



Report of Evidence Supporting Dayton Project Reclassification as DOE Site

Unit 4-Runnymede Playhouse:

The United States Government condemned and appropriated 3.88 acres, including Runnymede Playhouse (Unit 4), from the Talbott Realty Company in March 1944. The ownership of that property is transferred from the Talbott Realty Company to the United States Government in Montgomery County, Ohio Deed Book 1053, page 393. This transfer is based on the following US District Court, Southern District of Ohio Court Order # 319.

Title	Date	What does it do?
Order of Immediate Possession	March 10 1944	Gives possession of 3.88 acres including Runnymede Playhouse to US Government as of 3:30pm.
Stipulation	Dec. 29 1948	Conditions for termination of declaration of taking upon payment of \$138,750 in lieu of restoration of building and requirements for government cleanup of property.
Order of Distribution	Aug. 12 1948	Payment of \$4,266.72 in satisfaction of judgment to Talbott Realty Co.
Entry		Payment of \$138,750 to Talbott Realty Co. from US Government for title to all buildings on Runnymede Playhouse property
Entry		Judgment to Talbott Realty for \$138,750 for Runnymede Playhouse, demolition and removal of all buildings to a depth of 7 feet and end of declaration of taking.
Petition in Condemnation	March 10 1944	Acquisition of Runnymede Playhouse property by Acts of Congress or Executive Order including legal description.

Notice	June 1 1948	AEC election to extend condemnation through June 30, 1949.
Order of Distribution	Nov. 3 1947	Payment of \$4,266.72 to Talbott Realty Co. for July 1, 1947 through June 30, 1948.
Notice		AEC election to extend condemnation through June 30, 1948.
Entry		Amend petition at bar by substituting AEC in place of Secretary of War or War Department.
Order of Distribution	Sept. 1946	Payment of \$4,266.72 to Talbott Realty Co. for July 1, 1946 through June 30, 1947.
Notice	May 24 1946	Election to extend condemnation through June 30, 1947.
Entry		Extension of condemnation through June 30, 1946.
Order of Distribution	Nov. 1945	Payment of \$4,266.72 to Talbott Realty Co. for July 1, 1945 through June 30, 1946.
Notice	May 28 1945	Election to extend condemnation through June 30, 1946.
Order of Distribution	Oct. 23 1944	Payment of \$4,266.72 to Talbott Realty Co. for July 1, 1944 to June 30, 1945.
Entry		Extension of condemnation through June 30, 1946.
Final Decree		Order taking 3.88 acres including Runnymede Playhouse by US government from March 10 through June 30, 1944.
Stipulation	June 10 1944	Waiver of service by Talbott Realty Co. and order for payment of \$1,319.01
Notice	June 3 1944	Extension of condemnation through June 30, 1945.
Waiver of Summons	March 14 1944	Waiver of service by Talbott Realty Co.
Order of Immediate Possession	March 10 1944	An order giving the US possession of Runnymede Playhouse as of 3:30pm.
Decree of Declaration of Taking	May 27 1944	US Government takes Runnymede Playhouse and property for a Training Film Production Laboratory and other uses. Includes legal description
Declaration of Taking	May 27 1944	Runnymede Playhouse taken for Training Film Production Laboratory and other uses. Schedule A is description of property. Schedule B is a map of property.
Receipt for	Aug. 9, 1948	Payment to Talbott for \$4,266.72 for Runnymede Playhouse property.

Payment		
Receipt for Payment	Dec. 29, 1948	Payment to Talbott for \$138,750 for restitution for demolition of Runnymede Playhouse.
Receipt for Payment	Nov. 4, 1947	Payment to Talbott for \$4,266.72 for Runnymede Playhouse.
Schedule B-Map of Runnymede Playhouse location		May showing location of Runnymede Playhouse property at corner of Runnymede Road and Dixon Ave.

AEC contracts, as well as other official documents, discuss the government takeover of the Runnymede Playhouse property and state clearly the AEC's responsibility to environmental remediation of Unit 4. Below are brief quotations from DOE documents which discuss these issues. The complete documents are also included on disc so they may be read in their entirety.

Title	Date	What does it say?
Dismantling of Runnymede (sic) Playhouse	Feb. 2 1950	"The Playhouse was owned by the Talbott Realty Corporation and was acquired for use by the Manhattan District through the Corps of Engineers by a declaration of taking dated May 27, 1944....As a matter of record, with the declaration of taking went the responsibility on the part of the Manhattan District and later on the Atomic Energy Commission of giving the building back to the owners in its original condition."
Final Dismantling of Unit 4, pages 5-6	April 1950	"Since it was deemed advisable to demolish and remove from the site all existing structures, the Atomic Energy Commission arranged to purchase from the Talbott Realty Company the buildings on the property owned by the Talbott Estate. Accordingly, all buildings, as property of the Government, were to be razed. Details of the demolition and removal of Government-owned facilities are contained in a Directive dated February 13, which also makes reference to the purchase of the buildings owned by the Talbott Realty Company....Following also are copies of letters dated February 13 and February 14 to the R.G. Mattern Company from the Atomic Energy Commission which are of interest in

		connection with this work."
AEC Instructions for Demolition of Unit 4	Feb. 14 1950	"Reference is made to Contract No. AT-33-1-81 with the Atomic Energy Commission for demolition of facilities at Runnymede Road and Dixon Avenue in the City of Oakwood..."
AEC Letter to Mattern Construction on Demolition of Unit 4	March 14 1950	"Reference is made to Contract No. AT-33-1-81 and to our letter of instruction, dated February 14, 1950."
Directive for the Demolition and Removal of Commission - Owned Facilities from the Talbott Corporation Property, Dayton, Ohio	Feb. 13 1950	"Reference is made to memorandum from the Assistant Area Manager, Dayton Area, to the Director of Production and Engineering, Oak Ridge, dated January 26, 1950, subject "Request for Directive Action." Further reference is made to Commission obligations under Court Order (U.S. District Court, Southern District of Ohio, Civil No. 319). Conditions of the judgment rendered in this action stipulated, in part, that the Commission pay the defendant (The Talbott Realty Company) the sum of \$138,750 and, in addition, shall "cause to be demolished and removed, all of said improvements, including the foundations to a depth of seven feet, render all sewer lines fit for public use....."
Contract No. AT-33-1-GEN-53, page 8	Jan. 1 1948	"The plant hereinafter referred to shall be composed of the Government-owned buildings and facilities...to be known as Mound Laboratory and now known as Unit 5 of Contractor's Central Research Department...shall also consist of Units 3 and 4 of Contractor's Research Department located at or near Dayton Ohio, now operated by the Contractor under Government Contract No. W-35-058-eng-71."
Decontamination and Decommissioning AEC Facilities (Additional Information on Contaminated Ex-AEC Owned or	Nov. 9 1973	"Our evaluation indicates that only two AEC facilities operated by Monsanto fall within the criteria given in the TWX. These were and are still referred to as Unit 3 and Unit 4. Units 3 and 4 are located in Dayton Ohio....."

Leased Facilities		
Contract No. AT-33-1-GEN-53, Modification No.3, Supplemental Agreement	June 29 1949	"1.d Dismantling, Decontamination and Demolition—The Contractor shall furnish the materials equipment and services necessary to perform the following work: ...(2) At Unit 4 of Contractor's Research Department, Oakwood, Ohio: Decontaminate and dismantle equipment and materials and return to service at other units such equipment and materials as can be immediately utilized; transport to isolated storage space at Units 5 and 6 such equipment and materials as cannot be decontaminated to the extent required for immediate utilization; decontaminate the buildings to the extent mutually agreeable to permit demolition by others; remove to isolated storage such portions of the buildings as cannot be satisfactorily decontaminated; furnish monitoring and health protection consultation services, for the performance of work by the demolition contractor."

Dismantling of Runnymede (sic) Playhouse, Final Dismantling of Unit 4, and Original Contract No. AT-33-1-GEN-53, were previously submitted to DOL on 1/3/11.

Unit 3-Bonebrake Seminary:

Contract No. AT-33-1-GEN-53 states that Unit 3 (Bonebrake Seminary) is to be considered part of Mound Laboratory, a DOE site. Additional AEC documents state that the AEC is responsible for the environmental remediation of Unit 3. Below are brief quotations from DOE documents which discuss these issues. The complete documents are also included on disc so they may be read in their entirety.

Title	Date	What does it say?
Completion Report of Unit 3, 1601 W. First St., Dayton, Ohio, page 4	Dec. 7 1949	"After Monsanto Chemical Company moved its operation in the last months of 1948 and the first two months of 1949 to Mound Laboratory, Miamisburg, Ohio, Monsanto and the Dayton Area Office of the Atomic Energy Commission were confronted with the problem of the disposal of the original laboratories at 1601 W. First Street, Dayton Ohio hereafter designated Monsanto Unit 3, and at Runnymede (sic) Road and Dixon Avenue, designated at Monsanto Unit 4."
Contract No. AT-33-1-	Jan. 1	"The plant hereinafter referred to shall be composed of the Government-owned

GEN-53, Modification 2, Supplemental Agreement, page 3	1948	buildings and facilities...to be known as Mound Laboratory and now known as Unit 5 of Contractor's Central Research Department....shall also consist of Units 3 and 4 of Contractor's Research Department located at or near Dayton Ohio, now operated by the Contractor under Government Contract No. W-35-058-eng-71."
Contract No. AT-33-1-GEN-53, page 17	Jan. 1 1948	"The Contractor shall also be reimbursed for all costs and expenses including, but not limited to, claims, liabilities, obligations and commitments, incurred by the Contractor in connection With Units 3, 4 and 5 of its Central Research Department which are payable or reimbursable under the provisions of Government Contract No. W-35-058-eng-71 and not heretofore or hereafter paid or reimbursed under said contract;"
Decontamination and Decommissioning of AEC Facilities (Additional Information on Contaminated Ex-AEC Owned or Leased Facilities)	Nov. 9 1973	"Our evaluation indicates that only two AEC facilities operated by Monsanto fall within the criteria given in the TWX. These were and are still referred to as Unit 3 and Unit 4. Units 3 and 4 located in Dayton Ohio....."
Contract No. AT-33-1-GEN-53, Modification No.3, Supplemental Agreement	June 29 1949	"1.d Dismantling, Decontamination and Demolition—The Contractor shall furnish the materials equipment and services necessary to perform the following work: (1) At Unit 3 of Contractor's Research Department, Dayton, Ohio: Decontaminate and dismantle equipment and return to service at other units such equipment as can be immediately utilized; transport to isolate storage space at Units 5 and 6 such equipment as cannot be decontaminated to the extent required for immediate utilization; decontaminate the building to the extent mutually agreeable; remove to isolated storage the portions of the building as cannot be satisfactorily decontaminated."

Completion Report of Unit 3, 1601 W. First St., Dayton, Ohio was previously submitted to DOL on 1/3/11.