



**State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES**

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, NE Regional Director

647 Lakeland Road  
Shawano, Wisconsin 54166  
TELEPHONE 715-524-2183  
FAX 715-524-3214

October 17, 1997

Mr. Gordon S. Repp  
Outboard Marine Corporation  
100 Sea Horse Drive  
Waukegan, IL 60085

Subject: Groundwater Deed Restriction for Kolbe and Kolbe Property (Former OMC), 1211 Depot St., Manawa, WI; DNR ID # 03-69-00782

Dear Mr. Repp:

Enclosed is deed restriction regarding the remaining soil and groundwater contamination at the above property. Please review and forward to the appropriate persons for filing with the Waupaca County Register of Deeds. A signed copy with the documentation that it has been filed should be returned to me at the above address.

The Department will also need documentation (DNR Form 3300-5B, enclosed) that the monitoring wells have been properly abandoned. We will formally close this case when documentation of filing and well abandonment has been received. Please contact me at 715-526-4230 if you have any questions.

Sincerely,

Tom Sturm  
Hydrogeologist  
Remediation and Redevelopment Program



This instrument was prepared by and should be returned to:

Gordon G. Repp, Esq.  
100 Sea Horse Drive  
Waukegan, IL 60085

Tax identification number  
of Grantor 36-1589715

Permanent Index Number:  
31-21-41-2

This Warranty Deed Made and executed this 13th day of August, A.D. 1997 by Outboard Marine Corporation, a corporation existing under the laws of Delaware, and having its principal place of business at 100 Sea Horse Drive, Waukegan, Illinois 60085, hereinafter called the grantor, to Kolbe & Kolbe Properties, Inc., a corporation existing under the laws of Wisconsin, and having a principal place of business at 1323 South 11th Street, Wausau, Wisconsin 54401, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise release, convey and confirm unto the grantee, all that certain land situate in Waupaca County, Wisconsin, viz:

SEE ATTACHED SCHEDULES "A-1" AND "A-2" MADE A PART HEREOF

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, subject only to all reservations, easements, restrictions, covenants and orders of record and taxes for the year 1996 and thereafter.

In Witness Whereof the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST: [Signature]  
Secretary

Outboard Marine Corporation,  
a Delaware corporation

WITNESSES  
[Signature]  
Signature of Witness 1  
Irma Siensa

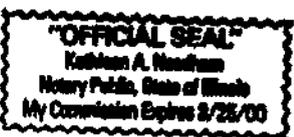
By [Signature]  
President

Printed Name of Witness 1  
Carly Skrzypchak  
Signature of Witness 2  
Carolyn Skrzypchak  
Printed Name of Witness 2

STATE OF ILLINOIS }  
COUNTY OF LAKE }

The foregoing instrument was acknowledged before me this 13th day of August 1997 by Harry W. Bowman as Chairman of of Outboard Marine Corporation, a Delaware corporation. He is personally known to me and did take oath.  
the Board, President and Chief Executive Officer

[Signature]  
Notary Public  
Kathleen A. Needham  
Printed Name of Notary Public



State of Illinois at large  
My commission expires: 3/25/00

**SCHEDULE A-1**  
(1211 Depot Street, Manawa, Wisconsin)

**LEGAL DESCRIPTION**

Part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 21, Township 23 North, Range 13 East, City of Manawa, Waupaca County, Wisconsin described as: Commencing at a stone monument at the NW corner of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ ; thence South along the West line of said NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  810.94 feet; thence North 89 degrees 36' East 3.1 feet to the point of beginning; thence continuing North 89 degrees 36' East 386.3 feet; thence North 29.78 feet; thence South 89 degrees 33' East 340 feet to the Westerly r-o-w line of Highway "22"; thence South 0 degrees 03' West 484.2 feet along said r-o-w line; thence North 89 degrees 43' West 181.5 feet; thence South 0 degrees 03' West 149.1 feet to the northerly r-o-w line of Highway "B"; thence North 85 degrees 35' West 420.5 feet along said r-o-w line; thence North 86 degrees 29' West along said r-o-w line 123.95 feet along said r-o-w line; thence North 0 degrees 08' West 562.7 feet, more or less, to the point of beginning. And beginning at a point in the center of the highway where Pine Street and Highway "22" intersect; thence West 13 rods; thence North 13 rods; thence East 13 rods; thence South 13 rods to the point of beginning. EXCEPT that part conveyed to the Department of Transportation by deed recorded in Volume 747 of Records, Page 468 as Document No. 504120.

**SCHEDULE A-2**  
**(1211 Depot Street, Manawa, Wisconsin)**

**PERMITTED EXCEPTIONS**

1. Special Taxes or assessments, if any, payable with the taxes levied for the current and subsequent years.
2. Liens or deferred charges not shown on the tax roll for installations and connections of water and sewer laterals, mains and service pipes.
3. General taxes for the year 1997.
4. Easement granted to the City of Manawa as recorded in Volume 568 of Records, Page 574.
5. Public or private rights, if any, in such portion of the subject premise a may be presently used, laid out or dedicated in any manner whatsoever, for street, highway and / or alley purposes.

573465

Groundwater Use Restriction

Document Number

Document Title

REGISTERS OFFICE  
WAUPACA COUNTY WI  
RECEIVED FOR RECORD

APR 20 1998

At 8:00 o'clock A.M. and Recorded  
In Vol 896 Page 161  
*Jordan J. Juman* Register

Recording Area

Name and Return Address  
Gordon G. Repp, Esq.  
Outboard Marine Corporation  
100 Sea Horse Drive  
Waukegan, IL 60085

31-21-42-2 + 31-21-42-1

Parcel Identification Number (PIN)



WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

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:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor, to determine what specific prohibitions or requirements are applicable prior to construction or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

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 and 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 the restrictions set forth in this covenant are no longer required. Upon 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 can be recorded to give notice that his groundwater use restriction is no longer binding.

The undersigned certifies that they are an officer of the thereby authorized to sign this deed restriction on behalf of the property owner, Kolbe & Kolbe Properties, Inc.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 23rd day of December, 1997.

KOLBE & KOLBE PROPERTIES, INC.

Signature: Judy Gorski

Printed Name: Judy Gorski Vice President

Subscribed and sworn to before me this 24th day of December, 1997.

Colin D. Pietz

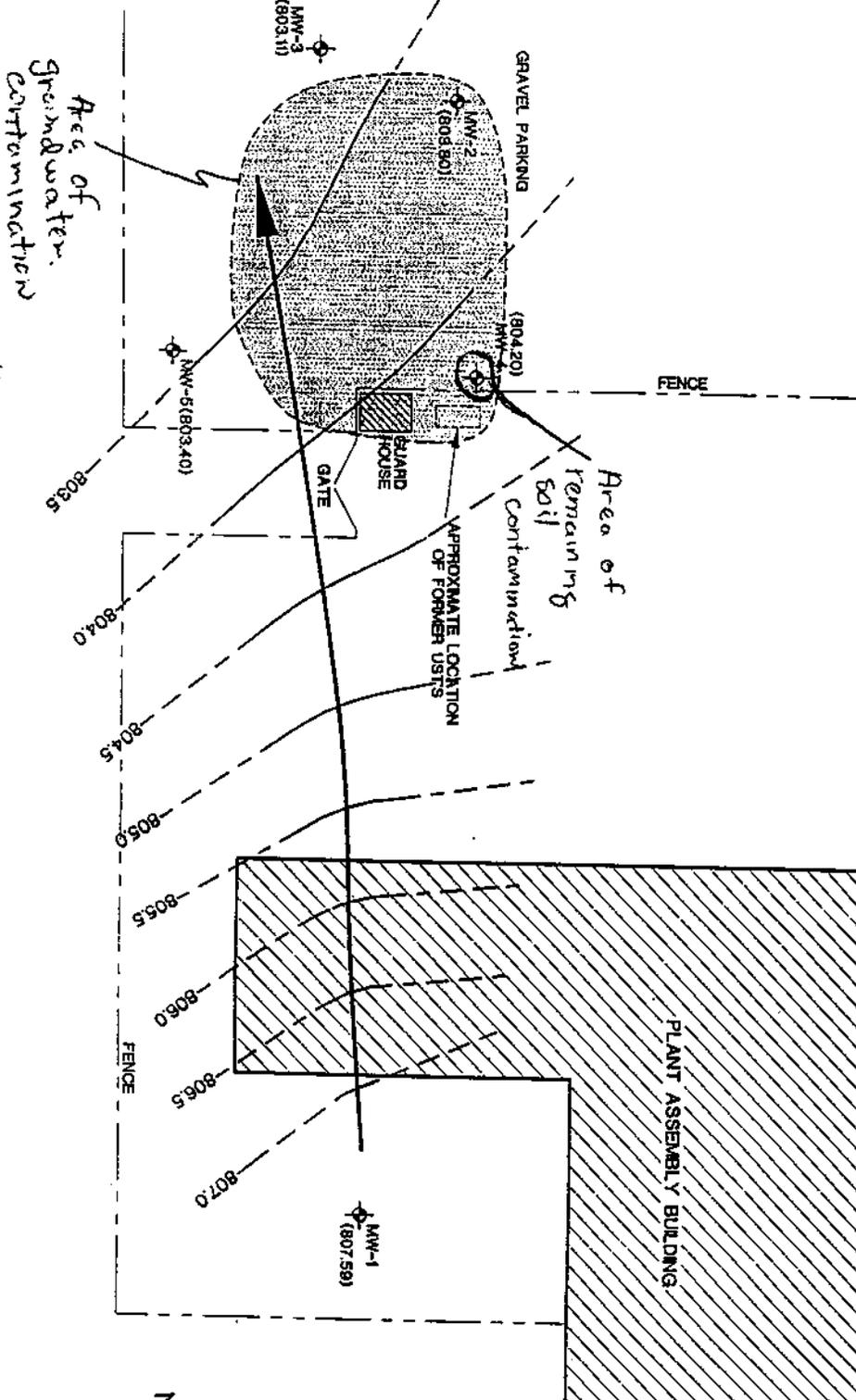
Colin D. Pietz

Notary Public, State of Wisconsin

My commission ~~expires on~~ XXXXXXXXXX is Permanent.

This document was drafted by the Wisconsin Department of Natural Resources and contains two pages plus one attachment.

Attachment 1

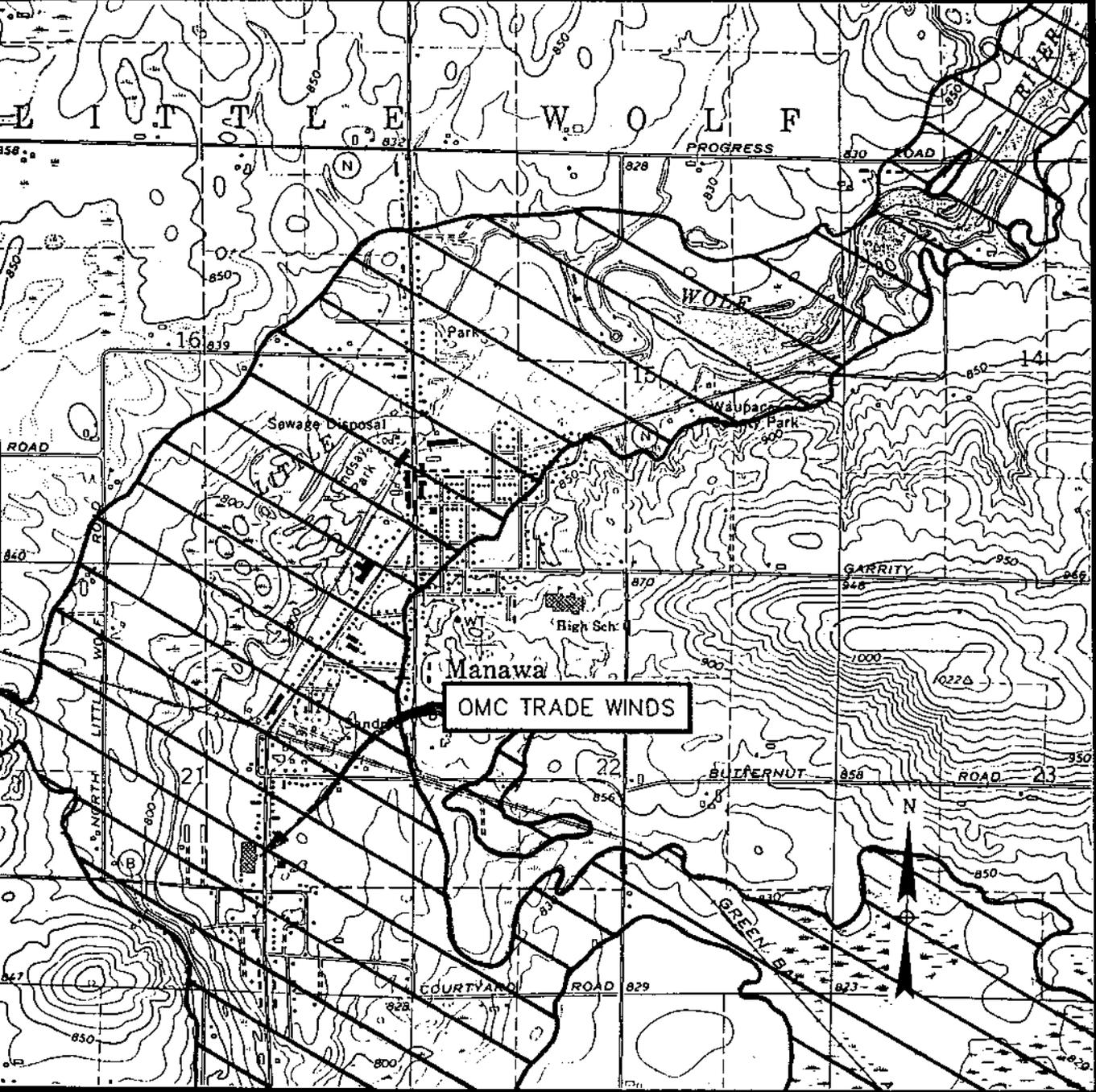


**EXPLANATION**

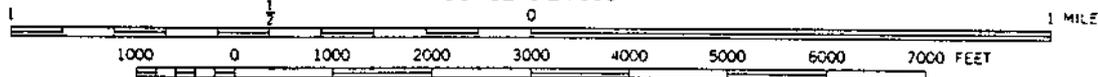
- MW-1 MONITOR WELL LOCATION, DESIGNATION, AND WATER ELEVATION (ft. msl)
- WATER TABLE CONTOUR (Dashed where inferred)
- FLOW DIRECTION
- APPROXIMATE AREA OF IMPACTED GROUND WATER

Note: Water level data obtained 2/8/95.

|   |  |           |      |
|---|--|-----------|------|
| CHIC-TRADE WINDS<br>MANNING, WISCONSIN                    |  | DATE      | 03/  |
| WATER TABLE MAP<br>AND EXTENT OF<br>IMPACTED GROUND WATER |  | DRAWN     |      |
|   |  | CHECKED   |      |
|   |  | APPROVED  |      |
|   |  | PROJ. NO. | 3089 |



SCALE 1:24 000



**NOTES:**

SOURCE: USGS MANAWA QUADRANGLE  
7.5 MINUTE SERIES MAP

**LEGEND:**



TILL



GLACIAL OUTWASH SAND AND GRAVELS

MM-4

| Parameter              | Units | ES  | PAL  | 9/13/90 | 8/13/92 | Dup<br>8/13/92 | 10/28/94 | Dup<br>10/28/94 | 2/9/95 | Dup<br>2/9/95 | 5/22/95 | 8/4/95 | 11/21/95 | 5/2/96 | 10/28/96 |
|------------------------|-------|-----|------|---------|---------|----------------|----------|-----------------|--------|---------------|---------|--------|----------|--------|----------|
| GRO                    | µg/ℓ  | --  | --   | NA      | 38,000  | 36,000         | 13,000   | 26,000          | 20,000 | 19,000        | 13,000  | 12,000 | 9,800    | 14,000 | 4,900    |
| DRO                    | mg/ℓ  | --  | --   | NA      | 14      | 20             | 3.7      | NA              | 8.7    | 7.2           | 7.8     | 5.0    | 7.8      | 5.8    | 4.9      |
| Benzene                | µg/ℓ  | 5   | 0.5  | 72      | 520     | 560            | 280      | 520             | 130    | 400           | 300     | 300    | 140      | 200    | 100      |
| Chloroform             | µg/ℓ  | 6   | 0.6  | NA      | NA      | NA             | NA       | NA              | <25    | <10           | NA      | NA     | <50      | <10    | <10      |
| Ethylbenzene           | µg/ℓ  | 700 | 140  | 365     | 490     | 490            | 140      | 330             | 230    | 210           | 180     | <200   | 95       | 180    | 140      |
| Isopropylbenzene       | µg/ℓ  | --  | --   | NA      | NA      | NA             | NA       | NA              | <25    | 16            | NA      | NA     | <50      | 11     | 11       |
| MTBE                   | µg/ℓ  | 60  | 12   | NA      | 97      | <100           | <100     | <100            | <25    | <10           | <100    | <200   | <50      | 28     | 28       |
| n-Propylbenzene        | µg/ℓ  | --  | --   | NA      | NA      | NA             | NA       | NA              | <25    | 22            | NA      | NA     | 940      | 15     | 17       |
| p-Isopropyl toluene    | µg/ℓ  | --  | --   | NA      | NA      | NA             | NA       | NA              | 33     | 34            | NA      | NA     | <50      | 25     | 18       |
| Toluene                | µg/ℓ  | 343 | 68.6 | 180     | 5,400   | 5,500          | 2,300    | 3,000           | 750    | 790           | 1,700   | 1,600  | 1,200    | 2,300  | 1,800    |
| 1,2,4 Trimethylbenzene | µg/ℓ  | --  | --   | NA      | 2,700   | 1,400          | 860      | 1,600           | 1,400  | 1,300         | 1,100   | 940    | 500      | 1,000  | 620      |
| 1,3,5 Trimethylbenzene | µg/ℓ  | --  | --   | NA      | 830     | 840            | 400      | 740             | 590    | 650           | 560     | 490    | 280      | 510    | 270      |
| Xylenes                | µg/ℓ  | 620 | 124  | 440     | 14,000  | 14,000         | 4,200    | 7,600           | 7,200  | 7,200         | 5,200   | 4,900  | 2,500    | 5,500  | 3,200    |
| Naphthalene            | µg/ℓ  | 40  | 8    | NA      | 1,000   | 990            | 420      | NA              | 330    | 300           | NA      | NA     | 130      | 260    | 190      |