

GIS REGISTRY INFORMATION

SITE NAME: Hathaway Landing Peninsula
BRRTS #: 02-31-000651 **FID # (if appropriate):** _____
COMMERCE # (if appropriate): _____
CLOSURE DATE: 09/19/2001
STREET ADDRESS: Hathaway Dr
CITY: Kewaunee

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 719121 Y= 446676

CONTAMINATED MEDIA: Groundwater Soil Both

OFF-SOURCE GW CONTAMINATION >ES: Yes No

IF YES, STREET ADDRESS 1: _____

GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL): Yes No

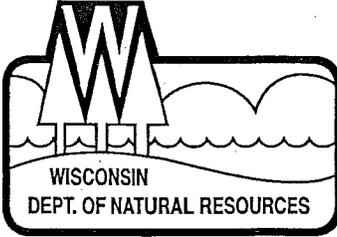
IF YES, STREET ADDRESS 1: _____

GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

CONTAMINATION IN RIGHT OF WAY: Yes No

DOCUMENTS NEEDED:

Closure Letter, and any conditional closure letter or denial letter issued	X
Copy of any maintenance plan referenced in the final closure letter.	n/a
Copy of (soil or land use) deed notice <i>if any required as a condition of closure</i>	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 (<i>if referenced in the legal description</i>) for all affected properties	X
County Parcel ID number, <i>if used for county</i> , for all affected properties	n/a
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)	n/a
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)	n/a
RP certified statement that legal descriptions are complete and accurate	n/a
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



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, 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 920-492-5912

September 19, 2001

Brian Kranz, City Administrator
City of Kewaunee
413 Milwaukee Street
Kewaunee, WI 54216

File Copy

SUBJECT: Final Case Closure by Closure Committee; Hathaway
Landing; Kewaunee, WI
WDNR BRRTS #: 02-31-000651

Dear Mr. Kranz:

On October 14, 1999, the above referenced site was reviewed for closure by the DNR's Northeast Region Closure Committee. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases.

On September 10, 2001, the Department received correspondence indicating that you have filed a soil deed restriction requiring that a cap be maintained on this property, thereby complying with the conditions of closure. Based on the correspondence and data provided, it appears that your site 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.

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) 492-5865.

Sincerely,

Annette Weissbach CR

Annette Weissbach
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Robert Mottl; STS Consultants, Ltd.; 1035 Kepler Drive; Green Bay, WI 54311

374448

Document Number

DEED RESTRICTION

RECORDS

VOL 369 PAGE 549

RECEIVED FOR RECORD

2001 SEP -5 PM 1:28

Marilyn S. Mueller

REGISTER OF DEEDS
KEWAUNEE COUNTY, WIS.

pdal

Declaration of Restrictions

In Re: See legal description provided in Attachment A, hereby attached and made part of this restriction.

STATE OF WISCONSIN)
) ss
COUNTY OF KEWAUNEE)

Recording Area

Name and Return Address

City of Kewaunee
413 Milwaukee Street
Kewaunee, WI 54216

WHEREAS, the City of Kewaunee is the owner of the above-described property.

Parcel Identification Number (PIN)

WHEREAS, one or more arsenic and/or benzene discharges have occurred on this property. Arsenic and /or benzene contaminated soil remains on this property at the following location(s): Boring 1 (B-1) arsenic is 7 milligram per kilogram, B-11 arsenic is 2.86 milligram per kilogram, B-13 arsenic is 19.2 milligram per kilogram and benzene is 122 microgram per kilogram, geoprobe 2 (GP-2) arsenic is 11.5 milligram per kilogram and benzene is 88 microgram per kilogram, GP-4 arsenic is 10.4 milligram per kilogram, hand auger 1 (HA-1) arsenic is 7 milligram per kilogram, HA-2 arsenic is 18 milligram per kilogram, HA-3 arsenic is 58 milligram per kilogram, HA-4 arsenic is 7 milligram per kilogram. Locations of soil sampling points are provided on Attachment B, hereby attached and made part of this restriction.

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 following activities are prohibited on that portion of the property described above where a cap or cover has been placed (see Attachment B), 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 the capped area; (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 cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1997).

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, Brian W. Kranz asserts that he or she is duly authorized to sign this document on behalf of City of Kewaunee.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 5th day of September, 2001.

Signature: B.W.K.
Printed Name: Brian W. Kranz, City Administrator

Subscribed and sworn to before me
this 5th day of September 2001.

Karen Pelishek
Notary Public, State of Wisconsin
My commission expires 9/29/02

This document was drafted by the Wisconsin Department of Natural Resources based upon information provided by the City of Kewaunee.

A:\1995011\ROADCSM

CERTIFIED SURVEY MAP

BEING PART OF GOVERNMENT LOT 2, SECTION 17, T23N, R25E,
CITY OF KEWAUNEE, KEWAUNEE COUNTY, WISCONSIN.

Map#504

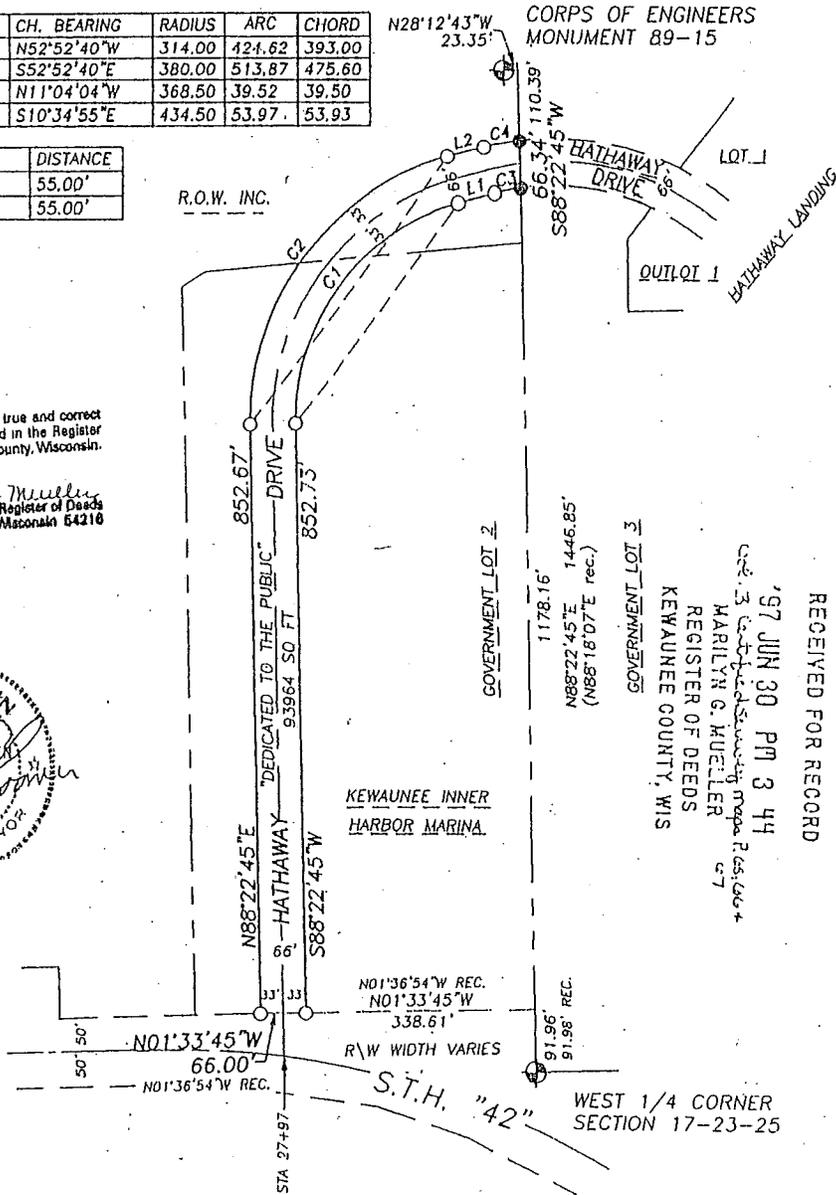
NO.	DELTA	CH. BEARING	RADIUS	ARC	CHORD
C1	77°28'50"	N52°52'40"W	314.00	424.62	393.00
C2	77°28'51"	S52°52'40"E	380.00	513.87	475.60
C3	06°08'42"	N11°04'04"W	368.50	39.52	39.50
C4	07°06'59"	S10°34'55"E	434.50	53.97	53.93

NO.	BEARING	DISTANCE
L1	N14°08'25"W	55.00'
L2	S14°08'25"E	55.00'

N28°12'43"W
23.35'
CORPS OF ENGINEERS
MONUMENT 89-15

This is to certify that this is a true and correct reproduction of the record filed in the Register of Deeds Office of Kewaunee County, Wisconsin.

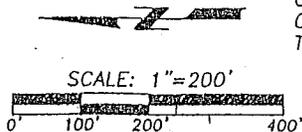
Issued: JUN 30 1997
Marilyn G. Mueller, Register of Deeds
Kewaunee County, Wisconsin 54218



RECEIVED FOR RECORD
350657
JUN 30 PM 3 44
Marilyn G. Mueller
REGISTER OF DEEDS
KEWAUNEE COUNTY, WIS

LEGEND

- Existing 2" Iron Pipe
- Set 1" x 24" Iron Pipe
min. wt. 1.13 lb./lin. ft.
- ⊙ Recorded County Monument



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF GOVERNMENT LOT 2, SECTION 17, T23N, R25E, CITY OF KEWAUNEE, KEWAUNEE COUNTY, WISCONSIN, RECORDED TO BEAR N88°22'45"E.

CERTIFIED SURVEY MAP

I, Michael D. Vander Bloomen, Registered Land Surveyor, do hereby certify that under the direction of the City of Kewaunee, I have surveyed, divided, mapped and dedicated part of Government Lot 2, Section 17, T23N, R25E, City of Kewaunee, Kewaunee County, Wisconsin, described as follows:

Commencing at the West 1/4 corner of said Section 17; thence N88°22'45"E, 91.96 feet along the South line of Government Lot 2 to the Easterly right of way line of S.T.H. "42"; thence N01°33'45"W, 338.61 feet along said Easterly line to the Point of Beginning; thence continuing N01°33'45"W, 66.00 feet along said Easterly line; thence N88°22'45"E, 852.67 feet; thence 513.87 feet along the arc of a 380.00 foot radius curve to the right having a long chord which bears S52°52'40"E, 475.60 feet; thence S14°08'25"E, 55.00 feet; thence 53.97 feet along the arc of a 434.50 foot radius curve to the right having a long chord which bears S10°34'55"E, 53.93 feet; thence S88°22'45"W, 66.34 feet along the South line of Government Lot 2 also being the Northerly line of the Plot of Hathaway Landing; thence 39.52 feet along the arc of a 368.50 foot radius curve to the left having a long chord which bears N11°04'04"W, 39.50 feet; thence N14°08'25"W, 55.00 feet; thence 424.62 feet along the arc of a 314.00 foot radius curve to the left having a long chord which bears N52°52'40"W, 393.00 feet; thence S88°22'45"W, 852.73 feet to the Point of Beginning...containing 93,954 square feet or 2.16 acres of land more or less.

Said parcel subject to all exceptions, reservations, restrictions, conditions and easements contained in prior conveyances of record.

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and that I have complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and platting regulations of Kewaunee County and City of Kewaunee in the Surveying and mapping of the same.

Dated this 20th day of June, 1997.

Michael D. Vander Bloomen
Michael D. Vander Bloomen RLS #1828
ROBERT E. LEE & ASSOCIATES, INC.



CORPORATE OWNER'S CERTIFICATE OF DEDICATION

R.O.W., Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

R.O.W., Inc., does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: CITY OF KEWAUNEE.

IN WITNESS WHEREOF, the said R.O.W., Inc. has caused these presents to be signed by Sarah M. Schiller, its president and countersigned by Arthur J. Schiller, its secretary, at Kewaunee, Wisconsin, and its corporate seal to be hereunto affixed on this 27th day of June, 1997.

In the presence of:

R.O.W. Inc.

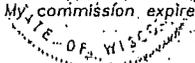
Sarah M. Schiller
Sarah M. Schiller, President

Arthur J. Schiller
Arthur J. Schiller, Secretary

STATE OF WISCONSIN)
SS
COUNTY OF KEWAUNEE)

Personally came before me this 27th day of June, 1997, the above named persons, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Pamela Zellner
Notary Public, Kewaunee County, Wisconsin
Pamela Zellner
My commission expires: 5/20/01.



CERTIFIED SURVEY MAP

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

Kewaunee Inner Harbor Marina, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plot to be surveyed, divided, mapped and dedicated as represented on this plat.

Kewaunee Inner Harbor Marina, Inc., does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: CITY OF KEWAUNEE.

IN WITNESS WHEREOF, the said Kewaunee Inner Harbor Marina, Inc. has caused these presents to be signed by Gerald P. Lamer, its president and countersigned by LARRY W. RADEK, its secretary, at STURGEON BAY, Wisconsin, and its corporate seal to be hereunto affixed on this 23rd day of JUNE, 1997.

In the presence of:

Kewaunee Inner Harbor Marina, Inc.

Gerald P. Lamer
Gerald P. Lamer, President

LARRY W. RADEK
Secretary

STATE OF WISCONSIN) SS
COUNTY OF KEWAUNEE)

Personally came before me this 23 day of June, 1997; the above named persons, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Larry D. Jome
Notary Public, Kewaunee County, Wisconsin
My commission expires: 5-31-98

Approved for the City of Kewaunee, this 26 day of June, 1997.

Jerome E. Zeltner
Jerome E. Zeltner



89/24/1997 08:25 1-414-988-4410

KEWAUNEE CO.

PAGE 04

Land

350618 2. 733 A

STATE BAR OF WISCONSIN FORM 2 - 1983
WARRANTY DEED

DOCUMENT NO.

Bathaway Landing LLC

conveys and warrants to R.O.W., Inc., a Wisconsin Corporation

231 N. Main St., Kewaunee

the following described real estate in Kewaunee County,
State of Wisconsin:

That part of Government Lot 2, Section 17, Township 23
North, Range 25 East, City of Kewaunee, Kewaunee County,
Wisconsin, described as follows:

Commencing at the West quarter section corner of
said Section, said corner being N1°44'15"W 2633.80 feet
from the southwest corner of said Section; thence
N1°58'24"W along the west line of said Section, 1294.75
feet; thence S63°22'00"E along the centerline of the
Green Bay & Western Railroad track and right-of-way, 178.33 feet to the point of
beginning; thence N3°24'45"W along the East line of S.T.H. 29 and 42, 28.88 feet; thence
S63°22'00"E 755.33 feet; thence along the arc of a 979.94 foot radius curve to the right
1072.78 feet, the chord of which bears S32°00'17"E 1020.00 feet; thence S88°19'10"W along
the south line of said Government Lot 2, 25.00 feet to the centerline of the Green Bay &
Western Railroad track; thence continuing S88°19'10"W 110.00 feet to a point being
N88°19'10"E 1194.58 feet from the west quarter-section corner of said Section; thence
N5°16'00"W 465.27 feet; thence along the arc of a 929.94 foot radius curve to the left
535.35 feet, the chord of which bears N46°52'29"W 527.98 feet; thence N63°22'00"W 726.41
feet; thence N3°24'45"W along the East line of S.T.H. 29 and 42, 28.88 feet to the point
of beginning.

RECORDS
VOL 306 PAGE 497 ✓

RECEIVED FOR RECORD

'97 JUN 26 PM 2 10

MARILYN G. MUELLER
REGISTER OF DEEDS
KEWAUNEE COUNTY, WIS

AL1002

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

SLATKY, WOLSKE & MEHN
Attorneys at Law
510 Main Street
P.O. Box 146
Kewaunee, WI 54216

31 241 ~~667-1-7~~

PARCEL IDENTIFICATION NUMBER

FOR ADMINISTRATIVE USE ONLY EX CODE W-7

TRANSFER FEE EXEMPT
SEC. 77.25(13)

This is not homestead property.
(is) (is not)

Exception to warranties: Municipal and zoning ordinances, recorded easements for public
utilities serving the property, recorded building and use restrictions and covenants, other
easements, restrictions and reservations of record.

Dated this 9th day of June, A.D., 19 97

Sarah M. Schiller (SEAL)

Sarah M. Schiller, Attorney in Fact

(SEAL)

(SEAL)

(SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s)

State of Wisconsin,

8

ACKNOWLEDGMENT

Signature(s) _____

authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not authorized by 8706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Atty. William J. Wolake of
Slatky, Wolake & Mehn

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

State of Wisconsin, PAGE 4 -2 &

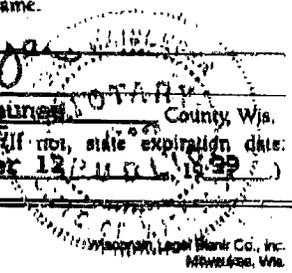
Kewaunee County } 55.

Personally came before me this 9th day of JUNE, 1997, the above named Sarah M. Schiller, Attorney in Fact

to me known to be the person _____ who executed the foregoing instrument and acknowledge the same.

Joan Raisleger
Joan Raisleger
Notary Public, Kewaunee County, Wis.

My commission is permanent. If not, state expiration date: September 12, 1999

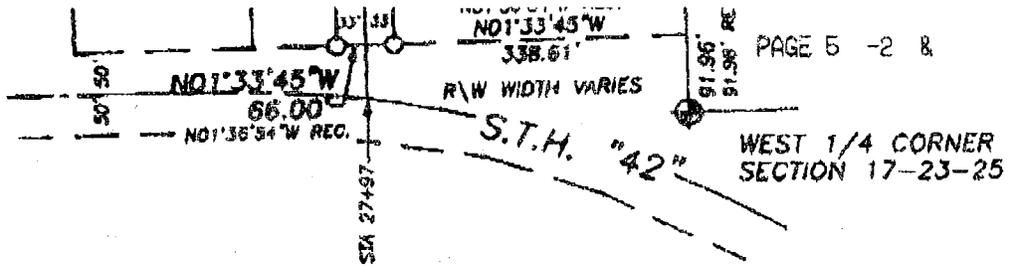


* Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN
Form No. 2 - 1982

Wisconsin Loan Bank Co., Inc.
Milwaukee, Wis.



LEGEND

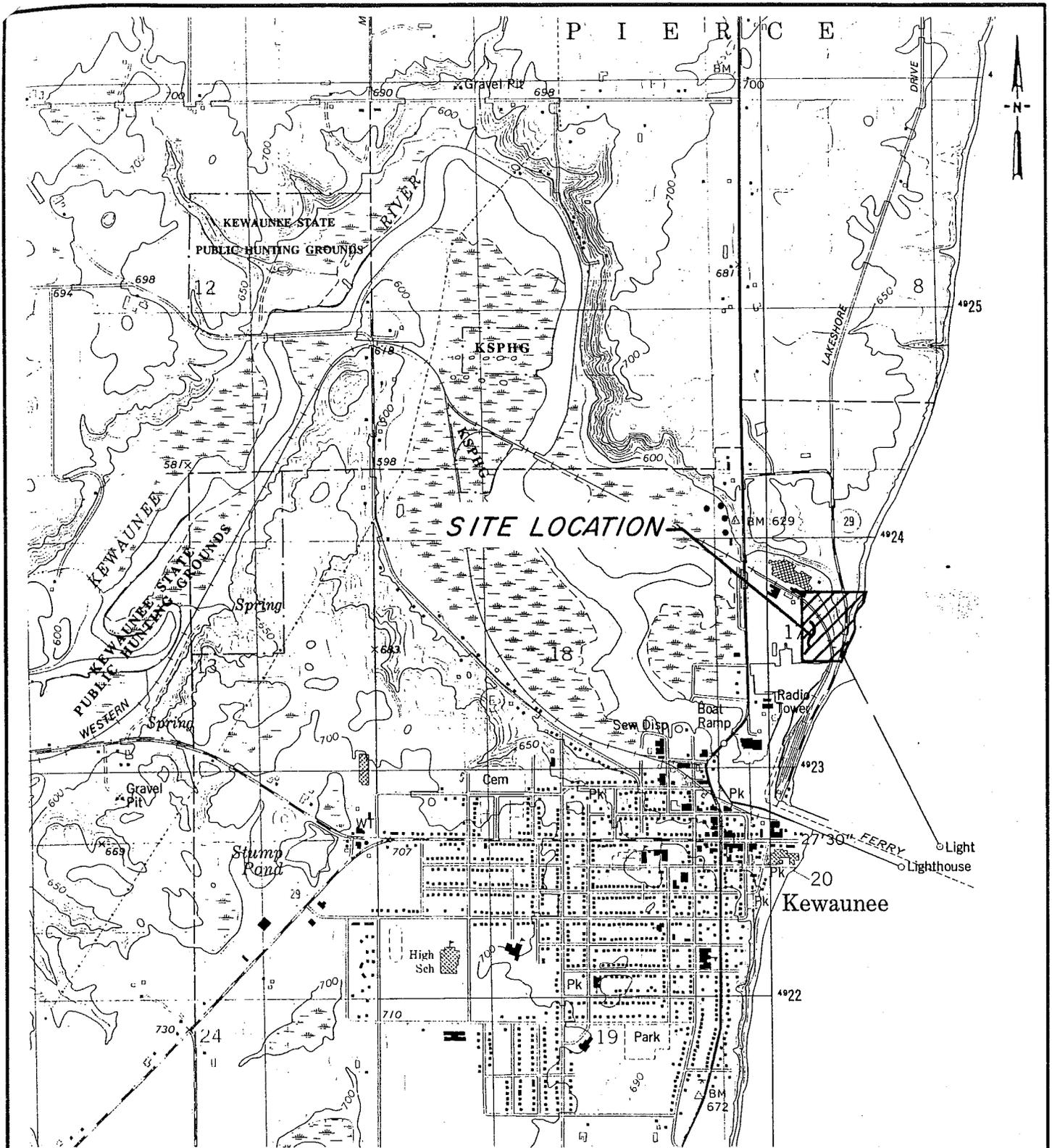
- Existing 2" Iron Pipe
- Set 1" x 24" Iron Pipe
min. wt. 1.13 lb./lin. ft.
- ⊕ Recorded County Monument



SCALE: 1"=200'



BEARINGS ARE REFERENCED TO THE SOUTH LINE OF GOVERNMENT LOT 2, SECTION 17, T23N, R25E, CITY OF KEWAUNEE, KEWAUNEE COUNTY, WISCONSIN, RECORDED TO BEAR N88°22'45"E.



MAP SOURCE: MODIFIED FROM KEWAUNEE, WIS. U.S.G.S. QUADRANGLE DATED 1978.



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

HATHAWAY LANDING
KEWAUNEE, WISCONSIN

SITE LOCATION DIAGRAM

DRAWN BY P.D.P. 5-31-96

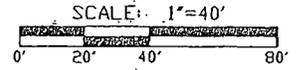
CHECKED BY R.J.M. 5-31-96

APPROVED BY

SCALE 1"=2000' FIGURE NO. 1

STS DRAWING NO. 22043XF

Soil Exceedances
of Industrial RCLs
or Protection of GW
above the Water Table.



⊕ SOIL BORING LOCATION
B-1

