

Tulsa County Clerk - EARLENE WILSON

Doc# 02108739 Pgs 4 B/P 6813/0925-0928

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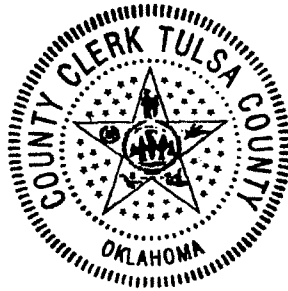
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6813 0925

*Tulsa Industrial Authority
15 W. 6th St
Tulsa, OK 74119 ✓ R+*



6813 0926

CERTIFICATE OF NO ACTION NECESSARY
ISSUED TO THE TULSA INDUSTRIAL AUTHORITY
FOR THE PROPERTY LOCATED AT 1200 N. PEORIA, TULSA, OKLAHOMA

WHEREAS, the DEQ has made a no action necessary determination because the application as required by the Oklahoma Brownfields Voluntary Redevelopment Act indicates the existence of contamination caused by regulated substances which, given the proposed use of the property, does not pose an unreasonable risk to human health and safety or to the environment as determined by the Department; and

WHEREAS, the no action determination applies only to conditions caused by contamination on the property, to applicable state or federal laws and to applicable rules and standards promulgated by the Board of Environmental Quality that existed at the time of submission of the application; and

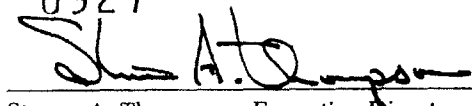
WHEREAS, the DEQ has determined that no remediation action is deemed necessary for the site,

NOW THEREFORE, in accordance with the Oklahoma Brownfields Voluntary Redevelopment Act, 27A O.S. 2001, Section 2-15-101 *et seq.*, the DEQ issues this Certificate of No Action Necessary to the Tulsa Industrial Authority for the property located at 1200 N. Peoria, Tulsa, Oklahoma, more particularly described in the legal description attached hereto as Appendix A.

The land use specified is COMMERCIAL, INDUSTRIAL. The DEQ shall not pursue any administrative penalties or civil actions against the applicant, lenders, lessees, and successors and assigns associated with the determination that no action is necessary to remediate the contamination caused by regulated substances which is the subject of the certificate. The applicant and all lenders, lessees, and successors and assigns shall not be subject to civil liability with regard to the determination that no action is necessary to remediate the site. No person responsible for contamination caused by regulated substances who has not participated in the application process for a no action necessary determination shall be released from any liability. The Certificate of No Action Necessary shall remain effective as long as the site is in substantial compliance with the certificate as determined by the DEQ. The issuance of the Certificate of No Action Necessary shall not be construed or relied upon in any manner as a determination by the DEQ that the brownfield has not been or is not environmentally contaminated by regulated substances. The DEQ shall not assess against an applicant administrative penalties or pursue civil action associated with the contamination which is the subject of the no action necessary determination if the applicant is in compliance with the Certificate of No Action Necessary and the applicant is in compliance with any post- certification conditions. After issuance of the Certificate of No Action Necessary, the DEQ shall not assess administrative penalties or pursue civil actions associated with the contamination which is the subject of the no action necessary determination against any lender, lessee, or successor or assign if the lender, lessee, or successor or assign is in compliance with any post-certification conditions or requirements as specified in the Certificate of No Action Necessary. Submission of any false or materially misleading information by the applicant knowing such information to be false or misleading shall render the Certificate of No Action voidable. Except as otherwise provided in this subsection, nothing in the Oklahoma Brownfields Voluntary Redevelopment Act shall be construed to limit or negate any other rights of any person from pursuing or receiving legal or equitable relief from the applicant or any other person or legal entity causing or contributing to the environmental contamination.

The release of liability from administrative penalties and any civil actions authorized by the Oklahoma Brownfields Voluntary Redevelopment Act shall not apply to any environmental contamination and consequences thereof that the applicant causes or has caused outside the scope of the certificate issued by the DEQ, any contamination caused or resulting from any subsequent redevelopment of the property, existing contamination caused by regulated substances not addressed prior to issuance of the Certificate of No Action Necessary, or any person responsible for contamination who has not participated in the voluntary remediation.

6813 0927



Steven A. Thompson, Executive Director
Oklahoma Department of Environmental Quality

8-8-02

Date

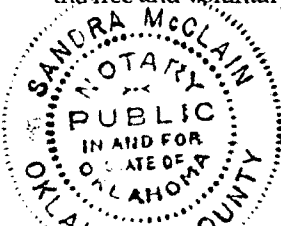
ACKNOWLEDGMENT

STATE OF OKLAHOMA)

COUNTY OF OKLAHOMA)

SS:

Before me, Sandra McClain, in and for said county and state, on this 8th day of August, 2002, personally appeared Steven A. Thompson, Executive Director, Oklahoma Department of Environmental Quality, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument and acknowledged before me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such governmental agency, for the uses and purposes therein set forth.





Sandra McClain
Notary Public

My Commission Expires: 10-28-02
my Commission Number: 98017823

LEGAL DESCRIPTION

The property appraised is legally described as follows:

WEST PROPERTY

A TRACT OF LAND IN THE EAST HALF OF THE NORTHEAST QUARTER (E/2 NE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT IN THE RANGE LINE 1600 FEET NORTH OF THE SOUTHEAST CORNER OF THE NE/4 OF SAID SECTION 36; RUNNING THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 36, A DISTANCE OF 934.73 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF THE TULSA AND S.F. R.R.; RUNNING THENCE NORTH 72° 08' WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 311.31 FEET TO A POINT OF CURVE; RUNNING THENCE WESTERLY ALONG A LINE CURVING CONCAVE TO THE LEFT, HAVING A RADIUS OF 633.8 FEET A DISTANCE OF 334 FEET TO A POINT OF TANGENT; RUNNING THENCE SOUTH 77° 39' WEST A DISTANCE OF 349.22 FEET; RUNNING THENCE SOUTH 75° 57' WEST A DISTANCE OF 68.22 FEET TO AN INTERSECTION WITH THE RIGHT-OF-WAY LINE OF THE MAIN LINE OF THE A.T. AND S.F.R.R.; RUNNING THENCE NORTH 47° 16' EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 94.2 FEET; RUNNING THENCE NORTH 17° 29' WEST ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 11.4 FEET; RUNNING THENCE IN A NORTHEASTERLY DIRECTION ALONG THE RIGHT-OF-WAY LINE OF A.T. AND S.F.R.R. MAIN LINE, A DISTANCE OF 1266.5 FEET TO THE PLACE OF BEGINNING.

EAST PROPERTY

A PART OF LOT TWO (2) IN SECTION THIRTY-ONE (31), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

ALL THAT PART OF THE SOUTH 37.35 FEET OF THE N/2 OF LOT 2, AND THAT PART OF THE S/2 OF LOT 2 OF SAID SECTION 31, LYING NORTH OF THE A.T. & S.F. SPUR RIGHT-OF-WAY AND WEST OF THE A.T. & S.F. WYE RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT A POINT 37.35 FEET NORTH OF THE SOUTHWEST CORNER OF THE N/2 OF LOT 2 OF SAID SECTION; THENCE DIRECTLY EAST A DISTANCE OF 665 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE A.T. & S.F. WYE RIGHT-OF-WAY; THENCE SOUTHEASTERLY ALONG THE WEST LINE OF SAID WYE RIGHT-OF-WAY 345 FEET TO THE POINT OF INTERSECTION OF SAID LINE WITH THE NORTH RIGHT-OF-WAY LINE OF THE A.T. & S.F. SPUR; THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID SPUR RIGHT-OF-WAY A DISTANCE OF 868 FEET TO WHERE SAID LINE INTERSECTS THE WEST LINE OF SAID SECTION 31; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 31 A DISTANCE OF 37.35 FEET TO THE POINT OF BEGINNING.

BRIEF PROPERTY HISTORY

According to the Tulsa County Clerk's Office, title to the subject properties is presently held by the Tulsa Industrial Authority. American Foundry Group transferred title to the Tulsa Industrial Authority on December 1, 1999. This transfer appeared to have done for legal purposes and does not represent an arms-length exchange. A special warranty deed documenting the transfer can be found in Book: 6306, Page: 0096 at the Tulsa County Clerk's Office. There has been no other recorded transfer of title within the past three years.



P.O. Box 470010
Tulsa, OK 74147

Special Warranty Deed

68053102(11)

THIS INDENTURE, Made this 15th day of April, 2002, between **Tulsa Industrial Authority, an Oklahoma Public Trust** ("Grantor") and **Brainerd Chemical Company, Inc.** ("Grantee").

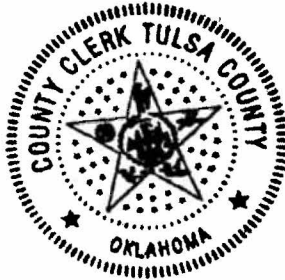
WITNESSETH: That in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, receipt whereof is hereby acknowledged, Grantor does, by these presents grant, bargain, sell and convey unto Grantee, Grantee's successors and assigns, all of the following described real estate, situated in the County of Tulsa, State of Oklahoma, to-wit:

AS PER LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND
MADE A PART HEREOF.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining forever.

And Grantor, Grantor's successors and assigns does hereby covenant, promise and agree to and with Grantee, at the delivery of these presents that Grantor is lawfully seized in Grantor's own right of an absolute and infeasible estate of inheritance in fee simple, of an in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, and discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of whatsoever nature and kind, EXCEPT: Easements and building restrictions of record and special assessments not yet due; and that Grantor will WARRANT AND FOREVER DEFEND the same unto Grantee, Grantee's successors and assigns, against Grantor, Grantor's successors and assigns and all and every person or persons whomsoever lawfully claiming or to claim the same by, through or under Grantor only and not otherwise.

IN WITNESS WHEREOF, the Grantor has hereunto set Grantor's hand as of the day and year above written.



Tulsa Industrial Authority, an Oklahoma Public Trust

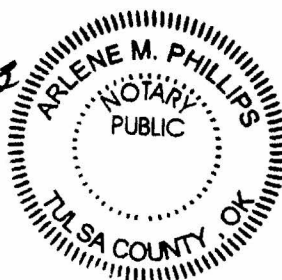
By: Steven R. Berlin
Steven R. Berlin Chairman

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss.

This instrument was acknowledged before me this 15th day of April, 2002 by **Steven R. Berlin as Chairman of Tulsa Industrial Authority, an Oklahoma Public Trust.**

My Commission Expires:

November 18, 2003
(seal)



Arlene M. Phillips
Notary Public

Filed by GUARANTY ABSTRACT COMPANY and

returned to Arlene E-137592

② R-20734

6730 1992

Exhibit "A"

A tract of land in the East Half of the Northeast Quarter (E/2 NE/4) of Section Thirty-Six (36), Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit:

BEGINNING at a point in the range line 1600 feet North of the Southeast corner of the NE/4 of said Section 36; running thence South along the East line of said Section 36, a distance of 934.73 feet to an intersection with the North Right-of-Way of the Tulsa and San Francisco Rail Road; thence running North 72°08' West along said Right-of-Way line a distance of 311.31 feet to a point of curve; thence running Westerly along a line curving concave to the left, having a radius of 633.8 feet a distance of 334 feet to a point of tangent; thence running South 77°39' West a distance of 349.22 feet; thence running South 75°57' West a distance of 68.22 feet to an intersection with the Right-of-Way line of the main line of the Atchison Topeka and San Francisco Rail Road; thence running North 47°16' East along said Right-of-Way line a distance of 94.2 feet; thence running North 17°29' West along the said Right-of-Way line a distance of 11.4 feet; thence running in a Northeasterly direction along the Right-of-Way line of the Atchison Topeka and San Francisco Rail Road main line, a distance of 1266.5 feet to the POINT OF BEGINNING.