
Madison County Recorded on Book and page 2008-1381 on March 30, 2008

CONTRACT INTEREST

1. Current contract buyers or assignees of contracts for the sale of the property:
None
2. Current contract sellers of the property:
None

LEASEHOLDERS

1. all current leaseholders, whether recorded or not:
None

MORTGAGES

1. Current recorded mortgages (i.e., persons and institutions who have filed a mortgage interest against the property):
None

LIENS

1. Any recorded liens against the property:
None

OTHER INTERESTS (responsible party)

None applicable

Prepared By:

Leslie Nagel CGWP#2029
Seneca Companies, Inc.
4140 E. 14th Street
Des Moines, IA 50313
515-262-3500

EXHIBIT 2
GROUNDWATER PROFESSIONAL SUMMARY STATEMENT

Groundwater Professional Summary Statement

Subject: Casey's Marketing Company, located at 1021 North 1st Street, Winterset, IA
Registration No. 199317629 LUST No. 9LTP91

Seneca Companies, Inc. is seeking to establish a restrictive environmental covenant to be placed on the deed of the above referenced property owned by Casey's Marketing Company. This restrictive environmental covenant will limit the potential risk posed by contamination at the site by prohibiting the placement of enclosed spaces and conduits, as defined in Iowa Department of Natural Resources Rule 567 Iowa Administrative Code 135.2, and as subsequently amended to within the receptor identification maps attached in Exhibit 5.

The placement of this restrictive environmental covenant on the deed of the property will allow for the reclassification of the Soil Vapor to Enclosed Space Pathway (Potential Confined Space and Sanitary Sewer Non-Residential Receptors) to No Risk, and the site can be reclassified to No Action Required.

Sincerely,
Seneca Companies, Inc.



Leslie Nagel
Project Manager CGWP# 2029

EXHIBIT 3
SUPPORTING DOCUMENTATION
WARRANTY DEED

Document 2008 1381

Book 2008 Page 1381 Type 03 001 Pages 3

Date 4/30/2008 Time 3:12 PM

Rec Amt \$17.00 Aud Amt \$5.00

Rev Transfer Tax \$255.20

Rev Stamp# 136 DOV# 132

LISA SMITH, COUNTY RECORDER

MADISON IOWA

INDX ✓

ANNO

SCAN

CHEK

TRUSTEE WARRANTY DEED

THE IOWA STATE BAR ASSOCIATION

Official Form No. 107

Recorder's Cover Sheet

TRCA

Preparer Information:

Lewis Jordan

Jordan, Oliver & Walters, PC

Winterset, IA 50273

Taxpayer Information:

Casey's Marketing Company

Attn: Accounting Department

P. O. Box 3001

Ankeny, IA 50021-8045

Return Address:

Casey's Marketing Company

Attn: Accounting Department

P. O. Box 3001

Ankeny, IA 50021-8045

\$160,000.00

Grantors:

A. Carroll Meyer of the A. Carroll Meyer Revocable Trust

Grantees:

Casey's Marketing Company

Legal Description:

Lot Four (4) of the Replat of Lot Three (3), Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, according to the Final Plat filed of record July 24, 1998, in Book 2, Page 367 in the records of the Madison County Recorder.

Document or instrument number of previously recorded documents:



TRUSTEE WARRANTY DEED
(Inter Vivos Trust)

For the consideration of -----\$160,000.00-----
Dollar(s) and other valuable consideration,
A. Carroll Meyer
(Trustee) (~~Co-Trustees~~) of A. Carroll Meyer Revocable Trust

does hereby convey to
Casey's Marketing Company

the following described real estate in MADISON County, Iowa:
Lot Four (4) of the Replat of Lot Three (3), Gold Buffet Subdivision, City of Winterset, Madison
County, Iowa, according to the Final Plat filed of record July 24, 1998, in Book 2, Page 367 in the
records of the Madison County Recorder



The grantor hereby covenants with grantees, and successors in interest, that grantor holds the real estate by title in fee simple; that grantor has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons, except as may be above stated.

The grantor further warrants to the grantees all of the following: That the trust pursuant to which the transfer is made is duly executed and in existence; that to the knowledge of the grantor the person creating the trust was under no disability or infirmity at the time the trust was created; that the transfer by the trustee to the grantees is effective and rightful; and that the trustee knows of no facts or legal claims which might impair the validity of the trust or the validity of the transfer.

Words and phrases herein, including the acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated this 11 day of April 2008.

By: _____ (title)

A. Carroll Meyer

A. Carroll Meyer

By: _____ (title)

As (Trustee) (~~Co-Trustee~~)-of
the above-entitled trust

As (Trustee) (~~Co-Trustee~~)-of
the above-entitled trust

STATE OF _____, COUNTY OF _____
This instrument was acknowledged before me on _____
by _____
as _____
of _____

_____, Notary Public

Acknowledgment for Individual Trustees

STATE OF Missouri, COUNTY OF CLAY

This instrument was acknowledged before me on April 14, 2008, by
A. Carroll Meyer

As [Trustee] PEGGY ANN PALO entitled trust.

NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXPIRES 6/31/2011
COMMISSION #07065182

Peggy Ann Palo
Notary Public

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me on _____, by

As [Trustee][Co-Trustee] of the above entitled trust.

_____, Notary Public

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me on _____, by

As [Trustee][Co-Trustee] of the above entitled trust.

_____, Notary Public

Acknowledgment for Corporate Trustee

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me on _____, by

as _____ of _____

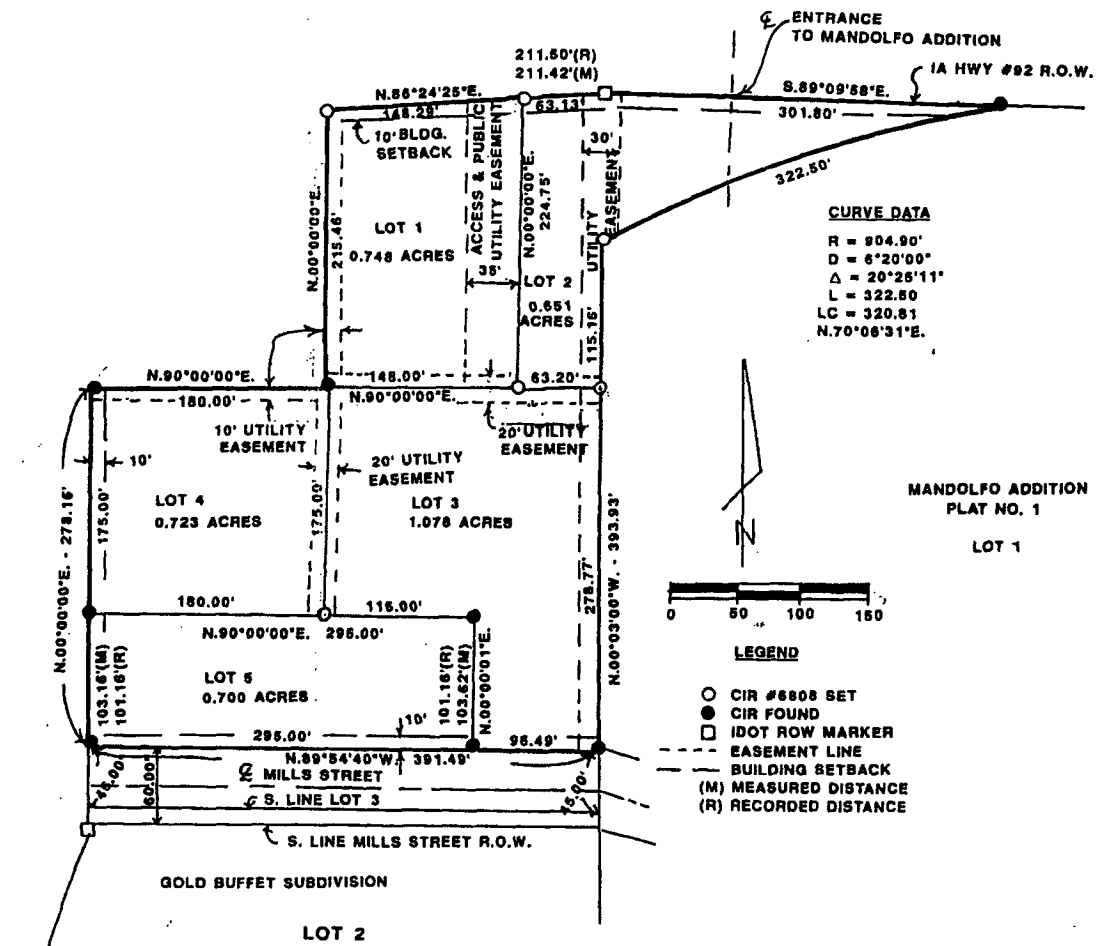
As [Trustee][Co-Trustee] of the above entitled trust.

_____, Notary Public

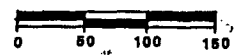
EXHIBIT 4
PLAT MAP

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSET, IOWA (515)462-3995
CHARLES T. VANCE 110 WEST GREEN ST., WINTERSET, IOWA 50273
JAMES M. HOCHSTETLER, 110 WEST GREEN ST., WINTERSET, IOWA 50273

REPLAT OF LOT 3 OF THE GOLD BUFFET SUBDIVISION,
CITY OF WINTERSET, MADISON COUNTY, IOWA.



CURVE DATA
R = 804.90'
D = 6°20'00"
Δ = 20°25'11"
L = 322.80
LC = 320.81
N.70°08'31\"E.

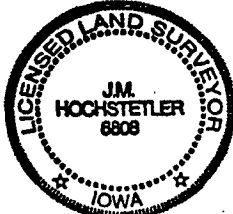


- LEGEND**
- CIR #6808 SET
 - CIR FOUND
 - IDOT ROW MARKER
 - - - EASEMENT LINE
 - BUILDING SETBACK
 - (M) MEASURED DISTANCE
 - (R) RECORDED DISTANCE

LEGAL DESCRIPTION:
LOT 3 OF GOLD BUFFET SUBDIVISION, CITY OF WINTERSET, MADISON COUNTY, IOWA, EXCEPT THE SOUTH 45.00 FEET THEREOF CONTAINING 3.900 ACRES AND IS DIVIDED INTO 5 LOTS AS SHOWN ON THE ABOVE PLAT.

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.

J.M. Hochstetler
J.M. HOCHSTETLER
License number 6808 Date 7/23/98
My license renewal date is December 31, 1999.
Pages or sheets covered by this seal: 1



TOWN PLAT 2

FINAL PLAT
REPLAT OF LOT 3, GOLD BUFFET SUBDIVISION, CITY OF WINTERSET, MADISON COUNTY, IOWA.
OWNER/DEVELOPER
A. CARROLL MEYER, TRUSTEE OF THE A. CARROLL MEYER REVOCABLE TRUST UNDER TRUST AGREEMENT DATED JANUARY 11, 1993.
5901 NORTH MATTOX
KANSAS CITY, MISSOURI 64151
VANCE & HOCHSTETLER, P.C.
CONSULTING ENGINEERS
110 WEST GREEN STREET
WINTERSET, IOWA 50273

EXHIBIT 5
RECEPTOR IDENTIFICATION PLUME MAPS

11/8/2001
1021 NORTH 181 STREET WINTERS, IA
SOIL VAPOR SNR MAP
SCALED SITE MAP

Seneca
The Complete Solution



1021 NORTH 181 STREET
WINTERS, IA
CASEY'S #1706
SOIL VAPOR SNR MAP

DATE	11/8/2001
DRAWN BY	JESSE WAGAL
CHECKED BY	JESSE WAGAL
SCALE	1"=30'
SHEET NO.	001
TOTAL SHEETS	03

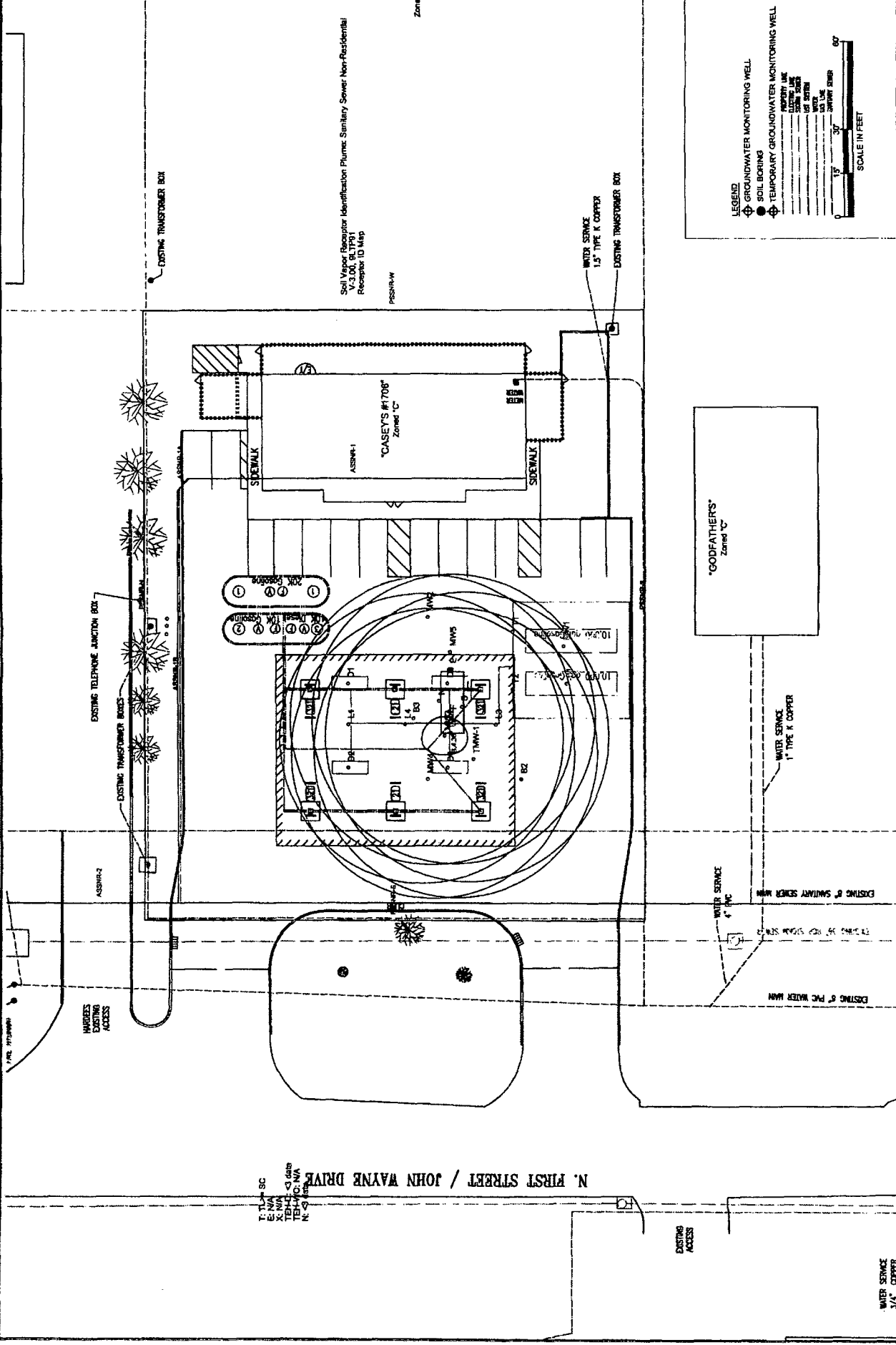
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LEGEND

- GROUNDWATER MONITORING WELL
- SOIL BORING
- TEMPORARY GROUNDWATER MONITORING WELL

DATE	11/8/2001
PROJECT	SOIL VAPOR SNR MAP
CHECKED BY	JESSE WAGAL
SCALE	1"=30'
SHEET NO.	001
TOTAL SHEETS	03

SCALE IN FEET

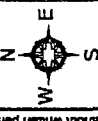


N. FIRST STREET / JOHN WAYNE DRIVE

1"=30'
SC
E: JWA
X: JWA
T: JWA
JESSE WAGAL
11/8/2001



DATE	NO.	BY	REVISION

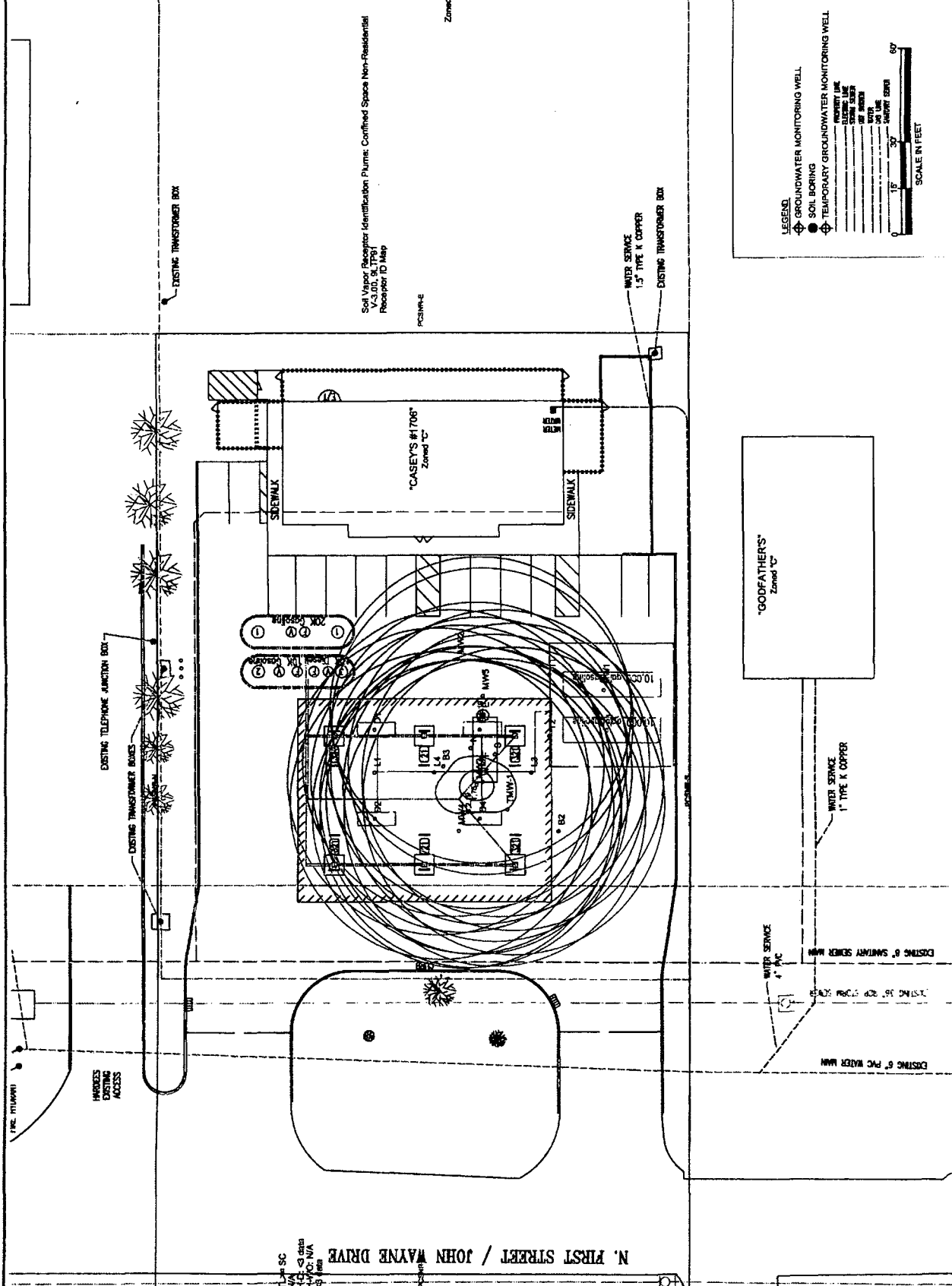
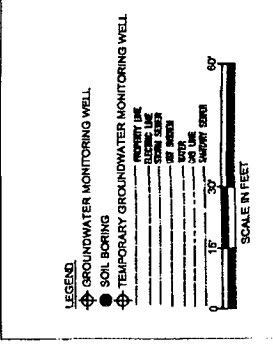


The Complete Solution
Seneca Companies
Soil Vapor Receiver Identification Plume: Confined Space Non-Residential V-3006, 9/11/11
Reception ID Map

SOIL VAPOR DATA MAP
SCALED SITE MAP
CASEY'S #1706
1021 NORTH 1ST STREET
WINTERS, CA

DATE	NO.	BY	REVISION
1/28/2011			
DESIGNER	CHESTERWATER		
CHECKER	LESLEE MAGAL		
DRAWN	1/2/07		
PROJECT NO.	030602A		
ISSUE NO.	0306022		

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WATER SERVICE
3/4" COPPER

EXISTING 6" PWC WATER MAIN
EXISTING 6" SAUITING SEWER MAIN
WATER SERVICE
1" TYPE K COPPER

'GODFATHERS'
Zoned 'C'

N. FIRST STREET / JOHN WAYNE DRIVE

BT, LAM SC
X, NVA
K, NVA
S, NVA

HARDWARE
EXISTING
ACCESS

PRE. (T) (M) (W) (H)