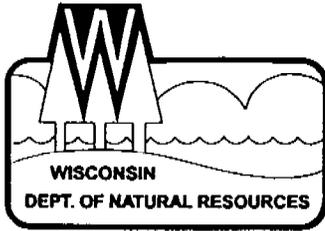


File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

Appleton Field Station  
Agricultural Services Center  
3369 W. Brewster Street  
Appleton, Wisconsin 54914-1602  
Telephone 920-832-1803  
FAX 920-832-1800

October 5, 2000

Mr. Jeff Hofkens  
2821 County Road JJ  
Neenah, WI 54956

Subject: Case Closure with a Groundwater Use Restriction, Hofkens Lumber and Hardware, 151 S. Railroad Street, Kimberly, Appleton, Wisconsin, WDNR BRRTS ID# 03-45-213964 

Dear Mr. Hofkens:

Our records indicate that you were never sent a letter reflecting the final closure of this case. The purpose of this letter is to provide you with that notice for your records. On September 14, 1999, the above-named site was reviewed by the Northeast Region Closure Committee for a determination as to whether or not the case qualified for closeout under ch. NR 726, Wis. Adm. Code. The committee agreed that this case could be closed pending the filing of a groundwater use restriction with the deed running with the property.

On November 5, 1999 the Department received a copy of the completed groundwater use restriction for this site and proof of filing with the Outagamie County Register of Deeds. On November 15, 1999 we also received documentation of the abandonment of all site monitoring points, except GPW-03. On November 30, 1999, a variance to NR 141.25(1)(b), Wis. Adm. Code, was granted to extend the monitoring well abandonment date to such time as the well is reexposed from beneath the roadway. At that time, the well shall be properly abandoned in accordance with ch. NR 141, Wis. Adm. Code. Documentation shall be provided to the Department. Based on the investigative and remedial documentation provided to the Department and the filing of the groundwater use restriction, it appears that the petroleum contamination at the above-named site has been remediated to the extent practicable under current site conditions. Therefore, effective November 30, 1999, closure of this site has been granted and no further action is necessary at this time. In the future, this deed restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information which was not formerly provided to the Department, you should submit this information to the Department for evaluation. If you have any questions regarding this determination, please contact me at (920) 832-1803.

Sincerely,

Jennifer Huffman, P.G.  
Hydrogeologist  
Remediation and Redevelopment Program

cc: Stuart Boerst – McMahon Associates, 1445 McMahon Drive, Neenah, WI 54956

# CERTIFICATE OF SURVEY

**LEGAL DESCRIPTION:** A part of Lots 4, 5 & 6 in Block 52, according to the recorded Assessors Map, in Government Lot 6 Section 27, Township 21 North, Range 18 East, Village of Kimberly, Outagamie County, Wisconsin containing 55,811 square feet (1.281 acres) of land and described as follows:

Commencing at the intersection of the centerline of Kimberly Avenue with the West line of Government Lot 6; Thence S01°28'01"E, 520.00 feet along the West line of said Government Lot 6; Thence N88°16'59"E, 23.77 feet to the East right-of-way line of Railroad Street and the Point of Beginning; Thence continue N88°16'59"E, 147.87 (recorded as 148') feet; Thence S01°26'09"E, 377.42 feet (recorded as 378') to the South line of Lot 6, Block 52; Thence S88°25'29"W, 147.93 feet (recorded as 148') along said South line of Lot 6 to the East right-of-way line of Railroad Street; Thence N01°26'46"W, 269.25 feet along said East right-of-way line of Railroad Street; Thence N01°22'46"W, 107.80' along said East right-of-way line of Railroad Street to the Point of Beginning. Subject to all easements and restrictions of record.

INTERSECTION OF THE CENTERLINE KIMBERLY AVENUE AND THE WEST LINE OF GOVERNMENT LOT 6 SECTION 27, T21N R18E

NORTH LINE AS SURVEYED BY ROBERT REIDER CAROW LAND SURVEYING

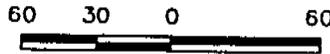
SURVEY FOR:  
VILLAGE OF KIMBERLY  
RICK HERMUS-ADMINISTRATOR  
515 W. KIMBERLY AVE.  
KIMBERLY, WI 54136

**SURVEYOR'S CERTIFICATE**

The property as shown and described on this map was surveyed under my direction and control according to the Wisconsin Administrative Code, Chapter A-E7 of Minimum Standards for Property Surveys, and is a correct representation of said survey, to the best of my knowledge and belief.

date \_\_\_\_\_ Registered Land Surveyor \_\_\_\_\_

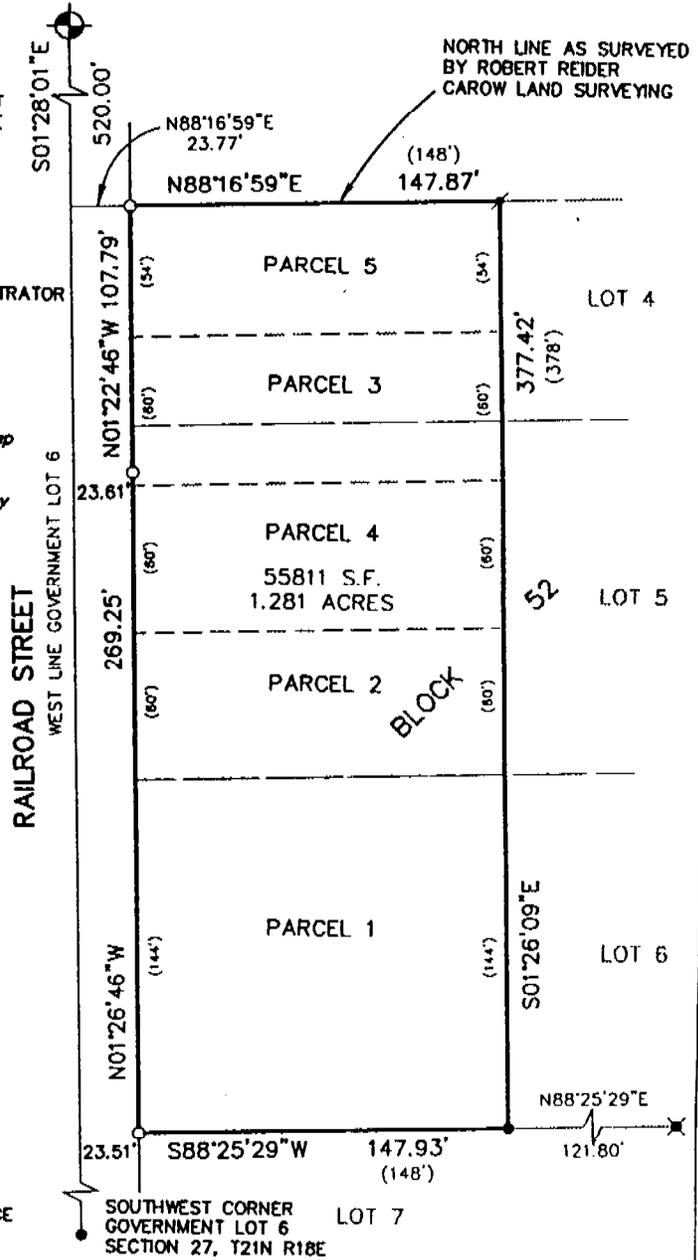
BEARINGS ARE REFERENCED TO THE WEST LINE OF GOVERNMENT LOT 6 SECTION 27, T21N R18E ASSUMED TO BEAR S01°28'01"E



SCALE - FEET

**LEGEND**

- - 3/4" x 24" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
- ✦ - 3/4" ROUND STEEL REBAR FOUND
- - 1" PIPE FOUND
- ✦ - 1/2" PIPE FOUND
- ⊙ - CERTIFIED LAND CORNER OUTAGAMIE COUNTY
- ( ) - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET



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**McMAHON** ■ ENGINEERS  
■ ARCHITECTS  
■ SCIENTISTS  
ASSOCIATES, INC. ■ SURVEYORS  
1445 McMahon Drive Neenah, WI 54956

Project No. K001-99435 Date 8/99 Scale 1"=60'  
Drawn By MJA Field Book \_\_\_\_\_ Page \_\_\_\_\_  
Mailing Address:  
P.O. Box 1025 Neenah, WI 54957-1025  
TEL: 920-751-4200 FAX: 920-751-4284

File No.

J 10876 1 48

DOCUMENT NO. 895003

STATE BAR OF WISCONSIN FORM 2 - 1988 QUIT CLAIM DEED

THIS SPACE RESERVED FOR FILING DATA REGISTER'S OFFICE OUTAGAMIE COUNTY, WI RECORDED AND RECORDED ON

DEC 7 1990

9 10876 48-49 Grace Hart

VAN HOOK VAN HOOK CONNOR & VAN LINDHOUT

Tax Parcel No:

1100 77700

EDWARD T. HOFFMAN, JR.
the following described real estate in Outagamie County, State of Wisconsin:
SEE RIDER ATTACHED

homestead property,
Dated this 14th day of September, 1990.

Edward T. Hoffman, Jr. (SEAL)
Edward T. Hoffman, Jr. (SEAL)

AUTHENTICATION

Notary Public, Edward T. Hoffman, Jr.
Subscribed and sworn to before me on the 14th day of September, 1990.
Paul M. Cornett
Notary Public, State Bar of Wisconsin

ACKNOWLEDGMENT

STATE OF WISCONSIN
County:
Personally came before me this day of 19 the above named
to me known to be the person who executed the foregoing instrument and acknowledge the same.
Notary Public County, Wis.
My Commission is permanent. (If not, state expiration date: 19)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Paul M. Cornett
Little Chute, WI 54140-0027
(Signatures may be authenticated or acknowledged. Both are not necessary.)

J 10876 | 49

Legal

468 D 107

Type after each parcel

Parcel No. 1: Part of Lot 6 in Blk 51 according to the recorded Assessor's Map, Village of Kimberly, Outagamie County, Wisconsin, described as follows, to-wit: Commencing at the intersection of the East line of Railroad Street with the North line of Lot 6, Blk 51, thence East along the North line of said Lot 6, Blk 51 to the West line of James St extended, thence South along the West line of James Street extended 144 ft more or less to the South line of said Lot 6, thence West along the South line of said Lot 6 to the East line of Railroad St, thence North along the East line of Railroad St 144 ft more or less to the place of commencement. Intending hereby to convey all property which lies between Railroad St and James St extended, LESS AND EXCEPTING therefrom the premises as described in Vol 421 Deeds 483, Outagamie County Records.

Less And Excepting Premises conveyed in Jones 6683 Image 7-10 for street purposes

Parcel No. 2: Part of Lot 5 in Block 51 according to the recorded Assessor's Map, Village of Kimberly, Outagamie County, WI, described as follows, to-wit: Beginning at the intersection of the South line of said Lot 5, in Blk 51 with the West line of James St extended, thence West along the South line of said Lot 5 a distance of 122 ft to the place of commencement, thence continuing West along the South line of said Lot 5, 148 ft to the East line of Railroad St, thence North along the East line of Railroad St 60 ft, thence East 148 ft, thence South 60 ft to the place of commencement.

Less + exc. 6683 - 7

Also:

Parcel No. 3: Part of Lots 4 and 5 in Blk 51 according to the recorded Assessor's Map, Village of Kimberly, Outagamie County, Wisconsin, described as follows, to-wit: Commencing at the intersection of the North line of First Street extended with the West line of James St extended, thence West 122 ft to the place of beginning; thence South 60 ft; thence West 148 ft to the East line of Railroad St; thence N along the East line of Railroad St 60 ft; thence East 148 ft to the place of beginning.

TRANSFER 777.00 FEE

Less + exc 6683 - 7

Also:

Parcel No. 4: Part of Lot 3 in Blk 52 according to the recorded Assessor's Map, Village of Kimberly, Outagamie County, Wisconsin, described as follows, to-wit: Beginning at the intersection of the South line of said Lot 3 in Block 52 with the West line of James St extended, thence North along the West line of James St extended 60 ft; thence West 122 ft to the place of commencement, thence continuing West 148 ft more or less to the East line of Railroad St, thence North along the East line of Railroad St 60 ft, thence East 148 ft, thence South 60 ft to the place of commencement.

Less + exc. 6683 - 7

Parcel No. 5 (part of 1st Street - 400' - 400' - 400')

Part of Lot 4, Blk 51, according to the recorded Assessor's Map of the Village of Kimberly, Outagamie County, Wisconsin, described as follows, to-wit: Commencing at the NW corner of said Lot 4 in Blk 51, thence South along the East line of Railroad St 53 ft to the point of beginning, thence East 148 ft, thence South at right angles a distance of 54 ft, thence West at right angles 148 ft to the East line of Railroad St, thence North along the East line of Railroad St 54 ft to the point of beginning.

Less + exc 6683 - 7 774.75 - 50 (type out)

Also Less + excepting

(Both items with parcel 1-5

PARCEL 4:

Part of Lot Five (5), in Block Fifty-two (52), according to the recorded Assessor's Map, Village of Kimberly, Outagamie County, Wisconsin, described as follows, to-wit:

Beginning at the intersection of the South line of said Lot Five (5), in Block Fifty-two (52) with the West line of James St extended, thence North along the West line of James St extended 60 feet, thence West 122 feet to the place of commencement, thence continuing West 148 feet more or less to the East line of Railroad St, thence North along the East line of Railroad St 60 feet, thence East 148 feet thence South 60 feet to the place of commencement, LESS AND EXCEPTING premises conveyed in Jacket 6683, Images 7-10 for street purposes.

Also;

PARCEL 5:

Part of Lot Four (4), Block Fifty-two (52), according to the recorded Assessor's Map of the Village of Kimberly, Outagamie County, Wisconsin, described as follows, to-wit:

Commencing at the Northwest corner of said Lot Four (4), in Block Fifty-two (52), thence South along the East line of Railroad St 53 feet to the point of beginning, thence East 148 feet, thence South at right angles a distance of 54 feet, thence West at right angles 148 feet to the East line of Railroad St, thence North along the East line of Railroad St. 54 feet to the point of beginning, LESS AND EXCEPTING premises conveyed in Jacket 6683, Images 7-10 for street purposes, and LESS AND EXCEPTING premises conveyed in Jacket 17475, Image 50 for street purposes.



agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

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 benefits 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 to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

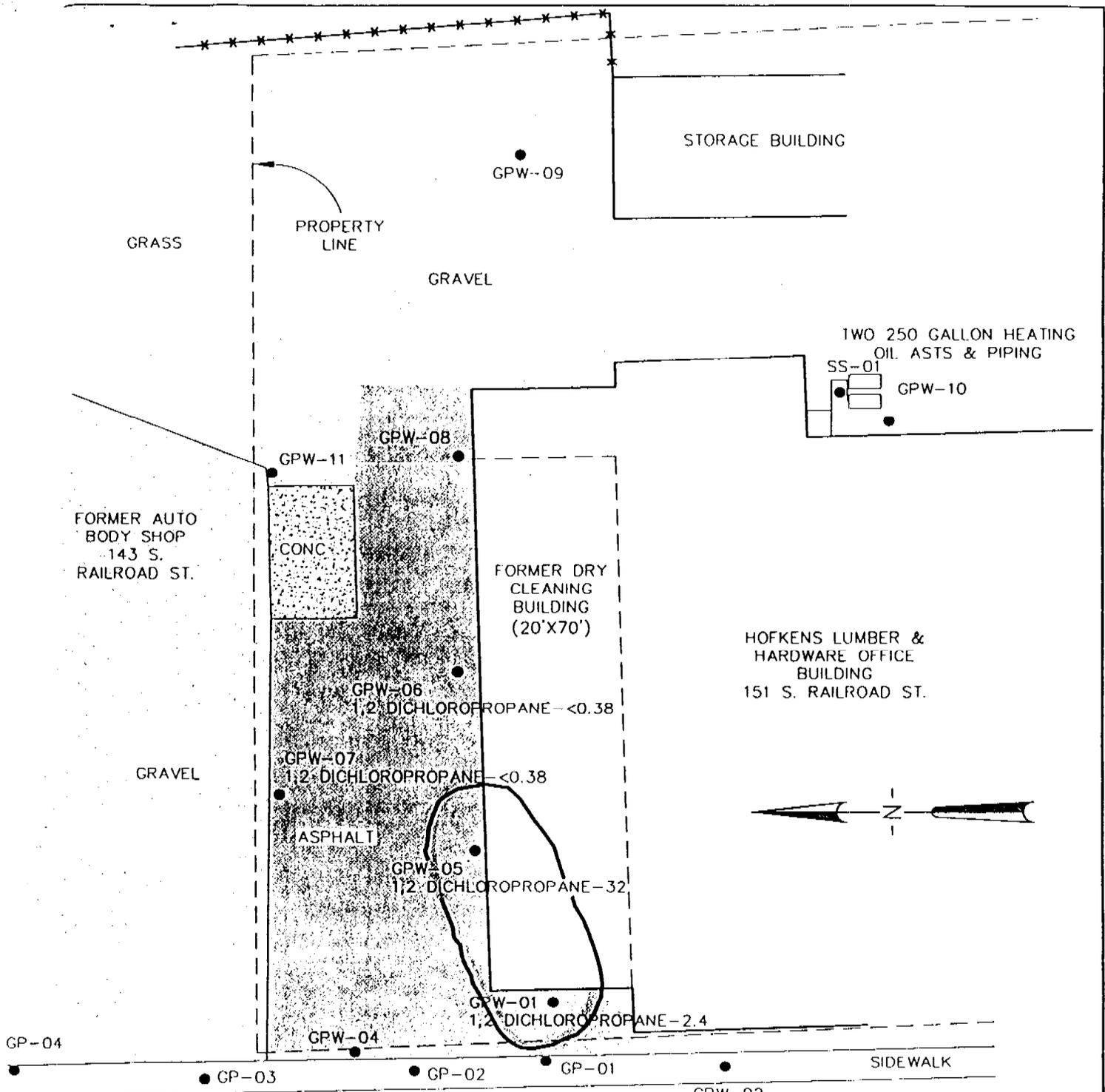
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 5<sup>th</sup> day of NOVEMBER, 19 99.

Signature: Jeffrey A. Hoekens  
Printed Name: JEFFREY A HOEKENS

Subscribed and sworn to before me  
this 5<sup>th</sup> day of NOVEMBER, 19 99

Olaf James  
Notary Public, State of WI  
My commission EXPIRES 5/15/02

This document was drafted by the Wisconsin Department of Natural Resources.



- LEGEND**
- GPW-01 - GEOPROBE WELL POINT
  - GP-01 - GEOPROBE SOIL BORING
  - SS-01 - SOIL SAMPLE

- ESTIMATED EXTENT OF GROUNDWATER CONTAMINATION ABOVE THE NR 140.10 PREVENTIVE ACTION LIMIT

1,2 DICHLOROPROPANE-2.4 - CONCENTRATION (ug/l) OF THE CONTAMINANT IN THE GROUND WATER

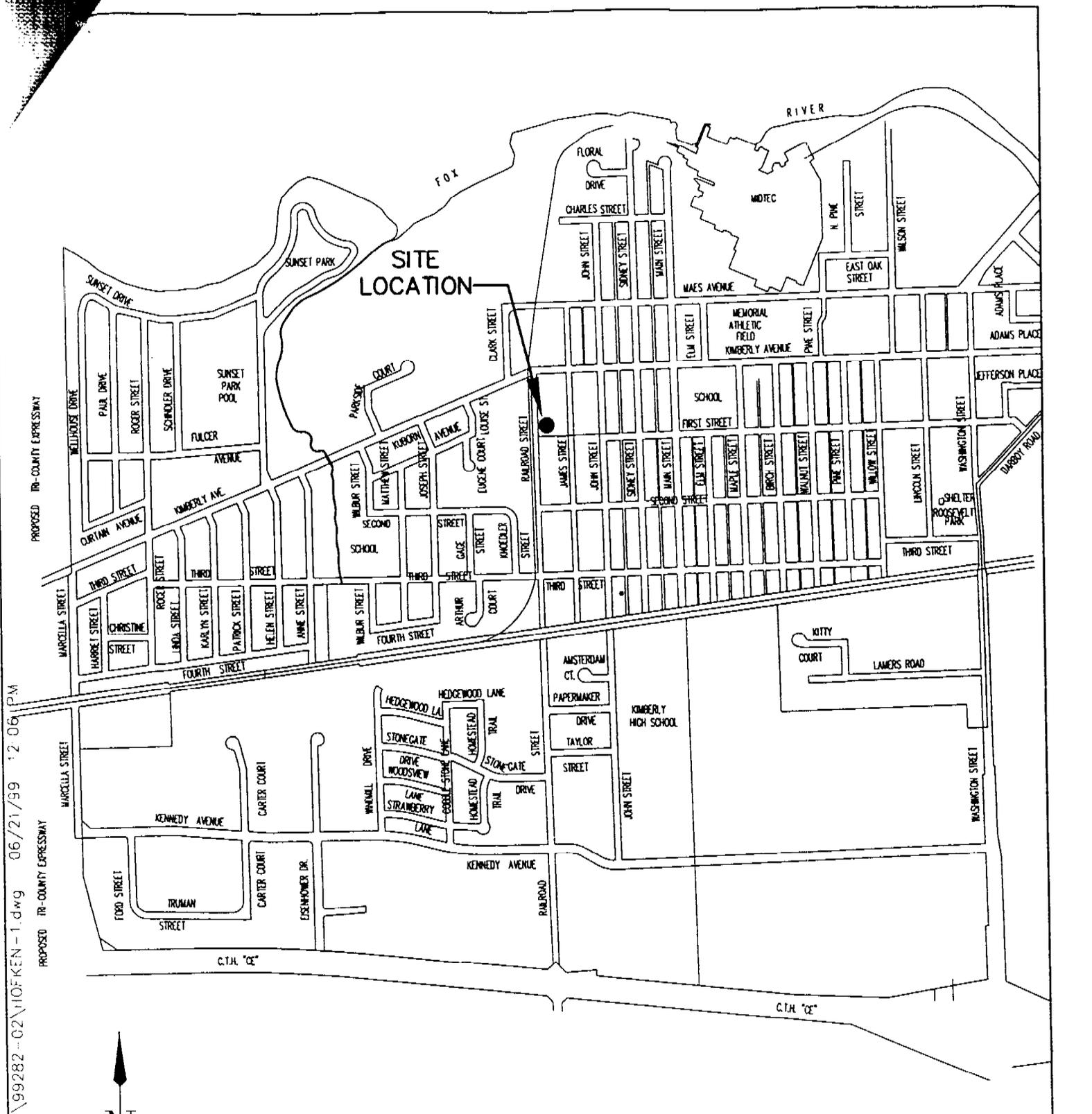
**EXHIBIT 1**  
**FIGURE 5**  
**ESTIMATED EXTENT OF**  
**GROUNDWATER CONTAMINATION**  
**HOFKENS LUMBER**  
**KIMBERLY, WI**

**McMAHON** ■ ENGINEERS  
 ■ ARCHITECTS  
 ■ SCIENTISTS  
 ASSOCIATES, INC. ■ SURVEYORS

1445 McMahon Drive Neenah, WI 54956

Project No. H902-99282.02 Date 6/99 Scale 1"=20'  
 Drawn By MJA Field Book Page  
 Mailing Address:  
 P.O. Box 1025 Neenah, WI 54957-1025  
 TEL: 920-751-4200 FAX: 920-751-4284

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 PROPOSED IR-COUNTY EXPRESSWAY



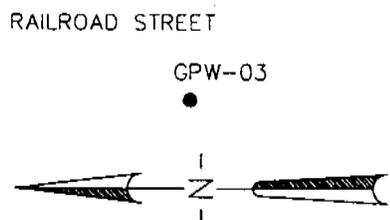
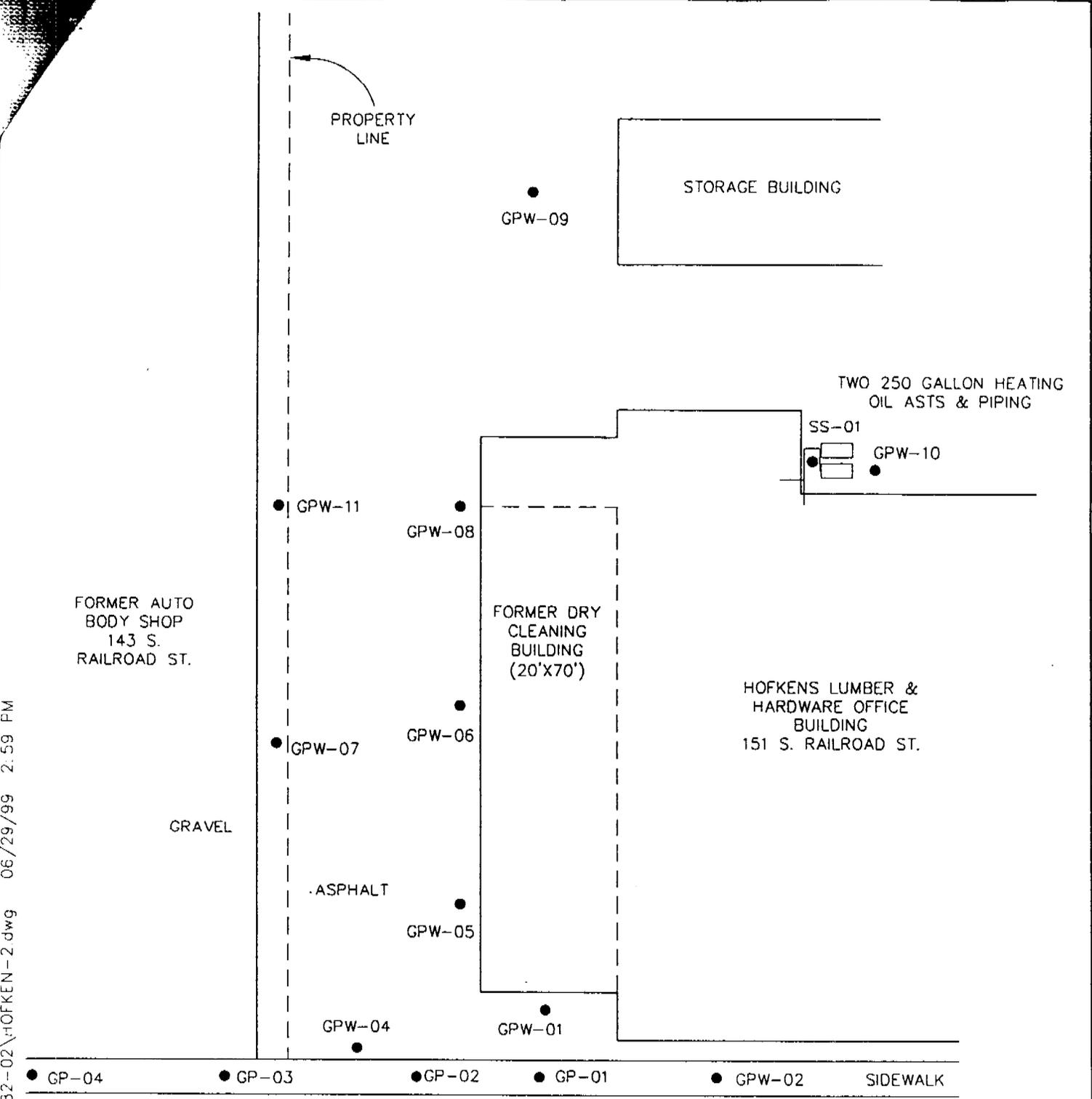
**FIGURE 1**  
**SITE LOCATION**  
**HOFKENS LUMBER**  
**151 S. RAILROAD ST.**  
**KIMBERLY, WI**

**McMAHON** ■ ENGINEERS  
 ■ ARCHITECTS  
 ■ SCIENTISTS  
 ■ SURVEYORS  
**ASSOCIATES, INC.**  
 1445 McMahon Drive Neenah, WI 54956

Project No. H902-99282.02 Date JUNE, 1999 Scale 1" = 1'  
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**FIGURE 2**  
**SITE LAYOUT AND WELL POINT LOCATIONS**  
**HOFKENS LUMBER**  
**KIMBERLY, WI**

**LEGEND**  
 GPW-01 - GEOPROBE WELL POINT  
 GP-01 - GEOPROBE SOIL BORING  
 SS-01 - SOIL SAMPLE

**McMAHON** ■ ENGINEERS  
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1445 McMahon Drive Neenah, WI 54956

Project No. H902-99282.02 Date 6/99 Scale 1"=20'  
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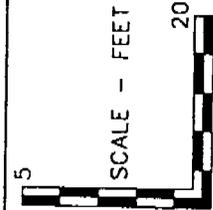


**Table #4**  
**GROUNDWATER ANALYTICAL RESULTS**  
**Lead, PVC's, Detected VOC's & PAH's With Standards**

**HOPKENS LUMBER PROPERTY**  
 Kimberly, Wisconsin

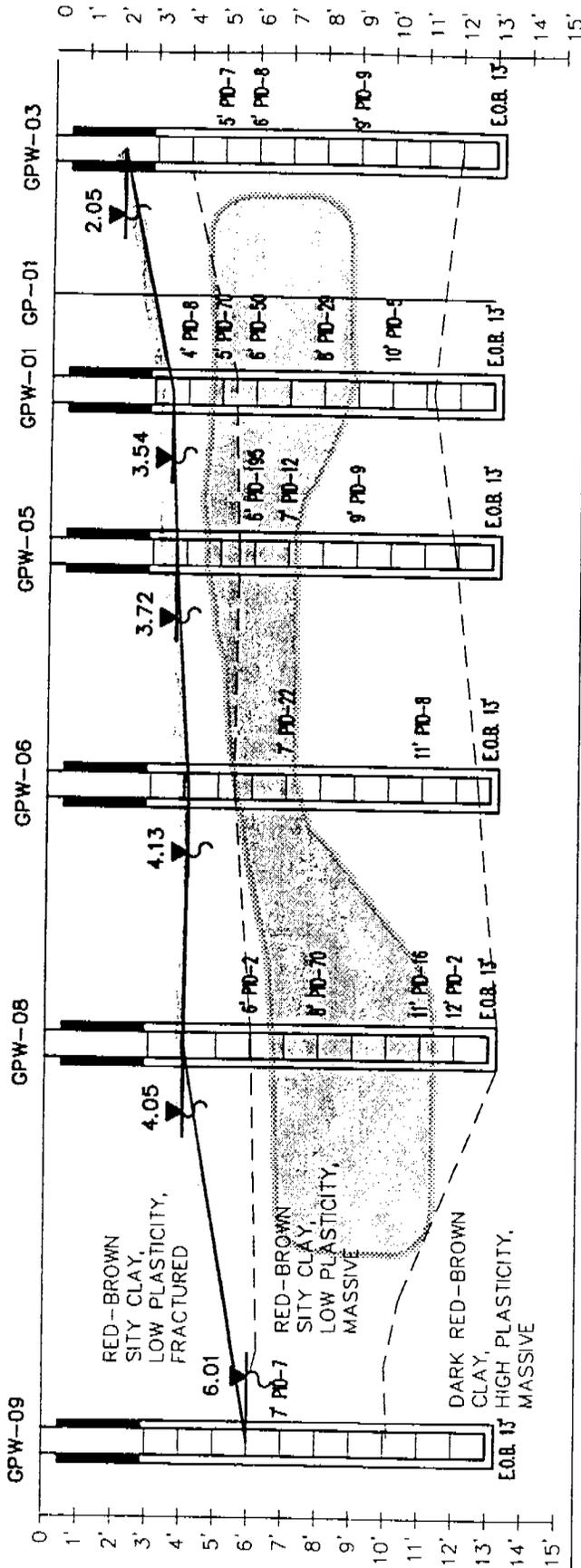
Well Name	Sample Date	Lead (ug/l)	Benzene (ug/l)	Ethyl Benzene (ug/l)	Methyl-tert butyl-ether (ug/l)	Toluene (ug/l)	1,2,4 Trimethyl benzene (ug/l)	1,3,5 Trimethyl benzene (ug/l)	Total Xylenes (ug/l)	Acenaphthene (ug/l)	Fluorene (ug/l)	1,2 Dichloro Propane (ug/l)	1, 2 Dichloro ethane (ug/l)	1,4 Dichloro ethane (ug/l)	Chloroethane (ug/l)	Methylene Chloride (ug/l)
GPW-01	04/21/99	NA	<0.32	<0.34	<0.31	2.4	<0.35	<0.64	<0.66	0.63	<0.14	0.65*	<0.36	<0.34	<0.13	<0.29
GPW-02	04/21/99	NA	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<0.66	NA	NA	<0.38	<0.36	<0.34	<0.13	<0.29
GPW-03	04/21/99	NA	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<0.66	NA	NA	<0.38	<0.36	<0.34	<0.13	<0.29
GPW-04	04/21/99	NA	<0.32	<0.34	<0.31	23	<0.35	<0.64	<0.66	NA	NA	<0.38	<0.36	<0.34	<0.13	<0.29
GPW-05	04/21/99	9.1	<0.32	<0.34	<0.31	18	<0.35	<0.64	<0.66	0.72	<0.14	0.52*	1.5	<0.13	<0.13	3
GPW-05	05/21/99	NA	<0.25	<0.32	<0.21	<0.38	<0.34	<0.36	<0.67	NA	NA	<0.26	<0.14	<0.15	<0.15	<1.0
GPW-06	04/21/99	NA	<0.32	<0.34	<0.31	430	<0.35	<0.64	<0.66	NA	NA	<0.38	<0.36	<0.34	<0.13	<0.28
GPW-06	05/21/99	NA	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<1.0	NA	NA	NA	NA	NA	NA	NA
GPW-07	04/27/99	NA	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<0.66	NA	NA	<0.38	<0.36	<0.34	0.31*	<0.29
GPW-08	05/12/99	NA	<0.32	<0.34	<0.31	0.64*	<0.35	<0.64	<0.66	0.47	<0.38	<0.36	<0.34	<0.13	<0.29	0.5
GPW-09	05/12/99	NA	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<0.66	NA	<0.38	<0.36	<0.34	<0.13	<0.29	NA
GPW-10	05/12/99	NA	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<0.66	NA	<0.38	<0.36	<0.34	<0.13	<0.29	NA
GPW-11	05/12/99	NA	<0.32	<0.34	<0.31	<0.35	1.0*	1.7*	<0.66	NA	<0.38	<0.36	<0.34	<0.13	<0.29	NA
Enforcement Standard Chapter NR 140.10		15	5	700	60	340	480***	480***	620	40	400	5	5	<0.13	<0.29	NA
Preventive Action Limit Chapter NR 140.10		1.5	0.5	140	12	68.6	96***	96***	124	6	80	0.5	0.5	85	80	0.5

**EXPLANATION:**  
 VOC = Volatile Organic Compounds  
 PVC = Polychlorinated Volatile Organic Compounds  
 PAH = Polycyclic Aromatic Hydrocarbons (1, 2, 4 & 1, 3, 5)  
 NA = Not Analyzed for  
 ug/l = Microgram/Liter (ppb)  
 \* = No Established State Groundwater Standard  
 \*\* = Analyte selected between Limit of Detection & Limit of Quantification  
 \*\*\* = Exceeds Preventative Action Limit (Chapter NR 140.10)  
 < = Less Than

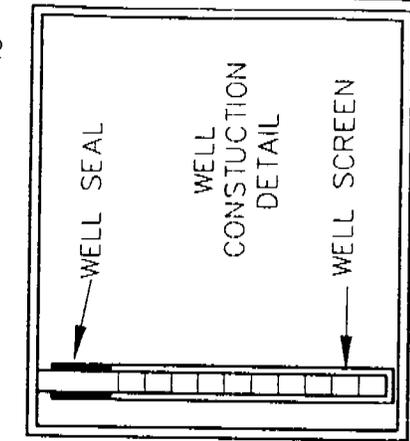


- LEGEND**
- GEOPROBE WELL POINT
  - GEOPROBE SOIL BORING
  - PHOTOIONIZATION DETECTOR READING
  - END OF BORING
  - WATER TABLE DEPTH (FEET)
  - ESTIMATED EXTENT OF CONTAMINATION

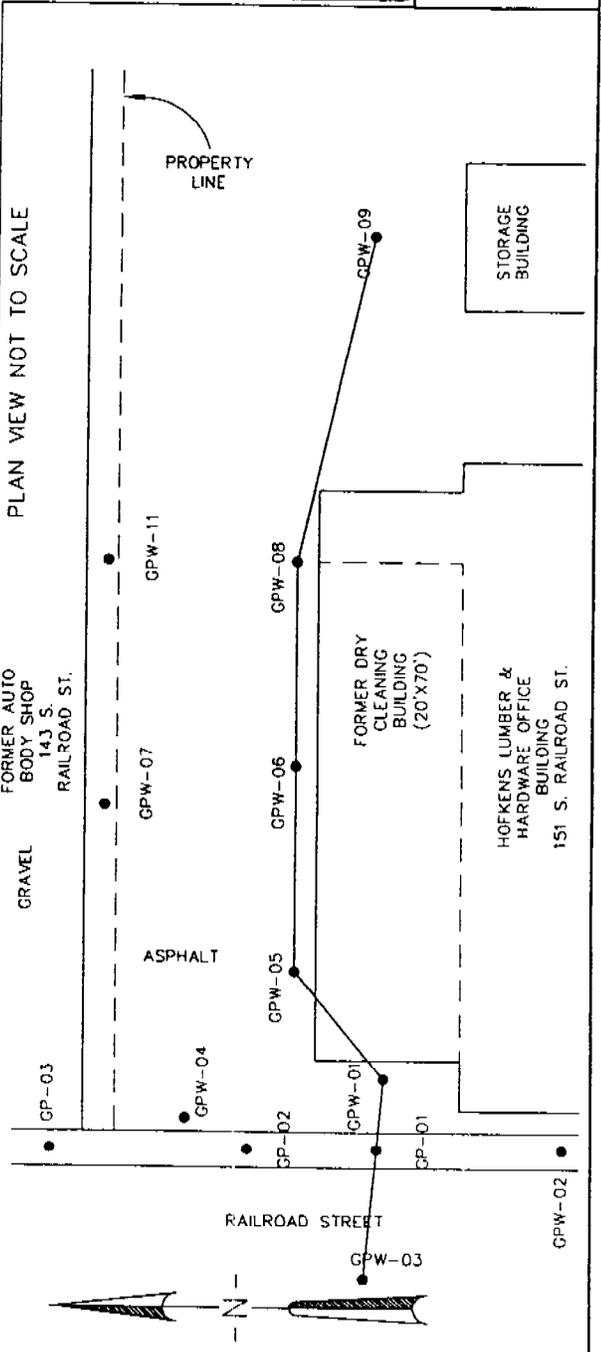
GPW-01  
GP-01  
PID-70  
E.O.B.  
4.05



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**FIGURE 4**  
**GEOLOGIC CROSS SECTION**  
**HOFKENS LUMBER**  
**KIMBERLY, WI**



Project No. H902-99282.02 Date JUNE, 1999 Scale 1" = 20'

Drawn By MJA Field Book \_\_\_\_\_ Page \_\_\_\_\_

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File No.  
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