

# Crosstown Boulevard Agency Coordination Summary



*Prepared For:*

Oklahoma Department of Transportation

*Prepared By:*



**PARSONS  
BRINCKERHOFF**

October 2014, Updated December 2014

Agency/Organization Solicitation Letters

September 25, 2014

«Title» «First\_Name» «Last\_Name»  
«Job\_Title»  
«Agency»  
«Street»  
«City», «State» «Zip»

Dear «Title» «Last\_Name»:

RE: Solicitation for input for the Crosstown Boulevard in Oklahoma County, Oklahoma

The Oklahoma Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA) is proposing the construction of the Crosstown Boulevard between Pennsylvania Avenue and Byers Avenue in downtown Oklahoma City (see attached Location Map). The newly relocated I-40 Crosstown Expressway opened to traffic in 2012. A downtown boulevard was included in the original I-40 concept. However, because of the amount of time that had passed, recent downtown Oklahoma City development, and changing city priorities with respect to pedestrian, and cyclist options, ODOT and FHWA needed to reevaluate the original six-lane boulevard concept. After initial public involvement activities undertaken by Oklahoma City, FHWA determined that the reevaluation of the boulevard would best be accomplished by preparing a new Environmental Assessment (EA) that would address various alternatives to the approved six-lane boulevard. More information regarding the alternates for this project can be found at:

<http://www.odot.org/meetings/a2014/140507/Additional%20Information.htm>

The purpose of this solicitation is to present the proposal and receive input. To allow adequate time for evaluation of your comments, we would appreciate receiving a response by October 13, 2014. Your written comments should be directed to the Environmental Programs Division Engineer, Oklahoma Department of Transportation, 200 N. E. 21st Street, Oklahoma City, Oklahoma 73105.

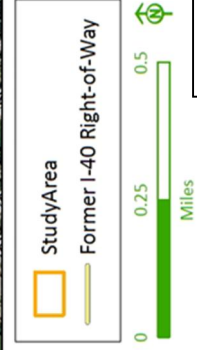
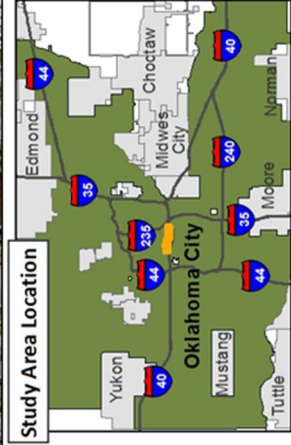
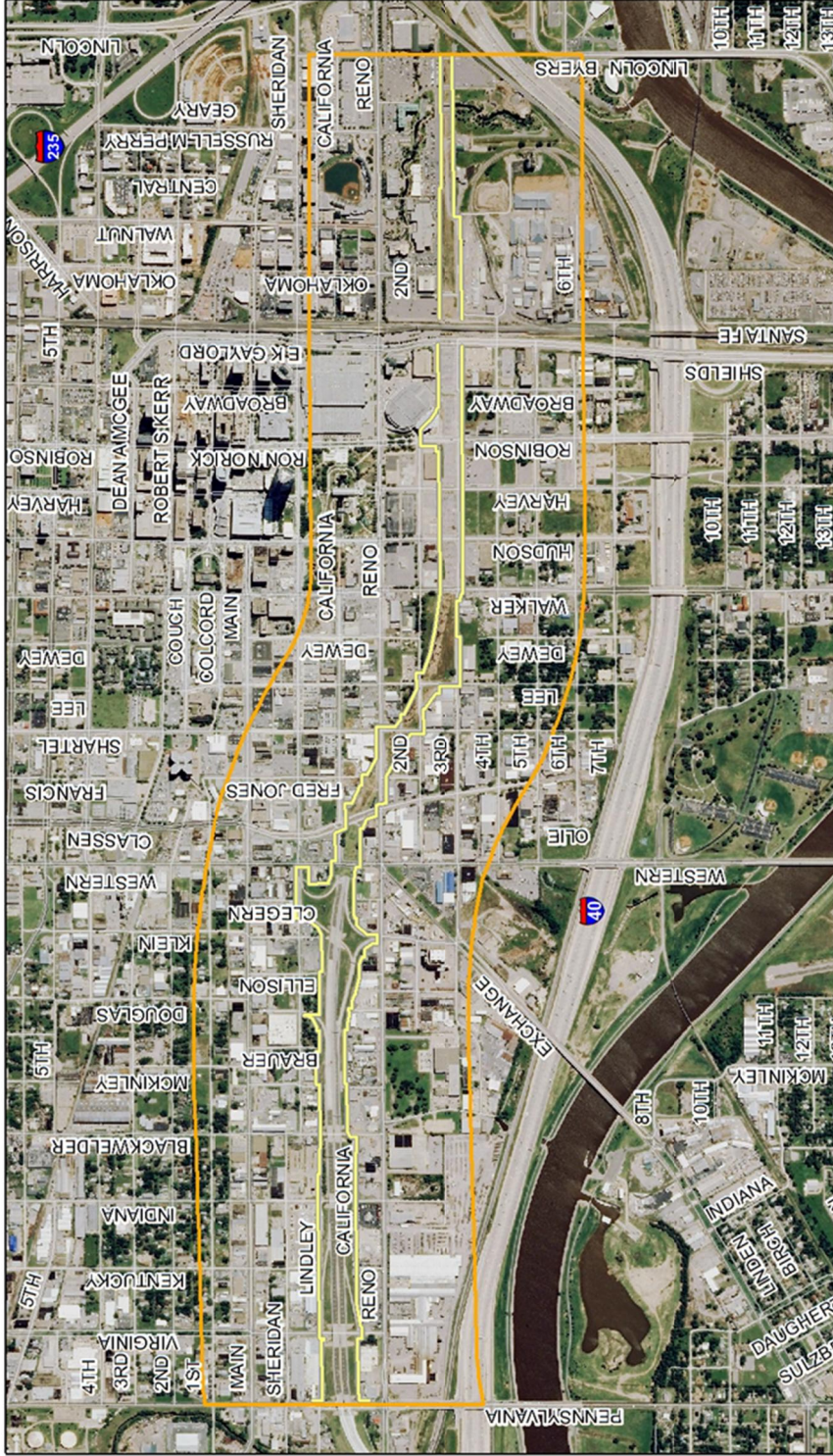
We sincerely appreciate your cooperation in this matter. For further information or if you have any questions, please contact the ODOT Environmental Programs Division at (405) 521-2927 or [dsullivan@odot.org](mailto:dsullivan@odot.org).

Sincerely,

Dawn R. Sullivan, P.E.  
Environmental Programs Division Engineer

DRS

Enclosure: Location Map



**CROSTOWN BOULEVARD**  
Location Map and Study Area

Agencies/Organizations Receiving Solicitation Letters

First Name	Last Name	Job Title	Agency	Street	City	State	Zip
James	Allard	Field Office Manager	Bureau of Reclamation	5924 NW 2nd Street, Suite 200	Oklahoma City	Oklahoma	73127
Richard	Fields	Assistant Field Office Manager - Multi Resources	Bureau of Land Management	7906 E. 33rd Street, Suite 101	Tulsa	Oklahoma	74145-1352
John	Johnson	Executive Director	Association of Central Oklahoma Governments	21 E. Main Street, Suite 100	Oklahoma City	Oklahoma	73104-2405
Manforle	McCarty	Regional Director	Health & Human Services Region 6	1301 Young Street, Ste.124	Dallas	Texas	75202
Andrew	Commer	Regulatory Branch Chief	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
Anthony	Funkhouser	District Engineer	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
Steve	Nolen	Planning & Environmental (PER) Division	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
Scott	Estep	Chief - Hydraulics & Hydrology Branch	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
Greg	Henderson	Chief - Chief Water Management	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
Michelle	Lay	Chief - Civil Design Section	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
David	Blackmore	Engineering Branch, Infrastructure Section	Tulsa District Corps of Engineers	1645 S. 101 E. Avenue	Tulsa	Oklahoma	74128-4629
Robert	Impson	Regional Director, Eastern Oklahoma Region	Bureau of Indian Affairs	P.O. Box 8002	Muskogee	Oklahoma	74402-8002
Dan	Deerwaele	Regional Director, Southern Plains Region	Bureau of Indian Affairs	WCD Office Complex, P.O. Box 368	Anadarko	Oklahoma	73005
Gary	O'Neill	State Conservatonomist	Natural Resources Conservation Service	700 USDA, Suite 206	Stillwater	Oklahoma	74074-2655
Paul	Nissenbaum	Assoc. Administrator Railroad Policy & Development	Federal Railroad Administration	1120 Vermont Avenue - Mail Stop 20	Washington	D.C.	20590
Jerry	Hayden	Field Office Director	U.S. Housing & Urban Development	301 W. 6th Street, Suite 200	Oklahoma City	Oklahoma	73102
John A.	Wessels	Regional Director - Intermountain Region Office, Planning & Environ	National Park Service	12795 W. Alameda Parkway	Denver	Colorado	80225
Steve	Spencer	Regional Environmental Officer	U.S. Department of the Interior	1001 Indian School NW, Suite 348	Albuquerque	New Mexico	87104
Glenn	Bolles	Manager-Southwest Region-Arkansas/OK Airport Development Offi	U.S. Department of Transportation - FAA	601 Meachum Blvd	Fort Worth	Texas	76137-4298
Victor N.	Bird	Director	Oklahoma Aeronautics Commission	120 N. Robinson, Suite 1244W	Oklahoma City	Oklahoma	73102
Lori	Wright	Director of Administration	Oklahoma Corporation Commission	Jim Thorpe Building, 2107 North Lincoln Blvd.	Oklahoma City	Oklahoma	73105
Larry	Parman	Environmental Review Coordinator	DEQ Customer Assistance Program	P.O. Box 1677	Oklahoma City	Oklahoma	73101-1677
Richard	Hatcher	Secretary and Executive Director of Commerce	Oklahoma Department of Commerce	900 North Stiles	Oklahoma City	Oklahoma	73104
Lisa	Knaut Owen	Director	Department of Wildlife Conservation	1801 North Lincoln Blvd., P.O. Box 53465	Oklahoma City	Oklahoma	73152-8804
Jim	Reese	Interim Executive Director	Oklahoma Conservation Commission	2800 North Lincoln Blvd., Ste. 160	Oklahoma City	Oklahoma	73105
J.D.	Strong	Secretary of Agriculture	Department of Agriculture	2800 N. Lincoln Blvd., P.O. Box 54298	Oklahoma City	Oklahoma	73105-4298
G. Randy	Keller	Director	Oklahoma Water Resources Board	3800 North Classen	Oklahoma City	Oklahoma	73118
Janeet	Barresi	State Superintendent	Oklahoma Geological Survey	100 East Boyd, Room N-131	Norman	Oklahoma	73019-0628
Alice	Patillo	President	Oklahoma Bicycle Society	2500 North Lincoln Blvd., Rm. 121	Oklahoma City	Oklahoma	73105-4589
Kristina S.	Marek	Director, State Parks	Oklahoma Tourism & Recreation Department	1805 Greenway Ct	Yukon	Oklahoma	73099
John	Johnson	Executive Director	Association of Central Oklahoma Governments	First National Center, 120 North Robinson Avenue, Ste. 600	Oklahoma City	Oklahoma	73102
Edwina	Butler-Wolfe		ABSENTEE SHAWNEE TRIBE	21 E. Main Street, Suite 100	Oklahoma City	Oklahoma	73104-2405
Clifford	Peacock		CADDONATION	P.O. Box 487	Binger	Oklahoma	73009
Eddie	Hamilton		DELAWARE NATION	P.O. Box 825	Anadarko	Oklahoma	73005
Bill	Arnotubby		CHEYENNE-ARAPAHO TRIBES	P.O. Box 38	Concho	Oklahoma	73022
John A.	Barrett		CITIZEN POTTAWATOMI NATION	P.O. Box 1548	Ada	Oklahoma	74821
Gary	Prait		IOWA TRIBE OF OKLAHOMA	1601 S. Gordon Cooper Drive	Shawnee	Oklahoma	74801
Gilbert	Salazar		KICKAPOO TRIBE OF OKLAHOMA	Rte 1, Box 721	Perkins	Oklahoma	74059
Amber	Thurman		KIOWA TRIBE	P.O. Box 70	McLoud	Oklahoma	74851
George	Thurman		SAG AND FOX NATION	P.O. Box 369	Carregie	Oklahoma	73015
Terri	Parlon		WICHITA AND AFFILIATED TRIBES	920863 S. Highway 99 Building A	Stroud	Oklahoma	74079
Rob	Neu	Superintendent	OKC PUBLIC SCHOOLS	P.O. Box 729	Anadarko	Oklahoma	73005
				OKGPS Administration Building, 9001 N. Klein	Oklahoma City	Oklahoma	73106

Agencies/Organizations Letters

City of Oklahoma City Support Letter (July 21, 2014)

SHPO Coordination (See Appendix F)

Oklahoma Department of Environmental Quality (October 2, 2014 and November 10, 2014)

Oklahoma Conservation Commission (October 6, 2014)

Oklahoma Tourism and Recreation Department (October 13, 2014)

National Park Service (October 20, 2014)

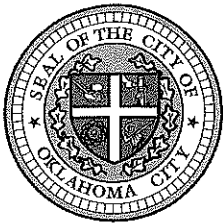
Oklahoma Water Resources Board (October 23, 2014)

US Army Corps of Engineers (November 25, 2014)

US Department of the Interior Bureau of Indian Affairs (November 19, 2014)

City of Oklahoma City Support Letter (July 21, 2014)





The City of  
**OKLAHOMA CITY**

James D. Couch, City Manager

July 21, 2014

Mike Patterson, Director  
Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

RE: Oklahoma City Boulevard – Alternative “C” Recommendation

Dear Mr. Patterson:

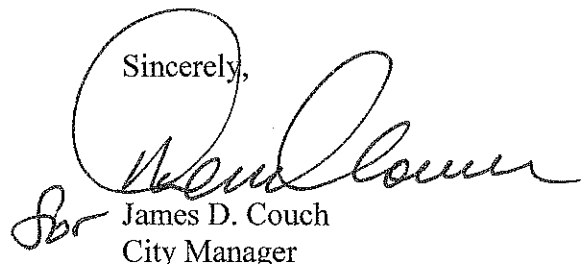
The City of Oklahoma City appreciates the continued partnership and opportunity for input on the new Oklahoma City Boulevard project. As the different design alternatives are considered, the City of Oklahoma City maintains its previous recommendation following the traffic and planning study completed by Stantec, Inc. in late 2012, and the City Council Resolution adopted in January 2013. This recommendation selected Alternative “A”, which promoted a four-lane boulevard with a shortened bridge over Western Avenue, opportunities for future development and pedestrian access and additional street and traffic enhancement amenities. The design alternatives have since been re-designated; however, the selected alternative is very similar to new Alternative “C” which is recommended by the City.

Following the most recent public meeting held in May 2014, a number of public comments were received including enhancing the intersections at both Lee and Shartel. The enhancements would include completing the north south connectivity at streets, creating traditional intersections, and providing for future signalization. Although not specifically a part of the recommendation made by the City Council, the City requests that ODOT consider these additional intersections as part of the final design in response to the public comments.

Again, we appreciate the invitations to the project coordination meetings, and staff will continue to work towards developing additional design recommendations once ODOT is prepared to proceed with specific design discussions.

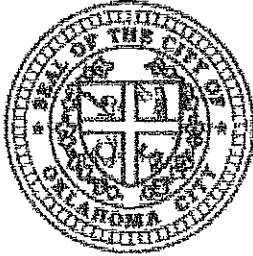
Thank you for your continued partnership with the City of Oklahoma City and your consideration of our request.

Sincerely,

  
James D. Couch  
City Manager

Attachments

200 North Walker • Oklahoma City, OK 73102 • 405/297-2345 • FAX 405/297-3069



# MEMORANDUM

Council Agenda  
Item No. VIII.B.  
1/8/2013

## The City of OKLAHOMA CITY

**TO:** Mayor and City Council

**FROM:** James D. Couch, City Manager

Oklahoma City Boulevard Design Alternatives Study, and resolution supporting Alternate A, Project TC-0428, Oklahoma City Boulevard, north of the I-40 realignment between Klein Avenue and Walker Avenue. Wards 6 and 7.

**Location** Oklahoma City Boulevard, north of the I-40 realignment between Klein Avenue and Walker Avenue

**Background** This project provided for the Engineer's analysis of alternatives for street and traffic design and other engineering services related to the new Oklahoma City Boulevard. The Engineer reviewed the Oklahoma City Boulevard initial design work, and prepared for design of the boulevard, including considerations for maximizing traffic flow, pedestrian use/access and future development of the Western/Classen/Reno corridor.

On August 21, 2012, the Oklahoma Department of Transportation (ODOT) held a Public Meeting and concerns were raised including the elevated portion of the Boulevard between Walker Avenue and Klein Avenue. Council directed staff to select and negotiate a contract with an engineer to provide an unbiased recommendation of possible alternatives to the bridges included in the original ODOT plans.

On September 11, 2012, a contract was approved with Stantec, Inc. by City Council to provide alternatives and make recommendations for alternative designs between Walker Avenue and Klein Avenue. The City's goals for the Boulevard would allow traffic integration into the surrounding transportation network. The goals include correcting deficiencies in the adjacent street systems identified during preparation of Alternatives, improving the image and character of the corridor by providing an enhanced arrival experience into the downtown from the west, and the alternatives selected will support the existing corridor businesses while leveraging surplus right-of-way for possible long term redevelopment opportunities.

The City's criteria to accomplish the above goals included Reno Avenue and the Boulevard as continuous roads, improve the functionality of the system; limit the amount of elevated roadway, enhance the bike and pedestrian corridors, and improve dispersing of major event traffic.

A public meeting was held on December 3, 2012 wherein the City provided four design alternatives. The City encouraged and accepted public input in determining the best alternative. Stantec, Inc. recommends Alternate A allows the City to meet the City's goals and criteria.

<b>Previous Action</b>	Contract for Engineering Services approved by Council, September 11, 2012 (Item No. VI.T.)
<b>Consultant</b>	Stantec Consulting Services, Inc.
<b>Source of Funds</b>	General Fund -- General Operations-UASN -- TC-0428 -- Project Management-- Boulevard Alternatives Analysis from Klein to Walker - Non-Capital A&E (001-0001-3300801-B0701030055-52044002)
<b>Review</b>	Public Works Department
<b><u>Recommendation:</u></b>	Study be approved and resolution be adopted.
<b>Attachment</b>	

## **RESOLUTION**

### **RESOLUTION TO SUPPORT ALTERNATE "A", CONSTRUCTION OF A BRIDGE OVER WESTERN AVENUE ALONG THE OKLAHOMA CITY BOULEVARD IN THE AREA BETWEEN WALKER AVENUE AND KLEIN AVENUE**

**WHEREAS**, on August 21, 2012, the Oklahoma Department Of Transportation (ODOT) held a Public Meeting for the Oklahoma City Boulevard at the Coca-Cola Bricktown Events Center; and

**WHEREAS**, the Public Meeting raised a concern about the elevated portion of the Oklahoma City Boulevard between Walker Avenue & Klein Avenue; and

**WHEREAS**, City Council directed staff to select and negotiate a contract with a traffic engineering and planning consultant to study and provide a recommendation of possible alternatives to the proposed elevated portion of the Oklahoma City Boulevard; and

**WHEREAS**, on September 11, 2012, a contract was approved with Stantec, Inc. to provide alternatives and make recommendations for the Oklahoma City Boulevard in the Western Avenue, Classen Boulevard and Reno Avenue area; and

**WHEREAS**, the goals of the study were to maintain traffic flow while also promoting future development and pedestrian access in the area; and

**WHEREAS**, Stantec, Inc. identified numerous alternatives for future consideration; and

**WHEREAS**, Stantec, Inc. developed a recommendation to achieve the goals of the study and also provides other recommended traffic and street enhancements in the area identified as Alternative "A"; and

**WHEREAS**, an additional public meeting was held on December 3, 2012 to receive public comments on the study and recommendation; and

**WHEREAS**, the City encouraged and accepted public input in determining the best alternative.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Council of the City of Oklahoma City to support Alternate "A", Construction of a Bridge over Western Avenue along the Oklahoma City Boulevard in the area of Western Avenue and Klein Avenue and pursue the additional traffic enhancements as identified in the study.

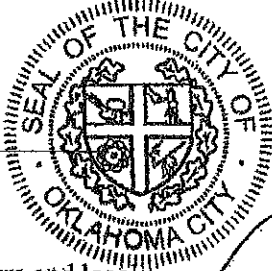
ADOPTED by the City Council of The City of Oklahoma City and SIGNED by the Mayor  
this 8th day of January, 2013.

*Phil Curtis*

MAYOR

ATTEST:

*Frances Kelley*  
CITY CLERK



REVIEWED for form and legality.

*Paul Bennett*  
Assistant Municipal Counselor

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Oklahoma Department of Environmental Quality (October 2, 2014)



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN  
Governor

October 2, 2014

Ms. Dawn R. Sullivan, P.E.  
Oklahoma Department of Transportation  
200 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

RECEIVED  
OCT 09 2014  
ENVIRONMENTAL  
PROGRAMS DIV.

Re: ENVIRONMENTAL REVIEW  
Proposed construction of the Crosstown Boulevard between Pennsylvania Avenue and Byers Avenue in downtown Oklahoma City  
Oklahoma County, Oklahoma

Dear Ms. Sullivan,

In response to your request, we have completed a general environmental review of the above-referenced project. Attached is a list of environmental recommendations that you should consider as you complete your project.

Additionally, you will find enclosed four (4) deed notices and a map of known areas of interest to DEQ (soil and/or groundwater contamination). The map also indicates facilities subject to the TIER II chemical inventory reporting requirements of DEQ's SARA Title III Reporting Program, as well as areas that are included in OWRB's Appendix H rules. DEQ also highly recommends that ODOT refer to the old Sanborn maps of this area, because of historical industrial operations.

If you have any questions or need clarification, please contact Amy Brittain with DEQ's Land Protection Division at (405) 702-5157.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Martha Penisten', is written over a large, light blue circular stamp or watermark.

Martha Penisten, General Counsel  
Office of the Executive Director

Enclosures



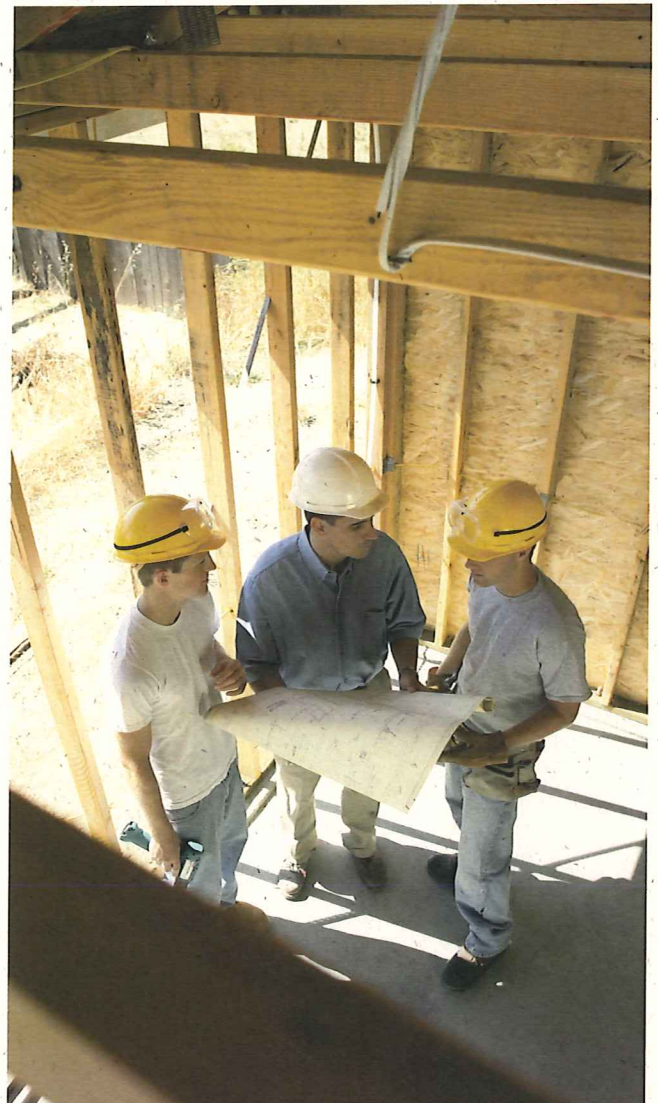


# AIR, LAND & WATER

## Recommendations for General Construction/Improvement Projects

During the environmental review process for general construction/improvement projects, the following recommendations are offered to assist in ensuring environmental compliance throughout the project.

- Any project which includes the removal or installation of water and/or sewer lines shall conform to all relevant local and/or state plumbing codes.
- Any project which includes the removal of paint shall conform to all relevant lead-based paint regulations.
- Any project which includes the handling and/or removal of asbestos shall conform to all relevant asbestos regulations.
- During any construction, demolition, and/or rehabilitation reasonable precautions should be taken to protect air quality by minimizing fugitive dust emissions.
- If construction, demolition, and/or rehabilitation will disturb more than one acre of land, a determination should be made as to whether an Oklahoma Pollutant Discharge Elimination System (OPDES) permit for storm water is required during the construction phase.
- Any solid or hazardous waste from the site shall be recycled and/or disposed of in accordance with all relevant solid waste and/or RCRA regulations.



Doc # 2003172919  
Bk 9048  
Ps 939-960  
DATE 09/23/03 16:32:57  
Filing Fee \$55.00  
Documentary Tax \$0.00  
State of Oklahoma  
County of Oklahoma  
Oklahoma County Clerk  
Carolynn Caudill

RECORDING REQUESTED BY AND  
WHEN RECORD RETURN TO:

THE CITY OF OKLAHOMA CITY  
OFFICE OF CITY CLERK  
200 MUNICIPAL BUILDING  
OKLAHOMA CITY, OKLAHOMA 73102

Betty J. Cummins  
First American Title & Trust  
P.O. Box 1234  
Oklahoma City, OK 73102  
# 205223

(SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY)

## CERTIFICATION AND AGREEMENT FOR INSTITUTIONAL CONTROL

THIS CERTIFICATION AND AGREEMENT (the "Agreement") effective on or as of the 19th day of September, 2003, amends the Redevelopment Agreement dated July 21, 1998, by and between OKLAHOMA CITY URBAN RENEWAL AUTHORITY, a public body corporate and BRICKTOWN ENTERTAINMENT, L.L.C., an Oklahoma limited liability company; and, the Environmental Agreement dated September 15, 1998 by and between THE CITY OF OKLAHOMA CITY, an Oklahoma municipal corporation (hereinafter referred to as the "City"), and OKLAHOMA CITY URBAN RENEWAL AUTHORITY, a public body corporate (hereinafter referred to as the "Authority"), and BRICKTOWN ENTERTAINMENT, L.L.C., an Oklahoma limited liability company (hereinafter referred to as the "Redeveloper")

### WITNESSETH:

WHEREAS, the City Council of the City of Oklahoma City has approved the MAPS Sports-Entertainment-Parking Support Redevelopment Plan, as amended ("Redevelopment Plan"), authorizing redevelopment of a portion of the downtown area of Oklahoma City by the Oklahoma City Urban Renewal Authority; and

WHEREAS, pursuant to the Redevelopment Plan, the Authority and Redeveloper have heretofore entered into a certain redevelopment agreement for development of the Bricktown Entertainment Center (hereinafter referred to as the "Redevelopment Agreement") dated July 21, 1998, whereby the Redeveloper agreed to undertake the redevelopment of certain real property located in the redevelopment area, (hereinafter referred to as the "Property") to redevelop the Property for the Bricktown Entertainment Center in accordance with the public purposes and provisions of applicable state and local laws and requirements under which the Redevelopment Plan has been undertaken; and

WHEREAS, pursuant to the terms of the Redevelopment Agreement, the creation of the Bricktown Entertainment Center is being implemented in accordance with a development plan and development guidelines (the "Development Plan"), as the same may be submitted to and approved from time to time pursuant to the Redevelopment Agreement; and

24/5

RECEIVED  
OCT 09 2014  
ENVIRONMENTAL  
PROGRAMS DIV.

**WHEREAS**, pursuant to the terms of the Environmental Agreement made and entered into September 15, 1998, the City and the Authority assumed certain responsibilities with respect to the Environmental Laws relating to the Property before the Redeveloper takes possession and the Redeveloper assumes certain responsibilities after taking possession of the Property; and

**WHEREAS**, the Redeveloper, the City, and the Authority deem it appropriate and desirable to enter into this Certification and Agreement for Institutional Control in order to effectuate the purposes of the Environmental Agreement; and

**WHEREAS**, this Certification and Agreement for Institutional Control may also serve as a necessary condition to issuance of a Certificate of Completion for all or a portion of the Property pursuant to the Oklahoma Brownfields Voluntary Redevelopment Act, 25 O.S. §§ 2-15-101 et seq. (the "Brownfields Act").

**NOW, THEREFORE**, in consideration of the conditions contained in the Agreement the City, the Authority and the Redeveloper mutually covenant and agree as follows:

1. The Property herein referred to by this Agreement is described by a document titled Reciprocal Easement Agreement for the Bricktown Entertainment Center, which was entered into by the City, the Authority and the Redeveloper on September 25, 2002 and recorded in the Office of the Oklahoma County Clerk, Book 8580, Pages 1143-1175, October 4, 2002.
2. The approved Development Plan for the Property acknowledges the potential for the development of residential lofts, and by appropriate supplement to the Development Plan such residential development may be permitted and approved for portions of the Property if permitted by any applicable Certificate, Consent, or Agreement under the Brownfields Act or other applicable Environmental Laws.
3. A vapor barrier or other additional environmental safeguards shall not be required upon surface development within the Property, including but not limited to open surface parking, plazas, landscaping, and pedestrian walkways. Construction involving subsurface penetration may require a vapor barrier if necessary under any applicable Certificate, Consent, or Agreement issued pursuant to the Brownfields Act, hereof or Environmental Laws applicable to subsurface construction. If required, the vapor barrier shall comply with any applicable specifications at the time of the construction involving subsurface penetration and any applicable standards or regulations of federal, state and local Environmental Laws to adequately restrict the movement of groundwater and soil contaminant vapors from the soil beneath the buildings into the buildings.
4. This Agreement amends Section 401 of the Redevelopment Agreement.

5. All grants, loans, financial incentives of any type, including environmental studies, tests or mitigating efforts performed by or through any federal, state or local government entity at the Property, shall be in satisfaction of the City's and the Authority's remediation obligations and duties as required in the Environmental Agreement, and, if applicable, as required by the Oklahoma Brownfields Redevelopment Act.
6. All covenants and restrictions as provided by this Agreement supplement the Redevelopment Agreement and Environmental Agreement and are binding on the Redeveloper and its successors, assigns, grantees, and lessees forever.

IN WITNESS WHEREOF, the parties have made and executed this Agreement of the date first written above.

**"AUTHORITY"**

OKLAHOMA CITY URBAN RENEWAL AUTHORITY,  
a public body corporate

By:   
Stanton L. Young, Chairman

**"REDEVELOPER"**

BRICKTOWN ENTERTAINMENT, L.L.C.,  
an Oklahoma limited liability company

By: Stonegate Management Company, L.L.C., an  
Alabama limited liability company, Manager

By:   
Mark D. Elgin, Manager

By: Hogan Property Management, L.L.C., an Oklahoma  
limited liability company, Manager

By:   
Dan Randolph Hogan, Manager



ACKNOWLEDGEMENTS

STATE OF OKLAHOMA, )  
 ) ss.  
COUNTY OF OKLAHOMA. )

The foregoing instrument was acknowledged before me this 19th day of September, 2003, by Stanton L. Young, Chairman of the Oklahoma City Urban Renewal Authority, a public body corporate.



Beverly Hancock  
NOTARY PUBLIC, NO.: 02008175

My Commission Expires:

(Seal) 5/13/06

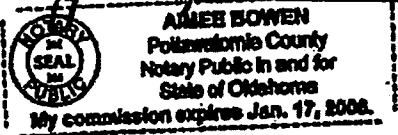
STATE OF OKLAHOMA, )  
 ) ss.  
COUNTY OF OKLAHOMA. )

The foregoing instrument was acknowledged before me this 19th day of September, 2003, by Dan Randolph Hogan, as Manager of Hogan Property Management Company, L.L.C., as Member and Manager of Bricktown Entertainment, L.L.C.

Amee Bowen  
NOTARY PUBLIC, NO.: 02001059

My Commission Expires:

(Seal) Jan 17 2006



STATE OF ALABAMA, Oklahoma )  
COUNTY OF JEFFERSON, Oklahoma ) ss.

The foregoing instrument was acknowledged before me this 19th day of September, 2003, by Mark D. Elgin, Manager of Stonegate Management Company, L.L.C., as Member and Manager of Bricktown Entertainment, L.L.C.

Amiee Bowen  
NOTARY PUBLIC, NO.: 02001059

My Commission Expires:

(Seal) Jan. 17, 2006



**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND PROTECTION DIVISION**

*WJ*

WHEN RECORDED MAIL TO

In Re: )  
 )  
Oklahoma City Urban Renewal Authority )  
OCURA Phase I )  
Bricktown Redevelopment Area )  
 )  
and, )  
 )  
The Centennial on the Canal, L.L.C., )  
 )  
Deed Notice. )

NAME Dept. of Environ. Quali  
ADDRESS 707 N. Robinson  
CITY & STATE Oklahoma City OK

DEQ Case No. 98-314 DN

Doc # 2007160217  
BK 10652  
Pg 515-523  
DATE 11/02/07 15:05:57  
Filing Fee \$29.00  
Documentary Tax \$0.00  
State of Oklahoma  
County of Oklahoma  
Oklahoma County Clerk  
Carolynn Caudill

**NOTICE OF REMEDIATION  
AND GRANT OF EASEMENT**

**LEGAL BASIS FOR NOTICE:** The Oklahoma Department of Environmental Quality ("DEQ") hereby files this Notice of Remediation pursuant to Oklahoma Statutes, 27A § 2-7-123 (C). This Notice of Remediation does not grant any right to any person not already allowed by law. This Notice of Remediation shall not be construed to authorize or encourage any person or other legal entity to cause or increase pollution, to avoid compliance with State or Federal laws and regulations regarding pollution or to in any manner escape responsibility for maintaining environmentally sound operations.

The DEQ may take administrative or civil action to recover costs or to compel compliance with the below described "Land Use Restrictions." The Land Use Restrictions shall apply to the Affected Property and to persons who own and/or use the Affected Property until such time as the DEQ files a subsequent Notice of Remediation that changes or removes the Land Use Restrictions set forth herein below. Activities that cause or could cause damage to the Remedy described herein below, or recontamination of soil or groundwater are prohibited.

The owner of the below described Affected Property has the legal authority to create, and does hereby voluntarily create, an easement granted to the DEQ and its employees and agents, for ingress and egress through, across and onto the Affected Property to assure the ongoing protection of the Remedy described herein below. This easement touches and concerns the land; runs with the land; is legally binding on all future owners of the Affected Property and shall only be removed or modified if and when the DEQ modifies or removes the Land Use Restrictions in the manner described herein below.

**REASON FOR NOTICE:** A parcel of real estate located in "Bricktown" Oklahoma City, that was owned by the Oklahoma City Urban Renewal Authority ("OCURA") was investigated, environmental risks associated therewith were evaluated, and on December 1, 2005, the Executive Director of the DEQ issued a BROWNFIELDS CERTIFICATE OF NO ACTION

RECEIVED  
OCT 09 2014



NECESSARY ("Certificate") to OCURA. The entire site that was the subject of the Certificate has been commonly referred to as the Phase I Bricktown Redevelopment Area.

The BROWNFIELDS CERTIFICATE OF NO ACTION NECESSARY that was issued to OCURA for the OCURA Phase I Bricktown Redevelopment Area applied to real property with the legal description of:

A part of the Northwest Quarter (NW/4) of Section Three (3), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma said tract being more particularly described as follows: COMMENCING at the Northwest Corner of said Northwest Quarter (NW/4); thence North 89E31'09" East a distance of 12.49 feet; thence South 01E21'02" West a distance of 63.03 feet to the Point of Beginning; thence North 89E31'09" East parallel to the North line of said Northwest Quarter (NW/4) a distance of 1833.64 feet; thence South 00E28'51" East a distance of 548.78 feet; thence North 89E38'44" West a distance of 474.31 feet; thence South 31E33'36" West a distance of 12.87 feet; thence North 57E32'57" West a distance of 10.26 feet; thence South 33E33'13" West a distance of 18.62 feet; thence North 39E56'40" West a distance of 58.18 feet to a point on a curve to the right, said curve having a radius of 386.82 feet, a central angle of 19E40'37", chord bearing South 79E47'21" West and a chord distance of 132.19 feet; thence along the arc of said curve a distance of 132.84 feet; thence South 89E40'00" West a distance of 42.00 feet to a point on a curve to the right, said curve having a radius of 684.69 feet, a central angle of 02E55'06", a chord bearing North 88E52'28" West and a chord distance of 34.87 feet; then along the arc of said curve a distance of 34.87 feet; thence North 00E00'00" West a distance of 6.18 feet; thence South 89E27'34" West a distance of 711.39 feet; thence South 89E27'34" West a distance of 31.20 feet to a point on a curve to the left, said curve having a radius of 696.90 feet, a central angle of 04E39'05", a chord bearing of South 70E39'58" West and a chord distance of 56.56 feet; Thence along the arc of said curve a distance of 56.58 feet; thence North 01E14'18" East a distance of 72.10 feet; thence North 89E31'09" East a distance of 249.98 feet; thence North 01E14'18" East a distance of 210.01 feet; thence South 89E31'09" West a distance of 309.96 feet; thence South 01E14'18" West a distance of 261.00 feet; thence North 89E11'14" West a distance of 250.85 feet; thence North 01E21'02" East a distance of 525.34 feet to the Point of Beginning. Said tract containing 920,040 square feet or 21.121 acres, more or less. Less and except two out-parcels described as follows: Parcel 8011 – All of Lots One (1), Two (2) and Three (3), in Block One (1) in McCormack's Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof, and a 20 foot strip adjoining said lots on the West, said tract being more particularly described as follows, to-wit: Beginning at a point 33 feet south of the north line of said Quarter Section and 30 feet east of the eastern boundary line of the Station ground and right-of-way of the Atchison, Topeka and Santa Fe Railway Company; Thence south and parallel with the eastern boundary of said Railway Company's right-of-way a distance of 84 feet; thence east 140 feet; thence north and parallel with the eastern boundary line of said right-of-way a distance of 84 feet; thence west to the point or place of beginning; and all of Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block One (1), in McCormack's Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof. Parcel 8018 – Beginning at an iron pin in the South line of the MK&T Railroad Company station grounds, said iron pin being South 89E31'09" West a distance of 1087.54 feet and 332.58 feet South 00E28'51" East of the N ¼ corner of said Section 3;

thence South 89E31'09" West with the South line of said MK&T Railroad Company station grounds a distance of 254.50 feet to an iron pin; thence South 01E14'18" West a distance of 60.03 feet to an iron pin; thence South 89E31'09" West a distance of 230.48 feet to an iron pin; thence South 01E14'18" West a distance of 150.00 feet to an iron pin in the northerly line of said MK&T Railroad Company right-of-way; thence North 89E31'09" East with the northerly line of said MK&T Railroad Company right-of-way a distance of 106.67 feet to an iron pin; thence continuing with the northerly line of said MK&T Railroad Company right-of-way on a curve to the left having a central angle of 39E12'15" and a radius of 465.80 feet, and whose chord is 312.54 feet and bears North 69E55'02" East, for a distance of 318.72 feet to a point of reverse curvature of a curve to the right, whose central angle is 07E55'53", and whose radius is 1002.64 feet, and whose chord is 138.68 feet and bears North 40E05'28" East, for a distance of 138.79 feet to the point of beginning containing 64,443.475 square feet and/or 1.479 acres more or less. °

OCURA filed the Certificate in the Oklahoma County land records for the site. Several land use restrictions were associated with the Certificate, which also provided a mechanism to modify the land use restrictions.

Pursuant to the procedures to change the land use restrictions set forth in the Certificate, the DEQ received an application from The Centennial on the Canal, L.L.C. (hereinafter, "Centennial") to change the land use for a discrete parcel of the real property that was the subject of the Certificate. Centennial's application requested that the land use for that discrete parcel be changed to allow residential development. The Affected Property section herein below more fully describes the discrete parcel of real property that was the subject of Centennial's application to change the land use.

To support Centennial's application, a Work Plan was submitted to the DEQ on July 8, 2005. The DEQ requested changes to the Work Plan and on August 18, 2005, a Revised Work Plan (including revisions to the QAPP and SAP) was submitted to the DEQ. By letter dated August 24, 2005, the DEQ approved the Revised Work Plan.

After completing the tasks set forth in the Work Plan, Centennial submitted a Final Investigation Report to the DEQ dated October 11, 2005. By letter dated October 19, 2005, the DEQ requested additional information from Centennial and on November 4, 2005, Centennial submitted the additional information to complete its certification of completion of the Work Plan. The DEQ determined that completion of the tasks set forth in the Work Plan achieved levels protective of human health and the environment for the new land use being proposed and approved the final Site Investigation Report by letter dated November 22, 2005.

**AFFECTED PROPERTY:** The legal description of the real property that is the subject of this Notice of Remediation is attached hereto as Exhibit A.

**REMEDY:** The DEQ has determined that, at the time of filing this Notice of Remediation, the condition of the Affected Property does not pose an unreasonable risk to human health and safety or to the environment if the Land Use Restrictions as set forth herein below are fully maintained and complied with as set forth herein.

## **LAND USE RESTRICTIONS:**

1. No groundwater use will occur at the Centennial on the Canal site;
2. The Centennial on the Canal will be constructed with a vapor barrier in place. If future buildings are constructed at the same location, they will be constructed with a vapor barrier or appropriate engineering controls, if required by State or Federal Laws or regulations, to mitigate / prevent potential vapor intrusion based on type of contamination present,
3. At the location of the Centennial on the Canal, no contaminants have been identified in soil at hazardous levels. If during future activities hazardous soils are encountered, then all applicable state and federal laws and regulations regarding worker safety and handling, storage and/or disposal of waste will be observed when the soil at the Affected Property is disturbed, moved, used and/or affected by digging, drilling or intrusion; and
4. Changes to the Proposed Use of the Site may only be accomplished in the following manner:
  - a. A Work Plan, including a schedule for completion of tasks, may be submitted to the DEQ to conduct further site characterization, remediation, modify existing engineering controls, or install new engineering controls at the Site. The DEQ may require oversight costs and public participation as a part of the Work Plan. If the DEQ approves the Work Plan, the person requesting the change in land use must complete the tasks set forth therein. Upon completion of the tasks set forth in the Work Plan, the person requesting the change in land use must certify to the DEQ that the Work Plan has been completed. The DEQ at its discretion may determine that completion of the Work Plan will achieve levels protective of human health and the environment for the new land use being proposed. Upon making this determination, the DEQ will file a recordable notice of remediation pursuant to 27A O.S. 2-7-123 and/or other applicable law, in the land records in the office of the county clerk where the Site is located designating the new land use; or,
  - b. Information may be submitted to the DEQ that demonstrates the levels of contaminants at the site are appropriate for the proposed new land use and that further remediation is not necessary. The person requesting the change in land use must demonstrate to the DEQ's satisfaction that the contamination at the site is present at levels appropriate for the proposed new land use. The DEQ may require oversight costs and public participation as a part of its review of the new information to support the requested change in land use. The DEQ at its discretion may determine, based on the new information submitted, that contaminants are present at the Site at levels that will not pose a risk to



**GRANT OF EASEMENT**

I hereby certify that I have the legal right to, and do hereby, create an easement and encumber the real property described as the Affected Property in the foregoing Notice of Remediation. I hereby voluntarily grant an easement to the Oklahoma Department of Environmental Quality and its employees and agents, for ingress and egress through, across and onto the Affected Property to assure the ongoing placement, operation and protection of the Remedy, and Land Use Restrictions described herein above. This easement touches and concerns the land; runs with the land; is legally binding on all future owners of the Affected Property and shall only be removed or modified if and when the Oklahoma Department of Environmental Quality modifies or removes the Land Use Restrictions set forth in the in the foregoing Notice of Remediation.

I have had notice and an opportunity to meet with representatives of the Oklahoma Department of Environmental Quality to comment on the foregoing Notice of Remediation and agree herewith. I hereby agree to the filing of the foregoing Notice of Remediation and Easement.

CENTENNIAL ON THE CANAL, L.L.C.

[Handwritten Signature]

August 2, 2007  
Date

Subscribed and sworn to before me this 2<sup>nd</sup> day of August, 2007.



[Handwritten Signature]  
Notary Public

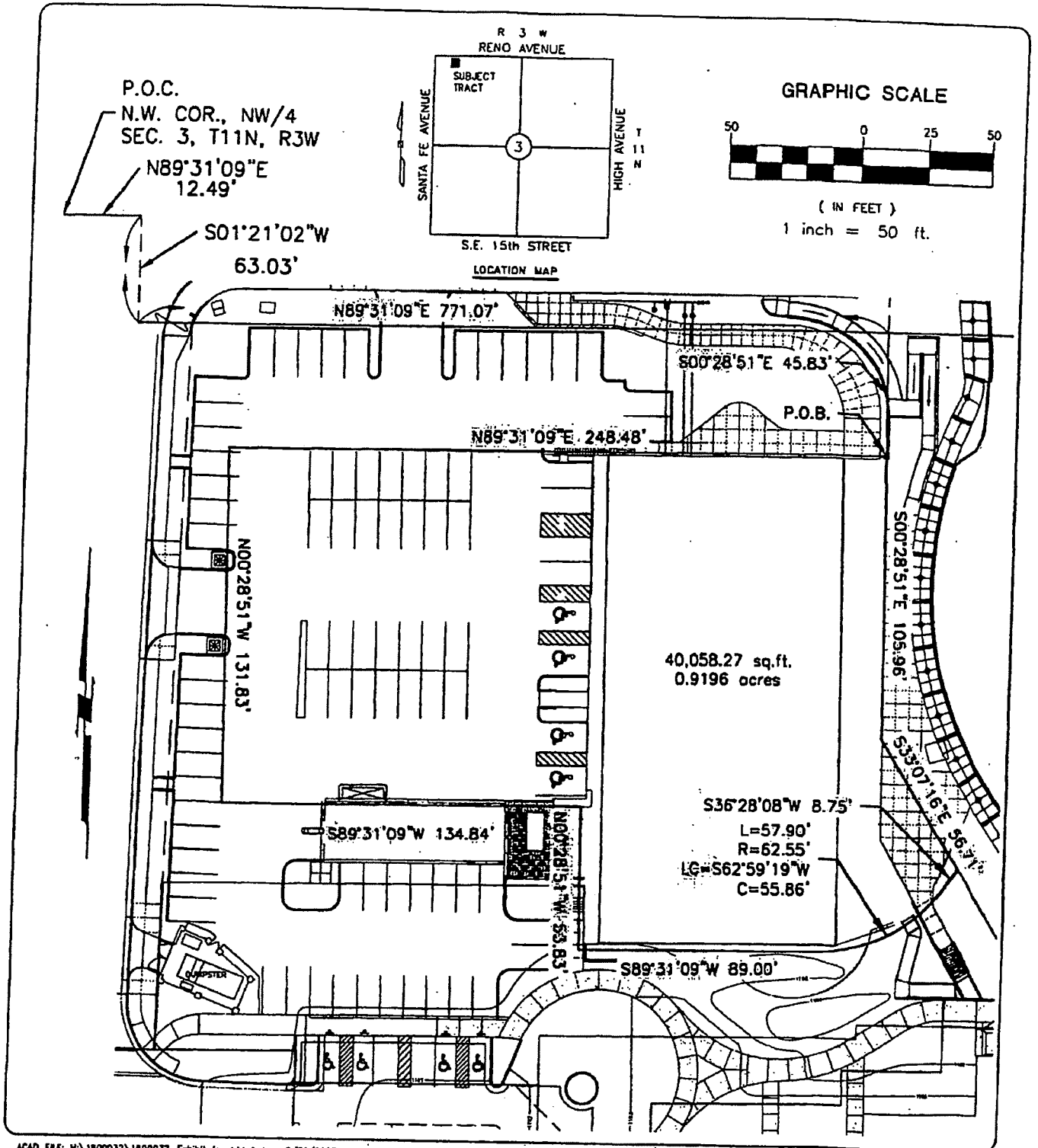
My Commission expires:

Aug 5, 2007.

**EXHIBIT A**  
**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**CASE NO. 98-314 DN**

A part of the Northwest Quarter (NW/4) of Section Three (3), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma said tract being more particularly described as follows: COMMENCING at the Northwest Corner of said Northwest Quarter (NW/4); thence North  $89^{\circ}31'09''$  East a distance of 12.49 feet; thence South  $01^{\circ}21'02''$  West a distance of 63.03 feet to the Point of Beginning; thence North  $89^{\circ}31'09''$  East parallel to the North line of said Northwest Quarter (NW/4) a distance of 1833.64 feet; thence South  $00^{\circ}28'51''$  East a distance of 548.78 feet; thence North  $89^{\circ}38'44''$  West a distance of 474.31 feet; thence South  $31^{\circ}33'36''$  West a distance of 12.87 feet; thence North  $57^{\circ}32'57''$  West a distance of 10.26 feet; thence South  $33^{\circ}33'13''$  West a distance of 18.62 feet; thence North  $39^{\circ}56'40''$  West a distance of 58.18 feet to a point on a curve to the right, said curve having a radius of 386.82 feet, a central angle of  $19^{\circ}40'37''$ , chord bearing South  $79^{\circ}47'21''$  West and a chord distance of 132.19 feet; thence along the arc of said curve a distance of 132.84 feet; thence South  $89^{\circ}40'00''$  West a distance of 42.00 feet to a point on a curve to the right, said curve having a radius of 684.69 feet, a central angle of  $02^{\circ}55'06''$ , a chord bearing North  $88^{\circ}52'28''$  West and a chord distance of 34.87 feet; then along the arc of said curve a distance of 34.87 feet; thence North  $00^{\circ}00'00''$  West a distance of 6.18 feet; thence South  $89^{\circ}27'34''$  West a distance of 711.39 feet; thence South  $89^{\circ}27'34''$  West a distance of 31.20 feet to a point on a curve to the left, said curve having a radius of 696.90 feet, a central angle of  $04^{\circ}39'05''$ , a chord bearing of South  $70^{\circ}39'58''$  West and a chord distance of 56.56 feet; Thence along the arc of said curve a distance of 56.58 feet; thence North  $01^{\circ}14'18''$  East a distance of 72.10 feet; thence North  $89^{\circ}31'09''$  East a distance of 249.98 feet; thence North  $01^{\circ}14'18''$  East a distance of 210.01 feet; thence South  $89^{\circ}31'09''$  West a distance of 309.96 feet; thence South  $01^{\circ}14'18''$  West a distance of 261.00 feet; thence North  $89^{\circ}11'14''$  West a distance of 250.85 feet; thence North  $01^{\circ}21'02''$  East a distance of 525.34 feet to the Point of Beginning. Said tract containing 920,040 square feet or 21.121 acres, more or less. Less and except two out-parcels described as follows: Parcel 8011 - All of Lots One (1), Two (2) and Three (3), in Block One (1) in McCormack's Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof, and a 20 foot strip adjoining said lots on the West, said tract being more particularly described as follows, to-wit: Beginning at a point 33 feet south of the north line of said Quarter Section and 30 feet east of the eastern boundary line of the Station ground and right-of-way of the Atchison, Topeka and Santa Fe Railway Company; Thence south and parallel with the eastern boundary of said Railway Company's right-of-way a distance of 84 feet; thence east 140 feet; thence north and parallel with the eastern boundary line of said right-of-way a distance of 84 feet; thence west to the point or place of beginning; and all of Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block One (1), in McCormack's Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof. Parcel 8018 - Beginning at an iron pin in the South line of the MK&T Railroad Company station grounds, said iron pin being South  $89^{\circ}31'09''$  West a distance of 1087.54 feet and 332.58 feet South  $00^{\circ}28'51''$  East of the N  $\frac{1}{4}$  corner of said Section 3; thence South  $89^{\circ}31'09''$  West with the South line of said MK&T Railroad Company station grounds a distance of 254.50 feet to an iron pin; thence South  $01^{\circ}14'18''$  West a distance of 60.03 feet to an iron pin; thence South  $89^{\circ}31'09''$  West a distance of 230.48 feet to an iron pin; thence South  $01^{\circ}14'18''$  West a distance of 150.00 feet to an iron pin in the northerly line of said MK&T Railroad Company right-of-way; thence North  $89^{\circ}31'09''$  East with the northerly line of said MK&T Railroad Company right-of-way a distance of 106.67 feet to an iron pin; thence continuing with the northerly line of said MK&T Railroad Company right-of-way on a curve to the left having a central angle of  $39^{\circ}12'15''$  and a radius of 465.80 feet, and whose chord is 312.54 feet and bears North  $69^{\circ}55'02''$  East, for a distance of 318.72 feet to a point of reverse curvature of a curve to the right, whose central angle is  $07^{\circ}55'53''$ , and whose radius is 1002.64 feet, and whose chord is 138.68 feet and bears North  $40^{\circ}05'28''$  East, for a distance of 138.79 feet to the point of beginning containing 64,443.475 square feet and/or 1.479 acres more or less.

EXHIBIT B



ACAD FILE: H:\1800032\1800032-Exhibit for bldg1.dwg, 2/21/2007 9:13 AM, Edda DeBae  
 XREFS LOADED:

Copyright © 2007 Johnson & Associates, Inc.

Proj. No.: 1800032  
 Date: 02-19-07  
 Scale: 1"=50'

**BRICKTOWN BUILDING #1**  
 RENO AVE. & OKLAHOMA AVE.  
 OKLAHOMA CITY, OKLAHOMA COUNTY, OKLAHOMA  
 Exhibit B

**J&A**  
 Johnson & Associates, Inc.  
 100 E. California Ave. - Third Floor  
 Oklahoma City, OK 73104  
 Phone: 405-233-0000 Fax: 405-233-0000  
 Certificate of Registration #144 Exp. Date: 10-09-2007  
 SURVEYORS • PLANNERS

EXHIBIT B PAGE 2 of 2

LEGAL DESCRIPTION

Bricktown Bldg. One  
0.9196 acres  
February 20, 2007

A tract of land being a part of the Northwest Quarter (NW/4) of Section Three (3), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma and being more particularly described as follows:

COMMENCING at the Northwest Corner of said Northwest Quarter (NW/4);  
THENCE North  $89^{\circ} 31' 09''$  East, a distance of 12.49 feet;  
THENCE South  $01^{\circ} 21' 02''$  West, a distance of 63.03 feet;  
THENCE North  $89^{\circ} 31' 09''$  East, a distance of 771.07 feet;  
THENCE South  $00^{\circ} 28' 51''$  East, a distance of 45.83 feet to the POINT OF BEGINNING;  
THENCE South  $00^{\circ} 28' 51''$  East for a distance of 105.96 feet;  
THENCE South  $33^{\circ} 07' 16''$  East, a distance of 56.71 feet;  
THENCE South  $36^{\circ} 28' 08''$  West, a distance of 8.75 feet;  
THENCE along a curve to the right, having a radius of 62.55 feet, a central angle of  $53^{\circ} 02' 23''$ , a chord bearing of South  $62^{\circ} 59' 19''$  West, a chord distance of 55.86 feet, and arc length of 57.90 feet;  
THENCE South  $89^{\circ} 31' 09''$  West, a distance of 89.00 feet;  
THENCE North  $00^{\circ} 28' 51''$  East for a distance of 53.83 feet;  
THENCE South  $89^{\circ} 31' 09''$  West for a distance of 134.84 feet;  
THENCE North  $00^{\circ} 28' 51''$  West for a distance of 131.83 feet;  
THENCE North  $89^{\circ} 31' 09''$  East for a distance of 248.48 feet to the POINT OF BEGINNING;  
Said tract of land containing 40,058.27 square feet or 0.9196 acres, more or less.



# CERTIFICATE OF NO ACTION NECESSARY

## OKLAHOMA BROWNFIELDS VOLUNTARY REDEVELOPMENT ACT 27A O.S. § 2-15-101 *et seq.*

### DEPARTMENT OF ENVIRONMENTAL QUALITY LEGAL DOCKET CASE NO. 98-314 BROWNFIELDS CASE NO. 01-003

**WHEREAS**, The Oklahoma City Urban Renewal Authority ("hereinafter "Applicant" or "OCURA") submitted a Brownfields Application for a No Action Necessary Determination (hereinafter "Application") to the Oklahoma Department of Environmental Quality ("DEQ") on October 16, 2001,

**WHEREAS**, On November 20, 1998, the DEQ and OCURA entered into a Memorandum of Agreement and Consent Order for Site Characterization ("MACO") for the following property, (hereinafter "Affected Property"):

A part of the Northwest Quarter (NW/4) of Section Three (3), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma said tract being more particularly described as follows: COMMENCING at the Northwest Corner of said Northwest Quarter (NW/4); thence North 89°31'09" East a distance of 12.49 feet; thence South 01°21'02" west a distance of 63.03 feet to the Point of Beginning; thence North 89°31'09" East parallel to the North line of said Northwest Quarter (NW/4) a distance of 1833.64 feet; thence South 00°28'51" East a distance of 548.78 feet; thence North 89°38'44" West a distance of 474.31 feet; thence South 31°33'36" West a distance of 12.87 feet; thence North 57°32'57" West a distance of 10.26 feet; thence South 33°33'13" West a distance of 18.62 feet; thence North 39°56'40" West a distance of 58.18 feet to a point on a curve to the right, said curve having a radius of 386.82 feet, a central angle of 19°40'37", chord bearing South 79°47'21" West and a chord distance of 132.19 feet; thence along the arc of said curve a distance of 132.84 feet; thence South 89°40'00" West a distance of 42.00 feet to a point on a curve to the right, said curve having a radius of 684.69 feet, a central angle of 02°55'06", a chord bearing North 88°52'28" West and a chord distance of 34.87 feet; then along the arc of said curve a distance of 34.87 feet; thence North 00°00'00" West a distance of 6.18 feet; thence South 89°27'34" West a distance of 711.39 feet; thence South 89°27'34"

West a distance of 31.20 feet to a point on a curve to the left, said curve having a radius of 696.90 feet, a central angle of 04°39'05", a chord bearing of South 70°39'58" West and a chord distance of 56.56 feet; Thence along the arc of said curve a distance of 56.58 feet; thence North 01°14'18" East a distance of 72.10 feet; thence North 89°31'09" East a distance of 249.98 feet; thence North 01°14'18" East a distance of 210.01 feet; thence South 89°31'09" West a distance of 309.96 feet; thence South 01°14'18" West a distance of 261.00 feet; thence North 89°11'14" West a distance of 250.85 feet; thence North 01°21'02" East a distance of 525.34 feet to the Point of Beginning. Said tract containing 920,040 square feet or 21.121 acres, more or less. Less and except two out-parcels described as follows: Parcel 8011 - All of Lots One (1), Two (2) and Three (3), in Block One (1) in McCormack's Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof, and a 20 foot strip adjoining said lots on the West, said tract being more particularly described as follows, to-wit: Beginning at a point 33 feet south of the north line of said Quarter Section and 30 feet east of the eastern boundary line of the Station ground and right-of-way of the Atchison, Topeka and Santa Fe Railway Company; Thence south and parallel with the eastern boundary of said Railway Company; Thence south and parallel with the east 140 feet; thence north and parallel with the eastern boundary line of said right-of-way a distance of 84 feet; thence west to the point or place of beginning; and all of Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block One (1), in McCormack's Addition to Oklahoma City, Oklahoma, according to the recorded plat thereof. Parcel 8018 - Beginning at an iron pin in the South line of the MK&T Railroad Company station grounds, said iron pin being South 89°31'09" West a distance of 1087.54 feet and 332.58 feet South 00°28'51" East of the N ¼ corner of said Section 3; thence South 89°31'09" West with the South line of said MK&T Railroad Company station grounds a distance of 254.50 feet to an iron pin; thence South 01°14'18" West a distance of 60.03 feet to an iron pin; thence South 89°31'09" West a distance of 230.48 feet to an iron pin; thence South 01°14'18" West a distance of 150.00 feet to an iron pin in the northerly line of said MK&T Railroad Company right-of-way; thence North 89°31'09" East with the northerly line of said MK&T Railroad Company right-of-way a distance of 106.67 feet to an iron pin; thence continuing with the northerly line of said MK&T Railroad Company right-of-way on a curve to the left having a central angle of 39°12'15" and a radius of 465.80 feet, and whose chord is 312.54 feet and bears North 69°55'02" East, for a distance of 318.72 feet to a point of reverse curvature of a curve to the right, whose central angle is 07°55'53", and whose radius is 1002.64 feet, and whose chord is 138.68 feet and bears North 40°05'28" East, for a distance of 138.79 feet to the point of beginning containing 64,443.475 square feet and/or 1.479 acres more or less.

**WHEREAS,** The Preferred Alternative is No Action Necessary. No active remediation is recommended in this plan based on the results of site characterization activities performed for OCURA by Bentley Engineering, Cardinal Environmental, Deerinwater Environmental, Genesis Environmental Solutions, Geraghty & Miller, GMR & Associates, C.H. Guernsey Company, and Professional Engineering Services. The site characterizations and remedial selection have been conducted under DEQ oversight,

**WHEREAS,** The clean-up goals were based on DEQ published methods. Soil and groundwater analytes selected for testing were determined by reviewing historical activity and site characterization findings. The surface elevation of Phase I was raised with fill material an estimated two to eight feet for flood protection and to provide an additional barrier to subsurface pollution. The DEQ's recommendation is that no further remediation be required so long as the conditions set forth herein below in the Proposed Use of the Site section are fully met,

**WHEREAS,** On February 18, 2002, OCURA published a Public Legal Notice of Application for No Action Determination in compliance with the Brownfields Voluntary Redevelopment Act, 27A O.S. § 2-15-101 *et seq.*, and the rules of the DEQ, OAC 252:4 and 252:220. A notarized and dated Publisher's Affidavit from the Journal Record newspaper, Oklahoma City, Oklahoma, is on file as part of the Application. Public notice of the Draft Plan was given to allow the public to comment on the Draft Plan orally and/or in writing and to provide an opportunity to request a public meeting to discuss the Draft Plan,

**WHEREAS,** One comment was received, and as a result of that comment the Draft Plan was amended to provide procedures to change the proposed future land use stated in the Current and Proposed Uses of the Site section of the Draft Plan. The amendment provides procedures that must be followed to change the proposed future land use,

**WHEREAS,** The use specified in the Application for the site, as amended based on public comment and consultation with the Applicant follows:

**Proposed Use of the Site**

Completed and planned development includes restaurants, game and theatre enterprises, shopping/retail, office facilities and a lined recreational canal and potential other uses, including but not limited to residential, if changes are approved as set forth herein below. These are, or will be, offset by paved parking, concrete walkways and small landscaped park zones along the canal.

The DEQ has determined that notwithstanding the fact the Application indicates the existence of pollution,

given the conditions present at the site and the levels of pollution remaining in place, the pollution does not pose an unreasonable risk to human health and safety or to the environment if the property is used in the following manner:

1. No residential use of the property as of the date of this Certificate, residential use is defined as having any person present at the Affected Property for more than sixteen (16) hours within one twenty four (24) hour period;
2. No groundwater use except the existing deep groundwater well and only so long as that well remains uncontaminated, is not used for drinking water, and is used only for the purpose of supplying water to the canal that traverses the Affected Property. Said deep groundwater well is marked as the *OKLAHOMA CITY CANAL WATER WELL* on the map attached hereto and marked as Exhibit A. The latitude and longitude for the deep groundwater well is 35° 27' 48.77" North Latitude and 97° 30' 23.38" West Longitude.
3. A DEQ approved vapor barrier must be installed in all new buildings on the Affected Property.
4. Existing buildings that do not have a DEQ approved vapor barrier in place may be required by the DEQ at some time in the future to install some type of engineering controls. These controls may only be required if new state or federal laws or regulations require some type of controls for vapor intrusion for the type of buildings in place over the type of contamination present at the Affected Property.
5. All applicable state and federal laws and regulations regarding worker safety and handling, storage and/or disposal of waste must be observed when soil at the Affected Property is disturbed, moved, used and/or affected by digging, drilling or intrusion.
6. Eighty percent (80%) of the surface area of the Affected Property must be and remain covered with impermeable concrete, buildings, asphalt or other type of DEQ approved cover. In the event that any of said 80% is damaged, cracked or otherwise compromised, said damage must be repaired within ten (10) days of discovery or report thereof, or within a different time frame as approved by the DEQ. Said 80% must be installed and maintained in such a manner as to prevent contaminated groundwater movement off the Affected Property.
7. No migration of contaminated groundwater above maximum contaminant levels as set by the U.S. Environmental Protection Agency may extend beyond the boundaries of the Affected Property.
8. Soil at the site must be covered and/or maintained in such a manner that erosion of said soil is prevented. No more than two (2) feet of the current elevation at the site may be eroded without replacement.
9. Changes to the Proposed Use of the Site may be accomplished in the following manner:
  - a. A Work Plan, including a schedule for completion of tasks, may be submitted to the DEQ to conduct

further site characterization, remediation, modify existing engineering controls, or install new engineering controls at the Site. The DEQ may require oversight costs and public participation as a part of the Work Plan. If the DEQ approves the Work Plan, the person requesting the change in land use must complete the tasks set forth therein. Upon completion of the tasks set forth in the Work Plan, the person requesting the change in land use must certify to the DEQ that the Work Plan has been completed. The DEQ at its discretion may determine that completion of the Work Plan will achieve levels protective of human health and the environment for the new land use being proposed. Upon making this determination, the DEQ will file a recordable notice of remediation pursuant to 27A O.S. §2-7-123 and/or other applicable law, in the land records in the office of the county clerk where the Site is located designating the new land use; or,

b. Information may be submitted to the DEQ that demonstrates the levels of contaminants at the site are appropriate for the proposed new land use and that further remediation is not necessary. The person requesting the change in land use must demonstrate to the DEQ's satisfaction that the contamination at the site is present at levels appropriate for the proposed new land use. The DEQ may require oversight costs and public participation as a part of its review of the new information to support the requested change in land use. The DEQ at its discretion may determine, based on the new information submitted, that contaminants are present at the Site at levels that will not pose a risk to human health or the environment if the new land use being proposed is allowed. Upon making this determination, the DEQ will file a recordable notice of remediation pursuant to 27A O.S. 2-7-§123 and/or other applicable law, in the land records in the office of the county clerk where the site is located designating the new land use.

The land use may not be changed until after the DEQ has filed a recordable notice of remediation pursuant to 27A O.S. §2-7-123 and/or other applicable law, in the land records in the office of the county clerk where the Site is located designating the new land use.

**WHEREAS,** No remediation action is necessary to remediate the pollution caused by the regulated substances listed in Exhibit B attached hereto, which constitutes a complete list of the pollutants that are the subject of this Certificate,

**WHEREAS,** The Application indicates the existence of pollution caused by the regulated substances listed in Exhibit B attached hereto, 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 DEQ,

**WHEREAS,** The Final Plan for a Certificate of No Action Necessary describes the preferred alternative proposed by the

Applicant for the management of ten PHASE I Bricktown Redevelopment Area Project parcels 8010, 8012, 8016, 8017, 8019, 8020, 8021, 8027, 8029 and 8032, Oklahoma City, Oklahoma. Two additional parcels, 8011 and 8018, were originally included in the Application; however, these parcels are undergoing remediation (8018) or were undergoing extended groundwater monitoring (8011) and were removed from the Application by a written request from OCURA dated November 27, 2002,

**NOW THEREFORE**, in accordance with the Oklahoma Brownfields Voluntary Redevelopment Act, 27A O.S. §2-15-101 *et seq.*,

1. Failure of the Applicant and any lenders, lessees, or successors or assigns to materially comply with the consent order entered into pursuant to the Oklahoma Brownfields Voluntary Redevelopment Act shall render the consent order or the Certificate of No Action Necessary voidable.
2. Submission of any false or materially misleading information by the applicant knowing such information to be false or misleading shall render this Certificate of No Action Necessary voidable.
3. This Certificate of No Action Necessary shall remain effective as long as the Affected Property is in substantial compliance with this Certificate as determined by the DEQ.
4. So long as:
  - a. The Applicant is in compliance with this Certificate; and,
  - b. The Applicant is in compliance with all post-certification conditions or requirements specified in this Certificate,
    - i. The Applicant shall not be subject to civil liability regarding the pollution that was the subject of this Certificate;
    - ii. The DEQ shall not assess against the Applicant administrative penalties or pursue civil actions against the Applicant, associated with the pollution, which is the subject of this Certificate;
    - iii. The DEQ shall not pursue any administrative penalties or civil actions against the Applicant associated with the determination that no action is necessary to remediate the pollution that is the subject of this Certificate; and,

iv. The Applicant shall not be subject to civil liability with regard to the determination that no action is necessary to remediate the Affected Property.

5. So long as:

a. The Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property is in compliance with this Certificate; and,

b. The Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property is in compliance with all post-certification conditions or requirements specified in this Certificate,

i. The Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property shall not be subject to civil liability regarding the pollution that was the subject of this Certificate;

ii. The DEQ shall not assess against the Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property, administrative penalties or pursue civil actions against the Applicant, associated with the pollution, which is the subject of this Certificate;

iii. The DEQ shall not pursue any administrative penalties or civil actions against the Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property associated with the determination that no action is necessary to remediate the pollution which is the subject of this Certificate, a complete list of which is attached hereto as Exhibit B; and

iv. The Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property shall not be subject to civil liability with regard to the determination that no action is necessary to remediate the site.

6. No person responsible for pollution who has not participated in the application process for a no action necessary determination shall be released from any liability.
7. The issuance of this Certificate of No Action Necessary shall not be construed or relied upon in any manner as a determination by the DEQ that the Affected Property has not been or is not environmentally contaminated by pollution.
8. This Certificate applies only to conditions caused by pollution on the Affected Property, to applicable state and 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.
9. Except as otherwise provided in 27A O.S. § 2-15-108(C), 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 pollution.
10. The release of liability from administrative penalties and any civil actions authorized by the Oklahoma Brownfields Voluntary Redevelopment Act shall not apply to:
  - a. any pollution and consequences thereof that the applicant causes or has caused outside the scope of this Certificate,
  - b. any pollution caused or resulting from any subsequent redevelopment of the property,
  - c. existing pollution not addressed prior to issuance of this Certificate, or
  - d. any person responsible for pollution who has not participated in the voluntary remediation of the Affected Property.





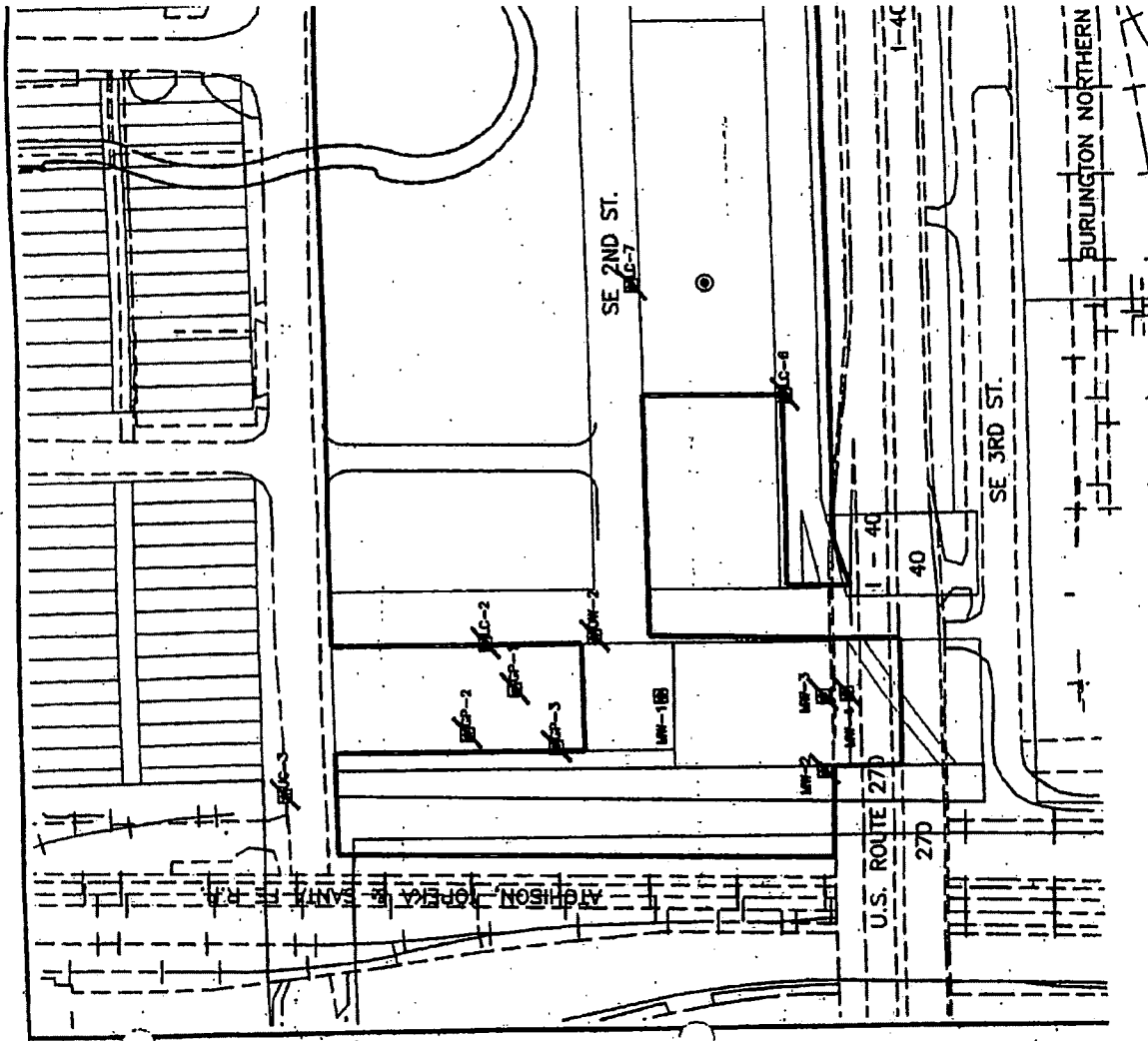


EXHIBIT A  
 Certificate of No Action Necessary  
 Oklahoma Brownfields Voluntary Redevelopment Act  
 27A O.S. §2-15-101 et seq.  
 Department of Environmental Quality  
 Legal Docket Case No. 98-314  
 Brownfields Case No. 01-003

○ OKLAHOMA CITY CANAL WATER WELL  
 ● PLUGGED & ABANDONED OIL WELL (FORA)  
 ■ MONITORING WELL LOCATION  
 ▭ PLUGGED & ABANDONED MONITORING WELL

# BROWNFIELDS OCURA PHASE I

## BRICKTOWN REDEVELOPMENT PROJECT Oklahoma City, Oklahoma County, Oklahoma

### CONTAMINANTS OF CONCERN

1. 1, 1-dichloroethane
2. 1, 1-dichloroethene
3. 1, 1, 1-trichloroethane
4. 2-butanone (methyl ethyl ketone)
5. 2-methylnaphthalene
6. 2-propanol (isopropyl alcohol)
7. 2, 2, 4-trimethylpentane (iso-octane)
8. Acenaphthene
9. Acetone
10. Arsenic
11. Barium
12. Benzene
13. Bis (2-ethylhexyl) phthalate
14. Cadmium
15. Carbon disulfide
16. Chloroform
17. Chromium
18. Di-n-butyl phthalate
19. Ethanol
20. Ethylbenzene
21. Fluorine
22. Hexane
23. Lead
24. Mercury
25. Methylene chloride (dichloromethane)
26. Naphthalene
27. Phenanthrene
28. Selenium
29. Silver
30. Tetrahydrofuran
31. Toluene
32. TPH-Diesel Range Organics (DRO)
33. TPH-Gasoline Range Organics (GRO)
34. Trans-dichloroethene
35. Trans-1, 2-dichloroethene
36. Trichloroethene
37. Vinyl chloride
38. Xylenes

W1  
WHEN RECORDED MAIL TO  
NAME Michelle Brunner  
ADDRESS 301 N. Harvey, Suite 200  
CITY & STATE Oklahoma City, OK 73102

EXHIBIT B  
Certificate of No Action Necessary  
Oklahoma Brownfields Voluntary Redevelopment Act  
27A O.S. §2-15-101 et seq.  
Department of Environmental Quality  
Legal Docket Case No. 98-314  
Brownfields Case No. 01-003

Doc # 2009134030  
Bk 11214  
Pg 15-22  
DATE 10/07/09 10:05:46  
Filing Fee \$27.00  
Documentary Tax \$0.00  
State of Oklahoma  
County of Oklahoma  
Oklahoma County Clerk  
Carolynn Caudill

**CERTIFICATE OF NO ACTION NECESSARY**

**OKLAHOMA CITY URBAN RENEWAL AUTHORITY  
PHASE 1A BRICKTOWN REDEVELOPMENT**

**OKLAHOMA BROWNFIELDS VOLUNTARY REDEVELOPMENT ACT  
27A O.S. § 2-15-101 et seq.**

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
BROWNFIELDS CASE NO. 02-002**

**PARTIES.** The Oklahoma City Urban Renewal Authority (hereinafter "Applicant") submitted a Brownfields Application for a No Action Necessary Determination (hereinafter "Application") to the Oklahoma Department of Environmental Quality ("DEQ") on August 28, 2008.

**LEGAL DESCRIPTION.** On November 20, 1998, the DEQ and the Applicant entered into a Memorandum of Agreement and Consent Order for Site Characterization ("MACO") for the property (hereinafter "Affected Property") located generally between E. Reno Avenue and South Geary Place, Oklahoma City, Oklahoma County, Oklahoma, more particularly described in Attachment A.

**PREFERRED ALTERNATIVE.** The Preferred Alternative is No Action Necessary. No active remediation is recommended in this determination based on previously conducted remediation, the results of site characterization activities, and passive engineering controls in the construction of buildings and paved parking lots at the site. The previous remediation was conducted under DEQ and Oklahoma Corporation Commission authorities. The Brownfield site characterization and remedy selection have been conducted under DEQ oversight.

**CLEAN-UP GOALS AND RISK EVALUATION.** The clean-up goals and the evaluation of the risk to human health and the environment for the Brownfield actions were based on DEQ published methods. Soil, groundwater and soil gas analytes selected for testing were determined by reviewing historical activity and site characterization findings. The plumes from former gasoline stations were closed under the authority of the Oklahoma Corporation Commission. The DEQ's recommendation is that no further action be required so long as the conditions set forth herein below in the Proposed Use of the Site section are fully met.

**PUBLIC NOTICE.** On April 7, 2009, the Applicant published a Public Legal Notice of Application for No Action Determination in compliance with the Brownfields Voluntary Redevelopment act, 27A O.S. § 2-15-101 et seq., and the rules of the DEQ, OAC 252:4 and 252:220. A notarized and dated Publisher's Affidavit from the Journal Record newspaper, Oklahoma City, Oklahoma, is on file as part of the Application. On May 5, 2009, public notice of the Draft Plan was given to allow the public to comment on the Draft Plan orally and/or in writing and to provide an opportunity to request a public meeting to discuss the Draft Plan. No comments were received.

**LAND USE.** The property is currently developed; a Residence Inn and its associated parking lot

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OCT 09 2014

ENVIRONMENTAL  
PROGRAMS DIV.

are located on-site. The hotel was built on the property in 2006. The intended future use specified in the Application for the site is commercial lodging. The DEQ has determined that notwithstanding the fact that the Application indicates the existence of pollution in the area, given the conditions present at the site, the levels of pollution on this parcel, and the passive engineering controls provided by the buildings and paved parking lot, the pollution does not pose an unreasonable risk to human health and safety or to the environment as long as the Affected Property is only used for industrial or commercial purposes, and the engineering controls, and land use restrictions are followed.

**CONTINUING OPERATION, MAINTENANCE AND MONITORING OF ENGINEERING CONTROLS.** The owner of the Affected Property and all persons using the Affected Property must comply with the following requirements for Continuing Operation, Maintenance and Monitoring of the Engineering Controls:

1. Soil at the Affected Property should be covered and/or maintained in such a manner that erosion of said soil is prevented. No more than two (2) feet of the current elevation at the site may be eroded without replacement.
2. Existing buildings and/or new buildings that do not have a DEQ approved vapor barrier in place may be required by the DEQ at some time in the future to install some type of engineering controls. These controls may only be required if new state or federal laws or regulations require some type of controls for vapor intrusion for the type of buildings in place and sampling data indicates that neighboring plumes have migrated under the property at levels that pose a threat to indoor air.

The surfaces of impermeable concrete and/or asphalt parking lots on the site should be maintained in such a manner as to prevent damage, cracks and other such compromises to the structural integrity of the concrete and/or asphalt. Soil below the Engineering Controls should not be disturbed, moved, used or otherwise compromised by digging, drilling, trenching, or other earth movement unless approved by the DEQ.

Activities that cause or could cause damage to the Engineering Controls or recontamination of soils and groundwater are prohibited; and All applicable state and federal laws and regulations regarding worker safety and handling, storage and/or disposal of waste must be observed when soil at the Affected Property is disturbed, moved, used and/or affected by digging, drilling or intrusion.

**LAND USE RESTRICTIONS.** The Land Use Restrictions at the Affected Property are as follows:

- a. No residential use of the property. Residential use is generally defined for exposure evaluation as having the potential for someone to live on site for 350 days a year for 30 years.
- b. No use of groundwater and no drilling of wells<sup>1</sup>;

---

<sup>1</sup> This Certificate has no affect on the deed reserving Oklahoma City groundwater rights.

The owner of the Affected Property and all persons using the Affected Property shall comply with all land use restrictions, engineering controls and continuing operation and maintenance of said engineering controls. Said restrictions and controls shall apply to the Affected Property and to persons who own and/or use the property until such time as the DEQ files a subsequent Notice of Remediation that changes or removes one or more of them. The land use may not be changed until after the DEQ has filed a recordable notice of remediation pursuant to 27A O.S. §2-7-123 and/or other applicable law in the land records in the office of the county clerk where the site is located designating the new land use.

**CHANGING LAND USE RESTRICTIONS.** Changes to land use restrictions must be approved by the Department of Environmental Quality or its successor agency. The person requesting the change in land use must demonstrate to the DEQ's satisfaction that contamination at the site has reached levels appropriate for the proposed new land uses and that further remediation is not necessary or that additional institutional or engineering controls are adequate to achieve levels protective of human health and the environment for the proposed uses.

The DEQ may require oversight costs, work plans, sampling, reports, and public participation as part of its review of the new information to support the requested change in land use restrictions. The person requesting the change will be required to follow agency procedures effective at the time of the request.

The DEQ at its discretion may determine, based on the new information submitted, that contaminants are present at the site at levels that will not pose a risk to human health or the environment if the new land use restrictions being requested are allowed. Upon making this determination, the DEQ will file a recordable notice of remediation pursuant to state law in the land records in the office of the county clerk where the Site is located designating the new land use restrictions.

This Certificate and the restrictions and requirements contained herein run with the land and no change of ownership of the Affected Property will change the Land Use Restrictions

**NO ACTION NECESSARY DETERMINATION.** The Application indicates that the existence of pollution in the surrounding area near the site. Given the intended future use, namely commercial lodging, specified for the site the pollution does not pose an unreasonable risk to human health and safety or to the environment as determined by the DEQ.

**TERMS, CONDITIONS, AND RELEASE OF LIABILITY.** In accordance with the Oklahoma Brownfields Voluntary Redevelopment Act, 27A O.S. §2-15-101 *et seq.*,

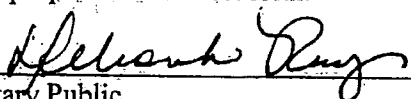
1. Failure of the Applicant and any lenders, lessees, or successors or assigns to materially comply with the consent order entered into pursuant to the Oklahoma Brownfields Voluntary Redevelopment Act shall render the consent order or the Certificate of No Action Necessary voidable.
2. Submission of any false or materially misleading information by the applicant knowing such information to be false or misleading shall render this Certificate of No Action Necessary voidable.

3. This Certificate of No Action Necessary shall remain effective as long as the Affected Property is in substantial compliance with this Certificate as determined by the DEQ.
4. As long as the Applicant is in compliance with this Certificate and all post-certification conditions or requirements specified in this Certificate:
  - a. The Applicant shall not be subject to civil liability regarding the pollution that was the subject of this Certificate;
  - b. The DEQ shall not assess against the Applicant administrative penalties or pursue civil actions against the Applicant, associated with the pollution, which is the subject of this Certificate;
  - c. The DEQ shall not pursue any administrative penalties or civil actions against the Applicant associated with the determination that no action is necessary to remediate the pollution that is the subject of this Certificate; and,
  - d. The Applicant shall not be subject to civil liability with regard to the determination that no action is necessary to remediate the Affected Property.
5. As long as the Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property is in compliance with this Certificate and all post-certification conditions or requirements specified in this Certificate:
  - a. The Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property shall not be subject to civil liability regarding the pollution that was the subject of this Certificate;
  - b. The DEQ shall not assess against the Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property, administrative penalties or pursue civil actions against the Applicant, associated with the pollution, which is the subject of this Certificate;
  - c. The DEQ shall not pursue any administrative penalties or civil actions against the Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property associated with the determination that no action is necessary to remediate the pollution which is the subject of this Certificate, and
  - d. The Applicant's lenders, lessees, or successors or assigns or any other person, this State or a local political subdivision thereof or any other legal entity purchasing, in good faith, the Affected Property shall not be subject to civil liability with regard to the determination that no action is necessary to remediate the site.
6. No person responsible for pollution who has not participated in the application process for a no action necessary determination shall be released from any liability.
7. The issuance of this Certificate of No Action Necessary shall not be construed or relied upon in any manner as a determination by the DEQ that the Affected Property has not been or is not environmentally contaminated by pollution.





Action Necessary 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.

  
\_\_\_\_\_  
Notary Public

2000

Legal Description Phase IA

A part of the Northwest Quarter (NW/4) of Section Three (3), Township Eleven (11) North, Range Three (3) West of the Indian Meridian, Oklahoma County, Oklahoma said tract being more particularly described as follows:

COMMENCING at the Northeast Corner of said Northwest Quarter (NW/4);

Thence South  $00^{\circ}32'01''$  East a distance of 63.00 feet;

Thence South  $89^{\circ}31'09''$  West a distance of 370.00 feet to the Point of Beginning;

Thence South  $89^{\circ}31'09''$  West a distance of 424.00 feet; said line intersecting the northeast corner and running with the north line of a tract conveyed in a Special Warranty Deed recorded in the office of the Oklahoma County Clerk, October 4, 2002, in Book 8580, Page 1111; said line running with the north line of a tract conveyed in a Special Warranty Deed recorded in the office of the Oklahoma County Clerk, December 19, 2003, in Book 9151, Page 1146; said line running to a point, said point being the northeast corner of a tract described in a Brownfields Certificate of No Action Necessary recorded in the office of the Oklahoma County Clerk, December 8, 2005, in Book 9947, Page 1526;

Thence South  $00^{\circ}28'51''$  East a distance of 548.78 feet; said line running with the east line of said tract described in said Brownfields Certificate of No Action Necessary recorded in the office of the Oklahoma County Clerk, December 8, 2005, in Book 9947, Page 1526; said line running to a point, said point being the southeast corner of said tract described in said Brownfields Certificate of No Action Necessary recorded in the office of the Oklahoma County Clerk, December 8, 2005, in Book 9947, Page 1526; said point also being the southwest corner of said tract conveyed in said Special Warranty Deed recorded in the office of the Oklahoma County Clerk, October 4, 2002, in Book 8580, Page 1111;

Thence South  $89^{\circ}38'44''$  East a distance of 787.38 feet; said line running to a point, said point being on the east line of said Northwest Quarter (NW/4);

Thence North  $00^{\circ}21'16''$  East a distance of 200.00 feet along said east line of said Northwest Quarter (NW/4);

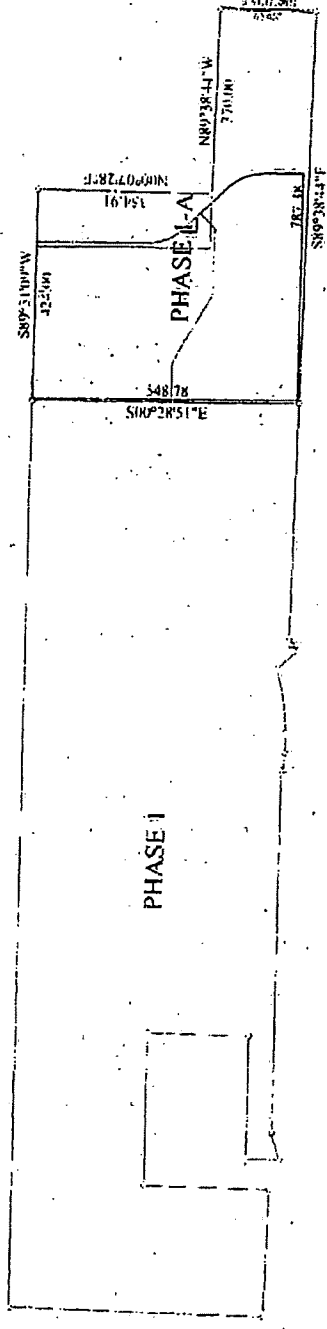
Thence North  $89^{\circ}38'44''$  West a distance of 370.00 feet;

Thence North  $00^{\circ}07'28''$  East a distance of 354.91 feet to the Point of Beginning;

Said tract containing the entire tract conveyed in said Special Warranty Deed recorded in the office of the Oklahoma County Clerk, October 4, 2002, in Book 8580, Page 1111 and the entire tract conveyed in said Special Warranty Deed recorded in the office of the Oklahoma County Clerk, December 19, 2003, in Book 9151, Page 1146.

NW/4 NW/4 S3-T11N-R3W

NE/4 NW/4 S3-T11N-R3W

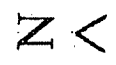


LEGEND FOR PHASE I-A

RED: Proposed Boundaries for Phase I-A

BLACK: OCURA to Hogan

BLUE: Hogan to Hammitons



# Brownfields

# Certificate of NO ACTION Necessary

Awarded to  
Oklahoma City Urban Renewal Authority

For Successfully Completing  
the Requirements of the  
Oklahoma Brownfields Voluntary Redevelopment Program

at the

OCURA Phase I Bricktown Redevelopment Area  
South Reno Avenue and Byers Avenue  
Oklahoma City, Oklahoma

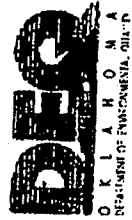
DEQ Case Number 01-003

*Steven A. Thompson*  
Steven A. Thompson  
Executive Director

*December 1, 2005*  
Date

Brownfields Memorandum  
Of Agreement  
April 1999

Pursuant to 27A O. S. §2-15-107 the full Certificate  
of No Action Necessary  
is filed in the County Land Records



Doc # 2005190496  
BK 9947  
Pg 1526-1537  
DATE 12/08/05 15:40:47  
Filing Fee \$35.00  
State of Oklahoma  
County of Oklahoma  
Oklahoma County Clerk  
Carolynn Coudill  
OKLAHOMA  
DEPT. OF ENVIRONMENTAL QUALITY  
DEC 12 2005  
FILED BY: *Sm*  
HEARING CLERK

12/31/05

Oklahoma Department of Environmental Quality (November 10, 2014)

Lane, Stephen M. [Steve]

---

From: Dawn Sullivan <DSULLIVAN@ODOT.ORG>  
Sent: Monday, November 10, 2014 4:10 PM  
To: Lane, Stephen M. [Steve]  
Subject: Comment on Crosstown Blvd.  
Attachments: Scanned from a Xerox Multifunction Device.pdf

-----Original Message-----

From: Fields, Quiana [<mailto:quiana.fields@deq.ok.gov>]  
Sent: Monday, November 10, 2014 9:17 AM  
To: 'environment@odot.org'  
Subject: Environmental Assessment

Dear Ms. Sullivan,

We have reviewed your project regarding - Notice of Public Hearing and Availability of approved Crosstown Boulevard Environmental Assessment and attached a comment from our Land Protection Division. If you have any questions please contact our office.

Thanks!

Quiana Fields, Administrative Programs Officer Office of the Executive Director Oklahoma Department of Environmental Quality  
Phone: (405) 702-7152  
Fax: (405) 702-7101  
[quiana.fields@deq.ok.gov](mailto:quiana.fields@deq.ok.gov)

-----Original Message-----

From: [asdcarter@deq.ok.gov](mailto:asdcarter@deq.ok.gov) [<mailto:asdcarter@deq.ok.gov>]  
Sent: Monday, November 10, 2014 8:46 AM  
To: Fields, Quiana  
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

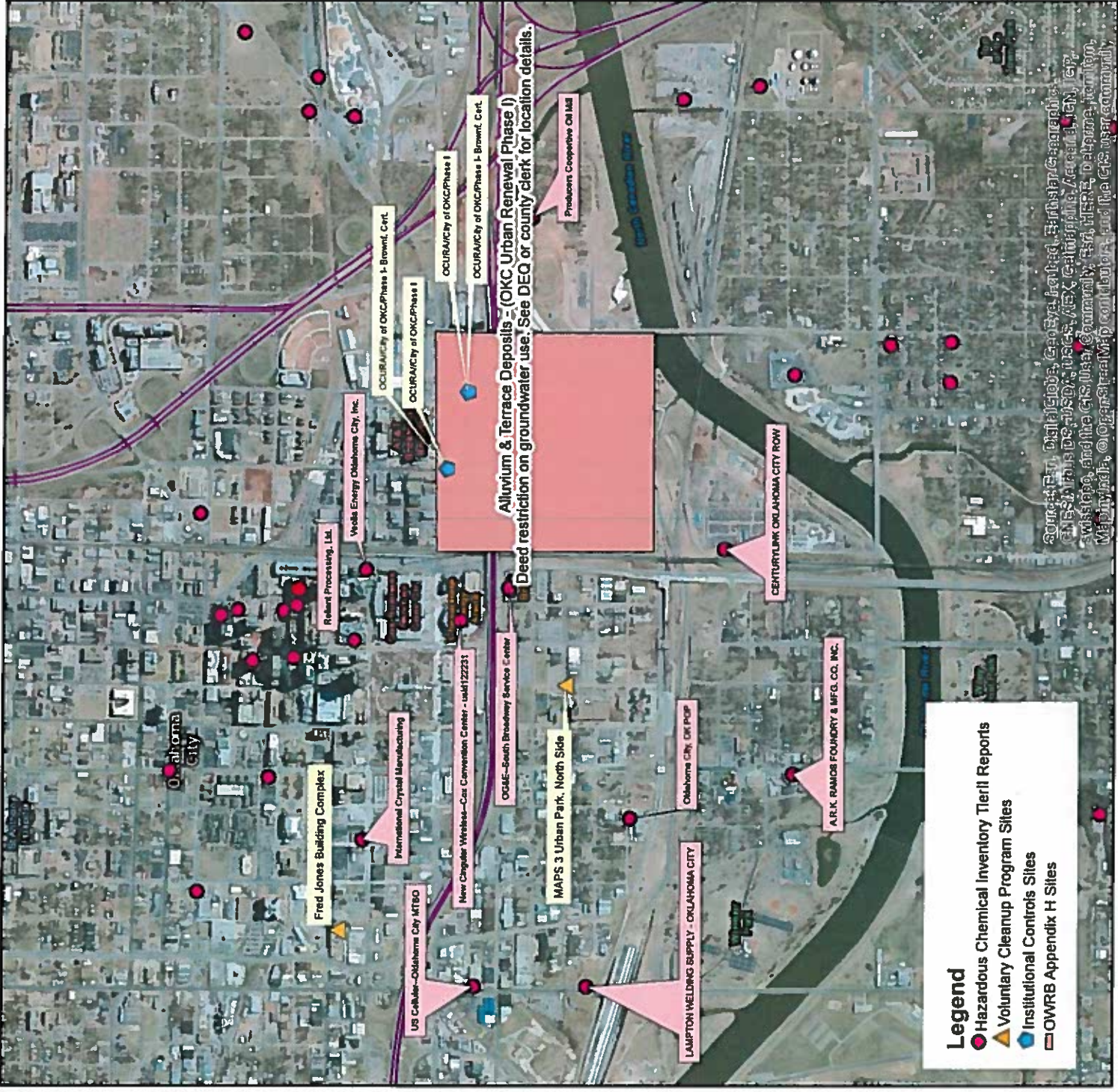
Multifunction Device Location: ASD 7TH Floor Executive Director Office  
Device Name: ASD CARTER

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

**LPD Comments on ODOT/Soliciting for comments**

**Previous comments about this site have been issued by Martha Penisten and given to ODOT about the facilities in this area. Attached is the map that was created and given to her on October 2<sup>nd</sup>.**

DEQ  
 Land Protection Division  
 Known Areas of Interest  
 Crosstown Boulevard  
 Oklahoma City



We make every effort to provide and maintain accurate, complete, usable, and timely information. However, some data and information on this map may be preliminary or out of date and is provided with the understanding that it is not guaranteed to be correct or complete. Conclusions drawn from, or actions undertaken on the basis of, such data and information are the sole responsibility of the user.

Map Created by Amy Britain  
 on 10/2/2014



- Legend**
- Hazardous Chemical Inventory Tier I Reports
  - ▲ Voluntary Cleanup Program Sites
  - Institutional Controls Sites
  - OWRB Appendix H Sites

Source: Esri, DigitalGlobe, GeoEye, Earthstar/Earthpoint, CNES/Airbus DS, USDA, AeroGRID, IGN, GEBCO, Swire, and the GIS User Community. Esri, HERE, DeLorme, MapmyIndia, ©OpenStreetMap contributors, and the GIS user community.



Oklahoma Conservation Commission (October 6, 2014)

MARY FALLIN  
GOVERNOR

TODD LAMB  
LIEUTENANT GOVERNOR



Our Land • Our Heritage • Our Future

LISA KNAUF OWEN  
INTERIM EXECUTIVE DIRECTOR

ROBERT W. TOOLE  
ASSISTANT DIRECTOR

October 6, 2014

Dawn Sullivan, P.E.  
Environmental Programs Division Engineer  
Oklahoma Dept. of Transportation  
200 NE 21<sup>st</sup> St.  
Oklahoma City, OK 73105

RECEIVED  
OCT 09 2014  
ENVIRONMENTAL  
PROGRAMS DIV.

**RE: Solicitation for input for the Crosstown Boulevard in Oklahoma County, Oklahoma**

Dear Ms. Sullivan:

Thank you for the opportunity to review this proposed ODOT project as described in your letter of September 25, 2014. The proposed project calls for the construction of the Crosstown Boulevard between Pennsylvania Avenue and Byers Avenue in downtown Oklahoma City.

The project study area, which includes Alternatives a, b, c, and d has been reviewed using the Soil Survey of Oklahoma County. Hydric soils are not indicated on the soil survey map, indicating that these areas most likely do not contain wetland ecosystems and that your project should not significantly impact wetland resources in the area. A review was also completed utilizing the U.S. Fish and Wildlife Service National Wetland Inventory Mapper. The Wetland Mapper does not indicate wetlands within the study area. Therefore, the Oklahoma Conservation Commission has no concerns in relation to wetland disturbance related to this project. If you believe this determination to be inaccurate, an on-site investigation may be needed. This investigation needs to be coordinated with the U.S. Army Corps of Engineers, Regulatory Branch, in Tulsa. Their address and phone number is:

U.S. Army Corps of Engineers  
Mr. Andy Commer  
Chief of Regulatory Branch  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4629  
918/669-7400

Based on our wetlands determination criteria there should be no significant impact on wetland resources in the area described. If you have any further questions or concerns, please contact me at 405/522-6908.

Sincerely,

A handwritten signature in blue ink that reads "Brooks Tramell".

Brooks Tramell  
Wetlands Program Coordinator  
Water Quality Division

cc: Wetlands file

Oklahoma Tourism and Recreation Department (October 13, 2014)

Lane, Stephen M. [Steve]

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From: Dawn Sullivan <DSULLIVAN@ODOT.ORG>  
Sent: Tuesday, October 14, 2014 9:11 AM  
To: Lane, Stephen M. [Steve]  
Subject: FW: Crosstown Boulevard in Oklahoma City from Lincoln to Clegern Parallel to Reno Stl

Solicitation response.

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Eve Atkinson  
**Sent:** Monday, October 13, 2014 06:05 PM Central Standard Time  
**To:** Dawn Sullivan  
**Subject:** Crosstown Boulevard in Oklahoma City from Lincoln to Clegern Parallel to Reno Stl

This proposed project will have no adverse impact on any federally funded park or recreation area or state park.

Thank you for the opportunity to review this project.

Eve Atkinson  
Planning Coordinator II  
Oklahoma State Parks  
Grants Office  
Oklahoma Tourism and Recreation Department  
120 North Robinson – Suite 600  
Oklahoma City, OK 73102

Off: 405.230.8483  
Fax: 405.230.8683  
[Eve.Atkinson@travelok.com](mailto:Eve.Atkinson@travelok.com)

National Park Service (October 20, 2014)

## Dawn Sullivan

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**From:** david\_hurd@nps.gov on behalf of IMRextrev, NPS <imrextrev@nps.gov>  
**Sent:** Monday, October 20, 2014 5:03 PM  
**To:** Dawn Sullivan  
**Subject:** Re: Solicitation for input for the Crosstown Boulevard in Oklahoma County, Oklahoma

Dear Mr. Sullivan,

The National Park Service has reviewed this project and has found no comments at this time. Additionally the National Park Service, Intermountain Regional office is pleased to announce the selection of Sue E. Masica as our new Regional Director.

Regards,

National Park Service  
Intermountain Region External Review Team  
Serving MT, UT, WY, CO, AZ, NM, OK, TX  
[imrextrev@nps.gov](mailto:imrextrev@nps.gov)

On Wed, Oct 1, 2014 at 4:49 PM, Dawn Sullivan <[DSULLIVAN@odot.org](mailto:DSULLIVAN@odot.org)> wrote:

The Oklahoma Department of Transportation (ODOT), in cooperation with the Federal Highway Administration (FHWA) is proposing the construction of the Crosstown Boulevard between Pennsylvania Avenue and Byers Avenue in downtown Oklahoma City (see attached Location Map). The newly relocated I-40 Crosstown Expressway opened to traffic in 2012. A downtown boulevard was included in the original I-40 concept. However, because of the amount of time that had passed, recent downtown Oklahoma City development, and changing city priorities with respect to pedestrian, and cyclist options, ODOT and FHWA needed to reevaluate the original six-lane boulevard concept. After initial public involvement activities undertaken by Oklahoma City, FHWA determined that the reevaluation of the boulevard would best be accomplished by preparing a new Environmental Assessment (EA) that would address various alternatives to the approved six-lane boulevard. More information regarding the alternates for this project can be found at:

<http://www.odot.org/meetings/a2014/140507/Additional%20Information.htm>

The purpose of this solicitation is to present the proposal and receive input. To allow adequate time for evaluation of your comments, we would appreciate receiving a response by October 13, 2014. Your written comments should be directed to the Environmental Programs Division Engineer, Oklahoma Department of Transportation, 200 N. E. 21st Street, Oklahoma City, Oklahoma 73105.

We sincerely appreciate your cooperation in this matter. For further information or if you have any questions, please contact the ODOT Environmental Programs Division at (405) 521-2927 or [dsullivan@odot.org](mailto:dsullivan@odot.org).

Dawn R. Sullivan, P.E.

Environmental Programs Division Engineer

Oklahoma Department of Transportation

200 NE 21<sup>st</sup> Street

Oklahoma City, OK 73105

(405)521-2927

Oklahoma Water Resources Board (October 23, 2014)





STATE OF OKLAHOMA  
WATER RESOURCES BOARD  
www.owrb.ok.gov

RECEIVED

OCT 21 2014

ENVIRONMENTAL  
PROGRAMS DIV.

OKLAHOMA WATER RESOURCES BOARD  
Planning & Management Division  
Oklahoma City, OK

## PUBLIC NOTICE REVIEW

We have no comments to offer.  We offer the following comments.

**WE RECOMMEND THAT YOU CONTACT THE LOCAL FLOODPLAIN ADMINISTRATOR FOR POSSIBLE PERMIT REQUIREMENTS FOR THIS PROJECT.** THE OWRB WEB SITE, [www.owrb.ok.gov](http://www.owrb.ok.gov), contains a directory of floodplain administrators and is located under forms/floodplain management/floodplain administrators, listed alphabetically by name of community. **If this development would fall on STATE OWNED or operated property, a floodplain development permit is required from OWRB.** The Chapter 55 Rules and permit application for this requirement can be found on the OWRB web site listed above. If this project is proposed in a non-participating community, try to ensure that this project is completed so that it is reasonably safe from flooding and so that it does not flood adjacent property if at all possible.

Reviewer: Cathy Poage, CFM

Date: 10/23/2014

Project Name: Proposed Construction of Crosstown Blvd in Downtown OKC, Located between Pennsylvania Avenue and Byers Avenue, OKC, Oklahoma County, OK

FIRM Name: ODOT, Dawn R Sullivan PE

CC: Eric Wenger, OKC FPA

\* Oklahoma City participates in the NFIP and has a floodplain development permitting system. Grady County does not. Please see paragraph above.

US Army Corps of Engineers (November 25, 2014)

Lane, Stephen M. [Steve]

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From: Dawn Sullivan <DSULLIVAN@ODOT.ORG>  
Sent: Tuesday, November 25, 2014 2:57 PM  
To: Lane, Stephen M. [Steve]; Nungesser, Lisa  
Subject: FW: SWT-2014-833 17428(25), Oklahoma City Crosstown Boulevard from Pennsylvania Ave to Byers Ave, Oklahoma County (UNCLASSIFIED)

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From: Charlson, Darren S (Shane) SWT [<mailto:D.Shane.Charlson@usace.army.mil>]  
Sent: Tuesday, November 25, 2014 1:07 PM  
To: [environment@odot.org](mailto:environment@odot.org)  
Cc: Dawn Sullivan; Siv Sundaram  
Subject: SWT-2014-833 17428(25), Oklahoma City Crosstown Boulevard from Pennsylvania Ave to Byers Ave, Oklahoma County (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Project Name: JP 17428(25), Oklahoma City Crosstown Boulevard from Pennsylvania Ave to Byers Ave, Oklahoma County

Corps Case No.: SWT-2014-833

Corps POC: Shane Charlson, 918-669-7395

Please reference your email regarding the above listed project.

The provided information does not indicate that a placement of dredged or fill material will be required, permanently or temporarily, into any "waters of the United States," including jurisdictional wetlands. Therefore, your proposal is not subject to regulation pursuant to Section 404 of the Clean Water Act, and a Department of the Army (DA) permit will not be required. Should your method of construction necessitate such a discharge into a water of the United States, we suggest that you re-submit that portion of your project so that we may determine whether an individual DA permit will be required.

Shane Charlson, PWS  
Regulatory Transportation Program Manager  
U.S. Army Corps of Engineers  
1645 South 101st East Avenue  
Tulsa, OK 74128-4609  
918-669-7395 FAX 918-669-4306  
[Shane.Charlson@us.army.mil](mailto:Shane.Charlson@us.army.mil)

You are invited to complete our Regulatory Service Survey at:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

Classification: UNCLASSIFIED  
Caveats: NONE

US Department of the Interior Bureau of Indian Affairs (November 19, 2014)



**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF INDIAN AFFAIRS**  
**SOUTHERN PLAINS REGION**  
**1 MILE NORTH OF CITY, HWY 281 & RIVERSIDE DRIVE**  
**P.O. BOX 368**  
**ANADARKO, OKLAHOMA 73005**

IN REPLY REFER TO: NATURAL RESOURCES (405) 247-6673

NOV 19 2014

RECEIVED  
NOV 21 2014  
ENVIRONMENTAL  
PROGRAMS DIV.

Dawn R. Sullivan, P.E.  
Environmental Programs Division Engineer  
Oklahoma Department of Transportation  
200 N. E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105-3204

Dear Mr. Sullivan:

Thank you for the opportunity to comment on the proposed Crosstown Boulevard improvements in Oklahoma County, Oklahoma. From your description the project will consist of constructing a six lane road.

A review of Bureau of Indian Affairs (BIA) maps of the project location indicates that there are no tribal or Individual Indian trust lands within the project area. The BIA has no jurisdiction within the project area and there no concerns that the proposed improvements will impact Indian trust lands within the Southern Plains Region jurisdiction. The BIA would not oppose the project from being constructed.

If any additional information is required, please contact John A. Worthington, Regional Archeologist, Southern Plains Region, Bureau of Indian Affairs at 405.247.1565.

Sincerely,

ACTING Regional Director

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