



Indiana Brownfields Program

Comfort/Site Status Letter Request Submittal Checklist

Please complete this checklist and submit it with your request along with all supporting documentation to ensure your request is complete; an incomplete submittal will delay staff review of your request. Thank you.

Please indicate, as applicable, if the following items are identified and/or included with your request:	Yes	No	N/A
Type of letter requested	X		
Names, affiliations, contact information for all project stakeholders	X		
The basis in statute or applicable enforcement discretion policy for a Comfort Letter request	X		
Supplemental Information Request Form & attachments	X		
Reliance letter to use another's Phase I report (for a BFPP CL)			X
List and/or map of the parcel(s) comprising the site and the corresponding 18-digit parcel identification number(s)	X		
A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site	X		
The date of property acquisition (or proposed property transfer/closing date)	X		
Indication of whether or not a purchase agreement has been finalized	X		
Description of redevelopment project including a site redevelopment/design plan		X	
A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s)	X		
Building size(s), square footage, ceiling height(s), slab thickness, and HVAC air exchange rate(s) (if known VOC contamination & existing building(s) will continue to be used or are planned to be renovated)	X		
Map(s) depicting utility corridors to/from the parcel(s) comprising the Site (if known VOC contamination, for preferential pathway analysis)	X		
Timeframes (application deadline) for SBA Loan-financed project			X
Paper copy and CD with Phase I report(s) (and/or Phase I Update)	X		
Paper copy and CD with Phase II report(s)	X		

(Please see the next page if your request is for Comfort Letter based on the BFPP liability defense)

Indiana Brownfields Program
Comfort/Site Status Letter Request Submittal Checklist (continued)

Please provide the following information regarding specific components of the Phase I Environmental Site Assessment report that will facilitate our timely evaluation of your BFPF Comfort Letter request:

Not applicable

Report Topic	Location in Phase I Report (Page #/Section/Appendix)
Interviews of Past and Present Owners and/or Operators	See Attached Table 1
Recorded Environmental Cleanup Liens/Activity and Use Limitations Search	See Attached Table 1
Government Records Review/Database Search	See Attached Table 1
Site Reconnaissance of the Subject Property	See Attached Table 1
Environmental Professional Statement and Signature	See Attached Table 1
User Questionnaire	See Attached Table 1
Vapor Migration Analysis	See Attached Table 1

Form completed by:

Date completed:

Lewis Mason
 Printed

1/30/18


 Signature

Amercelo Engineering
 Affiliation



Indiana Brownfields Program Comfort/Site Status Letter Request Supplemental Information

**Please include the following information in a transmittal letter with your
Comfort and Site Status Letter Request Form to facilitate the timely review of your request:**

1. The basis in statute or enforcement discretion policy for the Comfort Letter request:
 - *the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(d), or IC 13-11-2-151(b);*
 - *the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14 (IC 13-11-2-150(b)), IC 13-23-13-15, IC 13-24-1-10 (IC 13-11-2-151(d)), IC 13-24-1-11, or IC 13-25-4-8(c);*
 - *the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tank was not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;*
 - *the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser (BFPP), contiguous property owner (CPO) or innocent landowner (ILO) pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h);*
 - *the Stakeholder is a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f); or,*
 - *the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).*
2. Names, affiliations, contact information for all project stakeholders
3. The parcel(s) comprising the site and the corresponding State 18-digit parcel number(s)
4. A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site*
5. The date of property acquisition (or proposed property transfer/closing date)
6. Whether or not a purchase agreement has been finalized
7. A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s)
8. Description of redevelopment project including a site redevelopment/design plan (if available)
9. Building size(s) (square feet), ceiling height(s), slab thickness, and HVAC air exchange rate(s) (if known VOC contamination & existing on-Site building(s) will continue to be used or are planned to be renovated)
10. Map(s) depicting all utility corridors to and from the parcel(s) comprising the Site (if known VOC contamination)
11. Applicable timeframes (application deadline) if this is an SBA Loan financed project

If the basis for a Comfort Letter request is the BFPP liability exemption, please complete the attached checklist (on pages 5 and 6) of additional information required to be submitted with your Comfort Letter request. If the basis for a Comfort Letter request is the Lender liability exemption, please complete the attached checklist (on pages 7 and 8) of additional information required to be submitted with your Comfort Letter request.

***Note:** *if you are a prospective purchaser, and an environmental restrictive covenant is required to be recorded on the deed(s) for the site, your new deed(s) will be utilized at the time of recording.*



Indiana Brownfields Program
Comfort/Site Status Letter Request
Supplemental Information (continued)

The following additional information *may* be requested following Program review of available site investigation data/reports:

1. Data table(s) with sample results compared to applicable IDEM *Remediation Closure Guide* screening levels (e.g., residential, commercial/industrial, recreational)
2. A black & white map (no aerial photos) with contaminant locations above applicable IDEM screening levels
3. A table with GPS coordinates of sample locations at which contaminants of concern have been detected above applicable IDEM residential screening levels
4. A Site map with survey or GPS coordinates establishing the boundaries of any "Affected Area" to which a land use restriction will apply



Indiana Brownfields Program BFPP (Bona Fide Prospective Purchaser) Comfort Letter Request Checklist

Date of Phase I report: 04 / 20 / 2017

Entity for which the Phase I report/Phase I Update was prepared (User): City of Valparaiso - Redevelopment Commission

Which of the following describes the User? (check the applicable box):

- Prospective Purchaser (has not purchased)
- Prospective Tenant (has not executed lease)
- Current Owner (seller or already purchased) Date purchased/acquired: 6/12/2017
- Current Tenant (seeking liability protection under existing lease or intending to buy)
Date lease executed: _____

Buying on land contract? Yes No Date land contract executed: _____

Is the User the stakeholder requesting the Comfort Letter? Yes No

Who answered the User-specific questions in the Phase I/Phase I Update? Stu Summers, Executive Director for Valparaiso Redevelopment

- Were the questions answered on behalf of the BFPP seeking comfort? Yes No

If the User identified above is not the BFPP, has the BFPP obtained a Phase I Update in its name and/or a reliance letter to utilize the Phase I report (or is the BFPP identified as an eligible user in the reliance section of the report (if yes, on what page ___)? Yes No

- If yes: Date of the Phase I Update or reliance letter obtained for the BFPP? / /
- If yes: Did the BFPP complete a User-questionnaire for itself when obtaining the Phase I Update or reliance letter? Yes No

Phase I report completed within 180 days of (prior to) acquisition (clock on 180 days and one-year shelf life of Phase I report begins ticking from the date on which the earliest report information is collected, NOT the date of the report)?¹ Yes No

- If no: Has the User/BFPP obtained a Phase I Update? Yes No
- If yes: Date of the Phase I Update: 04 / 20 / 2017

	Date Conducted	Expiration Date
(i) interviews with owners, operators, and occupants;	<u>02/14/2017</u>	<u>08/13/2017</u>
(ii) searches for recorded environmental cleanup liens;	<u>02/14/2017</u>	<u>08/13/2017</u>
(iii) reviews of federal, tribal, state, and local government records;	<u>02/13/2017</u>	<u>08/12/2017</u>
(iv) visual inspections of the <i>property</i> and of <i>adjoining properties</i> ; and,	<u>02/28/2017</u>	<u>08/27/2017</u>
(v) declaration by the environmental professional	<u>04/20/2017</u>	<u>10/17/2017</u>

Report Viability Date (based on earliest expiration date from above-listed items): 08/12/2017

¹ The "continuing viability" component of the ASTM standard requires updates after 180 days from the earliest date of collection of interviews with owners, operators & occupants; environmental lien search; government database search; visual inspections/site reconnaissance; and, the Environmental Professional declaration. In any case, if a different User relies on the report, the new User must satisfy the User Responsibilities.



Indiana Brownfields Program BFPP (Bona Fide Prospective Purchaser) Comfort Letter Request Checklist (*continued*)

Do the Phase I User name and the name of the purchasing entity (to be) listed on the deed match exactly?

Yes No (If no, need to obtain a reliance letter or a Phase I Update and a complete a new User Questionnaire on behalf of the correct entity)

Phase I/Phase I Update completed in accordance with ASTM E1527-13 or 40 CFR Part 312? Yes No

Phase I signed by qualified Environmental Professional with the required certification statement? Yes No

Is the BFPP "affiliated with" another party who is potentially liable at the site? Yes No

1. Direct or indirect familial relationship?
2. Any contractual, corporate, or financial relationship (other than property transfer instrument)?
3. Reorganization of a business entity that was potentially liable?

For sites already acquired, has the BFPP satisfied continuing obligations since acquisition?

1. Provided all legally required notices with respect to discovery/release of hazardous substances² Yes No Not Applicable
2. Taken reasonable steps to stop continuing releases, prevent any threatened future releases, prevent or limit exposure to any previously released hazardous substances Yes No Not Applicable
3. Provided full cooperation, assistance and access to persons conducting response actions Yes No Not Applicable
4. In compliance with any land use restrictions already established and not impeding the effectiveness or integrity of any institutional control employed at the site in connection with a response action Yes No Not Applicable
5. Complied with any request for information or administrative subpoena issued by the U. S. EPA Yes No Not Applicable

² If applying for comfort based on BFPP status for a petroleum-contaminated site, evaluate these criteria for petroleum releases rather than/in addition to hazardous substances.



**Indiana Brownfields Program
Lender Liability (Secured Creditor)
Comfort Letter Request Checklist**

Potential lender or actual lender? _____

If financial transaction has already closed, what is the date of the financial instrument: _____

Pre-foreclosure or post-foreclosure? _____

If pre-foreclosure, please answer the following questions regarding "participation in management" of the facility on the Site:

Does the Lender exercise decision-making control regarding environmental compliance related to the facility, and, in doing so, undertake responsibility for hazardous substance and/or petroleum handling or disposal practices? Yes No

Does the Lender exercise control at a level similar to that of a manager of the facility and, in doing so, assume or manifest responsibility with respect to:

- day-to-day decision-making on environmental compliance? Yes No
- all, or substantially all, of the operational (as opposed to financial or administrative) functions of the facility other than environmental compliance? Yes No

If post-foreclosure, please answer the following:

On what date did the Lender/Owner take title to the property? _____

Does the Lender/Owner exercise decision-making control regarding environmental compliance related to the facility, and, in doing so, undertake responsibility for hazardous substance and/or petroleum handling or disposal practices? Yes No

Does the Lender/Owner exercise control at a level similar to that of a manager of the facility and, in doing so, assume or manifest responsibility with respect to:

- day-to-day decision-making on environmental compliance? Yes No
- all, or substantially all, of the operational (as opposed to financial or administrative) functions of the facility other than environmental compliance? Yes No

Has the Lender/Owner been actively marketing the Site for sale or re-lease or otherwise divesting itself of the property at the earliest practicable, commercially reasonable time using commercial reasonable means? (Please elaborate). _____

Has the Lender/Owner ever rejected a reasonable purchase offer for the property? Yes No



Indiana Brownfields Program
Lender Liability (Secured Creditor)
Comfort Letter Request Checklist (continued)

Has the Lender/Owner provided any Phase I and/or Phase II ESA reports to prospective purchasers?

Yes No

Does the Lender/Owner use a third party broker to manage the Site? Yes No

Does the Lender/Owner have any direct lease relationships with any of the Site tenant(s)? Yes No

Table 1 – Submittal Checklist Supplemental Information

Report Topic	Location in Phase I – 17.1017 (Page #/Section/Appendix)	Location in Phase I – 17.1016.1 (Page #/Section/Appendix)
Interviews of Past & Present Owners and/or Operators	Pgs. 18-19/Section 7/Appendix D	Pg. 16/Section 7/Appendix D
Recorded Environmental Cleanup Liens/Activity and Use Limitations Search	Pg. 5/Section 4.2/Appendix E	Pg. 5/Section 4.2/Appendix E
Government Records Review/Database Search	Pgs. 8, 12-14/Sections 5.4 & 5.5/Appendix C	Pgs. 8, 11-14/Sections 5.4 & 5.5/Appendix C
Site Reconnaissance of the Subject Property	Pgs. 15-17/Section 6/Appendix A	Pg. 15/Section 6/Appendix A
Environmental Professional Statement and Signature	Pg. 29/Section 14/Appendix F	Pg. 26/Section 14/Appendix F
User Questionnaire	Pg. 19/Section 7.5/Appendix D	Pg. 16/Section 7.5/Appendix D
Vapor Migration Analysis	Pg. 24/Section 9	Pg. 21/Section 9

Form completed by:

Date completed:

Lewis Mason

1/30/18

Printed

Lewis Mason

Signature

Amerco Engineering

Affiliation

MAIL TAX BILLS TO:

Valparaiso Redevelopment Commission
c/o Stuart Summer, Executive Director
162 W. Lincolnway
Valparaiso, IN 46383

GRANTEE'S ADDRESS:

Valparaiso Redevelopment Commission
c/o Stuart Summer, Executive Director
162 W. Lincolnway
Valparaiso, IN 46383

PARCEL NO.

64-09-23-476-007.000-004
64-09-24-354-003.000-004
64-09-24-354-004.000-004

RECEIVER'S DEED

THIS INDENTURE WITNESSETH, that **ROBERT BRADLEY ASSOCIATES, LLC, AN INDIANA LIMITED LIABILITY COMPANY D/B/A BRADLEY COMPANY, NOT PERSONALLY, BUT AS RECEIVER**, by virtue of its authority granted pursuant to that certain Consent Order Appointing Receiver to Manage Real Estate Pending Completion of Foreclosure Sales entered on June 22, 2012 in Cause No. 64D02-1001-MF-00345, and in accordance with Ind. Code § 32-30-5-7, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **TRANSFERS, CONVEYS, AND RELEASES** to **CITY OF VALPARAISO REDEVELOPMENT COMMISSION**, the following described real estate located in Porter County, Indiana, to-wit:

PARCEL 1: THAT PART OF THE SOUTHWEST ADDITION TO VALPARAISO, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 6 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE CITY OF VALPARAISO, IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, IN BLOCK 6, IN SAID ADDITION; THENCE EAST ALONG THE SOUTH LINE OF LOTS 5 AND 4 TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH ALONG A SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4, 16.5 FEET; THENCE WEST ALONG AN EASTERLY EXTENSION OF THE NORTH LINE OF BLOCK 4, AND ALONG THE NORTH LINE OF BLOCK 4, 156.75 FEET TO THE NORTHWEST CORNER OF LOT 7, IN BLOCK 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 7, 132.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE EAST ALONG THE SOUTH LINE OF BLOCK 4 AND SAID SOUTH LINE EXTENDED, 181.50 FEET TO THE SOUTHWEST CORNER OF LOT 5, IN BLOCK 5; THENCE SOUTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 1 AND ALONG THE WEST LINE OF BLOCK 1, 313.5 FEET TO THE SOUTHWEST CORNER OF LOT 5, IN BLOCK 1; THENCE EAST ALONG THE SOUTH LINE OF BLOCK 1, 280.4 FEET TO THE SOUTHEAST CORNER OF LOT 8, IN BLOCK 1; THENCE NORTH ALONG THE EAST LINE OF BLOCK 1 AND THE NORTHERLY EXTENSION OF SAID EAST LINE, 313.5 FEET TO THE SOUTHEAST CORNER OF LOT 8, IN BLOCK 5; THENCE CONTINUING NORTH ALONG THE EAST LINE OF SAID LOT 8 AND SAID EAST LINE EXTENDED NORTH 148.5 FEET TO THE SOUTH LINE OF LOT 1, IN BLOCK 6; THENCE

70001776

HOLD FOR GREATER INDIANA TITLE COMPANY

Dated this 21st day of April, 2017.

Robert Bradley Associates, LLC d/b/a Bradley Company

By: Kristine Carra, as receiver
Kristine Carra, Authorized Agent

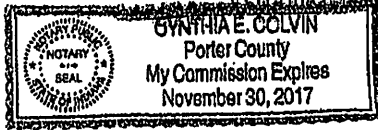
STATE OF INDIANA)
) SS:
COUNTY OF PORTER)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Kristine Carra, on behalf of Robert Bradley Associates, LLC d/b/a Bradley Company, as Receiver, and acknowledged the execution of this instrument this 21st day of April, 2017.

My Commission Expires: _____
County of Residence: _____

GYNTHIA E. COLVIN
_____, Notary Public

(Printed Name)



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Jon A. Schmaltz

This instrument prepared by:
Jon A. Schmaltz
Burke Costanza & Carberry LLP
156 Washington Street
Valparaiso, IN 46383

EAST ALONG SAID SOUTH LINE, 13.0 FEET TO A POINT 20.0 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH ALONG THE WEST LINE OF THE EAST 20.0 FEET OF SAID LOT 1, 227.8 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SAID LOT 1, THAT IS 20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 1; THENCE WEST ALONG THE NORTH LINE OF BLOCK 6, 673.0 FEET TO THE NORTHWEST CORNER OF LOT 5, IN SAID BLOCK 6; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 5, 228.62 FEET TO THE POINT OF BEGINNING.

PARCEL 2: THAT PART OF OUTLOT 15, IN THE ORIGINAL SURVEY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED IN DEED RECORD "A" PAGE 621, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID OUTLOT 15; THENCE NORTH ALONG THE EAST LINE OF SAID OUTLOT 15, 33.0 FEET; THENCE WEST, PARALLEL TO THE SOUTH LINE OF SAID OUTLOT 15, 132.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH, PARALLEL TO THE EAST LINE OF SAID OUTLOT 15, 165 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 3, IN SAID OUTLOT 15; THENCE WEST ALONG THE NORTH LINE OF LOTS 3, 4 AND 5, IN SAID OUTLOT 15, 217.46 FEET TO THE WEST LINE OF SAID OUTLOT 15; THENCE SOUTH ALONG SAID WEST LINE, 181.4 FEET, MORE OR LESS, TO A POINT THAT IS 16.5 FEET NORTH OF THE SOUTH LINE OF SAID OUTLOT 15; THENCE EAST, PARALLEL TO THE SOUTH LINE OF SAID OUTLOT 15, 151.19 FEET, MORE OR LESS, TO A POINT 198.0 FEET WEST OF THE EAST LINE OF SAID OUTLOT 15; THENCE NORTH, PARALLEL TO SAID EAST LINE, 16.5 FEET; THENCE EAST PARALLEL TO SAID SOUTH LINE 66.0 FEET TO THE POINT OF BEGINNING.

Commonly known as 260-360 South Campbell, Valparaiso, Indiana.

[SIGNATURES APPEAR ON FOLLOWING PAGE]