

GIS REGISTRY INFORMATION

SITE NAME:	O&E Machine		
BRRTS #:	02-05-273984	FID # (if appropriate):	
COMMERCE # (if appropriate):			
CLOSURE DATE:	11/23/2004		
STREET ADDRESS:	826 Vanderbraak St		
CITY:	Green Bay		
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):	X=	679052	Y= 452120
CONTAMINATED MEDIA:	Groundwater <input type="checkbox"/>	Soil <input checked="" type="checkbox"/>	Both <input type="checkbox"/>
OFF-SOURCE GW CONTAMINATION >ES:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
IF YES, STREET ADDRESS 1:	_____		
GPS COORDINATES (meters in WTM91 projection):	X=	_____	Y= _____
OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
IF YES, STREET ADDRESS 1:	_____		
GPS COORDINATES (meters in WTM91 projection):	X=	_____	Y= _____
CONTAMINATION IN RIGHT OF WAY:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
DOCUMENTS NEEDED:			
Closure Letter, and any conditional closure letter issued			x
Copy of most recent deed, including legal description, for all affected properties			x
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties			x
County Parcel ID number, if used for county, for all affected properties			x
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.			x
Detailed Site Map(s) for all affected properties , showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.			x
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)			n/a
Tables of Latest Soil Analytical Results (no shading or cross-hatching)			x
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.			n/a
GW: Table of water level elevations, with sampling dates, and free product noted if present			n/a
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)			n/a
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour			x
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)			x
RP certified statement that legal descriptions are complete and accurate			x
Copies of off-source notification letters (if applicable)			n/a
Letter informing ROW owner of residual contamination (if applicable) (public, highway or railroad ROW)			n/a
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure			x



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY Access via relay - 711

November 23, 2004

Mr. Edmund King
Paper Converting Machine Company
2300 South Ashland Avenue
Green Bay, WI 54301

SUBJECT: Final Case Closure By Closure Committee With Conditions Met
O&E Machine, 723 and 826 Vanderbraak Street, Green Bay, WI
WDNR BRRTS #: 02-05-273984

Dear Mr. King:

On December 2, 2002, the Northeast Region Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On December 4, 2002, you were notified that the Closure Committee had granted conditional closure to this case.

On November 22, 2004, the Department received correspondence indicating that you have complied with the conditions of closure. Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry due to groundwater contamination exceeding ch. NR 140 standards at the time of closure, and you intend to construct or reconstruct a well, you will need Department approval. Department approval is required before construction or reconstruction of a well on a property listed on the GIS Registry, in accordance with s. NR 812.09(4)(w). To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at the web address listed above.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-492-5943.

Sincerely,

Kristin DuFresne
Hydrogeologist
Bureau for Remediation & Redevelopment

1988407

STATE BAR OF WISCONSIN FORM 1 - 2000
WARRANTY DEED

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

2003 MAR -6 P 1:53



Document Number

This Deed, made between Paper Converting Machine Company, a Wisconsin corporation, as successor in merger to O & E Machine Corp., a Wisconsin corporation, and on its own behalf, Grantor, and KVV Properties, LLC, a Wisconsin limited liability company, Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Brown County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum):
See attached

Recording Area

Name and Return Address

130

EVANS TITLE

TRANSFER
\$ 4800.00
FEE

Together with all appurtenant rights, title and interests.

20-282 & 20-324

Parcel Identification Number (PIN)

This is not homestead property.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated this 14th day of February, 2003.

PAPER CONVERTING MACHINE COMPANY

By: Frederick W. Baer
*Frederick W. Baer, President

AUTHENTICATION

Signature(s) _____ authenticated this _____ day of _____,

ACKNOWLEDGMENT

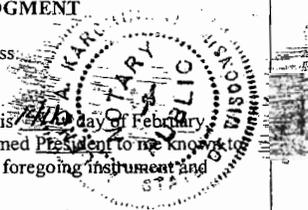
STATE OF WISCONSIN)

Brown County)

Personally came before me this 14th day of February, 2003, Frederick W. Baer the above named President to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

Arlene A. Karchinski
* Arlene A. Karchinski
Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date: 9-3-06.)



TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____ authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Benjamin W. Laird
Godfrey & Kahn, S.C.

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity must be typed or printed below their signature.

1988407

Exhibit A

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11), and the East 5 feet of Lot Twelve (12), Block Sixty-eight (68), Plat of Eastman's Addition, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin, excepting therefrom part described in Jacket 4289 Records Image 19, as Document No. 947088;

AND

The North 1/2 of vacated North Jackson Street; The North 1/2 of vacated alley lying Southerly of and adjacent to said Lot 1; Vacated alley running through Block 68 and adjacent to Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and East 5 feet of Lot 12; Lots 4, 5, 6, Block 69, Plat of Eastman's Addition, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin;

AND

The North 1/2 of vacated alley lying Southerly of and adjacent to said Lots;

Tax Key No. 20-282

Lots Five (5), Six (6), Seven (7), Eight (8), Block Seventy-seven (77), Plat of Eastman's Addition, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin;

AND

Vacated alley running through Block 77 adjacent to said Lots.

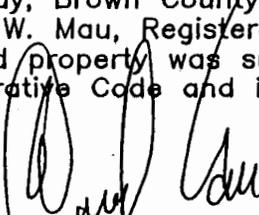
Tax Key No. 20-324

PLAT OF SURVEY

Client: O&E Machine Corp.

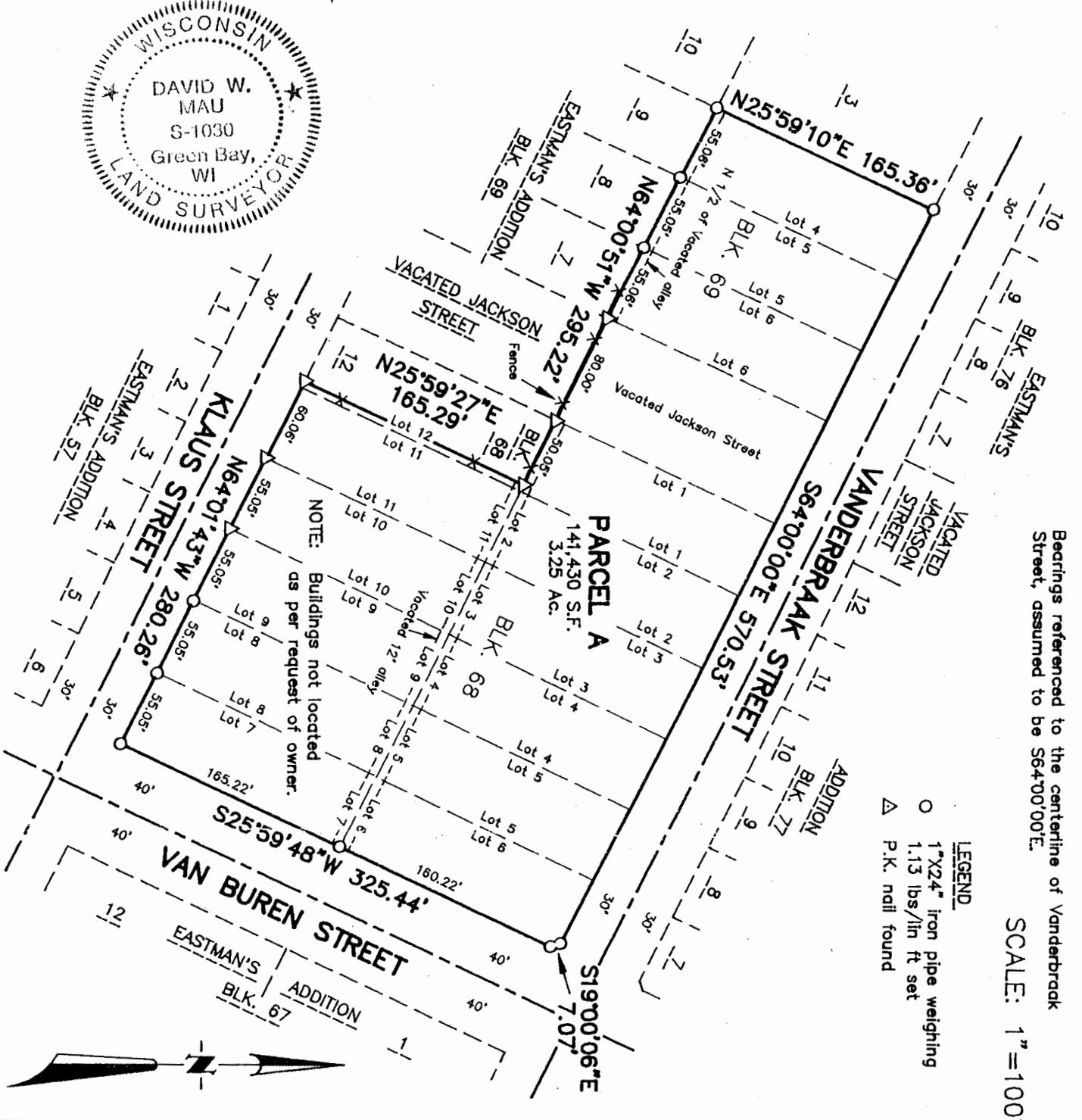
All of Lots 1-5 and 7-11, part of Lots 6 and 12, Block 68 and that part of the vacated alley lying adjacent thereto; all of Lots 4-6, Block 69, and the North 1/2 of the vacated alley lying adjacent thereto and that part of vacated Jackson Street lying adjacent thereto, all in the recorded plat of Eastman's Addition, City of Green Bay, Brown County, Wisconsin, more fully described on Sheet Two.

I, David W. Mau, Registered Land Surveyor, do hereby certify that the above described property was surveyed and mapped in accordance with AE-7 of the Wisconsin Administrative Code and is correct to the best of my knowledge and belief.



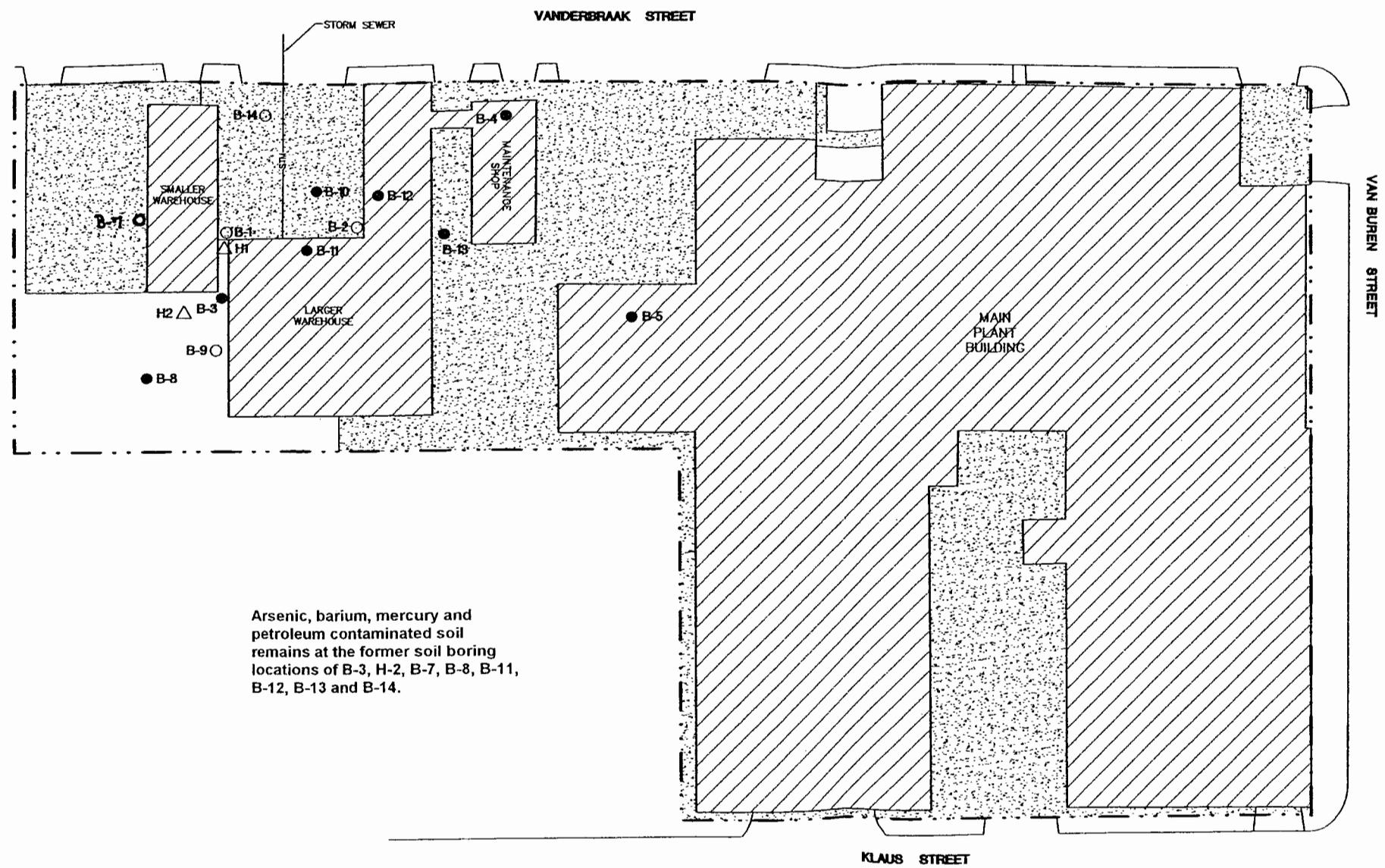
David W. Mau
August 22, 1995

S-1030



70417 Bikes
 Date: Wednesday, 9, 2002
 Plot Time: 1:06:45 PM
 Attached Xref's: No xref's attached.

PLG DATA
 Drawing Name: \\001\00-05534\02\55340208.dwg
 Operator Name: wsl
 Scale: 1"=1'

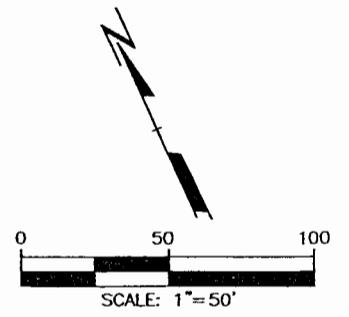


Arsenic, barium, mercury and petroleum contaminated soil remains at the former soil boring locations of B-3, H-2, B-7, B-8, B-11, B-12, B-13 and B-14.

- LEGEND:**
- B-3 SOIL BORING
 - B-1 TEMPORARY MONITORING WELL
 - △ H1 SURFICIAL SOIL SAMPLE
 - - - APPARENT PROPERTY LINE
 - ▨ PAVED AREAS

NOTES:

1. BASE MAP DIGITIZED FROM SITE PLAN PREPARED BY HEYRMAN CONSTRUCTION COMPANY, INC., GREEN BAY, WI. LAST REVISED 10-4-96.



**SITE PLAN
 O&E MACHINE
 SITE INVESTIGATION
 GREEN BAY, WISCONSIN**

RMT.	DWN. BY: WEISJ
	APPROVED BY:
	DATE: JUNE 2002
	PROJ. # 5534.02
FILE # 55340208.DWG	

FIGURE 1

Table 1
Summary of Laboratory Analytical Results¹
Cyanide and RCRA Metals in Soil
O&E Machine Company
Green Bay, Wisconsin

Analyte	Concentration mg/kg													WI Back- ground ⁴ range/ mean	NR 720 RCL mg/kg
	Sample ID	B-1 ^(a)	B-3 ^(a)	H-2 ^(a)	B-7 ^(b)	B-8 ^(b)	B-10 ^(b)	B-10 ^(b)	B-11 ^(b)	B-12 ^(b)	B-12 ^(b)	B-13 ^(b)	B-13 ^(b)		
Depth (feet)	7-8	0-4	0-1	2-4	1.5-3.5	2-4	6-8	2-4	1.5-3.5	5-6.5	1-3	6-7.5	2-4		
Arsenic	1.9Q	2.3Q	4.6Q	3.2	2.8	0.95Q	1.0Q	4.3	2.5	4.0	1.1Q	0.67Q	0.71Q	1.4-10/4.4	1.6
Barium	15	26	120	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	150-1000/543	NR
Cadmium	0.27Q	0.29Q	8.1	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NA	510
Chromium ²	9.1	12	86	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	7-100/40	200
Lead	16	72	31	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	ND-30/12	500
Mercury ³	<0.1	0.13Q	0.58	0.025Q	0.072	<0.02	0.023Q	0.31	0.194	<0.02	0.026Q	<0.02	0.028Q	0.02-0.58/0.15	NR
Selenium	<1	<0.98	<1.3	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	ND-1.0/0.35	NR
Silver	<0.32	<0.4	<0.38	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NA	NR
Cyanide	<0.035	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NT	NA	NR

NOTES:

- 1 Samples include those from the Phase I and II ESA(a) and the Site Investigation(b) as noted
 - 2 Criteria provided are for the hexavalent form.
 - 3 Inorganic form
 - 4 From Dragun and Chiasson, 1991 (X-Y/Z). First two numbers (X-Y) represents the range of background values, third (Z) represents the mean.
- Q Concentration is flagged as above the limit of detection but below the limit of quantitation
< = Not detected above the limit of detection (value indicated)
NT = Not tested
NR = No RCL specified
NA = Background data for this element in Wisconsin not included in the publication.
Bold values exceed NR 720 Residual Contaminant Levels for industrial sites

Table 2: Summary of Organic Content Laboratory Analyses - Soil Samples

O and E Machine Company - Green Bay, Wisconsin

Sample Identification	Depth (ft)	B-1 ^(a)	H-2 ^(a)	B-3 ^(a)	B-4 ^(a)	B-6 ^(a)	B-7 ^(b)	B-8 ^(b)	B-10 ^(b)	B-10 ^(b)	B-11 ^(b)	B-12 ^(b)	B-12 ^(b)	B-13 ^(b)	B-13 ^(b)	B-14 ^(b)	
		7-8	0-1	0-4	0.5-1.5	11-12	2-4	1.5-3.5	2-4	6-8	2-4	1.5-3.5	5-6.5	1-3	6-7.5	2-4	
Detected Parameters	RCL ¹	Units															
DRO ²	200	mg/kg	NT ⁴	<2.7	<2.7	11	<1.7	NT	NT	NT	NT	NT	NT	NT	NT	NT	
Polychlorinated Biphenyls	NS ³	mg/kg	NT	NT	<14	NT	<14	NT	NT	NT	NT	NT	NT	NT	NT	NT	
Volatile Organic Compounds																	
Benzene	5.5	ug/kg	<15	<15	NT	<15	NT	<15	<15	<15	<15	120	<15	<15	<15	<15	
Sec-Butylbenzene	NS	ug/kg	<21	<21	NT	<21	NT	<11	<11	<11	160	<11	<11	110	<11	<11	
n-Butylbenzene	NS	ug/kg	<22	<22	NT	<22	NT	<22	<22	<22	1,300	<22	52	1,000	<22	<22	
Dichlorodifluoromethane	NS	ug/kg	16Q ⁵	23Q	NT	<14	NT	<17	<17	<17	<17	<17	<17	<17	<17	<17	
Ethylbenzene	2,900	ug/kg	<20	<20	NT	<20	NT	<7	<7	<7	410	<7	<7	200	<7	<7	
Isopropylbenzene	NS	ug/kg	<20	<20	NT	<20	NT	<8	<8	<8	310	<8	<8	100	<8	<8	
P-Isopropyltoluene	NS	ug/kg	<21	<21	NT	<21	NT	<22	<22	<22	70	<22	<22	53	<22	<22	
Naphthalene	400 ⁷	ug/kg	58Q	<25	NT	<25	NT	<7.8	<7.8	<7.8	170	<7.8	<7.8	720	<7.8	<7.8	
N-Propylbenzene	NS	ug/kg	<15	<15	NT	<15	NT	<20	<20	<20	1,400	<20	<20	450	<20	<20	
Toluene	1,500	ug/kg	740	<21	NT	<21	NT	<5.7	<5.7	<5.7	<5.7	<5.7	<5.7	<5.7	<5.7	<5.7	
1,2,4-Trimethylbenzene	NS	ug/kg	<20	<20	NT	<20	NT	<24	<24	<24	760	39	45	2,400	<24	<24	
1,3,5-Trimethylbenzene	NS	ug/kg	<11	<11	NT	<11	NT	<15	<15	<15	330	54	73	750	<15	<15	
m&p-Xylene	4,100	ug/kg	<39	<39	NT	<39	NT	<12	<12	<12	300	100	68	740	<12	<12	
O-Xylene	4,100	ug/kg	<23	<23	NT	<23	NT	<6.4	<6.4	<6.4	51	36	30	39	<6.4	<6.4	
Semi-Volatile Organic Compounds																	
	RCL ⁶	RCL ⁷															
Acenaphthene	6.0E+07	38,000	ug/kg	30Q	NT	NT	NT	NT	<13	47	<13	<13	69	<13	<13	<13	
Acenaphthylene	3.6E+05	700	ug/kg	<16	NT	NT	NT	NT	44	88	20Q	<10	120	19Q	<10	13Q	
Anthracene	3.0E+08	3.0E+06	ug/kg	43Q	NT	NT	NT	NT	29Q	130	38	<11	270	17Q	<11	12Q	
Benzo(a)anthracene	3,900	17,000	ug/kg	57	NT	NT	NT	NT	58	360	130	<10	710	87	24Q	66	
Benzo(a)pyrene	390	48,000	ug/kg	49	NT	NT	NT	NT	59	290	140	<17	670	100	17Q	81	
Benzo(b)fluoranthene	3,900	3.6E+05	ug/kg	49	NT	NT	NT	NT	58Q	560	140	<24	1,200	180	35Q	61Q	
Benzo(g,h,i)perylene	39,000	6.8E+06	ug/kg	<18	NT	NT	NT	NT	49	170	91	10Q	420	69	<10	58	
Benzo(k)fluoranthene	39,000	8.7E+05	ug/kg	47Q	NT	NT	NT	NT	44Q	<37	110Q	<37	<37	<37	<37	83Q	
Bis(2-chloroethyl)ether	NS	NS	ug/kg	<26	NT	NT	NT	NT	12Q	<10	<10	<10	<10	<10	<10	<10	
Butylbenzylphthalate	NS	NS	ug/kg	<26	NT	NT	NT	NT	<14	<14	<14	<14	<14	<14	19Q	<14	
Carbazole	NS	NS	ug/kg	NT	NT	NT	NT	NT	<19	66	<19	<19	130	<19	<19	<19	
Chrysene	3.9E+05	37,000	ug/kg	76	NT	NT	NT	NT	74	400	150	<10	<10	96	21Q	72	
Dibenzo(a,h)anthracene	390	38,000	ug/kg	<17	NT	NT	NT	NT	13Q	45	38	<10	100	29Q	<10	22Q	
Dibenzofuran	NS	NS	ug/kg	17Q	NT	NT	NT	NT	16Q	22Q	10Q	<10	130	17Q	<10	<10	
3,3-Dichlorobenzidine	NS	NS	ug/kg	<75	NT	NT	NT	NT	<160	<160	<160	<160	620	<160	<160	<160	
Di-n-butylphthalate	NS	NS	ug/kg	26Q	NT	NT	NT	NT	160Q	130Q	99Q	75Q	190Q	160Q	260	140Q	
Fluoranthene	4.0E+07	5.0E+05	ug/kg	160	NT	NT	NT	NT	94	790	240	<10	1,300	150	46	91	
Fluorene	4.0E+07	1.0E+05	ug/kg	33Q	NT	NT	NT	NT	16Q	99	<11	<11	220	<11	<11	<11	
Indeno(1,2,3-c,d)pyrene	3,900	6.8E+05	ug/kg	<21	NT	NT	NT	NT	37Q	160	77	<13	380	63	<13	46	
2-Methylnaphthalene	4.0E+07	20,000	ug/kg	<19	NT	NT	NT	NT	58	39Q	52Q	870	94	46Q	650	<17	
Naphthalene	1.1E+05	400	ug/kg	30Q	NT	NT	NT	NT	45	26Q	41	380	83	41	500	<10	
Phenanthrene	3.9E+05	1,800	ug/kg	190	NT	NT	NT	NT	130	870	130	<12	1,100	110	38Q	34Q	
Pyrene	3.0E+07	8.7E+06	ug/kg	150	NT	NT	NT	NT	110	790	230	<13	1,300	140	38Q	97	

NOTES:

Soil samples collected by RMT, Inc. in August 2000 and analyzed by Northern Lake Service of Crandon, Wisconsin (a) or U.S. Laboratories of Kimberly, Wisconsin (b)

¹ Residual Contaminant Levels (RCLs) are from NR 720

² Diesel Range Organics (DRO)

³ NS - No RCL specified

⁴ NT - Not analyzed

⁵ Q - Detected above limit of detection, but below limit of quantification

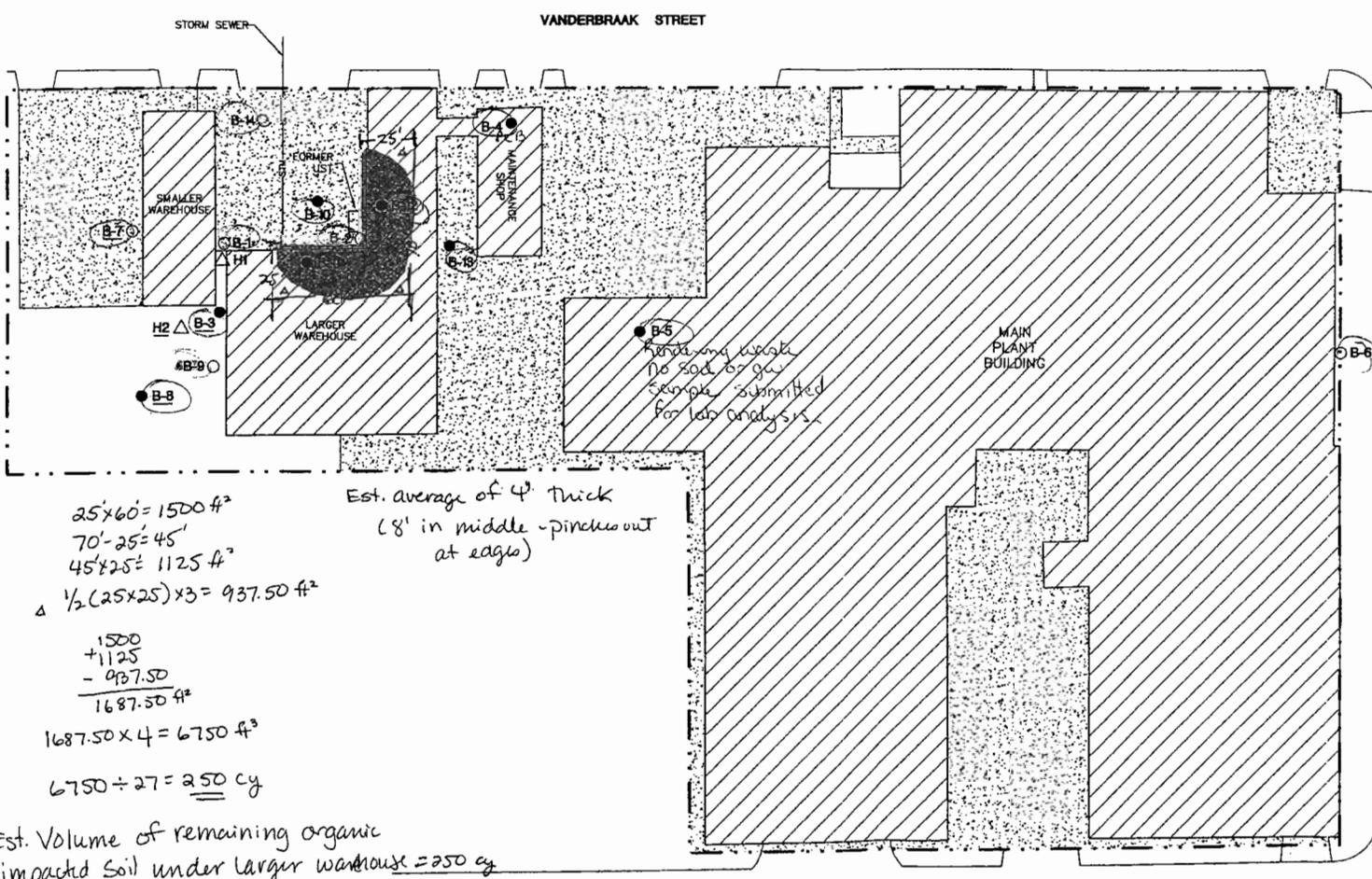
⁶ Residual Contaminant Levels (RCLs) are for direct contact at industrial sites as established in RR-519-97

⁷ Residual Contaminant Levels (RCLs) are for groundwater pathway as established in RR-519-97

Bold values represent RCL exceedances

O&E Machine - Estimated volume remaining organic/petroleum impacted soil under larger warehouse building.

- LEGEND:**
- B-3 SOIL BORING
 - B-1 TEMPORARY MONITORING WELL
 - △ H1 SURFICIAL SOIL SAMPLE
 - APPARENT PROPERTY LINE
 - [Stippled Area] PAVED AREAS
 - B-12 RESIDUAL CONTAMINATION LEVEL (RCL) EXCEEDANCE DETECTED IN SOIL
 - B-7 ARSENIC CONCENTRATION IN SOIL EXCEEDS GENERIC NR 720.11 RCL BUT IS LESS THAN SITE-SPECIFIC RCL
 - [Hatched Area] APPROXIMATE EXTENT OF RESIDUAL VOC/SVOC SOIL IMPACTS
- NOTES:**
1. BASE MAP DIGITIZED FROM SITE PLAN PREPARED BY HEYRMAN CONSTRUCTION COMPANY, INC., GREEN BAY, WI. LAST REVISED 10-4-96.



25' x 60' = 1500 ft²
 70' - 25' = 45'
 45' x 25' = 1125 ft²
 Δ 1/2 (25 x 25) x 3 = 937.50 ft²

$$\begin{array}{r} 1500 \\ + 1125 \\ - 937.50 \\ \hline 1687.50 \text{ ft}^2 \end{array}$$

1687.50 x 4 = 6750 ft³
 6750 ÷ 27 = 250 cy

Est. average of 4' thick
 (8' in middle - pinched out at edges)

Est. Volume of remaining organic impacted soil under larger warehouse = 250 cy

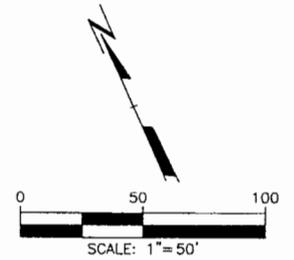
B-5
 Handling waste
 No soil or gw
 sample submitted
 for lab analysis

KLAUS STREET

Soil [] > 720 #s
 Soil [] detected but no 720 #

* Industrial Site *

* Gw [] detected but no NR140 standard



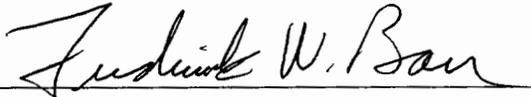
**LOCATION OF IMPACTED SOILS
 O&E MACHINE
 SITE INVESTIGATION
 GREEN BAY, WISCONSIN**

RMT	DWN. BY: WEISJ
	APPROVED BY:
	DATE: NOVEMBER 2002
	PROJ. # 5534.02
FILE # 55340212.DWG	

69448 Bytes
 Plot Date: 11/12/02 10:53:03 AM
 Operator: jmm
 Scale: 1" = 100'
 Attached Xrefs: No xref's attached.
 Plot Size: 11.00x17.00
 Drawing Name: J:\00\00-05534\02\55340212.dwg
 PLOT.DWG
 Scale: 1" = 100'
 Date: 11-12-02

Statement by Responsible Party Regarding Legal Description

To the best of my knowledge, legal descriptions have been attached for each property that is within, or partially within, the contaminated site boundary.



Signature

Frederick W. Baer, President/C.E.O.

Printed Name

18 November 2002

Date

UNOFFICIAL COPY

Document Number	AFFADIVIT OF CORRECTION
-----------------	-------------------------

2158394

CATHY WILLIQUETTE
BROWN COUNTY RECORDER
GREEN BAY, WI

RECORDED ON
11/19/2004 09:14:12AM

REC FEE: 27.00
TRANS FEE:
EXEMPT #
PAGES: 9

Recording Area

Name and Return Address
Not
Richard W. Johnson
KVV Properties, LLC **BAY TITLE**

Parcel Identification Number (PIN)

AFFIANT, the KVV Properties, LLC, a Wisconsin Limited Liability Corporation, hereby swears or affirms that a certain document which was titled as follows: "Deed Restriction", recorded on the 6th day of March, 2003, as Document Number 1988406 and that was recorded in Brown County, State of Wisconsin, contained the following errors:

1. The legal description referenced under "Declaration of Restrictions" – In Re:, was incorrect and should read as follows:

"Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11), and the East 5 feet of Lot Twelve (12), Block Sixty-eight (68), Plat of Eastman's Addition, in the City of Green Bay, East side of Fox River, Brown County Wisconsin, excepting therefrom part described in Jacket 4289 Records Image 19, as Document No. 947088; and

The North ½ of vacated North Jackson Street; The North ½ of vacated alley lying Southerly of and adjacent to said Lot 1; Vacated alley running through Block 68 and adjacent to Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and East 5 feet of Lot 12; Lots 4, 5, 6, Block 69, Plat of Eastman's Addition, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin; and

The North ½ of vacated alley lying Southerly of and adjacent to said Lots, all as described in Document No. 1988407, Brown County Register of Deeds Office."

2. The owner of the property has changed and is should be identified as follows (correction italicized and underlined):

"WHEREAS, the *KVV Properties, LLC, a Wisconsin Limited Liability Corporation* is the owner of the above described property."

3. The reference to the rate of infiltration and the date of the submittal of the "Maintenance Plan for Impermeable Cap", were incorrectly provided and should be identified as follows (corrections italicized and underlined):

"The paved surfaces and the building foundation shall be maintained on the above-described property in the locations shown on the attached map, labeled "Figure 1" unless another barrier, with an infiltration rate of *10⁻⁷* cm/sec or less, is installed and maintained in their place. The existing structures, and any replacement barrier with an infiltration rate of *10⁻⁷* cm/sec or less, shall be maintained on the above-described property in compliance with the "Maintenance Plan for Impermeable Cap" prepared by RMT, Inc. and submitted to the Department of Natural Resources on behalf of Paper Converting Machine Company on *January 15, 2004*, as required by section NR 724.13(2), Wis. Adm. Code (1999)."

4. In the second and seventh paragraphs of the original deed restriction reference is made to an attached "Figure 1". However "Figure 1" was not included as an attachment with the original restriction. A figure that provides the information referenced in the deed restriction is attached to this document and is labeled as "Figure 1".

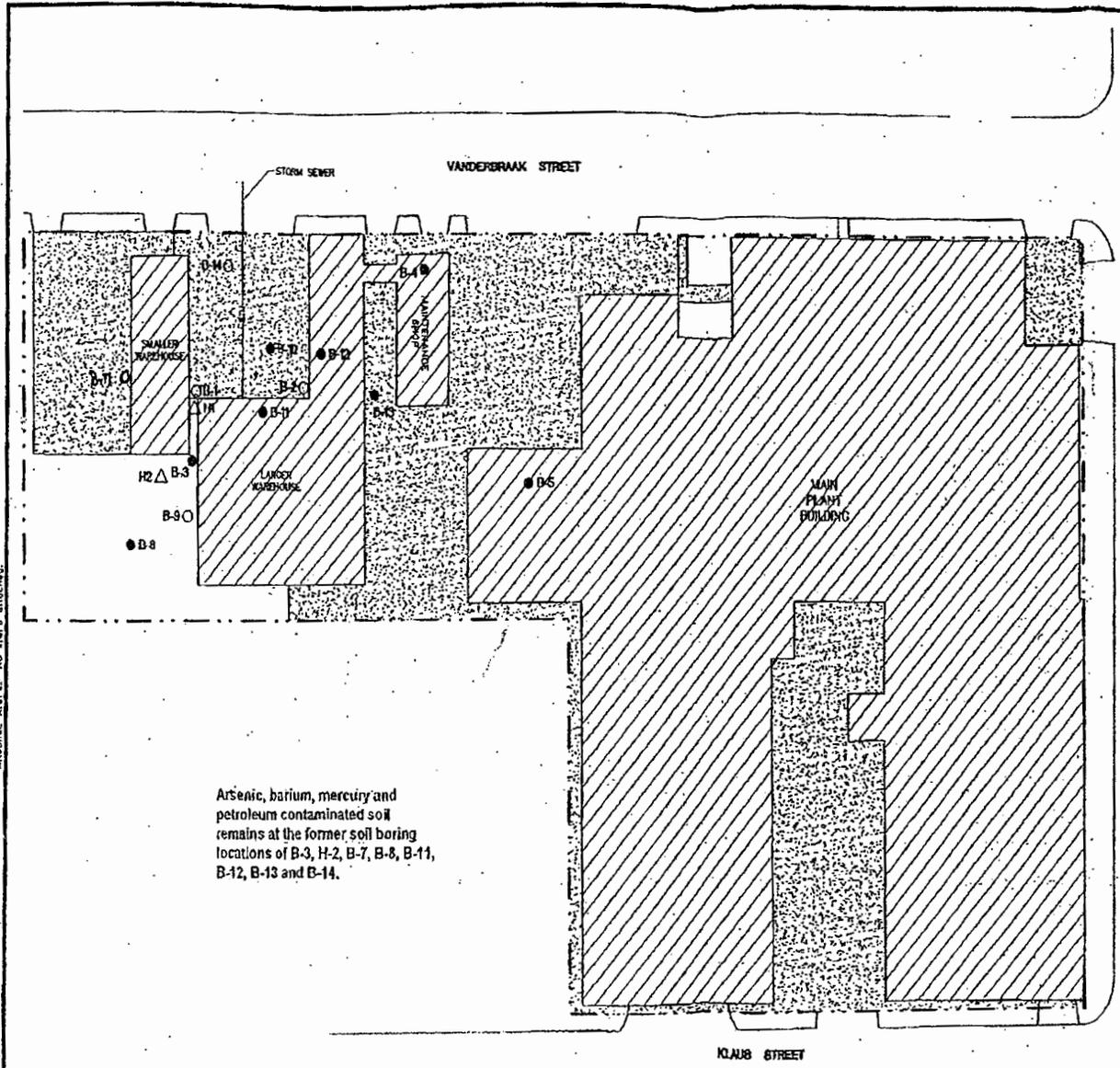
A copy of the original document is attached to this Affidavit.

**Inferior Quality
Original**

ZLOT-DLZ
 Drawing Name
 Operator Name
 1:24

06/28/02
 11:08:28 AM
 Plot Time
 Altitude: 547.0
 No. Vectors: 4000

70417 Base
 11/28/02
 P. 2002



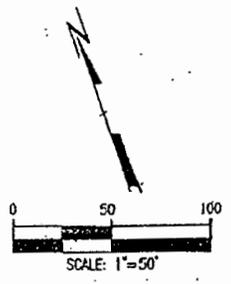
Arsenic, barium, mercury and petroleum contaminated soil remains at the former soil boring locations of B-3, H-2, B-7, B-8, B-11, B-12, B-13 and B-14.

LEGEND:

- B-3 SOIL BORING
- B-1 TEMPORARY MONITORING WELL
- △ H-1 SURFICIAL SOIL SAMPLE
- - - APPARENT PROPERTY LINE
- [Stippled Area] PAVED AREAS

NOTES:

1. BASE MAP DIGITIZED FROM SITE PLAN PREPARED BY HEYRMAN CONSTRUCTION COMPANY, INC., GREEN BAY, WI. LAST REVISED 10-4-96.



**SITE PLAN
 O&E MACHINE
 SITE INVESTIGATION
 GREEN BAY, WISCONSIN**

RMT	DRAWN BY: WEISJ
	APPROVED BY:
	DATE: JUNE 2002
	PROJ # 5534.02
FILE # 55340208.DWG	

FIGURE 1

1988406

Document Number

DEED RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

2003 MAR -6 P 1:52

Declaration of Restrictions

In Re:

Lots Two (2) through Ten (10) inclusive of Block Sixty-eight (68) according to the recorded Plat of Eastman's Addition to the City of Green Bay, Wisconsin, and

Lot One (1), Block Sixty-eight (68), according to the recorded Plat of Eastman's Addition; and

The East Eight (E 8) feet of that part of Vacated North Jackson Street as vacated by the Resolution recorded in Volume 78 of Miscellaneous Records, page 453, that lies West of the north and south lines of Lot One, Block 68, Plat of Eastman's Addition, extended westerly; and

The North one-half (N1/2) of the Vacated Alley as vacated by the Resolution recorded in Volume 725 Records 570 that lies South of Lot 1, Block 68, Plat of Eastman's Addition and South of the East Eight (E 8) feet of the Vacated North Jackson Street;

All formerly in the Town of Preble, now in the City of Green Bay, East side of Fox River, Brown County, Wisconsin and

Lot Eleven (11), Block Sixty-eight (68), according to the recorded Plat of Eastman's Addition to the City of Green Bay, Brown County, Wisconsin

and

The East Five (5) feet of Lot Twelve (12), Block Sixty-eight (68) and the South one-half (S1/2) of the vacated alley abutting Lot 11 and the East 5 feet of Lot 12, Block 68, Eastman's Addition to the City of Green Bay, Brown County, Wisconsin, and

That part of the Vacated North Jackson Street as vacated by the Resolution recorded in Volume 78 of Miscellaneous Records, page 453, Brown County, Wisconsin records, that lies South of the south line of Vanderbraak Street and North of the north line of Klaus Street between Blocks 68 and 69, Plat of Eastman's Addition, excepting therefrom the West 25 feet thereof, the East 8 feet thereof and the South 1/2 thereof, all according to the recorded Plat of Eastman's Addition, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin

EVANS TITLE

Recorded

21⁰³
⑥

Name and Return Address

Mr. Edmund King
Paper Converting Machine Company
2300 South Ashland Avenue
Green Bay, WI 54301

20-282

Parcel Identification Number

STATE OF WISCONSIN)

) ss

COUNTY OF BROWN)

WHEREAS, Paper Converting Machine Company, a Wisconsin corporation, as successor in merger to* is the owner of the above-described property.

WHEREAS, one or more arsenic, barium, mercury, and petroleum discharges have occurred on this property and as of June 7, 2001 and October 29, 2001 when soil samples were collected on this property. Arsenic contaminated soil remains on this property at the location of former soil borings B-3, H-2, B-7, B-8, B-11 and B-12 at concentrations of 2.3Q parts per million (ppm), 4.6Q ppm, 3.2 ppm, 2.8 ppm, 4.3 ppm, 2.5 ppm, and 4.0 ppm, respectively, which is above the NR 720 industrial residual contaminant level of 1.6 ppm for arsenic. Barium contaminated soil remains on this property at the location of former soil borings B-3 and H-2 at concentrations of 26 ppm and 120 ppm, respectively. Mercury contaminated soil remains on this property at the location of former soil borings B-3, H-2, B-7, B-8, B-11, B-12, B-13 and B-14 at concentrations of 0.13Q ppm, 0.58 ppm, 0.025Q ppm, 0.072 ppm, 0.31 ppm, 0.194 ppm, 0.026Q ppm and 0.028Q ppm, respectively. Benzene contaminated soil remains on this property at the location of former soil boring B-11 at a concentration of 120 parts per billion (ppb) which is above the NR 720 residual contaminant level of 5.5 ppb for benzene. N-Butylbenzene contaminated soil remains on this property at the location of former soil boring B-12 at a concentration of 52 ppb. Dichlorodifluoromethane contaminated soil remains on this property at the location of former soil boring H-2 at concentration of 23Q ppb. 1,2,4-Trimethylbenzene contaminated soil remains on this property at the location of former soil borings B-11 and B-12 at concentrations of 39 ppb and 45 ppb, respectively. 1,3,5-Trimethylbenzene contaminated soil remains on this property at the location of former soil borings B-11 and B-12 at concentrations of 54 ppb and 73 ppb, respectively. Benzo(a)pyrene contaminated soil remains on the property at the location of former soil boring B-11 at a concentration of 670 ppb which is above the proposed direct contact residual contaminant level of 390 ppb for Benzo(a)pyrene. Bis(2-chloroethyl)ether contaminated soil remains on the property at the location of former soil boring B-7 at a concentration of 12Q ppb. Butylbenzylphthalate contaminated soil remains on the property at the location of former soil boring B-13 at a concentration of 19Q ppb. Carbazole contaminated soil remains on the property at the location of former soil borings B-8 and B-11 at concentrations of 66 ppb and 130 ppb, respectively. Dibenzofuran contaminated soil remains on the property at the location of former soil borings B-7, B-8, B-10, B-11 and B-12 at concentrations of 16Q ppb, 22Q ppb, 10Q ppb, 130 ppb and 17Q ppb, respectively. 3,3-Dichlorobenzidine contaminated soil remains on the property at the location of former soil boring B-11 at a concentration of 620 ppb. Di-n-butylphthalate contaminated soil remains on the property at the location of former soil borings B-7, B-8, B-10, B-11, B-12, B-13 and B-14 at concentrations of 160Q ppb, 130Q ppb, 99Q ppb, 190Q ppb, 160Q ppb, 140Q ppb and 110Q

*O & E Machine Corp., a Wisconsin corporation

ppb, respectively. The former location of the soil borings can be found on Figure 1, attached and made part of this restriction.

Note: Sample results with a "Q" indicate a concentration above the limit of detection but below the limit of quantification.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

The most recent soil samples that were collected on this property, which were collected on June 7, 2001 and October 29, 2001, contained arsenic concentrations that exceeded NR 720.11, Table 2 Wis. Adm. Code, soil standards, and therefore:

The property described above may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) an investigation is conducted, to determine the degree and extent of arsenic contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards. If soil that remains on the property in the location or locations described above is excavated in the future, it will have to be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains, and must be stored, treated and disposed in compliance with applicable statutes and rules.

In addition and pertaining to all of the remaining soil contamination, the paved surfaces and the building foundation that existed on the above-described property on the date that this restriction was signed form a barrier that must be maintained in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. These structures are also required in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. The paved surfaces and the building foundation shall be maintained on the above-described property in the locations shown on the attached map, labeled "Figure 1" unless another barrier, with an infiltration rate of 10^7 cm/sec or less, is installed and maintained in their place. The existing structures, and any replacement barrier with an infiltration rate of 10^7 cm/sec or less, shall be maintained on the above-described property in compliance with the Maintenance Plan for Impermeable Cap prepared by RMT, Inc. and submitted to the Department of Natural Resources on behalf of Paper Converting Machine Company on or about December 9, 2002 as required by section

NR 724.13(2), Wis. Adm. Code (1999).

In addition, the following activities are prohibited on any portion of the above-described property where an impervious cap has been placed or where impervious surfaces exist, Figure 1, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on capped areas and areas with impervious surfaces; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or impervious surface.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Frederick W. Baer asserts that he or she is duly authorized to sign this document on behalf of Paper Converting Machine Company.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 14th day of February, 2003.

Signature: *Frederick W. Baer*
Printed Name: Frederick W. Baer
Title: President

Subscribed and sworn to before me this 14th day of February, 2003.

Arlene A. Karchinski

ARLENE A. KARCHINSKI
Notary Public, Brown County, WI
My Commission Expires Sept. 3, 2008



Notary Public, State of Wisconsin
My commission expires 9-3-2006

This document was drafted by the Wisconsin Department of Natural Resources
based on information provided by RMT, Inc.