

Staff Report

**TAX ABATEMENT REQUEST
FROM ROGER WHEELER
FOR DEVELOPMENT ON E. LINCOLN WAY**

March 6, 2012

On February 14, 2012, the City Council referred the attached letter from Roger Wheeler, CENTURY 21 Signature Real Estate, requesting that Council consider granting tax abatement for commercial redevelopment at 202 E. Lincoln Way. The property is owned by the ACE Community Credit Union.

BACKGROUND:

For many years, the property at 202 E. Lincoln Way was the site of the Lincoln Lodge Motel, but the building had deteriorated in recent years. In 2010 the property was sold and the new owner, the ACE Community Credit Union demolished the building and is marketing the property for commercial development. The property is zoned Highway-Oriented Commercial (HOC).

The City Council has established criteria under which the Council would consider establishing Urban Revitalization Areas to incentivize redevelopment of properties zoned HOC (Attached). One of these criteria is:

Properties with a principal building that has been determined by the Building Official as meeting the definition of "Public Nuisance" in the Ames Municipal Code, Chapter 5, "Building, Electrical, Mechanical and Plumbing Code" (Currently Section 5.401(7)).

Since this determination was not made before the building was demolished, Mr. Wheeler submitted the attached information supporting a finding that the building was a public nuisance prior to demolition:

- A. Photos showing the deteriorated condition of the building and safety issues that existed
- B. Report showing that asbestos was present
- C. Summary of frequent police activity at the property
- D. Documentation of the cost of demolition
- E. March 2, 2012 letter explaining the unique situation that led to the building being torn down prior to it being declared a public nuisance

Mr. Wheeler is requesting abatement of property tax on 100% of the value of land in each of six years following redevelopment.

ARGUMENTS IN SUPPORT OF TAX ABATEMENT FOR THIS PROJECT:

- The property was considered by many people to be a nuisance and deterrent to investment in the neighborhood. Removal of the building and elimination of the use made it possible to redevelop the site. **It is expected that redevelopment will benefit the neighborhood, this eastern gateway into the community, and the public.**
- Since the community benefits from the demolition of the building and redevelopment, the community should share the costs. The owner will not be able to recover all of its costs from the sale of the property. **Tax abatement will not reimburse the owner for all of the unrecoverable costs, but demonstrates that the community recognizes the value of that investment and is willing to share part of the cost.**
- Mr. Wheeler states that taxes on a new building would offset any abatement on the land and generate future taxes for the City of Ames. In addition, this project also could spur additional investment and improvement within this neighborhood and East Lincoln Way area. Therefore, **the facility will offer financial benefits to the local economy.**
- Mr. Wheeler states that further redevelopment of this corridor could **lead to an alternative to South Duff for business expansion and thus help avoid future traffic congestion.**

ARGUMENT AGAINST TAX ABATEMENT FOR THIS PROJECT:

- The business was operating as short-term lodging until shortly before it was sold. An occupied building is unlikely to have also been a public nuisance. **It is clear that the building was in need of major renovation and such renovation could have prevented it from being abandoned and becoming a public nuisance.**
- The Commercial Redevelopment Criteria make specific reference to written public nuisance standards in the Ames *Municipal Code* in order to establish an Urban Revitalization Area. Under the category of “slum and blight” the Iowa Code requires a finding of more than one dilapidated structure. In this case we had one structure and now we none. **Determination that a building meets this specific criterion was not made and, therefore, in order to meet the legal requirements posed by the State enabling legislation it cannot be “supposed” after demolition.**
- Currently there are four areas where the City Council has committed to provide a tax abatement incentive. However, just developing within one of these specific areas does not assure receipt of the incentive. In order to qualify for the

incentive, the Council has established an eligibility criteria matrix that typically requires the developer to exceed normal City requirements in exchange for tax abatement. **The City Council might not want to grant this type of incentive until additional eligibility criteria are established and met.**

STAFF COMMENTS:

While the effort to clean up this area by the ACE Credit Union is laudable, it does not appear to be legally feasible meet the slum and blight requirements of the Urban Revitalization provisions of the State Code by declaring the structure a public nuisance after it has been removed. Therefore, the request should be rejected under this approach.

If, however, the City Council would like to offer a tax abatement incentive that could benefit the Credit Union, the Council could direct the staff to explore a new Urban Revitalization Plan either based on the removal of slum and blight from a larger geographic area which includes at least two dilapidated structures or based on the promotion of economic development again for a larger area.

It should also be reiterated that if the City Council continues with past practice, three tax abatement schedules would be offered to the developer – a three-year 100% abatement, a five-year partial/decreasing abatement, and a 10-year partial/decreasing abatement. This is different than the six- year, 100% abatement that Mr. Wheeler has requested, which is not allowed under State law.

**URBAN REVITALIZATION
HIGHWAY ORIENTED COMMERCIAL (HOC)
REDEVELOPMENT CRITERIA**

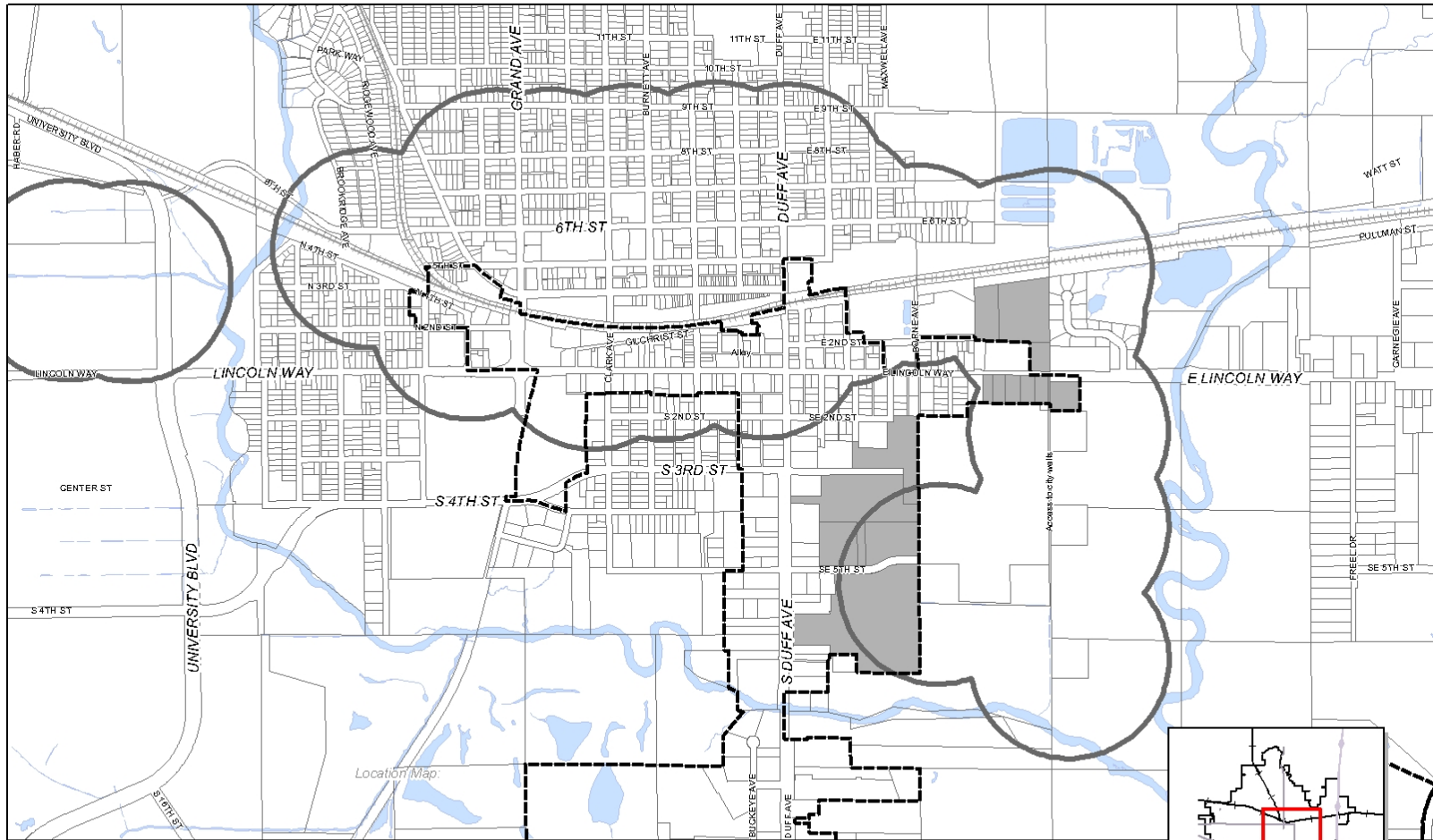
Properties eligible for tax abatement must be within the Highway-Oriented Commercial zoning district, and also fit within one or more criteria.

1. Properties from which the principal building has been removed and the property has been vacant for at least seven years.
2. Properties with a principal building that has been determined by the Building Official as meeting the definition of “Public Nuisance” in the Ames *Municipal Code*, Chapter 5, “Building, Electrical, Mechanical and Plumbing Code” (Currently Section 5.401(7)).
3. Development or redevelopment of Brown Fields. Brown Fields include abandoned or underused industrial and commercial facilities or sites available for re-use or redevelopment. Expansion or redevelopment of such a facility or site is complicated by environmental contaminations.
4. Properties with at least 20% of the property area being within 1,000 feet of a City of Ames water well and within the Floodway-Fringe Overlay zoning district. The Developer must demonstrate that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head.

Non-qualifying Uses. Notwithstanding compliance under the above categories, tax abatement shall not be granted for properties developed for or otherwise used for the following uses:

1. Mini-storage warehouse facilities or other industrial uses.
2. Transportation, communications, and utility uses.
3. Institutional uses.
4. Automotive, boat, and/or RV sales.
5. Adult entertainment businesses.
6. Detention facilities.
7. Agricultural or industrial equipment sales.

Commercial Urban Revitalization Program



Properties that are potentially eligible under the following criterion:

Commercial Criteria #4: Properties with at least 20% of the property area being within 1,000 feet of a City of Ames water well and within the Floodway-Fringe Overlay zoning district. The Developer must demonstrate that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head.

Legend

- Highway-Oriented Commercial Zoning District
- 1000 feet from City well
- Properties Potentially Eligible for Commercial Criteria #4



From: "Roger Wheeler" <rogw@iowatelecom.net>
To: <sschainker@city.ames.ia.us>
Date: 03/02/2012 03:41 PM
Subject: 202 E. Lincoln Way

Steve,

This email is to give you a little insight into the unique situation that led to the building located on my client's property located at 202 E. Lincolnway to be torn down prior to seeking economic incentive from the City of Ames. In a nutshell, I believe the property should be considered for blighted property tax abatement...even though the structure has been prematurely removed from the lot.

As you are probably aware, the prior owner of the Ames Lincoln Lodge Motel ran that property as a hotel/motel or apartment type of facility. The unfortunate fact was that under the prior ownership, because of the clientele that the property attracted, the property simply became more and more profitable as it became an increasing blight to the neighborhood and the city. If you look at the tax rolls, you would notice that as the land value increased, the debilitating building was consistently downgraded in value...allowing the property taxes to remain level while many of the competing properties in the city were dealing with increasing property taxes and valuations. Likewise, even though the property operated on many levels like a slum apartment building, because it was licensed as a motel, the facility was never available for inspection by City inspectors and the City of Ames and its residents were at the mercy of the infrequent state hospitality inspectors to keep the building up to community standards.

Because of that fact, prior ownership did not maintain the property to community standards. In a move of community and neighborhood spirit, an adjoining land owner recognized the futility of the situation and stepped up to purchase the property in an attempt to restore it to a level of property that our Ames community has come to expect of its business owners. However, because all of the neighbors were aware of significant environmental issues with the building, it was necessary to have the prior owner tear down the existing structure prior to transfer. It would have been an even greater risk for any 3rd party to purchase that property while the building was still standing, risking thousands of dollars of additional remediation.

In order to minimize that risk...yet still able to negotiate an acceptable transaction at an abnormally high price for the property, I was able to work with the 2 neighbors to negotiate a transaction that allowed:

1. The prior owner to retain the bulk of the risk of environmental remediation.
2. The prior owner to receive a high enough price for the property to justify an offset to lost ongoing profits.
3. The buyer/neighbor to, in good faith and neighborhood spirit, justify the purchase of the property at a higher than market price.
4. The buyer/neighbor to limit their exposure to risk as a result of environmental concerns.

When all was said and done, both parties were able to agree to a mutually acceptable solution. However, it was necessary for the structure to be removed prior to ownership being transferred. Those are the unusual circumstances that led to the situation that we are in today. In response to that, the current owner of 202 E. Lincolnway is asking the City Council to recognize their efforts on behalf of the neighborhood and community at large and assist them in the marketing of the property for redevelopment. In order to do that, I believe it is appropriate for the City Council, working with City Staff, to determine a mechanism within the City's property tax and abatement codes to partner with us in this endeavor.

Thanks so much for your consideration.

Rog

Roger L. Wheeler Broker Associate
CENTURY 21 Signature Real Estate
515-249-0107

2/03/12 PK/S

To: Honorable Mayor and City Council of Ames, Iowa

From: Roger Wheeler, CENTURY 21 Signature Real Estate

RE: Request for Tax Abatement on 202 E. Lincoln Way Commercial Property

I appreciate you taking the time to consider this request and the work your team does on behalf of local folks. I believe it is in the best interest of the Ames community to approve a tax abatement program to be attached to the property located at 202 E. Lincoln Way where the former Lincoln Lodge Motel was located.

This property was purchased last summer by my client in a good faith attempt to improve the neighborhood and remove a nuisance property from the community. I am providing attachments to establish that the property was indeed a public nuisance:

Exhibit A: These are photos of the property as it had grown into extreme disrepair. The building was not only an eyesore, but also was unsafe for the people who lived there. The second story railings were missing and presented a dire risk to children who often occupied rooms there. There were other structural issues including peeling paint and graffiti. The property, due to its unique use and classification as a hotel/motel, avoided local inspection. I understand that the State of Iowa was responsible for the operation and inspection of this business.

Exhibit B: This is a report of the asbestos situation at the property. The property presented an extreme environmental hazard to its occupants and the community at large. The cost of remediation of the asbestos alone was over \$30,000. Who knows what additional environmental hazards existed in the building that was original and several decades old and in such poor repair.

Exhibit C: This is a summary of police activity records from 1/1/2008 through 12/31/2010. This property was a frequent entry into the log books of public safety officials in our community. In addition to this Ames City Police report, neighbors can count several other instances involving Story County and Federal officials investigating issues.

Exhibit D: These bills represent the cost of removing the decrepit structure from the property. Nearly \$70,000 was spent in order to have the building removed and the lot prepared for redevelopment. In addition to these costs, because the operator was allowed to continue operating such a facility and generate income, the price paid reflected income generating potential of a hotel/motel.

As a result of my client purchasing the property at 202 E. Lincoln Way, redevelopment is now possible to improve the Eastern gateway into the Ames Community. In order to accomplish this task, my client had to spend an inordinate amount of money based upon their good faith in the betterment of the neighborhood. As a result, it is very difficult to

price the now vacant lot as a level that will allow it to be economically purchased and built upon. My client is not asking for full reimbursement of costs and loss incurred because of lower remaining value; however, they would like to find an equitable way for the community to share in part of the costs to remove a nuisance property and return it to a productive tax producing and good community asset.

We are asking the City of Ames to recognize the value of the effort that my client has invested on behalf of the entire neighborhood and the City of Ames and grant tax abatement for the property. We believe that a six year 100% tax abatement on the land only will allow the property to be sold and redeveloped on a reasonable timetable. Current taxes are \$11,070 and over a six year period a total of \$66,420 in savings would be available to the redeveloper. This number would work to offset the nearly \$70,000 that has been spent in cleaning up the property.

In addition, it is likely that a new building would be constructed at the site in the near future that would be subject to taxes to offset any abatement on the land and generate future taxes for the City of Ames. In addition, redevelopment incentives of this property would work to continue the City of Ames' desire to relieve both business and traffic from South Duff onto the East Lincoln Way corridor. This project also could spur additional investment and improvement within this neighborhood and East Lincoln Way area.

Thank you so much for your consideration. Please contact me if I can provide anything more that will make your partnership with my client on this property better.

Roger Wheeler, Broker Associate

Century 21 Signature Real Estate

515-249-0107

rogw@iowatelecom.net

A handwritten signature in black ink, appearing to read "Roger Wheeler". The signature is fluid and cursive, with a large initial "R" and "W".

Exhibit A: Property Photos





Lincoln
Lodge

MOTEL

1257 W. 10th St.
LINCOLN, NE 68502











Exhibit B: Asbestos Report



10052 Justin Drive
Suite L
Urbandale, IA 50322
Telephone: 515-727-8025
Facsimile: 515-727-8028

July 13, 2010

Mr. Perry Upchurch
308 East Lincoln Way
Ames, Iowa 50010

**Subject: Asbestos Collection Activities and Results
Lincoln Lodge Motel
Ames, Iowa
400473.001**

Dear Mr. Upchurch:

This letter presents the results of the asbestos sampling activities completed by Apex Companies, LLC (Apex) at Lincoln Motor Lodge located at 202 East Lincoln Way in Ames, Iowa. The sampling was done, at your request, to determine if asbestos-containing materials (ACM) are present within the building prior to the beginning of demolition activities at the site. Our services were authorized by your acceptance of our proposal to you dated June 23, 2010

SAMPLING ACTIVITIES

The asbestos survey was completed by our State of Iowa certified asbestos inspectors (Mr. Cody A. Webb, License Number 10-72511 and Mr. David R. Berger, License Number 09-69411). Forty-eight (48) suspect ACM were identified and sampled. A total of one hundred and seventeen (117) bulk material samples were collected from the identified materials. Sampling activities were done in accordance with the United States Environmental Protection Agency's (USEPA's) Asbestos Hazard Emergency Response Act (AHERA). Field sketches showing the sampling locations are included in **Attachment A**.

ANALYTICAL RESULTS

The samples were shipped to EMSL Analytical, Inc. (EMSL) in Minneapolis, Minnesota, under chain of custody, for asbestos analysis using polarized light microscopy (PLM). The laboratory is certified by the National Voluntary Laboratory Accreditation Program (NVLAP). Analytical results are summarized in **Table 1**. Analytical laboratory reports for the PLM analysis and the laboratory accreditations are included in **Attachment B**.

The USEPA defines an asbestos-containing material as "any material which contains more than one-percent asbestos, by weight." Material sampled as part of this survey with asbestos concentrations greater than one-percent, by weight, are identified in **Table 1** and are summarized below. Asbestos-containing material locations are shown on **Figures 1** and **Figure 2**.

- Black Mastic on 12"x12" White Vinyl Floor Tile (Original Building Rooms)
- Black Floor Tile Mastic (Original Building Rooms)
- Gray/Brown Paneling Mastic (Original Building and Addition Areas)
- Black Sheet Vinyl Floor Mastic (Original Building Rooms)
- Black Mastic on 12"x12" White/Black Vinyl Floor Tile (Original Building Rooms)
- Window Caulking (Original Building)

RECOMMENDATIONS

Based on the results of the survey, we recommend that known ACM be removed from the structure by a State of Iowa licensed asbestos-removal contractor, prior to demolition. All asbestos removal work should be done by asbestos-trained personnel in accordance with all Federal, State, and local regulations.

LIMITATIONS

This report and the associated work have been completed based on information provided by you and our observations for this project. Additive conclusions or recommendations made from these data by others are their responsibility.

Apex cannot guarantee that all asbestos-containing materials associated with the Lincoln Lodge Motel were identified at the time of our sampling. Building materials that may have been made inaccessible or have been obscured by historical renovation activities at the building may not have been sampled. Additionally, due to the extent of water damage within the building at the time of sampling, loose and dislodged building materials that had fallen from the building ceilings and walls may have obscured suspect ACM. Asbestos containing materials which are not building components (i.e., fire blankets, electrical cords, etc.) were not sampled as part of this project.

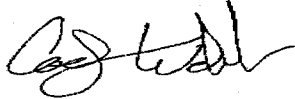
There is no investigation thorough enough to preclude the presence of all materials within the survey area, which may be considered an asbestos-containing material. Unanticipated suspect ACM discovered during demolition activities should be sampled and removed, as appropriate, by trained personnel.

Mr. Perry Upchurch
July 13, 2010
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Our services have been provided in a manner consistent with the level of care and skill ordinarily exercised by other professional consultants under similar circumstances. No other representation is intended.

Please contact our office at 515-727-8025 if you have any questions regarding this letter.

Sincerely,
Apex Companies, LLC



Cody A. Webb
Asbestos Inspector



David R. Berger
Project Manager

Attachments

Exhibit C: Ames Police Report

**202 East Lincoln Way
01/01/08-12/31/10**

Date: 1/9/2012

Incident #	Date & Time	Address	Apt#	Case Type	Disposition	Total
108002190	1/31/2008 07:33PM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	No Report Filed	
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108028023	12/28/2008 07:48PM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	Dispo is final report	
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109005560	3/15/2009 07:06PM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	No Report Filed	
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109023771	10/25/2009 12:23AM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	Dispo is final report	
109023854	10/26/2009 09:08AM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	No Report Filed	
109025254	11/13/2009 12:13PM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	No Report Filed	
109028229	12/24/2009 07:29PM	202 E LINCOLN WY		9-1-1 HANG UP/UNKNOWN 911 PROBLEM	No Report Filed	
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202 East Lincoln Way
01/01/08-12/31/10

Date: 1/9/2012

Incident #	Date & Time	Address	Apt#	Case Type	Disposition	Total
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108022093	10/8/2008 08:39AM	202 E LINCOLN WY		CIVIL MATTER	Dispo is final report	1
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202 East Lincoln Way
01/01/08-12/31/10

Date: 1/9/2012

Incident #	Date & Time	Address	Apt#	Case Type	Disposition	Total
109022397	10/4/2009 05:41PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Report taken	
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109025215	11/12/2009 08:51PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
109027000	12/7/2009 04:25PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Cleared by Arrest	
109027699	12/17/2009 02:09AM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
109027854	12/18/2009 09:28PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
109028239	12/24/2009 10:23PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
110007764	4/13/2010 09:03PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
110008886	4/23/2010 04:11PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
110009483	5/1/2010 10:46AM	202 E LINCOLN WY		DISORDERLY CONDUCT	No Report Filed	
110010394	5/13/2010 10:28PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Juvenile Referral	
110010940	5/20/2010 05:47PM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	
110011574	5/28/2010 12:58AM	202 E LINCOLN WY		DISORDERLY CONDUCT	Dispo is final report	24
108002626	2/6/2008 03:01AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
108013873	7/1/2008 09:57AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
108019377	9/7/2008 05:04AM	202 E LINCOLN WY		DISTURBING THE PEACE	Unable to locate	
108021196	9/27/2008 11:23PM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
109009251	4/28/2009 03:08AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
109009331	4/29/2009 03:35AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
109019990	9/7/2009 12:08AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
109020330	9/10/2009 11:13PM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
110003184	2/14/2010 03:20AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	
110005111	3/13/2010 01:41AM	202 E LINCOLN WY		DISTURBING THE PEACE	Dispo is final report	10
108026413	12/4/2008 09:32PM	202 E LINCOLN WY		DOMESTIC	Report taken	
109006158	3/23/2009 10:44PM	202 E LINCOLN WY		DOMESTIC	Cleared by Arrest	2
108013657	6/28/2008 02:34AM	202 E LINCOLN WY		DRUG INVESTIGATION	Dispo is final report	
109013771	6/21/2009 10:39PM	202 E LINCOLN WY		DRUG INVESTIGATION	Dispo is final report	
109021788	9/26/2009 08:59PM	202 E LINCOLN WY		DRUG INVESTIGATION	Unable to locate	
109021810	9/26/2009 11:18PM	202 E LINCOLN WY		DRUG INVESTIGATION	Dispo is final report	
109024295	10/31/2009 10:37PM	202 E LINCOLN WY		DRUG INVESTIGATION	Unable to locate	5
108010343	5/16/2008 09:52AM	202 E LINCOLN WY		DRUG/NARCOTIC VIOLATIONS	Cleared by Arrest	1
108003547	2/18/2008 11:23PM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	
108017517	8/18/2008 10:42PM	202 E LINCOLN WY		DRUNKENNESS	Dispo is final report	
108020376	9/18/2008 11:33PM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	
108020592	9/21/2008 12:54AM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	

**202 East Lincoln Way
01/01/08-12/31/10**

Date: 1/9/2012

Incident #	Date & Time	Address	Apt#	Case Type	Disposition	Total
108021244	9/28/2008 03:31AM	202 E LINCOLN WY		DRUNKENNESS	No Report Filed	
108023490	10/25/2008 03:24AM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	
109005506	3/14/2009 09:46PM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	
109006325	3/26/2009 09:00PM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	
109014200	6/27/2009 06:19AM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	
109022132	10/1/2009 02:25AM	202 E LINCOLN WY		DRUNKENNESS	Cleared by Arrest	10
108003391	2/16/2008 08:45PM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Report taken	
108015515	7/22/2008 09:48PM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Dispo is final report	
108016003	7/29/2008 07:05AM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Report taken	
108021307	9/29/2008 03:48AM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Report taken	
109006101	3/23/2009 12:30AM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Report taken	
109006117	3/23/2009 11:53AM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Dispo is final report	
109013737	6/21/2009 05:12AM	202 E LINCOLN WY		FAMILY OFFENSES: NON-VIOLENT	Report taken	7
108012593	6/14/2008 03:29AM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
108013527	6/26/2008 02:33PM	202 E LINCOLN WY		HARASSMENT	Report taken	
108015897	7/27/2008 05:55PM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
108019423	9/7/2008 08:57PM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
108020663	9/21/2008 09:35PM	202 E LINCOLN WY		HARASSMENT	Report taken	
108026890	12/11/2008 08:50PM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
109006035	3/22/2009 12:10AM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
109006296	3/26/2009 01:13PM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
109009291	4/28/2009 05:33PM	202 E LINCOLN WY		HARASSMENT	Report taken	
110001435	1/21/2010 09:44PM	202 E LINCOLN WY	114	HARASSMENT	Report taken	
110003815	2/23/2010 02:37AM	202 E LINCOLN WY		HARASSMENT	Report taken	
110006537	3/30/2010 07:07PM	202 E LINCOLN WY		HARASSMENT	Dispo is final report	
110008670	4/20/2010 08:09PM	202 E LINCOLN WY		HARASSMENT	Report taken	
110011052	5/22/2010 01:15AM	202 E LINCOLN WY		HARASSMENT	Report taken	
109002392	2/1/2009 06:20PM	202 E LINCOLN WY		HIT AND RUN PERSONAL INJURY	Dispo is final report	14
108008807	4/27/2008 06:36AM	202 E LINCOLN WY		LARCENY	Report taken	1
108021058	9/26/2008 01:43PM	202 E LINCOLN WY		LARCENY	Dispo is final report	
108023503	10/25/2008 09:52AM	202 E LINCOLN WY		LARCENY	Dispo is final report	
109012196	6/1/2009 12:27PM	202 E LINCOLN WY		LARCENY	Report taken	
109026921	12/6/2009 03:22PM	202 E LINCOLN WY		LARCENY	Dispo is final report	
110011598	5/28/2010 10:34AM	202 E LINCOLN WY		LARCENY	Dispo is final report	6
108018886	9/2/2008 02:19AM	202 E LINCOLN WY		LIQUOR LAW VIOLATIONS	Citation Issued	
109021916	9/28/2009 02:54AM	202 E LINCOLN WY		LIQUOR LAW VIOLATIONS	Citation Issued	
109006302	3/26/2009 02:51PM	202 E LINCOLN WY		MEDICAL	Dispo is final report	2

**202 East Lincoln Way
01/01/08-12/31/10**

Date: 1/9/2012

Incident #	Date & Time	Address	Apt#	Case Type	Disposition	Total
110007208	4/7/2010 08:26PM	202 E LINCOLN WY		MEDICAL	No Report Filed	2
109024050	10/29/2009 01:03PM	202 E LINCOLN WY		MENTAL HEALTH ISSUE	No Report Filed	2
110010600	5/16/2010 10:54AM	202 E LINCOLN WY		MENTAL HEALTH ISSUE	Dispo is final report	2
110000863	1/13/2010 10:50PM	202 E LINCOLN WY		MISSING PERSON/RUN AWAY	Report taken	2
110011183	5/23/2010 07:49PM	202 E LINCOLN WY		MISSING PERSON/RUN AWAY	Dispo is final report	2
109027680	12/16/2009 06:42PM	202 E LINCOLN WY		NO CONTACT ORDER	Cleared by Arrest	1
108020653	9/21/2008 07:31PM	202 E LINCOLN WY		OWI/DRIVING UNDER THE INFLUENCE	Cleared by Arrest	1
110001366	12/0/2010 07:50PM	202 E LINCOLN WY		OWI/DRIVING UNDER THE INFLUENCE	Unable to locate	2
108020184	9/16/2008 10:14PM	202 E LINCOLN WY		PROPERTY (LOST/FOUND/IMPOUNDED)	No Report Filed	1
109006165	3/23/2009 11:31PM	202 E LINCOLN WY		PURGED REPORT	Generated in Error	1
108024717	11/8/2008 11:47PM	202 E LINCOLN WY		RECKLESS DRIVER	No Report Filed	1
108019453	9/8/2008 09:51AM	202 E LINCOLN WY		SEXUAL ASSAULT INCIDENT	Report taken	1
108022155	10/8/2008 11:15PM	202 E LINCOLN WY		SEXUAL ASSAULT INCIDENT	Report taken	1
110007585	4/1/2010 03:44PM	202 E LINCOLN WY		SEXUAL ASSAULT INCIDENT	Report taken	3
108000152	1/3/2008 01:48PM	202 E LINCOLN WY		SOR COMPLIANCE	No Report Filed	1
108008056	4/18/2008 02:21PM	202 E LINCOLN WY		SOR COMPLIANCE	No Report Filed	1
108026790	12/10/2008 10:05AM	202 E LINCOLN WY		SOR COMPLIANCE	No Report Filed	1
109000408	1/7/2009 12:28PM	202 E LINCOLN WY	109	SOR COMPLIANCE	No Report Filed	1
109005835	3/19/2009 01:42PM	202 E LINCOLN WY		SOR COMPLIANCE	No Report Filed	1
109007201	4/6/2009 10:39AM	202 E LINCOLN WY		SOR COMPLIANCE	Dispo is final report	1
109007206	4/6/2009 11:31AM	202 E LINCOLN WY		SOR COMPLIANCE	Dispo is final report	1
109007215	4/6/2009 01:26PM	202 E LINCOLN WY		SOR COMPLIANCE	Dispo is final report	1
109012406	6/4/2009 01:58PM	202 E LINCOLN WY		SOR COMPLIANCE	No Report Filed	9
108024767	11/9/2008 06:56PM	202 E LINCOLN WY		SUSPICION	Dispo is final report	1
109009119	4/26/2009 01:00AM	202 E LINCOLN WY		SUSPICION	Report taken	1
109009174	4/27/2009 01:59AM	202 E LINCOLN WY		SUSPICION	Dispo is final report	1
109011092	5/19/2009 10:28PM	202 E LINCOLN WY		SUSPICION	No Report Filed	1
109012768	6/9/2009 03:31AM	202 E LINCOLN WY		SUSPICION	Dispo is final report	1
109014391	6/29/2009 09:12PM	202 E LINCOLN WY		SUSPICION	Dispo is final report	1
109017524	8/8/2009 01:29AM	202 E LINCOLN WY		SUSPICION	Dispo is final report	1
110015291	7/13/2010 11:32PM	202 E LINCOLN WY		SUSPICION	Dispo is final report	8
108001727	1/25/2008 12:20AM	202 E LINCOLN WY		TRAFFIC STOP	Citation Issued	1
108010327	5/16/2008 02:32AM	202 E LINCOLN WY		TRAFFIC STOP	Citation Issued	1
108014018	7/3/2008 09:00AM	202 E LINCOLN WY		TRAFFIC STOP	Warning - Verbal or Written	1
108027885	12/26/2008 11:50AM	202 E LINCOLN WY		TRAFFIC STOP	Citation Issued	1
109010099	5/7/2009 06:12PM	202 E LINCOLN WY		TRAFFIC STOP	Citation Issued	1
109013472	6/17/2009 09:11PM	202 E LINCOLN WY		TRAFFIC STOP	Warning - Verbal or Written	6

202 East Lincoln Way

01/01/08-12/31/10

Date: 1/9/2012

Incident #	Date & Time	Address	Apt#	Case Type	Disposition	Total
108006565	3/31/2008 10:13PM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
108012183	6/8/2008 05:29PM	202 E LINCOLN WY		TRESPASS	No Report Filed	
109028242	2/24/2009 11:25PM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
109008850	4/23/2009 12:18AM	202 E LINCOLN WY		TRESPASS	Information Only	
109010134	5/7/2009 10:17PM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
109012397	6/4/2009 11:58AM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
109012862	6/10/2009 09:34AM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
109014210	6/27/2009 11:18AM	202 E LINCOLN WY		TRESPASS	Report taken	
109015520	7/14/2009 11:24AM	202 E LINCOLN WY		TRESPASS	Report taken	
109015522	7/14/2009 11:51AM	202 E LINCOLN WY		TRESPASS	Report taken	
110000119	1/3/2010 03:24AM	202 E LINCOLN WY		TRESPASS	Report taken	
110007664	4/12/2010 10:03PM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
110017242	8/6/2010 08:27PM	202 E LINCOLN WY		TRESPASS	Dispo is final report	
110017479	8/9/2010 08:11PM	202 E LINCOLN WY		TRESPASS	Dispo is final report	14
109024424	11/2/2009 02:24PM	202 E LINCOLN WY		VANDALISM/CRIMINAL MISCHIEF	Dispo is final report	1
109014878	7/5/2009 07:52PM	202 E LINCOLN WY		WARRANT-OUTSIDE AGENCY	Dispo is final report	1
110010374	5/13/2010 04:06PM	202 E LINCOLN WY		WEAPONS VIOLATION NON-REPORTABLE	Dispo is final report	1
108017163	8/14/2008 08:14PM	202 E LINCOLN WY		WELFARE CHECK	Dispo is final report	
108020803	9/23/2008 06:31PM	202 E LINCOLN WY		WELFARE CHECK	Dispo is final report	
109009229	4/27/2009 10:04PM	202 E LINCOLN WY		WELFARE CHECK	Dispo is final report	
109013202	6/14/2009 06:22AM	202 E LINCOLN WY		WELFARE CHECK	No Report Filed	
109025824	11/21/2009 05:24AM	202 E LINCOLN WY		WELFARE CHECK	No Report Filed	
110000220	1/4/2010 06:36PM	202 E LINCOLN WY		WELFARE CHECK	No Report Filed	
110009291	4/29/2010 05:12PM	202 E LINCOLN WY		WELFARE CHECK	Report taken	
110009698	5/4/2010 09:48AM	202 E LINCOLN WY		WELFARE CHECK	Dispo is final report	8

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Exhibit D: Clean Up Bills

Proposal 10301

PROPOSAL

1

Mid-Iowa Environmental Corporation
3009 S.W. 9th Street
Des Moines, IA 50315

(515) 244-5766

Fax (515) 244-0917

July 6, 2010

Ames Motor Lodge
Attn: Perry Upchurch
318 E Lincoln Way
Ames, IA 50010

(515) 460-4448

Fax (515) 663-9445

Reference:

Lincoln Lodge

Removal and disposal of asbestos containing materials from Lincoln Lodge. Approximately 4650 square feet of mastic and approximately 50 square feet of caulking. Approximately 1000 square feet of paneling mastic.

Demolition to be done by others.

Owner agrees to reimburse Mid-Iowa for any costs including attorney fees incurred in collecting sums due hereunder.

Air monitoring and analysis is included in this proposal.

Upon completion, you will be furnished with copies of all paperwork for your permanent files.

The EPA, Iowa Bureau of Labor, and DNR require a specific time frame prior to project commencement. For this notification, we need: the date built, the total square footage, # of floors, it's present and prior use.

This proposal is good for 30 days.

Mid-Iowa will not be held responsible for damage caused by tape and spray adhesive.

Payment is due and payable upon completion. Total: \$ 33,765.00

Accepted:

Ames Motor Lodge

X _____

Accepted:

Mid-Iowa Environmental Corporation

X  _____

Christopher S. Riley, Estimator

Name Title

Date: _____

Name Title

Date: July 6, 2010

10301

NOTIFICATION OF DEMOLITION AND RENOVATION

7/6/10

Operator Project # 10301	Postmark	Date Received	Notification #
[X] Iowa Dept Labor [X] Iowa DNR [] Courtesy			
I. TYPE OF NOTIFICATION <i>Original</i> Note revision of:			
II. FACILITY INFORMATION (Identify owner, removal contractor)			
OWNER NAME: Address: City/State/Zip: Contact:	Ames Motor Lodge 318 E Lincoln Way Ames, IA 50010 Perry Upchurch		Tel: (515) 460-4448
REMOVAL CONTRACTOR:	Mid-Iowa Environmental Corporation Address: 3009 S.W. 9th Street City/State/Zip: Des Moines, IA 50315 Contact: Christopher S. Riley		Fax: (515) 244-0917 Tel: (515) 244-5766
OTHER OPERATOR: Address: City/State/Zip: Contact:	Apex Companies 10052 Justin Drive Urbandale, IA 50322 Dave Berger		(Testing Company) Tel: (515) 727-8025
III. TYPE OF OPERATION: <i>Demolition</i>			
IV. IS ASBESTOS PRESENT? <i>Yes</i>			
V. FACILITY DESCRIPTION: (Include building name, number and floor or room number.)			
Building Name: Addr/Location: City/State/Zip: Room Location:	Lincoln Lodge 202 E Lincoln Way Ames, IA 50010 Entire hotel		County: <i>Story</i>
Building Size: 22,638 Sq ft	# of Floors 2	Age in Years: 65	
Present Use: <i>Vacant</i>	Prior Use: <i>Hotel</i>		
VI. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING: 1. Regulated ACM to be removed 2. Category I ACM not removed 3. Category II ACM not removed	RACM To Be Removed	Nonfriable Asbestos Material Not To Be Removed Cat I Cat II	
		Indicate Unit of Measurement UNIT	
		LnFt:XX	
<i>Mastic</i>	4350	SqFt:XX	
<i>Caulking</i>	50	SqFt:XX	
<i>Paneling mastic</i>	1000	SqFt:XX	
<i>Volume Reg. ACM</i>		CuFt:XX	
VII. SCHEDULED DATES ASBESTOS REMOVAL:	Start: 7/20/10	Complete: 7/30/10	
VIII. SCHEDULED DATES DEMO/RENOVATION:	Start: 7/20/10	Complete: 7/30/10	

10301

NOTIFICATION OF DEMOLITION AND RENOVATION
(continued)

7/6/10

IX. PROCEDURE, INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL.
 Inspection previously determined by Owners/Owners Representative. Questionable materials on job site will be determined by PLM bulk sampling with analysis by others.

X. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED:
 Removal and disposal of asbestos containing materials from Lincoln Lodge.
 Approximately 4650 square feet of mastic and approximately 50 square feet of caulking.
 Approximately 1000 square feet of paneling mastic.
 Demolition to be done by others.

XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION OR RENOVATION SITE:
 The Asbestos Containing Material will be removed by hand, in a wetted state, within a mini-containment; including Neg Air, Pers. & Resp. Protection. Material to be bagged and labeled for transport to a PCA Solid Waste Permitted Landfill.

XII. WASTE TRANSPORTER #1

Name:	Chitty Garbage Service	Registration ID #
Address:	67 N Avenue	
City/State/Zip:	Nevada, IA 50201	Telephone: (515)232-5746
Contact:	Fred Chitty	

XIII. WASTE DISPOSAL SITE

Name:	Boone County Landfill	Registration ID #
Address/Location:	1268 224th Lane	
City/State/Zip:	Boone, IA 50036	Telephone: (515)433-0591

XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IF UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLLED, PULVERIZED, OR REDUCED TO POWDER.
 We are licensed by the State of Iowa and insured for hazardous material abatement. All work will be performed by Certified and AHERA trained workers. All work will be completed in accordance with EPA, OSHA, and DNR regulations, standards, codes and using proper removal and disposal techniques as outlined in Procedure Manual, updated in June, 2009 and filed with the Department of Labor with the application for licensing.

XVII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.

Job Site Supervisors: _____
 (Signature of Owner/Operator) 07/06/10
 (Date)

XVIII. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.

_____ 07/06/10
 (Signature of Owner/Operator) (Date)


Keith Cooper & Sons, Inc.

Office: 819 Lincoln Way, Suite E

Mailing: 909 Brookridge

Ames, IA 50010

July 27, 2010

To: Perry and Nancy Upchurch
 318 E. Lincoln Way
 Ames, Iowa 50010

Re: 202 E. Lincoln Way, Ames

We propose to:

1. Demolish and remove structure including basement and basement floor
2. Disconnect water and sewer per City code
3. Fill back excavation with fill material
4. Begin work as soon as abatement is complete

Our price is: \$30,000.00

Exclusions:

1. Demolition permit by owner
2. Disconnect utilities other than water and sewer
3. Removal or testing of any hazardous material

Additional requirements:

1. Letter from attorney or escrow agent that funds are available upon completion of job
2. Initial payment of \$15,000.00 when machinery is mobilized to site.

Completion date by: August 13, 2010.
 Thank you for the opportunity to quote this work. Please call with any questions.

Sincerely,

Kent Cooper
 Keith Cooper & Sons, Inc.

Accepted by:

Perry & Upchurch

 Name

7/29/2010

 Date

Phone: 515.232.3456
kent@cooperdigs.com

Fax: 515.232.7198
www.cooperdigs.com



HEDRICK CONSTRUCTION INC.
 104 Campus Dr.
 Huxley, IA 50124
 Tel.: 1-800-800-ROOF 965-3752
 Fax: (515)597-7664

4297

Invoice

CUSTOMER	DATE	PAGE
Perry Upchurch	8/1/2010	1

SOLD TO:
Perry Upchurch 1023 Lincoln Hwy. Colo, IA 50056 (515) 460-4448

SALESPERSON	Shawn N Hedrick
TERMS	Upon Receipt

DESCRIPTION	Amount
-------------	--------

Labor and dump fees for tearing off existing 2 layers of flat roofing materials on Ames Motor Lodge Building	\$6,000.00
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BALANCE DUE UPON RECEIPT
 A 1.5% FINANCE CHARGE
 WILL BE ASSESSED PER MONTH
 ON THE UNPAID BALANCE
 A 2% convenience fee will be added
 to all credit card payments

COMMENTS
Thank you for doing business with Hedrick Construction Inc. It's been a pleasure working with you!

SUBTOTAL	\$6,000.00
DOWN PAYMENT	\$0.00
TOTAL AMOUNT	\$6,000.00
BALANCE DUE	\$6,000.00