

May 10, 2024

Indiana Brownfields Program  
100 N. Senate Avenue, Room 1275  
Indianapolis, Indiana 46204

RE: Comfort Letter Request  
Dairy Queen  
2920 West Morris Street  
Indianapolis, Indiana 46241

To Whom it May Concern:

On behalf of Kleiner Investments, LLC (Client), Crossroads Environmental Consulting (Crossroads) is pleased to provide the Indiana Brownfields Program with this Comfort Letter Request and supporting documentation. Included in this request are the Indiana Brownfields Program Comfort/Site Status Letter Request Form (**Attachment I**), the Indiana Brownfields Program Comfort/Site Status Letter Request Supplemental Information and Bona Fide Prospective Purchaser (BFPP) Checklist (**Attachment II**), and the Indiana Brownfields Program Comfort/Site Status Letter Request Submittal Checklist (**Attachment III**). The following information is provided to assist in the review of the Comfort Letter Request and subsequent completion of the Comfort Letter.

1. The basis in statute or enforcement discretion policy for the Comfort Letter request:
  - a. 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).
2. Names, affiliations, contact information for all project stakeholders:
  - a. Lee Kleiner  
Kleiner Investments, LLC  
1389 West 86<sup>th</sup> Street, Suite 300  
Indianapolis, Indiana 46260  
Email: lee.kleiner@gmail.com Cell #: 317-413-3132
3. The parcel(s) comprising the site and the corresponding State 18-digit parcel number(s):
  - a. 49-11-09-123-030.000-970
  - b. 49-11-09-123-034.000-970

4. A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site:
  - a. A copy of the recorded deed for the property is included in **Attachment IV**.
5. The date of property acquisition (or proposed property transfer/closing date):
  - a. March 20, 2024
6. Whether or not a purchase agreement has been finalized:
  - a. NA
7. A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s):
  - a. A Site Plan depicting the property boundaries, parcels, and parcel numbers is included in **Attachment V**.
8. Description of redevelopment project including a site redevelopment/design plan (if available):
  - a. Not applicable (NA). Currently, no additional Site development is planned.
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 planned to be renovated):
  - a. NA
10. Map(s) depicting all utility corridors to and from the parcel(s) comprising the Site (if known VOC contamination):
  - a. NA
11. Applicable timeframes (application deadline) if this is an SBA Loan financed project:
  - a. NA
12. Relevant investigation/remediation report from other IDEM Programs (noting assigned IDEM site # and IDEM Virtual File Cabinet [VFC] Document #s):
  - a. Phase I Environmental Site Assessment, prepared by Crossroads Environmental Consulting, LLC (Crossroads), dated March 8, 2024 (**Attachment VI**).

Based on the March 8, 2024 Phase I ESA completed by Crossroads, one recognized environmental condition (REC), subject of this Comfort Letter Request, was identified for the Site. According to the Phase I ESA, the Site and surrounding area has been elevated with fill material reportedly from a former metal foundry. A soil management plan for the adjacent property to the west, which was reviewed during the completion of the March 2024 Phase I ESA, the fill material is primarily foundry sand with elevated concentrations of lead exceeding direct contact soil exposure screening levels.

Thank you in advance for considering the Comfort Letter Request. Crossroads and the Client look forward to working with you. If you have any questions or comments in regards to this submittal, please do not hesitate to contact me at 317.292.9274 ext. 102 or [mcooper@crossroadsec.com](mailto:mcooper@crossroadsec.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael B. Cooper".

Michael B. Cooper, L.P.G.  
Principal Geologist