

Conditional Sales Agreement

WITNESSETH THIS AGREEMENT dated **October 11, 2012**, 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 **US 41 and IN 641, Terre Haute, Indiana, Vigo County** 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 agency's 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.

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:

EXHIBIT "A"

Part of Parcel 3 (Excess land) acquired under LA Code 3777 and
Part of Parcels 2 and 40 (Excess land) acquired under LA Code 4179

Sheet 1 of 1

Part of Lots numbered One (1) thru Six (6) in Monterey Homelands, a subdivision in the Southwest quarter of Section 26, Township 11 North, Range 9 West, Honey Creek Township, Vigo County, Indiana, the plat of which is recorded in Plat Record 14, Page 36, in the Office of the Recorder of said County, said real estate being more particularly described as follows: Beginning on the south line of said Lot number Six (6) at its intersection with the Limited Access R/W line (hereinafter referred to as LA R/W) on the east side of US 41 as shown on Exhibit "B" of a Warranty Deed with Limitation of Access recorded as Instrument No. 200123467 in the Office of the Recorder of said County; THENCE North 24 degrees 54 minutes 11 seconds East 109.96 feet along said LA R/W; THENCE North 13 degrees 01 minutes 16 seconds East 106.11 feet continuing along said LA R/W; THENCE North 06 degrees 15 minutes 36 seconds East 245.53 feet continuing along said LA R/W; THENCE northerly 52.36 feet continuing along said LA R/W being on a curve to the right having a radius of 475.72 feet and subtended by a long chord having a bearing of North 03 degrees 27 minutes 44 seconds East and a length of 52.34 feet; THENCE northeasterly 137.01 feet along said LA R/W being on a curve to the right having a radius of 475.72 feet and subtended by a long chord having a bearing of North 14 degrees 51 minutes 59 seconds East and a length of 136.54 feet; THENCE South 16 degrees 13 minutes 00 seconds East 137.88 feet; THENCE continue South 16 degrees 13 minutes 00 seconds East 521.59 feet to the south line of aforesaid Lot number Six (6); THENCE North 89 degrees 40 minutes 10 seconds West 319.35 feet along said south line to the Point of Beginning. Containing 2.173 acres, more or less.

This description was prepared for the Indiana Department of Transportation by Willard E. Johnson, Indiana Registered Land Surveyor, License Number LS29600017 on the 16th day of August, 2011.


Willard E. Johnson, L.S.



This description was written from information shown on Exhibit "B" of Instrument No's. 200123467, 200008831, and 2004011960 in the Office of the Recorder, Vigo County, Indiana together with other supporting data used to prepare the Exhibit "B" documents referenced above and was not necessarily checked by a field survey. All bearings in this description which are not quoted from previous instruments are based on the bearing system for Indiana Department of Transportation Project STP-291-1(002).

EXHIBIT C



Vendor Information
 State Form 53788 (12-08)
 Approved by Auditor of State, 2008
 Approved by State Board of Accounts, 2008

Name and telephone number of the Person who completed this document must be provided.

Name: _____

Daytime Telephone Number: _____

Send completed form to Auditor of State, 240 Statehouse, 200 W. Washington St., Indianapolis, IN 46204 or fax to (317) 234-1916

Print or Type

Legal Name (OWNER OF THE EIN OR SSN AS NAME APPEARS ON YOUR TAX RETURN. DO NOT ENTER THE BUSINESS NAME OF A SOLE PROPRIETORSHIP ON THIS LINE.)

Trade Name (Doing Business as Name D/B/A) (Complete only if payment is to be made payable to the DBA name)

Remit Address

Purchase Order Address - Optional

Enter 9-digit Taxpayer Identification Number (TIN) of the legal name:

(SSN=Social Security Number, EIN=Employer Identification Number)

(Individual's SSN) _____ - _____ - _____ or EIN _____ - _____

Check legal entity type (A box must be checked in this section. Check only one box.)

- Individual Sole Proprietorship Partnership
- Estate / Trust Note: Show above, the name and number of the legal trust, or estate, not personal representatives
- Other [Limited Liability Company (LLC) (attach IRS Form 8832 if applicable), Joint Venture, Club, etc.]
- Corporation Do you provide legal or medical services? Yes No
- Government (or Government operated entity)
- Organization Exempt from Tax under Section 501(a)

One box must be checked I am a U.S. Person (including a U.S. resident alien) I am not a U.S. Person (a W-8 must be filed with the Auditor of State)

Add Deposit Change Deposit **Indiana law (I.C. 4-13-2-14.8) requires that YOU receive PAYMENT(S) by means of electronic transfer of funds.**

SECTION 1: AUTHORIZATION

According to Indiana law, your signature below authorizes the transfer of electronic funds under the following terms:

Account Holder's Name: _____ Account Number: _____

Type of Account: Checking (Demand) Savings

SECTION 2: FINANCIAL INSTITUTION'S APPROVAL (Attach a voided check or have your financial institution complete this section)

The financial institution identified below agrees to accept automated deposits under the terms set forth herein:

Name of Financial Institution: _____

Telephone: (_____) _____

Address: _____

Number and Street, and/or P.O. Box No.

Financial Institution's Authorized Signature

City, State, and Zip Code (00000-0000)

Title

ABA Transit-Routing Number

Date

, 20_____

SECTION 3: ELECTRONIC NOTIFICATION OF ELECTRONIC FUND TRANSFER (EFT) DEPOSITS

(Complete this section only if you are requesting electronic notification. You may provide up to four email addresses.)

I hereby request that all future notices of EFT deposits to the bank account specified above be sent to the following email addresses:

I agree to the provisions contained on the reverse side of this form.

NAME (Print or Type) _____ TITLE _____

AUTHORIZED SIGNATURE _____ DATE _____ PHONE _____

ATTACH VOIDED CHECK HERE

ATTACH VOIDED CHECK HERE

EXHIBIT D

LA 4179

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)

At the SE Corner of the U.S. 41/S.R. 641 Intersection

Terre Haute, Vigo County

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CATEGORICAL EXCLUSION LEVEL 1 FORM

Date: February 20, 2012

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:

Michael L. Eubank

2/21/2012

Environmental Scoping Manager or
Environmental Policy Manager

Date

PROJECT INFORMATION			
Project Number, County, Route	LA 4179 (Parcels 2, 3, & 40), Vigo County, S.R. 641	Des Number	LA 4179 (Parcels 2, 3, & 40)
Project Description	<p>INDOT and the Indiana Department of Administration (IDOA) intend to dispose of excess parcels 2, 3, and 40 from LA 4179 that were acquired during the S.R. 641 Terre Haute Bypass Project (Des. # 9138220). These three parcels lie adjacent to one another and total approximately 2.1 acres (see Appendix B). The excess parcels are located in Vigo County at the SE corner of the U.S. 41/S.R. 641 intersection. The parcels serve no function in terms of the serviceability or maintenance of U.S. 41 or S.R. 641. Therefore, selling the excess parcels is the preferred alternative.</p> <p>This CE is being prepared because the parcels were purchased at least in part with federal funding, thus selling the properties would constitute federal involvement and require NEPA documentation. This action has been approved by the INDOT Office of Environmental Services as a CE-1, as permitted by 23 CFR 771.117(d).</p>		
Purpose and Need for Action:	<p>INDOT and IDOA recognize that state-owned excess right-of-way exists at various locations throughout the state. This land provides no function to the state highway system in terms of serviceability or maintenance, and prohibits development of the property for residential, commercial, agricultural, or other private or public use. Selling such excess parcels of land would benefit the above causes, as well as provide the potential for additional revenue to the state from the proceeds of the sale.</p>		
Alternatives Considered:	<p>No Sale: This alternative was dismissed as the excess parcels provide no function to the state highway system in terms of serviceability or maintenance, and prohibit development of the property for residential, commercial, agricultural, or other private or public use. This alternative was dismissed as it does not meet the Purpose and Need.</p>		
Project Termini:	N/A		
Funding Source(s):	N/A Federal	N/A State	N/A Local
Project Sponsor:	INDOT/IDOA	Estimated Cost	N/A
		Project Length	N/A

Name and organization of CE Level 1 Preparer: Daniel J. Miller, INDOT Environmental Manager, Crawfordsville District

SCOPE OF THE PROPOSED ACTION		
Public Involvement	No: <input checked="" type="checkbox"/>	Possible:
Comments:	No public hearing is required for selling these excess parcels under INDOT's FHWA-approved public involvement guidelines. This does not preclude one or more public hearings or public information meetings in the future.	
Relocation of residences/businesses/etc.*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	There are no relocations associated with selling these excess parcels.	
Right-of-way in acres (permanent and temporary)*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	The excess parcels lie within existing right-of-way.	
Added through-traffic lanes – length*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	No through-traffic lanes are to be added in association with selling these excess parcels.	
Permanent alteration of local traffic pattern*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	No permanent alteration of local traffic pattern will occur as a result of selling these excess parcels.	
Facility on new location or realignment*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	No facility on a new location or realignment is associated with selling these excess parcels.	
Disruption to public facilities/services (such as schools, emergency service)	No: <input checked="" type="checkbox"/>	Possible:
Comments:	Selling these excess parcels will not create any disruptions to public services or facilities.	
Involvement with existing bridge(s) (Include structure number(s))	No: <input checked="" type="checkbox"/>	Possible:
Comments:	There are no bridges or small structures on these parcels.	

INVOLVEMENT WITH RESOURCES		
Watercourses Impacted (linear feet)	No: <input checked="" type="checkbox"/>	Possible:
Comments:	There are no streams, rivers, or watercourses, jurisdictional or otherwise, located on these excess parcels (see Appendix A-6).	
Other Surface Waters (such as ponds, lakes, reservoirs, in acres)	No: <input checked="" type="checkbox"/>	Possible:
Comments:	No surface waters are located on these excess parcels (see Appendix A-6).	
Wetlands (acres)*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	No wetlands are identified on the National Wetlands Inventory Map on these excess parcels (see Appendix A-6). No wetlands or potential wetlands were observed on these excess parcels during a field investigation on February 15, 2012 by Daniel Miller, INDOT Environmental Manager.	

INVOLVEMENT WITH RESOURCES		
Disturbance of Terrestrial Habitat (acres)	No: <input checked="" type="checkbox"/>	Possible:
Comments:	The excess parcels have been fenced in and form a vacant lot. The lot possesses a handful of trees and bushes, but is mainly manicured lawn. This habitat supports a variety of flora and fauna, including a variety of birds, mammals, and reptiles. The northern section of the parcels was previously disturbed by the S.R. 641 construction activities. Selling these excess parcels will not impact any terrestrial habitat.	
Karst Features	No: <input checked="" type="checkbox"/>	Possible:
Comments:	These excess parcels are located outside of the designated karst area of the state as identified in the October 13, 1993 MOU between the Indiana Department of Transportation (INDOT), the Indiana Department of Natural Resources (IDNR), the Indiana Department of Environmental Management (IDEM), and the U.S. Fish and Wildlife Service (USFWS). No karst features were observed on the February 15, 2012 field check by Daniel Miller, INDOT Environmental Manager, or are known to exist within or adjacent to the parcels.	
Threatened and Endangered Species Present/Impacted*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	The Natural Heritage Database was checked, and no species of concern were noted within a half-mile radius of these excess parcels. No endangered, threatened or rare species or high quality natural communities will be affected by the selling of these excess properties.	
Impacts to Sole Source Aquifer*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	These parcels are not located within the legally designated St. Joseph Aquifer System. The IDEM, Division of Groundwater WHPA database has been checked. No wellhead protection areas are near the parcels.	
Flood Plains (note transverse or longitudinal impact)	No: <input checked="" type="checkbox"/>	Possible:
Comments:	The project does not encroach upon a regulatory floodplain as determined from available FEMA flood plain maps (see Appendix A-6). Therefore, it does not fall within the guidelines for the implementation of 23 CFR 65, 23 CFR 771, and 44 CFR.	
Farmland (acres)	No: <input checked="" type="checkbox"/>	Possible:
Comments:	The act of selling these parcels does not involve the potential to convert farmland to a non-farm use. The requirements of the FPPA do not apply to selling these parcels.	
Cultural Resources (Section 106)*	No: <input checked="" type="checkbox"/>	Possible:
Comments:	<p>An archaeological short report was completed on September 20, 2011 by Dr. Matt Coon, INDOT Cultural Resources Office (CRO) archaeologist (see Appendix C-2). The report concluded: "The Phase Ia archaeological reconnaissance has located no archaeological sites within the project area and it is recommended that the project be allowed to proceed as planned." With regard to above-ground resources, the area was reviewed by Mary Kennedy, INDOT, Cultural Resources Office historian. She concluded: "INDOT-CRO does not think 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>The archaeological short report was sent to the Indiana Department of Natural Resources' Division of Historic Preservation and Archaeology on September 21, 2011 (see Appendix C-1). On October 20, 2011 DHPA responded "Based on our analysis, we do not believe that any historic structures will be altered, demolished, or removed by the proposed project. In regard to the Indiana archaeological short report (Coon, 9/20/2011), based upon the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places ("NRHP") within the proposed project area. Therefore, we concur with the opinion of the archaeologist that no further investigations appear necessary at this location" (see Appendix C-3). No public involvement is required for selling this excess parcel. The Section 106 process has been completed and the responsibilities of the FHWA under Section 106 have been fulfilled.</p>	

INVOLVEMENT WITH RESOURCES			
Section 4(f) and Section 6(f) Resources *		No: <input checked="" type="checkbox"/>	Possible:
Comments:	No Section 4(f) or Section 6(f) resource will be affected by selling these parcels.		
Air Quality Non-attainment Area		No: <input checked="" type="checkbox"/>	Possible:
Comments:	<p>These parcels are located in Vigo County, which is currently a maintenance area for Ozone. Selling these excess parcels does not involve or lead directly to construction activities. Therefore, this project is exempt from air quality analysis in accordance with 40 CFR Part 93.126 and this project is not a project of air quality concern (40 CFR Part 93.123). Selling these parcels will have no impact on air quality.</p> <p>This project is of a type qualifying as a categorical exclusion (Group 1) under 23 CFR 771.117(d), or exempt under the Clean Air Act conformity rule under 40 CFR 93.116, and as such, a Mobile Source Air Toxics analysis is not required.</p>		
Noise Analysis Required*		No: <input checked="" type="checkbox"/>	Possible:
Comments:	This project is a Type III project. In accordance with 23 CFR 772 and the INDOT Traffic Noise Policy, this action does not require a formal noise analysis.		
Community/Economic Impacts		No: <input checked="" type="checkbox"/>	Possible:
Comments:	No significant economic or community impacts will develop as a result of selling these excess parcels.		
Environmental Justice		No: <input checked="" type="checkbox"/>	Possible:
Comments:	Selling these excess parcels will not relocate residences or businesses, will not require additional right of way, and will not change access to properties or access within the community. It will therefore not have a significant negative impact on low-income populations or minority populations that are of concern for environmental justice consideration.		
Hazardous Materials		No: <input checked="" type="checkbox"/>	Possible:
Comments:	A Red Flag Investigation was completed on January 20, 2012 by Daniel Miller, INDOT Environmental Manager (see Appendix D-1). An underground storage tank (UST) is located within a half-mile radius of the excess parcels, but does not lie within the excess parcels. Thus, this UST will not be impacted by the selling of these parcels. No other HAZMAT items of concern are located within a half-mile radius of the parcels (see Appendix A-8). As required for environmental clearance for the disposal of an excess property, Ken Gill, INDOT Hazardous Materials Project Manager, visited the site on September 28, 2011, and determined "there are no environmental issues at this property that would preclude the disposal of said property. No additional investigations are required or would be appropriate" (see Appendix D-2).		
Permits		No: <input checked="" type="checkbox"/>	Possible:
Comments:	No permits are required to sell excess parcels.		

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

ENVIRONMENTAL COMMITMENTS:

This environmental document has been prepared for the sole purpose of disposal of the excess parcel. No environmental resources or concerns have been identified that will be impacted by the disposal of this excess INDOT property; therefore, no environmental commitments have been generated.

Categorical Exclusion Level Thresholds

	Level 1	Level 2	Level 3	Level 4
Relocations	None	≤ 2	> 2	> 10
Right of way¹	< 0.5 acres	< 10 acres	≥ 10 acres	≥ 10 acres
Length of added through lane	None	< 1 miles	≥ 1 mile	≥ 1 mile
Permanent Traffic pattern alteration	None	None	Yes	Yes
New alignment	None	None	< 1 mile	≥ 1 mile ²
Wetlands	< 0.1 acres	< 1 acre	< 1 acre	≥ 1 acre
Stream Impacts	≤ 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
Section 4(f)*	None	None	None	Any impacts
Section 6(f)	None	None	Any impacts	Any impacts
Section 106	"No Historic Properties Affected" or falls within guidelines of Minor Projects PA	"No Adverse Effect" or "Adverse Effect"	N/A	If ACHP involved
Noise Analysis Required	No	No	Yes ³	Yes ³
Threatened/Endangered Species*	"Not likely to Adversely Affect", or Falls within Guidelines of USFWS 9/8/93 Programmatic Response	N/A	N/A	"Likely to Adversely Affect" ⁴
Sole Source Aquifer Groundwater Assessment	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Not Required	Detailed Assessment Required
Approval Level • ESM ⁵ • ES ⁶ • FHWA	Yes	Yes	Yes Yes	Yes Yes Yes

*These thresholds have changed from the March 2009 Manual.

¹Permanent and/or temporary right of way.

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

³In accordance with INDOT's Noise Policy.

⁴If 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.

⁵Environmental Scoping Manager

⁶Environmental Services

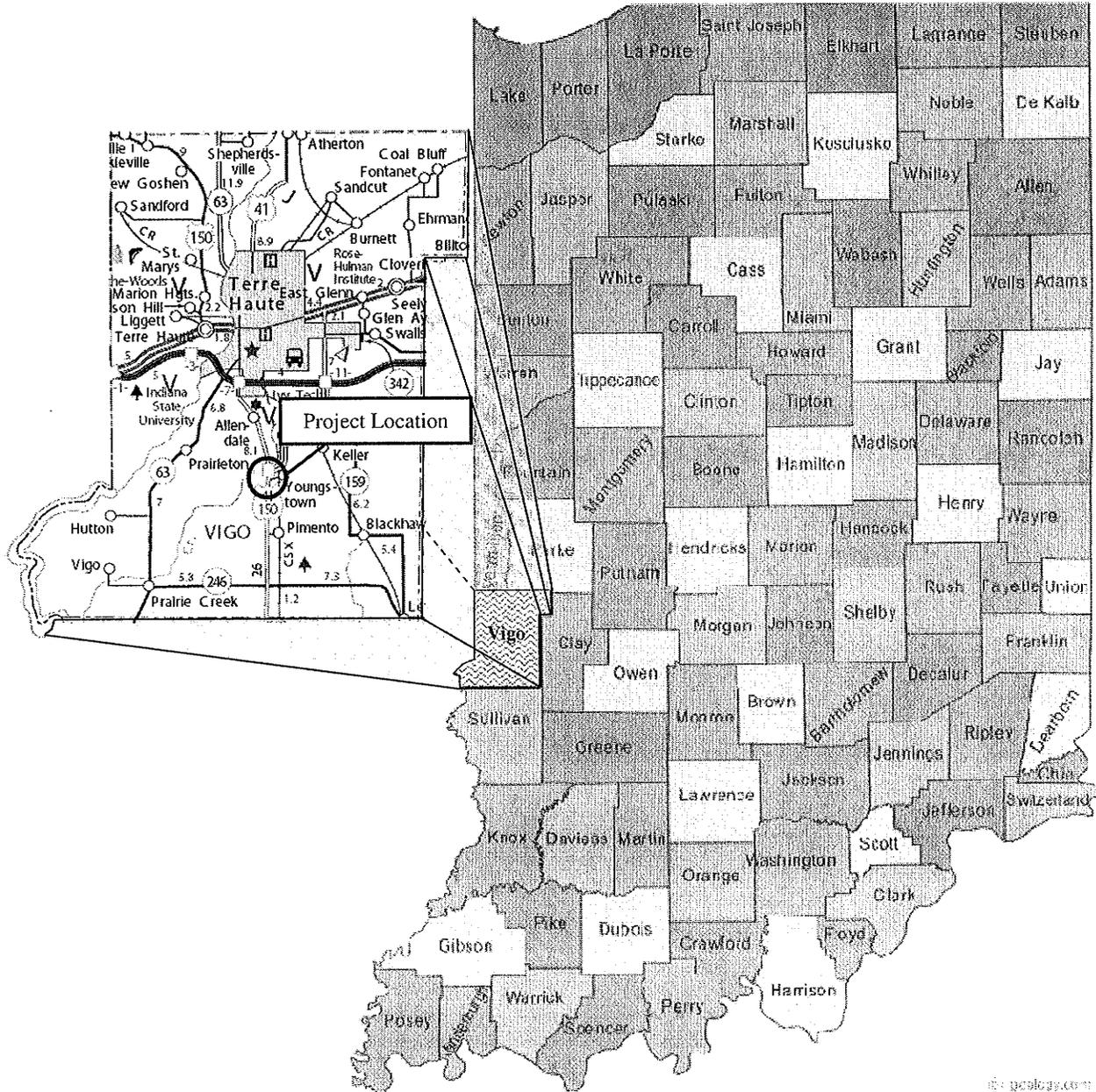
Appendix A: Maps

LA 4179

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)

At the SE Corner of the U.S. 41/S.R. 641 Intersection

Terre Haute, Vigo County; Project Location Map 1



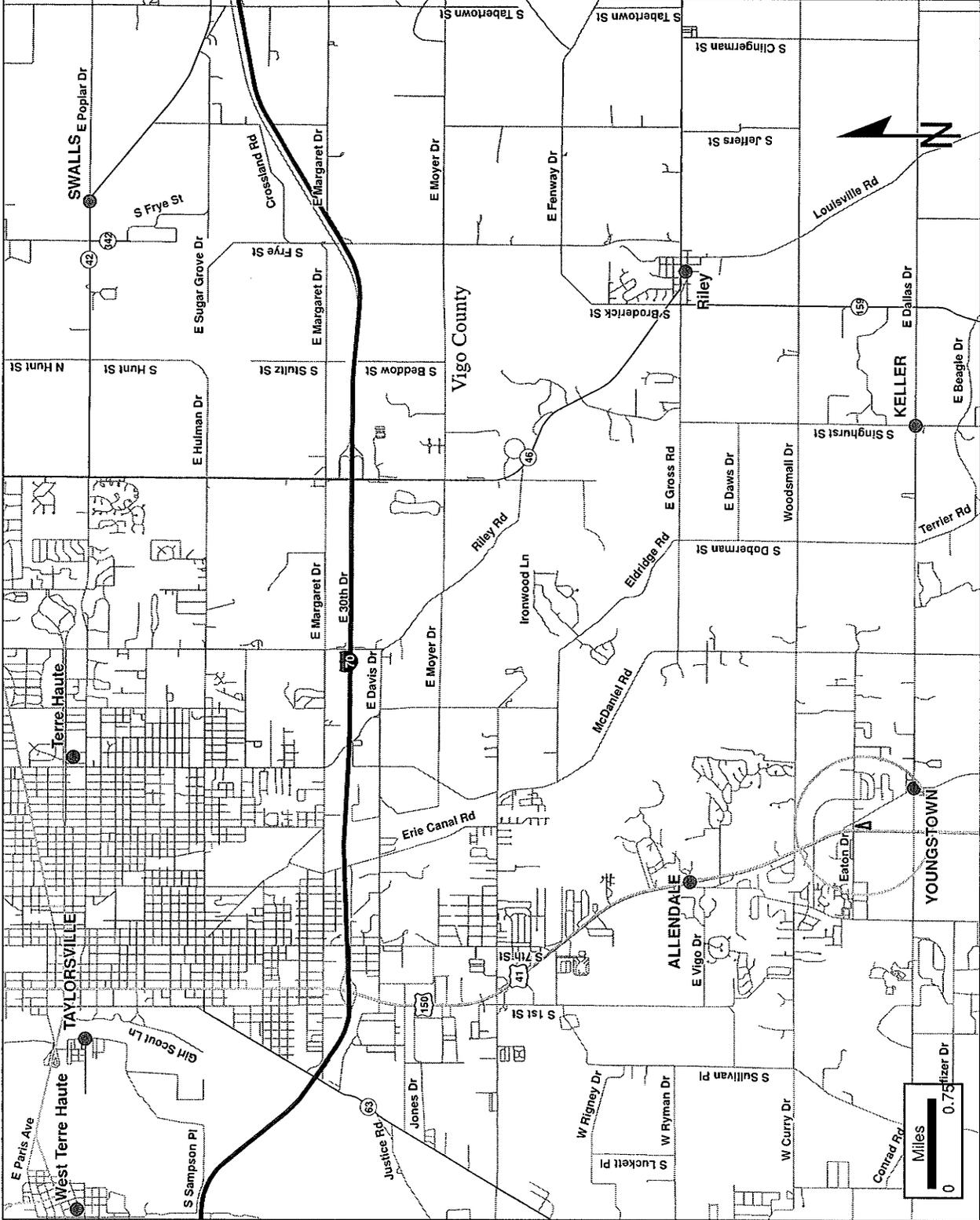
© geology.com

LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
 At the SE corner of the U.S. 41/S.R. 641 intersection
 Terre Haute, Vigo County, Indiana

	Half Mile Radius
	Project Area
	Streams (IDNR*)
	Cities and Towns
	County Boundary
State Routes	
TYPE	
	Interstate
	State
	US
	Local



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

Sources:
 Aerial Photography
 Data - Obtained from the State of Indiana
 Geographical Information Office Library
 Aerial Photography - Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: UTM Zone 16 N
 Map Datum: NAD83

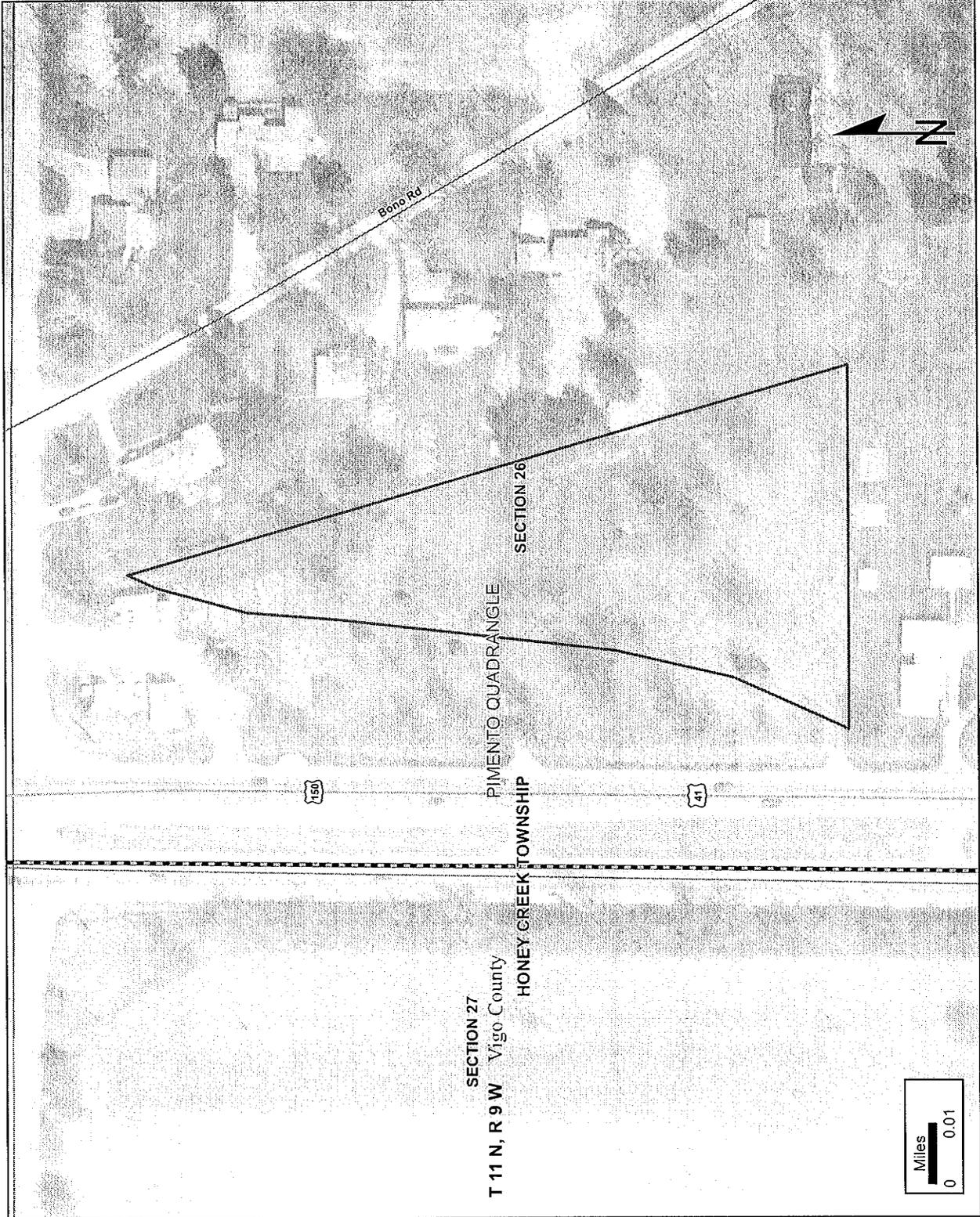
LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
At the SE corner of the U.S. 41/S.R. 641 intersection
Terre Haute, Vigo County, Indiana

USGS Quadrangle Map
(1:24,000)

-  Half Mile Radius
-  Project Area
-  USGS 7.5' Quadrangles
-  Incorporated Areas
-  Civil Townships
-  USGS Sections
-  Township and Range



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

Source: Non-Orthorectography

Data - Obtained from the State of Indiana Geographical Information Office Library

Orthorectography - Obtained from Indiana Map Framework Data (www.indianamap.org)

Map Projections: UTM Zone 16 N
Map Datum: NAD83

USGS Quadrangle Map
A-2 (1 of 1)

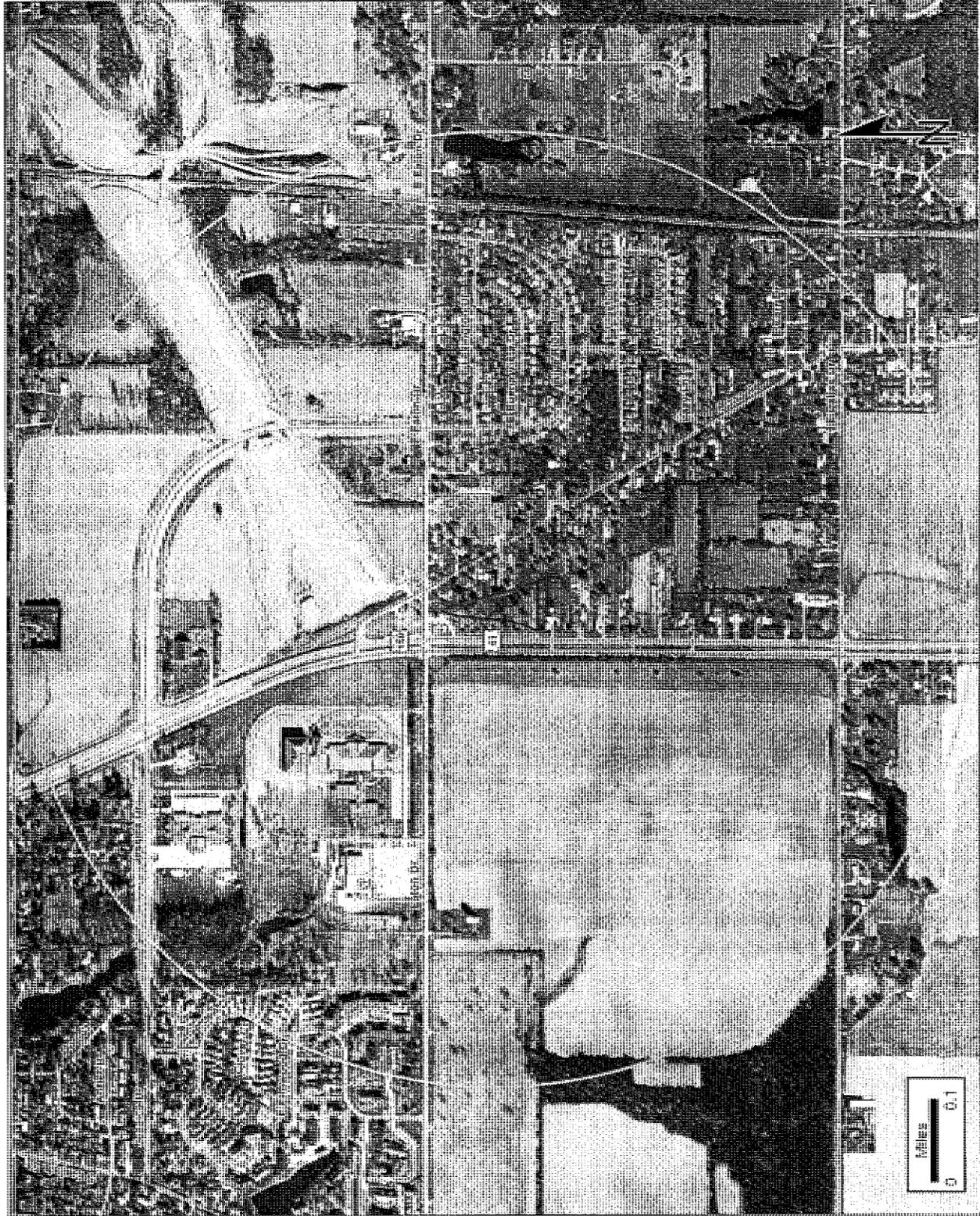
LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
At the SE corner of the U.S. 41/S.R. 641 intersection
Terre Haute, Vigo County, Indiana

2005 Aerial Photograph #1

	Half Mile Radius
	Project Location



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

Sources:

Aerial Photography:
Data - Obtained from the State of Indiana
Geographical Information Office Library
Copyright Information: Obtained from
Indiana Map Framework Data
(www.indianamap.org)
Map Projection: UTM Zone 16 N
Map Datum: NAD83

LA 4179

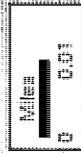
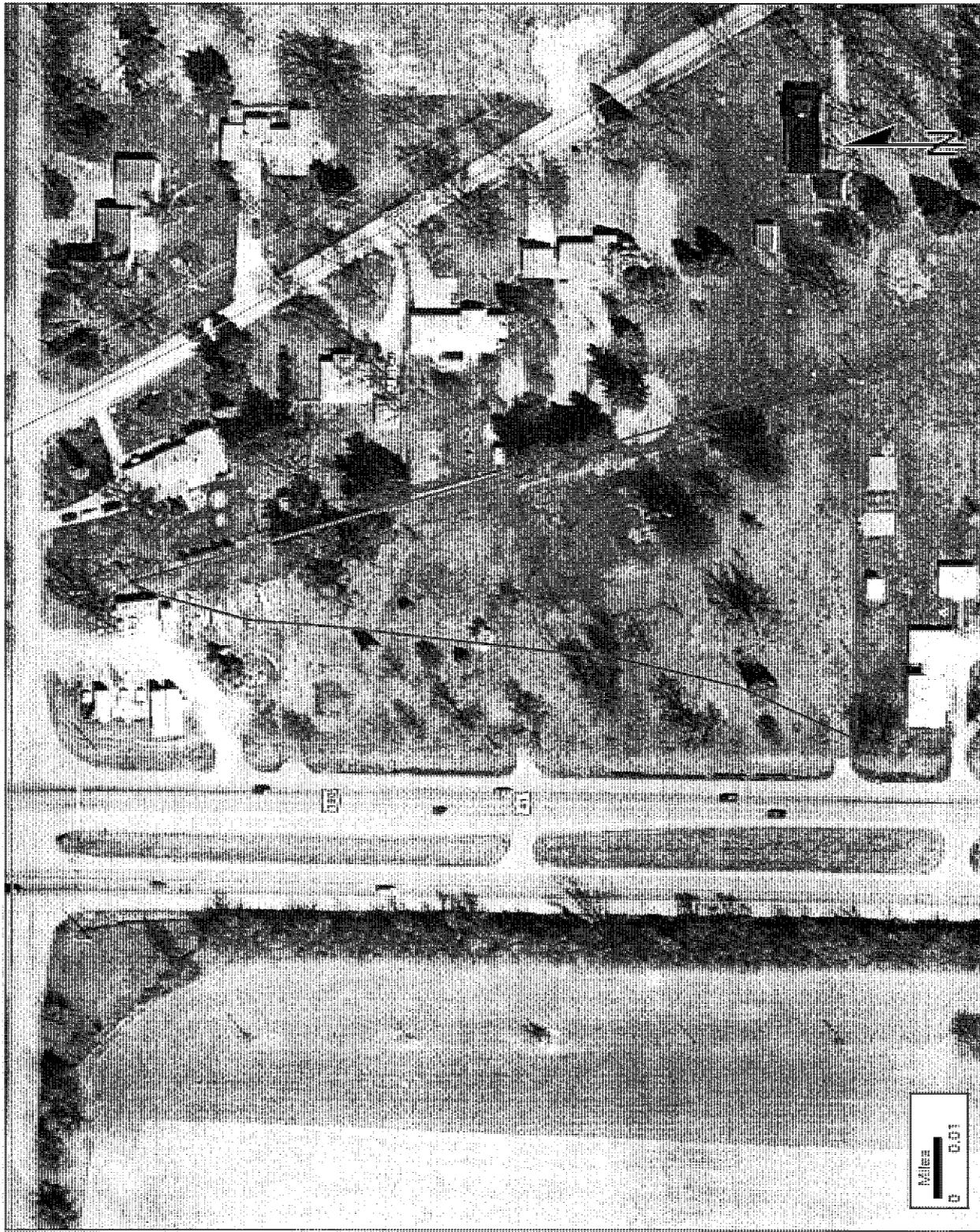
Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
At the SE corner of the U.S. 41/S.R. 641 intersection
Terre Haute, Vigo County, Indiana

2005 Aerial Photograph #2

Half Mile Radius

Project Location



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

Sources:
Aerial Orthophotography - Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.in.gov/mf)
Map Data: UTM Zone 16 N
Map Datum: NAD83

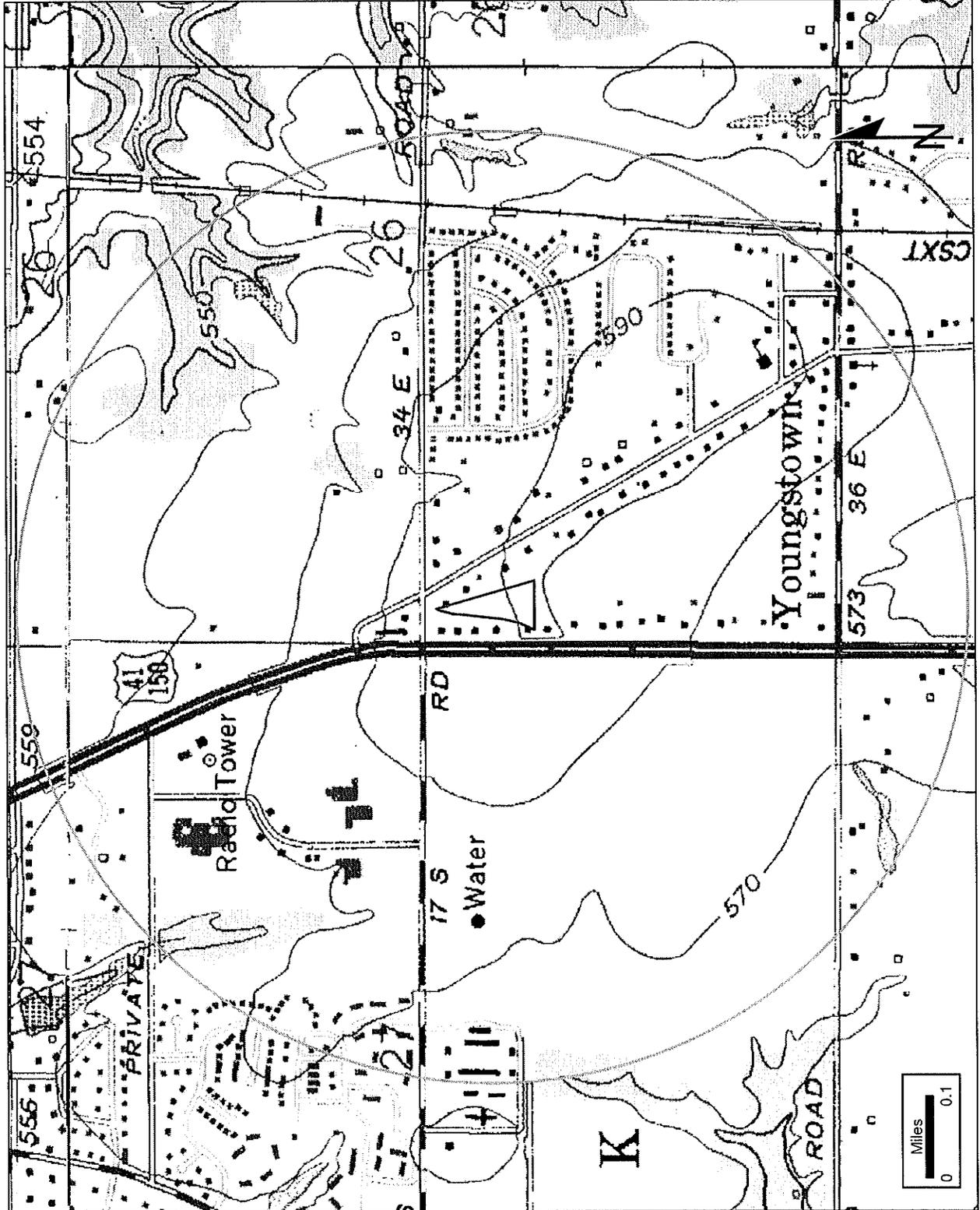
L/A 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (L/A 4179)
At the SE corner of the U.S. 41/S.R. 641 intersection
Terre Haute, Vigo County, Indiana

USGS 7.5' Topographic Map

-  Half Mile Radius
-  Project Area
- Quad_24K**
- RGB**
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



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

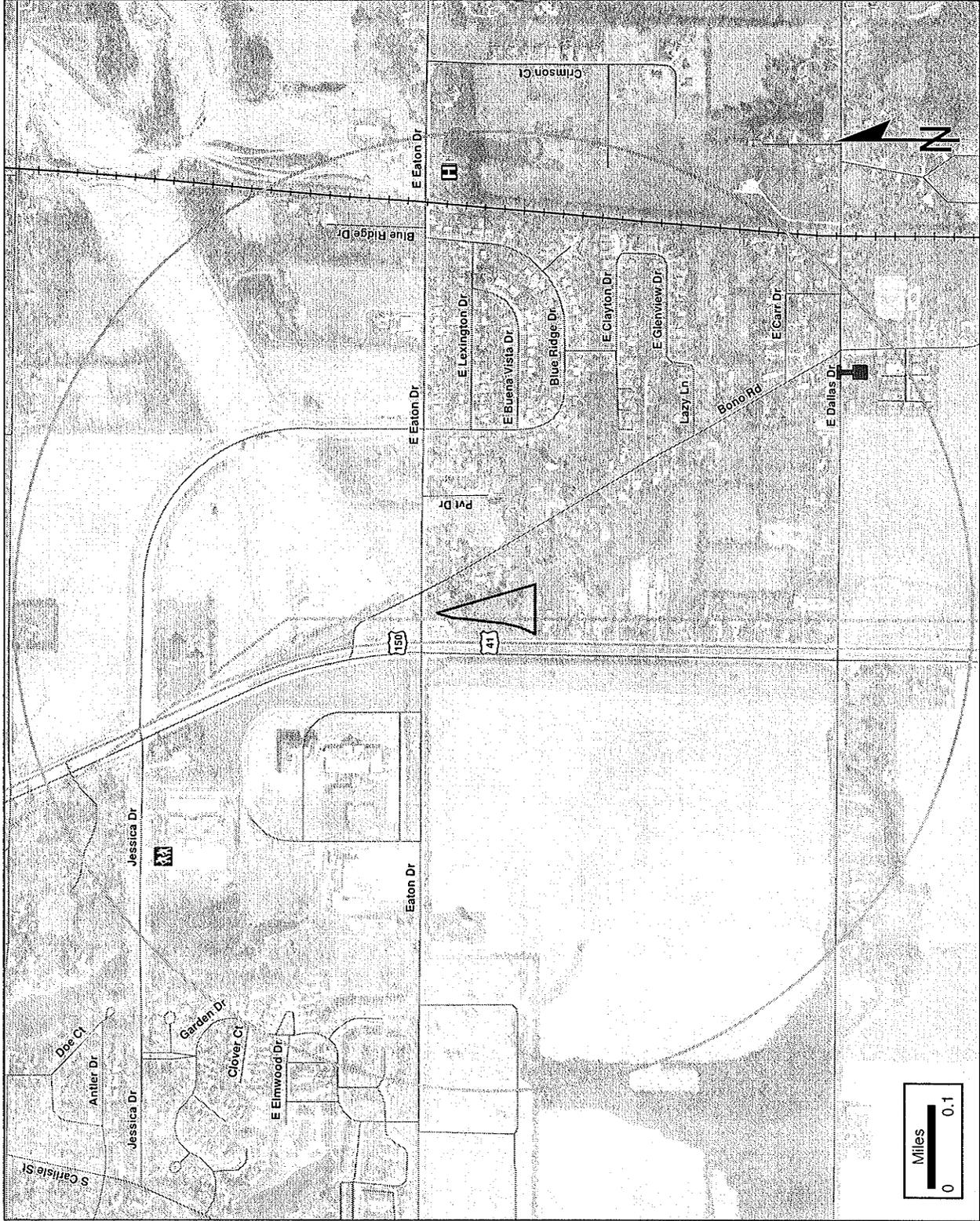
Sources:
Aerial Photography
Data - Obtained from the State of Indiana
Geographical Information Office Library
Indiana Map Framework Data
Map Framework Data
Map Framework UTM Zone 16 N
Map Data: NA83 USGS Topography Map
A-4 (1 of 1)

LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
 At the SE corner of the U.S. 41/S.R. 641 intersection
 Terre Haute, Vigo County, Indiana

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

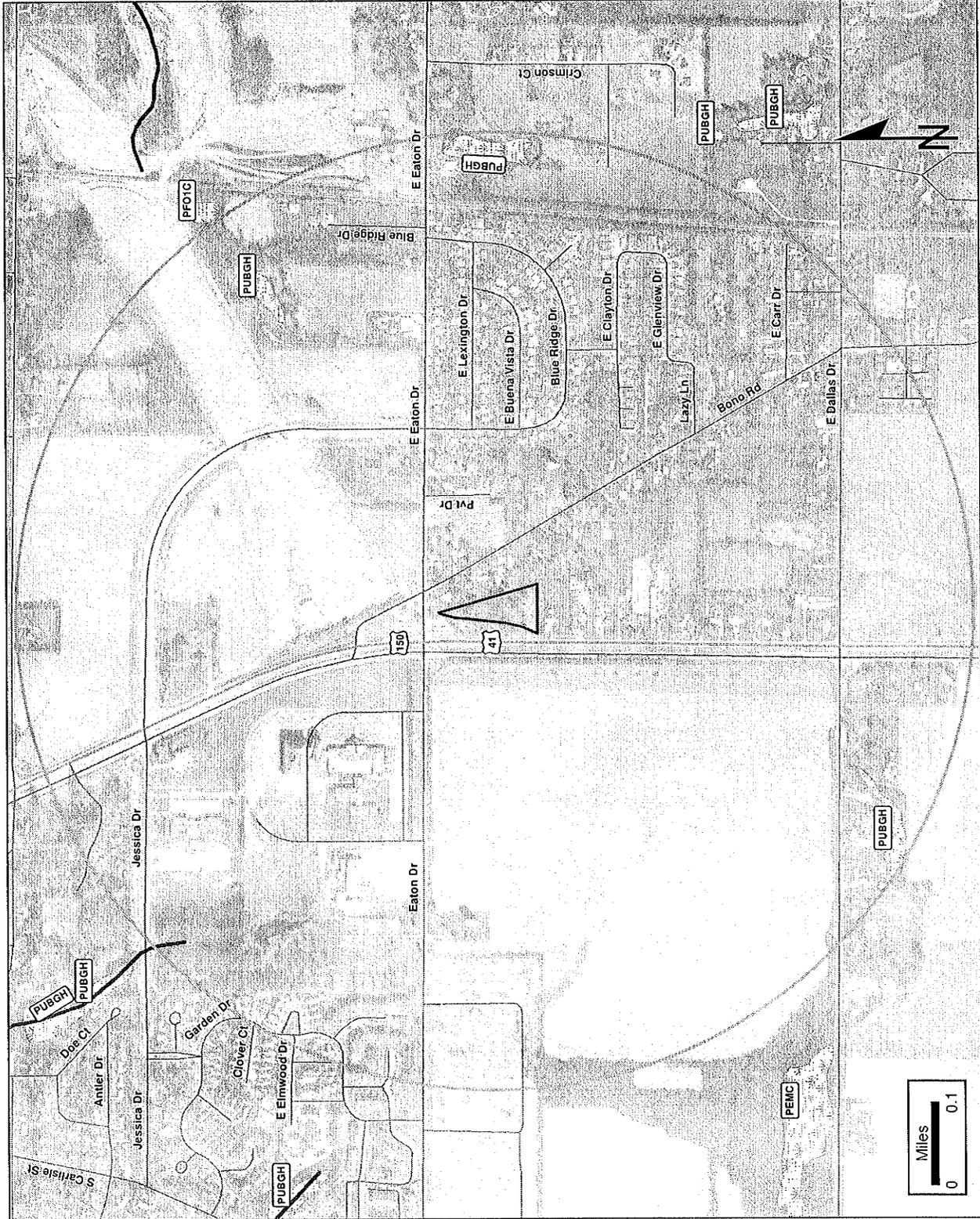


This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.
 Sources:
 Non-Orthophotography -
 Data - Obtained from the State of Indiana
 Geographical Information Office Library
 Orthophotography - Obtained from
 Indiana Map Framework Data
 (www.indianamap.org)
 Map Projection: UTM Zone 16 N
 Map Datum: NAD83
 Infrastructure Map
 A-5 (1 of 1)

LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
 At the SE corner of the U.S. 41/S.R. 641 intersection
 Terre Haute, Vigo County, Indiana



Water Resources

- Project Location
- Half-Mile Radius
- NWI - Point
- Karst Spring
- Canal Structure - Historic
- NWI - Line
- Stream - Impaired
- River
- Canal Route - Historic
- Wetlands - NWI
- Lake - Impaired
- Lake
- Floodplain - DFIRM
- FLOODWAY
- FLOODWAY
- Cave Entrance Density
- INDOT:KARST_SINKS_IGS
- DRAINTYPE
- Sinkhole Area
- Sinking-Stream Basin

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

Sources:
 Aerial Photography
 Data - Obtained from the State of Indiana
 Data - Obtained from the Office of Library
 Data - Obtained from the Office of Library
 Indiana Map Framework Data
 (www.indianamap.org)
 Map_Projection: UTM_Zone 16 N
 Map_Datum: NAD83

Water Resources Map
 A-6 (1 of 1)

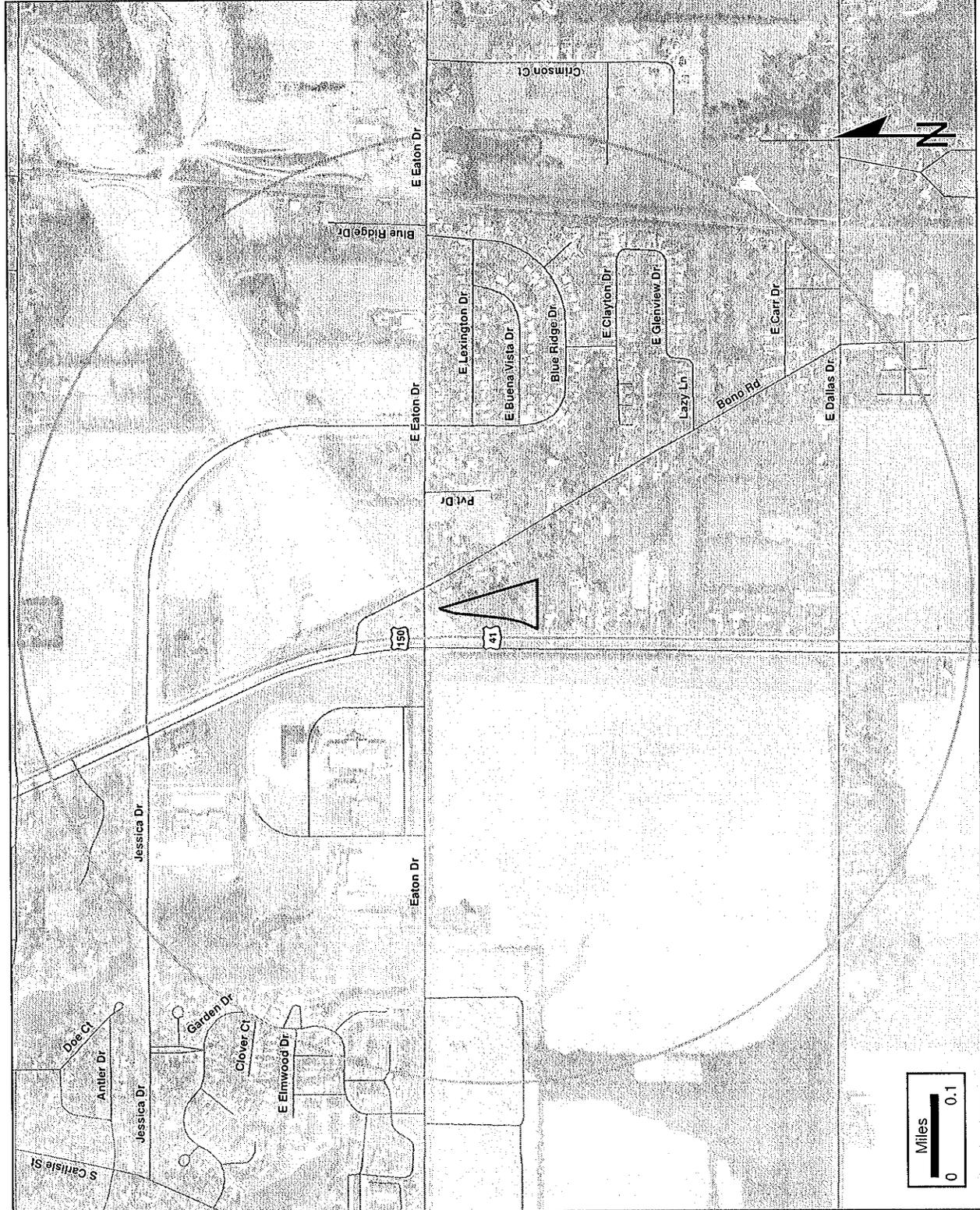
LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
 At the SE corner of the U.S. 41/S.R. 641 intersection
 Terre Haute, Vigo County, Indiana

Mining/Mineral Exploration

- Gas Well
- Oil Well
- Mine - Surface
- Mine - Underground
- Petroleum Field
- County Boundary
- Interstate
- State Route
- US Route
- Local Road
- Half Mile Radius
- Project Area



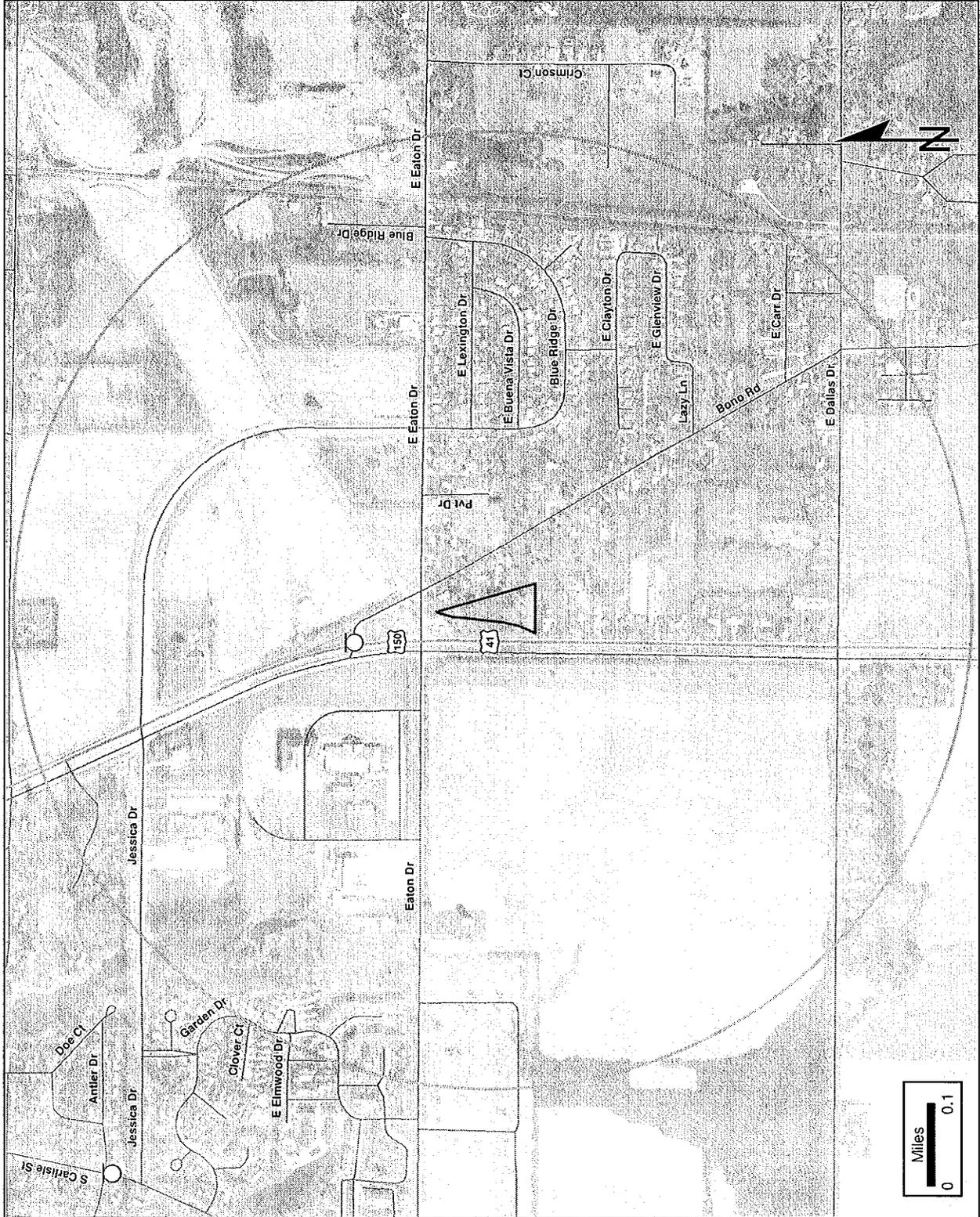
This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.
 Non-Orthorectography
 Data - Obtained from the State of Indiana Geographical Information Office Library
 Orthorectography - Obtained from Indiana Map Framework Data
 www.indianamap.org
 Map Projection: UTM Zone 16 N
 Map Datum: NAD83
 Mining/Mineral Exploration Map
 A-7 (1 of 1)

LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
 At the SE corner of the U.S. 41/S.R. 641 intersection
 Terre Haute, Vigo County, Indiana

Hazardous Materials	
	Brownfield
	Corrective Action Sites
	Confined Feeding Operation
	Construction/Demolition Site
	Leaking Underground Storage Tank
	Ecological Waste Site
	Lagoon
	Manufactured Gas Plant
	NPDES Facilities
	NPDES Pipe Locations
	Open Dump Waste Site
	Restricted Waste Site
	Spillage Waste Site
	Solid Waste Landfill
	State Cleanup Site
	Tire Waste Site
	Waste Transfer Station
	Waste Treatment Storage Disposal
	Underground Storage Tank
	Voluntary Remediation Program
	Superfund
	303d Listed Rivers
	303d Listed Lakes
	Intrastate
	State Route
	US Route
	Local Road
	County Boundary
	Half Mile Radius
	Project Area



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

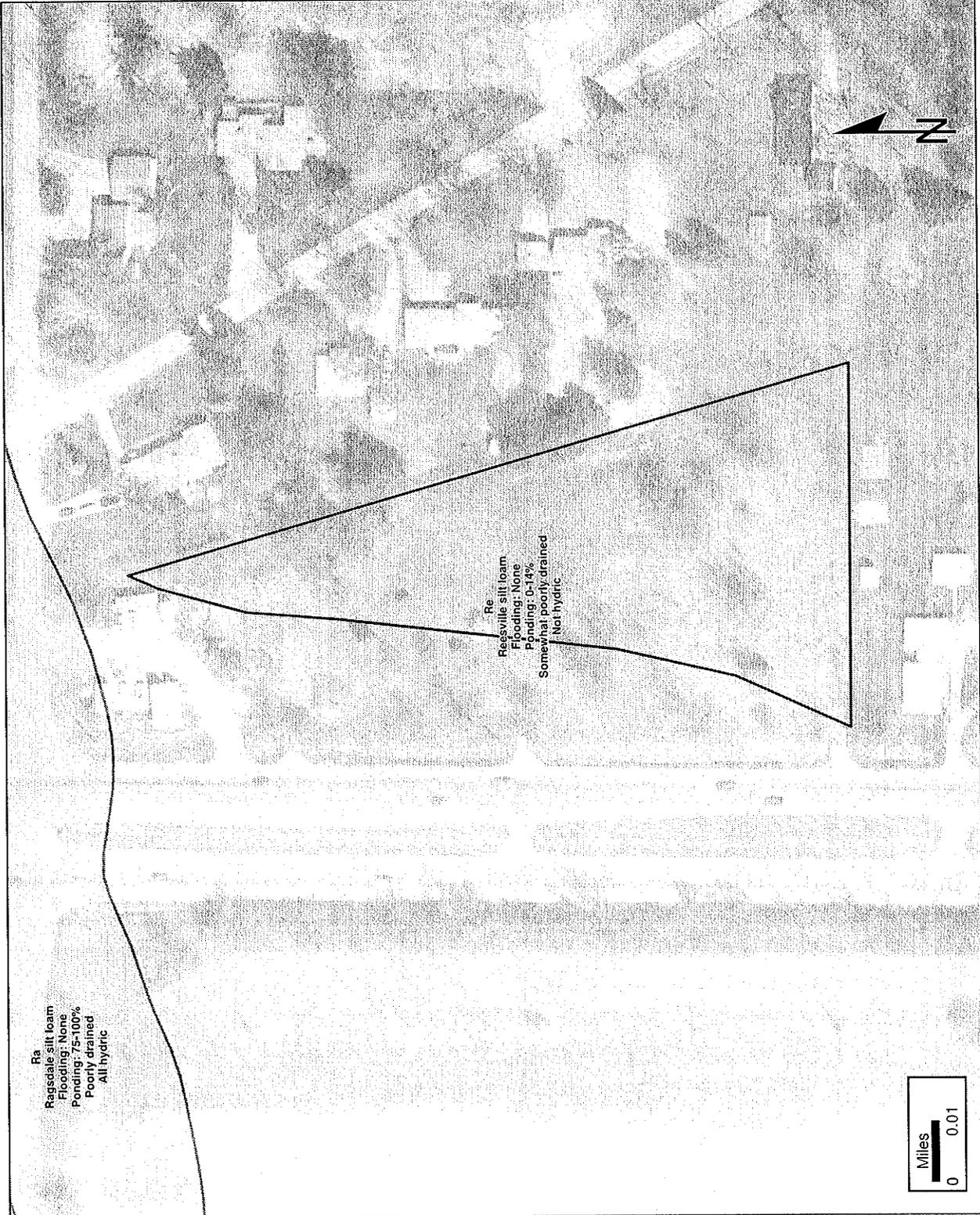
Sources:
 Aerial Photography - State of Indiana
 Geographical Information Office Library
 Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
 Map Projection: UTM Zone 16 N
 Map Datum: NAD83

LA 4179

Red Flag Investigation

U.S. 41 Excess Parcels 2, 3, and 40 (LA 4179)
At the SE corner of the U.S. 41/S.R. 641 intersection
Terre Haute, Vigo County, Indiana

	NRCS Soils
	Half Mile Radius
	Project Location
	SSURGO Soil Units
	Hydric Classification
	All hydric
	Not hydric
	Unknown



Ra
Ragsdale silt loam
Flooding: None
Ponding: 75-100%
Poorly drained
All hydric

Re
Reesville silt loam
Flooding: None
Ponding: 0-14%
Somewhat poorly drained
Not hydric

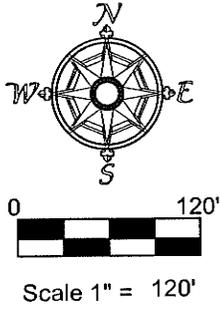


This map is intended to serve as an aid in graphic representation only. This information is not warranted for accuracy or other purposes.
Source: Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N
Map Datum: NAD83

Appendix B: Excess Land Plat

EXHIBIT "B" EXCESS LAND PLAT

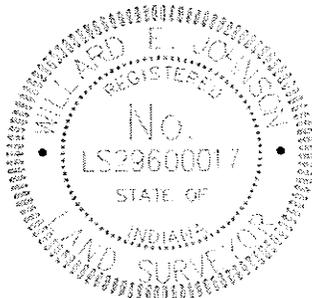
SHEET 1 OF 1



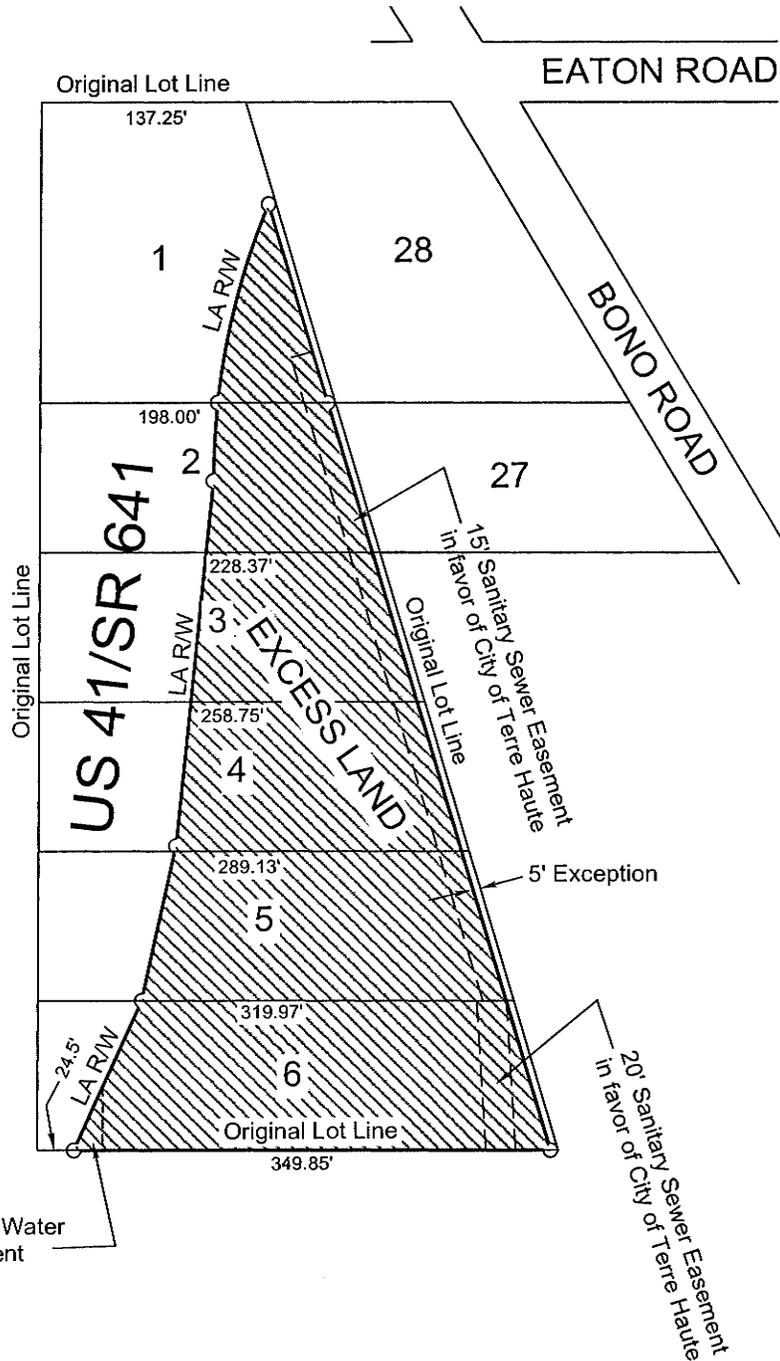
SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat represents the real estate described in Exhibit "A". It is not intended or represented to be a Retracement or Original Boundary Survey, a Route Survey, or a Surveyor Location Report.

Willard E. Johnson, L.S. Date
License Number LS29600017



Indiana-American Water
Company Easement



Parcel: 2, 3, & 40 Owner: State of Indiana
Code: 3777 & 4179
Project: STP-291-1(002)
Road: US 41/SR 641
County: Vigo
Section: 26
Township: 11 N
Range: 9 W

Hatched area is the
Excess Land

Drawn By: WEJ
Checked By: WEJ
DES No's: 0001250 & 9138220

Instrument No: 200123467 Date: 9/7/2001
Instrument No: 200008831 Date: 6/9/2000
Instrument No: 2004011960 Date: 8/18/2004

Dimensions shown or deduced based on the above listed documents.

Appendix C: Cultural Resources
(Section 106)

September 21, 2011

Ms. Amanda Ricketts, Assistant Director for Environmental Review
Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 West Washington Street, Room W274
Indianapolis, IN 46204

Re: *Disposal of US 41 Excess Parcels 2, 3, and 40, Vigo County, Indiana (LA Code 4179)*

Dear Ms. Ricketts,

Please find enclosed the above-referenced archaeological short report, which has been prepared and reviewed by INDOT Cultural Resources personnel who meet the Secretary of the Interior's Professional Qualification Standards as per 36 CFR Part 61. The proposed property disposal does not involve federal funds and has no associated Designation Number.

With regard to above-ground resources, no buildings are located on this parcel. Nonetheless, the State and National Register of Historic Places lists for Vigo County were checked by an INDOT- Cultural Resources (CRO) historian who meets the Secretary of the Interior's Professional Qualification Standards per 36 CFR Part 61. No properties on these lists are located near the parcel. Additionally, the Vigo County Interim Report of the Indiana Historic Sites and Structures Inventory was referenced (Honey Creek Township). No properties are recorded near this parcel (see map on page 112). Additionally, this parcel would have been included in the Area of Potential Effect (APE) for the SR 641 Terre Haute Bypass Project (Des. No. 9138220 et. al.; DHPA No. 1631) . That project resulted in a finding of "no historic properties affected," with which your office concurred in a letter dated February 26, 2007. INDOT-CRO does not think 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.

Please review the enclosed report and advise us of your recommendations concerning its acceptability. If there are any questions or concerns regarding the archaeological report, please contact Dr. Matt Coon of this section by phone at 317-233-2083 or by email at mcoon@indot.in.gov. For questions concerning above-ground resources, please contact Mary Kennedy at 317-232-5215 or by email at mkenedy@indot.in.gov. Thank you.

Sincerely,



Staffan Peterson, Administrator
Cultural Resources Office
INDOT Environmental Services

SDP:MSC/MEK:msc

enclosure

emc: Mary Kennedy, INDOT, CRO
Daniel Miller, INDOT, Crawfordsville District

cc: INDOT Office of Environmental Services, Cultural Resources Section project file



INDIANA ARCHAEOLOGICAL SHORT REPORT

State Form 54566 (1-11)

INDIANA DEPARTMENT OF NATURAL RESOURCES DIVISION OF HISTORIC PRESERVATION AND ARCHAEOLOGY

402 West Washington Street, Room W274
Indianapolis, Indiana 46204-2739
Telephone Number: (317) 232-1646
Fax Number: (317) 232-0693
E-mail: dhpa@dnr.IN.gov

Where applicable, the use of this form is recommended but not required by the Division of Historic Preservation and Archaeology.

Author:

Date (month, day, year):

Project Title:

PROJECT OVERVIEW

Project Description:

INDOT Designation Number/ Contract Number: Project Number:

DHPA Number: Approved DHPA Plan Number:

Prepared For:

Contact Person:

Address:

City: State: ZIP Code:

Telephone Number: Email Address:

Principal Investigator:

Signature:

Company/Institution:

Address:

City: State: ZIP Code:

Telephone Number: Email Address:

Comments: Very little cultural material was encountered in the undisturbed shovel probes. What was encountered in the probes (three wire nails and a few concrete fragments) was not collected as it was located directly adjacent to the locations of razed structures. The absence of artifactual materials may reflect the fact that the structures were of recent enough age that the residents had access to trash collection services, and therefore did not dispose of waste materials in their yards.

Results

- Archaeological records check has determined that the project area does not have the potential to contain archaeological resources.
- Archaeological records check has determined that the project area has the potential to contain archaeological resources.
- Phase Ia reconnaissance has located no archaeological resources in the project area.
- Phase Ia reconnaissance has identified landforms conducive to buried archaeological deposits.

Actual Area Surveyed hectares: 01.1 acres: 02.8

Comments:

Recommendation

- The archaeological records check has determined that the project area has the potential to contain archaeological resources and a Phase Ia archaeological reconnaissance is recommended.
 - The archaeological records check has determined that the project area does not have the potential to contain archaeological resources and no further work is recommended before the project is allowed to proceed.
 - The Phase Ia archaeological reconnaissance has located no archaeological sites within the project area and it is recommended that the project be allowed to proceed as planned.
- The Phase Ia archaeological reconnaissance has determined that the project area includes landforms which have the potential to contain buried archaeological deposits. It is recommended that Phase Ic archaeological subsurface reconnaissance be conducted before the project is allowed to proceed.
- The Phase Ia archaeological reconnaissance has determined that the project area is within 100 feet of a cemetery and a Cemetery Development Plan is required per IC-14-21-1-26.5.

Cemetery Name:

Other Recommendations/Commitments:

Pursuant to IC-14-21-1, if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 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.

Attachments

- Figure showing project location within Indiana.
- USGS topographic map showing the project area (1:24,000 scale).
- Aerial photograph showing the project area, land use and survey methods.
- Photographs of the project area.
- Project plans (if available)

Other Attachments: Cultural Background, References Cited

References Cited: See attachment

Comments:



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



October 20, 2011

Staffan D. Peterson, Ph.D.
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: Indiana archaeological short report (Coon, 9/20/11) regarding disposal of US 41 excess parcels 2, 3, and 40 (DHPA No. 12397)

Dear Dr. Peterson:

Pursuant to Indiana Code 14-21-1-14 the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("DHPA") has conducted an analysis of the materials dated September 21, 2011, and received on September 23, 2011, for the above indicated project in Honey Creek Township, Vigo County, Indiana.

Based on our analysis, we do not believe that any historic structures will be altered, demolished, or removed by the proposed project.

In regard to the Indiana archaeological short report (Coon, 9/20/2011), based upon the submitted information and the documentation available to the staff of the Indiana SHPO, we have not identified any currently known archaeological resources listed in or eligible for inclusion in the National Register of Historic Places ("NRHP") within the proposed project area. Therefore, we concur with the opinion of the archaeologist that no further investigations appear necessary at this location.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.

If you have questions about archaeological issues please contact Wade T. Tharp at (317) 232-1650 or wtharp1@dnr.IN.gov. If you have questions about buildings or structures please contact Toni Lynn Giffin at (317) 233-9636 or tgiffin@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA No. 12397.

Very truly yours,

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:TLG:WTT:wt

- emc: Staffan D. Peterson, Ph.D., Indiana Department of Transportation
- Mary Kennedy, Indiana Department of Transportation
- Shaun Miller, Indiana Department of Transportation
- Melany Prather, Indiana Department of Transportation
- Leila Kishta-Sublett, Indiana Department of Administration

Appendix D: Hazardous Materials Investigations



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: January 20, 2012

To: Daniel J. Miller
INDOT, Crawfordsville District
41 W 300 N
Crawfordsville, IN 47933
danmiller@indot.in.gov

From: Ben Lawrence, PE, Administrator
Environmental Policy Section
Office of Environmental Services
Indiana Department of Transportation
100 N Senate Avenue, Room N642
Indianapolis, IN 46204

Re: LA 4179
U.S. 41 Excess Parcels 2, 3, and 40
At the SE corner of the U.S. 41/S.R. 641 intersection
Vigo County, Indiana

Narrative:

INDOT and the Indiana Department of Administration (IDOA) intend to dispose of excess parcels 2, 3, and 40 from LA 4179 that were acquired during the S.R. 641 Terre Haute Bypass Project (Des. # 9138220). The excess parcels are located in Vigo County at the SE corner of the U.S. 41/S.R. 641 intersection. The parcels serve no function in terms of the serviceability or maintenance of U.S. 41 or S.R. 641.

SUMMARY

Infrastructure			
Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Other road projects	3	Airports	0
Cemeteries	0	Hospitals	1
Railroads	1	Recreational Facilities	1
Religious Facility	1	Schools	0
Trails	0	Pipelines	1

Explanation: A Terre Haute Gas pipeline runs through the excess parcels (see Appendix A-5). The Excess Land Plat Survey done by INDOT shows two easements running through the parcels (see Appendix B). The existence and location of these easements and the utility must be relayed to any prospective buyer. The other infrastructure items of concern

located within a half-mile radius lie outside of the excess parcels. Thus, none of these items will be impacted by the selling of these parcels.

Supervisory concurrence: BTL (Initial)

Water Resources			
Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Canal Routes – Historic	0	Canal Structures – Historic	0
Wetland Line	0	Floodplain-DFIRM	0
Rivers and Lakes	4	Wetlands	3
Wetland Points	0	Lakes – Impaired*	0
Streams – Impaired*	0	Cave Entrance Density	0
Sinkhole Areas	0	Karst Springs	0
		Sinking-Stream Basins	0

* Reason for impairment, if applicable: N/A

Explanation: Although there are various Water Resources items of concern located within a half-mile radius, none lie within the excess parcels (see Appendix A-6). None of these items will be impacted by the selling of these parcels.

Supervisory concurrence: BTL (Initial)

Mining/Mineral Exploration			
Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Oil Wells	0	Gas Wells	0
Mines – Surface	0	Mines – Underground	0
Petroleum Fields	0		

Explanation: No Mining/Mineral Exploration items of concern are located within a half-mile radius of these excess parcels (see Appendix A-7).

Supervisory concurrence: BTL (Initial)

Ecological Information

From the county listing of the Indiana Natural Heritage Data Center, information on endangered, threatened, or rare (ETR) species and high quality natural communities:

- 40 aquatic species, terrestrial species (vertebrate/invertebrate), avian species, and vascular plants from the state list
- 9 aquatic species, terrestrial species (vertebrate/invertebrate), avian species, and vascular plants from the federal list
- 7 state and or federal habitats listed

The Natural Heritage Database was checked, and one state listed habitat is noted within a half-mile radius of the excess parcels, but well outside of the excess parcels. The excess parcels are vacant and highly disturbed. No endangered, threatened or rare species or high quality natural communities will be affected by the selling of this excess property.

Cultural Resources

INDOT’s Cultural Resources Office was coordinated with on August 24, 2011 with regards to these excess parcels. An Archaeological Short Report was completed on September 21, 2011, which concluded “The Phase Ia archaeological reconnaissance has located no archaeological sites within the project area and it is recommended that the project be allowed to proceed as planned.” The finding was sent to the IDNR, Division of Historic Preservation and Archaeology (DHPA) while noting, “With regard to above-ground resources, no buildings are located on this parcel. Nonetheless, the State and National Register of Historic Places lists for Vigo County were checked by an INDOT- Cultural Resources (CRO) historian who meets the Secretary of the Interior’s Professional Qualification Standards per 36 CFR Part 61. No properties on these lists are located near the parcel. Additionally, the Vigo County Interim Report of the Indiana Historic Sites and Structures Inventory was referenced (Honey Creek Township). No properties are recorded near this parcel. Additionally, this parcel would have been included in the Area of Potential Effect (APE) for the SR 641 Terre Haute Bypass Project (Des. No. 9138220 et. al.; DHPA No. 1631). That project resulted in a finding of “no historic properties affected,” with which your office concurred in a letter dated February 26, 2007. INDOT-CRO does not think 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.” DHPA concurred with the findings on October 20, 2011. Thus, the Section 106 process has been completed and the responsibilities of the FHWA under Section 106 have been fulfilled.

Supervisory concurrence: BTL (Initial)

Hazmat Concerns			
Indicate items of concern found within ½ mile, including an explanation why each item within the ½ mile radius will/will not impact the project:			
Confined Feeding Operation	0	Construction Demolition Waste	0
Industrial Waste Sites	0	Leaking UG Storage Tanks	0
Open Dump Waste Sites	0	NPDES Pipe Locations	0
NPDES Facilities	0	Corrective Active Sites	0
Restricted Waste Sites	0	Septage Waste Sites	0
Solid Waste Landfills	0	Superfund Sites	0
Tire Waste Sites	0	Underground Storage Tanks	1
Voluntary Remediation Program	0	Brownfields	0
Waste Transfer Stations	0	Waste Treatment Storage Disposal	0
Manufactured Gas Plant	0	State Cleanup Site	0
Etiological Waste Site	0	Lagoon	0
IDEM 303d Listed Streams*	0	303d Listed Rivers*	0
303d Listed Lakes*	0		

* Reason for impairment, if applicable: N/A

Explanation: An underground storage tank is located within a half-mile radius of the excess parcels, but does not lie within the excess parcels. Thus, this UST will not be impacted by the selling of these parcels. No other HAZMAT items of concern are located within a half-mile radius of the parcels (see Appendix A-8). As required for environmental clearance for the disposal of an excess property, a qualified person visited the site on September 28, 2011, and determined

“there are no environmental issues at this property that would preclude the disposal of said property. No additional investigations are required or would be appropriate.”

Supervisory concurrence: BTL (Initial)

Recommendations

A Terre Haute Gas pipeline runs through the excess parcels. The Excess Land Plat Survey done by INDOT shows two easements running through the parcels. The existence and location of these easements and the utility must be relayed to any prospective buyer.

Supervisory concurrence:

**Ben
Lawrence**

Digitally signed by Ben
Lawrence
DN: cn=Ben Lawrence,
o=INDOT, ou=Environmental
Services,
email=blawrence@indot.in.g
ov, c=US
Date: 2012.01.23 13:28:19
-05'00'



Daniel J. Miller
Environmental Scientist
INDOT, Crawfordsville District

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.



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

100 North Senate Avenue
Room N642
Indianapolis, Indiana 46204

PHONE: (317) 233-2063
FAX: (317) 233-4929

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

Date: 09/28/2011

To: Dan Miller

From: Kenneth Gill
Project Manager

Subject: Terre Haute 641 Bypass
Excess Parcel
Lots 1,2,3,4,5,& 6

Introduction

INDOT has constructed a new roadway, a SR641 Bypass at the south edge of Terre Haute. In order to construct an entrance ramp onto the new SR 641 from US 41, properties were purchased and parts of these properties were used in order to construct the new entry ramp. Parts of the purchased properties were not used in the construction, and INDOT has determined that it has no future use for the remainder of these parcels. It has been determined that the remainders of these properties will be disposed of as excess properties.

Location & Description

These properties taken together form a narrow sharp peaked triangular shape. As measured from aerial photography, the sum total of the properties comprise 2.1 acres in aerial extent. The west edge of the INDOT land, curving slightly, is immediately adjacent to US 41, specifically the entry ramp off of US 41 onto SR 641. The eastern edge of the property is a straight line, with several units of residential housing on the east side of the property boundary. The south edge of the triangle is a straight line, with residential housing south of the line. The north point of the triangle occupies what was formerly the Orkin Pest Service land. Just north of the triangle point of the INDOT property, the new SR 641 ramp now occupies land that formerly was occupied by Bono Road. About 200 feet of land was taken from Bono Road where it used to feed traffic onto US 41. Traffic seeking to access US 41 must now turn south on Bono Road and make a west turn on Dallas Drive in order to gain access to US 41.

Site Visit

A site visit was made to the parcels on August 10, 2011 by Kenneth Gill, INDOT project manager. The weather on the day of the visit was warm and partly cloudy. The site was completely accessible. The site currently has no structures or buildings. It is level, and covered with 8 inch tall grass, with no brush or trees. No dumping was observed. No off color staining or areas of dead vegetation was noted. A north-south trending underground pipeline is present very

near the east property boundary. There were no indications of leaks, staining, or dead vegetation along pipeline.

A chain link fence is present on the east border of the property. The back yards of several residential housing units are visible of the east side of the chain link fence. The entry ramp off of US 41 onto the new SR 641 is present on the west edge of the excess property. The south side of the property borders onto a single residential property. The north end of the property ends in a sharp point, near the entrance ramp onto SR 641. Nothing unusual or out of place was noted during the site visit.

Two photographs taken during the site visit are included in the back of this report. The first is taken from the south edge of the property, and shows a green 641 North exit sign along with northward US 41. Note grassy field. The field narrows to the north. The chain link fence separating the excess property from the residential area is present on the right side of the photograph. The second photograph is a view to the south, showing the southern edge and the residential property south of the chain link fence at the southern edge of the excess property.

Environmental Issues

It is INDOT policy to assess a property hazardous materials concerns before it is disposed of. This report was performed in order to ascertain whether environmental issues are present that would need to be addressed before the disposal of the property. Environmental records were reviewed from IDEM's Virtual File Cabinet and environmental locations of interest were noted on the IDEM ArcMap files, contamination layers. Searches were made for Superfund (CERCLUS) sites, Brownfield sites, Voluntary Cleanup Program sites, Landfills, Leaking Underground Storage Tank sites, Registered Underground Storage Tank sites, RCRA sites, Wetlands, Petroleum and Mining activity, and any unusual activities that might affect the environmental conditions of the property.

The results of the Arcview map search is that one location of environmental interest was identified. The former Orkin Pest Control Incorporated site was found on the map. The parcel was located at the northern point of the INDOT property. The business and the buildings have been demolished, and the lot is now vacant.

The search of the Virtual File Cabinet yielded one UST Closure Report. The essence of the report is that in December 8, 1992 one 1,000 gallon tank was excavated and removed, the connecting pipes were disconnected, drained and capped. No leak of materials was noted from the tank, and there are no records of contaminated soils or of such soils being removed from the site. The tanks were removed by Laidlaw Environmental. Previous to tank removal, 50 gallons of liquids from the tank were removed. Product and water was removed from the tanks. Soils from the sidewall and floor of the excavation were collected and laboratory analyzed. The tests were non-detect for TPH. Apparently the tanks had not leaked, and INDOT can expect no environmental impacts from this former tank location. A copy of the Laidlaw closure report is included later in this document.

Other Research

A water resource search was performed. Although water wells are present in this area, no lakes, rivers, ponds or streams were identified. Sparse wetlands are present, but no wetland is near the subject INDOT property.

Although coal mining and petroleum production occur near Terre Haute, a search found no oil wells, natural gas wells, or coal mines on or near the INDOT subject property. The property is underlain by the Carbondale Formation, which can be productive for coal and petroleum. The Carbondale is of Pennsylvanian Age.

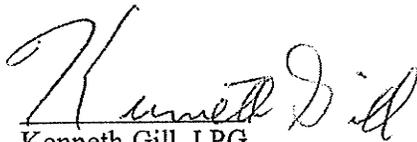
This area has not been glaciated. The surficial soil materials are of Aeolian (wind) deposition, according to Indiana Geological Survey maps. The soils are generally thin, and lay at shallow depths over the bedrock.

Conclusions

After a comprehensive review of available information, including maps, topographic maps, aerial photography, IDEM environmental records, and a visit to the subject property, only one environmental issue was identified. The Orkin Pest Control Inc. facility is no longer present. The Underground Storage Tank that was formerly present was removed in 1992, and laboratory testing of soils confirmed that the soils were clean. It is concluded that there are no environmental issues at this property that would preclude the disposal of said property. No additional investigations are required or would be appropriate.

Signatures

Written by:



Kenneth Gill, LPG
Project Manager, Hazardous Materials

9/4/11

Reviewed by:



Ben T. Lawrence, PE
Environmental Policy Manager

Attachments

Attached to this report please find:

- One aerial photograph that includes the marked boundaries of the excess property, at a close up scale
- One aerial photograph that includes the marked boundaries of the excess property at a more distant scale, showing surrounding areas, and with a one half mile buffer circle. A search for recognized environmental conditions was made in this buffer zone. The location of the Orkin Pest Service site is indicated on this photograph.
- One "Exhibit "B" Excess Land Plat" drawn by INDOT land surveyor Willard Johnson is included. This drawing details the excess land parcels and explicitly shows the excess land area that is to be disposed of.
- Selected appropriate pages of a "UST Closure Report, Orkin Pest Control Terre Haute Indiana" written by Laidlaw Environmental Services have been included regarding the closure of the Orkin Pest Service. These pages were obtained from the IDEM Virtual File Cabinet.
- One Water Resources Map
- One Oil and Coal Map
- Two photographs taken during the site visit.

Excess Property Location and Surround Area
 US 41 & new 641 Bypass
 Code:3777 & 4179
 Vigo County, Indiana

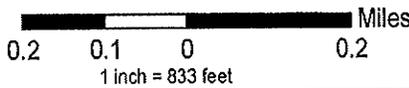


Hazardous Material Concerns Legend

Community Right To Know Sites	Restricted Waste Site	Brownfield	Mile Buffer
Underground Storage Tank	Open Dump Waste Site	Superfund	Interstate
Leaking Underground Storage Tank	Corrective Action Sites	Hazardous Spill	State Route
Voluntary Remediation Program	State Cleanup Site	Project Area	US Route
	Solid Waste Landfill	Half Mile Buffer	Local Road

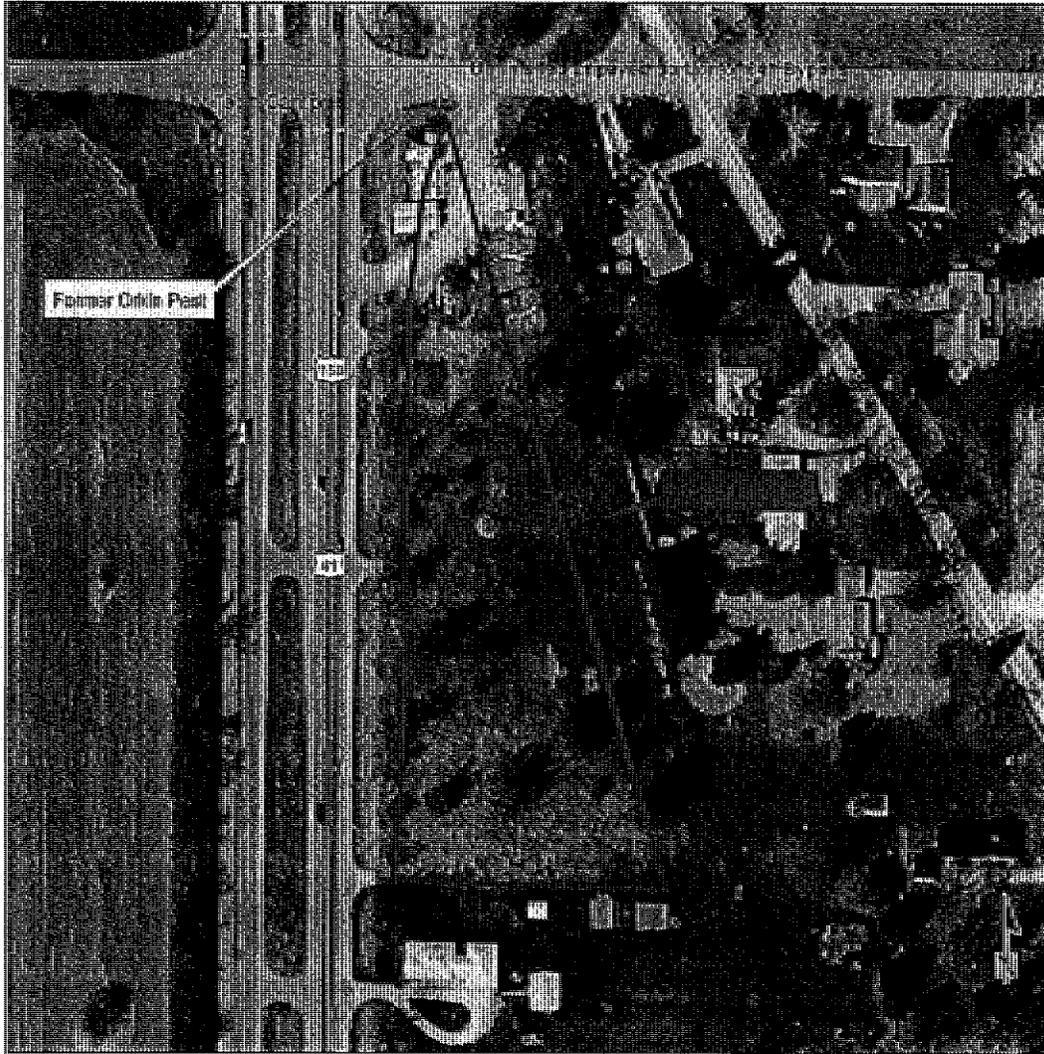
Sources: Non Orthophotography

Data - Obtained from the State of Indiana Geographic Information Office Library
 Orthophotography - Obtained from Indiana Map Framework Data (www.inSara.map.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.

Excess Property Location
US 41 & new 641 Bypass
Code:3777 & 4179
Vigo County, Indiana



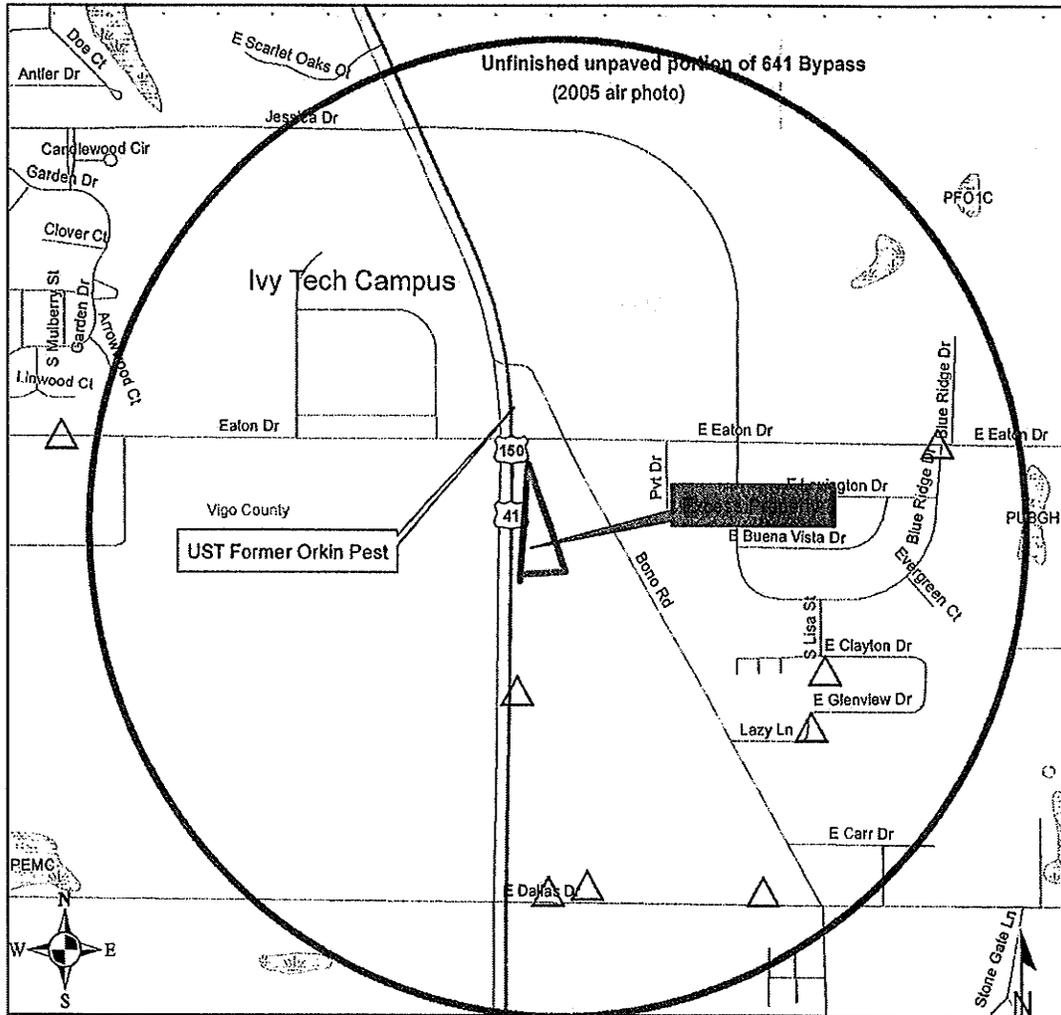
0.04 0.02 0 0.04 Miles

1 inch = 122 feet

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

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representation only. This information is not warranted
for accuracy or other purposes.

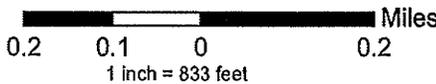
Excess Property Location & Water Resources
US 41 & new 641 Bypass
Code:3777 & 4179
Vigo County, Indiana



Water Resources Legend

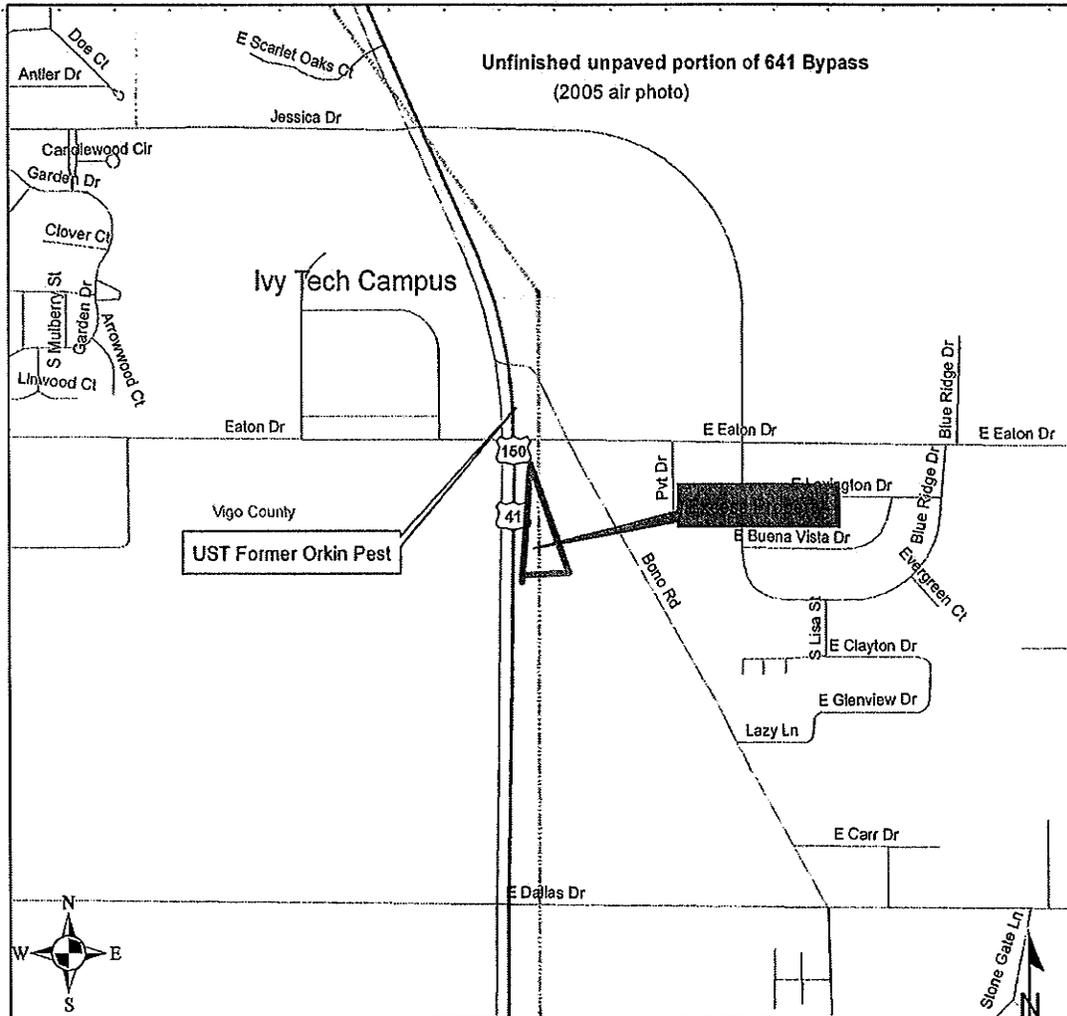
	Wetland Points		Impaired Rivers and Streams		Wetland Areas		Interstate
	Drinking Water Wells		Indiana Natural and Scenic Rivers		Project Area		State Route
	Located Water Wells		Lake - Impaired		Half Mile Buffer		US Route
	Wetland Lines				Mile Buffer		Local Road

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

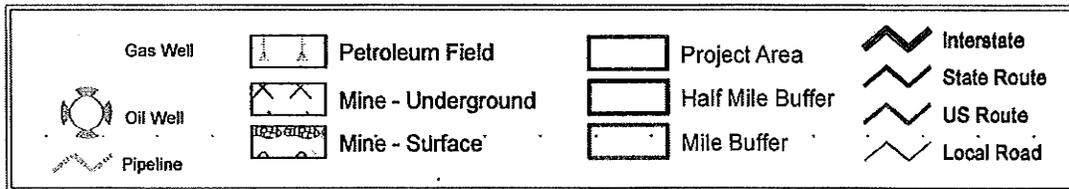


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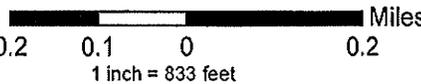
Excess Property Location & Coal/Petroleum Map
US 41 & new 641 Bypass
Code:3777 & 4179
Vigo County, Indiana



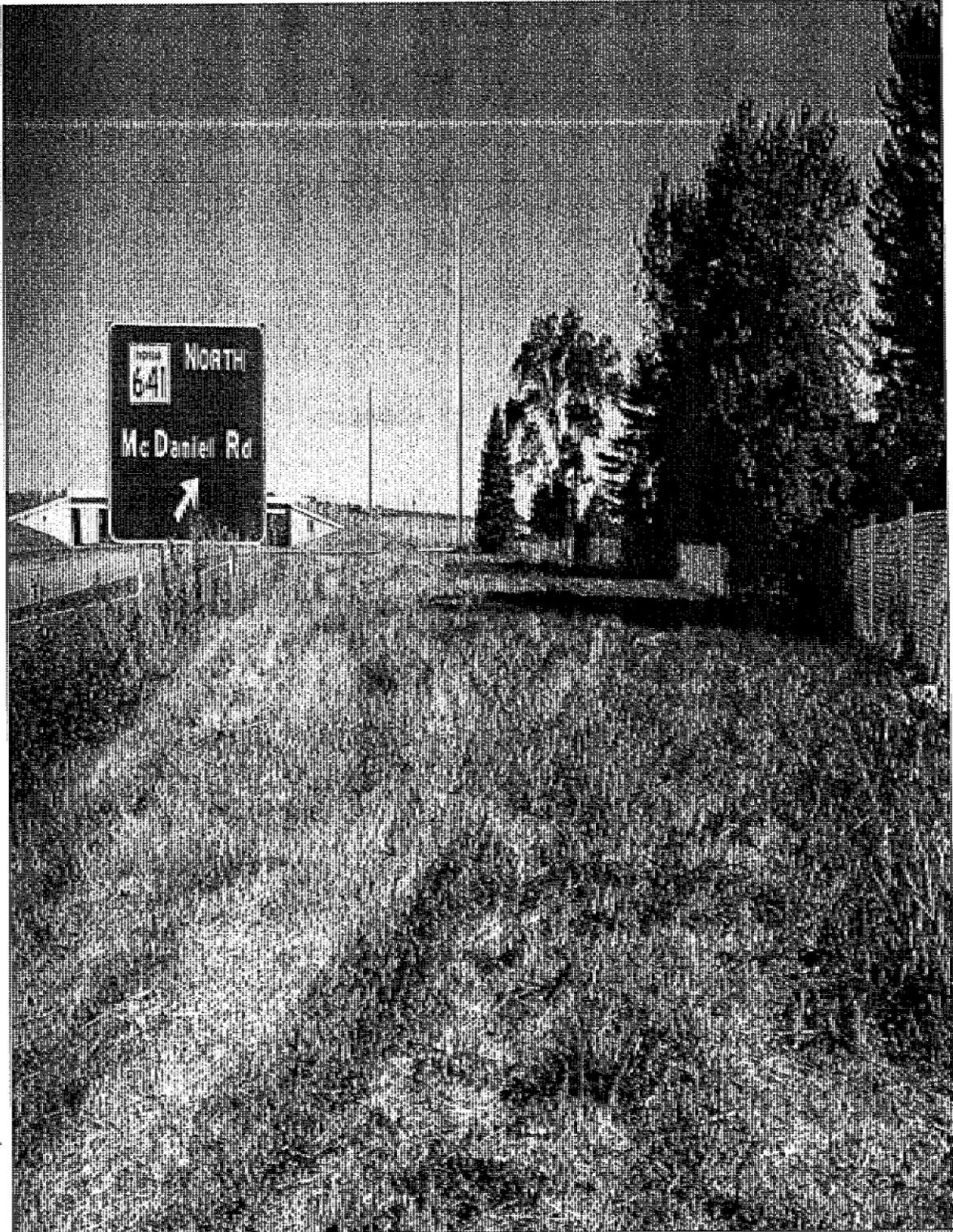
Mining/Mineral Exploration Legend



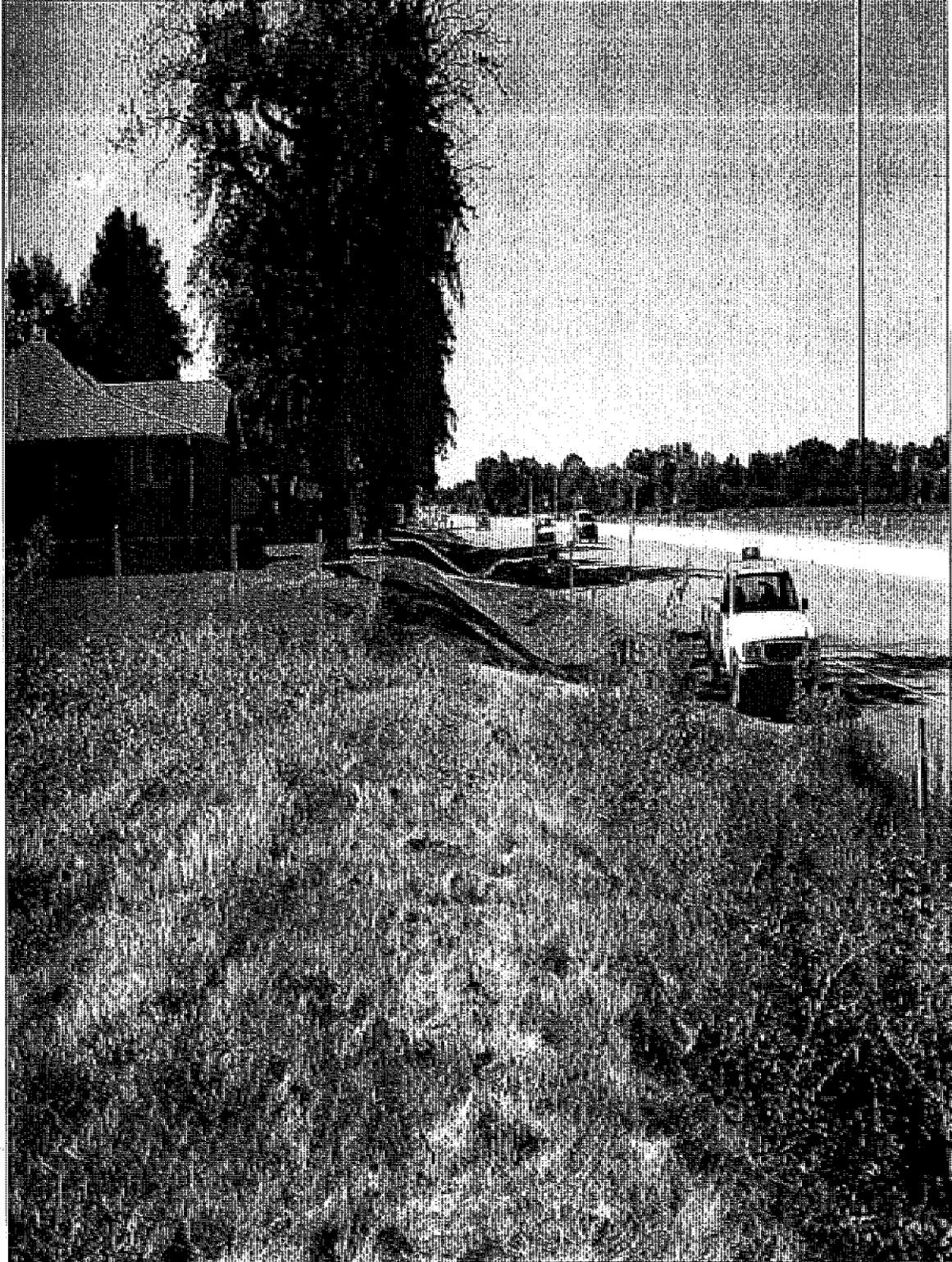
Sources: Non Orthophotography
Data - Obtained from the State of Indiana Geographical Information Office Library
Orthophotography - Obtained from Indiana Map Framework Data (www.indianamap.org)
Map Projection: UTM Zone 16 N **Map Datum:** NAD83



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



Site visit photography. View to north. Taken from southern edge of property, looking north. US 41 present on left of photo. Chain link fence with residential properties to the east.



View to south. Shows chain link fence separating southern edge of property from residential property. US 41 view to south.

EXHIBIT "B" EXCESS LAND PLAT

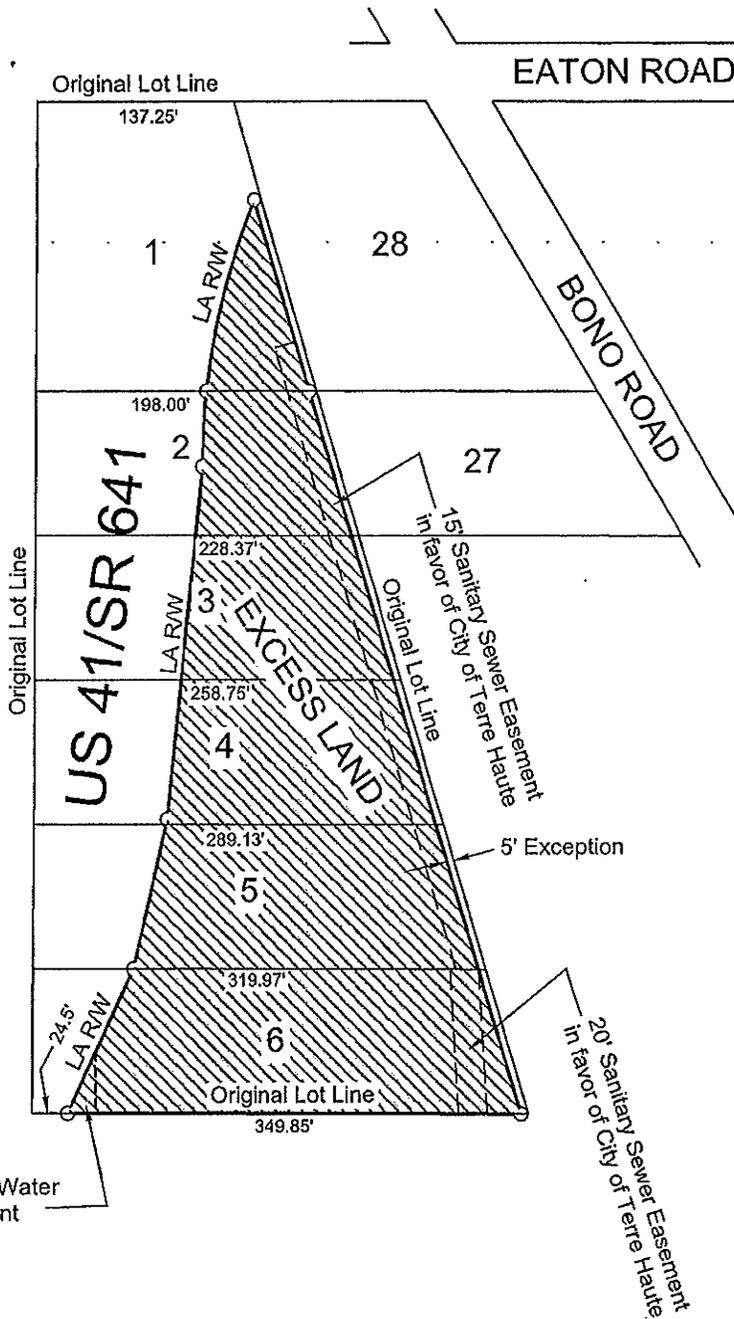
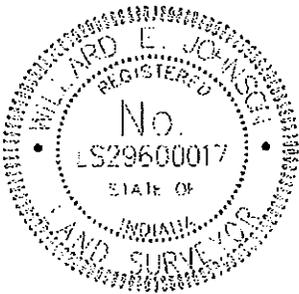
SHEET 1 OF 1



SURVEYOR'S STATEMENT

To the best of my knowledge and belief, this plat represents the real estate described in Exhibit "A". It is not intended or represented to be a Retracement or Original Boundary Survey, a Route Survey, or a Surveyor Location Report.

Willard E. Johnson, L.S. Date
License Number LS29600017



Parcel: 2, 3, & 40 Owner: State of Indiana
Code: 3777 & 4179
Project: STP-291-1(002)
Road: US 41/SR 641
County: Vigo
Section: 26
Township: 11 N
Range: 9 W

Hatched area is the Excess Land

Drawn By: WEJ
Checked By: WEJ
DES No's: 0001250 & 9138220

Instrument No: 200123467 Date: 9/7/2001
Instrument No: 200008831 Date: 6/9/2000
Instrument No: 2004011960 Date: 8/18/2004

Dimensions shown or deduced based on the above listed documents.

**UST CLOSURE REPORT
ORKIN PEST CONTROL
TERRE HAUTE, INDIANA**

PROJECT OVERVIEW
=====

Laidlaw Environmental Services (FS), Inc. was contracted by Orkin Pest Control of Atlanta, Georgia to register, permit, remove and dispose of the underground storage tanks (UST's) from the Orkin facility in Terre Haute, Indiana. This included collection of confirmation soil samples and analysis per agency requirements, backfilling of the excavations and resurfacing the area.

TANK REMOVAL PROCEDURES
=====

The underground storage tanks were permitted for removal by Laidlaw Environmental on October 30, 1992. A copy of the approved paperwork is included in the Appendix. Prior to the removal of the USTs, the Indiana Department of Environmental Management (IDEM) was contacted. A copy of the notification letter, and their response is enclosed in the Appendix. A site diagram, showing the location of the UST's is included within the report.

A total of <50 gallons of product and/or water was removed from the tank by Jeffrey A. Bell of Terre Haute, Indiana. A copy of the product manifests is included in the Appendix.

On December 8, 1992, the one 1,000 gallon tank was exposed by removing the grass and overburden material. The piping associated with the tanks was disconnected, drained and capped. All remaining piping was grouted at the boundary of the tank excavation.

The tank's oxygen percentage and flammability potential was monitored. When the lower explosive limit was below 10%, the tanks were cleaned and lifted out of the excavation and placed on plastic.

The tanks were disposed by Jeffrey A. Bell. A copy of the certificate of destruction is included in the Appendix.

After the soil was removed, five soil samples were collected from the bottom of each tank, as required by IDEM.

SOIL ANALYSIS

=====

The samples were placed on ice and sent to Foxfire Environmental, Inc. in Jasonville, Indiana. The soil samples were analyzed for Total Petroleum Hydrocarbons (TPH). The sample collection locations are included on the site drawing. A copy of the laboratory results and chain of custody is included in the Appendix.

All of the soil samples were dug out by hand using clean latex gloves, with new gloves being worn before each sample was collected to prevent cross contamination of the samples. Each sample was placed into clean glass jars with Teflon coated lids, labeled, chain of custody filled out, placed on ice and delivered to the lab for testing. All the samples were taken using the same protocol to ensure cross contamination of the samples did not occur.

LABORATORY ANALYSIS		
SOIL		
LOCATION	SAMPLE ID	TPH ppm
N End 1	N	< 10
S End 1	S	< 10
E End 1	E	< 10
W End 1	W	< 10
Bottom	B	< 10

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: _____