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COUNTY RECORDER'S STAMP

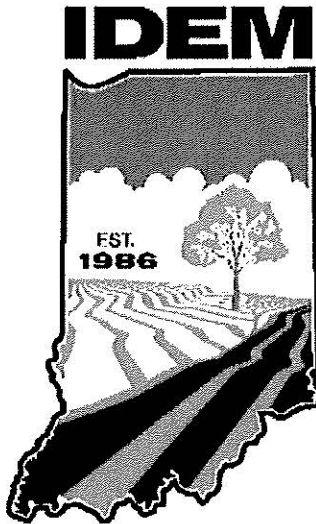
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NICOLE KEESLING  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

**Indiana Department of Environmental  
Management**

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*Certificate of Completion*

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Voluntary Remediation Program

Club Soda Parking Lot

Fort Wayne, Indiana

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VRP Project #6191202

13) m: 3755 E 82nd street ste 205 Indianapolis IN 46240

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Indiana Department of Environmental Management



# Certificate of Completion

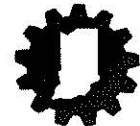
Issued to

**City of Fort Wayne Department of Redevelopment**

FOR The successful completion of the Voluntary Remediation Work Plan for the Club Soda Parking Lot site, IDEM #6191202, located at 235 East Superior Street, Fort Wayne, (Allen County) Indiana, as more specifically described in the attached Exhibits 1-3, which are incorporated herein by reference. The issuance of a Certificate of Completion under IC 13-25-5 is a final agency action for purposes of IC 4-21.5.

Signed this date May 21, 2024

Brian Wolff, Assistant Commissioner, Office of Land Quality  
Department of Environmental Management



A State that Works

# CERTIFICATE OF COMPLETION SIGNATURE PAGE

Fort Wayne Garage Associates, One, LLC and The Lofts at Headwaters Park, LLC 3755 E. 82<sup>nd</sup> Street, Suite 300 Indianapolis, IN 46240  
[Insert name and mailing address of property owner]

("Owner") hereby attests to the accuracy of the statements in this document and all attachments.

IN WITNESS WHEREOF, Fort Wayne Garage Associates, One, LLC  
The Lofts at Headwaters Park, LLC the said Owner of P.D. 2023013236 ✓  
[Insert Owner's Name] 02-12-02-276-012.002-074  
02-12-02-276-012.003-074  
02-12-02-276-012.004-074

201 E Superior Street  
Fort Wayne, IN 46802 parcel identification number[s] 02-12-02-276-012.000-074  
[insert address of site], [insert 18-digit parcel identification number(s) as described in 50 IAC 23-8-1]

has caused this Certificate of Completion to be executed on this 14<sup>th</sup> day of June, 2024.

Nicholas Barrett  
[Owner's or Representative's Signature]

Name: Nicholas Barrett

Title: Manager

STATE OF Indiana)  
) SS:  
COUNTY OF Marion)

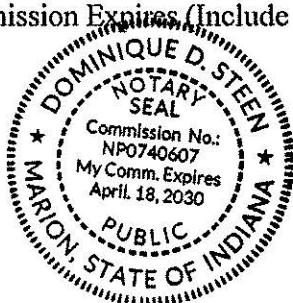
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Nicholas Barrett, the Manager of the Owner, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Witness my hand and Notarial Seal this 14<sup>th</sup> day of June, 2024.

Dominique D. Steen  
\_\_\_\_\_, Notary Public

Residing in Indianapolis County, Marion

My Commission Expires (Include Seal):



**Affidavit for Review and Redaction of Social Security Numbers**

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this IDEM Certificate of Completion document, unless required by law.

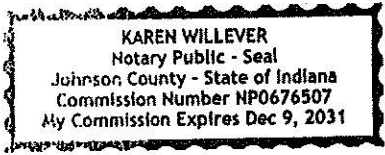
*Valerie Tachtiris*

Valerie Tachtiris, Deputy Assistant Commissioner  
Indiana Department of Environmental Management  
Office of Legal Counsel

STATE OF Indiana )  
  ) SS:  
COUNTY OF Marion )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared VALERIE TACHTIRIS and signed this before me.

Witness my hand and Notarial Seal this 14<sup>th</sup> day of May, 2024.



*Karen Willevier*  
Karen Willevier  
Notary Public (please sign and print)

Residing in 1219/2031 County, Indiana

My Commission Expires: Johnson

This document was prepared by:  
Valerie Tachtiris, Deputy Assistant Commissioner  
Indiana Department of Environmental Management  
Office of Legal Counsel  
100 N. Senate Avenue, Room #1307  
Indianapolis, Indiana 46204

# Exhibit 1

## Project Summary

## **Exhibit 1**

**Project Summary  
Certificate of Completion for the Voluntary Remediation Program  
Indiana Department of Environmental Management  
Club Soda Parking Lot  
VRP Site #6191202**

**VRP APPLICANT:** City of Fort Wayne Department of Redevelopment

**APPLICANT ADDRESS:** 200 East Berry Street, Suite 320, Fort Wayne, IN 46802

**PROJECT NAME:** Club Soda Parking Lot

**VRP PROJECT ADDRESS:** 235 East Superior Street

**CITY, COUNTY:** Fort Wayne, Allen County

**PROJECT MANAGER:** Mark A. Nance

**DATE APPLICATION RECEIVED:** December 6, 2019

**DATE COMPLETION REPORT APPROVED:** March 15, 2024

**DID THE REMEDY ENTAIL ACTIVE / PHYSICAL REMEDIATION OF  
CONTAMINATION IN ORDER TO ACHIEVE CLOSURE?:** Yes, see below.

**REMEDICATION CLEANUP GOALS ACHIEVED:** 2022 Risk-based Closure Guide  
(R2) Non-default Published Levels

**MEDIA ADDRESSED:** Surface Soil and Subsurface Soil to 12 feet below grade

**VRP PROJECT AREA:** Entire Facility from surface to 12 feet below grade:  
See Exhibit 3.

### **ENVIRONMENTAL RESTRICTIVE COVENANT (ERC) USE RESTRICTIONS:**

a) Shall prohibit any activity at the Real Estate that interferes with any ongoing response activities, long-term groundwater monitoring, or measures necessary to assure the effectiveness and integrity of any response action or engineering control, or component thereof, implemented at the Real Estate.

b) Shall neither engage in nor allow drilling or excavation of soil in the "Excavation Worker Restricted Area" of the Real Estate depicted on Exhibit "F" [of the ERC], attached hereto, without following the IDEM-approved January 2023 Soil Management Plan (VFC [Virtual File Cabinet] Document #83412701), including all applicable requirements of IOSHA/OSHA. Soil disturbed as a result of any excavation and

construction activities in the Excavation Worker Restricted Area of the Real Estate must be restored in such a manner that any remaining contaminant concentrations do not present a threat to human health or the environment (as determined under the R2 using residential published levels). Any soil that is removed, excavated or disturbed in the Excavation Worker Restricted Area of the Real Estate must be managed and disposed of in accordance with all applicable federal and state laws and regulations.

c) Shall not use or allow the use or extraction of groundwater at the Real Estate for any purpose, including, but not limited to, human or animal consumption, gardening, industrial processes, or agriculture, without prior Department approval, except that groundwater may be extracted in conjunction with environmental investigation and/or remediation activities.

d) Shall install, operate, and maintain a ventilation system designed to mitigate potential exposure to contaminants in groundwater in any subsurface parking garage constructed on the Real Estate after the effective date of this [Environmental Restrictive] Covenant in accordance with the October 2022 Long-Term Operation, Maintenance, and Monitoring Plan (VFC Document #83385512).

The land-use restrictions above are contained in ERCs recorded on the property. The ERCs can be reviewed at the Allen County Recorder's Office (Documents #2023032288 and #2023032298), or in IDEM's Virtual File Cabinet (VFC) as documents #83512896 and #83512895 at the following internet web address: <http://vfc.idem.in.gov/>. The ERCs are hereby incorporated by reference into Exhibit 1 of this Certificate of Completion (COC).

#### **ENGINEERING CONTROL(S) TO BE MAINTAINED:**

Shall install, operate, and maintain a ventilation system designed to mitigate potential exposure to contaminants in groundwater in any subsurface parking garage constructed on the Real Estate after the effective date of this [Environmental Restrictive] Covenant in accordance with the October 2022 Long-Term Operation, Maintenance, and Monitoring Plan (VFC Document #83385512).

#### **SUMMARY OF PROJECT:**

The site is located to the north of Superior Street and one block west of the St. Mary's River in downtown Fort Wayne, Indiana. The majority of the site encompasses a former parking lot which is actively being constructed into a mixed commercial and residential development with a parking garage. An existing restaurant (Club Soda) lies in the southeast corner of the development. Site surroundings include a mixture of commercial and recreational properties. According to historical records, past occupants and operations at the site have included retail filling stations, automobile repair and trucking facilities, boiler and machine shops, foundries, and dry cleaners.

In addition to the noted historic use of the site, a manufactured gas plant (MGP) operated on the neighboring property to the east, where the Don Hall's Gas House Restaurant is currently located. The Club Soda Parking Lot site is co-located with Area of Interest (AOI)-3 of Voluntary Remediation Program (VRP) Project #6040704, which was established in 2004 to address impacts related to the former MGP. To facilitate redevelopment of the property, VRP Project #6191202 was established to address vadose zone soil impacts from surface to twelve feet (ft.) below ground surface (bgs), whereas Project #6200401 was established to address all remaining media at the Club Soda Parking Lot.

Vadose soil sampling conducted at the site in 2017 revealed that mercury was detected above the Indiana Department of Environmental Management (IDEM) Remediation Closure Guide (RCG) Commercial/Industrial Direct Contact Screening Levels (IDCSLs) and Excavation Worker Direct Contact Screening Levels (EX DCSLs) at four locations. Additionally, lead and polynuclear aromatic hydrocarbons (PAHs) were detected above IDEM RCG Residential Direct Contact Screening Levels (RDCSLs) at several locations.

Additional investigation activities were conducted at the site in April-May 2019 and January 2020. Three borings were advanced near the northern portion of the site to delineate previously observed lead impacts. A further 21 borings were advanced to confirm the depth and concentration of PAHs and metals that were previously detected in vadose soil. Finally, two soil borings were advanced in the vicinity of prior detections of total chromium for speciation purposes. Based on the recent soil sampling results, lead and mercury were present in shallow (2 to 4 ft. bgs) and intermediate soils (8 to 10 ft. bgs) above IDEM RCG Screening Levels (SLs). However, hexavalent chromium was not detected above laboratory reporting limits.

The proposed site redevelopment plan includes residential townhome structures along South Barr Street and South Clinton Street with a centrally located parking garage. Commercial development is proposed along East Superior Street. To prepare the site for redevelopment and limit direct contact to soil contaminants by future site occupants, a Remediation Work Plan (RWP) dated September 24, 2020 and RWP Addendum No. 1 dated December 7, 2020 with hexavalent chromium soil sampling results were submitted for IDEM review. IDEM provided minor comments on the RWP and Addendum No. 1, which were adequately addressed in an RWP Addendum No. 2 dated January 15, 2021. The proposed remedy of soil excavation down to approximately 12 ft. bgs and institutional controls were found to be acceptable. After a 30-day public notice period, the RWP and Addendums were Formally Approved on May 13, 2021.

Excavation activities at the site were completed in April 2022, and confirmation sampling was conducted to determine where soil contaminant concentrations above R2 Published Levels remain. The confirmation sampling data were used to develop a Soil Management Plan (SMP) and "Excavation Worker Restricted Area". The approved SMP, dated January 6, 2023, is referenced in a recorded ERC, and the SMP outlines



the necessary actions and precautions that need to be undertaken by workers during soil disturbance within certain areas of the site.

In accordance with the approved SMP, sampling of the formerly sloped sand edges of the excavation was conducted to determine potential beneficial reuse. Soil from other excavated areas, such as utility trenches and footing material, was also sampled to determine potential reuse. Soil which could not be reused was removed and properly disposed at an approved landfill in accordance with the approved SMP. Additionally, any imported material used as backfill was sampled in accordance with IDEM and Indiana Brownfields Program guidance, and groundwater/stormwater that accumulated within the excavation was tested and handled in accordance with the approved SMP.

Implementation of the SMP and site ERCs will mitigate direct contact with, and provide additional remediation of, residual soil contamination in the future. The excavation activities, confirmation sampling, and institutional controls were adequately summarized in a Remediation Completion Report dated July 14, 2022. As a result, the Indiana Department of Environmental Management issued a Certificate of Completion for Voluntary Remediation Program Project #6191202.

**This Certificate of Completion is not meant to modify the terms or conditions of the completed Remediation Work Plan and Covenant Not to Sue. In the event this Certificate of Completion should be inconsistent with the Remediation Work Plan or the Covenant Not To Sue, the Remediation Work Plan shall control.**

## Exhibit 2

# Table of Contaminants Addressed in Project

**EXHIBIT 2**  
**Club Soda Parking Lot**  
**Site Release-Related Chemicals**  
**Addressed by the Remediation Work Plan**

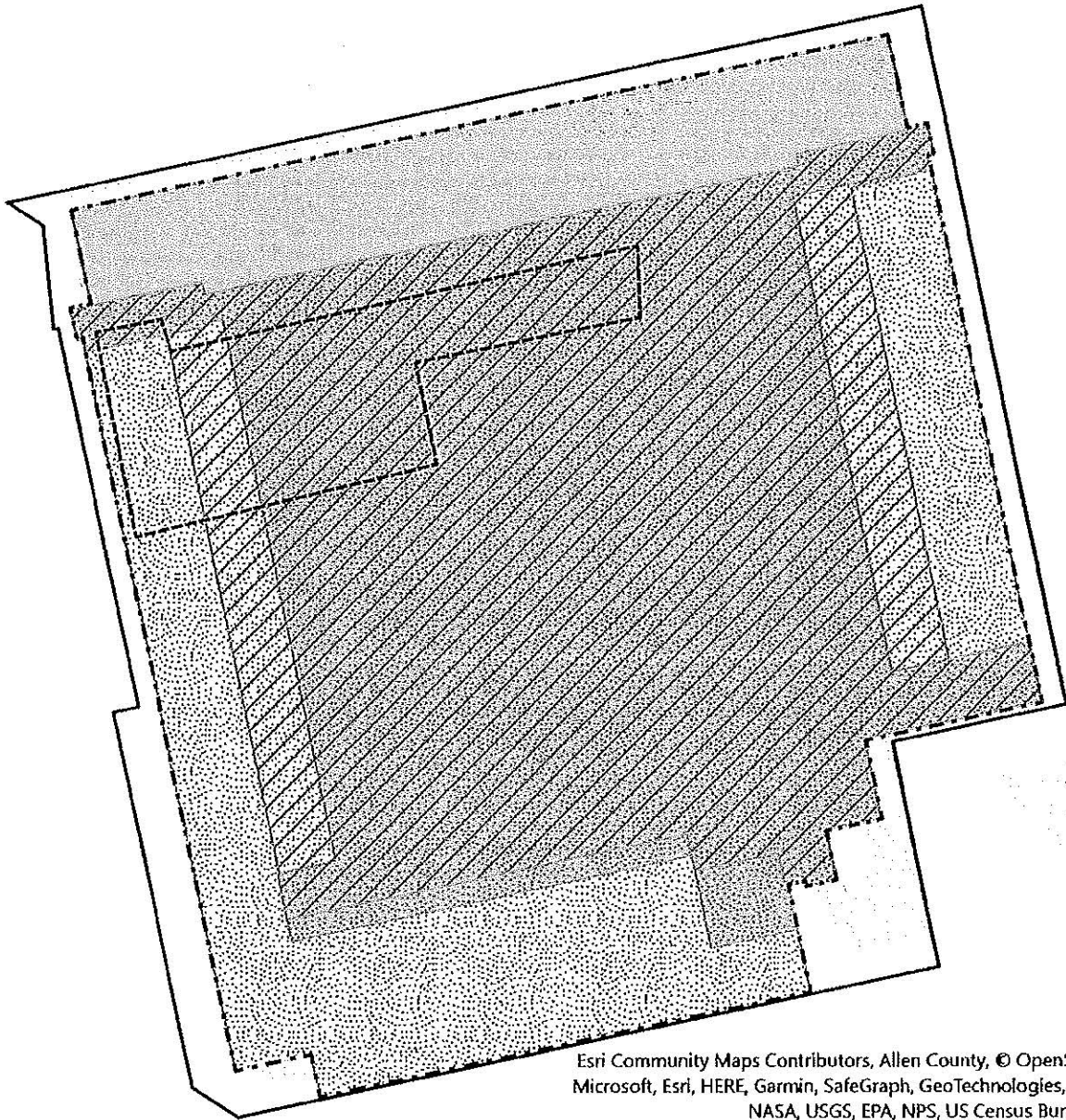
Polycyclic Aromatic Hydrocarbons (PAHs)		Metals
Acenaphthene	Dibenz[a,h]anthracene	Arsenic
Acenaphthylene	Fluoranthene	Barium
Anthracene	Fluorene	Cadmium
Benzo[a]anthracene	Indeno[1,2,3-cd]pyrene	Chromium, Total
Benzo[a]pyrene	1-Methylnaphthalene	Chromium (VI)
Benzo[b]fluoranthene	2-Methylnaphthalene	Lead
Benzo[g,h,i]perylene	Naphthalene	Mercury
Benzo[k]fluoranthene	Phenanthrene	Selenium
Chrysene	Pyrene	Silver
<p>Specific and detailed information regarding the work performed under the Remediation Work Plan, the remedial objectives achieved for this project, and contaminant concentrations at the time of closure are available online on the Indiana Department of Environmental Management's Virtual File Cabinet located at <a href="http://vfc.idem.in.gov/DocumentSearch.aspx">http://vfc.idem.in.gov/DocumentSearch.aspx</a>.</p> <p>The Remediation Work Plan for the Club Soda Parking Lot site is indexed on the Virtual File Cabinet as Documents #83049622, 83049624, 83097187, and 83080147, and the Remediation Completion Report is indexed as Document #83349863.</p>		

**Exhibit 3**

**Site Map**

# Exhibit 3 - Club Soda Parking Lot - VRP #6191202

## General Extent of VRP Project Area, ERCs, and Parcels



Esri Community Maps Contributors, Allen County, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA

**Mapped By:** Griffin Wells, IDEM, Office of Land Quality, Science Services Branch, Engineering & GIS Services, December 8, 2023

**General Extent Info:** General Extent of Project Area based on ERC boundary.

**Recorded ERC and Parcel ID Info:**

Instrument #2023032288

02-12-02-276-012.000-074

Instrument #2023032298

02-12-02-276-012.002-074 - Ground Level Garage

02-12-02-276-012.003-074 - Second Level Garage








02-12-02-276-012.004-074 - Lower Level Garage

Construction Worker Restriction Zone

**PLSS Info:** Section 2, T30N, R12E, Allen County, IN

**Property:** 201 E Superior St, Fort Wayne, Indiana

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

	General Extent of VRP Project Area and ERC 2023032288		02-12-02-276-012.003-074 Second Level Garage
	Construction Worker Restriction Zone		02-12-02-276-012.004-074 Lower Level Garage
	ERC 2023032298		02-12-02-276-012.002-074 Ground Level Garage
			02-12-02-276-012.000-074

