

GIS REGISTRY INFORMATION

SITE NAME: Kaukauna Public Schools
BRRTS #: 02-45-107610 **FID # (if appropriate):** _____
COMMERCE # (if appropriate): _____
CLOSURE DATE: 02/10/2006
STREET ADDRESS: 112 Main Avenue
CITY: Kaukauna

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 658220 Y= 424195

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 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	na
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	x
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)	x
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure	x
Copy of any maintenance plan referenced in the deed restriction.	x



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Oshkosh Service Center
625 E. CTY Y, Suite 700
Oshkosh, Wisconsin 54901-9731
Telephone 920-424-3050
FAX 920-424-4404

February 10, 2006

Mark Lindem
Kaukauna Public Schools
112 Main Street
Kaukauna, WI 54130

Subject: **Final Case Closure by Committee with Conditions Met**
Kaukauna Public School Administration Building and former Kaukauna
High School Properties, 112 Main Street, Kaukauna, Wisconsin
WDNR BRRTS # 02-45-107610

Dear Mr. Lindem:

On June 16, 2004, the Northeast 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 October 13, 2004, you were formally notified that the Closure Committee had granted conditional closure to this case.

On February 9, 2006, the Department received correspondence indicating that you have complied with the requirements of closure. A copy of the filed deed restriction has been received. 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 GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

Your site was closed with the requirement that a deed restriction for remaining lead-contaminated soil be recorded at the county Register of Deeds office, and that maintenance of the clean soil cap be conducted as described in the maintenance and inspection plan, dated March 2, 2005. The maintenance plan and inspection log are to be kept up-to-date and on-site, and the inspection log need only be submitted to the Department upon request. A copy of the deed restriction and the referenced maintenance plan can be found in the Department's regional files, or they can be viewed on the GIS Registry.

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 920-303-5424.

Sincerely,

A handwritten signature in cursive script that reads "Casey L. Jones".

Casey L. Jones
Hydrogeologist
Remediation & Redevelopment Program

Electronic copy: Stephen Meer, Sigma
 Carrie Webb, WDOT



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Oshkosh Service Center
625 E. Cty Rd Y, Suite 700
Oshkosh, Wisconsin 54901-9731
Telephone 920-424-3050
FAX 920-424-4404

October 13, 2004

Mark Lindem
Kaukauna Public Schools
112 Main Street
Kaukauna, WI 54130

Subject: Conditional Case Closure
Kaukauna Public School Administration Building and former Kaukauna
High School Properties, 112 Main Street, Kaukauna, Wisconsin
WDNR BRRTS # 02-45-107610

Dear Mr. Lindem:

On June 16, 2004, your request for closure of the case described above was reviewed by the Northeast Regional Closure Committee. The Northeast Regional Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Closure Committee has determined that the lead contamination on the site from past land uses appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

MONITORING WELL ABANDONMENT

The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm.. Documentation of well abandonment must be submitted to me on Form 3300-5B found at <http://www.dnr.state.wi.us/org/water/dwg/gw/forms> or provided by the Department of Natural Resources.

WASTE AND SOIL PILE REMOVAL

Any remaining waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Please send a letter advising me that any remaining waste and/or soil piles have been removed once that work is completed.

DEED RESTRICTION FOR CONTAMINATED SOIL

To close this site, the Department requires that a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment.

The Department is aware that you are conducting a title search for the deeds for Riverview Middle School (referenced as Area A in closure report) and the area South of Maple Street

(Area C). When the Department receives the legal descriptions for these areas, a deed restriction will be drafted and sent to you for signing and recording at the Outagamie County Register of Deeds.

A cap maintenance plan for areas A, B and C is also needed for deed restriction inclusion. A previous plan had been submitted, but needs to be revised to include all three areas.

When the above conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed. 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://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>]

Please be aware that the 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 to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-303-5424.

Sincerely,



Casey L. Jones
Hydrogeologist
Remediation & Redevelopment Program

cc: Mafizul Islam, Sigma Environmental Services (e-mail)

OUTAGAMIE
Document #

998395

J 10986 1 26

REGISTER'S OFFICE
OUTAGAMIE COUNTY, WI
RECEIVED AND RECORDED ON

FEB 6 1991

AT 4 O'CLOCK P.M.

IMAGE 10-9-86 24-26
Grace Herb

pd
1000
form

Atty: John Thiel
Bod Gray + Kahn, S.C.
P.O. Box 1278
Oshkosh, WI 54902-1278

QUITCLAIM DEED

THIS QUITCLAIM DEED, made on the 31st day of January, 1991, between the United States Postal Service, whose address is Chicago Facilities Service Center, Real Estate Division, 222 South Riverside Plaza, Suite 1200, Chicago, IL 60606-6155, an independent establishment of the Executive Branch of the Government of the United States, acting pursuant to Title 39, USC Sections 201 and 401, party of the first part, and Kaukauna Area School District, a Wisconsin Municipal Corporation, whose address is 101 Oak Street, Kaukauna, WI 54130, party of the second part:

WITNESSETH, that the party of the first part, in consideration of Fifty Thousand Dollars and no/100th (\$50,000.00) and other valuable consideration, to it paid by the party of the second part, the receipt of which is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the party of the second part the following described lots, tracts, or parcels of land lying, being and situated in the City of Kaukauna, Outagamie County, State of Wisconsin, to wit:

Ledyard Plat, the North 100 feet of the South 140 feet of Lots 1, 2, and 3, Block 2.

The Purchaser, its successors, and assigns, will undertake any rehabilitation work on this property herein described in accordance with the Secretary of the Interior's publication, "Standards of Rehabilitation."

No alterations or physical or structural changes shall be made to the architecturally and/or historically significant interior and exterior features of the improvement nor to the coloring or surfacing of the exterior of this structure, shall be made, without the prior approval of the Wisconsin Historic Preservation Officer. Ordinary and necessary repairs and maintenance not materially affecting said exterior features shall not be considered alterations. Demolition of the structure without the prior written approval of the Wisconsin Historic Preservation Officer is prohibited.

The Wisconsin Historic Preservation Officer may, for good cause, modify or cancel any or all of the foregoing restrictions upon application of the Purchaser, its successors or assigns. The same conditions will be included in any deed called for by this agreement.

The mural painting located on the wall of the entrance lobby of the former Kaukauna Post Office, 112 Main Avenue, Kaukauna, Wisconsin, is the property of the United States Postal Service. The painting will remain in its location on an indefinite loan, subject to the recall and removal by USPS for official reasons upon 30 days notice to the building owner. Said owner may terminate the loan by advising USPS on 30 days written notice. The USPS shall pay for any and all cost of removal of the mural, including those costs necessarily incurred by the owner due to the removal. The USPS shall repair or replace the wall upon which the mural is located and pay all costs and expenses of such repair or replacement upon removal.

U.S. CA
(PARCEL H)

FOX

WATER CANAL
POWER

U.S. GOVERNMENT
(PARCEL J)

U.S. LEASE TO CITY

CSM 206

3-0410

LEDYARD

3-0409

PLAT

WATER CANAL
POWER

WATER CANAL
POWER

LOT M ISLAND NO. 4
LOT L

LEDYARD

PLAT

CSM

PRT LOT I

LEDYARD

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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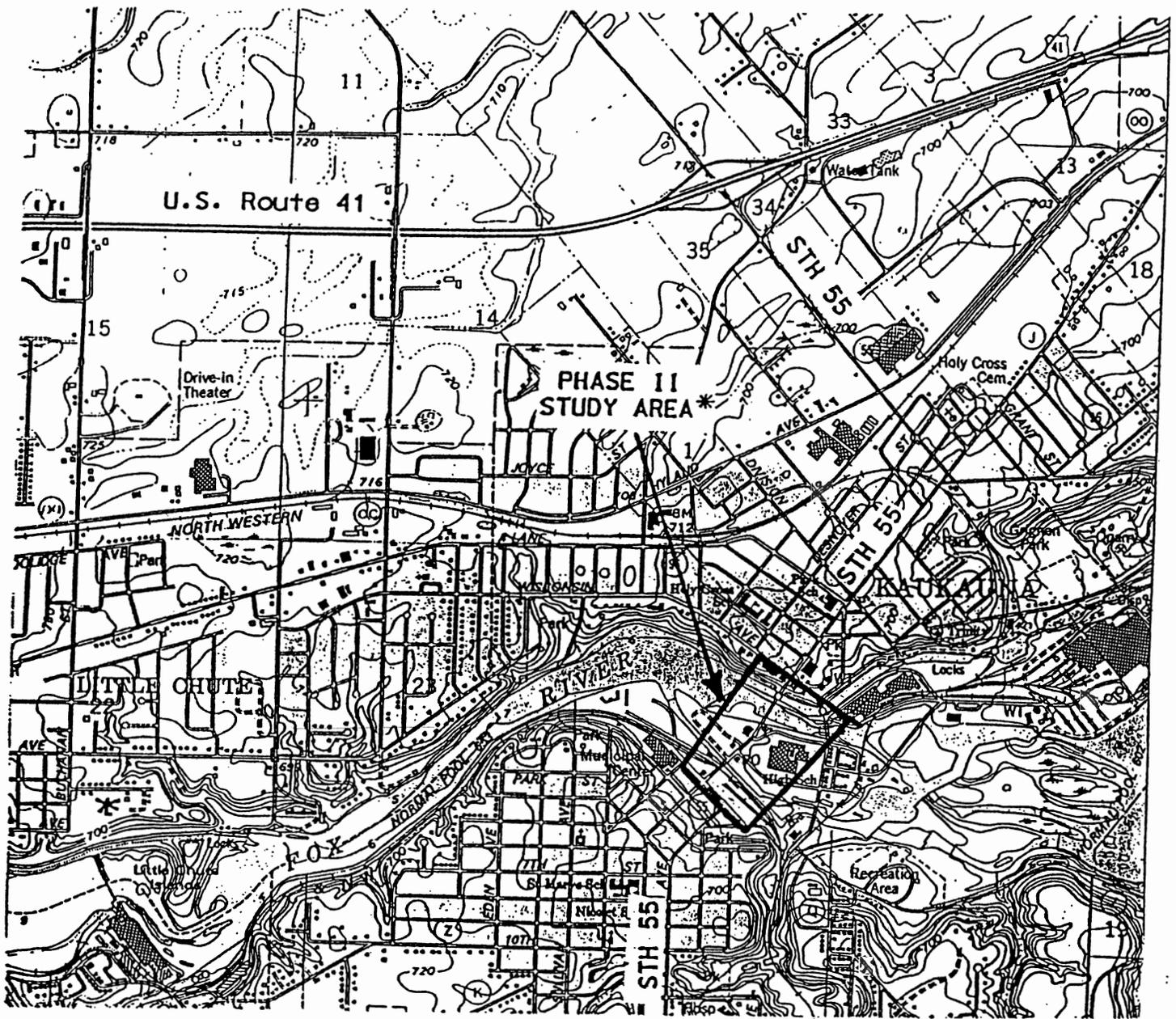
LEDYARD

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PARK

5-0218
A



CONTOUR INTERVAL = 10 FEET

Kaukauna Quadrangle
 Outagamie Co., Wisconsin
 7.5 Minute Series (Topographic)

Aerial Photo Date 1973
 (field checked 1974)

• Refer to Figure 1a for specific site locations

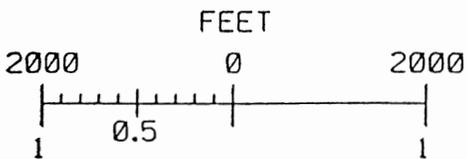


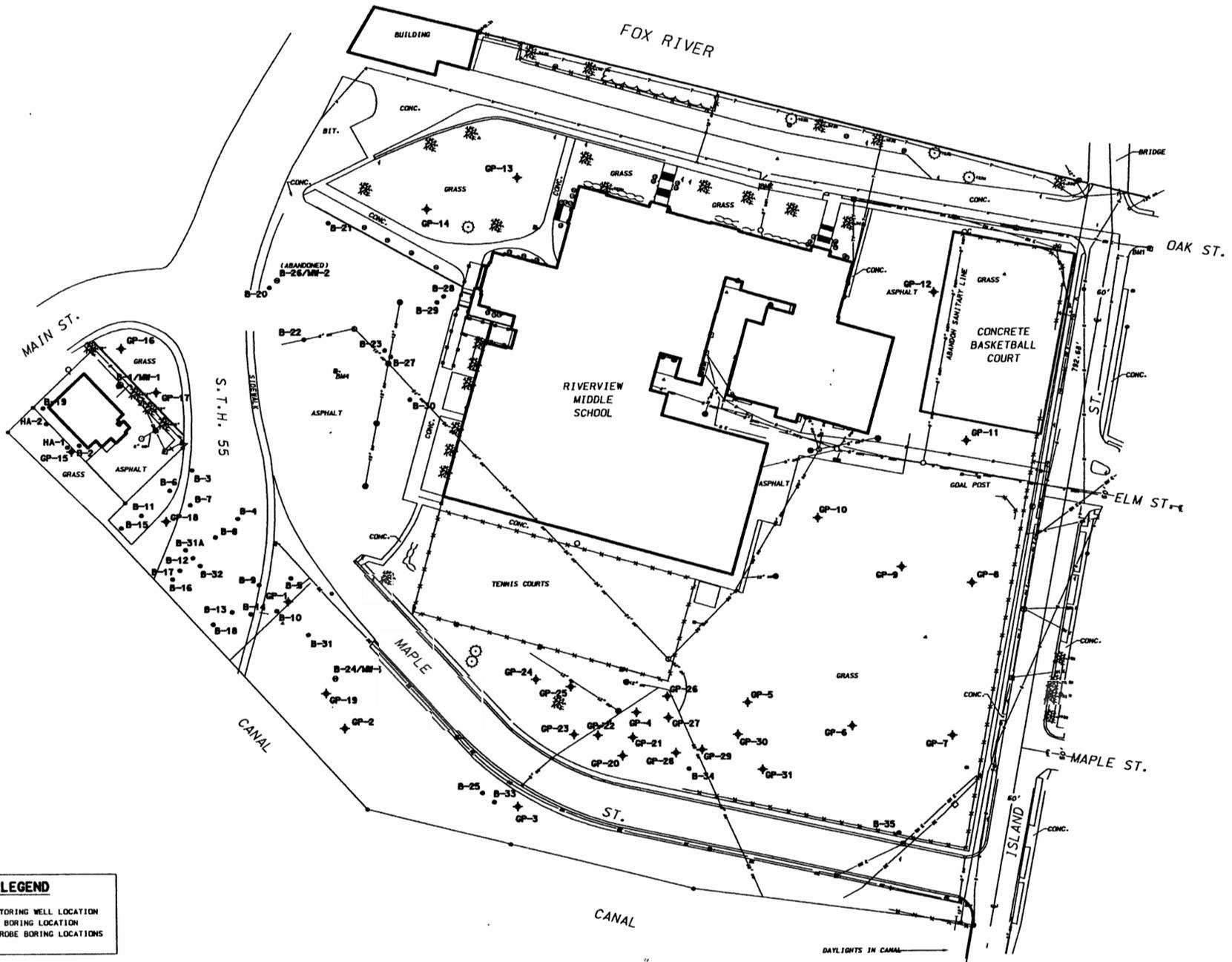
FIGURE 1
SITE LOCATION MAP

HWY 55 (KAUKAUNA)
 ENVIRONMENTAL SITE ASSESSMENT-PHASE II
 KAUKAUNA, WISCONSIN



JOB No.: 939308

FILE: ESA2FIGLDGN



LEGEND

- = MONITORING WELL LOCATION
- = SOIL BORING LOCATION
- ⊕ = GEOPROBE BORING LOCATIONS

SIGMA
 ENVIRONMENTAL SERVICES INC.
 220 EAST RYAN ROAD
 OAK CREEK, WISCONSIN 53154
 PHONE : (414) 768 - 7144
 1-800-732-4671

SCALE - 1" = 80' - 0"

0' 40' 80' 120' 160'

NO	DATE	REVISIONS	BY	APVD

NAME:	DATE:
DRAWN BY: BEB	8-9-01
DESIGNED BY:	
CHECKED BY:	
APPROVED BY:	

KAUKAUNA ADMINISTRATION BUILDING
KAUKAUNA, WISCONSIN
SITE PLAN MAP

DRAWING NUMBER
 6696-007

FIGURE 1

Table 1
LEAD EXCAVATION SOIL QUALITY RESULTS
Kaukauna School Administration
112 Main Street
Kaukauna, Wisconsin

Sample ID	Units	01	02	03	04	05	06	07	08	09	NR 720
Depth	Feet	4	4	4	4	4	4	2.5	2.5	4	RCLs
Date		7/21/2003	7/21/2003	7/21/2003	7/22/2003	7/22/2003	7/22/2003	7/22/2003	7/22/2003	7/22/2003	
Arsenic	mg/kg	13.4	4.15	4.81	<3.0	4.28	4.64	3.38	3.25	4.71	0.039
Lead	mg/kg	614	110	69	47.90	84.2	180	96.9	152	168	50

Sample ID	Units	10	11	12	13	14	15	16	17	18	NR 720
Depth	Feet	2.5	2.5	2	2	2	2	2	2	2	RCLs
Date		7/22/2003	7/22/2003	7/23/2003	7/23/2003	7/23/2003	7/23/2003	7/23/2003	7/23/2003	7/23/2003	
Arsenic	mg/kg	3.19	<2.78	<2.74	<2.64	2.71	6.15	<2.85	<2.79	<2.65	0.039
Lead	mg/kg	126	15.9	31.5	36.5	68.1	516	7.98	18.0	40.4	50

Sample ID	Units	19	20	21	22	23	24	25	26	27	NR 720
Depth	Feet	2	2	2	4	4	4	4	4	2.5	RCLs
Date		7/23/2003	7/23/2003	7/23/2003	7/24/2003	7/24/2003	7/24/2003	7/24/2003	7/24/2003	7/24/2003	
Arsenic	mg/kg	3.03	<2.66	9.48	3.52	8.08	<2.89	<2.89	<2.80	12	0.039
Lead	mg/kg	15.2	14.3	19.5	103	118	5.15	NA	47.2	297	50

Sample ID	Units	28	29	30	31	32	33	34	35	HA-A	NR 720
Depth	Feet	2	4	4	4	4	2	2	2	0-1	RCLs
Date		7/24/2003	7/25/2003	7/29/2003	7/29/2003	7/29/2003	7/29/2003	7/29/2003	7/29/2003	7/25/03	
Arsenic	mg/kg	<2.67	NA	<3.61	8.33	<3.89	<2.74	<2.90	3.64	<2.75	0.039
Lead	mg/kg	32.6	374	15.6	136	125	33.3	5.39	10.6	27.6	50

Key:

NA = Sample not collected for analysis
bold = Exceeds NR720 Residual Contaminant Levels
mg/Kg = milligrams per Kilogram

Table 2
Soil and Groundwater Quality Results - May 24, 2001
Kaukauna Administration Building and Ridgeview Middle School
Kaukauna, Wisconsin

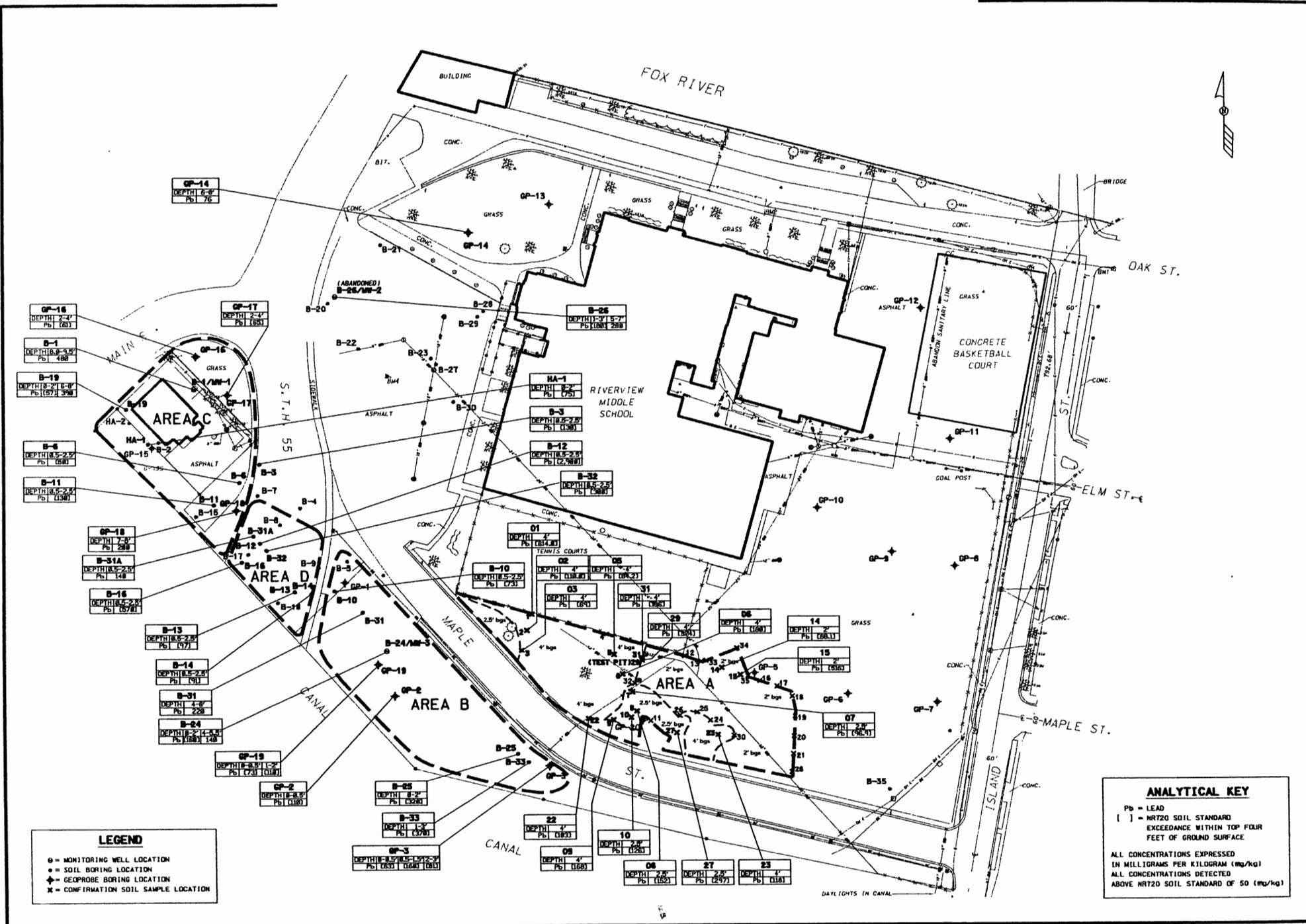
Soil Boring/ Monitoring Well	Depth (feet bgs)	Lead	Soil Boring/ Monitoring Well	Depth (feet bgs)	Lead
GP-1	0-0.5	26	GP-12	0-0.5	26
	0.5-1.5	23		1-2	9.3
GP-2	0-0.5	110		2-4	5.9
	0.5-1.5	15	GP-13	0-0.5	28
	2-3	7.8		1-2	4.4
GP-3	0-0.5	63		2-3	5.7
	0.5-1.5	160	3-4	6.8	
	2-3	81	GP-14	0-0.5	28
GP-4	0-0.5	180		1-2	3.2
	0.5-1.5	350		2-4	6.5
GP-5	0-0.5	13		6-8	76
	0.5-1.5	8.3	GP-15	0-0.5	11
GP-6	0-0.5	8		1-2	6.9
	0.5-1	11		2-4	26
GP-7	0-0.5	13	GP-16	0-0.5	17
	0.5-1.5	8.3		1-2	15
GP-8	0-0.5	25		2-4	61
	0.5-1.5	11	GP-17	0-0.5	22
	1.5-2.5	6.8		1-2	19
GP-9	0-0.5	34		2-4	65
	0.5-1.5	9.6	GP-18	0-0.5	9.6
	1.5-2.5	34		1-2	45 ^a
GP-10	0-0.5	25		2-4	8.5
	1-2	14	7-8	200	
	2-3	7.5	GP-19	0-0.5	73
GP-11	1-2	11		1-2	110
	2-3	7.9		2-2.5	5.3
	3-4	17	MW-1*	screened 11'-21'	<0.39
	4-5	9.2	MW-3*	screened 7'-17'	<0.39

Notes: Soil quality results expressed in milligrams per kilogram
Groundwater quality results expressed in micrograms per liter
50 mg/kg = NR 720 Residual Contaminant Level for Lead (non-industrial) in soil
15 ug/L = NR 140 Enforcement Standard for Lead in groundwater
All soil and groundwater samples collected on 5/24/01
* = groundwater samples collected from existing monitoring wells
bold = Exceeds NR 720 Residual Contaminant Level (50 mg/kg)

Table 2, Cont
Soil and Groundwater Quality Results - April 2, 2002
Kaukauna Administration Building and Ridgeview Middle School
Kaukauna, Wisconsin

Soil Boring/ Monitoring Well	Depth (feet bgs)	Lead	Arsenic	Soil Boring/ Monitoring Well	Depth (feet bgs)	Lead	Arsenic
GP-20	0-0.5	13*	1.4*	GP-28	0-0.5	68	3.8
	0.5-1	16	NA		0.5-1	80	NA
	1-2	3.8	30		1-2	157	3.2
	2-2.5	<6	NA		2-4	1280	NA
GP-21	0-0.5	176	2.2	GP-29	0-0.5	9.1*	2.2
	0.5-1	48	NA		0.5-1	68	NA
	1-2	<6	1.5*		1-2	40	1.9*
			2-4		6.7*	NA	
GP-22	0-0.5	65	2*	GP-30	0-0.5	18*	1.6*
	0.5-1	69	NA		0.5-1	64	NA
	1-2	98	2.3*		1-2	30	2*
	2-4	121	NA		2-4	6.4*	NA
GP-23	0-0.5	52	3.9*	GP-31	0-0.5	41	2.6
	0.5-1	24	NA		0.5-2	54	3.8
	1-2	121	5.2		2-4	14*	NA
	2-4	124	NA				
GP-24	0-0.5	12*	2.1*				
	0.5-2	153	5.3				
	2-3	236	NA				
GP-25	0-0.5	82	4				
	0.5-2	30	2.1*				
	2-4	113	NA				
GP-26	0-0.5	958	5.7				
	0.5-1	623	NA				
	1-2	393	6.1				
	2-2.5	212	NA				
GP-27	0-0.5	238	6.2				
	0.5-2	141	5.8				
	2-4	18*	NA				

Notes: Soil quality results expressed in milligrams per kilogram
50 mg/kg = NR 720 Residual Contaminant Level for Lead (non-industrial) in soil
0.039 mg/kg = NR 720 Residual Contaminant Level for Arsenic (non-industrial) in soil
All soil samples collected on 4/2/02
* = concentration reported between the limit of quantification and the limit of detection
bold = Exceeds NR 720 Residual Contaminant Level for Lead (50 mg/kg)



LEGEND

- = MONITORING WELL LOCATION
- = SOIL BORING LOCATION
- ◆ = GEOPROBE BORING LOCATION
- ✱ = CONFIRMATION SOIL SAMPLE LOCATION

ANALYTICAL KEY

Pb = LEAD
 [] = NRT20 SOIL STANDARD
 EXCEEDANCE WITHIN TOP FOUR FEET OF GROUND SURFACE

ALL CONCENTRATIONS EXPRESSED IN MILLIGRAMS PER KILOGRAM (mg/kg)
 ALL CONCENTRATIONS DETECTED ABOVE NRT20 SOIL STANDARD OF 50 (mg/kg)

SIGMA
 ENVIRONMENTAL SERVICES INC.
 220 EAST RYAN ROAD
 DAK CREEK, WISCONSIN 53154
 PHONE : (414) 768 - 7144
 1-800-732-4671

SCALE - 1" = 80' - 0"

0' 40' 80' 120' 160'

NO	DATE	REVISIONS	BY	APVD

NAME:	DATE:
DRAWN BY: BEB	5-3-04
DESIGNED BY:	
CHECKED BY:	
APPROVED BY:	

KAUKAUNA ADMINISTRATION BUILDING
KAUKAUNA, WISCONSIN
AREA OF REMAINING SOIL IMPACTS

DRAWING NUMBER
 6696-015

FIGURE 4

Kaukauna Public Schools, the responsible party for the property located at 112 Main Street, Kaukauna, Wisconsin states that the legal description provided to the Wisconsin Department of Natural Resources (and attached to this statement) for case file reference number 02-45-107610 is complete and accurate to the best of our knowledge.

Signature of Representative for Responsible Party:

Date:

Mark L. ...

5-13-04

May 13, 2004

Project Reference #6696

Ms. Carrie Lutz
Wisconsin Department of Transportation
PO Box 28080
Green Bay, WI 54324

RE: **Notice of Lead Impacts**
Within Right-of-Way of STH 55
Kaukauna Public School Administration Building
112 Main Street
Kaukauna, Wisconsin

Dear Ms. Lutz,

On behalf of Kaukauna Public Schools, Sigma Environmental Services, Inc. (Sigma) is notifying the Wisconsin Department of Transportation regarding the potential presence of lead impacts within soil located beneath the STH 55 right-of-way at the above referenced property. Sigma is petitioning the Wisconsin Department of Natural Resources (WDNR) for case closure at the site, conditional upon filing of the appropriate GIS registry information and notifying municipal authorities of lead impacts extending into public right-of-ways.

Sigma is notifying your department pursuant to Wisconsin Administrative Code, Chapter NR 726.05 (2)(b)(4), of the potential presence of soil impacts beneath the STH 55 right-of-way adjacent to the Kaukauna Public School Administration Building property located at 112 Main Street, which may exceed applicable Wisconsin Administrative Code, Chapter NR 720 Residual Contaminant Levels (RCLs) for soil.

Sigma has enclosed a soil quality map showing soil boring locations and lead concentrations detected within the STH 55 right-of-way. Sigma's investigation, remediation and soil quality data has confirmed that the soil contaminant plume is stable. However, if future construction activities disturb soil in the vicinity of the above referenced site, the excavated soil may be considered a special waste and require proper disposal.

If you have any questions or comments, please contact us at (414) 643-4200.

Sincerely,

SIGMA ENVIRONMENTAL SERVICES,


Mary E. Clifford
Staff Scientist


Mafizul Islam, P.E.
Senior Project Engineer

ATTACHMENT

Cc: Mr. Mark Lindem – Kaukauna Public Schools

Sigma Environmental Services, Inc.



Recorded
 JAN. 27, 2006 AT 02:10PM
 OUTAGAMIE COUNTY
 JANICE FLENZ
 REGISTER OF DEEDS
 Fee Amount: \$35.00



Document Number

DEED RESTRICTION

Declaration of Restrictions

In Re: The North 100 feet of the South 140 feet of Lots 1, 2 and 3, Block 2, Ledyard Plat, City of Kaukauna, Outagamie County, Wisconsin; and

Two parcels of land located and being part of Lots 1-22, Block 2, Ledyard Plat and part of Kaukauna Island Plat on Island No. 4 including "Tail Race" and lands lying between Lot "M", and "Tail Race", Lot "L", Part of Lot "M", all of Blocks 1 and 3, according to the recorded Assessor's Plat of 1890 and that part of Lots 1 and 2 and all of Lot 3 of Outagamie County Certified Survey Map No. 104, as recorded in Vol. 1, Page 104, Document No. 710178 and all that part of vacated Oak Street, Maple Street, Bank Avenue, Elm Street and vacated public alleys in Block 1 and adjacent and West of Block 3, Kaukauna Island Plat, City of Kaukauna, Outagamie County, Wisconsin, more fully described as follows:

Commencing at the Southwesterly corner of Lot 1, Block 2, Ledyard Plat (said point being a meander corner that is N. 46°19'30" E. of and 20 feet more or less from the water's edge of the Water Power Canal); thence S. 45°27'45" E. along a meander line of the Water Power Canal, 150.07 feet to the Southwesterly corner of Lot 3, Outagamie County Certified Survey Map No. 104, and the Point of Beginning:

Thence S. 42°28'30" E. along said meander line, 439.33 feet; thence S. 75°57'35" E. along said meander line, 684.28 feet to its intersection with the Southwest corner of Island Street and vacated Bank Avenue; thence N. 10°14'30" E. along the West Right-of-Way line of Island Street to its intersection with the Southwesterly Right-of-Way line of Maple Street as laid out and dedicated in City of Kaukauna Resolution No. 2227, Adopted June 19, 1979; thence Northwesterly along said Southwesterly Right-of-Way line the following courses: N. 76°03'15" W., 398.43 feet to the beginning of a curve; thence Northwesterly along said curved Right-of-Way line (having a radius of 320.00 feet with its center towards the North and having a chord 188.94 feet in length which bears N. 59°25'10" W.) a distance of 191.62 feet to the end of said curve; thence N. 42°47'05" W., 481.03 feet to the end of said courses and to the Northwesterly corner of Lot 3, Outagamie County Certified Survey Map No. 104; thence S. 46°19'30" W. along the Northwesterly line of said Lot 3, 125.32 feet to the point of beginning.

Also a second parcel of land described as follows:

Commencing at the Southwesterly corner of Lot 1, Block 2, Ledyard Plat (said point being a meander corner that is N. 46°19'30" E. of and 20 feet more or less from the water's edge of the Water Power Canal); thence S. 45°27'45" E. along a meander line of the Water Power Canal, 150.07 feet to the Southwesterly corner of Lot 3, Outagamie County C.S.M. No. 104; thence N. 46°19'30" E. along the Northwesterly line of said Lot 3 and said line extended, 135.32 feet to the Southwesterly Right-of-Way line of Maple Street; thence N. 46°56'22" E., 50 feet to a point on the Northeasterly Right-of-Way line of Maple Street as laid out and dedicated in City of Kaukauna Resolution No. 2227, adopted June 19, 1979, and the Point of Beginning:

Thence N. 43°40'30" W., along the Northeasterly Right-of-Way line of said Maple Street, 143.38 feet to a point hereafter referred to as Point "A", said point being S. 43°40'30" E. of and 7.15 feet distant from the Southeasterly Right-of-Way line of Main Avenue as shown on the 1890 recorded

Recording Area

35.00
13

Name and Return Address

Kaukauna Area School District
 112 Main Ave
 Kaukauna WI 54130
 ATTN: MARK LINDEM

Parcel Identification Number (PIN)

Assessor's Plat, said point along Main Avenue hereafter referred to as Point "B"; thence Northeasterly from Point "A" to a point that is the following courses from the above mentioned Point "B"; N. 46°19'30" E. along the Southeasterly Right-of-Way line of said Main Avenue, 167.00 feet; thence S. 43°40'30" E., 22.00 feet to the end of said courses from Point "B" and to a point that is N. 51°24'20" E. and 167.66 feet distant from said Point "A"; thence N. 43°40'30" W., 19.00 feet to appoint that is 3.00 feet Southeasterly of the Southeasterly Right-of-Way line of Main Avenue as measured at right angles from; thence N. 46°19'30" E., parallel with the Southeasterly Right-of-Way line of said Main Avenue, to its intersection with a line which is 33.00 feet Southeasterly of as measured at right angles form the centerline of the Lawe Street Bridge said parallel bridge line bearing S. 30°57'35" W.; thence N. 30°57'35" E. along said line to its intersection with the Northerly Right-of-Way line of vacated Oak Street; thence Northwestery along said Northerly Right-of-Way line of vacated Oak Street to its intersection with the Southeasterly line of lands as described in Vol. 84 of Deeds, Page 378, Outagamie County Records; thence N. 30°57'35" E., along the Southeasterly line of said described lands and a line being 30.00 feet Southeasterly ashore of the Fox River; thence Southeasterly along said Southerly shoreline, to its intersection with the West Right-of-Way line of Island Street; thence Southwesterly along said West Right-of-Way line of Island Street, to its intersection with the Northeasterly Right-of-Way line of Maple Street as laid out and dedicated in City of Kaukauna Resolution No. 2227 adopted June 19, 1972; thence Northwestery along said Northeasterly Right-of-Way line the following courses: N 76°03'15" W., 394.54 feet to the beginning of a curve; thence Northwestery along said curved Right-of-Way line (having a radius of 270.00 feet with its center located towards the North and having a chord 154.59 feet in length which bears N. 59°25'10" W.) a distance of 156.78 feet to the end of said curve; thence N. 42°47'05" W. along said Right-of-Way line, 481.42 feet to the end of said courses and the point of beginning.

(It is intended that all those portions, if any, of vacated streets and alleys associated with the foregoing parcels are included in this conveyance.)

STATE OF WISCONSIN

COUNTY OF Outagamie

WHEREAS, Kaukauna Area School District is the owner of the above-described property.

WHEREAS, one or more lead discharges have occurred on this property, and as of May 2001 when soil samples were collected on this property, lead-contaminated soil remained above direct contact limits on this property at B-1, B-3, B-6, B-10, B-11, B-19, B-24, B-25, B-31, B-33, B-34, GP-2, GP-3, GP-4, GP-14, GP-16, GP-17, GP-18, GP-19, GP-21, GP-22, GP-23, GP-24, GP-25, GP-26, GP-27, GP-28, GP-29, GP-30, and GP-31 with locations and analytical data shown in Exhibit 4.

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 in Exhibits 1 (Area A), Exhibit 2 (Area B) and Exhibit 3 (Area C), attached and hereby made part of this restriction and which are parcels within the property described above are held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

The two to four feet clean soil cap that existed in Area A and the six inch clean soil cap that existed in Areas B and C 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. The soil cover shall be maintained on the above-described property in the locations shown on the attached map, labeled Exhibit 4. The existing soil caps shall be maintained on the above-described property in compliance with the "Maintenance Plan for the Soil Cover" dated March 2, 2005, that was submitted to the Wisconsin Department of Natural Resources by Sigma Environmental Services, Inc. on behalf of the Kaukauna Area School District as required by section NR 724.13(2), Wis. Adm. Code (1999). The plan is attached as Exhibit 5 and made a part of this restriction.

In addition, the following activities are prohibited on any portion of the above-described property where the clean soil cap has been placed, 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, Mark Lindem asserts that he or she is duly authorized to sign this document on behalf of Kaukauna Area School District.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 27th day of January, 2006

Signature: Mark Lindem

Printed Name: Mark Lindem

Title: Dir. of Business Services

Subscribed and sworn to before me
this 27th day of January, 2006

Amy E. Freund
Notary Public, State of Wisconsin
My commission expires 9/14/08

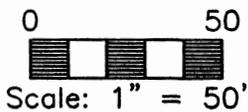
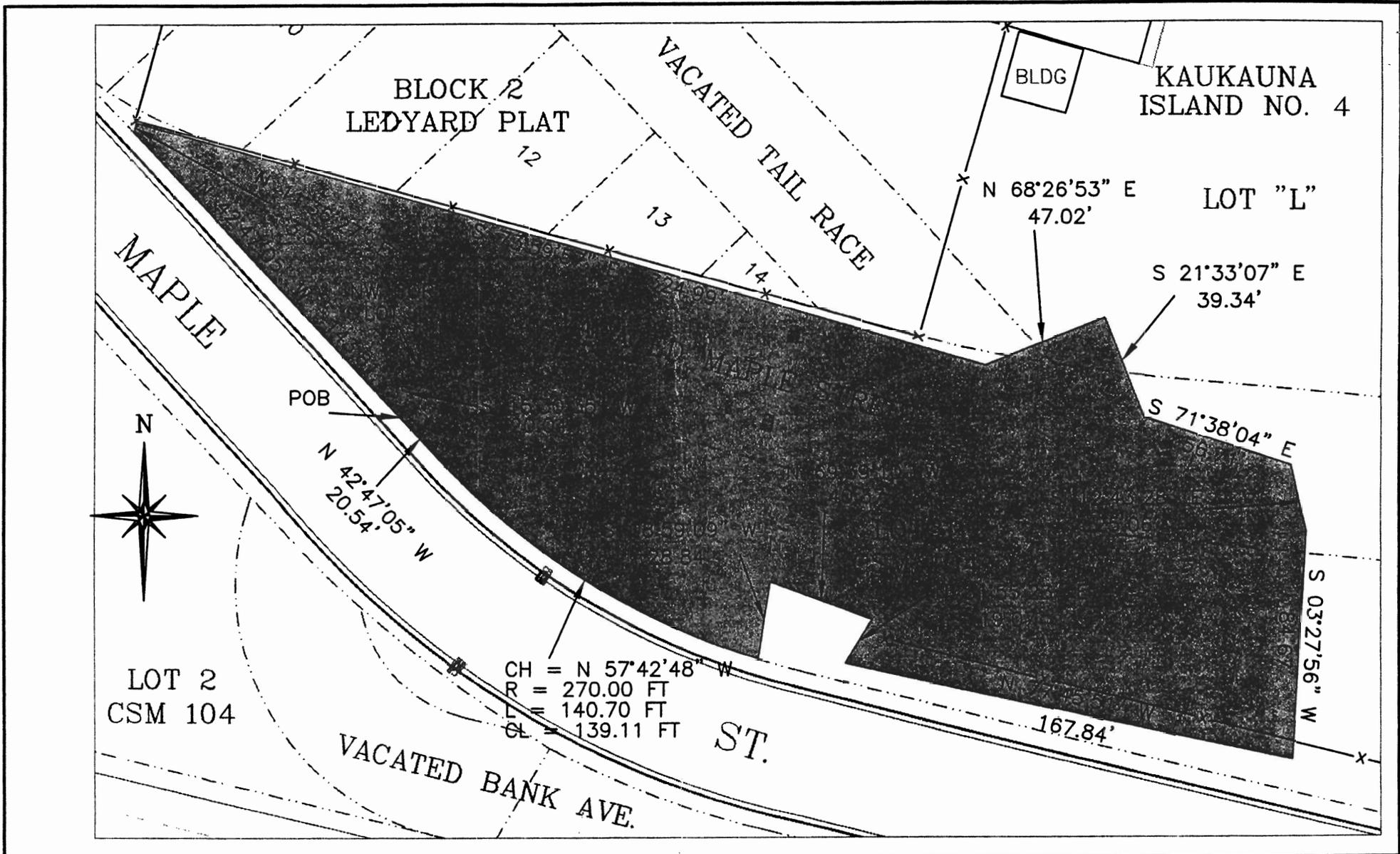
This document was drafted by the Department of Natural Resources based on the information provided by Sigma Environmental Services, Inc. and Kaukauna Area School District.

Exhibit 1

A parcel of land being part of Lot 1 of CSM 104, that part of vacated Maple St, that part of vacated Tail Race of Block 2 of Ledyard Plat, and that part of Lot L of Kaukauna Island No. 4, located in the City Kaukauna, Outagamie County, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of Lot 1 of CSM 104; Thence S 15° 30' 35" W, 20.04 feet to the north line of Maple St., also the Point of Beginning; Thence along said north line, N 42° 47' 05" W, 143.81 feet; Thence N 11° 36' 27" E, 3.57 feet; Thence S 73° 59' 57" E, 324.99 feet; Thence N 68° 26' 53" E, 47.02 feet; Thence S 21° 33' 07" E, 39.34 feet; Thence S 71° 38' 04" E, 56.71 feet; Thence S 12° 43' 28" E, 25.06 feet; Thence S 03° 27' 56" W, 84.67 feet; Thence N 77° 45' 51" W, 167.84 feet; Thence N 31° 55' 23" E, 19.07 feet; Thence N 69° 39' 10" W, 40.37 feet; Thence S 08° 59' 09" W, 28.84 feet to the north line of Maple St.; Thence along said north line, Northwesterly 139.11 feet along the arc of a curve deflecting to the right having a chord bearing and distance of N 57° 42' 48" W, 140.70 feet and a radius of 270.00 feet; Thence along said north line, N 42° 47' 05" W, 20.54 feet to the Point of Beginning.

Said Parcel containing 0.99 acres of lands, more or less.



SIGMA

DEVELOPMENT, INC.
 1300 West Canal Street
 Milwaukee, Wisconsin 53233
 PHONE: (414) 643-4200
 FAX: (414) 643-4210
 TOLL FREE 1-800-732-4671

Exhibit 1
 Kaukauna Administration Building
 Kaukauna, Wisconsin

02/03/2005

1159

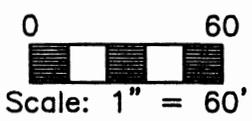
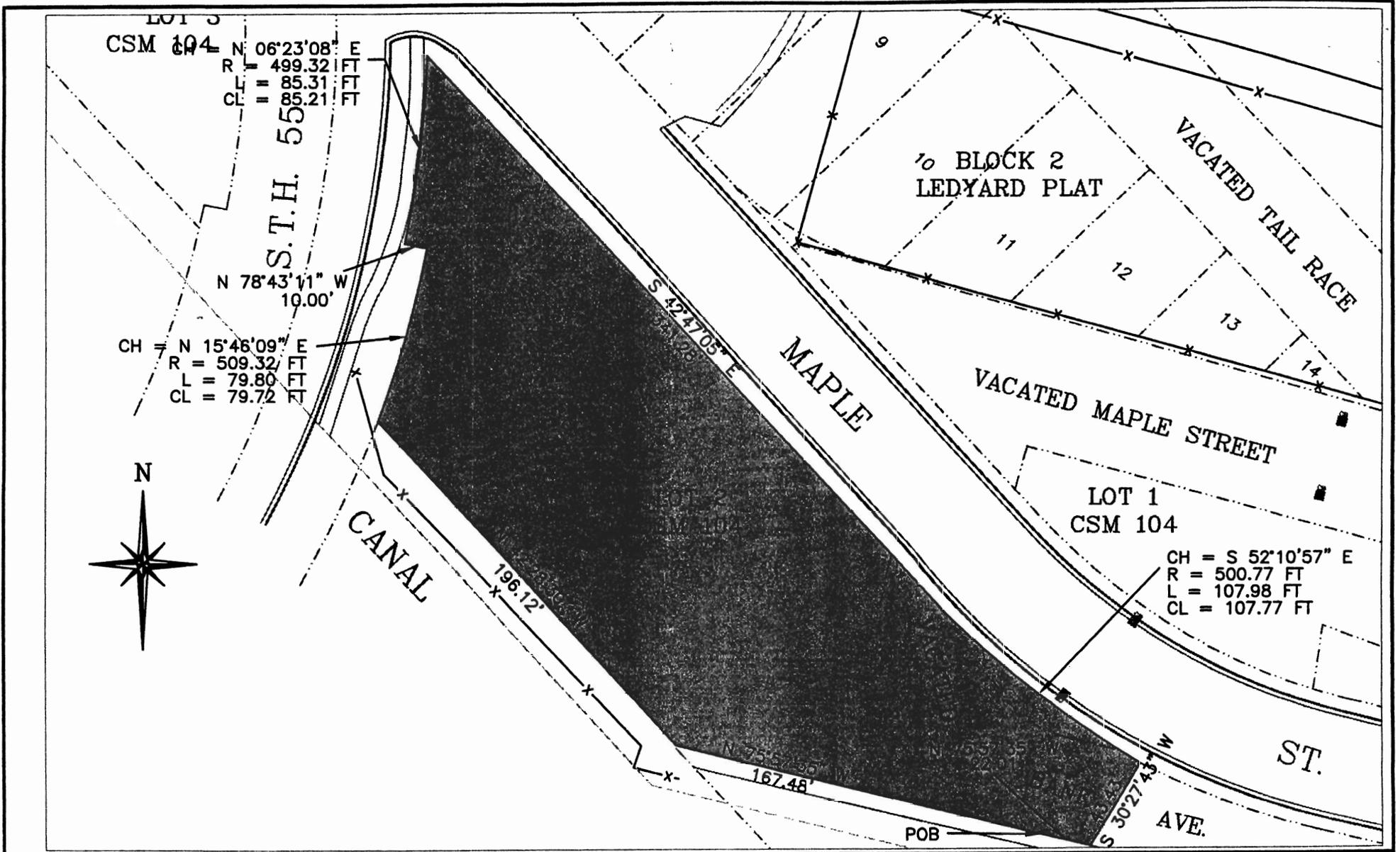
Area A

Exhibit 2

A parcel of land being Lot 2 OF CSM 104, part of Lot 1 of CSM 104, and that part of vacated Bank Ave., located in the City Kaukauna, Outagamie County, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of Lot 2 of CSM 104, also the Point of Beginning; Thence N 75° 57' 35" W, 167.48 feet; Thence N 42° 28' 30" W, 196.12 feet to the east line of S.T.H. 55; Thence along said east line, Northeasterly 79.80 feet along the arc of a curve deflecting to the left having a chord bearing and distance of N 15° 46' 09" E, 79.72 feet and a radius of 509.32 feet; Thence N 78° 43' 11" W, 10 feet along said east line; Thence continuing along said east line, Northeasterly 85.31 feet along the arc of a curve deflecting to the left having a chord bearing and distance of N 06° 23' 08" E, 85.21 feet and a radius of 499.32 feet to the south line of Maple St.; Thence S 42° 47' 05" E 341.28 feet along said south line; Thence continuing along said south line, Southeasterly 107.98 feet along the arc of a curve deflecting to the left having a chord bearing and distance of S 52° 10' 57" E, 107.77 feet and a radius of 500.77 feet; Thence S 30° 27' 43" W 43.43 feet; Thence N 75° 57' 35" W 22.01 feet to the Point of Beginning.

Said Parcel containing 1.0 acres of lands, more or less.



SIGMA
 DEVELOPMENT, INC.
 1300 West Canal Street
 Milwaukee, Wisconsin 53233
 PHONE: (414) 643-4200
 FAX: (414) 643-4210
 TOLL FREE 1-800-732-4671

Exhibit 2
 Kaukauna Administration Building
 Kaukauna, Wisconsin

02/03/2005

1159

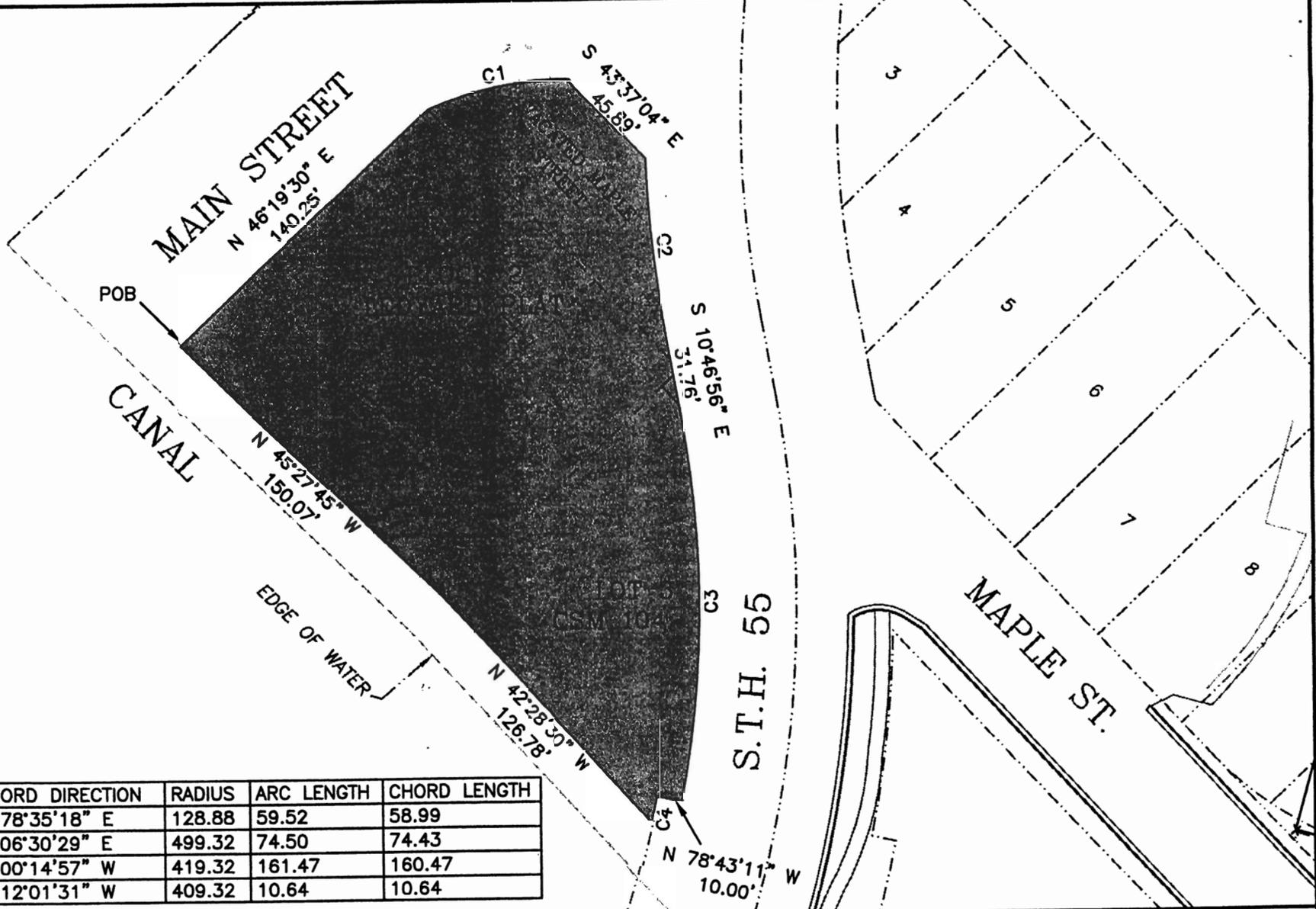
Area B

Exhibit 3

A parcel of land being a part of Lot 3 of CSM 104, that part of vacated Maple Street and that part of Block 2 of Ledyard Plat, located in the City Kaukauna, Outagamie County, State of Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of Lot 3 of CSM 104, also the Point of Beginning; Thence N 46° 19' 30" E, 104.25 feet along the east line of Main Street; Thence along said east line, Northeasterly 59.52 feet along the arc of a curve deflecting to the right having a chord bearing and distance of N 78° 35' 18" E, 58.99 feet and a radius of 128.88 feet; Thence S 43° 37' 04" E, 45.89 feet to the west line of S.T.H 55; Thence along said west line the following courses, southeasterly 74.50 feet along the arc of a curve deflecting to the left having a chord bearing and distance of S 06° 30' 29" E, 74.43 feet and a radius of 499.32 feet; Thence S 10° 46' 56" E, 31.76 feet; Thence southwesterly 161.47 feet along the arc of a curve deflecting to the right having a chord bearing and distance of S 00° 14' 57" W, 160.47 feet and a radius of 419.32 feet; Thence N 78° 43' 11" W, 10.00 feet; Thence southwesterly 10.64 feet along the arc of a curve deflecting to the right having a chord bearing and distance of S 12° 01' 31" W, 10.64 feet and a radius of 409.32 feet to the south line of Lot 3 of CSM 104; Thence along said south line N 42° 28' 30" W, 126.78 feet; Thence N 45° 27' 45" W, 150.07 feet to the Point of Beginning.

Said Parcel containing 0.83 acres of lands, more or less.



MAIN STREET
 N 46°19'30" E
 140.25'

CANAL
 N 45°27'45" W
 150.07'

EDGE OF WATER

C1
 S 43°37'04" E
 45.89'

C2
 S 10°46'56" E
 31.76'

C3
 N 42°28'30" W
 128.78'

C4
 N 78°43'11" W
 10.00'

S.T.H. 55

MAPLE ST.

NUMBER	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	N 78°35'18" E	128.88	59.52	58.99
C2	S 06°30'29" E	499.32	74.50	74.43
C3	S 00°14'57" W	419.32	161.47	160.47
C4	S 12°01'31" W	409.32	10.64	10.64

0 60
 Scale: 1" = 60'

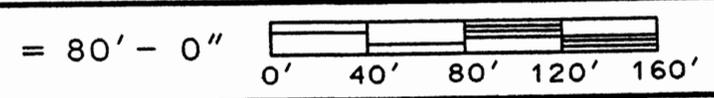
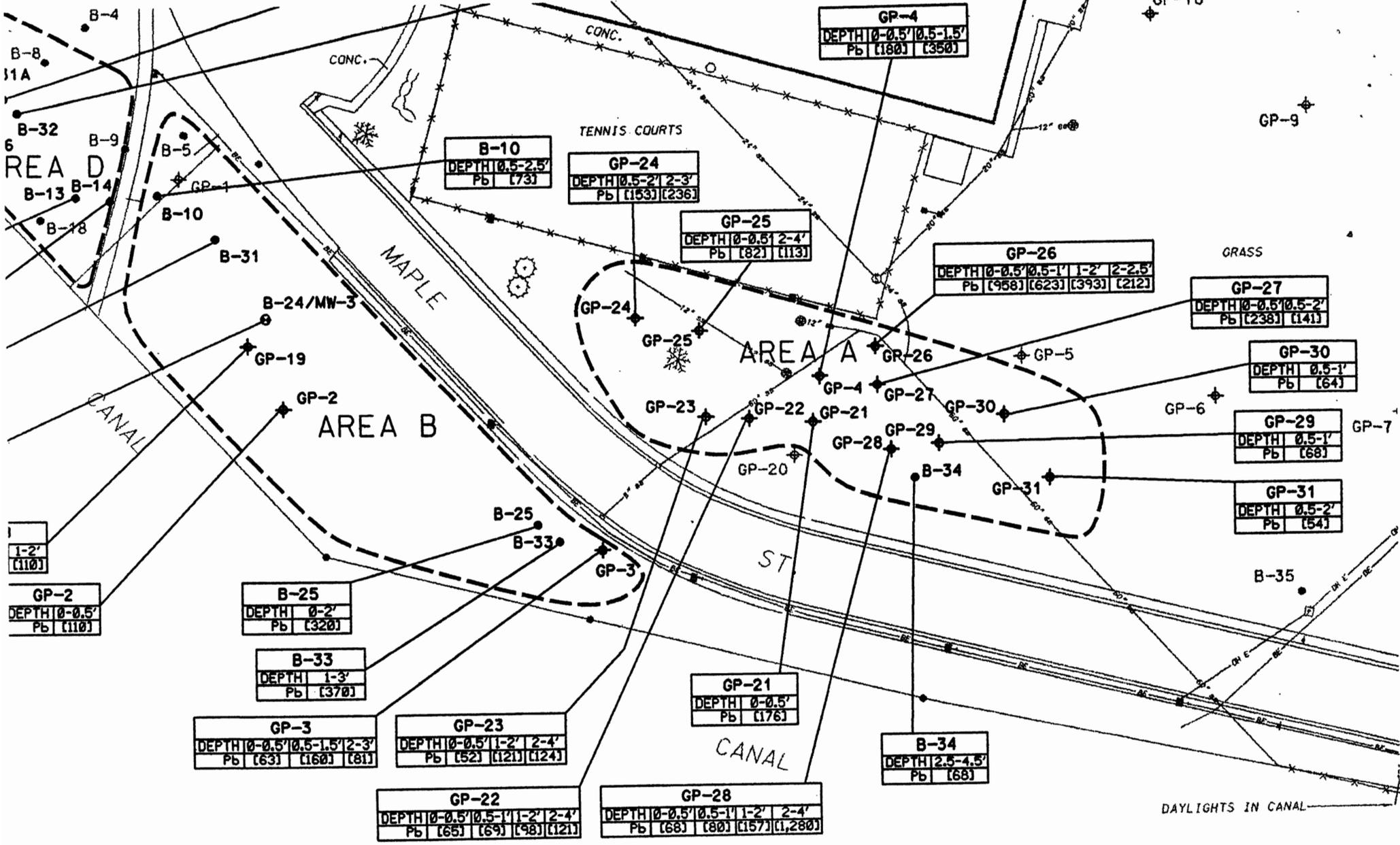
SIGMA
 DEVELOPMENT, INC.
 1300 West Canal Street
 Milwaukee, Wisconsin 53233
 PHONE: (414) 643-4200
 FAX: (414) 643-4210
 TOLL FREE 1-800-732-4671

Exhibit 3
 Kaukauna Administration Building
 Kaukauna, Wisconsin

02/03/2005

1159

Area C

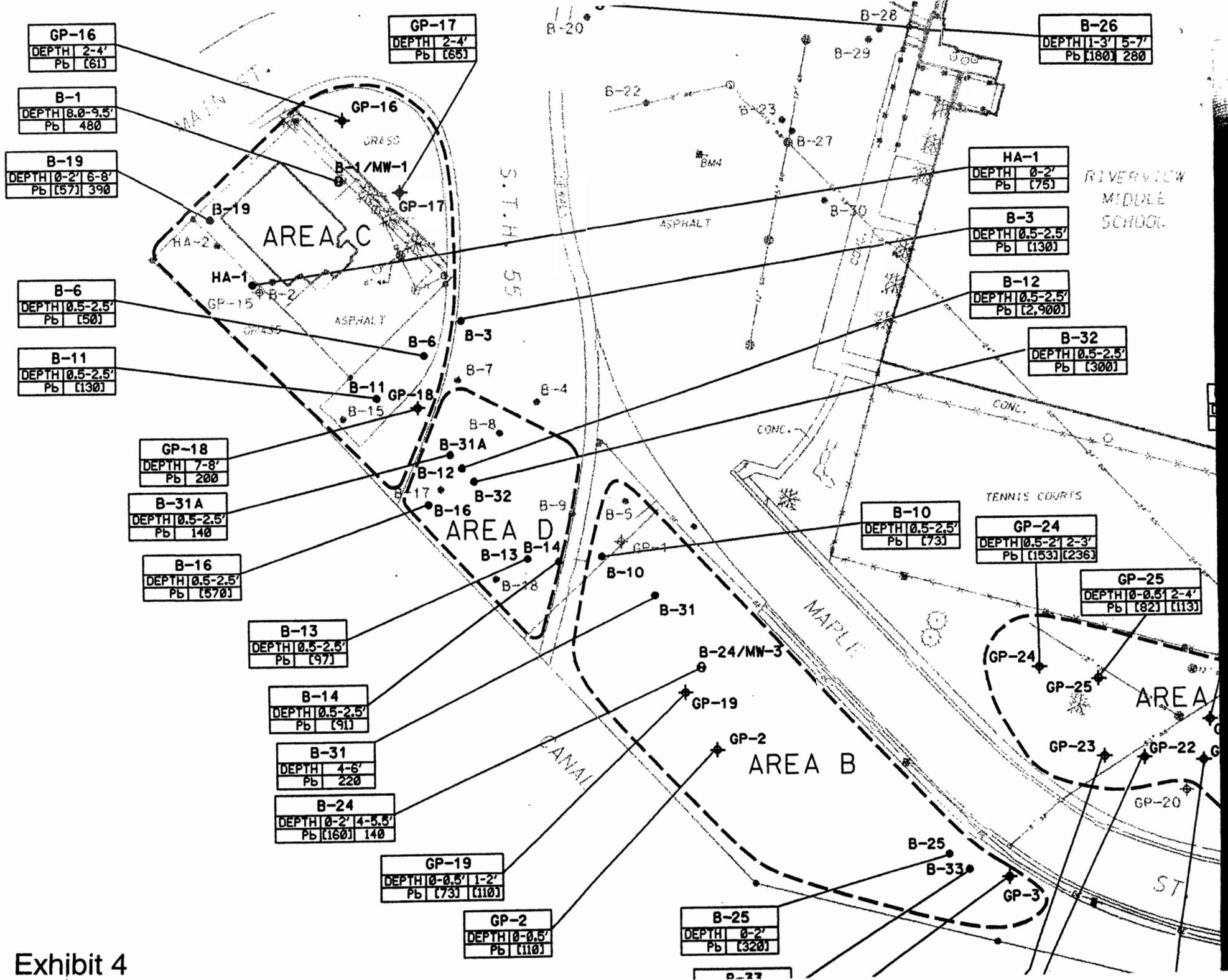


NAME:	BEB
DATE:	8-9-01
DRAWN BY:	BEB
DESIGNED BY:	
CHECKED BY:	
APPROVED BY:	

KAUKAUNA ADMINISTRATION BUILDING
KAUKAUNA, WISCONSIN
AREA OF SOIL IMPACTS

REVISIONS	BY	APVD

Exhibit 4



**Maintenance Plan for the Soil Cover
Kaukauna Public Schools
Administration Building and Riverview Middle School Properties
112 Main Street, Kaukauna, Wisconsin**

In order to maintain the integrity of the soil cover at Areas A, B and C of the above referenced property, a long term maintenance program will be implemented at these areas by Kaukauna Public Schools.

- ◆ This plan will be held on file by Kaukauna Public Schools and be utilized for all subsequent activities relating to breaching the soil cover and/or underlying material at the site.
- ◆ A contractual agreement between Kaukauna Public Schools and any subsequent property owner, tenants, or lessees will be drawn which will stipulate that any and all landscaping activities requiring disturbance of the soil cap will be conducted in accordance with the Wisconsin Department of Natural Resources (WDNR) approved soil management plan

Implementation of the maintenance plan will consist of the following tasks:

INSPECTION/ MAINTENANCE

- ◆ Conduct yearly inspections of the area to identify development of low spots in the soil cover area, lack of vegetation growth, potential erosion, etc.
- ◆ Maintain a trimmed appearance at all green space areas.

RESTORATION

- ◆ Place clean soil in low spots, if identified (above).
- ◆ Reseed any bare areas within landscaped green spaces to promote vegetation growth.
- ◆ Repave or patch any pavement of concrete were it has broken or crumbled and could allow direct contact to the underlying material.

DOCUMENTATION/REPORTS

- ◆ Maintain yearly inspection reports consisting of the yearly maintenance checklists, action items, and type, location, and date of implemented action.
- ◆ If requested, copies of the yearly inspection reports and corrective actions will be submitted to the WDNR.

Submitted : 3/2/05