



City Attorney's Office

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May 17, 2012

The Honorable Ann Campbell, Mayor,
and Members of the City Council

Re: Termination of Monitoring Well Agreement and Lease with Bourns, Inc.

Dear Mayor Campbell and Members of the City Council:

In 1992 the City entered into an agreement with Bourns, Inc. to enable the company to install temporary monitoring wells on City property adjacent to the Bourns building on Airport Road. Bourns needed the monitoring wells for a period of four months in order to perform environmental testing in accordance with regulations of Iowa DNR.

In 1993, based on the results of the environmental testing, DNR found that Bourns needed to perform groundwater remediation and to continue monitoring the site for possible chemical contamination. The City extended the agreement with Bourns and entered into a lease with Bourns for the 4.5 acres of the airport farm that was affected by the monitoring wells. The terms of the agreement and lease provided that they would continue until such time as monitoring wells were not longer needed. Bourns paid the City \$120 per acre per year from 1993 to 2012.

In February, 2012, Bourns notified the City that the Iowa DNR had issued a site monitoring report that concluded the remediation project was completed. Bourns provided certifications that the monitoring wells had been properly plugged and that Iowa DNR had accepted the certifications as final action for closing environmental activities at the former Bourns facility.

Traffic Engineer Damion Pregitzer inspected the area and determined that Bourns has satisfied the requirements of the 1993 agreement by capping the wells and restoring the property to its original conditions. It is therefore appropriate for the City to release Bourns, Inc. from all obligations under the agreement and to terminate the lease by approval of the attached resolution.

Yours truly,

Douglas R. Marek
City Attorney

cc: Diane Voss, Damion Pregitzer

RESOLUTION NO. _____

**RESOLUTION TERMINATING MONITORING WELL AGREEMENT
AND LEASE WITH BOURNS, INC.**

WHEREAS, the City of Ames in 1993 by Resolution No. 93-159 approved a monitoring well agreement and lease with Bourns, Inc. for the purpose of identifying and monitoring the presence and levels of certain chemicals on City property; and

WHEREAS, Bourns has completed its need for environmental monitoring and remediation, and has plugged the monitoring wells and satisfied all requirements of the agreement and lease.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Ames, Iowa, that the agreement and lease with Bourns, Inc. are hereby terminated.

DONE this _____ day of May, 2012.

By: _____
Ann H. Campbell, Mayor

Attest: _____
Diane Voss, City Clerk