



Document 2013 3279

Book 2013 Page 3279 Type 06 017 Pages 2  
Date 10/28/2013 Time 3:53 PM  
Rec Amt \$12.00

INDX ✓  
ANNO  
SCAN  
CHEK

Please record  
the copy

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

\*PER PHONE CALL WITH KENDRA MEYER, PROP MANAGER ASSOCIATE AT KUM & GO. SHE HAD DISCUSSED THIS SITUATION WITH CONNIE MILLER IN RECORDERS OFFICE AND IT WAS DECIDED THAT WE WOULD ACCEPT THIS PHOTO COPY OF THE ORIGINAL AND WOULD RECORD IT AS A COURTESY TO THEM. IN THE FUTURE, WE WILL NOT BE ABLE TO ACCEPT ANY OTHER PHOTOCOPIES FOR RECORDING. 10-28-2013. LISA SMITH, MADISON COUNTY RECORDER.

**CERTIFICATE OF NO FURTHER ACTION**

**Prepared By:** Dawn Santa Maria, 515.281.8865  
IOWA DEPARTMENT OF NATURAL RESOURCES, 502 E 9<sup>th</sup> St, Des Moines, IA 50319-0034

✓ **Return To:** PHIL GARDNER, KUM & GO LC, 6400 WESTOWN PKWY, WEST DES MOINES IA 50266

This document certifies that the referenced underground storage tank (UST) site has been classified by the Iowa Department of Natural Resources (Department) as "no further action" as provided in Iowa Code § 455B.474(1)a(8)(a). This certificate must be recorded in the referenced site's County Recorder Office. See Iowa Code § 455B.474(1)(a)(8)(c).

**Date of Issuance:** August 22, 2013  
**Owner/Operator of the Tank(s):** KUM & GO LC  
**Department File Reference:** UST No. 197910647  
LUST No. 9LTP89  
**UST Facility Address:** FORMER FAREWAY (KUM & GO #246)  
111 E JEFFERSON ST  
WINTERSET IA 50273  
**Owner/Operator Mailing Address:** KUM & GO LC  
ATTN PHIL GARDNER  
6400 WESTOWN PKWY  
WEST DES MOINES IA 50266

**Legal Description of the UST Site:**  
Lots 1, 2, 3 and 4 and the North 50' Lot 5 and Lots 6, 7 and 8, Block 12, in the Original Town of Winterset, Madison County, Iowa, together with the East West alley located in said Block 12 abutting said Lots.

If any monitoring wells are subsequently found they should be properly abandoned in accordance with Chapter 567-39 of the Iowa Administrative Code.

This certificate prohibits the Department from requiring a property owner or a responsible party to conduct further corrective action if the only reason is a change in action levels See Iowa Code § 455B.474(1)(a)(8)(c). An owner or operator shall not be responsible for additional assessment, monitoring, or corrective action activities at a site for the release (LUST) that is issued a no further action certificate unless it is determined that the certificate was issued based upon false material statements that were knowingly or intentionally made by a groundwater professional and the false material statement resulted in the incorrect classification of the site. See Iowa Code § 455B.474(1)(a)(8)(a). However, this certificate does not prevent the Department from requiring corrective action at the site if a new petroleum release occurs. See Iowa Code § 455B.474(1)(a)(8)(c). If a previously unknown or unforeseen risk condition should arise related to the release covered by this certificate, the Department, in conjunction with the Iowa comprehensive petroleum underground storage tank fund board, may fund investigation and corrective action to address the risk. See Iowa Code § 455G.9(1)(k).

This certificate does not constitute a warranty or representation of any kind to any person as to the environmental condition, marketability, or value of the above-referenced property other than that NFA-qualifying status was achieved upon the date of certificate issuance. See 567 Iowa Administrative Code 135.12(10)(b)(6).

FOR THE DIRECTOR:

Alex Moon

Alex Moon, Chief  
Land Quality Bureau  
Iowa Department of Natural Resources

State of Iowa )  
County of Polk ) ss.

This instrument was acknowledged before me on this 22 day of August, 2013, by Alex Moon, who executed the foregoing instrument, and acknowledges that this person executed the same as his/her/their voluntary act and deed.

Bonnie S. Garrison

Notary Public for State of Iowa  
My Commission Expires: 3-25-2016

