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RECORDER OF DEKALB CO, IN

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MEMORANDUM EXPLAINING BROWNFIELDS PROJECT

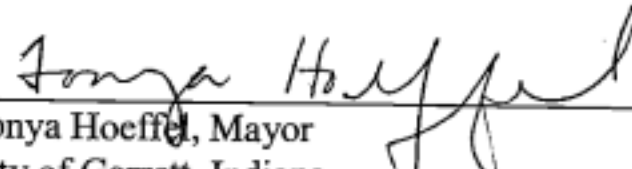
This Memorandum is made this 18th day of December, 2012, by the City of Garrett, Indiana.

This Memorandum pertains to real estate described on Exhibit "A" attached hereto and incorporated herein, said real estate is commonly known as 600 E. Quincy Street, Garrett, DeKalb County, Indiana.

Exhibit "B" pages 1,2, and 3, attached hereto and incorporated therein, is a letter from the Indiana Department of Environmental Management dated June 30, 1999, characterized as a "Comfort Letter" which states that the Indiana Department of Environmental Management does not plan to take any further action in connection with the above property on the restrictions contained in Exhibit "B". Additionally, the Comfort Letter provides that the use of the property shall be restricted such that ground water would not be utilized for residential, commercial, or industrial purposes and any exposure to the contamination be prevented.

In 2003, the City caused the improvements on the real estate to be demolished by Martin Service Systems, Inc. Thereafter, through a quiet title action, the City of Garrett had title to the property quieted into the name of the City of Garrett pursuant to a judgment and decree of quiet title issued by the DeKalb Superior Court in Cause No. 17D01-0501-PL-00004. Said decree of Quiet Title was recorded April 25, 2005 as Document No. 20503379 in the DeKalb County Recorder's Office.

This document is being prepared and recorded in compliance with the requirements of the Comfort Letter.

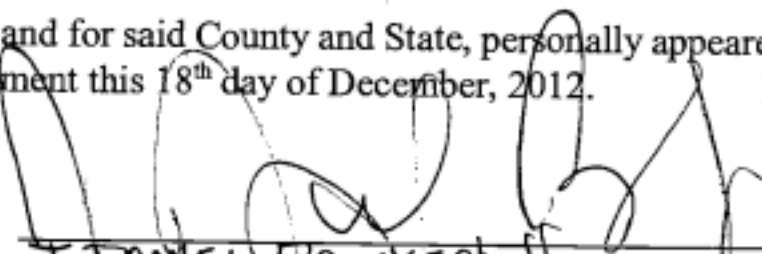

Tonya Hoeffel, Mayor
City of Garrett, Indiana

State of Indiana, County of DeKalb, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Tonya Hoeffel, who acknowledged the execution of the foregoing document this 18th day of December, 2012.

WITNESS my hand and notarial seal.




J. DANIEL BRINKERHOFF, Notary Public
Resident of DeKalb County, IN
My Commission expires: 5.31.15

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. - J. D. Brinkerhoff. This instrument prepared by J. D. Brinkerhoff, Attorney at Law, BRINKERHOFF & BRINKERHOFF, PC, 101 N. Randolph Street, P. O. Box 269, Garrett, IN 46738. Attorney No. 3639-17. Telephone: (260) 357-5111. Z:\Wpfiles\CITY, GARRETT\Garrett Foundry\Memorandum Explaining Brownfield Project.wpd

An unplatted tract of real estate in the City of Garrett, DeKalb County, Indiana. Part of the Northwest quarter of Section 3, Township 33 North, Range 12 East, and the southwest quarter of Section 34, Township 34 North, Range 12 East, located in Keyser Township and being described as follows:

Commencing at the point of intersection of the west right-of-way line of Britton Street and the North right-of-way line of Quincy Street; thence East on and along the North right-of-way line of Quincy Street, 16.5 feet to an iron rod with Plastic Cap Stamped LS9700007 at the point of beginning of this description; thence east on and along said north right-of-way, 388.50 feet to an iron rod with Plastic cap stamped LS9700007 at the southwest corner of a 0.56 acre plus or minus tract of real estate described in deed record 204, Page 414 Public Records of DeKalb County, Indiana; Thence Northerly parallel with the west right-of-way line extended of Britton Street, 302.40 feet to a 16d nail set through Plastic Cap Stamped LS9700007 at the Northwest corner of said 0.56 acre tract of real estate, said corner also being on the south right-of-way of the CSX Railroad; thence west on and along said south CSX Railroad right-of-way, 388.50 feet to an iron rod with Plastic Cap Stamped LS9700007 at the Northwest corner of a 16.50 foot strip of real estate described in Deed Record 105, Page 445, said Public Records of DeKalb County, Indiana; Thence southerly parallel with the west right-of-way extended of Britton Street, 302.4 feet to the Point of Beginning, Containing 2.70 acres Plus or minus and being subject to all applicable easements and rights-of-way of record.

which real estate was historically described as follows:

TRACT I:

Part of the east half of the southwest quarter of Section 34, township 34 north, range 12 east and part of the northeast quarter of the northwest quarter of section 3, township 33 north, range 12 east, described as follows: Commencing on the north line of Quincy Street at a point one hundred (100) feet east of the west line of Britton Street; thence east three hundred eighty five (385) feet; thence north to the south line of the Baltimore & Ohio Railroad Company right of way, a distance of approximately three hundred two (302) feet; thence west along said south line of said right of way a distance of three hundred eighty-five (385) feet; thence south to the place of beginning, a distance of approximately three hundred two (302) feet. EXCEPTING THEREFROM, the east eighty (80) feet thereof.

TRACT II:

A tract of unplatted land in the City of Garrett, DeKalb County, Indiana, located in the Northwest Quarter of Section Three (3), Township Thirty-three (33) North, Range Twelve (12) East, and in the Southwest Quarter of Section Thirty-four (34), Township Thirty-four (34) North, Range Twelve (12) East, and described more particularly as follows: Commencing on the North line of Quincy Street at the intersection of said North line with the West line of Britton Street extended North; thence North to the South line of the Baltimore and Ohio (Chesapeake and Ohio) (Chessie System) Railroad right of way; thence East on said South right of way line 100 feet; thence South to the North line of Quincy Street; thence West on said North line of Quincy Street 100 feet to the place of beginning; excepting 16 1/2 feet off the west side which was deeded to the City of Garrett on October 15, 1931 and recorded in Deed Record 105, page 445 in the DeKalb County Recorder's Office.

REFERENCE: DOCUMENT # 20404469

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the DeKalb County Auditor's Office be directed to transfer on their records the real estate described above into the name of the City of Garrett and that the DeKalb County Recorder is hereby directed to record a certified copy of this Decree.

Exhibit "A"





INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live

file

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

June 30, 1999

The Honorable Herbert P. Kleeman, Mayor
City Hall
Garrett, IN 46738

4980017

Re: Comfort Letter
Garrett Flexible Products
600 East Quincy Street
Garrett, DeKalb County

Dear Mayor Kleeman:

This comfort letter is in response to the request for assistance by the City of Garrett concerning the former Garrett Flexible Products property located at 600 East Quincy Street, Garrett, Indiana. The purpose of this letter is to provide the Indiana Department of Environmental Management's position on whether the environmental conditions at the subject property would be a barrier for parties interested in redevelopment; the letter also sets forth certain conditions to be satisfied by the City of Garrett.

As you may know, the City of Garrett had received a grant through the Indiana Development Finance Authority (IDFA) in the first grant round to conduct an environmental assessment for the subject property, which was completed by KERAMIDA Environmental, Inc. (KERAMIDA). As part of the City of Garrett's request for assistance in determining the existing environmental impacts and potential ramifications at the subject property, IDEM staff have reviewed data from soil and groundwater investigations conducted by IDEM, U.S. EPA, A.C.I, Inc. and KERAMIDA. IDEM staff also have reviewed other information provided by the City of Garrett regarding past, present and proposed future uses of the subject property. Based upon this information, this letter should provide some level of comfort to parties involved with this brownfield property transaction.

IDEM conducted a Preliminary Assessment for Garrett Flexible Products in 1986 for the U.S. EPA, and then the U.S. EPA Technical Assistance Team (TAT) performed a Site Assessment in 1988. IDEM determined that additional sampling was necessary and conducted a Screening Site Inspection (SSI) in 1989 and a Site Inspection Prioritization (SIP) in 1995. Conclusions from these reports indicate that groundwater was not considered a risk or a pathway of concern, and there was no threat to human health at the property. The Garrett Flexible Products property did not warrant further action under the Superfund program at that time. As a

Exhibit "B" page 1

Mayor Kleeman

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result, the site was removed from the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) data base, which is only an inventory of potentially hazardous waste sites known to the Superfund program and does not necessarily mean a particular property represents a threat to human health or the environment.

Sampling results from two private environmental consulting firms, A.C.I., Inc. and KERAMIDA, indicated similar findings. KERAMIDA's Phase II Investigation Report, which focused on land-related issues outside the on-site building, suggests that no remedial actions are warranted at the subject property. However, removal activities are recommended prior to redevelopment. The surface and subsurface soils evaluated during this investigation do not pose a risk for non-residential use, but to fully characterize the soils beneath the on-site building, demolition performed in accordance with all applicable local, state and federal requirements (e.g., regarding identified asbestos) is necessary. The characterization and responsible removal and disposal of on-site wastes and tanks are also recommended with subsequent subsurface soil sampling. KERAMIDA poses a sound argument that even though groundwater contamination was detected at the property, levels exceeding IDEM's Voluntary Remediation Program (VRP) Tier II Non-Residential standards were only found in one location near the former drum storage area in a thin sand lense, whose lateral and vertical extent is likely very limited based on adjacent borings. The following analytical results could indicate a "hot spot," which is not representative of the entire property: Benzene at 0.75 parts per million (ppm); Ethylbenzene at 13 ppm; cis-1,2-Dichloroethene at 2.9 ppm; 1,1-Dichloroethene at 0.0087 ppm, Vinyl Chloride at 0.21 ppm and PCB-1254 at 0.0035 ppm. Furthermore, the City of Garrett is serviced by an unconsolidated sand and gravel aquifer and there are no known private wells within the city limits. Although the property is located within one mile of the two municipal wells, they are completed at depths significantly greater than the depths where on-site contamination was identified, and the on-site soils are primarily silty clay, poorly drained, and slowly permeable. Consequently, groundwater is likely not an exposure pathway of concern.

Based upon IDEM's completed review of the aforementioned information concerning the Garrett Flexible Products property, IDEM concurs that there are no receptors and that the groundwater contamination identified at the property presents no current threat to human health. The comfort provided by this letter is conditional upon additional waste characterization and removal activities before any redevelopment occurs. Furthermore, use of the Garrett Flexible Products property shall be restricted such that groundwater will not be utilized for residential, commercial, or industrial purposes and any exposure to the contamination be prevented.

IDEM does not plan to take any further action at the property unless and until the environmental conditions at the subject property should change or IDEM later discovers the reports were inaccurate concerning the contamination at the property. Furthermore, should the City of Garrett acquire the property or conduct remedial activities, IDEM will utilize its enforcement discretion to forego pursuit of the City of Garrett or any successor owners or operators for response costs relating to past release of contamination at the property.

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Mayor Kleeman

Page 3

Additionally, as a matter of policy, IDEM will not hold an owner, lender, lessor or tenant of the property responsible for contamination that migrates onto or through their site from an independent source. Be advised that any work, if any is performed, at the subject property must be done in accordance with all applicable environmental laws. Redevelopment of this brownfield property in a manner consistent with all environmental laws will lessen the possibility that environmental conditions at the property could deteriorate in the future.

IDEM understands the City of Garrett will record a memorandum, explaining the brownfield project, and attach this letter to the miscellaneous record book in the DeKalb County Recorder's Office. Please return a certified copy of the filed notice to Dana Reed Wise, Chief, Brownfields Program, IDEM, Office of Environmental Response, 2525 North Shadeland Avenue, P.O. Box 6015, Indianapolis, IN, 46206-6015.

IDEM staff are pleased to assist the City of Garrett with responsible brownfields redevelopment. Should you have any questions or comments regarding this correspondence, please address those to Michele Oertel at 317/308-3057.

Sincerely,



Mary Beth Tuohy
Assistant Commissioner
Office of Environmental Response

MBT/mmo

cc: Greta Hawvermale, Indiana Development Finance Authority
Phillip Conrad, Garrett Redevelopment Commission
Sam Miller, Garrett State Bank
Vasiliki Keramida, Ph.D.; KERAMIDA Environmental, Inc.
Mike Garrett, DeKalb County Health Department
File

B. 3

J. DANIEL BRINKERHOFF

CITY OF GARRETT

CITY ATTORNEY

101 N. Randolph Street, P.O. Box 269

Garrett, Indiana 46738

Phone 260-357-5111

Fax: (260) 357-3849

J. Daniel Brinkerhoff

J. Darrick Brinkerhoff

brinkandbrink.com

December 20, 2012

Sue Overstreet
Indiana Brownfields Program
Indiana Dept. of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204

Dear Ms. Overstreet:

Re: Environmental Restrictive Covenant
Garrett Flexible Products
600 E. Quincy, Garrett, IN 46738 (DeKalb County)
BFD #4980017

Enclosed for you is the document prepared in compliance with the Comfort Letter to the then Mayor Herbert P. Kleeman dated June 30, 1999.

Please contact me with any questions.

Sincerely,

BRINKERHOFF & BRINKERHOFF, PC

J. Daniel Brinkerhoff

JDB/glb
Enclosure