

GIS REGISTRY INFORMATION

SITE NAME:	FOND DU LAC CNTY MEDICAL EXAMINERS OFFICE		
BRRTS #:	02-20-530426	FID # (if appropriate):	
COMMERCE # (if appropriate):			
CLOSURE DATE:	01/12/2005		
STREET ADDRESS:	134 WESTERN AVENUE		
CITY:	FOND DU LAC		
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):	X=	644601	Y= 367838
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 checked="" 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)			NA
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.			NA
GW: Table of water level elevations, with sampling dates, and free product noted if present			NA
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)			NA
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour: WHOLE PROPERTY			NA
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)			NA
RP certified statement that legal descriptions are complete and accurate			X
Copies of off-source notification letters (if applicable)			NA
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)			NA
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
Ron Kazmierczak, Regional Director

Oshkosh Service Center
625 E. County Road Y, Suite 700
Oshkosh, WI 54901-9731
Telephone 920-424-3050
FAX 920-424-4404

January 12, 2005

Sam Tobias
Fond du Lac County
160 S. Macy Street
Fond du Lac, WI 54935

SUBJECT: Final Case Closure Soil Deed Restriction for the Fond du Lac County
Medical Examiner property, 134 Western Avenue, Fond du Lac, Wisconsin.
WDNR BRRTS #: 02-20-530426

Dear Mr. Tobias:

On November 29, 2004, 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 1, 2004, you were notified via email that the Closure Committee had granted conditional closure to this case.

On January 11, 2005 the Department received correspondence indicating that you have complied with the conditions of closure. A soil deed restriction was recorded for the property. 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>.

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 920-303-5447.

Sincerely,

Jennie Easterly
Hydrogeologist
Remediation & Redevelopment Program

Cc: OSH file

DOCUMENT NO.
591933

WARRANTY DEED
STATE OF WISCONSIN - FORM 2

THIS SPACE RESERVED FOR RECORDING DATA
RECEIVED FOR RECORD

VOL 1261 PAGE 609-604

96 APR 26 PM 3:05

Mary A. Brickle
REGISTER OF DEEDS
FOND DU LAC COUNTY, WI

This indenture, Made this _____ day of _____
A. D. 19 96, between Hutter Investment Company,
a Corporation duly organized and existing under and by
virtue of the laws of the State of Wisconsin, located at Fond du Lac
Wisconsin, party of the first part, and Fond du Lac County
part Y of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum
of One Dollar and other good and valuable consideration
to it paid by the said part Y of the second part, the receipt whereof is hereby confessed and
acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and con-
firmed, and by these presents does give, grant, bargain, sell, remise, alien, convey, and confirm unto
the said part Y of the second part its heirs and assigns forever, the following described real estate, situated in
the County of Fond du Lac, State of Wisconsin, to-wit:

RETURN TO Corporation Counsel
160 S. Macy
Fond du Lac, Wis. 54935

See attached

TRANSFER
\$ 525.00
FEE

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all the
estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or
expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To have and to hold the said premises as above described with the hereditaments and appurtenances, unto the said part Y
of the second part, and to its heirs and assigns FOREVER.

And the said Hutter Investment Company
party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said part Y of the
second part, its heirs and assigns, that at the time of the encasing and delivery of these presents it is well
seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple,
and that the same are free and clear from all encumbrances whatever.

and that the above bargained premises in the quiet and peaceable possession of the said part Y of the second part, its
heirs, and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, it will forever WARRANT and
DEPEND.

In Witness Whereof, the said Hutter Investment Company
party of the first part, has caused these presents to be signed by Claire G. Hutter
its President, and countersigned by Joseph G. Hutter, its Secretary,
at Fond du Lac, Wisconsin, and its corporate seal to be hereunto affixed, this
23 day of February, A. D. 19 96.

SIGNED AND SEALED IN PRESENCE OF

HUTTER INVESTMENT COMPANY
Corporate Name
Claire G. Hutter
President

COUNTERSIGNED
Joseph G. Hutter
Secretary

STATE OF WISCONSIN
Fond du Lac County, } ss.

Personally came before me, this 25th day of February, A. D. 19 96,
Claire G. Hutter, President, and Joseph G. Hutter, Secretary
of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such
President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of
said Corporation, by its authority.

THIS INSTRUMENT WAS DRAFTED BY
Attorney Ronald P. Hammer
NOTARY
SEAL

Ronald P. Hammer
Ronald P. Hammer
Notary Public, Fond du Lac County, Wis.
My commission (expires) (is) _____

(Section 59.51 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plain and legible type, and the names of the grantors, grantees, witnesses and notary. Section 59.53 similarly requires that the foregoing instrument, stamped or written thereon in a legible manner.)

SCHEDULE A

LEGAL DESCRIPTION

Lot One (1) of Darling's Subdivision of Block R of Darling's Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Lots 6, 7, 8, 9, 10 and the East Seventeen (17) feet of Lot 11 Block 6 of Darling's Third Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin excepting therefrom land conveyed in Vol. 251 of Deeds page 392 and Vol. 851 of Records page 670.

Lots 8, 9, 10, 11, excepting from said Lot 11 that part lying between the South line of Lot 7 Block 6 Darling's Addition #3 to the City of Fond du Lac and the North Bank of the East Branch of the Fond du Lac River, all in Broker & Moore's Addition to the City of Fond du Lac, Fond du Lac County, Wisconsin.

All that part of Lot Number 12, in Block Number 6, of Darling's Addition No. 3 and that part of Lot No. 12 in Broker and Moore's Addition to the City of Fond du Lac, Wisconsin lying South of a line drawn parallel with and 53 feet North of the North line of Lot Number 10 in said Broker and Moore's Addition. Also, all that part of the West 43.66 feet of Lot Number 11, of Block Number 6, of Darling's Addition No. 3 lying South of a line drawn parallel with and 53 feet North of the North line of Lot Number 10 of Broker and Moore's Addition.

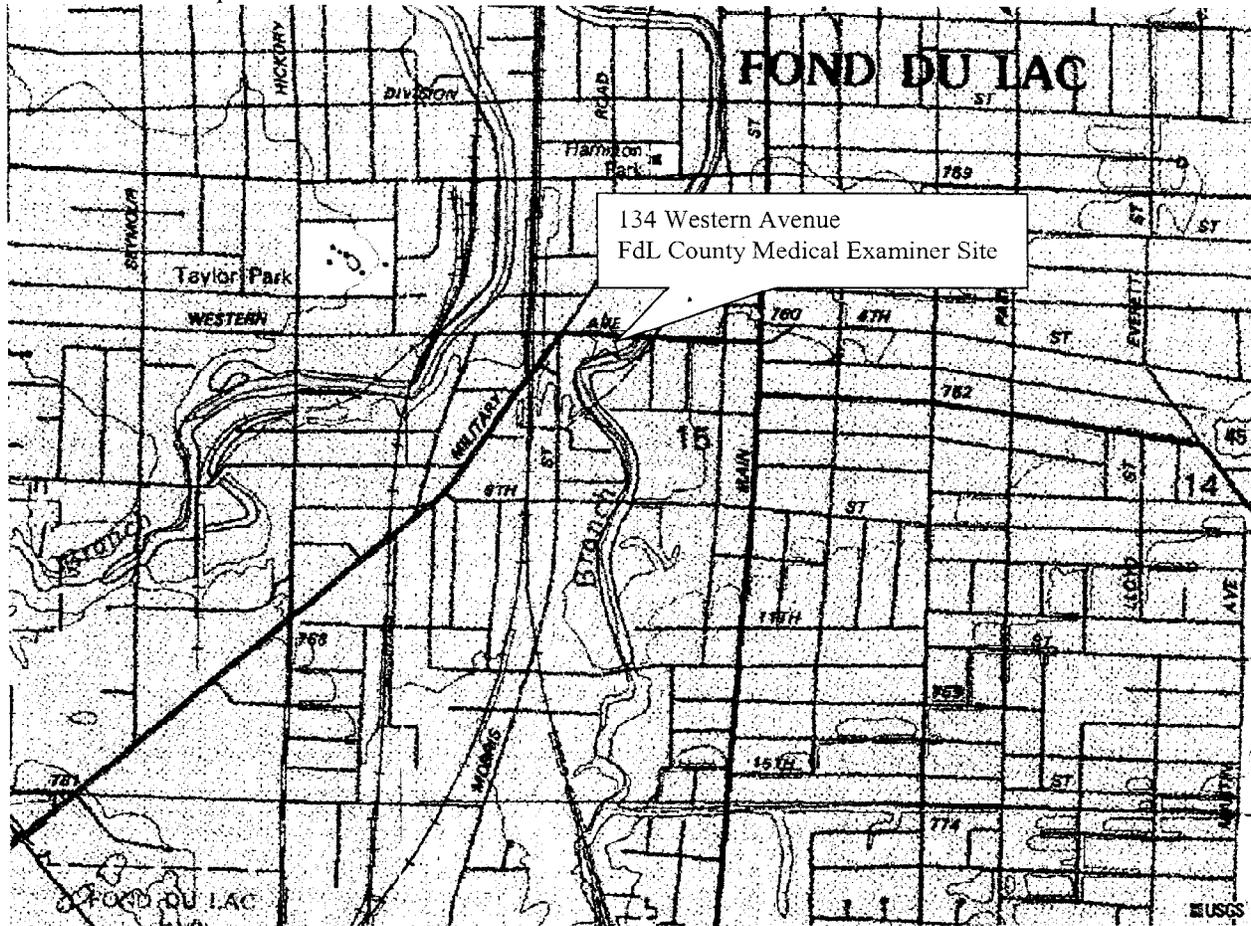
Excepting Therefrom: Land conveyed in Volume 1033 of Records, page 96 and re-recorded in Volume 1062 of Records, page 521, more particularly described as follows: A part of Lots Nine (9), Ten (10) and Eleven (11) in Broker and Moores Addition and a part of Lots Nine (9), Ten (10) and Eleven (11) in Block Six (6) of Darling's Addition No. 3, all in the City of Fond du Lac, Fond du Lac County, Wisconsin, described as follows:

Beginning at the Northeast corner of Lot 9 in Block 6 of Darling's Addition No. 3 and running thence South 01°-13' West along the East line of said Lot 9, a distance of 194.96 feet; thence running Southwesterly along a concrete retaining wall on the East Branch of Fond du Lac River, 68 feet more or less, to a point which is South 72°-06' West, 68.52 feet from last described point; thence Southwesterly along said retaining wall, 96 feet more or less to a point which is South 39°-04' West 96.18 feet from last described point; thence North 07°-12' West 109.29 feet; thence North 89°-05' East, 1.38 feet; thence North 01°-13' East, 104.74 feet; thence South 88°-54' East, 40.68 feet; thence North 01°-13' East, 80.15 feet; thence South 88°-54' East along the North line of Lots 9 and 10 in Block 6 of Darling's Addition No. 3, a distance of 97.69 feet to the point of beginning.

And further excepting, land conveyed in Volume 1028 of Records, pages 184-186, more particularly described as follows: A part of Lots Eight (8) through Twelve (12) in Broker and Moore's Addition, and a part of Lots Eleven (11) and Twelve (12) in Block Six (6) of Darling's Addition No. 3, in the City of Fond du Lac, Fond du Lac County, Wisconsin and more particularly described as follows: Beginning at the Southwest corner of Lot 8 of Broker and Moore's Addition and running thence North 0°-05' West along the West line of Broker and Moore's Addition, a distance of 201.86 feet; thence North 89°-05' East, parallel with and 53 feet North of the North line of Lot 10 of Broker and Moore's Addition, a distance of 102.81 feet; thence South 07°-12' East, 109.29 feet; thence South 05°-25' East, 93.49 feet along the meander line of a building; thence South 89°-05' West along the South line of Lot 8 of Broker and Moore's Addition, a distance of 125.00 feet to the point of beginning.

FDL 15-17-15-24-750-00 / FDL 15-17-15-24-751-00 / FDL 15-17-15-24-752-00

General Site Map



July 1, 1995 USGS Map

Exhibit B cont.

TABLE 1
Soil and River Sediment Analytic Test Results

Former Quincey Site, Fond du Lac, Wisconsin
Project Number: 02-2-15818

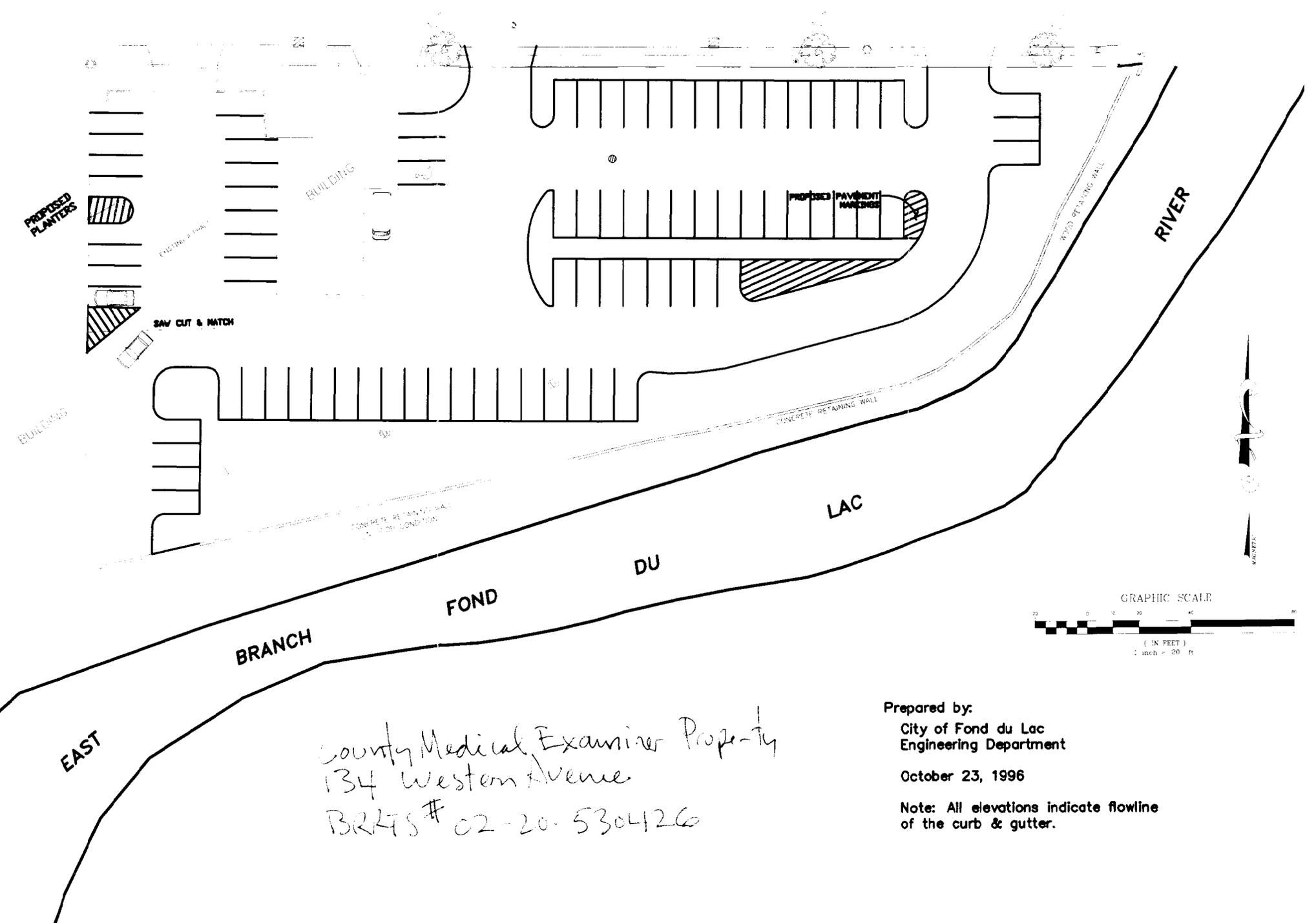
Sample	Depth	Date	Some Volatiles (EPA 8270) (ug/kg)																																						
MW11B-2	2-4'	02/16/04	<0.08	<490	<430	<280	<220	1200*	<400	<400	1700	1800	2300	780†	780†	700†	<620	730†	1,800	<390	<470	<410	<280	<210	<350	4,000	<320	730‡	<480	<470	<220	<300	<460	<510	3,200	3,400					
MW11B-8	14-16'	02/16/04	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
MW11B-11	20-22'	02/16/04	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
MW11B-15	28-30'	02/16/04	...	<49	<34	<28	<22	<46	<40	<33	<33	<43	<42	<32	<32	<45	<62	<57	<46	<39	<47	<41	<28	23*	<35	<30	<32	<56	<48	...	...	...	...	...	...	...	...
MW11B-22	42-44'	02/16/04	...	<49	<34	<28	<22	<46	<40	<33	<33	<43	<42	<32	<32	<45	<62	<57	<46	<39	<47	<41	<28	40*	<35	<30	<32	<56	<48	...	...	...	...	...	...	...	...	...
MW12C-4	6-8'	02/18/04	0.35†	<49	<34	120	100	600	<40	630	510	510	510	150	150	240	<62	190	520	800	723	<41	<28	29*	<35	910	<30	250	180	<48	47*	37*	<39	<46	<51	940	850	...			
MW12C-8	14-16'	02/18/04	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
MW12C-15	28-30'	02/18/04	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
MW12C-26	50-52'	02/18/04	...	<49	<34	<28	<22	<46	<40	<33	<33	<43	<42	<32	<32	<45	<62	<57	<46	<39	<47	<41	<28	37*	<35	<30	<32	<56	<48	...	...	...	...	...	...	...	...	...	...
Sediment Guidance Threshold Effect Conc. (TEC)			150	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sediment Guidance Maximum Effect Conc. (MEC)			125	
Sediment Guidance Probable Effect Conc. (PEC)			200
NR 746 Table 1			
NR 746 Table 2			
PAH Guidance - Groundwater			
PAH Guidance - Direct Contact			38,000	700	3,000,000
EPA RCL's for Soil to Ground Water ²			900,000	18,000	5,000,000
EPA RCL's for Inhalation ³		
EPA RCL's for Ingestion ⁴		
EPA RCL's for Injection ⁵		

* = Detected below the Limit of Quantitation
... = Not Tested

¹PAH Guidance - Groundwater Pathway, Suggested Generic Residual Contaminant Levels for PAH compounds in soil
²PAH Guidance - Direct Contact Pathway, Non-Industrial Suggested Generic Residual Contaminant Levels for PAH compounds in soil

³EPA Soil Screening Website with Wisconsin Defaults for Groundwater Pathway
⁴EPA Soil Screening Website with Wisconsin Defaults for Inhalation of Volatiles
⁵EPA Soil Screening Website with Wisconsin Defaults for Ingestion
⁶EPA Soil Screening Website with Wisconsin Defaults for Injection

WESTERN AVENUE



County Medical Examiner Property
134 Western Avenue
BRKTS # 02-20-530426

Prepared by:
City of Fond du Lac
Engineering Department
October 23, 1996

Note: All elevations indicate flowline
of the curb & gutter.



Fond du Lac County

PLANNING/PARKS DEPARTMENT
(920) 929-3135
FAX (920) 929-7655

City/County Government Center
160 South Macy Street, Fond du Lac, WI 54935

October 28, 2004

Jennifer Easterly
Wisconsin Department of Natural Resources
625 East County Trunk Highway Y
Oshkosh, WI 54901

RECEIVED

OCT 28 2004

TRAINING
REVIEW

RE: Additional Closure Information for Fond du Lac County Medical Examiner's Property
134 Western Avenue, Fond du Lac, WI

Dear Ms. Easterly,

The legal description I submitted with the DNR site closure request is true and correct for all the property within or partially within the contaminated site's boundaries that have soil contamination exceeding ch. NR 140 enforcement standards at the time of this case closure request. The site is comprised of a number of individual lots all combined into one site that is owned by Fond du Lac County. Attached is a map that corresponds with the lot numbers and tax parcel numbers I previously provided to you in the form of a legal description.

Give me a call if you require additional information.

Sincerely,

Sam Tobias
Planning & Parks Director

Attachment (1)

3/1

Document Number

DEED RESTRICTION

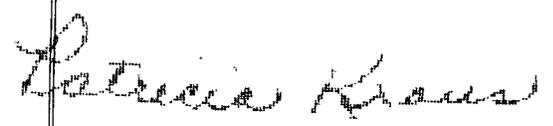
DOC# 838481

Recorded
JAN. 06, 2005 AT 11:56AM

Declaration of Restrictions

In Re: see Exhibit A

STATE OF WISCONSIN)
) ss
COUNTY OF Fond du Lac



PATRICIA KRAUS
REGISTER OF DEEDS
FOND DU LAC COUNTY
Fee Amount: \$23.00

WHEREAS, **Fond du Lac County** is the owner of the above-described property.

WHEREAS, one or more, Polycyclic Aromatic Hydrocarbons and lead discharges have occurred on this property, and as of February 16, 2004 when soil samples were collected on this property, contaminated soil remained on this property at the following locations MW-11B and MW-12C, see attached Exhibit B (Table 1) and Exhibit C (site map) which are hereby made a part of this restriction.

Recording Area
Name and Return Address
Fond du Lac County Planning
Department, 160 South Macy,
Fond du Lac, WI 54935

FDL-15-17-15-24-750
Parcel Identification Number

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 property described above may not be used or developed for a residential, commercial, agricultural or other non-industrial use other than the present use of the property as a parking lot and local government offices, unless (at the time that the non-industrial use is proposed) an investigation is conducted, to determine the degree and extent of petroleum 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.

The current asphalt parking lot and building 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 asphalt parking lot, existing building, and grass turf on the entire property shall be maintained on the above-described property shown on the attached map, labeled "Exhibit C " 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 "Site Maintenance Plan for the County Medical Examiner Property" dated October 20, 2004, that was submitted to the Wisconsin Department of Natural Resources by Fond du Lac County, 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 Exhibit C, 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, Brenna Garrison-Bruden asserts that she is duly authorized to sign this document on behalf of Fond du Lac County.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this fifth day of January, 2004.5

Signature: Brenna Garrison-Bruden
Printed Name: Brenna Garrison-Bruden
Title: County Board Chairperson

Signature: Joyce A. Buechel
Printed Name: Joyce Buechel
Title: County Clerk

Subscribed and sworn to before me
this 5th day of January, 2005

Kathleen A. McClellan
Notary Public, State of Wisconsin
My commission January 1, 2007
term expires

This document was drafted by the Department of Natural Resources with information submitted by Sam Tobias at the Fond du Lac County Planning Department.

SCHEDULE A

LEGAL DESCRIPTION

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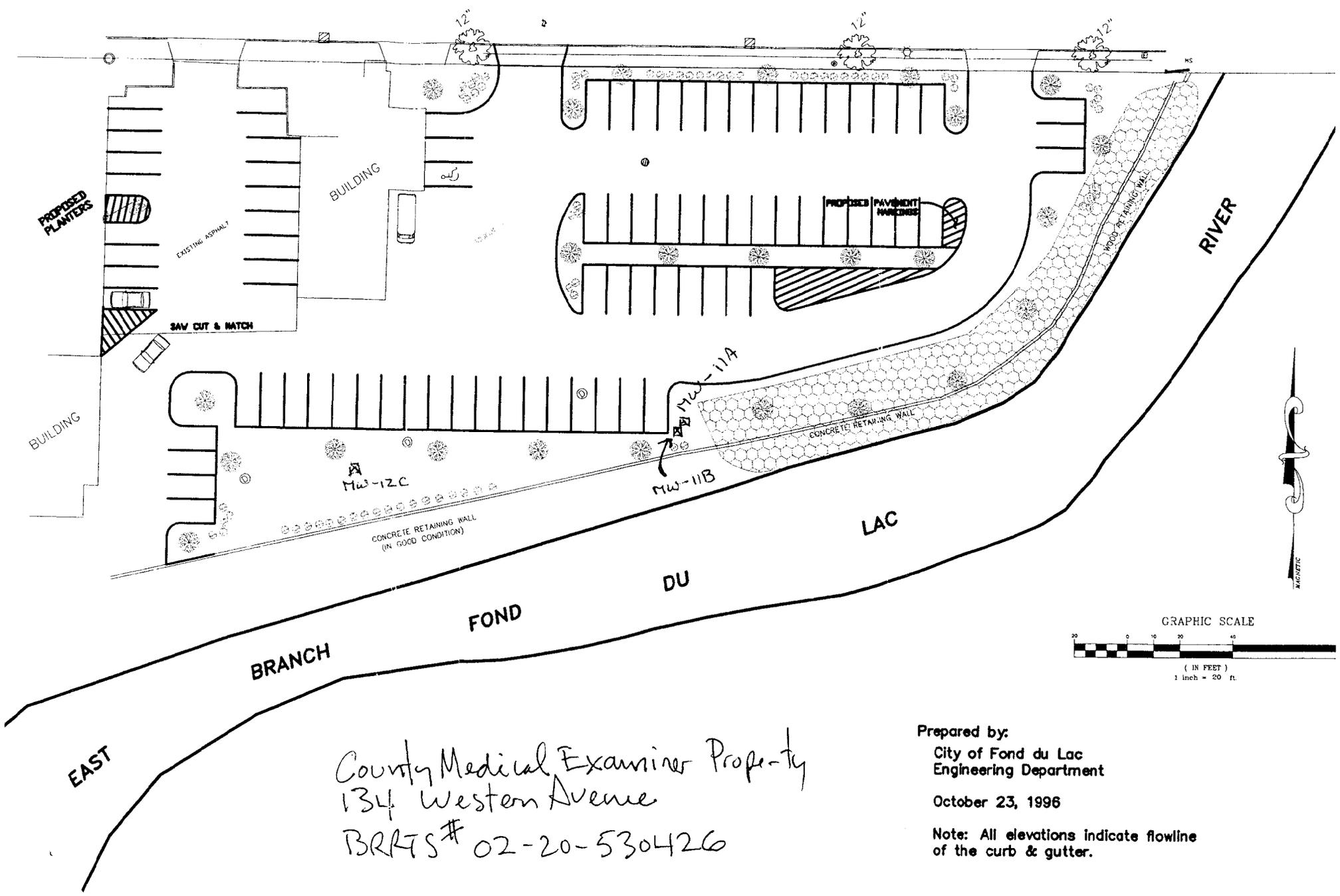
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FDL 15-17-15-24-750-00 / FDL 15-17-15-24-751-00 / FDL 15-17-15-24-752-00

Exhibit C

WESTERN AVENUE



County Medical Examiner Property
 134 Western Avenue
 BRATS # 02-20-530426

Prepared by:
 City of Fond du Lac
 Engineering Department

October 23, 1996

Note: All elevations indicate flowline
 of the curb & gutter.



Fond du Lac County

PLANNING/PARKS DEPARTMENT
(920) 929-3135
FAX (920) 929-7655

City/County Government Center
160 South Macy Street, Fond du Lac, WI 54935

October 20, 2004

Jennifer Easterly
Wisconsin Department of Natural Resources
625 East CTH Y
Oshkosh, WI 54901

RECEIVED

OCT 22 2004

TRACK
RENEWAL

RE: Site Maintenance Plan for the County Medical Examiner Property
BRRTS #02-20-530426

This property at 134 Western Avenue was converted into an asphalt parking lot and the County Medical Examiner's Office in 1996. Nearly the entire former gravel surfaced construction company yard is now an asphalt parking lot. The balance of the property is covered with the building footprint of the County Medical Examiner's Office, shrub plantings and lawn. The upper 2 feet of the shrub and grass areas is uncontaminated black dirt.

This property will be maintained with these caps for the foreseeable future. There will be an annual inspection of the asphalt parking lot and maintenance will be done as needed to assure the surface remains impervious. Asphalt patching and crack sealing will be done in accordance with WisDOT best management practices by our County Highway Department. Grass and landscaping areas will be inspected on a quarterly basis to assure that turf, topsoil or landscaping materials have not been removed or dug through. Repairs will be done on an as needed basis to assure that the 2 feet of soil, grass and landscaping material remains in place on the property. Inspection documentation will be kept in the office of the County Planner and the office of the Building Maintenance Manager.

Please see the attached site map. Give me a call if you have questions or need additional information.

Sincerely,

Sam Tobias
Planning & Parks Director

cc: Ken Newton, Building Maintenance Supervisor