

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2004-22116

2004 JUN 15 A 9:10

Lloyd J. Dowding
REGISTER OF DEEDS

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SHORT		NCR	



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FOR RECORDING
INFORMATION.**

**DOCUMENT STARTS ON
NEXT PAGE.**

LLOYD J. DOWDING

SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE, STE 1109
PAPILLION, NE 68046-2895
402-593-5773

22116

A

RESTRICTIVE COVENANT

Dodge-Lots Joint Venture, a Nebraska joint venture, the Declarant, owns Outlot 12 in Lakewood Villages, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska,

WHEREAS, a portion of said Outlot 12 in Lakewood Villages contains a closed landfill which was operated by Sarpy County during the late 1960s until it was closed in 1971, and

WHEREAS, Declarant wishes to make the existence of said closed landfill a part of the title record of said Outlot 12 and the adjoining lots as outlined herein, and

WHEREAS, Declarant wishes to insure that the closed landfill on Outlot 12 is not excavated nor disturbed in the future,

NOW, THEREFORE, the Declarant hereby places the following Restrictive Covenants on Outlot 12:

1. Outlot 12 shall be established as open "green space" planted with native grasses and/or other appropriate landscaping ("Cover") to the extent necessary to permit such Cover to become naturally self-sustaining. The common boundary lines between Outlot 12 and the adjoining Lakewood Villages Lots shall be delineated by a living border. Said living border shall be a row of bushes planted on Outlot 12 along said common lot lines. A portion of Outlot 12 along its eastern boundary is covered with a natural tree-lined creek bank. This area shall remain in its natural state undisturbed by grading or seeding, and the trees shall serve as the Cover.

2. No construction, excavation, grading, trenching, gardening or other disturbances of the Cover on Outlot 12 shall be permitted.

3. Declarant and its successors and assigns shall not convey to Sanitary and Improvement District #180 of Sarpy County, Nebraska (including its successors and assigns) any fee or similar property right, title or interest in or to Outlot 12 without the prior written consent of the Bellevue City Council.

This Restrictive Covenant shall also serve as notification to all future owners of Outlot 12 and all lots adjoining Outlot 12 in Lakewood Villages, namely Lots 514, 591, 592 and 595 through and including 612, all in Lakewood Villages, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, that a portion of Outlot 12 contains a closed sanitary landfill. Said landfill is delineated and discussed in a "Report of Abandoned Landfill Investigation", attached hereto as Exhibit A and in two letters from Nebraska Department of Environmental Quality (NDEQ) which are attached hereto as Exhibits B and C respectively.

EXHIBIT "RC"

Page 1 of 3

B

This Restrictive Covenant shall run with the land and shall be in force forever. Provided, however, none of the restrictions contained herein shall prohibit compliance with requirements of the NDEQ and its successors.

This Restrictive Covenant may be enforced by any one or more of the present or future owners of any of the lots named herein or by the City of Bellevue.

C

The provisions of this Restrictive Covenant may be modified or amended by the Declarant and its successors only with the consent of The Bellevue City Council.

Dated this 4th day of June, 2004.

DECLARANT:

By: Dodge-Lots Joint Venture,
a Nebraska joint venture

By: Dodge Land Co.,
a Nebraska corporation, and
one of two members of the Joint
Venture

By: [Signature]
W. L. Morrison, Jr.,
President

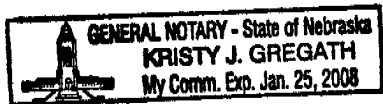
By: Lots, Inc.,
a Nebraska corporation, and
one of two members of the Joint
Venture

By: [Signature]
W. L. Morrison, Jr.,
President

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 4th day of June, 2004, by W. L. Morrison, Jr., as the President of Dodge Land Co. and Lots, Inc., both Nebraska corporations, said corporations being the sole members of the Dodge-Lots Joint Venture.



[Signature]
Notary Public

EXHIBIT "RC"
Page 3 of 3

TG

D

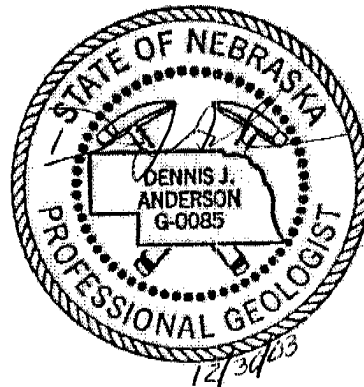
*Report of
Abandoned Landfill Investigation*

Lakewood Villages - Phase 5

**47th & Pine Street
Bellevue, Nebraska 68123**

Prepared for:
Dodge Lots Joint Venture
Attn: W. L. Morrison, Jr.
8701 West Dodge Road
Omaha, Nebraska 68114

December 30, 2003
TG Project No. 03341.5



THIELE GEOTECH, INC
13478 Chandler Road
Omaha, Nebraska 6838-6174
402/556-2171 Fax 402/556-7831

E

Abandoned Landfill Investigation
Lakewood Villages - Phase 5

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1.0 INTRODUCTION

This report summarizes the results of an Abandoned Landfill Investigation conducted by Thiele Geotech, Inc. (TG) on property identified as Lakewood Villages Subdivision – Phase 5, located near 47th & Pine Street in Bellevue, Nebraska. The Topographic Map and Site Plan included in the Appendix, further illustrate the disposition of the site and surrounding properties. The purpose of this investigation was to assess the general condition and extent of the landfill within the immediate vicinity of Phase 5 of the Lakewood Villages Subdivision development.

Historically, this portion of site was agricultural land bordered by a tributary of Papillion Creek. Recent information indicates this site was utilized as a landfill for municipal waste from residences and businesses within Sarpy County during a period of time in the 1960's and 1970's. An aerial photograph taken in 1973 indicates disposal activities ceased prior to the time the photograph was taken. The 1973 aerial photograph is included in the Appendix.

This investigation included the advancement of forty-four (44) soil borings, test pits, soil and garbage sampling, and analytical testing of recovered soil and garbage samples.

This Report is an instrument of service for the exclusive use of our client and their designated representatives only. No other third party may use this report or any information contained herein. With the permission of our client (Dodge Lots Joint Venture), Thiele Geotech, Inc. may authorize a third party to rely on the information contained in this report, but only to the extent of the technological and other limitations described herein. It is important to note that this Abandoned Landfill Investigation does not constitute a guarantee or warranty of the environmental condition of the subject property. With the permission of our client, TG authorizes the City of Bellevue, First National Bank of Omaha, and the Nebraska Department of Environmental Quality to rely on the information contained in this report to the extent of the previously stated limitations.

G

2.0 SITE LOCATION, TOPOGRAPHY, AND UTILIZATION

The Lakewood Villages development is located south of Highway 370 near 48th Street and Maass Road. Phases 1 through 3 are in the northern portion of the development. Phases 4 and 5 cover roughly 85 acres, and lie south of Phase 2 and east of Phase 3. The assessment area is identified as a portion of Lakewood Village Subdivision – Phase 5, located at the southeast corner of the subdivision. This site is generally located within the Northwest Quarter of Section 5 and the Northeast Quarter of Section 6, Township 13 North, Range 13 East, Sarpy County, Nebraska.

Prior to development, the site was agricultural land bordered by a tributary of Papillion Creek to the east. Two drainageways, channeling surface water to the tributary were located along the southern border and approximately 1,000 feet north of the southern border. During grading, approximately 2-20 feet of structural fill material were placed over the landfill cover and landfill debris.

As shown on the 1994, USGS 7.5 Minute Topographic Map, Omaha South and Plattsmouth, Nebraska Quadrangles, portions of which is included in the Appendix, the elevation of the assessment site is approximately 1,050 to 1,140 feet above mean sea level (MSL). The site slopes moderately to the east. The scale of this map is 1" = 2,000' and has a contour interval of 10 feet. A site-specific topographic map was also reviewed. Topographic contours prior to grading are consistent with the contours on the USGS topographic map. Topographic contours for finished grading indicate varying depths of fill material was placed over the area. Final elevations range 1,060 feet to 1,140 feet above MSL.

Based on the topography and surface water flow directions observed during the site reconnaissance, site-specific ground water flow is to the northeast. The overall regional ground water flow direction in the vicinity of the property is assumed to be to the northeast toward Papillion Creek. Depth to ground water at the assessment site is anticipated to be approximately 20-40 feet below ground surface (bgs). Ground water was not encountered during drilling activities.

H

3.0 EXPLORATION METHODS

3.1 DRILLING PROCEDURES

Forty-four (44) soil borings were drilled for this investigation. The locations of the borings are illustrated on the Site Plan included in the Appendix.

The soil boring depths ranged from 15 to 30 feet bgs. The borings were drilled with truck-mounted drill rigs using 6-inch O.D., continuous-flight, solid-stem augers incorporating standard auger drilling techniques. This depth of each boring was approximately 10 feet into native soil or through the entire landfill debris interval.

3.2 TEST PIT EXCAVATIONS

Approximately 15 test pits were excavated along the southern portion of the site. The test pits were excavated with a backhoe. The depths of each pit were approximately 10 to 20 feet bgs. Select soil and landfill debris samples were collected from the pits and submitted for laboratory analysis. Results of laboratory analysis are discussed in Section 4.2 of this report.

3.3 LITHOLOGIC OBSERVATIONS

Sample collection was conducted at boring and test pit locations. Sampling was conducted in 5-foot intervals at each boring location. Sampling was conducted by screwing the auger 5 feet into the ground and then pulling the auger to the surface. Grab samples were collected at select locations from the test pits.

The materials retained on the augers and collected from the test pits were observed and noted by a geologist. Observations typically included color, moisture content, consistency, sediment type, geologic origin, and notations of any visual or olfactory evidence of landfill debris and/or contamination. Information collected during this investigation is discussed in Section 4.1 of this report.

I

4.0 ASSESSMENT RESULTS

4.1 SUBSURFACE CONDITIONS

Forty-four (44) soil borings and approximately 15 test pits were utilized to delineate and assess the condition of the landfill.

Structural fill material was encountered at each boring location. The thickness of the structural fill ranged from 2 to 20 feet. The structural fill was generally described as brown, moist, firm to hard, lean clay.

Landfill cover or native soil was encountered beneath the structural fill material. The landfill cover and native soils were generally described as light brown to grayish brown to dark brown, moist, firm, lean clay. At locations where landfill debris was encountered, the thickness of the landfill cover ranged from 1 to 7 feet.

Landfill debris was encountered at 19 boring locations and within several test pits. The landfill debris was typically gray to black, moist to very moist and well compacted. Debris consisted mostly of household waste. Typical items observed included food packaging, yard waste, newspapers/phone books, clothing, appliances, furniture, holiday decorations, household cleaner containers, automotive lubricant/solvent containers, and automotive accessories (i.e. fan belts, hoses, tires, mechanical components). The date found on an issue of the Omaha World Herald newspaper was October 19, 1969. None of the solvent or lubricant containers that were observed contained appreciable amounts of the material for which they were labeled. No barrels, drums, or large volume storage tanks were observed in the test pits.

Soils encountered below the landfill debris were typically gray to dark gray to olive gray, moist to very moist, firm, lean clays. The soils typically exhibited a strong organic and sulfur odor.

Table 1, on page 5, summarizes the subsurface conditions encountered within the borings.

Ground water was not encountered in the borings or test pits during drilling and excavation activities.

TABLE 1. SUBSURFACE INTERVALS

Sample Location	Depth of Structural Fill Material	Depth of Landfill Cover or Native Soil	Depth of Landfill Debris
T-1-PPW	0-11	11-13	13-15
T-2-PPW	0-25	25-35	N/E
T-3-PPW	0-3	3-15	N/E
T-4-PPW	0-17	17-25	N/E
T-5-PPW	0-12	12-20	N/E
T-6-PPW	0-5	5-15	N/E
T-7-PPW	0-2	2-15	N/E
T-8-PPW	0-2	2-15	N/E
T-1-N	0-7.5	7.5-8.5	8.5-13
T-2-N	0-7.5	7.5-9.5	9.5-13
T-3-N	0-8	8-10	10-13
T-4-N	0-10	10-19	N/E
T-5-N	0-6	6-10	10-19
T-6-N	0-10	10-19	N/E
T-7-N	0-10	10-19	N/E
T-1-NW	0-5	5-14	N/E
T-3-NW	0-2	2-15	N/E
T-1-W	0-2	2-20	N/E
T-2-W	0-1	1-20	N/E
T-3-W	0-9	9-25	N/E
T-4-W	0-10	10-15	15-17
T-5-W	0-10	10-25	N/E
T-6-W	0-10	10-15	15-17
T-7-W	0-10	10-15	15-16
T-8-W	0-10	10-12	12-15.5
T-9-W	0-9	9-10	10-10.5
T-10-W	0-10	10-14	14-14.5
T-11-W	0-19	19-30	N/E
T-12-W	0-12	12-15	15-16
T-13-W	0-13	13-20	20-21
T-14-W	0-13	13-15	15-17
T-1-SE	0-7	7-9	9-10
T-2-SE	0-4	4-15	N/E
L-1	0-5	5-10	N/E
H-1	0-5	5-15	N/E
H-2	0-2	2-15	N/E
H-3	0-4	4-15	N/E
H-4	0-8	8-15	N/E
H-5	0-9	9-12	12-14.5
H-6	0-9	9-11	11-15.5
H-7	0-8	8-20	N/E
H-8	0-10.5	10.5-15	N/E
H-9	0-6	6-8	8-12
H-10	0-9	9-15	8-12

*Borings in bold print are locations where landfill debris was encountered.
 Depths are in feet below ground surface (bgs).
 N/E - Not Encountered.*

K

The information collected from the borings and test pits indicated the landfill exists on approximately 5.5 acres of Phase 5 of the Lakewood Villages Subdivisions. The landfill does not appear to be lined or capped according to regulations established in Nebraska Department of Environmental Quality (NDEQ) Title 132. The landfill debris ranges from 0.5 to 9 feet thick. Ground water leaching through the landfill debris has adversely impacted soils underlying the debris. The limits of the landfill on the property are illustrated on the Site Plan in the Appendix.

4.2 SAMPLE ANALYSIS

One landfill debris sample (Garbage Sample) and one sample of soil immediately underlying the landfill debris (Underlying Soil Sample) were submitted to Midwest Laboratories, Inc. for analysis. The samples were analyzed to determine whether the landfill debris was suitable for potential disposal in a sanitary landfill.

The samples were analyzed for "characteristic hazardous waste" properties. Table 2, on page 7, summarizes the results of analysis. A copy of the Report of Analysis is included in the Appendix.

TABLE 2. RESULTS OF LABORATORY ANALYSIS

Sample ID	Characteristic	Compound Identified	Level Found (Above Detection Limits)
Garbage Sample	Toxicity (Volatiles)	None	-
	Toxicity (Semivolatiles)	None	-
	Toxicity (Metals)	Barium	0.45 mg/L
		Nickel	0.02 mg/L
		Zinc	0.38 mg/L
	Ignitability	Not Applicable	> 435° F
	Reactivity (Acid)	Not Applicable	positive
	Reactivity (Base)	Not Applicable	negative
	Releasable Cyanide	Not Applicable	-
	Releasable Sulfide	Not Applicable	70 mg/kg
pH	Not Applicable	6.7	
Underlying Soil Sample	Toxicity (Volatiles)	None	-
	Toxicity (Semivolatiles)	None	-
	Toxicity (Metals)	Barium	1.44 mg/L
		Nickel	0.07 mg/L
		Copper	0.02 mg/L
		Zinc	0.30 mg/L
	Ignitability	Not Applicable	> 435° F
	Reactivity (Acid)	Not Applicable	positive
	Reactivity (Base)	Not Applicable	negative
	Releasable Cyanide	Not Applicable	-
Releasable Sulfide	Not Applicable	-	
pH	Not Applicable	8.3	
<u>Maximum Permissible Extract Levels for Metals:</u> Barium -100 mg/L Nickel - No Established EPA Limit. Copper - No Established EPA Limit. Zinc - No Established EPA Limit. <u>Maximum Ignitability Range:</u> < 140° F <u>Maximum pH Ranges (pH of 7 is considered nonreactive):</u> < 2 (extremely acidic) >12.5 (extremely alkaline)			

Toxicity analysis indicated the landfill debris and impacted soil did not contain regulated volatile organic compounds, semivolatile organic compounds, or metals above the maximum permissible concentrations for leachate extracts. Ignitability analysis indicated the ignition level was above 450° Fahrenheit, much higher than the 140° F or less limit. Reactivity analysis indicated the samples were reactive with acid, indicating the materials contained either carbonate or alkaline materials. Corrosivity analysis was conducted by analyzing the pH of the materials. Analysis indicated the

materials were at fairly nonreactive levels. Therefore, the materials likely contain carbonate. Additional reactivity analysis indicated the landfill debris sample released low levels of sulfide. The release of low levels of sulfide compounds is typically expected in highly organic materials in a state of decomposition.

N

5.0 CONCLUSIONS AND RECOMMENDATIONS

Based upon the results of this Abandoned Landfill Investigation, Thiele Geotech, Inc. makes the following conclusions/recommendations regarding the assessment site.

5.1 CONCLUSIONS

- Based upon field observations collected from the borings and test pits, the landfill exists on approximately 5.5 acres of Phase 5 of the Lakewood Villages Subdivision. The landfill does not appear to be lined or capped according to regulations established in Nebraska Department of Environmental Quality (NDEQ) Title 132. The landfill debris ranges from 0.5 to 9 feet thick. Ground water leaching through the landfill debris has adversely impacted soils underlying the debris. However, the water table was not encountered during drilling activities and does not appear to extend into the landfill debris interval.
- Based upon laboratory analysis, it does not appear that the landfill debris and impacted soils would be classified as a "characteristic hazardous waste" if the landfill debris and impacted soils were to be disposed of in a sanitary landfill. Analysis indicated the landfill debris is reactive with acid, indicating the material contains either carbonate or alkali materials. pH levels indicate the materials are fairly nonreactive material and likely contain carbonate. The landfill debris sample released low levels of sulfide. Release of low levels of sulfide compounds is typically expected in highly organic materials in a state of decomposition.

5.2 RECOMMENDATIONS

Based upon the analytical testing conducted on recovered garbage and soil samples collected from within the former municipal landfill site, TG recommends no further investigation for significant adverse environmental conditions from potential releases from the former landfill site. However, TG recommends that measures be taken to insure the containment integrity (although somewhat limited) of the former municipal landfill site. Penetrations into the landfill site by subsurface structures (i.e. basements, utility trenches, etc.) should be avoided if possible. Should a subsurface structure need to penetrate the landfill site, additional engineering considerations should be addressed to protect it from adverse conditions (settlement, vapor accumulation) presented by the landfill material. Should it be necessary to disturb any garbage during site construction activities, all disturbed garbage will need to undergo analytical testing and eventual disposal in a permitted landfill.



TG recommends that correspondence with the Nebraska Department of Environmental Quality (NDEQ) continue to insure that all applicable regulations regarding abandoned landfill sites are being followed.

P

6.0 LIMITATIONS

Soil samples were collected at the discrete locations indicated on the Site Plan and were analyzed for select parameters only. The data obtained may not be representative of other locations on the site. Also, note that conditions may change over time. Consequently, Thiele Geotech, Inc. does not guarantee or warrant the environmental condition of the property.

This study is not intended to meet the requirements of a "Phase I" ESA or a Detailed Plume Study. This study also did not include identification or evaluation of asbestos, radon, methane gas, or sampling or testing of soil or ground water for constituents other than those listed above.

Our conclusions regarding the assessment site are based upon observations of existing site conditions, our interpretation of site history and site usage information and the results of a limited subsurface exploration, sample screening and chemical testing program. The results of this study must be qualified by the fact that only limited borings, soil and ground water sampling and chemical testing have been conducted at the site. The concentrations of contaminants measured may change at any particular location as a function of time in response to natural conditions, chemical reactions and other events. Therefore, conclusions regarding the condition of the site do not represent a warranty that all areas within the site and beneath structures are of the same environmental quality as those sampled. Further, contamination could also exist in forms not indicated by the limited investigation conducted. If additional information becomes available regarding this site, such information should be provided to Thiele Geotech, Inc. so that our conclusions and recommendations may be reviewed and modified as necessary.

This report is based on the current regulatory environment, current regulations, and guidance. Regulatory agency interpretations, future regulatory changes, and/or policy or guidance changes may affect the environmental status of the site.

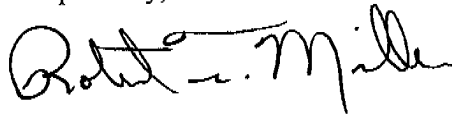
Q

7.0 CERTIFICATION AND SIGNATURE

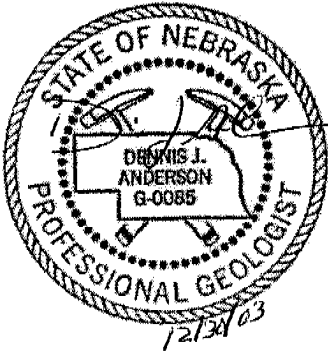
I certify that this document was prepared by me or under my direct personal supervision and that I am a Professional Geologist as licensed by the State of Nebraska Board of Geologists.

Respectfully submitted,
Thiele Geotech, Inc.

Prepared by,



Robert T. Miller, G.I.T.



Prepared under the supervision of,



Dennis J. Anderson, P.G.
Nebraska License G-0085

R

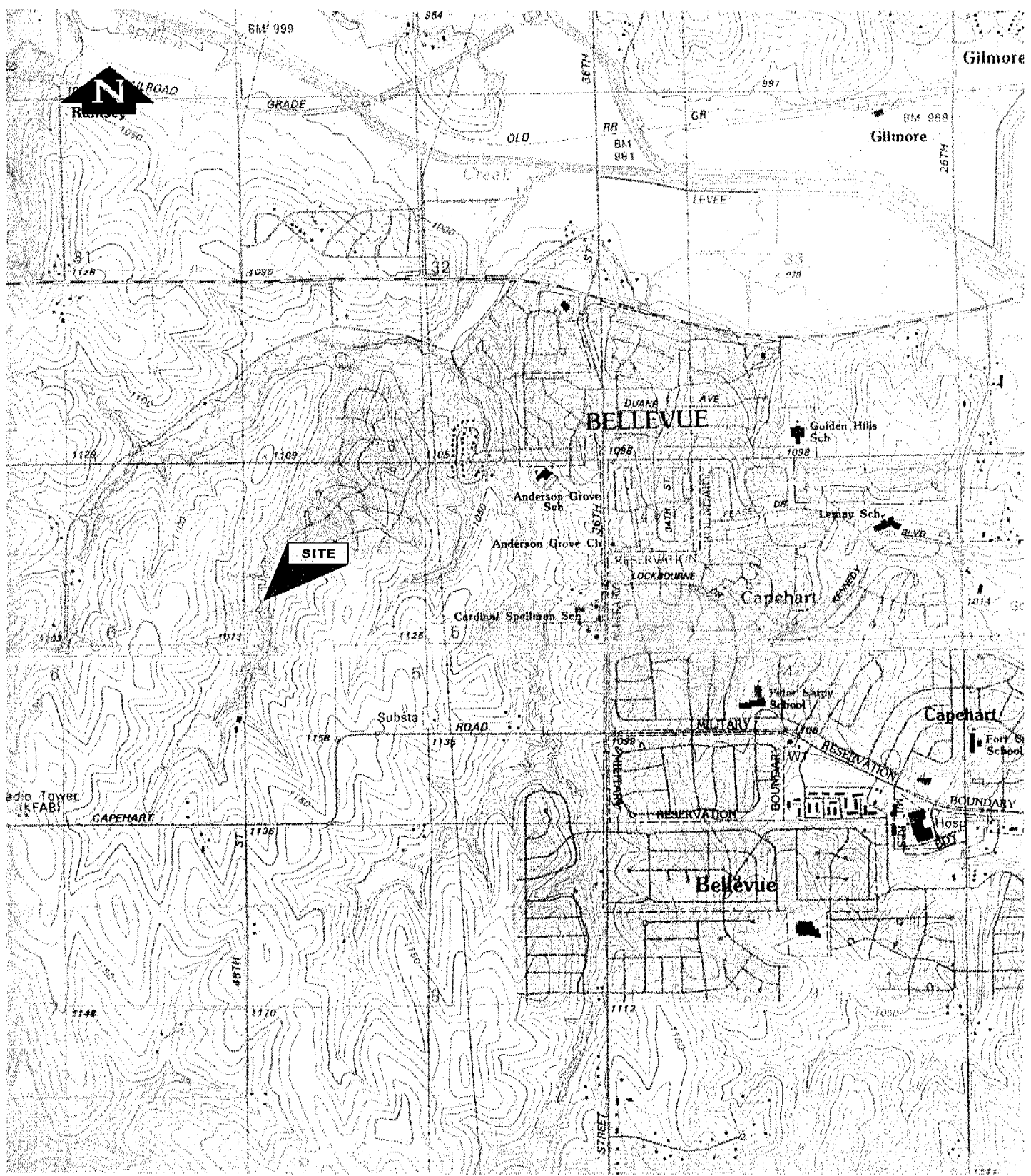
APPENDIX

Topographic Map

Site Plan

1973 Aerial Photograph

Report of Analysis



Topographic Map

(From 1994 Omaha South/Plattsmouth, Nebraska Quadrangles)
 1"=2,000'



THIELE GEOTECH, INC

Project

Lakewood Villages – Phase V
 47th & Pine Streets, Bellevue, NE

Job #

03341.5

Date

12/3/03



TG THIELE GEOTECH, INC.
 PROJECT
 LAKEWOOD VILLAGES—PHASE 5
 47TH & PINE STREET
 BELLEVUE, NEBRASKA
 JOB # 033341.5 DATE: 12/30/83

SITE PLAN

1



1973 Aerial Photograph

Scale: 1" = 500'

TG THIELE GEOTECH, INC

Project
Lakewood Villages – Phase V
47th & Pine Streets, Bellevue, NE

Job #	03341.5	Date	12/3/03
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Midwest Laboratories, Inc.SM

Report Number
03-318-2095

13611 "B" Street • Omaha, Nebraska 68144-3693 • (402) 394-7770 • FAX (402) 394-9121

www.midwestlabs.com

REPORT OF ANALYSIS

For: (1539) THIELE GEOTECH INC
(402)556-2171

Date Reported: 11/14/03
Date Received: 11/03/03
Date Sampled: 10/30/03

Mail to: THIELE GEOTECH INC
DENNIS ANDERSON
13478 CHANDLER RD
OMAHA NE 68138-6174

PO/Proj. #: 03341.5
LAKEWOOD VILLAGES
PHASE 5 *RM*

Lab Number: 923031 Sample ID: UNDERLYING SOIL SAMPLE

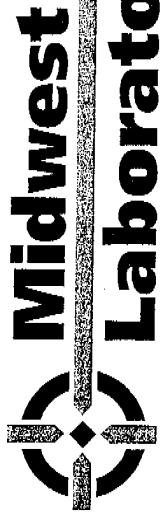
Analysis	Level Found	Detection Limit	Analysis	Level Found	Detection Limit
Method: ZERO HEADSPACE TCLP 1311	Units: $\mu\text{g/L}$	Analyst: sde	Date: 11/05/03		
Benzene	n.d.	5	1,1-Dichloroethene	n.d.	5
Carbon Tetrachloride	n.d.	5	2-Butanone (Methyl Ethyl Ketone)	n.d.	40
Chlorobenzene	n.d.	5	Tetrachloroethene	n.d.	5
Chloroform	n.d.	5	Trichloroethene	n.d.	5
1,4-Dichlorobenzene	n.d.	5	Vinyl Chloride	n.d.	5
1,2-Dichloroethane	n.d.	5			

Method: NONZERO HEADSPACE TCLP 1311	Units: mg/L	Analyst: cjh	Date: 11/14/03
Total Cresol	n.d.	0.04	Hexachloroethane
1,4-Dichlorobenzene	n.d.	0.04	Nitrobenzene
2,4-Dinitrotoluene	n.d.	0.04	Pentachlorophenol
Hexachlorobenzene	n.d.	0.04	2,4,5-Trichlorophenol
Pyridine	n.d.	0.20	2,4,6-Trichlorophenol
Hexachlorobutadiene	n.d.	0.04	

Notes:
n.d. - Not Detected.
add'l report (DFT).

The above analytical results apply only to the sample(s) submitted.

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Report Number
03-318-2094

13611 "B" Street • Omaha, Nebraska 68144-3693 • (402) 334-7770 • FAX (402) 334-9121
www.midwestlabs.com

Midwest Laboratories, Inc.

REPORT OF ANALYSIS

For: (1539) THIELE GEOTECH INC
(402)556-2171

Date Reported: 11/14/03
Date Received: 11/03/03
Date Sampled: 10/30/03

Mail to: THIELE GEOTECH INC
DENNIS ANDERSON
13478 CHANDLER RD
OMAHA NE 68138-6174

PO/Proj. #: 03341.5
LAKEWOOD VILLAGES
PHASE 4 *BRM*

Lab Number: 923030 Sample ID: GARBAGE SAMPLE

Analysis	Level Found	Detection Limit	Analysis	Level Found	Detection Limit
Method: ZERO HEADSPACE TCLP 1311	Units: $\mu\text{g/L}$	Analyst: sde	Date: 11/05/03		
Benzene	n.d.	5	1,1-Dichloroethene	n.d.	5
Carbon Tetrachloride	n.d.	5	2-Butanone (Methyl Ethyl Ketone)	n.d.	40
Chlorobenzene	n.d.	5	Tetrachloroethene	n.d.	5
Chloroform	n.d.	5	Trichloroethene	n.d.	5
1,4-Dichlorobenzene	n.d.	5	Vinyl Chloride	n.d.	5
1,2-Dichloroethane	n.d.	5			

Method: NONZERO HEADSPACE TCLP 1311	Units: mg/L	Analyst: cjh	Date: 11/14/03
Total Cresol	n.d.	0.04	Hexachloroethane
1,4-Dichlorobenzene	n.d.	0.04	Nitrobenzene
2,4-Dinitrotoluene	n.d.	0.04	Pentachlorophenol
Hexachlorobenzene	n.d.	0.04	2,4,5-Trichlorophenol
Pyridine	n.d.	0.20	2,4,6-Trichlorophenol
Hexachlorobutadiene	n.d.	0.04	

Notes:
n.d. - Not Detected.
add'l report (DFT).

The above analytical results apply only to the sample(s) submitted.

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X



Report Number
03-318-2094

13611 "B" Street • Omaha, Nebraska 68144-3683 • (402) 334-7770 • FAX (402) 334-9121

www.midwestlabs.com

Midwest Laboratories, Inc. SM

REPORT OF ANALYSIS

For: (1539) THIELE GEOTECH INC
(402)556-2171

Date Reported: 11/14/03
Date Received: 11/03/03
Date Sampled: 10/30/03

Mail to: THIELE GEOTECH INC
DENNIS ANDERSON
13478 CHANDLER RD
OMAHA NE 68138-6174

PO/Proj. #: 03341.5
LAKEWOOD VILLAGES
PHASE A 5 *RM*

Lab number: 923030 Sample ID: GARBAGE SAMPLE

Analysis
Arsenic (TCLP)
Barium (TCLP)
Mercury (TCLP)
Selenium (TCLP)
Silver (TCLP)
Chromium (TCLP)
Lead (TCLP)
Cadmium (TCLP)
Nickel (TCLP)
Copper (TCLP)
Zinc (TCLP)
Ignitability
Reactivity with Acid
Reactivity with Base
Releasable Cyanide
Releasable Sulfide
pH

Level Found Units
n.d. mg/L
0.45 mg/L
n.d. mg/L
n.d. mg/L
n.d. mg/L
n.d. mg/L
n.d. mg/L
n.d. mg/L
0.02 mg/L
n.d. mg/L
0.38 mg/L
>435 deg F
positive
negative
n.d. mg/kg
70 mg/kg
6.7 S.U.

Detection Limit

0.5 EPA 6010
0.005 EPA 6010
0.001 EPA 7470
0.10 EPA 6010
0.01 EPA 6010
0.01 EPA 6010
0.05 EPA 6010
0.005 EPA 6010
0.01 EPA 6010
0.01 EPA 6010
0.01 EPA 6010
39 ASTM D92
SW-846, CH. 7.3
SW-846 CH. 7.3
1 SW 846 CH. 7.3.3.2
10 SW 846 CH. 7.3.4.1
EPA 9045

Analyst-Date
tsw-11/07
tsw-11/07
jsk-11/07
tsw-11/07
tsw-11/07
tsw-11/07
tsw-11/07
tsw-11/07
tsw-11/07
tsw-11/07
tsw-11/07
tsw-11/07
lma-11/10
lma-11/10
lma-11/10
lma-11/10
lma-11/10
dmg-11/04

Notes:

n.d. - Not Detected.
add'l report (DUAL)

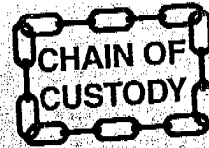
MAXIMUM PERMISSIBLE LEVELS FOR TCLP EXTRACTS (in mg/L): Arsenic- 5.0
barium- 100, cadmium- 1.0, chromium- 5.0, lead- 5.0, mercury- 0.2,
selenium- 1.0, silver- 5.0 .

Respectfully Submitted

Heather Ramig/Sue Ann Seitz/Rob Ferris
Client Services

The above analytical results apply only to the sample(s) submitted.

Our reports and letters are for the exclusive and confidential use of our clients and may not be reproduced in whole or in part, nor may any reference be made to the work, the results, or the company in any advertising, news release, or other public announcements without obtaining our prior written authorization.



Z

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ACCOUNT NUMBER 1539

CHAIN OF CUSTODY RECORD: Yes X No

PURCHASE ORDER NUMBER _____

REPORT & BILL TO	IDENTIFICATION	COPY TO
THIELE GEOTECH, INC. 13478 Chandler Road Omaha, NE 68138-3716	Lakewood Villages Phase 4 Sam 47th + Chennault Bellevue, Nebraska	
ZIP		ZIP
PHONE ()		PHONE ()

PROJ. NO.	PROJECT NAME/COMPANY:			No of Containers	Proper preservation (Y/N)	M A T R I X	Tests Requested					Lab Number/Order # (Internal Use)
	COMPANY: (Signature)						Flash Point	PH	TCLP (Metals)	TCLP (Volatiles)	Releasable Cyanide/Sulfide	
03341.5	(Signature)											
SAMPLER: (Signature) Robert Miller												
SAMPLE ID/LOCATION	DATE	TIME	COMP	GRAB								
Garbage Sample	10/30/03	12:45	X	X	2	Y	OT					923030
Underlying Soil Sample	10/30/03	12:50	X	X	2	Y	SO					923031

Relinquished by: (Signature) <i>Robert Miller</i>	Date/Time 10/3/03 1512	Received by: (Signature) <i>Walter Ramsey</i>	Cooler arrived intact: Yes _____ No _____
Relinquished by: (Signature)	Date/Time	Received by: (Signature)	Temperature on Arrival (°C): _____
Relinquished by: (Signature)	Date/Time	Received in Lab by: (Signature)	Preserved in Field: Yes _____ No _____
			Remarks: _____

Chain-of-Custody will have a signature upon receipt but no subsequent signatures Rev 02/02

Distribution: Original accompanies shipment; copy to Coordinator Field Files

Matrix Code: SO - Soil, WA - Water, SL - Sludge, OT - Other

Aa

STATE OF NEBRASKA

JAN 23 2004
PLANNING DEPT.



Mike Johanns
Governor

JAN 23 2004

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder
Director

Suite 400, The Atrium
1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186
FAX (402) 471-2909

Chris J. Koenig, P.E.
Project Manager
HGM Associates, Inc.
5022 S. 114th Street, Suite 200
Omaha, NE 68137

Re: Lakewood Villages Phase V, Bellevue, Nebraska
Old Landfill Site, Final Development Plan

Dear Mr. Koenig:

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the Final Development Plan for the Lakewood Villages development area near Bellevue, Nebraska that was submitted on January 15, 2004. Based on the information presented in the plan, Title 132 would not apply as long as the final cover or solid waste is not disturbed during any excavation or construction activities. If for some reason the final cover or any solid waste is disturbed during excavation or other construction activities, then proper notification of the Department is required, and Title 132, Chapter 3, Section 5.09 would need to be followed.

As stated in the letter attached to the plan, the area will be platted as an "outlot" with the requirements that no excavation be allowed in the area. It is the recommendation of the Department that prospective owners of property along this section of the development be informed of the landfill and the current status of this piece of property. Since the solid waste material is still in place, there may be future environmental concerns that could have an impact on the owners of property along this area of the development. The Department recommends that a deed notice should be recorded indicating the presence of a closed landfill on the property.

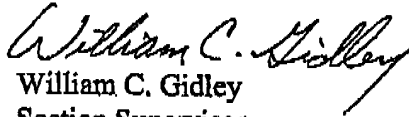
Based on the limited information available describing the extent and content of the waste material in this area, the NDEQ is not claiming this site does not have the potential for future environmental impacts. If additional information becomes available regarding this site, this information would be reviewed by the NDEQ and our conclusions and recommendations could be modified based on the new information.

Exhibit B

Ab

If you have any questions please contact Dave Johnson (471-4228), Michael Behrens (471-4250) or myself at 471-4495.

Sincerely,



William C. Gidley
Section Supervisor
Waste Management Section

2004-22116 Ac

STATE OF NEBRASKA

FILE COPY



Mark Johanns
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder
Director
Suite 400, The Atrium
1200 N Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402) 471-2909

APR 7 2004

Chris J. Koenig, P.E.
Project Manager
HGM Associates, Inc.
5022 S. 114th Street, Suite 200
Omaha, NE 68137

Re: Lakewood Villages Phase V, Bellevue, Nebraska - Final Grading Plan/Site Visit;
IWM Program ID#: NF00691; IIS#75849

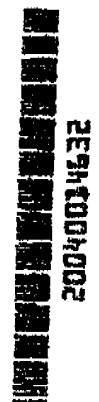
Dear Mr. Koenig:

The Nebraska Department of Environmental Quality (NDEQ) visited the Lakewood Village development area near Bellevue, Nebraska on March 23, 2004. The site visit was conducted to provide a follow up to the letter that was issued by the NDEQ on January 23, 2004 addressing the Final Development Plan. Based on the site visit and the additional material on the final grading plan submitted on March 30, 2004 the NDEQ approves the construction activities that will take place at the Lakewood Village development.

If you have any questions please contact Dave Johnson (471-4228), Michael Behrens (471-4250) or myself at 471-4495.

Sincerely,

William C. Gidley
William C. Gidley
Section Supervisor
Waste Management Section



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Printed with soy ink on recycled paper

Exhibit "C"