

GIS REGISTRY INFORMATION

SITE NAME: RASMUSSEN #2 PROPERTY

BRRTS #: 02-71-520034 **FID # (if appropriate):**

COMMERCE # (if appropriate):

CLOSURE DATE: 11/10/2003

STREET ADDRESS: SW CORNER OF INTERSECTION OMRO RD. AND LEONARD POINT RD.

CITY: ALGOMA

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 630207 Y= 396269

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 issued	NA
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	X
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)	NA
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure	X

DOCUMENT NO.

WARRANTY DEED
STATE OF WISCONSIN FORM 9
THIS SPACE RESERVED FOR RECORDING DATA

THIS INDENTURE, Made by, Harold Rasmussen, a/k/a Harold
J. Rasmussen and Clarissa Rasmussen, his wife and
in her own right, grantor S.
of Winnebago County, Wisconsin, hereby conveys and warrants to
RASMUSSEN'S APPLE ACRES, INC.,

This conveyance is a trans-
fer from sole proprietor to
corporation in return for
capital stock and, hence,
no revenue stamps are re-
quired.

grantee, of Winnebago County, Wisconsin, for the sum of
One Dollar (\$1.00) and other good and valuable consideration-----Dollars.

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

- PARCEL #1. The East 15 acres of the West 30 acres of the East 1/2 of the West 1/2 of the North East 1/4 of Section 18, Township 18, North of Range 16 East, in the Town of Algoma, excepting all Rail Road or other rights of way, and excepting therefrom the South 225 feet of the West 225 feet thereof.
- PARCEL #2. The North East 1/4 of the West 1/2 of the SOUTH EAST 1/4 of Section 18 Township 18 North, of Range 16 East, in the Town of Algoma, excepting therefrom the North 200 feet of the West 357 feet thereof.
- PARCEL #3. The North East 1/4 of the Southwest 1/4 of the SOUTH EAST 1/4 of Section 18 Township 18 North, of Range 16 East, in the Town of Algoma.
- PARCEL #4. The East 775.5 feet of the North 1122 feet of the North East 1/4 of the South East 1/4 of Section 18, in Township 18 North of Range 16 East, in the Town of Algoma.
- PARCEL #5. The East 573.87 feet of the East 1/2 of the South East 1/4 of Section 18, Township 18 North, of Range 16 East, in the Town of Algoma EXCEPTING THEREFROM the North 1122 feet, thereof.
- PARCEL #6. That portion of the West 1/2 of the East 1/2 of the North East 1/4 AND that portion of the East 1/2 of the West 1/2 of the North East 1/4 of Section 18, in Township 18 North, of Range 16 East, in the Town of Algoma, bounded and described as follows:
Commencing at a point 25 rods west of the Northeast corner of said West 1/2 of East 1/2 of North East 1/4, thence south 160 rods, thence west 25 rods, thence north 160 rods, thence east 25 rods to the place of beginning, excepting therefrom the South 225 feet of the East 360 feet thereof.

In Witness Whereof, the said grantors have hereunto set their hands and seals this 25th day of March A. D. 1966

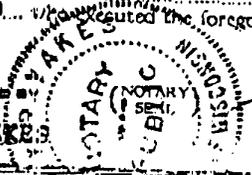
SIGNED AND SEALED IN PRESENCE OF
Gary R. Yakes
Carol L. Hollands

Harold Rasmussen (REAL)
Clarissa Rasmussen (REAL)

State of Wisconsin,
Winnebago County, Personally came before me, this 25th day of March, A. D. 1966
the above named Harold Rasmussen and Clarissa Rasmussen
to me known to be the persons who executed the foregoing instrument and acknowledged the same.

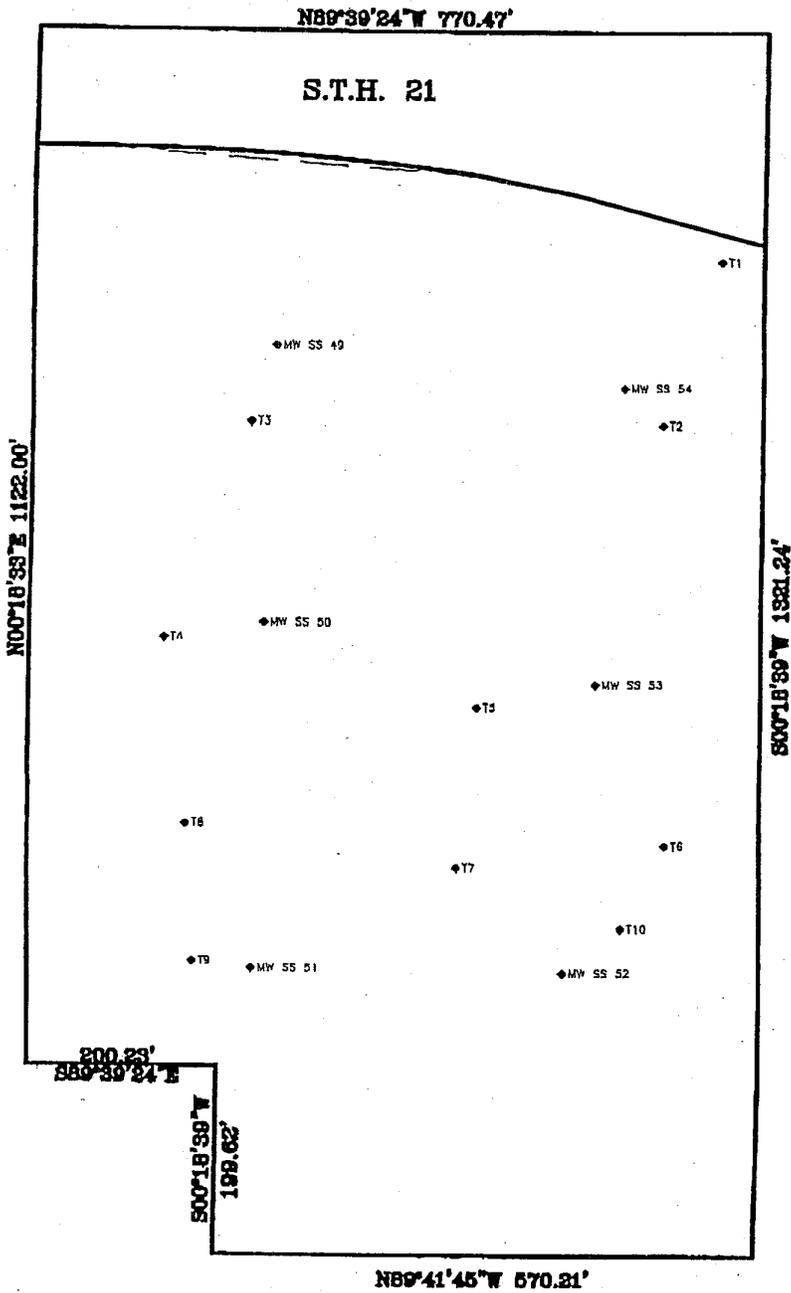
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THIS INSTRUMENT WAS DRAFTED BY
ATTORNEY GARY R. YAKES



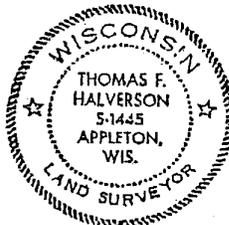
Gary R. Yakes
Notary Public Winnebago County, Wis.
My commission XXXXX (is) permanent

Rasmussen Site #2



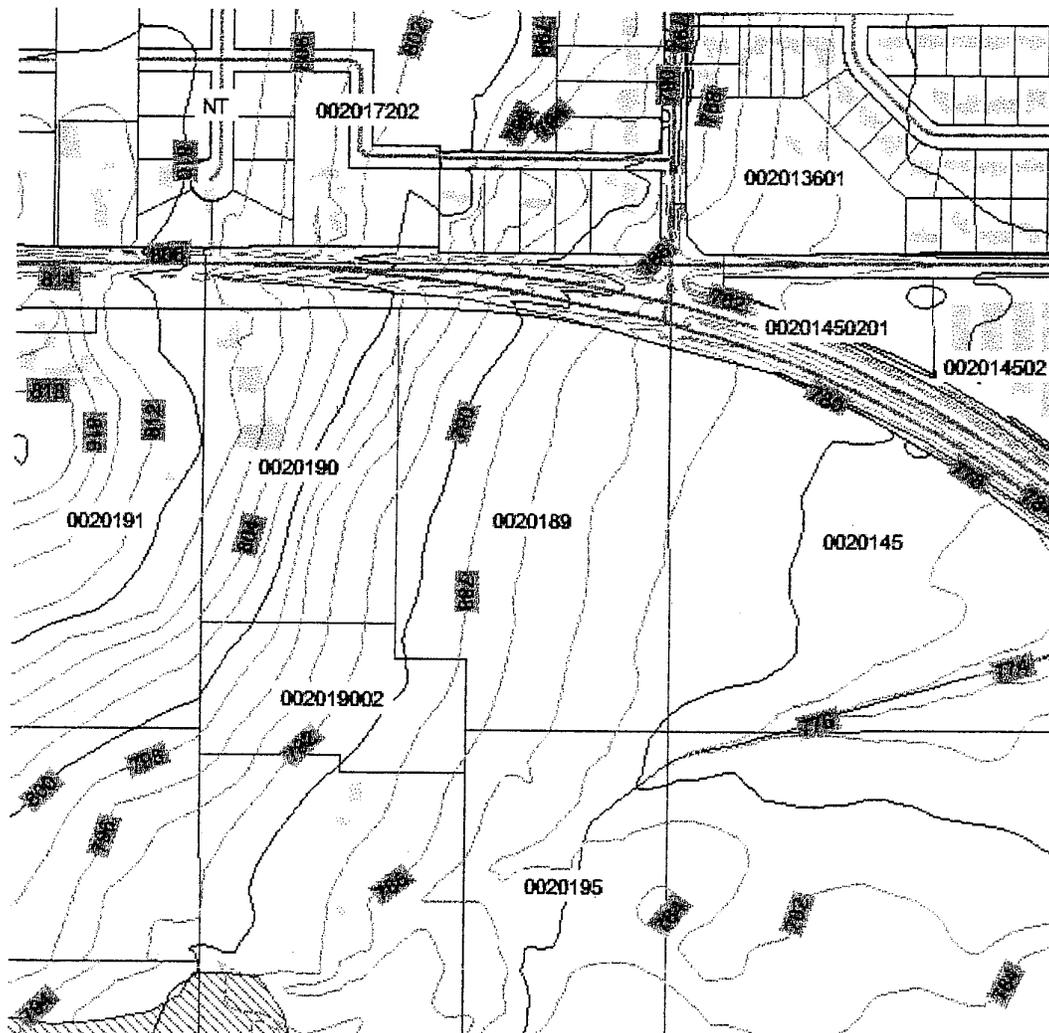
TOPSOIL TEST SAMPLES MW SS 49 THRU MW SS 54 WERE TAKEN ON JUNE 13, 2003 PRIOR TO ANY FILLING.

FILL TEST SAMPLES T-1 THRU T-10 WERE TAKEN ON AUGUST 22, 2003 AFTER FILLING WAS COMPLETED.



Thomas F. Halverson
9/4/03

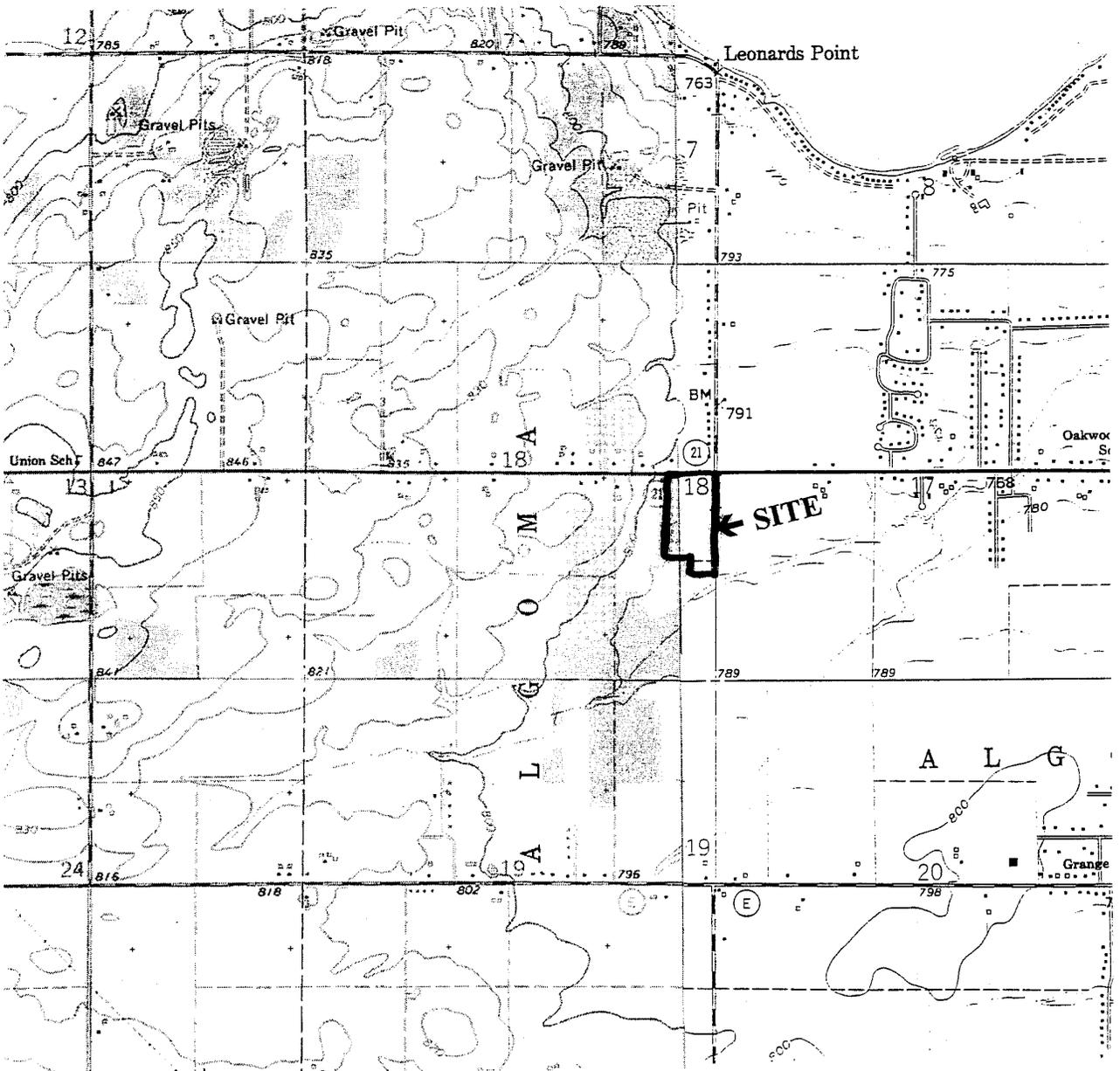
Winnebago County Topography Rasmussen #2 Property



Scale: 0 220 440 ft

Rasmussen #2 Property is parcel no. 0020189

Photo Source: http://wcws2.co.winnebago.wi.us/winnco/winscript/wc_main.html



SOURCE: EARTHVISIONS U.S. TERRAIN SERIES,
 © EARTHVISIONS, INC. 603-433-8500.
 USGS 7.5 MINUTE QUADRANGLE,
 OMRO AND OSHKOSH. DATED 1961.
 PHOTOREVISED 1975.

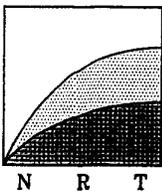


0 2000 4000



SCALE IN FEET

CONTOUR INTERVAL 10 FEET



Natural
 Resource
 Technology

N R T

SITE LOCATION MAP
 ALGOMA LAND DEVELOPMENT, LLC.
 RASMUSSEN #2 PROPERTY
 OSHKOSH, WISCONSIN

DRAWN BY: TAS

APPROVED BY:

DATE:

PROJECT NO.
 1641/4

DRAWING NO.
 1641-A02

FIGURE NO.
 1

Legal Description Certification
Rasmussen #2 Property

Rasmussen #2 Property Legal Description

A parcel of land located in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin, bounded and described as follows: Beginning at the East $\frac{1}{4}$ corner of Section 18, thence N89°39'24"W, 770.44 feet along the North line of the Southeast $\frac{1}{4}$ of Section 18 to the East line of Certified Survey Map number 4109 extended North; thence S00°18'39"W, 1122.00 feet along said East line and its Northerly extension; thence S89°39'24"E, 200.23 feet along a North line of said Certified Survey Map; thence S00°18'39"W, 200 feet more or less to the South line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18; thence Easterly, 574 feet, more or less, along said South line, to the East line of the Southeast $\frac{1}{4}$ of Section 18; thence Northerly, 1321.66 feet, more or less, along said East line, to the point of beginning, less and excepting that part used for highway purposes.

Tax Parcel Number 002-0189



Mr. Jack Mark
President and Owner
Algoma Land Development, LLC

"I certify that the attached legal description for the Rasmussen #2 Property is, to the best of my knowledge, complete and accurate."

Document No.

MAR 19 REC'D

1302007

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

03/16/2004 10:40AM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 33.00
TRANSFER FEE
OF PAGES 12

DEED RESTRICTION

Dated: March 4, 2004

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Carol N. Schmidt
Waste Team Supervisor

Return to:
David A. Crass, Esq.
Michael Best & Friedrich LLP
One South Pinckney Street
P.O. Box 1806
Madison, WI 53701-1806

Parcel Identification Number: 002-0189

Declaration of Restrictions

In Re:

A parcel of land located in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin, bounded and described as follows:

Beginning at the East $\frac{1}{4}$ corner of Section 18; thence north 89 degrees 39 minutes 24 seconds west, 770.44 feet, along the North line of the Southeast $\frac{1}{4}$ of Section 18, to the East line of Certified Survey Map Number 4109 extended north; thence south 00 degrees 18 minutes 39 seconds west, 1122.00 feet, along said East line and its Northerly extension; thence south 89 degrees 39 minutes 24 seconds east, 200.23 feet along a north line of said Certified Survey Map; thence south 00 degrees 18 minutes 39 seconds west, 200 feet, more or less, to the South line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18; thence easterly, 574 feet, more or less, along said South line, to the East line of the Southeast $\frac{1}{4}$ of Section 18; thence northerly, 1321.66 feet, more or less, along said East line, to the point of beginning, less and excepting that part used for highway purposes.

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STATE OF WISCONSIN)
) SS
COUNTY OF WINNEBAGO)

WHEREAS, Algoma Land Development, LLC, is the owner of the above-described property.

WHEREAS, one or more arsenic and lead discharges have occurred on this property related to the historic use of lead-arsenate pesticide in this area, and as of August 22, 2003, when soil samples were collected on this property, arsenic and lead pesticide-use level contaminated soils remained on this property at the following location: distributed across the property as shown by sample locations MW SS-49 through MW SS-54 depicted by the attached map and table of results provided as **Exhibit 1**.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW, THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

The 2-inch soil cap and grass vegetation that exists on the above-described property form a barrier that should be maintained to prevent direct contact with residual pesticide-use level soils that might otherwise pose a threat to human health. The 2-inch soil cap and grass vegetation shall be maintained on the above-described property in the locations shown on the attached map, labeled **Exhibit 2** unless another barrier is proposed and approved by the Department. The existing soil and vegetation cap, and any replacement barrier, shall be maintained on the above-described property in compliance with the attached "Cap Maintenance Plan," prepared in accordance with Wis. Admin. Code Sec. NR 724.13(2) and provided as **Exhibit 3**.

The owner may develop the property for any use allowed under local zoning ordinances except that prior written approval is required from the Wisconsin Department of Natural Resources for the following activities on any portion of the soil cap depicted on **Exhibit 2**: (1) excavating or grading of the land surface; (2) repeated access by motorized vehicles except for routine maintenance; (3) filling on capped areas; (4) planting of corn, soybeans or other crops that require plowing, tillage or other cultivation of the soil; (5) construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap; or (6) any other disturbance of the soil cap.

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.

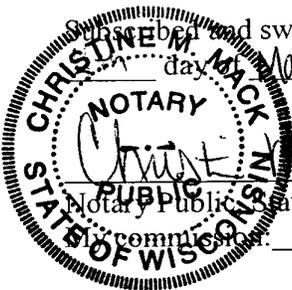
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin 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, Jack J. Mark, in his role as manager, asserts that he is duly authorized to sign this document on behalf of Algoma Land Development, LLC.

[remainder of page left intentionally blank]

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 4 day of Mar, 2004.

Signature: *J Mark*
Name: Jack J. Mark, Manager
Title: Algoma Land Development, LLC

Subscribed and sworn to before me this
4 day of March, 2004.

Christine M. Mack
Notary Public, State of Wisconsin
My commission expires: Sept. 5, 2004

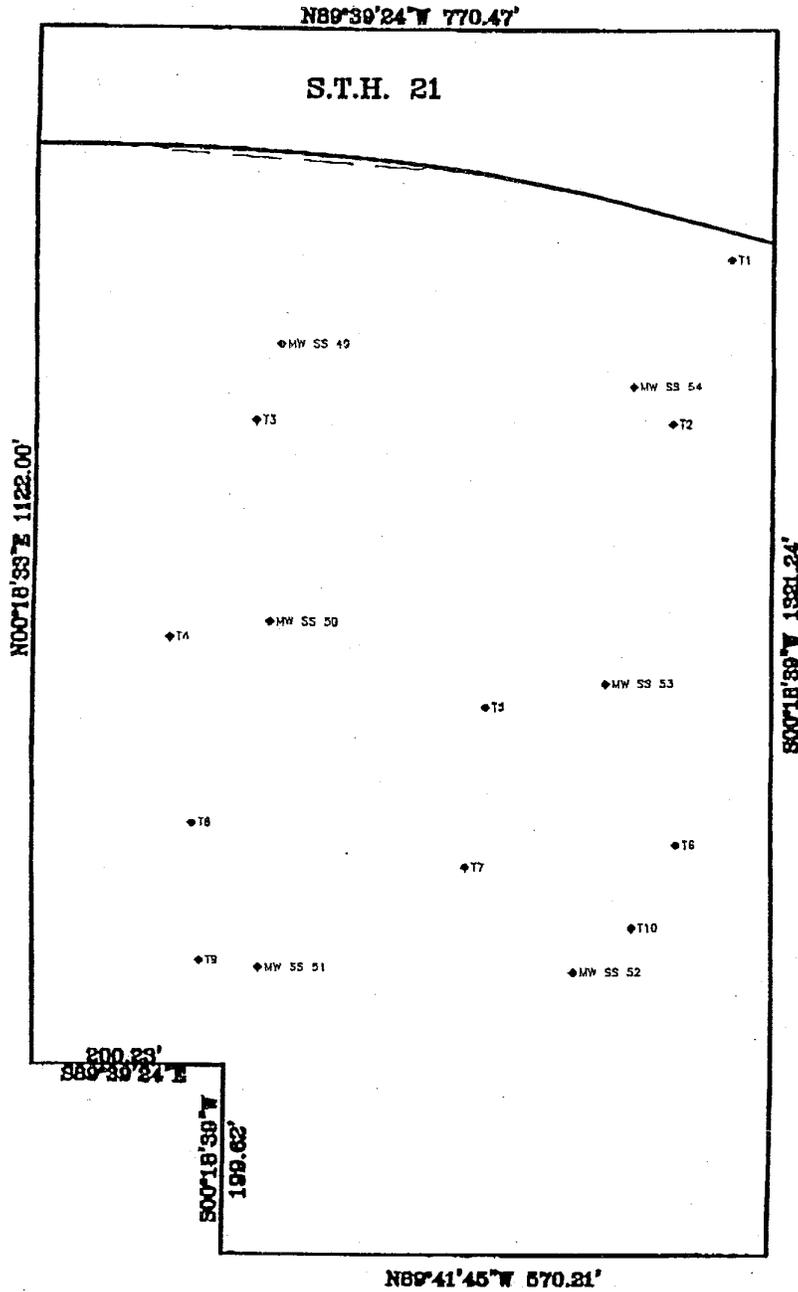
This document was drafted by:

David A. Crass, Esq.
MICHAEL BEST & FRIEDRICH LLP
One South Pinckney Street
P.O. Box 1806
Madison, WI 53701-1806
(608) 257-3501

Q:\client\072396\0003\B0279391.3

Exhibit 1

Rasmussen Site #2



TOPSOIL TEST SAMPLES MW SS 49 THRU MW SS 54 WERE TAKEN ON JUNE 13, 2003 PRIOR TO ANY FILLING.

FILL TEST SAMPLES T-1 THRU T-10 WERE TAKEN ON AUGUST 22, 2003 AFTER FILLING WAS COMPLETED.



Thomas F. Halverson
 9/4/03

Soil Analytical Results
 Rasumussen #2 Property
 Oshkosh, Wisconsin

Sample ID	Sample Date	Arsenic (mg/kg)	Lead (mg/kg)
<i>Prior to Filling Conditions</i>			
SS-49	6/13/2003	23	76
SS-50	6/13/2003	33	110
SS-51	6/13/2003	50	150
SS-52	6/13/2003	26	82
SS-53	6/13/2003	24	78
SS-54	6/13/2003	29	100
<i>Post Filling Conditions</i>			
T-1	8/11/2003	16	57
T-2	8/11/2003	14	45
T-3	8/11/2003	17	31
T-4	8/11/2003	10	30
T-5	8/11/2003	10	30
T-6	8/11/2003	3.1	6.1
T-7	8/11/2003	5.0	11
T-8	8/11/2003	5.4	13
T-9	8/11/2003	18	58
T-10	8/11/2003	3.5	15

Samples collected at ground surface by Carow Land Surveying
 Analysis by EnChem Inc., Green Bay, Wisconsin

Exhibit 2

Exhibit 3

Cap Maintenance Plan – Former Rasmussen #2 Property
Algoma Land Development, LLC
Oshkosh, Wisconsin

This Cap Maintenance Plan (CMP) has been prepared in conformance with Wis. Admin. Code Sec. NR 724.13 (2) to ensure the integrity of the soil cap on the subject property.

WDNR FID #	471160250
Parcel Number	0020189
Site Location	NE1/4, SE1/4, S18, T18N, R16E Town of Algoma Winnebago County (Figure 1)
Site Owner	Algoma Land Development, LLC 100 North Westhaven Drive, Suite D Oshkosh, WI 54904
Consultant	Natural Resource Technology, Inc. 23713 West Paul Road, Suite D Pewaukee, Wisconsin 53072 Mr. Robert J. Karnauskas, P.G, P.H. (262) 523-9000

Background

During development of the Olde Apple Acres Subdivision, approximately 33,960 cubic yards of soil containing pesticide-use levels of lead and arsenic, as defined by the Wisconsin Department of Agriculture Trade & Consumer Protection (DATCP), were placed on Rasmussen #2 Property. Average concentrations of lead and arsenic exposed at the surface after the initial placement were 30 mg/kg and 10 mg/kg, respectively. The impacted soil was subsequently graded, capped with 2-inches of clean topsoil, and seeded in grasses to minimize potential direct contact. The impacted and clean cap fill material was placed by:

Algoma Land Development, LLC
100 North Westhaven Drive, Suite D
Oshkosh, WI 54904
Mr. John Mark
(920) 426-2001

A grant of Exemption from Solid Waste Regulations was issued for the property on November 10, 2003. As required in the Conditions of Exemption, this cap maintenance plan is submitted in general accordance with Wis. Admin. Code Sec. NR 724.13(2).

Cap Maintenance

The Cap Maintenance Plan includes a continuing monitoring period to ensure vegetative cover and cover soil stabilization are accomplished and maintained indefinitely by the current property owner and all successive property owners. During the first year, starting in the spring of 2004, the property owner or his designee will monitor the cap three times – in April, July and October – to ensure that the 2-inch topsoil cap and vegetation is established. During snow cover or frozen soil conditions, the cap inspections will not be required until the snow is melted and the soil is thawed. After the first year, the soil cap will be inspected annually, no later than May 30 of each year, to monitor for areas that have sparse vegetation (density less than 70% total cover) and/or the presence of erosion.

During each inspection the owner will monitor the site for lack of vegetation or erosion of any portion of the 2-inch topsoil cap. In the event areas of the cap are found with substantial vegetation loss, the area will be re-seeded and subsequently monitored for vegetation. In the event potential erosion pathways are identified – either sheet erosion or gully erosion -- additional topsoil will be placed to meet the 2-inch minimum topsoil depth and the new topsoil will be immediately seeded with perennial grasses to restore the vegetation. If necessary, straw bale barriers or equivalent may be placed to limit surface water impacts or continued erosion.

Documentation

A written log providing the following information will document inspection results:

- Date, time, and place of inspection;
- Name(s) of individual(s) performing inspection;
- An assessment of the condition of the soil and vegetative cap; and
- A description of any erosion and sediment control implementation and maintenance performed.

These inspection records will be retained by Algoma Land Development, LLC for at least three years following the respective inspection. The records will be made available for review by the Department of Natural Resources personnel upon request at any time. The Department of Natural Resources retains the right to inspect the site at any time to ensure compliance with this cap maintenance plan.