

GIS Registry Disclaimer

This case was closed by the DNR prior to August 1, 2002, when DNR began adding approved cleanups with residual soil contamination into the GIS Registry. Certain documents that are currently required by ch. NR 726, Wis. Adm. Code may therefore not be included in this packet as they were unavailable at the time the original case was closed.

The information contained in this document was assembled by DNR from a previously closed case file, and added to the GIS Registry to provide the public with information on closed sites with residual soil and/or groundwater contamination remaining above applicable state standards.

GIS REGISTRY

Cover Sheet

July, 2008
(RR 5367)

Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

COMM #:

*WTM COORDINATES:

X: Y:

** Coordinates are in
WTM83, NAD83 (1991)*

WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties
see "Impacted Off-Source Property")*

Soil Contamination > *RCL or **SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties
see "Impacted Off-Source Property")*

Land Use Controls:

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations
between residential and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

*(note: maintenance plan for
groundwater or direct contact)*

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government or economic
development corporation)*

Monitoring wells properly abandoned? (234)

Yes No N/A

** Residual Contaminant Level*

*** Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #: 03-45-000209 PARCEL ID #: 315029200 (obtained 6/2008)

ACTIVITY NAME: Lincoln Elementary School WTM COORDINATES: X: 645683 Y: 423189

CLOSURE DOCUMENTS (the Department adds these items to the final GIS packet for posting on the Registry)

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Conditional Closure Letter**
- Certificate of Completion (COC)** for VPLE sites

SOURCE LEGAL DOCUMENTS

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.
Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).
Figure #: **Title:**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

MAPS (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.
Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.
Figure #: 1 **Title: Site Location Map**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.
Figure #: Various **Title: Various - 2 pages total**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.
Figure #: **Title: Estimated Extent of Soil Contamination**

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ACTIVITY NAME: Lincoln Elementary School

MAPS (continued)

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

Figure #: **Title:**

Figure #: **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

Note: This is intended to show the total area of contaminated groundwater.

Figure #: **Title:**

- Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

Figure #: 5 **Title: Ground Water Contour Plan - September 1, 1992**

Figure #: **Title:**

TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.
Note: This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

Table #: Various **Title: Various - 2 pages total**

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

Table #: **Title:**

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

Table #: 2 **Title: Historic Ground Water Elevations (U.S.G.S.)**

IMPROPERLY ABANDONED MONITORING WELLS

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

Note: If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

Note: If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

Figure #: **Title:**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 03-45-000209

ACTIVITY NAME: Lincoln Elementary School

NOTIFICATIONS

Source Property

- Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

- Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

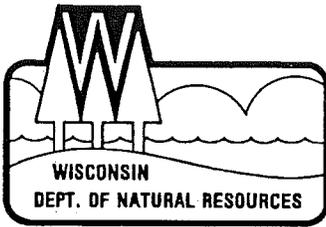
Note: Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

Number of "Off-Source" Letters:

- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.
Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

- Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

Number of "Governmental Unit/Right-Of-Way Owner" Letters:



George E. Meyer, Secretary
William R. Selbig, District Director

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Oshkosh Area Office
905 Bayshore Drive
Box 2565
Oshkosh, Wisconsin 54903
Telephone #: (414)424-3050
Telefax #: (414)424-4404

June 18, 1996

Mr. Kevin Lear
Appleton Area School District
531 North Morrison Street
Appleton, WI 54911

SUBJECT: Closeout with Deed Restriction
Lincoln Elementary School, Appleton, Wis.
LUST Unique ID# 45-209

Dear Mr. Lear:

On May 22, 1996, the Northeast Region Closeout Committee met to discuss various sites. The committee has agreed to close this site pending a deed restriction. This deed restriction will state that inaccessible soil contamination may remain at this site and that additional remedial action is not feasible at this time. This would inform any future owners of the property that if work is ever done in that area, they may have to deal with contaminated soil. The document would be placed in the file with the deed running with the property.

Only when the deed restriction has been finalized and filed with Outagamie County can this site be closed. To complete the deed notification, the Department requires a complete (unabbreviated) legal description of the property be provided. This may be obtained from the Outagamie County Register of Deeds.

As soon as this is submitted, the Department will send you a draft copy of the deed restriction, containing language regarding the remaining petroleum contamination. A revised copy will be sent for your review and signature. If it is acceptable, you are to sign it and return a signed copy with proof of filing for our files. At that time, the site may be closed.

This deed restriction is an option which the Department can offer in order to close this site. If you choose not to accept this option, you may perform additional investigation and cleanup of the remaining contamination. Within 14 days, please submit a letter to the Department documenting your intentions.

I have enclosed an example copy of a deed restriction without any of the specific language. If you have any questions, you may contact me at (414) 424-7887.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Verstegen".

Thomas Verstegen
Hydrogeologist
Bureau for Remediation and Redevelopment

Enclosure

cc: Case File - Osh
Renzhong Tan, Miller Engineers, 1119 Kennedy Ave., Kimberly, WI 54136



RECEIVED

SEP 12 1997

LMD SOLID WASTE

Appleton Area School District

Buildings & Grounds, 531 N. Morrison St., Appleton, WI 54911
Phone: 920-832-6151 FAX: 920-832-1737

September 11, 1997

Kristin Nell
Hydrogeologist
Bureau of Remediation & Redevelopment
State of Wisconsin
Department of Natural Resources
1125 N. Military Ave.
PO Box 10448
Green Bay, WI 54307-0448

RE: WDNR LUST CASE #03-45-209

Dear Ms. Nell:

I have enclosed a copy of the Declaration of Restrictions and Covenants for Lincoln Elementary School UST that has been registered with the Outagamie County Register of Deeds document #1236324.

Thank you,

Daniel E. Kastner
Supervisor of Buildings & Grounds

Enclosure

cc: Renzhong Tan, Miller Engineer & Scientists

1236324

Document Number

DECLARATION OF RESTRICTIONS AND
COVENANTS

Document Title

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

AUG 5 1997

AT 2 O'CLOCK ~~A.M.~~ P.M.
GRACE HERB
REGISTER OF DEEDS

Recording Area

*pd
2400*

Name and Return Address

Mr. J. Kevin Lear
Appleton Area School District
531 N Morrison St.
Appleton WI 54911

Parcel Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

Declaration of Restrictions and Covenants

- 31P9 21-5
In Re: All of Block Eleven (11), KIMBALL'S PLAT, City of Appleton, Outagamie County, Wisconsin.
- 31P2 21-5
All of Block Fifty-one (51), SECOND WARD PLAT, City of Appleton, Outagamie County, Wisconsin.
- 31P18 UP
All of Block Fifty-one (51), FIFTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin.
- EP 276
Lot One (1), Block Twelve (12), GARVEYS SECOND SUBDIVISION, City of Appleton, Outagamie County, Wisconsin.
- EP 291 UP
All of Block Five (5), WESTVIEW PLAT, CITY OF APPLETON, Outagamie County, Wisconsin.
- 31P11
The South 426.19 feet of the West One-Quarter Acre of Lot 5, the South 426.19 feet of Lots Three (3), and Four (4), and all of Lot Two (2), Block Twenty-six (26), EDWARD WEST'S PLAT, City of Appleton, Outagamie County, Wisconsin.
- 31P33
All of Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13), Block Nineteen (19), LAWSBURG PLAT, City of Appleton, Outagamie County, Wisconsin.
- "
All of Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Twenty-nine (29), LAWSBURG PLAT, City of Appleton, Outagamie County, Wisconsin.
- 31P23
All of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), and Eleven (11), Block Fourteen (14), GILMORE ADDITION, City of Appleton, Outagamie County, Wisconsin.
- 31P16 UP
All of Block Sixty-seven (67), FIFTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin.
- "
Block Sixty-eight (68), FIFTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, less and excepting the East One Hundred Twenty (120') feet thereof.
- 31P22
All of Lot Six (6), Block One (1), KERNAN ADDITION, City of Appleton, Outagamie County, Wisconsin.
- 31P5
All of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), and Twenty-five (25), Block Fifteen, BELL HEIGHTS ADDITION, City of Appleton, Outagamie County, Wisconsin.
- EP 372
All of Lot Eight (8), Block Forty-seven (47), FIRST ADDITION TO SCHAEFER PARK PLAT, City of Appleton, Outagamie County, Wisconsin.
- 31P2 41
The Westerly Two hundred Sixty-one (261') feet of the North Five Hundred Seventy-two (572') feet of Block Eighty-three (83), THIRD WARD PLAT, City of Appleton, Outagamie County, Wisconsin.

31 P 15 11 P

All of Block Eighty-two (82), FIFTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin, less and excepting the South Two Hundred Twenty (220) feet thereof.

31 P 15 2+1

All of Block Twelve (12), HERMAN ERB'S ADDITION, City of Appleton, Outagamie County, Wisconsin.

11 L1-10

All of Block Seven (7), HERMAN ERB'S ADDITION, City of Appleton, Outagamie County, Wisconsin.

APP 1

All of the unplatted part of Block Ten (10), except the West 326.64 feet thereof, and all of the unplatted part of Block Thirteen (13), PARKDALE PLAT, City of Appleton, Outagamie County, Wisconsin.

10/20 ✓

A parcel of land in the North East 1/4 of the South East 1/4 and in the North West 1/4 of the South East 1/4 of Section 14, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, described as follows: Commencing at the East 1/4 corner of said Section 14; thence South 88° 38' West, along the North line of the South East 1/4 of Section 14, 660.0 feet; thence South 0° 19' East, along the West line of the Harold Heckel Plat and the West line of the Northland Plat Third Subdivision, 600.0 feet to the point of beginning; thence continuing South 0° 19' East, along the West line of the Northland Plat Third Subdivision, 719.3 feet to the South line of the North East 1/4 of the South East 1/4 of Section 14; thence South 88° 35' West, along the South line of the North East 1/4 of the South East 1/4 and the South line of the North West 1/4 of South East 1/4, 1123.1 feet; thence North 0° 16' West, along a line parallel with and 150.0 feet East of the East line of Lots 13 through 24, Block 5, Northland Plat Second Subdivision 720.3 feet; thence North 88° 38' East, on a line parallel with and approximately 600.0 feet South of the North line of said 1/4 Section, 1122.4 feet to the point of beginning and containing 18.55 acres of land, more or less, now a part of the City of Appleton, Wisconsin.

Part of the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, bounded and described as follows: Commencing at the East one-quarter corner of said Section 14; thence S-88°-38' W, along the north line of the Southeast 1/4 of Section 14, 660.0 feet to the point of beginning; thence S-0°-19' E, along the west line of the Harold Hechel Plat and along the west line of Northland Plat 3rd Subdivision, 567.0 feet; thence S-88°-38' W, 400.0 feet; thence N-1°-22' W, 566.90 feet to the north line of the Southeast 1/4 of Section 14, thence N-88°-38' E, along the north line of the Southeast 1/4 of Section 14, 410.39 feet to the point of beginning.

10/24 ✓
10/23 ✓

A parcel of land in Government Lots 3 and 4 of Section 30 and Government Lot 3 of Section 31, T21N, R18E, City of Appleton, Outagamie County, Wisconsin, more fully described as follows: Commencing at the southwest corner of said Section 31 as the point of beginning; thence N 0°-03' E, along the west line of said sections 31 and 30, 1638.0 feet to a point; thence S 89°-57' E, 658.18 feet to a point; thence N 44°-08' E, 150.0 feet to a point in the centerline of the Old Dutch Settlement Road now known as East John Street; thence S 45°-49' E, along the centerline of East John Street, 378.74 feet to a point; thence S 44°-08' W, 150.0 feet to a point, thence S 0°-03' W, 1377.0 feet to a point in the south line of said Section 31; thence N 89°-46' W, along the south line of Section 31, 930.0 feet to the point of beginning.

11 ✓

A parcel of land in Government Lots 1, 2 and 3 of Section 30 and in Government Lot 3 of Section 31, all in Township 21 North, Range 18 East, Outagamie County, Wisconsin, more fully described as follows: Commencing at the Southwest corner of said Section 31; thence South 89° 46' East, along the South line of Section 31, 1552.24 feet to the point of beginning; thence North 0° 02' 30" East, along the center line of future Matthias Street, 350 feet; thence North

89° 46' West, 622.18 feet; thence North 0° 03' East, parallel with the West line of said Section 30, 1027 feet; thence North 44° 08' East, at right angles to John Street, 150 feet to a point in the center line of John Street; thence Southeasterly along the center line of John Street, 1255 feet, more or less, to a point in the East line of Section 30; thence Southerly along the East line of Section 30 and its Southerly extension, 615 feet, more or less, to a point in the south line of Section 31; thence North 89° 46' West, 385 feet, more or less, to the point of beginning and containing 20.1 acres of land, more or less.

LESS AND EXCEPTING: Matthias Street right of way and all that portion of the above described parcel lying east of Matthias Street.

ALSO LESS AND EXCEPTING: a parcel of land lying southwest of John Street and northwest of Matthias Street and being a part of Government Lots 1 and 2, Section 30; T21N, R18E, City of Appleton, Outagamie County, Wisconsin: Beginning at the southwesterly corner of John and Matthias Streets; thence North, 47°-12' west, along the southwesterly line of John Street 150.00 feet; thence south 42°-48' west, 150.00 feet; thence south 47°-12' east, 168.7 feet, more or less, to the westerly line of Matthias Street; thence northeasterly along said westerly line of Matthias Street to the point of beginning.

ALSO LESS AND EXCEPTING: A parcel land lying SW of John Street and NW of Matthias Street and being a part of Gov. Lots 1 and 2, Sec. 30, T21N, R18E, City of Appleton, Outagamie County, Wisconsin, described as follows: Commencing at the intersection of the SL of John Street with the WL of Matthias Street; thence S 42°-48' W, along said WL, 69.29 ft. to the P.C. of a curve concave to the SE (R=183.48, I=44°-08', L=141.33', LC Bear = S 20°-44' W); thence S'ly, along the arc of said curve, 83.57 ft. to the point of beginning (SW corner of Fire Station Property); thence continuing along said arc of said curve, 57.76 ft. to its P.T.; thence S 1°-20' E, along said WL Matthias Street, 62.24 ft.; thence S 88°-40' W, at right angles, 150.00'; thence N 1°-20' W, at right angles, 197.43 ft.; thence N 42°-48' E, 54.48' ft. to the NW corner of said Fire Station property; thence S 47°-12' E, at right angles along the W'ly line of said Fire Station Property, 168.71 ft. to the point of beginning.

Part of the Northeast 1/4 of Sections 32 - 21 - 17 described as follows: Beginning at the corners of Sections 28, 29, 32 and 33 in said Town and running thence South 3 chains 16 links, thence West 3 chains 16 links, thence North 3 chains 16 links, thence East 3 chains 16 links to the place of beginning, containing 1 acre of land, said land being a part of the North East 1/4 of Section 32-21-17.

A parcel of land in the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, described as follows: Commencing at the center of said Section 16; thence South along the East line of the Southwest 1/4 of Section 16, 417.4 feet to the point of beginning; thence West parallel with the North line of the Southwest 1/4 208.7 feet; thence North parallel with the East line of the Southwest 1/4 208.7 feet; thence West parallel with the North line of the Southwest 1/4, 208.7 feet; thence South parallel with the East line of the Southwest 1/4, 417.4 feet; thence East parallel with the North line of the Southwest 1/4, 417.4 feet to a point in the East line of the Southwest 1/4; thence North along the East line of the Southwest 1/4 208.7 feet to the point of beginning and containing 3.0 acres of land, more or less.

EXCEPTIONS:

1. Washington School is conveyed subject to the terms and conditions of an option to purchase by and between City of Appleton and Robert Miller.
2. The City of Appleton specifically reserves all rights of its rights, title and interest in Badger Pool located at Appleton High School West and all of the terms and conditions of the agreement by and between Appleton Parks and Recreation Commission and the Board of

Education of Joint School District No. 10 relating thereto shall remain in full force and effect as recorded July 29, 1982 in Document 812545, Jacket 3363, Image 5-8, Register's Office, Outagamie County, Wisconsin.

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

WHEREAS, Appleton Area School District, a Wisconsin Municipal Corporation is the owner of the above-described property; and

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:

One or more **petroleum** discharges have occurred at this property. Structural impediments existing at the time of cleanup made complete remediation of the contamination impracticable. **Petroleum** contaminated soil may remain on this property at the following locations: All of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), and Twenty-five (25), Block Fifteen, BELL HEIGHTS ADDITION, City of Appleton, Outagamie County, Wisconsin. The contamination originates within the area of the former underground storage tank excavation at a depth of 10 to 15 feet below ground surface and extends outward in the east and west directions (please see the attached site maps for specific locations.) Pursuant to the requirements of s. 144.76, Stats., any future subsurface work on this property which removes the structural impediments which currently exist shall provide for an investigation of the degree and extent of **petroleum** contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly treated or disposed of in accordance with applicable laws.

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.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions and Covenants, this 23 day of July, 19 97.

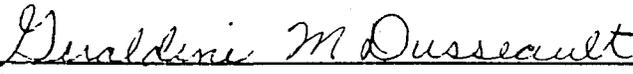
The undersigned certify that she and/or he is authorized by the Appleton Area School District, a Wisconsin Municipal Corporation, to execute such a declaration of restrictions and covenants on its behalf.

Signature: 

Printed Name: Michel D. Clark

Title: Assistant Superintendent/Business Services

Subscribed and sworn to before me
this 23rd day of July, 19 97.



Notary Public, State of Wisconsin

My commission 8/24/97

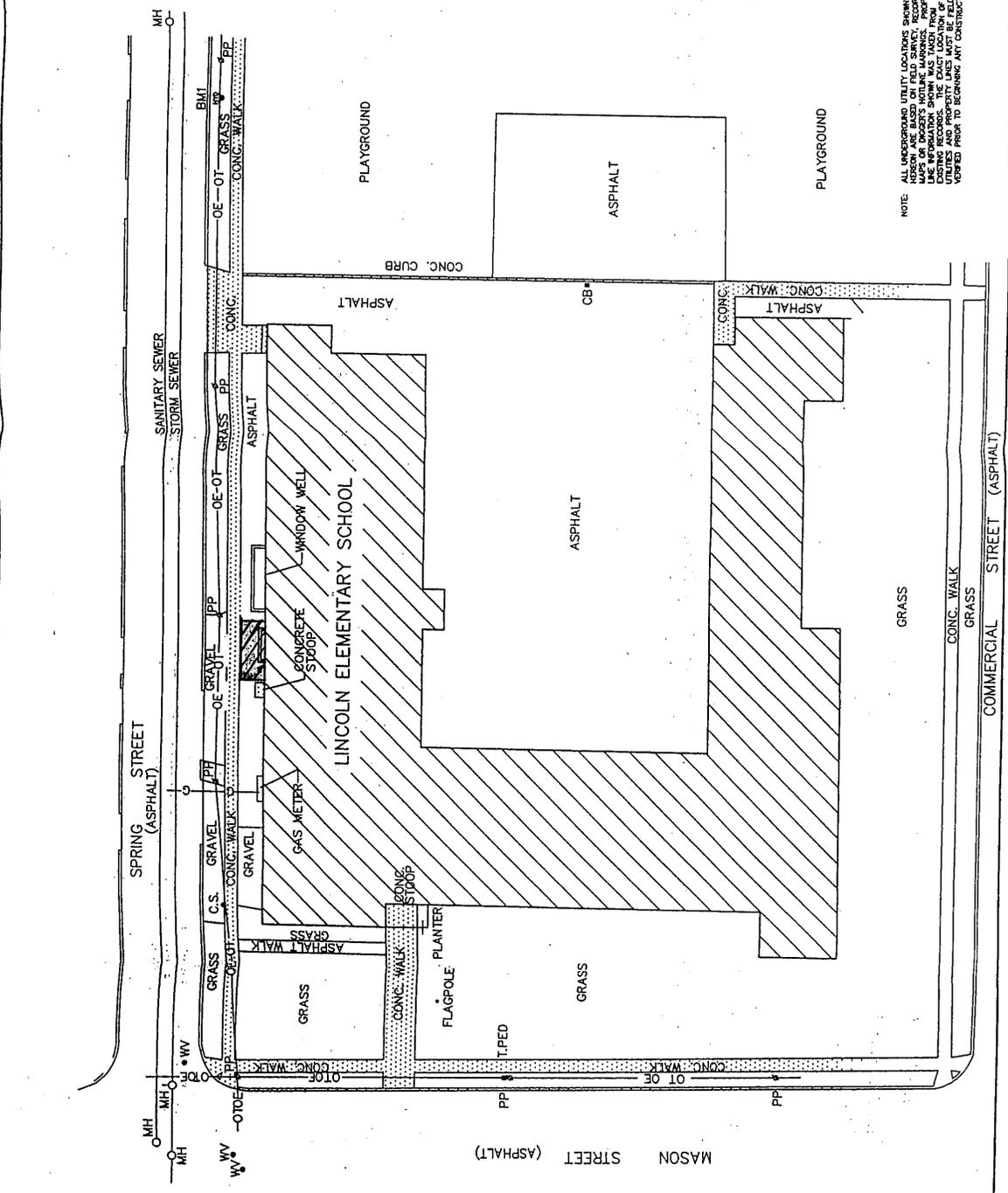
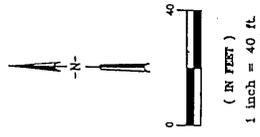
This document was drafted by the Wisconsin Department of Natural Resources.

- LEGEND**
- OE OVERHEAD ELECTRIC
 - OT OVERHEAD TELEPHONE
 - C GAS
 - PP POWER POLE
 - LP LIGHT POLE
 - MH MANHOLE
 - CS CATCH BASIN
 - CUP CORRUGATED METAL PIPE
 - RCP REINFORCED CONCRETE PIPE
 - WV WATER VALVE
 - GV GAS VALVE
 - GW GROUND WATER MONITORING WELL, TYP.
 - SB SOIL BORING, TYP.
 - SW GROUND WATER RECOVERY SUMP, TYP.
 - WV GROUND WATER RECOVERY WELL, TYP.
 - VP VAPOR POINT, TYP.

Former UST Excavation

BENCH MARKS

- BM1 TOP NUT OF FIRE HYDRANT ON SOUTH SIDE OF SPRING STREET BETWEEN MASON AND SUMMIT ELEV. = 819.52 (USGS)
- BM2 ARROW ON FIRE HYDRANT AT SOUTHWEST CORNER OF THE INTERSECTION OF SPRING AND MASON. ELEV. = 822.81



NOTE: ALL UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON FIELD SURVEY. RECORDS LIKE INFORMATION SHOWN WAS TAKEN FROM EXISTING RECORDS. THE EXACT LOCATION OF ALL UTILITIES SHOWN HEREON HAS NOT BEEN VERIFIED PRIOR TO BEGINNING ANY CONSTRUCTION.

FIGURE 1: SITE PLAN

MILLER ENGINEERS
 5308 South Tenth Street
 Sheboygan, Wisconsin 53081
 414-458-6164

APPLETON SCHOOL DISTRICT
 LINCOLN ELEMENTARY SCHOOL - R.I.
 1000 N. MAIN STREET
 APPLETON, WISCONSIN

SCALE	DATE	BY	PN	SHEET
1" = 40'	3-25-97	JK	01	01

812545

THIS INSTRUMENT Made by City of Appleton, a Wisconsin Municipal Corporation

a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, grants of Outagamie County, Wisconsin, hereby quit-claims to Appleton Area School District, a Wisconsin Municipal Corporation

of Outagamie County, Wisconsin, for the sum of One (\$1.00) Dollar and other good and valuable consideration

the following tract of land in Outagamie County, State of Wisconsin:

- All of Block Eleven (11), KIMBALL'S PLAT, City of Appleton, Outagamie County, Wisconsin.
- All of Block Fifty-one (51), SECOND WARD PLAT, City of Appleton, Outagamie County, Wisconsin.
- All of Block Fifty-one (51), FIFTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin.
- Lot One (1), Block Twelve (12), GARVEYS SECOND SUBDIVISION, City of Appleton, Outagamie County, Wisconsin.
- All of Block Five (5), WESTVIEW PLAT, CITY OF APPLETON, Outagamie County, Wisconsin.
- The South 426.19 feet of the West One-Quarter Acre of Lot 5, the South 426.19 feet of Lots Three (3), and Four (4), and all of Lot Two (2), Block Twenty-six (26), EDWARD WEST'S PLAT, City of Appleton, Outagamie County, Wisconsin.
- All of Lots Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13), Block Nineteen (19), LAWSBURG PLAT, City of Appleton, Outagamie County, Wisconsin.
- All of Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Twenty-nine (29), LAWSBURG PLAT, City of Appleton, Outagamie County, Wisconsin.
- All of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), and Eleven (11), Block Fourteen (14), GILMORE ADDITION, City of Appleton, Outagamie County, Wisconsin.
- All of Block Sixty-seven (67), FIFTH WARD PLAT, City of Appleton, Outagamie County, Wisconsin.

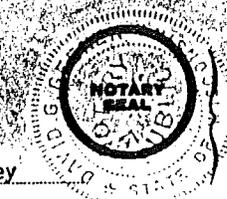
In Witness Whereof, the said grantor has caused these presents to be signed by Dorothy C. Johnson, its ~~MANAGER~~ and countersigned by Elden J. Broehm, City Clerk at Appleton Wisconsin, and its corporate seal to be hereunto affixed, this 1st day of July, A. D., 1982.

FEE
2
EXEMPT

SIGNED AND SEALED IN PRESENCE OF
Dorothy A. Lowe
Mary E. Longhini
 Dorothy A. Lowe
 Mary E. Longhini

CITY OF APPLETON
Dorothy C. Johnson
 Dorothy C. Johnson, Mayor
Elden J. Broehm
 Elden J. Broehm, City Clerk

STATE OF WISCONSIN, }
OUTAGAMIE County, } ss.
 I, David G. Geenen, Notary Public, do hereby certify that on this 1st day of July, A. D., 1982, Dorothy C. Johnson, Mayor, and Elden J. Broehm, City Clerk, of the above named Corporation, to the known to be the persons who executed the foregoing instrument, and to me known to be such MAYOR and CITY CLERK of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said Corporation, by its authority.



David G. Geenen
 David G. Geenen
 Notary Public Outagamie County, Wis.
 My Commission ~~Expires~~ (Is) Permanent

This instrument drafted by
David G. Geenen, City Attorney

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

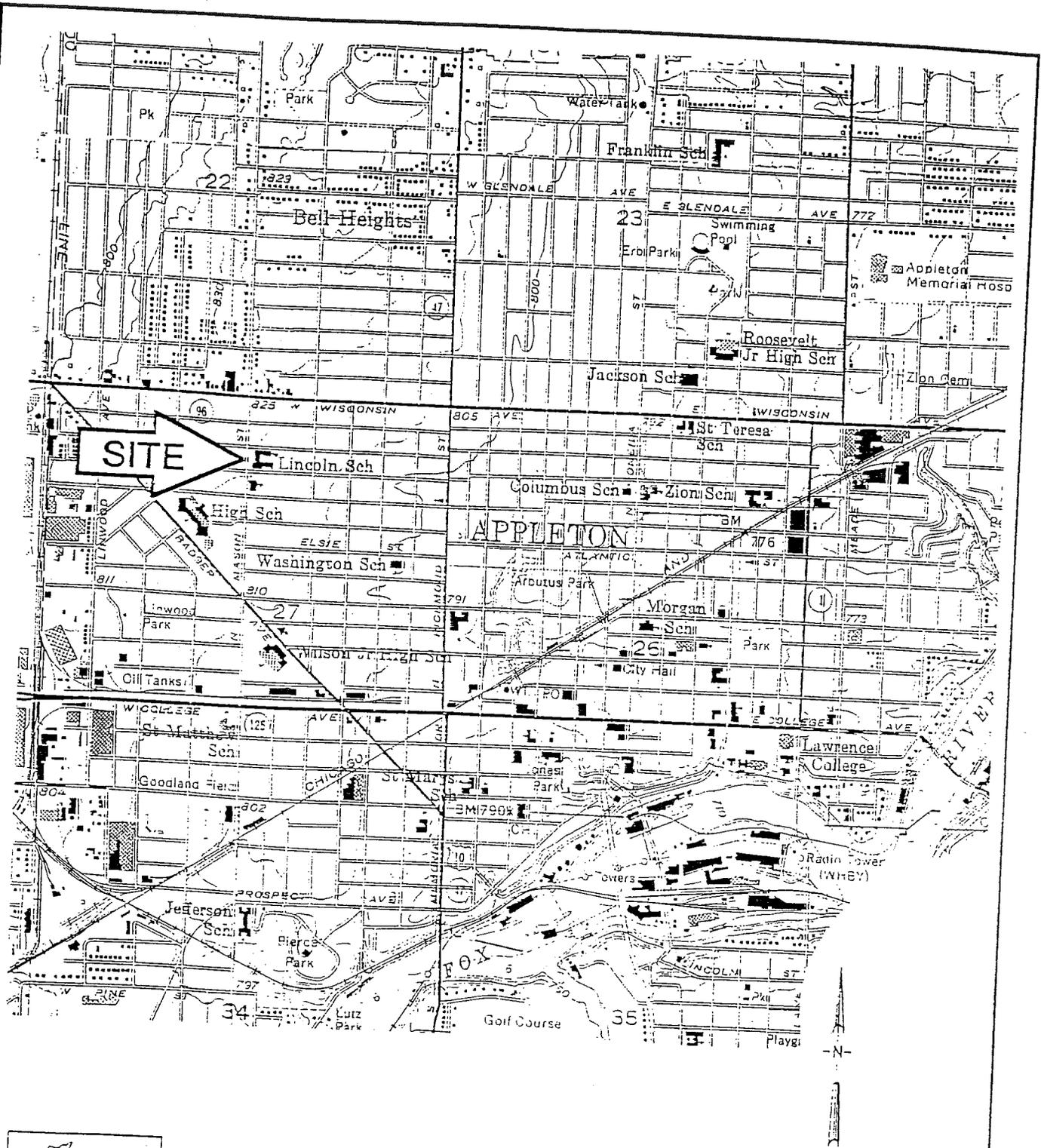
JUL 29 1982

At 9 o'clock AM
in Room 323 Image 5-8
Place Place
REGISTER OF DEEDS

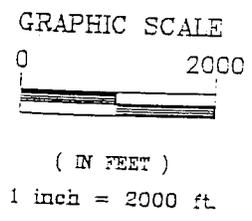
RETURN TO
City Atty.

10/1/80
John

(Section 59.31 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary.)



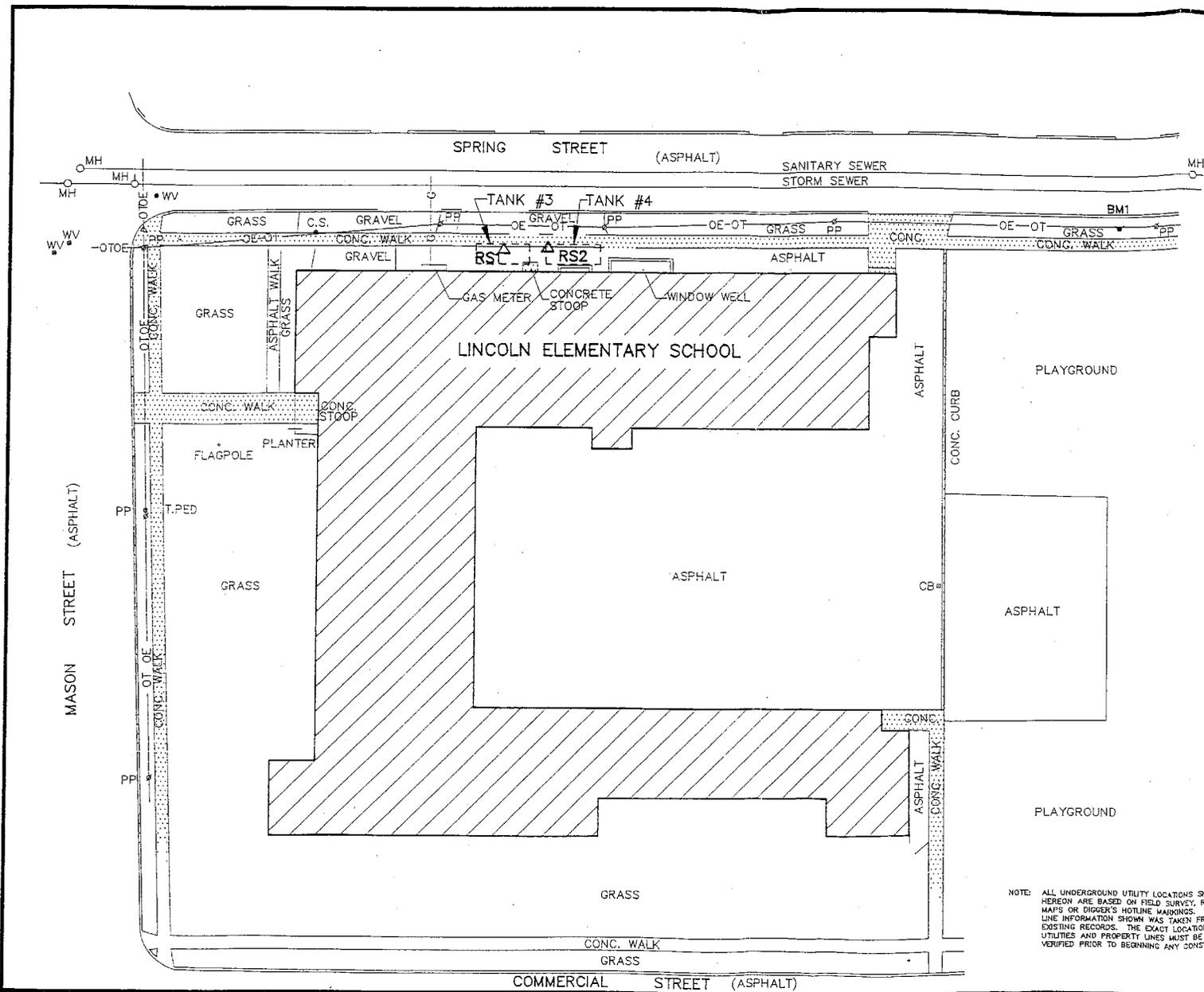
APPLETON QUADRANGLE
 WISCONSIN-CUTAGAMIE CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 SW/4 APPLETON 15' QUADRANGLE



F-1	DATE	BY	CLIENT: APPLETON SCHOOL DISTRICT JOB: LINCOLN ELEMENTARY SCHOOL - R.I. LOCATION: 1000 NORTH MASON ST. APPLETON, WISCONSIN
	9-17-93	HVM	
	JOB. NO.	CK	
	10143E3E	TAN	

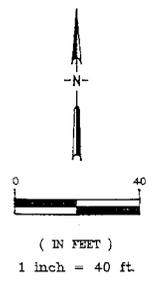
MILLER
 ENGINEERS
 SCIENTISTS

FIGURE 1. SITE LOCATION MAP



- LEGEND**
- OE OVERHEAD ELECTRIC
 - OT OVERHEAD TELEPHONE
 - G GAS
 - PP POWER POLE
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 - CB CATCH BASIN
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 - WV WATER VALVE
 - GV GAS VALVE
 - ⊕ GROUND WATER MONITORING WELL, TYP.
 - ⊙ SOIL BORING, TYP.
 - △ GROUND WATER RECOVERY SUMP, TYP.
 - ▲ GROUND WATER RECOVERY WELL, TYP.
 - VAPOR POINT, TYP.

- BENCH MARKS**
- BM1 TOP NUT OF FIRE HYDRANT ON SOUTH SIDE OF SPRING STREET BETWEEN MASON AND SUMMIT ELEV. = 819.52 (USGS)
 - BM2 ARROW ON FIRE HYDRANT AT SOUTHWEST CORNER OF THE INTERSECTION OF SPRING AND MASON. ELEV. = 822.81



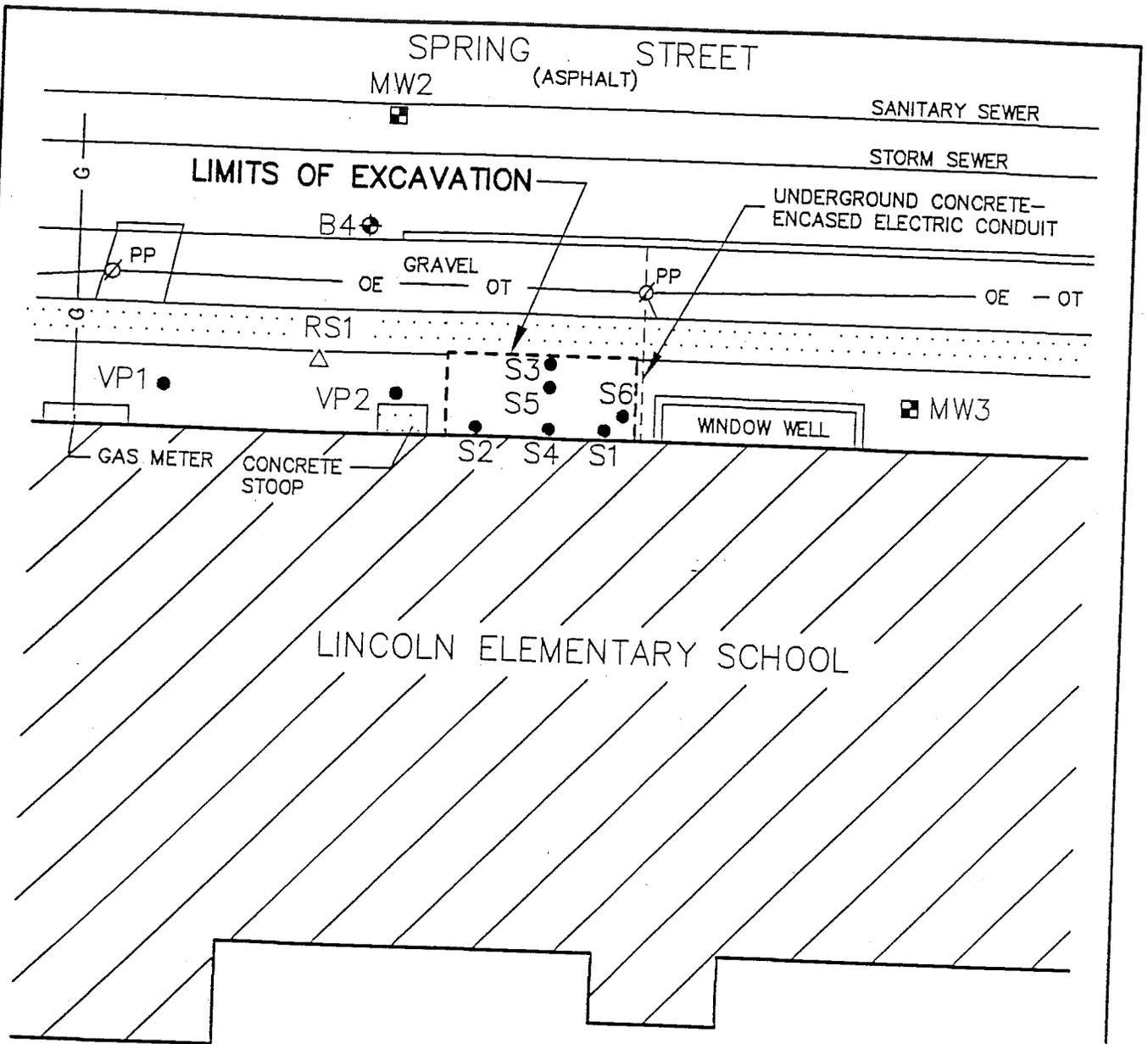
NOTE: ALL UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON FIELD SURVEY, RECORD MAPS OR DIGGER'S NOTLINE MARKINGS. PROPERTY LINE INFORMATION SHOWN WAS TAKEN FROM EXISTING RECORDS. THE EXACT LOCATION OF ALL UTILITIES AND PROPERTY LINES MUST BE FIELD VERIFIED PRIOR TO BEGINNING ANY CONSTRUCTION.

FIGURE 2. SITE PLAN

MILLER ENGINEERS 5308 South Twelfth Street
Sheboygan, Wisconsin 53081
414-438-5164

APPLETON SCHOOL DISTRICT
LINCOLN ELEMENTARY SCHOOL - R.I.
1000 N. MAIN STREET
APPLETON, WISCONSIN

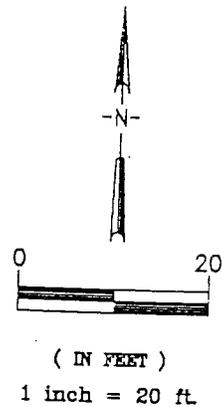
SCALE	DATE	BY	SHEET
HOR	10-28-92	HVM	F-2
VER	10143E3A	NND	



LEGEND

- S1 ● SAMPLING POINTS, TYP.
- GROUND WATER MONITORING WELL, TYP.
- ⊕ SOIL BORING, TYP.
- △ GROUND WATER RECOVERY SUMP, TYP.
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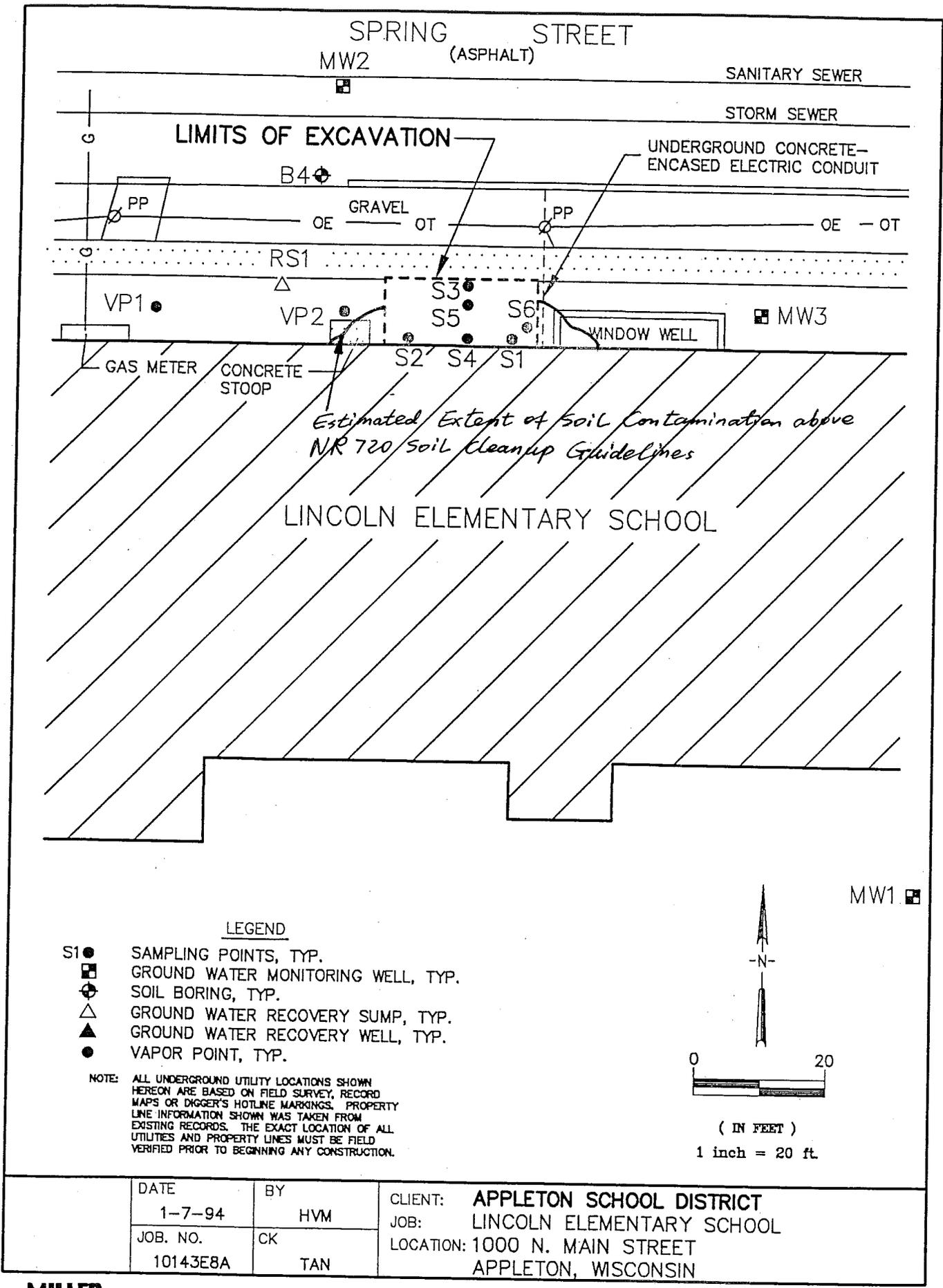
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DATE	1-7-94	BY	HVM	CLIENT: APPLETON SCHOOL DISTRICT JOB: LINCOLN ELEMENTARY SCHOOL LOCATION: 1000 N. MAIN STREET APPLETON, WISCONSIN
JOB. NO.	10143E8A	CK	TAN	

MILLER
ENGINEERS
SCIENTISTS

FIGURE 3. SOIL EXCAVATION AND SAMPLE LOCATION PLAN



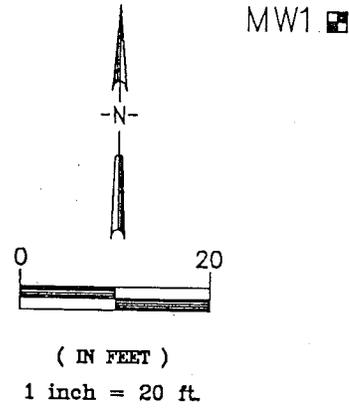
Estimated Extent of Soil Contamination above NR 720 Soil Cleanup Guidelines

LINCOLN ELEMENTARY SCHOOL

LEGEND

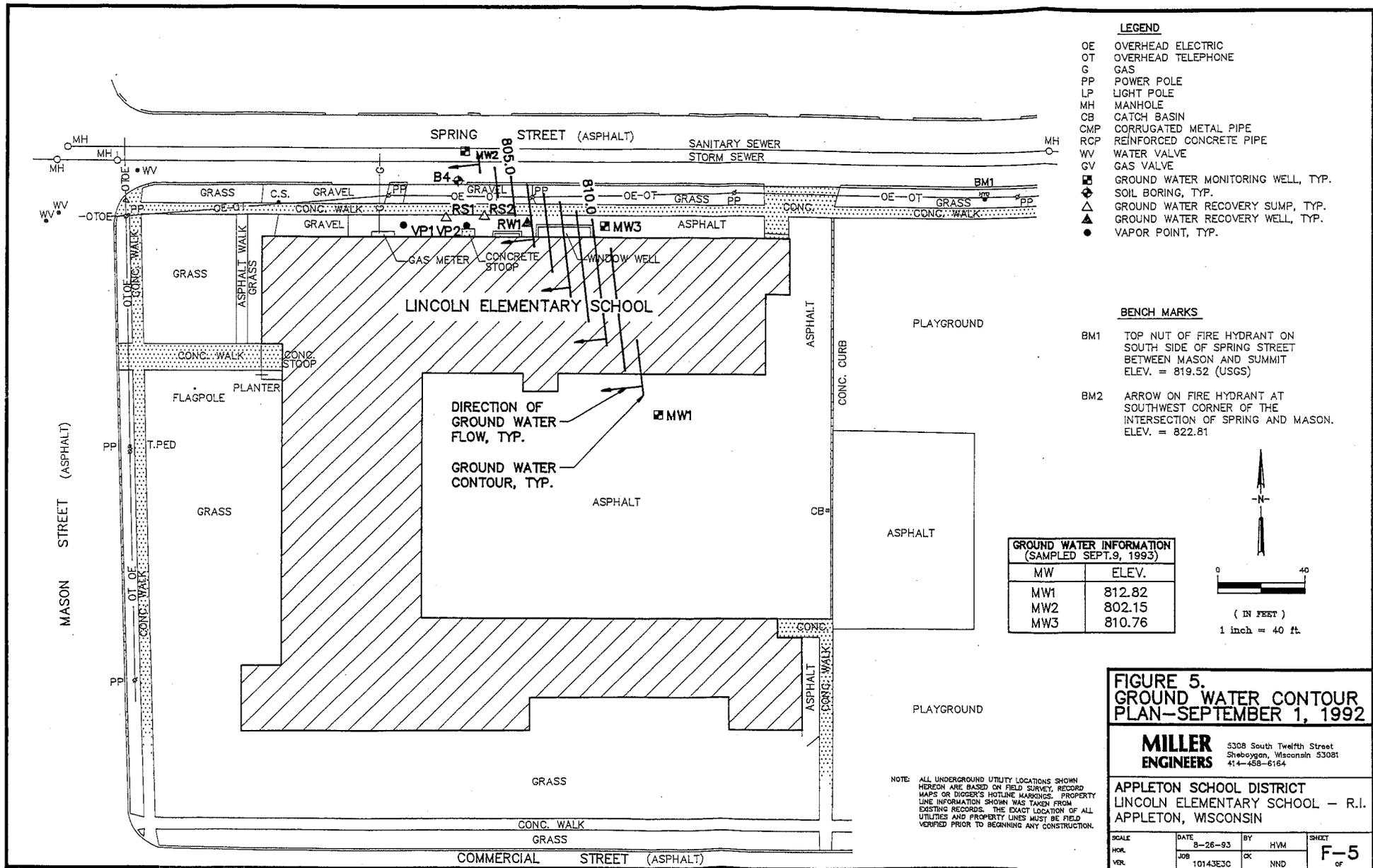
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DATE	BY	CLIENT: APPLETON SCHOOL DISTRICT JOB: LINCOLN ELEMENTARY SCHOOL LOCATION: 1000 N. MAIN STREET APPLETON, WISCONSIN
1-7-94	HVM	
JOB. NO.	CK	
10143E8A	TAN	

FIGURE 3. SOIL EXCAVATION AND SAMPLE LOCATION PLAN



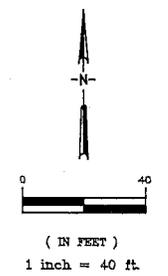
LEGEND

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GROUND WATER INFORMATION (SAMPLED SEPT.9, 1993)	
MW	ELEV.
MW1	812.82
MW2	802.15
MW3	810.76



**FIGURE 5.
GROUND WATER CONTOUR
PLAN—SEPTEMBER 1, 1992**

MILLER ENGINEERS
530B South Twelfth Street
Sheboygan, Wisconsin 53081
414-458-6164

APPLETON SCHOOL DISTRICT
LINCOLN ELEMENTARY SCHOOL — R.I.
APPLETON, WISCONSIN

SCALE	DATE	BY	SHEET
HOR.	8-26-93	HVM	F-5
VER.	JOB	CK	of
	10143E3C	NND	

NOTE: ALL UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON FIELD SURVEY, RECORD MAPS OR DIGGER'S HOTLINE WARNINGS. PROPERTY LINE INFORMATION SHOWN WAS TAKEN FROM EXISTING RECORDS. THE EXACT LOCATION OF ALL UTILITIES AND PROPERTY LINES MUST BE FIELD VERIFIED PRIOR TO BEGINNING ANY CONSTRUCTION.

TABLE 1

Analytic Test Results--Soil (July/August 1992)

<u>Sample</u>	<u>Depth (ft)</u>	<u>DRO (mg/kg)</u>	<u>PVOC (µg/kg)</u>	<u>VOC (µg/kg)*</u>
B1-5 (VP1)	11.5 to 13.5	ND	ND	--
B1-7 (VP1)	16.5 to 18.5	ND	ND	--
B2-4 (VP2)	9.0 to 11.0	57.0	--	870.0
B2-6 (VP2)	19.0 to 20.0	ND	--	ND
B3-5 (RW1)	11.5 to 13.5	840.0-	--	20,882.0
B3-7 (RW1)	16.5 to 18.5	ND	--	ND
B4-4	7.0 to 9.0	ND	ND	
B4-5	9.0 to 11.0	ND	ND	
MW1-2	4.0 to 6.0	ND	ND	
MW1-6	14.0 to 16.0	ND	ND	
MW2-3	6.5 to 8.5	ND	ND	
MW2-7	16.5 to 18.5	ND	ND	
MW3-5	11.5 to 13.5	ND	ND	
MW3-7	16.5 to 18.5	ND	ND	

*Methylene chloride is not included in the VOC summation due to possible laboratory contamination.

ND = No Detect

-- = Not Tested For

TABLE 1

Soil Analytic Test Results—October 27, 1993

<u>Analyte (mg/kg)</u>	<u>S1</u>	<u>S3</u>	<u>S5</u>	<u>S6</u>
Benzene	ND	ND	ND	ND
n-Butylbenzene	16	ND	ND	5.2
sec-Butylbenzene	3.3	ND	ND	1.5
Ethylbenzene	0.54	ND	ND	0.26
Isopropylbenzene	0.75	ND	ND	0.37
p-Isopropyltoluene	5.3	ND	ND	0.84
MTBE	ND	ND	ND	ND
Naphthalene	6.3	ND	ND	2.1
n-Propylbenzene	1.4	ND	ND	0.98
Styrene	1.1	ND	ND	0.33
Toluene	ND	ND	ND	ND
1,2,4-Trimethylbenzene	8.6	ND	ND	2.5
1,3,5-Trimethylbenzene	3.2	ND	ND	0.89
Total Xylenes	1.21	ND	ND	0.34
TOTAL VOC	47.7	ND	ND	15.31
DRO (mg/kg)	11,000	37	ND	1300

ND = Compound Not Detected

VOC = Volatile Organic Compounds (EPA Method 8021)

DRO = Diesel Range Organics

NA10143EASORE1093.WB1

TABLE 2
Historic Ground Water Elevations (U.S.G.S.)

Lincoln Elementary School
Appleton, Wisconsin
Project #10143E

	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>
Top of PVC	817.51	817.88	817.97
Top of Screen	814.80	808.50	809.10
<u>Date</u>	<u>MW1</u>	<u>MW2</u>	<u>MW3</u>
09/01/92	812.82	802.15	810.76
12/30/93	812.70	798.11	801.23
03/09/94	811.61	806.67	809.08
06/03/94	809.71	813.12	808.39
09/16/94	812.45	808.34	810.53
02/24/95	811.12	807.05	809.17
06/21/95	812.63	808.34	809.71

All units are feet above sea level unless otherwise noted.

\\data\qpro\10143e\analytic.wb2\HistoricElev