

# Conditional Sales Agreement

WITNESSETH THIS AGREEMENT dated **May 9, 2013**, by and between **THE STATE OF INDIANA** acting through the Indiana Department of Administration, (“Seller”) and \_\_\_\_\_, (“Buyer”).

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Sale of Property. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, the following property (collectively, “Property”):

- 1.1 Property. The property commonly known as **INDOT Code 3099 – 13, CR 350 E., Spencer County, Indiana** described on the attached **Exhibit A** (“Land”) together with all buildings, improvements and fixtures constructed or located on the Land (“Buildings”) and all easements of record and rights benefiting or appurtenant to the Land (collectively the “Property”), subject to all existing legal rights-of-way, easements, conditions and restrictions of record.
- 1.2 Access. The subject parcel currently has limited public access or right of entry. The buyer will be responsible for gaining legal access to the property. Ingress/Egress permits may be submitted to the Department of Transportation and approved or denied at the agencies sole discretion. No assurance of such a permit is expressed or implied.
- 1.3 Personal Property. No personal property is being sold or conveyed as a part of this Purchase Agreement.

2. Purchase Price, Buyer’s Premium, and Manner of Payment. The total purchase price (“Purchase Price”) to be paid for the Property shall be \_\_\_\_\_ Dollars (\$\_\_\_\_\_). The Purchase Price shall be payable as follows:

- 2.1 In conjunction with execution of this Agreement (the “Execution Date”), Buyer shall submit \_\_\_\_\_ Dollars (\$\_\_\_\_\_) to Seller as earnest money (“Earnest Money”). In the event this Agreement is not accepted by Seller, the Earnest Money shall be promptly returned to Buyer. Upon acceptance of this Offer by Seller, such Earnest Money shall secure the Buyer's performance of this Agreement and in the event of a default by Buyer in the performance of its obligations herein specified, Seller shall have the right to terminate this Agreement and the Earnest Money shall be paid to Seller as liquidated damages as Seller’s sole remedy at law or in equity; and
- 2.2 The balance of the Purchase Price, subject to adjustments as set forth herein, shall be payable in certified funds or by electronic transfer of funds on the “Closing Date” (as hereinafter defined).
- 2.3 In addition to the Purchase Price, Buyer shall, at Closing as hereinafter defined, pay Seller’s representative a 10% Buyer’s premium pursuant to the terms of a separate addendum to this Agreement.

3. Contingencies and Inspection Period. The obligation of the Seller is contingent upon approval of the transaction contemplated by this Agreement as required by **IC 4-13-2-14.1, IC 4-13-2-14.2 and IC 4-20.5-7**.

4. Closing. In the event that Seller has accepted this Agreement and the parties proceed to closing, the closing of the purchase and sale contemplated by this Agreement (the "Closing") shall occur within thirty (30) days following State approval as set forth above (the "Closing Date"), **such final closing is subject to and conditional upon approval by the Office of the Governor and the Indiana Attorney General**, unless extended by mutual agreement of the parties. The Closing shall take place at a time, place, and on a date agreeable by Seller and Buyer. The Buyer will be responsible for title fees, escrow fees, and costs charged by the company with whom the earnest money is deposited as outlined in Section 5.1.

- 4.1 Seller's Closing Documents. On the Closing Date, Seller shall have executed and delivered or caused to be delivered to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:
  - 4.1.1 Deed. A Quitclaim Deed conveying the Property to Buyer, **an exemplar of such Quitclaim Deed is attached hereto as Exhibit B.**
  - 4.1.2 Documents. Copies of all contracts, permits and warranties affecting the Property that will survive the Closing, if any.
  - 4.1.3 Sales Disclosure Form. An Indiana sales disclosure form.
  - 4.1.4 Other Documents. All other documents reasonably determined by Buyer to be necessary to transfer title to the Property to Buyer free and clear except Permitted Exceptions to Title.
- 4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):
  - 4.2.1 Purchase Price. Funds representing the Purchase Price, by electronic transfer of immediately available funds.
  - 4.2.2 Assumption of Contracts, Permits, Warranties and Miscellaneous Documents. An Assumption of Contracts, Permits and Warranties, if any, assuming Seller's obligations under such documents.
  - 4.2.3 Sales Disclosure Form. An Indiana sales disclosure form.
  - 4.2.4 Other Documents. All other documents reasonably determined by Seller or Title Company to be necessary to complete the transaction contemplated by this Agreement. Including a Vendor Information form required by the State of Indiana Auditor's Office, **an exemplar of such Vendor Information form is attached hereto as Exhibit C.**

5. Allocation of Costs. Seller and Buyer agree to the following allocation of costs regarding this Agreement:

- 5.1 Title Insurance and Closing Fee. Buyer shall be solely responsible for the payment of all premiums and fees associated with title insurance, including any and all closing fees or recording charges. Buyer shall be responsible for payment, at or before Closing, of search fees charged by the title company from whom Seller obtained a preliminary title review and commitment. Unless waived by the title company, said closing fees shall be payable by Buyer whether or not Buyer obtains a policy of title insurance.
- 5.2 Taxes and Assessments. The Property being conveyed is owned by the State of Indiana and is exempt from all real property taxes. The Seller shall assume no responsibility or liability for any real property taxes or other assessments from

which it is statutorily exempt. Buyer shall be solely responsible for, and indemnify Seller against, any and all real property taxes assessed with respect to the Real Property on or after Closing.

5.3 Utilities. Seller shall either ensure that utility service to the Property is disconnected as of the Closing Date or shall cooperate with Buyer in having such utility services transferred to Seller's account. All contracts relating to operating the Property shall be canceled as of the Closing Date.

5.4 Attorney's Fees. Each of the parties will pay its own attorney's fees.

6. Evidence of Title. In the event that Buyer does not order and receive a commitment for title insurance, Seller shall, at its expense, within ten (10) days after written request from Buyer, furnish to Buyer a copy of the documents by which the State obtained or otherwise holds title or a letter from the State Land Office describing the documents by which the State obtained and otherwise holds title. Seller will cooperate with the Buyer or its title company in clarifying or resolving any perceived deficiencies or clouds in the title, but shall not be required to incur any expense beyond commitment of the time of the State Land Office. If such issues cannot be resolved to Buyer's satisfaction, Buyer may terminate this Agreement, and the Earnest Money, if any, shall be returned.

7. Maintenance of the Real Property Prior to Closing. During the period from the date of Seller's acceptance of this Agreement to the Closing Date, Seller shall maintain the Property and improvements in a reasonably prudent manner. Seller shall execute no contracts, leases or other agreements regarding the Property between the date hereof and the Date of Closing that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

8. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

8.1 Existence; Authority. Seller has the requisite power and authority to enter into and perform this Agreement and to execute and deliver Seller's Closing Documents; such documents have been duly authorized by all necessary action.

8.2 Contracts. Seller has made available to Buyer a correct and complete copy of any Contract and its amendments which will survive a closing hereunder, if any.

8.3 Operations. Seller has received no written notice of actual or threatened cancellation or suspension of any utility services for any portion of the Property. Seller has received no written notice of actual or threatened special assessments or reassessments of the Property.

8.4 Litigation. To Seller's knowledge, there is no litigation or proceeding pending or threatened against or relating to the Property, nor does Seller know of or have reasonable grounds to know of any basis for any such action or claim.

8.5 Physical Condition. Seller makes no representation or warranty concerning the physical condition of the Property and puts Buyer to the obligation to satisfy itself pursuant to the contingency contained in Section 3 above.

9. Casualty; Condemnation. If all or any part of the Property is materially damaged by fire, casualty, the elements or any other cause, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Earnest Money by giving notice within thirty (30) days after Seller's notice. If eminent domain proceedings are threatened or commenced against all or any part of the Property, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all

Earnest Money by giving notice within thirty (30) days after Seller's notice. Termination of this Agreement and return of all Earnest Money are Seller's sole remedies

10. Notices. Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed by United States certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: Commissioner  
Indiana Department of Administration  
402 W. Washington St., W479  
Indianapolis, IN 46204

With Copy to: Attorney General  
Office of the Indiana Attorney General  
302 W. Washington St.  
Indianapolis, IN 46204

If to Buyer:

With a Copy to:

Notices shall be deemed effective on the date of receipt. Any party may change its address for the service of notice by giving notice of such change ten (10) days prior to the effective date of such change.

11. Miscellaneous. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns. This Agreement has been made under the laws of the State of Indiana, and any suit must be brought in an Indiana court of competent jurisdiction.

12. Remedies. If Buyer defaults, and if Buyer fails to cure such default within ten (10) days of the date of notice of such default from Seller, then Seller shall have the right to terminate this Agreement by giving written notice of termination to Buyer. In the event of termination Seller will receive the Earnest Money as liquidated damages, time being of the essence of this Agreement. The termination of this Agreement and retention of the Earnest Money will be the sole remedy available to Seller for such default by Buyer, and Buyer will not be liable for damages or specific performance. Buyer's sole remedy for any default by Seller shall be termination of this Agreement and return of the Earnest Money.

13. Buyer's Examination. Buyer is relying solely upon its own examination of the Property and inspections in determining its physical condition, character, and suitability for Buyer's intended use of the Property and is not relying upon any representation by Seller or any broker, except for those made by Seller directly to Buyer in writing in **Exhibit D, which is attached to this**

**agreement.** Buyer agrees and acknowledges that it is accepting the Property “**AS IS**” subject to all faults of every kind and nature whatsoever, whether latent or patent, and whether now or hereafter existing, and Buyer acknowledges that it has based its decision to purchase the Property solely upon information obtained independently by Buyer. Buyer shall sign a Hold Harmless Affidavit, **an exemplar of such Hold Harmless Affidavit is attached hereto as Exhibit E.** Buyer shall acquire the Property subject to all laws imposed upon the Property by any governmental or quasi-governmental authority having jurisdiction thereof. Buyer represents and warrants to Seller that Buyer has not relied, and will not rely, upon the representation or statement, or the failure to make any representation or statement, by Seller or Seller’s agents, employees or by any person acting or purporting to act on the behalf of Seller with respect to the physical condition of the Property.

14. Compliance with Telephone Privacy. As required by IC 5-22-3-7:

(1) the Buyer and any principals of the Buyer certify that (A) the Buyer, except for de minimis and nonsystematic violations, has not violated the terms of (i) IC 24-4.7 [Telephone Solicitation Of Consumers], (ii) IC 24-5-12 [Telephone Solicitations] , or (iii) IC 24-5-14 [Regulation of Automatic Dialing Machines] in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) the Buyer will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

(2) The Buyer and any principals of the Buyer certify that an affiliate or principal of the Buyer and any agent acting on behalf of the Buyer or on behalf of an affiliate or principal of the Buyer (A) except for de minimis and nonsystematic violations, has not violated the terms of IC 24-4.7 in the previous three hundred sixty-five (365) days, even if IC 24-4.7 is preempted by federal law; and (B) will not violate the terms of IC 24-4.7 for the duration of the Contract, even if IC 24-4.7 is preempted by federal law.

15. Withdrawal of Offer. This Agreement shall be deemed to be withdrawn, unless accepted by Seller, after one-hundred-fifty (150) days of delivery to Seller. In the event of a withdrawal under this section, Buyer shall be entitled the return of the Earnest Money.

16. Additional terms.

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17. Non-Collusion and Acceptance. The undersigned attests, subject to the penalties for perjury, that he/she is the Buyer, or that he/she is the properly authorized representative, agent, member or officer of the Buyer, that he/she has not, nor has any other member, employee, representative, agent or officer of the Buyer, directly or indirectly, to the best of the undersigned’s knowledge, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he/she has not received or paid any sum of money or other consideration for the execution of this Property Purchase Agreement other than that which appears upon the face of this Agreement.

**In Witness Whereof**, Buyer and the Seller have, through their duly authorized representatives, entered into this Property Purchase Agreement. The parties, having read and understood the foregoing terms, do by their respective signatures dated below hereby agree to the terms thereof.

**BUYER:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**BUYER SHALL TAKE TITLE OF THE PROPERTY AS FOLLOWS:**

\_\_\_\_\_  
**BUYERS PRIMARY ADDRESS:**  
\_\_\_\_\_

**SELLER:**

State of Indiana acting through the Indiana Department of Administration.

By \_\_\_\_\_  
For:

Project: NH-075-3(019)  
Code: 3099  
Parcel: #13 Excess Land

EXHIBIT A

Fee Simple

A part of the Northwest Quarter of Section 29, Township 4 South, Range 5 West, Spencer County, Indiana, and being Parcel 13 Excess Land, Indiana Department of Transportation L. A. Code 3099, described as follows: Commencing at the Northwest Corner of said Section; thence South 89 degrees 10 minutes 45 seconds East (bearings based on the Location Control Route Survey Plat, Project NH- 075-3(019), recorded in Survey Book 3, page 130, Office of the Recorder) 263.869 meters (865.71 feet) along the north line of said Section to the point of beginning of this description: thence continuing South 89 Degrees 10 Minutes 45 Seconds East 152.491 meters (500.30 feet) along said north line to the northeast corner of the Northwest Quarter of said Quarter Section; thence South 0 degrees 27 minutes 38 seconds West 238.364 meters (782.03 feet) along the east line of said Quarter-Quarter Section; thence North 29 degrees 05 minutes 27 seconds West 145.076 meters (475.97 feet); thence North 35 degrees 17 minutes 59 seconds West 133.375 meters (437.58 feet); thence North 31 degrees 00 minutes 00 seconds West 5.731 meters (18.80 feet) to the point of beginning and containing 1.7142 hectares (4.236 acres), more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as U.S.R. 231 and as Project ACNH-075-3(019)) to and from the above described parcel. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.







# Environmental Screening Report

<b>CATEGORICAL EXCLUSION LEVEL 1 FORM</b>	<b>Date:</b> January 15, 2013
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**Initial Version**
                         
  **Additional Information to CE Level 1 Dated:**

**Purpose of this document:**

CE Level 1 documentation for exempted projects
                         
  State-funded categorical exemption documentation

**Approval of Exempt, CE Level 1 or State-Funded CE:**
*Ernest A. Hoops*
*01-15-2013*

Environmental Scoping Manager or  
~~Environmental Policy Manager~~
Date

PROJECT INFORMATION			
<b>Project Number, County, Route</b>	US 231 Excess Land Parcel # 13, LA Code 3099, in Spencer County	<b>Des Number</b>	926136B
<b>Project Description</b>	US 231 Excess Land Parcel # 13, LA Code 3099, in Spencer County is going to be sold. See Attachment 1 for a Project Location Map.  <b>Liquidation of Excess Land</b> – This includes the liquidation of State property classified as excess land.		
<b>Purpose and Need for Action:</b>	Excess Land Liquidation: The purpose of this action is to liquidate the excess property that has been determined to be unnecessary. By selling the property, it eliminates the need for maintenance and allows the limitation of unnecessary land holdings.		
<b>Alternatives Considered:</b>	The do-nothing alternative was considered, but rejected since it would not meet the purpose and need of the projects.		
<b>Project Termini:</b>	N/A		
<b>Funding Source(s):</b>	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local	<b>Estimated Cost</b>	N/A
<b>Project Sponsor:</b>	INDOT	<b>Project Length</b>	N/A

Name and organization of CE Level 1 Preparer: Brittney Smith – INDOT, Vincennes District

<b>SCOPE OF THE PROPOSED ACTION</b>		
<b>Public Involvement</b>	No: <b>X</b>	Possible:
Comments:	No public controversy is expected.	
<b>Relocation of residences/businesses/etc.*</b>	No: <b>X</b>	Possible:
Comments:	No relocations will be necessary.	
<b>Right-of-way in acres (permanent and temporary)*</b>	No: <b>X</b>	Possible:
Comments:	Property will only be sold to willing buyers. Applicable Federal regulations will be followed.	
<b>Added through-traffic lanes – length*</b>	No: <b>X</b>	Possible:
Comments:	No through-lanes will be added.	
<b>Permanent alteration of local traffic pattern*</b>	No: <b>X</b>	Possible:
Comments:	There will be no alteration of local traffic patterns.	
<b>Facility on new location or realignment*</b>	No: <b>X</b>	Possible:
Comments:	There will be no new alignment or realignment of existing roads.	
<b>Disruption to public facilities/services (such as schools, emergency service)</b>	No: <b>X</b>	Possible:
Comments:	There will be no disruption to public service providers.	
<b>Involvement with existing bridge(s) (Include structure number(s))</b>	No: <b>X</b>	Possible:
Comments:	There are no bridges within the limits of the excess property.	

<b>INVOLVEMENT WITH RESOURCES</b>		
<b>Watercourses Impacted (linear feet)</b>	No: <b>X</b>	Possible:
Comments:	There will be no construction in waterways as part of this project	
<b>Other Surface Waters (such as ponds, lakes, reservoirs, in acres)</b>	No: <b>X</b>	Possible:
Comments:	There will be no construction in water bodies as part of this project.	
<b>Wetlands (acres)*</b>	No: <b>X</b>	Possible:
Comments:	There will be no adverse impacts to wetlands as part of this project.	
<b>Disturbance of Terrestrial Habitat (acres)</b>	No: <b>X</b>	Possible:
Comments:	There will be no construction which adversely affects habitat as part of this project.	

<b>INVOLVEMENT WITH RESOURCES</b>		
<b>Karst Features</b>	No: <b>X</b>	Possible:
Comments:	There are no karst features present in this County nor is it part of the Karst MOU.	
<b>Threatened and Endangered Species Present/Impacted*</b>	No: <b>X</b>	Possible:
Comments:	No endangered species will be impacted.	
<b>Impacts to Sole Source Aquifer*</b>	No: <b>X</b>	Possible:
Comments:	There is no known Sole Source Aquifer located in the Vincennes District.	
<b>Flood Plains (note transverse or longitudinal impact)</b>	No: <b>X</b>	Possible:
Comments:	The project will not alter flood elevations.	
<b>Farmland (acres)</b>	No: <b>X</b>	Possible:
Comments:	This project is not of a type which will affect farmland.	
<b>Cultural Resources (Section 106)*</b>	No: <b>X</b>	Possible:
Comments:	<p>Received from Mary Kennedy 10/9/12 (See Attachment 2): With regard to above-ground resources, no buildings are located on this parcel (LA Code: 3099 Parcel: 13), which contains a field and pond. The State and National Register of Historic Places lists for Spencer County were checked by an INDOT-Cultural Resources Office (CRO) historian who meets the Secretary of the Interior’s Professional Qualification Standards per 36 CFR Part 61. None of the resources on these lists are located near the parcel. Additionally, the <i>Spencer County Interim Report</i> (2001) of the Indiana Historic Sites and Structures Inventory was referenced (Carter Township Scattered Sites, page 24). The SHPO’s NRHP &amp; IHSSI information available in the Indiana GIO Library, as the GIO.HISTNATREG_DNR_DHPA_IN and GIO.HistoricInventory_DNR_DHPA layers was checked against the Interim Report hard copy maps. One property is located within 0.25 mile of this parcel. It is Site No. 147-147-10037, the William Hawk Farm located at 17819 N CR 300 E, and rated “contributing.” Generally, properties rated "contributing" do not possess the level of historical or architectural significance necessary to be considered National Register eligible. Additionally, given the distance between the closest edge of this parcel to this property (approximately 0.13 mile) and the fact that new alignment of US 231 is located between them, sale of this parcel does not have high potential to impact this property. Based on the available information, INDOT-CRO does not think that pursuant to Indiana Code 14-21-1-14, this parcel contains historic structures or that the sale of this parcel is an activity that has the potential to cause effects on any above-ground resources eligible for or listed in the National Register.</p> <p>Archaeological clearance was done by INDOT Environmental Services. See Attachment 3 for more details.</p>	
<b>Section 4(f) and Section 6(f) Resources *</b>	No: <b>X</b>	Possible:
Comments:	There are no Section 4(f) or 6(f) resources involved.	
<b>Air Quality Non-attainment Area</b>	No: <b>X</b>	Possible:
Comments:	This projects is exempt from air quality analysis in accordance with 40 CFR Part 93.126 Table 2. This project is not of air quality concern; therefore, it will have no significant impact on air quality.	

<b>INVOLVEMENT WITH RESOURCES</b>		
<b>Noise Analysis Required*</b>		No: <b>X</b> Possible:
Comments:	This project is not a Type I project. In accordance with 23 CFR 772 and the INDOT Traffic Noise Policy (FHWA concurrence on February 26, 2007), these actions do not require formal noise analysis.	
<b>Community/Economic Impacts</b>		No: <b>X</b> Possible:
Comments:	No negative impacts are anticipated for the established communities.	
<b>Environmental Justice</b>		No: <b>X</b> Possible:
Comments:	Any property to be sold will be sold to willing buyers. No disproportionate adverse impacts to protected populations are expected.	
<b>Hazardous Materials</b>		No: <b>X</b> Possible:
Comments:	The property to be sold has been assessed for hazardous materials, and no areas of concern were found. See Attachment 4 for Red Flag Investigation.	
<b>Permits</b>		No: <b>X</b> Possible:
Comments:	Permits are not required for this project.	

\*Criteria used for determination of CE Level. See threshold table below.

<b>ENVIRONMENTAL COMMITMENTS:</b>
<p>Any work in a wetland area within INDOT’s right of way or in borrow/waste areas is prohibited unless specifically allowed in the US Army Corps of Engineers or IDEM permit. (Required)</p> <p>If any archaeological artifacts or human remains are uncovered during construction, federal law and regulations (16 USC 470, et seq.; 36 CFR 800.11, et al.) and State Law (IC 14-21-1) require that work must stop immediately and that the discovery must be reported to the Division of Historic Preservation and Archaeology in the Indiana Department of Natural Resources within 2 business days. INDOT’s Cultural Resources Section in Environmental Services shall also be notified. (Required)</p> <p>If any potential hazardous materials are discovered the IDEM Spill Line should be notified with details of the discovery within 24 hours. INDOT Environmental Services, Hazardous Materials Unit should then be contacted to organize the proper handling of the material to be in accordance with the IDEM guidelines. (Required) Permits may be required for this project. It will be the responsibility of the designer to submit plans to ES to process permits. (Required)</p> <p>If unexpected karst features are discovered during construction, work shall cease immediately in the affected area and ES will be contacted. ES will coordinate with USFWS to determine appropriate protective measures. (Call ES Nathan Saxe – 317-232-0240) (INDOT – Required)</p> <p>Erosion control measures will be taken as if this project had a Rule 5 Erosion Control Permit. (Required)</p>

**Categorical Exclusion Level Thresholds**

	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>
<b>Relocations</b>	None	≤ 2	> 2	> 10
<b>Right of way<sup>1</sup></b>	< 0.5 acres	< 10 acres	≥ 10 acres	≥ 10 acres
<b>Length of added through lane</b>	None	< 1 miles	≥ 1 mile	≥ 1 mile
<b>Permanent Traffic pattern alteration</b>	None	None	Yes	Yes
<b>New alignment</b>	None	None	< 1 mile	≥ 1 mile <sup>2</sup>
<b>Wetlands</b>	< 0.1 acres	< 1 acre	< 1 acre	≥ 1 acre
<b>Stream Impacts</b>	≤ 300 linear feet of stream impacts, no work beyond 75 feet from pavement	> 300 linear feet impacts, or work beyond 75 feet from pavement	N/A	N/A
<b>Section 4(f)*</b>	None	None	None	Any impacts
<b>Section 6(f)</b>	None	None	Any impacts	Any impacts
<b>Section 106</b>	“No Historic Properties Affected” or falls within guidelines of Minor Projects PA	“No Adverse Effect” or “Adverse Effect”	N/A	If ACHP involved
<b>Noise Analysis Required</b>	No	No	Yes <sup>3</sup>	Yes <sup>3</sup>
<b>Threatened/Endangered Species*</b>	“Not likely to Adversely Affect”, or Falls within Guidelines of USFWS 9/8/93 Programmatic Response	N/A	N/A	“Likely to Adversely Affect” <sup>4</sup>
<b>Sole Source Aquifer Groundwater Assessment</b>	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Required
<b>Approval Level</b> • ESM <sup>5</sup> • ES <sup>6</sup> • FHWA	Yes	Yes	Yes Yes	Yes Yes Yes

\*These thresholds have changed from the March 2009 Manual.

<sup>1</sup>Permanent and/or temporary right of way.

<sup>2</sup>If the length of the new alignment is equal to or greater than one mile, contact the FHWA’s Air Quality/Environmental Specialist.

<sup>3</sup>In accordance with INDOT’s Noise Policy.

<sup>4</sup>If the project is considered Likely to Adversely Affect Threatened and/or Endangered Species, INDOT and the FHWA should be consulted to determine whether a higher class of document is warranted.

<sup>5</sup>Environmental Scoping Manager

<sup>6</sup>Environmental Services

# Attachment 1 Location Map

PROJECT NH-075-3(019) CONTRACT	DESIGNATION 926136B, 0002220
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R/W ENGINEERING PLANS PREPARED BY:



8450 Westfield Boulevard, Suite 300  
Indianapolis, Indiana 46240-8302  
Telephone: 317-713-4615  
Fax: 317-713-4616  
E-Mail: bfs@bfsengr.com

# RIGHT-OF-WAY-PLANS

INDIANA

DEPARTMENT OF  
TRANSPORTATION

## ROAD PLANS

ROUTE: U.S. 231

PROJECT NO. ~~NH-075-3 (019) P.E.~~  
NH-075-3 (019) R/W  
~~NH-075-3 (019) CONST.~~

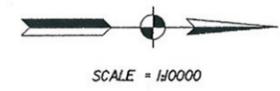
R/W CODE: 3099

TRAFFIC DATA		U.S. 231
A.A.D.T. (2005)		10,280 V.P.D.
A.A.D.T. (2025)		13,200 V.P.D.
D.H.V. (2025)		1,188 V.P.H.
DIRECTIONAL DISTRIBUTION		50 %
TRUCKS		13% D.H.V.
		18% A.A.D.T.
ESAL		
DESIGN DATA		
DESIGN SPEED		110 km/hr
CONSTRUCTION ZONE SPEED		N/A km/hr
PROJECT DESIGN CRITERIA		NEW CONSTRUCTION
FUNCTIONAL CLASSIFICATION		PRINCIPAL ARTERIAL
RURAL/URBAN		RURAL
TERRAIN		LEVEL
ACCESS CONTROL		PARTIAL LIMITED ACCESS

TRAFFIC DATA		SR. 62
A.A.D.T. (2005)		3,950 V.P.D.
A.A.D.T. (2025)		5,070 V.P.D.
D.H.V. (2025)		406 V.P.H.
DIRECTIONAL DISTRIBUTION		50 %
TRUCKS		8% D.H.V.
		10% A.A.D.T.
ESAL		
DESIGN DATA		
DESIGN SPEED		90 km/hr
CONSTRUCTION ZONE SPEED		70 km/hr
PROJECT DESIGN CRITERIA		NEW CONSTRUCTION
FUNCTIONAL CLASSIFICATION		MAJOR COLLECTOR
RURAL/URBAN		RURAL
TERRAIN		ROLLING
ACCESS CONTROL		NONE

DESCRIPTION  
BEGINNING AT A POINT 245.603 m NORTH OF THE SOUTHEAST CORNER OF SECTION 32, T-4-S, R-5-W, THENCE IN A EASTERLY DIRECTION 149.902 m TO POINT, STA. 27+441.478 (AHEAD) LINE "A", THENCE IN A NORTHERLY DIRECTION 4670 m ALONG LINE "A" TO A POINT 224.132 m WEST & 561.837 m SOUTH OF THE NORTHEAST CORNER OF SECTION 19, T-4-S, R-5-W, CARTER TOWNSHIP, SPENCER COUNTY.

GROSS LENGTH: 4.660 km  
NET LENGTH: 4.526 km  
MAXIMUM GRADE: 1.990%



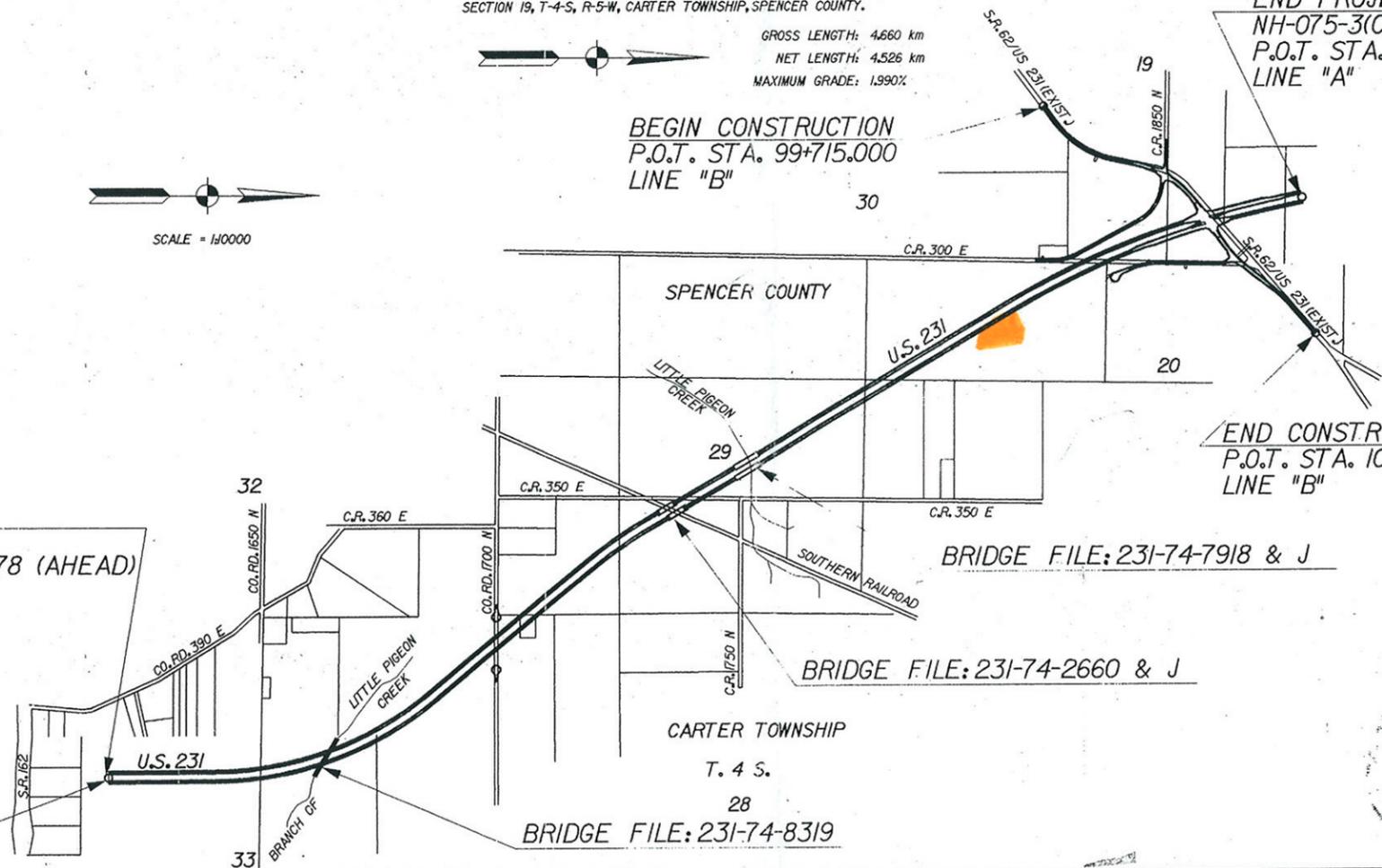
BEGIN PROJECT  
NH-075-3 (019)  
P.O.T. STA. 27+441.478 (AHEAD)  
LINE "A"

BEGIN CONSTRUCTION  
P.O.T. STA. 99+715.000  
LINE "B"

END PROJECT  
NH-075-3(019)  
P.O.T. STA. 32+080.000  
LINE "A"

END CONSTRUCTION  
P.O.T. STA. 100+970.000  
LINE "B"

EQUATION:  
P.T. STA. 27+420.000 (BACK)  
= P.T. STA. 27+441.478 (AHEAD)



APPROVED: *Kevin M. Blue 11-17-03*  
CHIEF, DIVISION OF LAND ACQUISITION  
RECOMMEND FOR APPROVAL: *Ronald S. Ray 11-7-03*  
RIGHT-OF-WAY ENGINEERING SECTION MANAGER



(INDIANA DEPARTMENT OF TRANSPORTATION  
STANDARD SPECIFICATIONS DATED 1999  
TO BE USED WITH THESE PLANS)

**HNTB** ARCHITECTS ENGINEERS PLANNERS  
The HNTB Companies

111 Monument Circle, Indianapolis, Indiana 46204-5178 (317)636-4682

HNTB PROJECT NO. 28453-DS-002

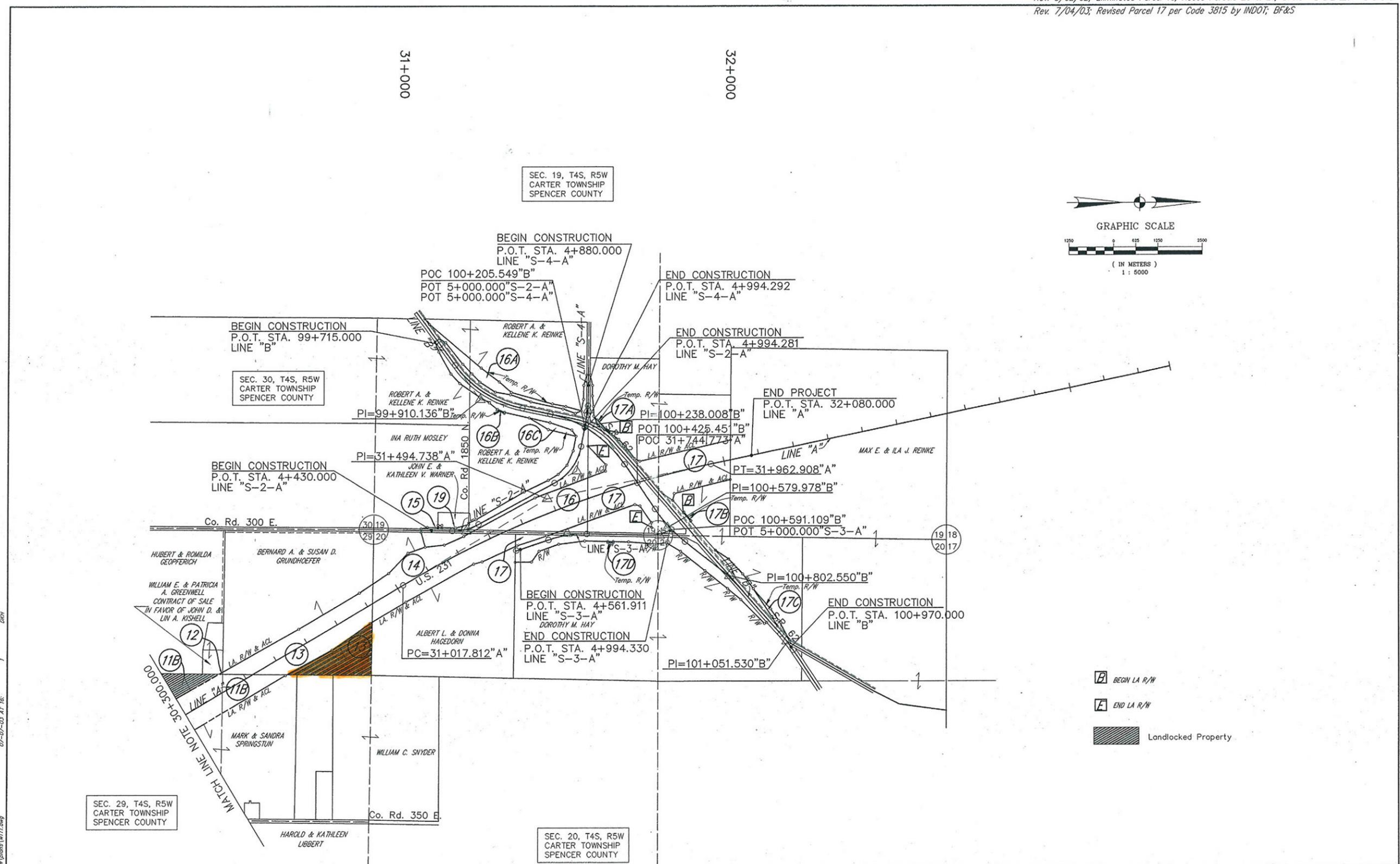
FEDERAL HIGHWAY ADMINISTRATION  
U.S. DEPT. OF TRANSPORTATION  
APPROVED: \_\_\_\_\_ DATE \_\_\_\_\_  
DIVISION ADMINISTRATOR

PLANS PREPARED BY: MARK R. URBAN, P.E. PROJECT MANAGER  
REGISTERED ENGINEER NO. 19600423  
STATE OF INDIANA  
CERTIFIED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED FOR LETTING: MARK R. URBAN, P.E. ASSOCIATE VICE PRESIDENT  
CHIEF, DIVISION OF DESIGN DATE \_\_\_\_\_

DESIGNATION	926136B, 0002220
SHEETS	1 of 58
PROJECT	NH-075-3(019)

Project = 1212011A 08-19-03 AT 12:00 PM R: LUTZ,08/11/14/000401/ROW/Plans/HNTB.dwg

METRIC



Project = 3137011A  
 07-07-03 AT 16.  
 R: L:\3137.08\111\_AU2002\01\Drawings\111.dwg

RECOMMENDED FOR APPROVAL		INDIANA DEPARTMENT OF TRANSPORTATION		HORIZONTAL SCALE	FILE
DESIGNED: SLS		DRAWN: KLH		1:5000	
CHECKED: MRU		CHECKED: SLS		VERTICAL SCALE	DESIGNATION
		PLAT No. 1		N/A	926136B_0002220
				SURVEY BOOK	SHEET
				CONTRACT	11 of 58
					PROJECT
					NH-075-3(019)

BFS NO. 3737.0611

# Attachment 2

## Section 106 Documentation

# Attachment 3

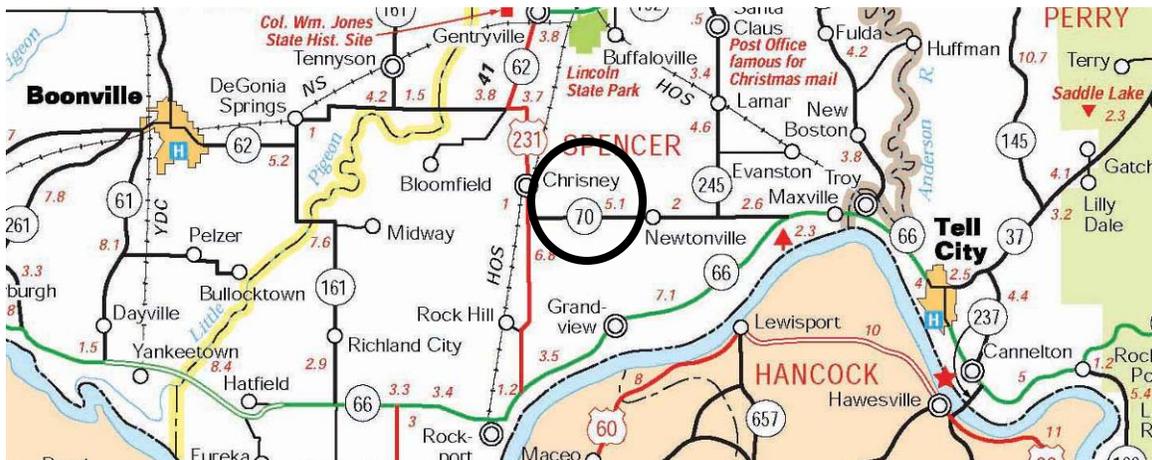
# Archaeological Clearance

**Archaeological Records Check and Phase Ia Reconnaissance, For the Sale of Excess Parcel  
LA 3099 13 Along New US 231 Near Dale in Spencer County, Indiana**

Prepared By:  
David Moffatt  
Principal Investigator

Prepared for:  
Indiana Department of Transportation, Vincennes District  
Brittney Smith, Scoping Engineer  
3560 S. U.S. 40  
Vincennes, IN 47591

November 20, 2012



**Cultural Resources Office**  
Environmental Services  
Indiana Department of Transportation  
100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 233-3703

## MANAGEMENT SUMMARY

In response to a request from the Indiana Department of Transportation (INDOT), Vincennes District an archaeological records check and Phase Ia reconnaissance has been conducted for the proposed sale of LA 3099 parcel 13 in Spencer County, Indiana. The parcel was purchased in conjunction with the US 231 realignment (Des No 926136A). The parcel is 238 m long by 138 m wide for a total area of 1.8 ha (4.3 ac). This work was conducted by INDOT, Cultural Resources Office (CRO) personnel who meet the Secretary of Interior's Professional Qualification Standards as per 36 CFR Part 61.

The records check found that eleven archaeological reconnaissances have recorded twelve archaeological sites within 1.6 km (1 mi) of the project areas. This Phase Ia archaeological reconnaissance recorded one prehistoric archaeological site within Parcel 13; 12Sp1150, consisting of a single artifact.

Based on the results of the Phase Ia archaeological field reconnaissance and other relevant information, 12Sp1150 is unlikely to yield important information on the region's prehistory and so is ineligible to the National Register of Historic Properties (NRHP) and Indiana Register of Historic Sites and Structures (IRHSS).

Since there is no federal involvement with the disposal of this property, Section 106 of the National Historic Preservation Act (NHPA) does not apply. The reconnaissance was conducted in accordance with IC 14-21-1. If human remains, features, or midden deposits are revealed at any time, all activities will cease until INDOT, CRO and the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (IDNR, DHPA) are contacted and mitigation is completed.

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## INTRODUCTION

In response to a request from the INDOT, Vincennes District an archaeological records check and Phase Ia reconnaissance has been conducted for the proposed sale of land parcel LA 3099 13 in Spencer County, Indiana (Figure 1). This work was conducted by INDOT, CRO personnel who meet the Secretary of Interior's Professional Qualification Standards as per 36 CFR Part 61.

The parcel was purchased for the US 231 realignment (Des. No. 926136A). Parcel 13 is located in Carter Township east of new US 231. It is triangular, 238 north-south by 138 m (781 to 453 ft) east-west. Specifically, this parcel is in the NE<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 29, Township 4 south, Range 5 west and cover 1.8 ha (4.3 ac) as seen on the USGS 7.5' series Dale, Indiana topographic quadrangle (Figure 2).

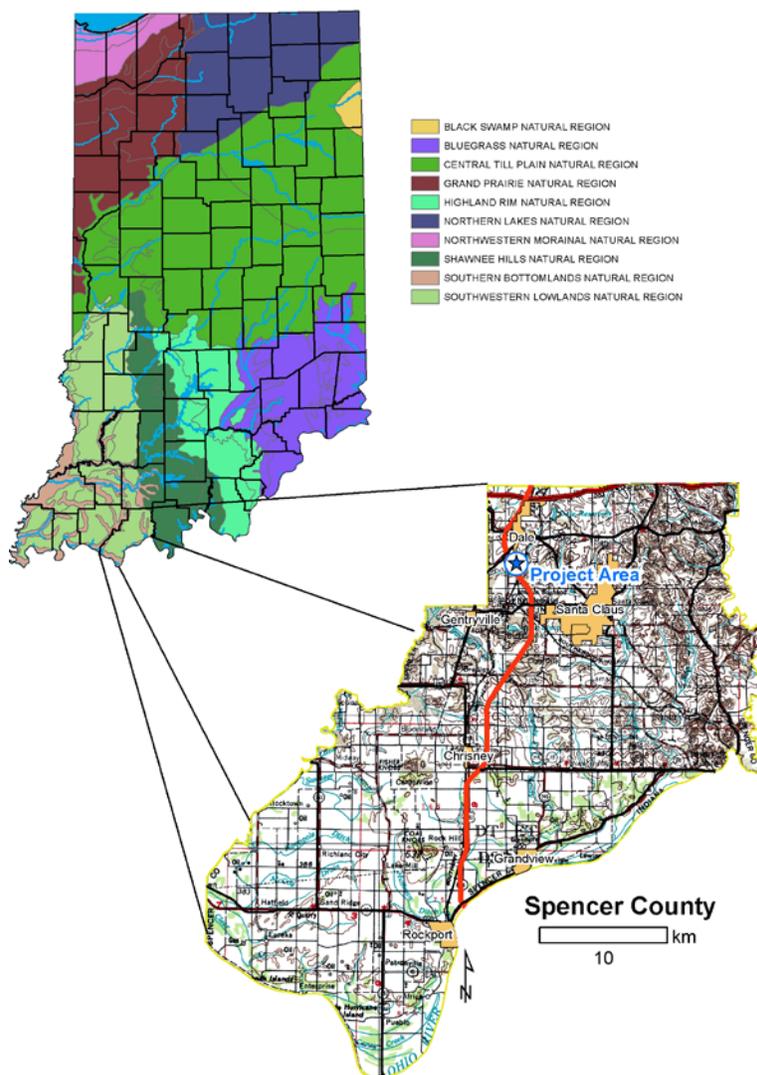


Figure 1. Project location within Spencer County, Indiana.

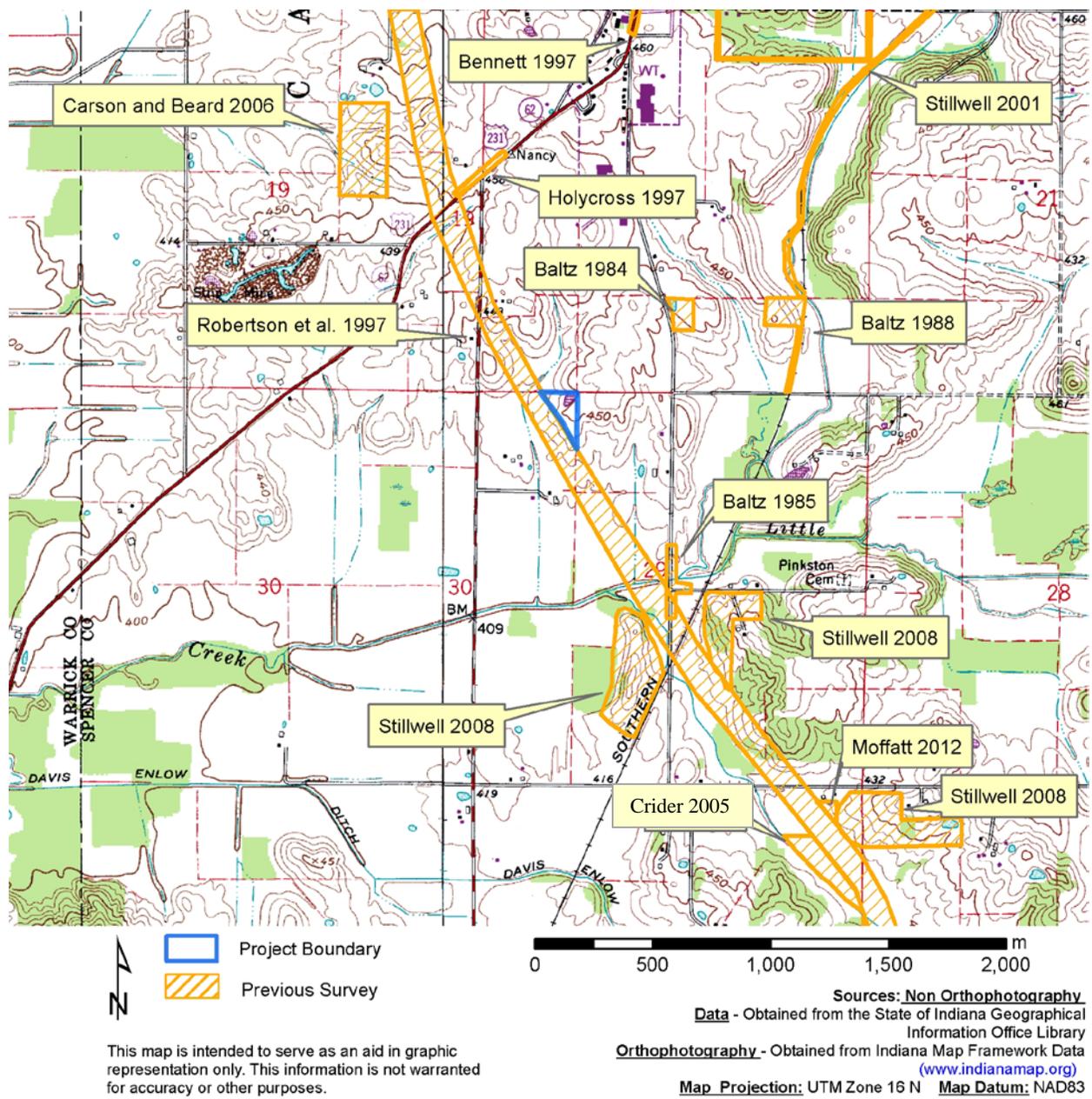


Figure 2. Portion of the USGS 7.5' Dale and Holland Indiana topographic quadrangles showing the project area and locations of previous archaeological survey.

The goal of the records check was to locate and evaluate known archaeological resources within the proposed project area and the region. The goal of the Phase Ia archaeological field reconnaissance was to locate cultural resources within the project area and assess their significance in terms of meeting the criteria for eligibility to the IRHSS and NRHP.

## ENVIRONMENTAL SETTING

Indiana has a humid, continental climate (Newman 1966). Spencer County has an average July temperature of 78.8 degrees F; the average temperature in January is 34.5 degrees F. The total annual precipitation is 113.7 cm (44.8 in) per year (Williamson and Shively 1973). However, climatic variation has been documented through time (see Wilkins et al. 1991).

The proposed project is in the Boonville Hills physiographic zone of the Southern Hills and Lowlands Region (Gray 2000). Underlain by Pennsylvanian bedrock, mostly shale, and never glaciated, the Boonville Hills are not as rugged as the Crawford Uplands to the north. They are mantled by loess; however the soil is thin with rock outcrops common (Gray 2000; Gutschick 1966).

The Boonville Hills correspond to the Driftless Section of the Southern Hills Natural Region (Homoya et al. 1985). Prior to European contact, the dominant plant communities varied between upland forest in the hills and southern flatwoods in the broad valleys. Many species of oak and hickory are common with other species like gum and ash present. Additional environs include swamps, marshes, sandstone cliffs, and low gradient streams (Homoya et al. 1985).

The project area is near the known primary source areas for Holland and Lead Creek chert. Holland is a high quality chert, though stress fractures are common. Lead Creek is a poor quality chert and so was generally utilized locally. Secondary or gravel sources are also locally available (Cantin 2008).

The project area is in the ZANESVILLE-WELLSTON-GILPIN and STENDAL-BONNIE-BIRDS soil associations. The specific soils of the project area are (USDA 2002, 2012):

- Ph - Philo silt loam, frequently flooded, brief duration;
- Ba - Bartle silt loam, rarely flooded;
- ZaB2 - Zanesville silt loam, 2 to 6 percent slopes, eroded;
- ZaC2 - Zanesville silt loam, 6 to 12 percent slopes, eroded;
- ZaC3 - Zanesville silt loam, 6 to 12 percent slopes, severely eroded.

Currently the parcel is a fallow agricultural field. A pond was dammed in the northeast corner, disturbing approximately 0.4 ha (1.0 ac) of the parcel (Figure 3). The parcel drains into an unnamed tributary of Little Pigeon Creek, part of the Lower Ohio-Little Pigeon (Indianamap 2008).

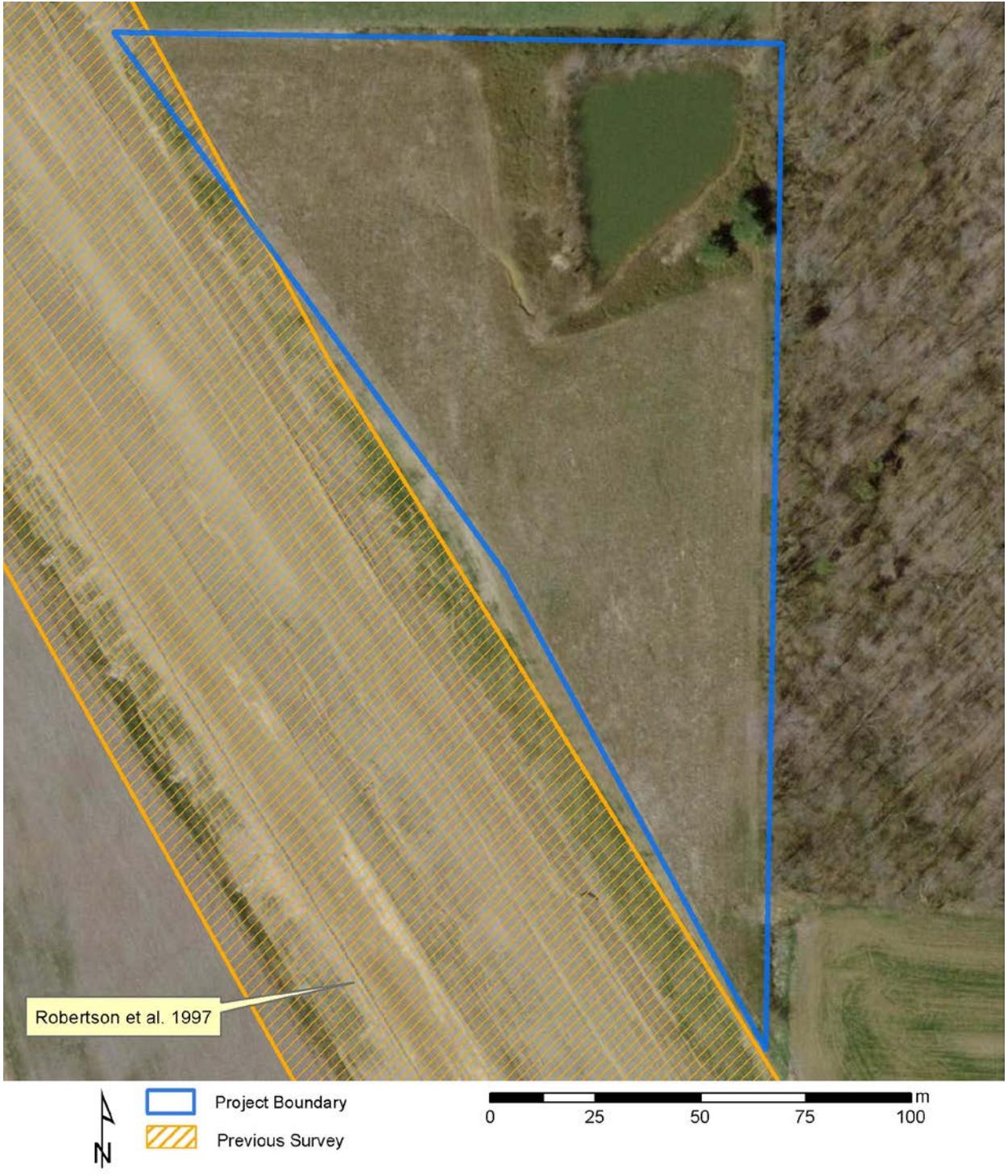


Figure 3. 2005 aerial photograph showing Parcel 13 and previously surveyed area.

## CULTURAL BACKGROUND

### *Prehistoric*

In Indiana, Paleoindian sites typically occur as isolated finds of diagnostic projectile points. Such sites are common on the terraces and floodplains of major river valleys, especially in the Ohio River drainage system (Dorwin 1966; Tankersley et al. 1990). The Paleoindian period for Spencer County is represented by over 44 points (Tankersley et al. 1990). The Paleoindian Alton site, described by Tomak (1986, 1994a), in Perry County is significant because of its size and potential for intact features.

Early Archaic components in southern Indiana have been investigated at Swan's Landing (12-Hr-304) (Smith 1995; Tomak 1994b) and at the James Farnsley site (12-Hr-520) (Stafford and Cantin 2004). Jerger in Daviess County is important because it is one of a very few Early Archaic mortuary sites identified in North America (Tomak 1979).

There is possibly a change in the pattern of settlement for the Middle Archaic in southwestern Indiana. The difference is demonstrated through the location of projectile points in relation to the size of the nearest drainage and distance to major rivers (Stafford 1994). Projectile points diagnostic of the Early Archaic are dominant in the uplands, near the smaller drainages. Middle Archaic through Terminal Archaic points are dominant near the major river valleys. This shift in settlement correlates with a shift in the diet, seen as a focus on white-tailed deer and hickory nuts (Stafford et al. 2000).

Stratified sites with Middle Archaic components such as Knob Creek (12-Hr-484), Morgan (12-Pe-839) and 12-Pe-926 have been excavated in the Ohio River floodplain, though this period is sometimes difficult to distinguish from the earlier and later periods (Bader 1994; Hawkins and Walley 2000; and Stafford and Cantin 2004). Bluegrass (12-W-162), another important Middle Archaic site, is a rock-filled midden excavated in northern Warrick County. Excavations indicate a variety of projectile point forms associated with this period, in particular forms that are often thought to be associated with earlier or later periods. Kirk Cluster and bifurcated points are found early in the Middle Archaic, while deeply side notched points are seen in the later portion of the period (Stafford and Cantin 2004).

The Late Archaic French Lick Phase was defined through research stemming from excavations at Patoka Lake (Munson and Cook 1980). This phase was defined based on sites in the upper Patoka Rivers as well as other sites in southern and central Indiana like Crib Mound and Kappa V (Kellar 1956; Munson 1976). The Terminal Late Archaic Riverton Culture was defined by Winters (1967) immediately to the west of the Vincennes District, in Illinois, as a Midcontinental Archaic Tradition.

In Indiana, the Woodland Period begins with the introduction of ceramics. The upper portion of Little Pigeon Creek and its tributaries were extensively used in the Woodland Period. Near the project area, mound sites such as 12-Sp-102, 12-Sp-104, 12-Sp-199, and 12-Sp-200 are present (Keller 1956:65-66).

The earliest pottery type in the region, Marion Thick, is rare in southwestern Indiana. Tomak's (1983) West Phase, based on Hensley (12-Gr-338) in the White River Valley, includes Marion Thick-like pottery. Early Woodland sites in southwestern Indiana are Adena or Early Crab Orchard tradition, with components at Yankeetown (12-W-1) and Weber Village (12-Gi-13) (Curry 1954; Dragoo 1955; Stafford et al. 1988; Winters 1967).

The Middle Woodland in southwest Indiana is well documented; however the interaction between the various regional Middle Woodland groups is complex. The Crab Orchard tradition, centered in southern Illinois, has a continuing presence at Yankeetown (12-W-1), Uebelhack (12-Po-51) and other sites (Ruby 1994). Havana-like ceramics have been documented at the Mann site (12-Po-2) and at Worthington Mound (12-Gr-3) (Kellar 1956; Tomak 1983; Stafford et al. 1988). The Mann site is unique in Indiana for its size and the diverse material culture (Kellar 1993). Later Allison-LaMotte occupations, like Dougherty-Monroe (12-Su-13) seem to be a local adaptation with little interaction with neighboring groups (Stafford et al. 1988; Tomak 1983; Winters 1967). Other important Middle Woodland sites include the Mount Vernon Site (12-Po-885), Weber Village (12-Gi-13), and Crib Mound (12-Sp-1) (Dragoo 1955; Kellar 1956; Tomak 1990).

The Late Woodland period for the northern portion of INDOT's Vincennes District consist of Albee Phase occupations, named for the Albee Mound (12-Su-2) (Redmond and McCullough 2000). Site density in this area, at least for the Upper Patoka River Valley, is very low. Only the Paleoindian is more diffuse than the Late Woodland and Mississippian Periods when time is considered (Cook 1980: 694-695). There seems to be a shift in settlement patterns occurring, at least by the end of the Late Woodland. Yankeetown Phase sites are typically larger villages found on floodplains and terraces (Redmond 1986).

Southwestern Indiana was occupied by Middle Mississippians including Angel, Vincennes, and Caborn-Welborn Phases. The centers of Mississippian societies were larger towns with platform mounds, plazas and palisades. Towns, such as Angel Mounds (12-Vg-1) (Black 1967), were supported by intensive agricultural practices both locally and in smaller sites or hamlets dispersed across the landscape. Other important Mississippian sites include Bone Bank (12-Po-4) and Hovey Lake (12-Po-10) (Adams 1949, Hovey Lake 2005).

### *Historic*

American settlers came to what would become Spencer County shortly after 1804 and the county was officially created in 1818. The first towns in the county were located at natural ports like Grandview and Rockport. These towns thrived until the mid to late nineteenth century when railroads began to displace the river as a transportation route (Historic Landmarks Foundation of Indiana 2001).

This portion of Spencer County is most famous as the boyhood home of Abraham Lincoln from 1816 to 1830. Lincoln State Park is located to the south of the project area and the Lincoln Boyhood National Memorial is located to the west. President Lincoln lived in the area from the age of 7 to 21 and his mother is buried within the national memorial (Historic Landmarks Foundation of Indiana 2001).

## ARCHAEOLOGICAL RECORDS CHECK

An archaeological records check was conducted by the author on October 22, 2012 at the IDNR, DHPA. All or a portion of 11 archaeological reconnaissances have been conducted within 1.6 km (1 mi) of the project area. Four of the reconnaissances were related to improvements to the Dale sewer system. Baltz (1984, 1988) looked at two proposed locations for a waste water treatment plant; one ineligible lithic scatter, 12Sp794, was documented. Bennett (1997) examined a proposed storm sewer replacement, no archaeological sites were documented. Stillwell (2001) examine a proposed sewer line extension, no archaeological sites were documented.

Transportation related reconnaissances include a survey by Baltz (1985) for a proposed bridge replacement and Holycross (1997) examined a proposed intersection improvement. No archaeological sites were documented during these reconnaissances. There are five reconnaissances related to the US 231 relocation. Robertson et al. (1997) conducted a Phase Ia field reconnaissance and examined approximately 1,050 acres in conjunction with the construction of US 231 through Spencer and Dubois Counties. Portions of the surveyed area are adjacent to Parcel 13. A total of 53 sites were identified, with 6 sites recommended as potentially eligible for the NRHP/IRHSS and requiring further investigation. Seven of these sites, 12Sp988-12SP994, are located within one mile of the project area. Carson and Beard (2006) examined the locations of five proposed borrow pits. One site was documented over one mile from the project area. Stillwell (2008) examined the locations of three proposed borrow pits. Two previously documented and two new archaeological sites were documented. Three are located within one mile of the project area. One site, 12Sp201, is potentially eligible to the state or national registers. Crider (2005) examined a proposed wetland area, no archaeological sites were documented. Moffatt (2012) examined a US 231 excess parcel, no archaeological sites were documented.

There are twelve documented archaeological sites within one mile of the project area (Table 1). Only one of the sites, 12Sp201, is potentially eligible to the state and national registers.

Within one mile of the parcel there are two mid to late Nineteenth Century farmsteads and three early twentieth Century Farmsteads. In addition, there are two early Twentieth Century iron bridges (HLFI 2001). Andreas (1968) shows nothing in the area on the 1976 atlas. There are no industrial sites reported by McGregor (1986) in this area. An examination of the Indiana Cemetery and Burial Ground Registry revealed the Pinkston and Woods cemeteries within one mile, but not within 100 ft of the project area.

## ARCHAEOLOGICAL RECONNAISSANCE

### *Field Methods*

The methods used for Phase Ia archaeological field reconnaissance vary with the conditions on the ground including surface visibility, amount of ground disturbance, and relief.

Table 1. Archaeological sites located within one mile of Parcel 13.

Known Sites	Site Description	Eligibility
12Sp201	Late Archaic, Early Archaic village	potentially eligible
12Sp193	unidentified prehistoric camp	not evaluated
12Sp594	unidentified prehistoric lithic scatter	not evaluated
12Sp794	unidentified prehistoric lithic scatter	ineligible
12Sp988	unidentified prehistoric lithic scatter	ineligible
12Sp989	Late 19th to Early 20 <sup>th</sup> century historic scatter	ineligible
12Sp990	Late 19th to Early 20 <sup>th</sup> century historic school	ineligible
12Sp991	unidentified prehistoric lithic scatter	ineligible
12Sp992	19th to 20 <sup>th</sup> century historic scatter	ineligible
12Sp993	unidentified prehistoric lithic scatter	ineligible
12Sp994	Middle Woodland lithic scatter	ineligible
12Sp1102	unidentified prehistoric lithic scatter	ineligible

The parcel examined during the current reconnaissance consisted of a fallow agricultural field with grass, weeds, and brush covering the ground surface. The ground surface visibility was 0%. The slope was less than 20% and so a systematic shovel test (st) survey was employed. A st survey is the excavation of small, 30 cm diameter and at least 30 cm deep, test pits. The sediment from st's was screened through ¼ inch mesh hardware cloth. St's were placed at 15 m (32.8 ft) intervals. When cultural materials were located the interval was reduced to 5 m (16.4 ft) and probes continued at this interval in four directions, parallel and perpendicular to the transects, until two negative st's were excavated to establish the site boundaries.

#### *Laboratory Methodology*

All artifacts were collected, bagged, and labeled corresponding to provenience for further analysis. The artifacts were cleaned, analyzed, and classified at the INDOT, CRO laboratory with respect to raw material, technology, and morphology. All materials will be curated under contract at Applied Archaeology Laboratories, Ball State University in Muncie, Indiana with all original field notes, photographs and other pertinent records.

#### *Results of the Phase Ia Archaeological Reconnaissance*

The archaeological reconnaissance was completed on October 29, 2012 by, Jeff Laswell and David Moffatt. The parcel was examined through seven transect of st's at 15 m parallel to US 231 (northwest to southeast see Figure 4), though the last transect contained a single st. The northwestern corner of the parcel is in the shallow basin of an intermittent drainage. Most of the rest of the parcel is the nose and side slopes of a ridge; with a small flat portion of the ridge located on the eastern property boundary (Figures 4 and 5) south of the pond. As can be expected in agricultural fields in this area much of the project area was eroded, with shallow Ap horizons over sterile subsoil. The embankment adjacent to the pond consisted of disturbed sediments associated with the pond construction.

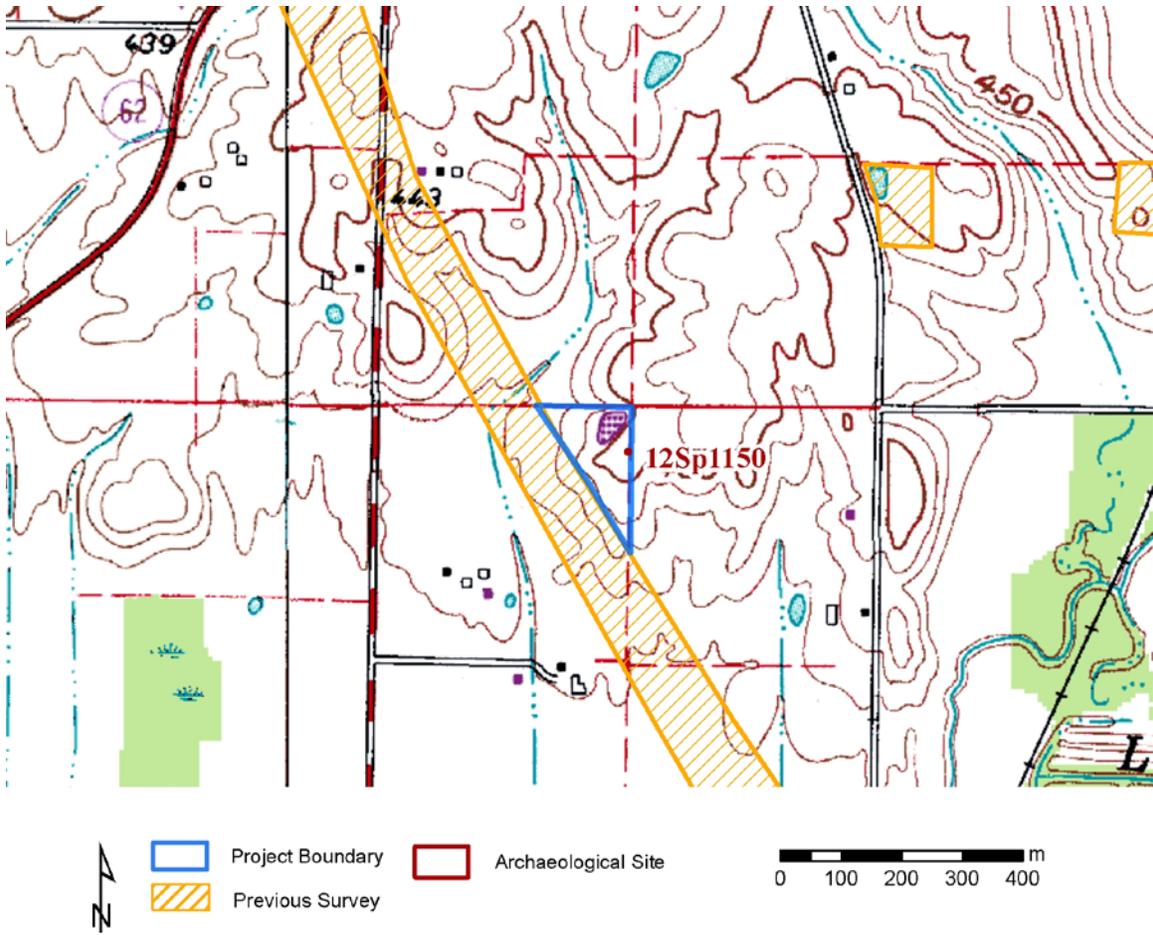


Figure 4. Portion of the USGS 7.5' Dale Indiana topographic quadrangle showing the project area and location of 12Sp1150.



Figure 5. Shallow basin at the northwest corner of the project area.

One artifact was discovered on the south side of the ridge crest adjacent to the property boundary, 12Sp1150. This location overlooks the Little Pigeon Creek and two unnamed tributary floodplains (Figure 4). Because of the angle of the st transects compared with the property boundary, only four radial st's were excavated within the project grid (Figure 6). However, two additional shovel tests were excavated; one 5 m north and the second 5 m south of the positive shovel test (Figure 5). The artifact was found in the plowzone of an agricultural field, in a location where sterile subsoil is located directly below the plowzone. No additional artifacts were located.

### *Laboratory Results*

The site consisted of a single lithic artifact (Figure 7). The artifact is an end scraper fragment of Wyandotte Chert. End Scrapers are unifacial tools made on a flake or blade with steep edge retouch (Crabtree 1982). One broken edge of the end scraper shows signs of use (Figure 8), indicating the tool was broken prehistorically.

#### 12Sp1150

UTM Coordinates: Zone 16; E 0500561; N 4222163 using NAD 83

Legal Description: NE $\frac{1}{4}$ ,NE $\frac{1}{4}$ ,NW $\frac{1}{4}$ ,NW $\frac{1}{4}$  of Sec. 29,  
Twn. 4 S, R. 5 W (Figure 4)

USGS 7.5': Dale, Indiana topographic map

Site Type: prehistoric isolate

Cultural Affiliation: unknown prehistoric

Dimensions: 1 by 1 m

Physiographic Zone/Region: Boonville Hills /Southern Hills and Lowlands

Topographic Setting: upland flat

Elevation: 450 to 460 ft amsl

Soil Types: Zanesville silt loam, 2 to 6 percent slopes, eroded

Watershed: Lower Ohio-Little Pigeon

Nearest Water Source: tributary to Little Pigeon Creek, 200m northwest

Surface Visibility: 0%

NRHP Eligibility: 12Sp1150 is ineligible to the NRHP or IRHSS



Figure 6. 2005 aerial photograph showing Parcel 13 and the location of 12Sp1150.

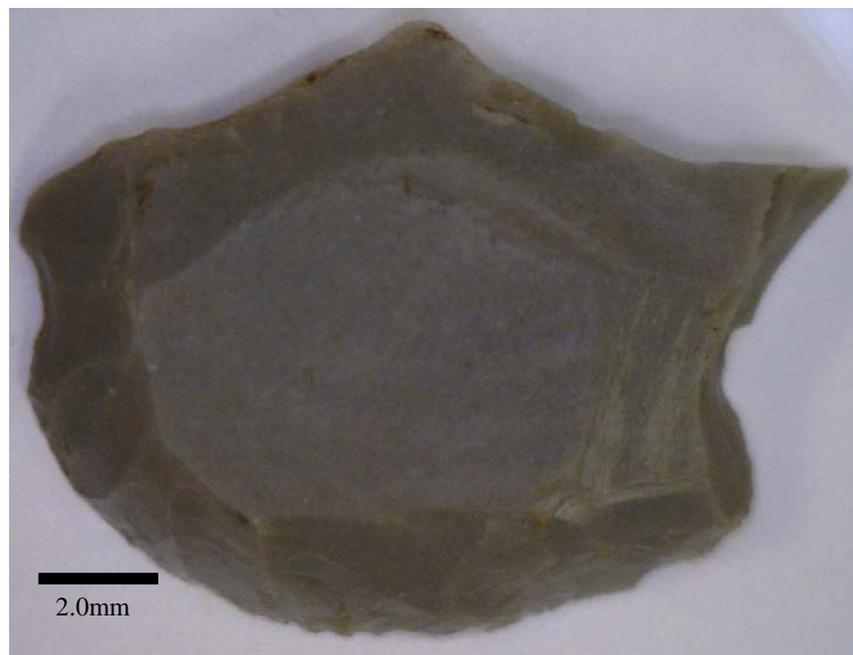


Figure 7. End scraper from 12Sp1150.

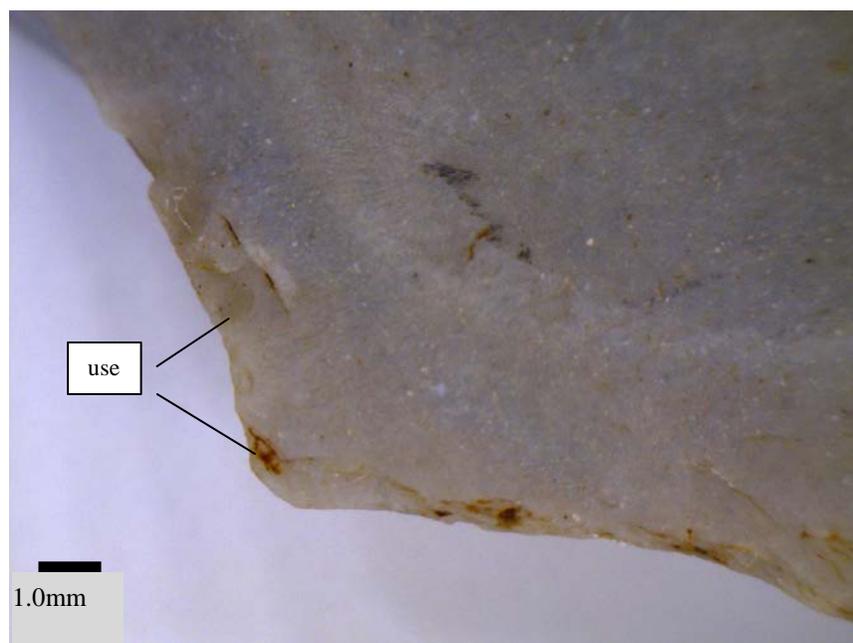


Figure 8. Close up of the end scraper from 12Sp1150, showing use wear on the broken edge.

## CONCLUSION AND RECOMMENDATIONS

In response to a request from the Indiana Department of Transportation (INDOT), Vincennes District an archaeological records check and Phase Ia reconnaissance has been conducted for the proposed sale of land parcel LA 3099 Parcel 13 in Spencer County, Indiana.

One prehistoric isolate, 12Sp1150, was recorded within the parcel. Isolated artifacts rarely have the potential to yield important information to the region's prehistory. 12Sp1150 is ineligible to the NRHP or the IRHSS. Since there is no federal involvement with the disposal of these properties, Section 106 of the National Historic Preservation Act (NHPA) does not apply. The reconnaissance was conducted per IC 14-21-1. If human remains, features, or midden deposits are revealed at any time, all activities will cease until INDOT, Cultural Resources Office (CRO) and IDNR, DHPA are contacted and mitigation is completed.

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Division of Historic Preservation & Archaeology-402 W. Washington Street, W274-Indianapolis, IN 46204-2739  
Phone 317-232-1646-Fax 317-232-0693-dhpa@dnr.IN.gov

December 27, 2012

Patrick A. Carpenter  
Manager  
Cultural Resources Office, Environmental Services Division  
Indiana Department of Transportation  
100 North Senate Avenue, Room N642  
Indianapolis, Indiana 46204

State Agency: Indiana Department of Transportation ("INDOT")

Re: Archaeological records check and Phase Ia reconnaissance report (Moffatt, 11/20/12) regarding disposal of  
INDOT excess parcel #13 along US 231 (LA Code 3099; DHPA No. 14235)

Dear Mr. Carpenter:

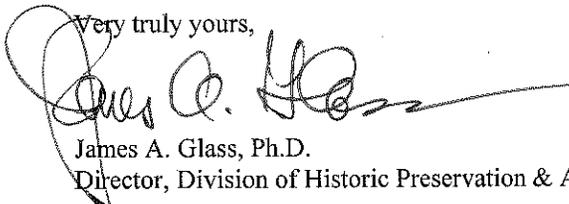
Pursuant to Indiana Code 14-21-1-14 the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("DHPA") has conducted a review of the materials dated November 22, 2012, and received by the DHPA on November 29, 2012, for the above indicated project in Carter Township, Spencer County, Indiana.

Based on our analysis, we concur with the archaeological report and no currently known archaeological sites listed in or eligible for inclusion in the National Register of Historic Places ("NRHP") or the Indiana Register of Historic Sites and Structures ("IRHSS") will be altered, demolished, or removed by the above indicated project. Furthermore, we do not believe that any above-ground properties listed in or eligible for inclusion in the NRHP or the IRHSS exist within the named parcel.

If any archaeological artifacts, features, or human remains are uncovered during construction, state law (Indiana Code 14-21-1-27 & 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646.

If you have any further questions regarding this determination, please contact the DHPA. Questions about archaeological issues should be directed to Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. Questions about historic buildings or structures pertaining to this project should be directed to Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 14235.

Very truly yours,



James A. Glass, Ph.D.  
Director, Division of Historic Preservation & Archaeology

JAG:CWS:WTT:wt

emc: Steve Harless, Indiana Department of Administration  
Michael J. Kuehl, Colliers International  
Patrick A. Carpenter, Indiana Department of Transportation  
Mary Kennedy, Indiana Department of Transportation  
Shaun Miller, Indiana Department of Transportation  
Melany Prather, Indiana Department of Transportation

# Attachment 4

# Red Flag Investigation



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

100 North Senate Avenue  
Room N642  
Indianapolis, Indiana 46204-2216 (317) 232-5348 FAX: (317) 233-4929

**Mitchell E. Daniels, Jr., Governor**  
**Michael B. Cline, Commissioner**

Date: (October 22, 2012)

To: Brittney Smith  
Environmental/Scoping Engineer  
Indiana Department of Transportation  
3650 US Hwy 41 South  
Vincennes, IN 47591

From: Hazardous Materials Unit  
Environmental Services  
Indiana Department of Transportation  
100 N Senate Avenue, Room N642

Re: RED FLAG INVESTIGATION  
LA Code 3099 Parcel 13  
Excess Parcel Disposal  
SR 231  
Spencer County, Indiana

## **NARRATIVE**

This RFI is being performed for the sale of an excess parcel. The subject parcel was acquired by INDOT for right-of-way purposes for Des. No. 926136B. INDOT has decided that this surplus land will not be needed for right-of-way or other transportation purposes within the foreseeable future. A legal description of 13, which is located on SR 231 approximately, is as follows:

### LA3099 Parcel 13

A part of the Northwest Quarter of Section 29, Township 4 South, Range 5 West, Spencer County, Indiana, and being Parcel 13 Excess Land, Indiana Department of Transportation L.A. Code 3099, described as follows: Commencing at the Northwest Corner of said Section; thence South 89 degrees 10 minutes 45 seconds East (bearings based on the Location Control Survey Plat, Project NH-075-3(019), recorded in Survey Book 3, page 130, Office of the Recorder) 236.869 meters (865.71 feet) along the north line of said Section to the point of beginning of this description: thence continuing South 89 degrees 10 minutes 45 seconds East 152.491 meters (500.30 feet) along said north line to the northeast corner of Northwest Quarter of said Quarter Section; thence South 0 degrees 27 minutes 38 seconds West 238.364 meters (782.03 feet) along the east line of said Quarter- Quarter Section; thence North 29 degrees 05 minutes 27 seconds West 145.076 meters (475.97 feet); thence North 35 degrees 17 minutes 59 seconds West 133.375 meters (437.58 feet); thence North 31 degrees 00 minutes 00 seconds West 5.731 meters (18.80 feet) to the point of beginning and containing 1.7142 hectares (4.236 acres), more or less.

**SUMMARY**

<b>Infrastructure</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Other road projects	N/A	Airports	N/A
Cemeteries	N/A	Hospitals	N/A
Railroads	1	Recreational Facilities	N/A
Religious Facilities	N/A	Schools	N/A
Trails	N/A	Pipelines	N/A
Managed Lands	N/A		

Explanation:

There is one infrastructure items located within the ½ mile buffer: One (1) railroad. The existing railroad is approximately 810 meters from the southern tip of LA3099 Parcel 13. The presence of the railroad is not expected to impact the sale of the parcels.

<b>Water Resources</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Canal Routes – Historic	N/A	Canal Structures – Historic	N/A
NWI Wetland Lines	13	Floodplain-DFIRM	1
NWI Wetland Polygons	15	NWI Wetland Points	N/A
Rivers & Streams	16	Lakes	10
IDEM 303d Listed Rivers and Streams	N/A	IDEM 303d Listed Lakes	N/A
Cave Entrance Density	N/A	Sinkhole Areas	N/A
Karst Springs	N/A	Sinking-Stream Basins	N/A

Explanation:

**NWI Wetland Lines:** There are thirteen (13) NWI Wetland Lines located within the ½ mile buffer. No impact is expected from the sale of the parcel.

**Floodplain-DFIRM:** There is one (1) floodplain located within the ½ mile buffer. No impact is expected from the sale of the parcel.

**NWI Wetland Polygons:** There are fifteen (15) wetlands located within the ½ mile buffer of the parcels. One (1) is located within the project area. The wetland is located in the northeast corner of the parcel. ES Ecology and Permitting should be consulted before sale of the property.

**Rivers and Streams:** There are sixteen (16) intermittent/perennial streams located within the ½ mile buffer, the nearest being unnamed stream/river just to the west of the northwest corner of the parcel approximately 75 meters. No impact is expected from the sale of the parcel.

**Lakes:** There are ten (10) perennial lakes/ponds located within the ½ mile buffer. There is one (1) lake located within the project area. The lake is located in the northeast corner of the parcel and is associated with the wetland that is located in same location on the parcel. ES Ecology and Permitting should be consulted before sale of the property.

<b>Mining/Mineral Exploration</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Petroleum Wells	<b>1</b>	Petroleum Fields	<b>N/A</b>
Mines – Surface	<b>N/A</b>	Mines – Underground	<b>N/A</b>

**Explanation:**

There is one (1) petroleum well, which is presumed to be plugged, located in the ½ mile buffer. No impact is expected from the sale of the parcels.

**Ecological Information**

The Spencer County listing of the Indiana Natural Heritage Data Center information on endangered, threatened, or rare (ETR) species and high quality natural communities is attached with ETR species highlighted.

Research into the Indiana Heritage database revealed no state or federal ETR species within a ½ mile radius of the subject parcels. Sale of the subject parcels is not expected to impact ETR species or high quality natural communities.

**Cultural Resources**

A review by Environmental Services Cultural Resources was requested by Brittney Smith on October 1, 2012.

<b>Hazmat Concerns</b>			
Indicate the number of items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project. If there are no items, please indicate N/A:			
Brownfield Sites	<b>N/A</b>	Corrective Action Sites (RCRA)	<b>N/A</b>
State Cleanup Sites	<b>N/A</b>	Superfund Sites	<b>N/A</b>
Voluntary Remediation Program	<b>N/A</b>	Institutional Control Sites	<b>N/A</b>
Manufactured Gas Plant Sites	<b>N/A</b>	Industrial Waste Sites	<b>N/A</b>
Underground Storage Tanks (USTs)	<b>N/A</b>	Leaking Underground Storage Tanks (LUSTs)	<b>N/A</b>
Confined Feeding Operations	<b>1</b>	Septage Waste Sites	<b>N/A</b>
Construction Demolition Waste	<b>N/A</b>	Infectious/Medical Waste Sites	<b>N/A</b>
Lagoon/Surface Impoundments	<b>N/A</b>	Open Dump Sites	<b>N/A</b>
Restricted Waste Sites	<b>N/A</b>	Solid Waste Landfills	<b>N/A</b>
Tire Waste Sites	<b>N/A</b>	Waste Transfer Stations	<b>N/A</b>

Waste Treatment, Storage, and Disposal Sites (TSDs)	N/A	NPDES Facilities	N/A
NPDES Pipe Locations	N/A		

**Explanation:**

There is one (1) Confined Feeding Operation located within the ½ mile buffer. No impact is expected from the sale of the parcels.

**RECOMMENDATIONS**

INFRASTRUCTURE: N/A

WATER RESOURCES: There is one (1) wetland and one (1) lake located in the project area at the northeast corner of the parcel. It is recommended that Environmental Services Ecology Permitting be consulted before the sale of the property.

MINING/MINERAL EXPLORATION: N/A

ECOLOGICAL INFORMATION: N/A

CULTURAL RESOURCES: A review by Environmental Services Cultural Resources was requested by Brittney Smith on October 1, 2012.

HAZMAT CONCERNS: N/A

INDOT Environmental Services concurrence: \_\_\_\_\_(Signature)

Prepared by:  
 Karen Frantsi  
 Environmental Manager  
 INDOT Central Office, Environmental Services

**Graphics:**

A map for each report section with a ½ mile radius buffer around all project area(s) showing all items identified as possible items of concern is attached. If there is not a section map included, please change the YES to N/A:

GENERAL SITE MAP SHOWING PROJECT AREA: YES

INFRASTRUCTURE: YES

WATER RESOURCES: YES

MINING/MINERAL EXPLORATION: Yes

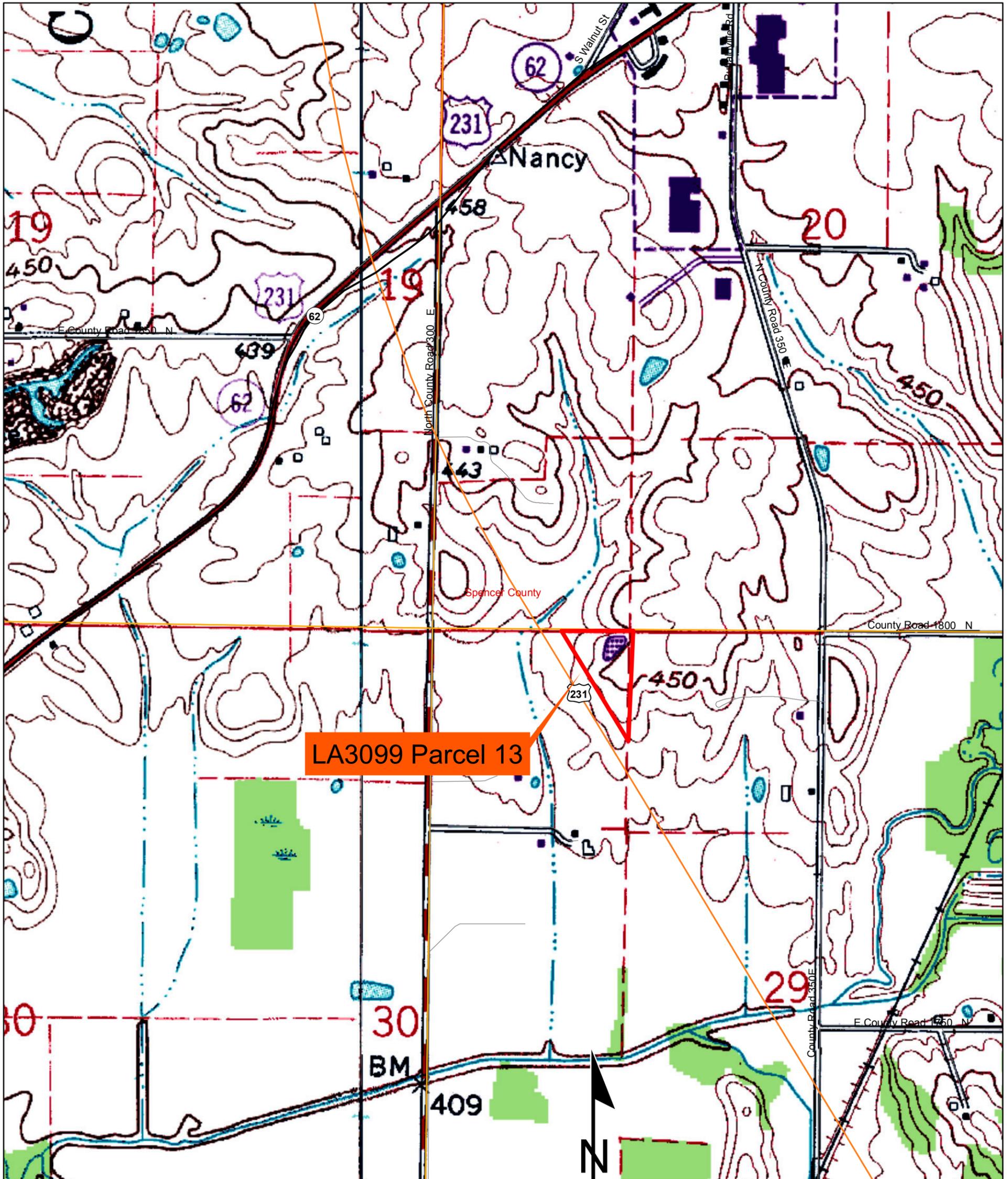
HAZMAT CONCERNS: YES

# Red Flag Investigation -Location Map

## US 231

### LA 3099, Parcel 13, Excess Land

### Spencer County, Indiana



LA3099 Parcel 13

Sources:  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

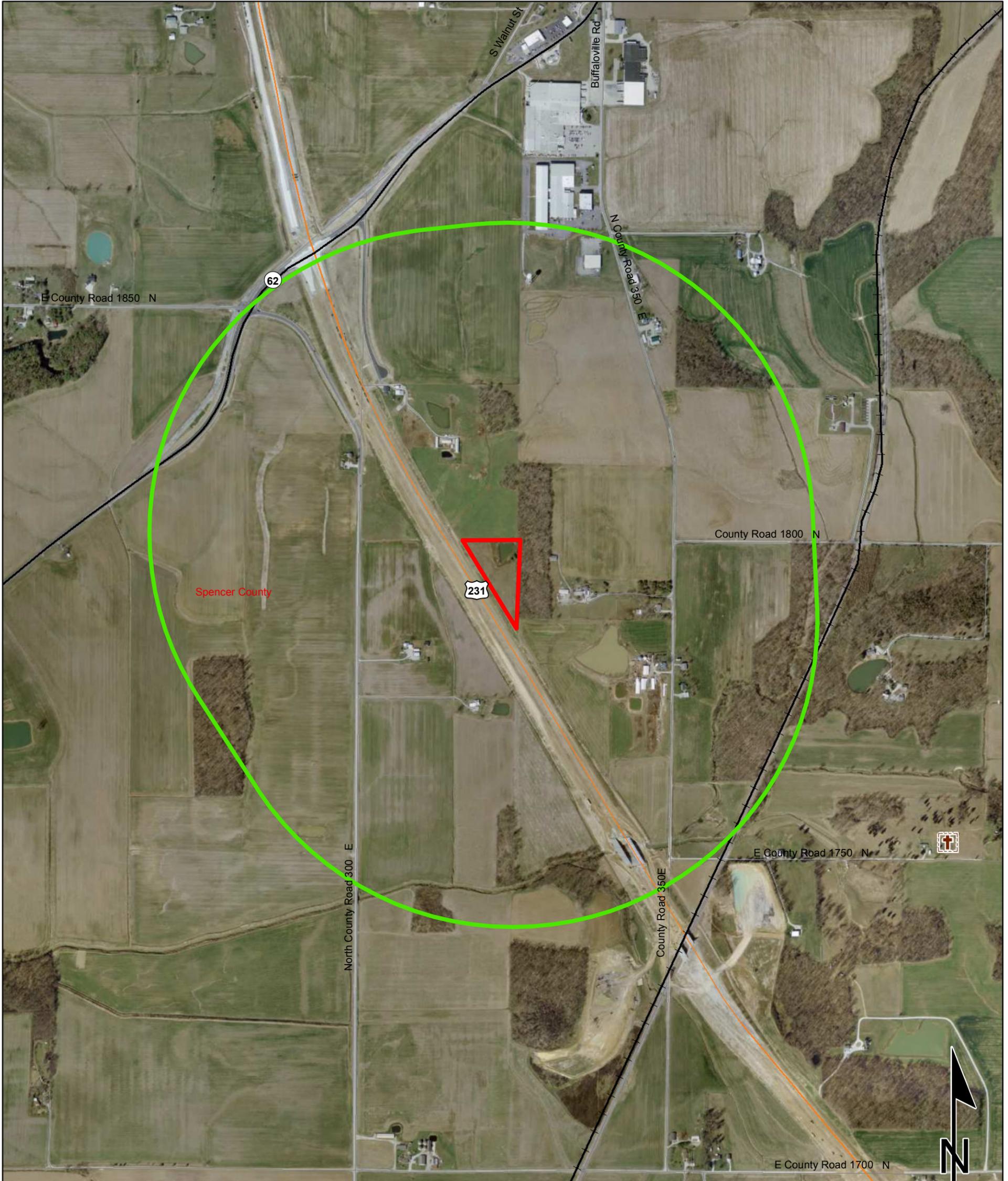
DALE QUADRANGLE  
INDIANA  
7.5 MINUTE SERIES  
(TOPOGRAPHIC)

# Red Flag Investigation - Infrastructure

## US 231

### LA 3099, Parcel 13, Excess Land

### Spencer County, Indiana



**Sources:**  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

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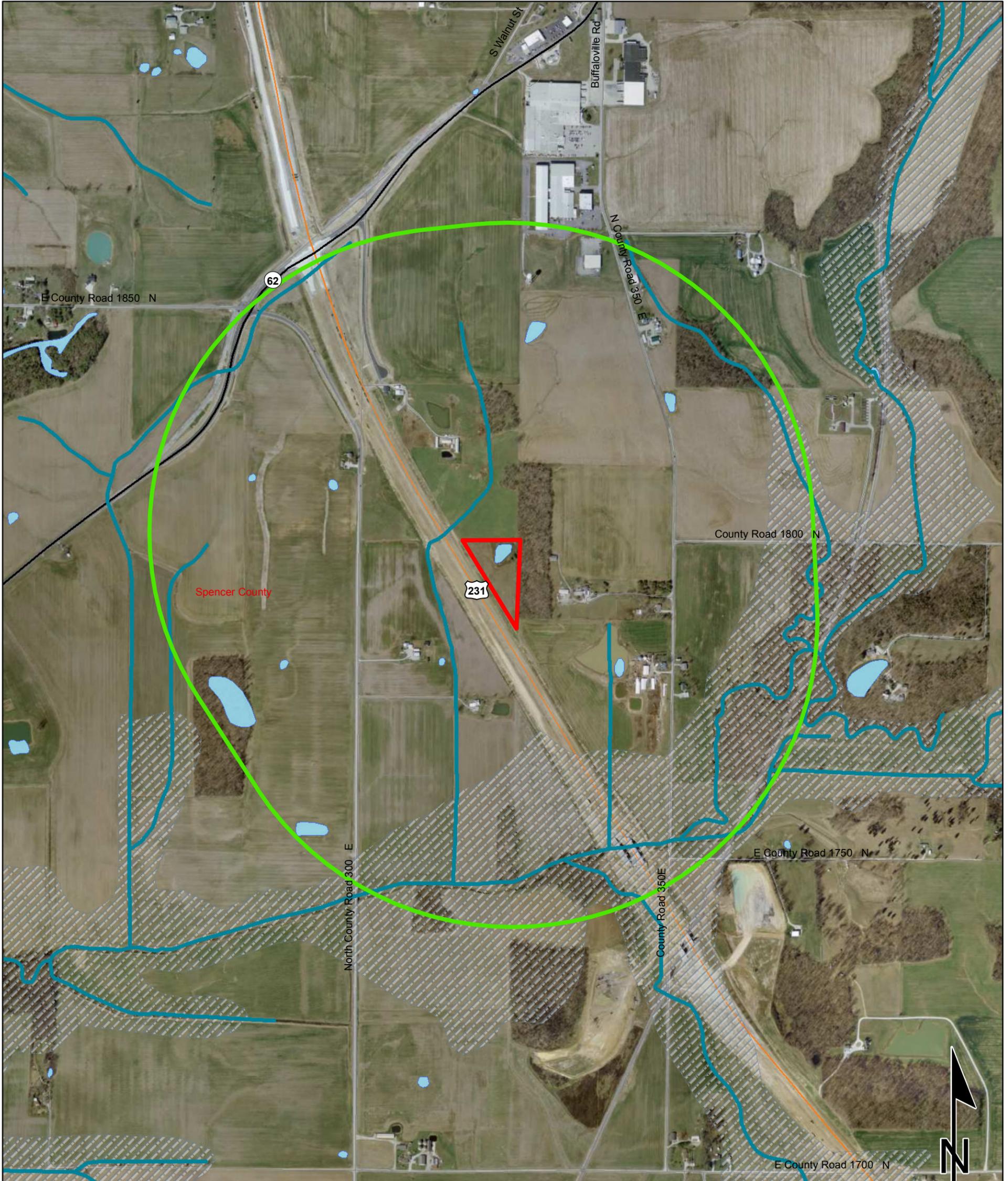
	Religious Facility		Recreation Facility		Project Area
	Airport		Pipeline		Half Mile Radius
	Cemetaries		Railroad		Interstate
	Hospital		Trails		State Route
	School		Managed Lands		US Route
			County Boundary		Local Road

# Red Flag Investigation -Water Resources

## US 231

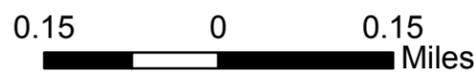
### LA 3099, Parcel 13, Excess Land

### Spencer County, Indiana



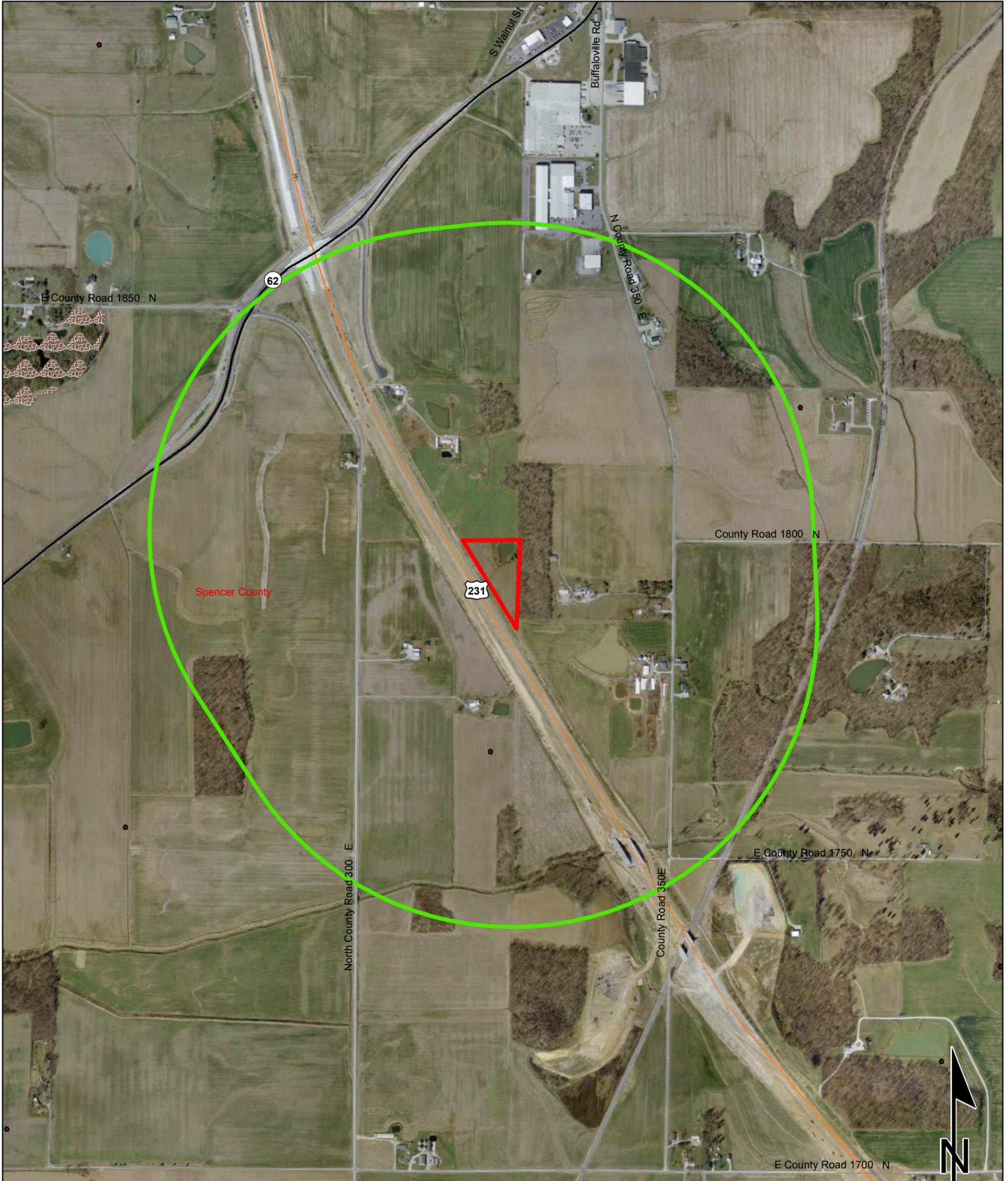
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**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
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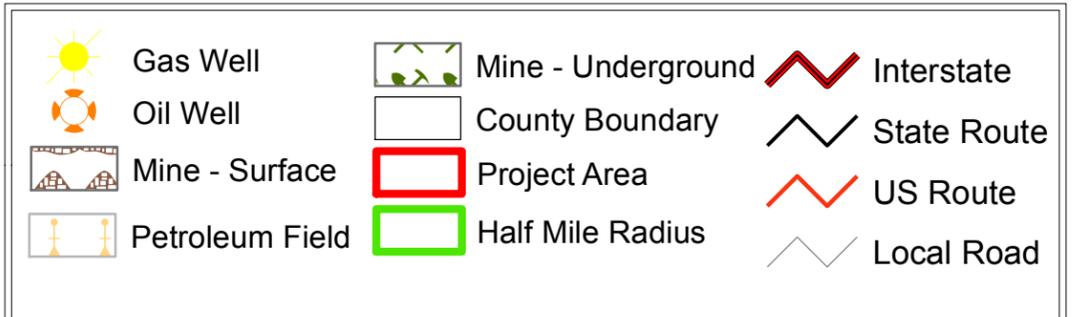


NWI - Point	Wetlands	Project Area
Karst Spring	Lake - Impaired	Half Mile Radius
Canal Structure - Historic	Lake	Interstate
NWI- Line	Floodplain - DFIRM	State Route
Stream - Impaired	Cave Entrance Density	US Route
River	Sinkhole Area	Local Road
Canal Route - Historic	Sinking-Stream Basin	
	County Boundary	

Red Flag Investigation -Mining/Mineral Exploration  
 US 231  
 LA 3099, Parcel 13, Excess Land  
 Spencer County, Indiana



Sources:  
**Non Orthophotography**  
 Data - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
 Map Projection: UTM Zone 16 N Map Datum: NAD83  
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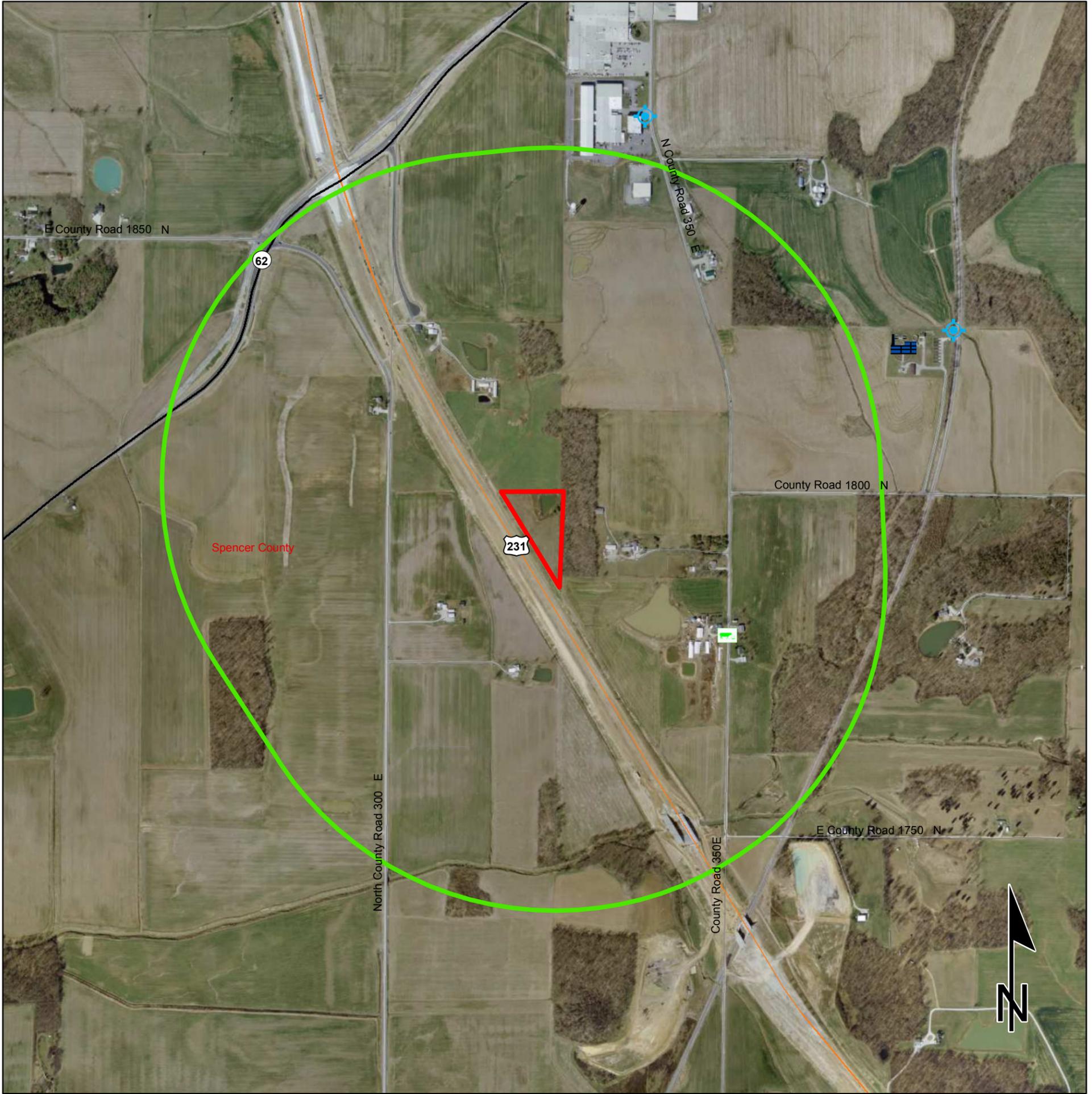


# Red Flag Investigation-HazMat Concerns

## US 231

### LA 3099, Parcel 13, Excess Land

### Spencer County, Indiana



<ul style="list-style-type: none"> <li> Brownfield</li> <li> RCRA Corrective Action Sites</li> <li> Confined Feeding Operation</li> <li> Construction/Demolition Site</li> <li> Industrial Waste Sites</li> <li> Infectious/Medical Waste Site</li> <li> Lagoon</li> <li> Leaking Underground Storage Tank</li> <li> Manufactured Gas Plant</li> <li> NPDES Facilities</li> <li> NPDES Pipe Locations</li> </ul>	<ul style="list-style-type: none"> <li> Open Dump Waste Site</li> <li> Restricted Waste Site</li> <li> Septage Waste Site</li> <li> Solid Waste Landfill</li> <li> State Cleanup Site</li> <li> Tire Waste Site</li> <li> Waste Transfer Station</li> <li> RCRA Waste Treatment Storage Disposal</li> <li> Underground Storage Tank</li> </ul>	<ul style="list-style-type: none"> <li> Voluntary Remediation Program</li> <li> Superfund</li> <li> 303d Listed Rivers</li> <li> 303d Listed Lakes</li> <li> Institutional Controls</li> <li> County Boundary</li> <li> Project Area</li> <li> Half Mile Radius</li> <li> Interstate</li> <li> US Route</li> <li> State Route</li> <li> Local Road</li> </ul>
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This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.

**Sources:**  
**Non Orthophotography**  
**Data** - Obtained from the State of Indiana Geographical Information Office Library  
**Orthophotography** - Obtained from Indiana Map Framework Data ([www.indianamap.org](http://www.indianamap.org))  
**Map Projection:** UTM Zone 16 N **Map Datum:** NAD83

## Indiana County Endangered, Threatened and Rare Species List

### County: Spencer

Species Name	Common Name	FED	STATE	GRANK	SRANK
<b>Mollusk: Bivalvia (Mussels)</b>					
<b>Plethobasus cyphus</b>	<b>Sheepnose</b>	<b>C</b>	<b>SE</b>	<b>G3</b>	<b>S1</b>
Pleurobema cordatum	Ohio Pigtoe		SSC	G4	S2
<b>Quadrula cylindrica cylindrica</b>	<b>Rabbitsfoot</b>	<b>C</b>	<b>SE</b>	<b>G3G4T3</b>	<b>S1</b>
<b>Fish</b>					
<b>Acipenser fulvescens</b>	<b>Lake Sturgeon</b>		<b>SE</b>	<b>G3G4</b>	<b>S1</b>
<b>Amphibian</b>					
Acris crepitans blanchardi	Northern Cricket Frog		SSC	G5	S4
Scaphiopus holbrookii	Eastern Spadefoot		SSC	G5	S2
<b>Reptile</b>					
<b>Nerodia erythrogaster neglecta</b>	<b>Copperbelly Water Snake</b>	<b>PS:LT</b>	<b>SE</b>	<b>G5T3</b>	<b>S2</b>
Opheodrys aestivus	Rough Green Snake		SSC	G5	S3
<b>Bird</b>					
<b>Ammodramus henslowii</b>	<b>Henslow's Sparrow</b>		<b>SE</b>	<b>G4</b>	<b>S3B</b>
Buteo lineatus	Red-shouldered Hawk		SSC	G5	S3
Helmitheros vermivorus	Worm-eating Warbler		SSC	G5	S3B
Ictinia mississippiensis	Mississippi Kite		SSC	G5	S1B
<b>Lanius ludovicianus</b>	<b>Loggerhead Shrike</b>	<b>No Status</b>	<b>SE</b>	<b>G4</b>	<b>S3B</b>
<b>Sternula antillarum athalassos</b>	<b>Interior Least Tern</b>	<b>LE</b>	<b>SE</b>	<b>G4T2Q</b>	<b>S1B</b>
<b>Tyto alba</b>	<b>Barn Owl</b>		<b>SE</b>	<b>G5</b>	<b>S2</b>
<b>Mammal</b>					
Lynx rufus	Bobcat	No Status	SSC	G5	S1
<b>Myotis grisescens</b>	<b>Gray Bat</b>	<b>LE</b>	<b>SE</b>	<b>G3</b>	<b>S1</b>
<b>Sylvilagus aquaticus</b>	<b>Swamp Rabbit</b>		<b>SE</b>	<b>G5</b>	<b>S1</b>
Taxidea taxus	American Badger		SSC	G5	S2
<b>Vascular Plant</b>					
<b>Acalypha deamii</b>	<b>Mercury</b>		<b>SR</b>	<b>G4?</b>	<b>S2</b>
<b>Armoracia aquatica</b>	<b>Lake Cress</b>		<b>SE</b>	<b>G4?</b>	<b>S1</b>
<b>Calycocarpum lyonii</b>	<b>Cup-seed</b>		<b>ST</b>	<b>G5</b>	<b>S2</b>
<b>Carex bushii</b>	<b>Bush's Sedge</b>		<b>ST</b>	<b>G4</b>	<b>S1</b>
<b>Carex socialis</b>	<b>Social Sedge</b>		<b>SR</b>	<b>G4</b>	<b>S2</b>
<b>Catalpa speciosa</b>	<b>Northern Catalpa</b>		<b>SR</b>	<b>G4?</b>	<b>S2</b>
Chelone obliqua var. speciosa	Rose Turtlehead		WL	G4T3	S3
<b>Crataegus viridis</b>	<b>Green Hawthorn</b>		<b>ST</b>	<b>G5</b>	<b>S2</b>
<b>Crotonopsis elliptica</b>	<b>Elliptical Rushfoil</b>		<b>SE</b>	<b>G5</b>	<b>S1</b>
Cyperus acuminatus	Short-point Flatsedge		WL	G5	S3
<b>Cyperus pseudovegetus</b>	<b>Green Flatsedge</b>		<b>SR</b>	<b>G5</b>	<b>S2</b>
<b>Didiplis diandra</b>	<b>Water-purslane</b>		<b>SE</b>	<b>G5</b>	<b>S2</b>
<b>Eleocharis wolfii</b>	<b>Wolf Spikerush</b>		<b>SR</b>	<b>G3G4</b>	<b>S2</b>

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Indiana Department of Natural Resources  
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Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting  
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list  
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank  
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

Indiana County Endangered, Threatened and Rare Species List

County: Spencer

Species Name	Common Name	FED	STATE	GRANK	SRANK
<i>Fimbristylis annua</i>	Annual Fimbry		SE	G5	S1
<i>Hypericum denticulatum</i>	Coppery St. John's-wort		ST	G5	S2
<i>Iresine rhizomatosa</i>	Eastern Bloodleaf		SR	G5	S2
<i>Isoetes melanopoda</i>	Blackfoot Quillwort		ST	G5	S1
<i>Ludwigia decurrens</i>	Primrose Willow		WL	G5	S2
<i>Passiflora incarnata</i>	Purple Passion-flower		SR	G5	S2
<i>Perideridia americana</i>	Eastern Eulophus		SE	G4	S1
<i>Phlox pilosa</i> ssp. <i>deamii</i>			SE	G5T3T4	S1
<i>Platanthera peramoena</i>	Purple Fringeless Orchis		WL	G5	S3
<i>Poa wolfii</i>	Wolf Bluegrass		SR	G4	S2
<i>Prenanthes aspera</i>	Rough Rattlesnake-root		SR	G4?	S2
<i>Ranunculus pusillus</i>	Pursh Buttercup		SE	G5	S1
<i>Rhexia mariana</i> var. <i>mariana</i>	Maryland Meadow Beauty		ST	G5T5	S1
<i>Rhynchospora corniculata</i> var. <i>interior</i>	Short-bristle Horned-rush		ST	G5TNR	S2
<i>Saxifraga virginensis</i>	Virginia Saxifrage		WL	G5	S3
<i>Selaginella apoda</i>	Meadow Spike-moss		WL	G5	S1
<i>Stenanthium gramineum</i>	Eastern Featherbells		ST	G4G5	S1
<i>Strophostyles leiosperma</i>	Slick-seed Wild-bean		ST	G5	S2
<i>Thalictrum pubescens</i>	Tall Meadowrue		ST	G5	S2
<i>Trifolium reflexum</i> var. <i>glabrum</i>	Buffalo Clover		SE	G5T2T4Q	S1
<b>High Quality Natural Community</b>					
Barrens - clay	Clay Barrens		SG	GNR	S1
Forest - flatwoods dry	Dry Flatwoods		SG	G2?	S2
Forest - floodplain mesic	Mesic Floodplain Forest		SG	G3?	S1
Forest - floodplain wet	Wet Floodplain Forest		SG	G3?	S3
Forest - floodplain wet-mesic	Wet-mesic Floodplain Forest		SG	G3?	S3
Forest - upland dry	Dry Upland Forest		SG	G4	S4
Forest - upland dry-mesic	Dry-mesic Upland Forest		SG	G4	S4
<b>Other</b>					
Freshwater Mussel Concentration Area	Mussel Bed		SG	G3	SNR

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**EXHIBIT E**

**Hold Harmless Affidavit**

STATE OF INDIANA        )  
  )SS:  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

Comes now the Affiant(s), \_\_\_\_\_, and swear and affirm to the following:.

- 1)     That the above Affiant(s) shall **hold harmless and indemnify** the State of Indiana and its agent Indiana Department of Transportation and accept the property transfer through Quit Claim Deed without any Warrants and receive property As-Is.

SUBSCRIBED AND SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Affiant's printed name

\_\_\_\_\_

Affiant's signature

State of Indiana        )  
  ) SS:  
County of \_\_\_\_\_ )

Subscribed and sworn to before me a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public

A Resident of \_\_\_\_\_ County Indiana  
My Commission expires: \_\_\_\_\_