



STATE BAR OF WISCONSIN FORM 1 - 1982  
WARRANTY DEED

DOCUMENT NO. \_\_\_\_\_

This Deed, made by Gary L. Banes

Grantor,  
and Richard J. Batley and Lori A. Batley, husband and wife, survivorship marital property

Grantee,  
Witnesseth, that the said Grantor for a valuable consideration of \$1.00 and other good and valuable consideration

conveys to Grantee the following described real estate in Winnebago County, State of Wisconsin:

That part of Fractional Lot One (1) (Fractional Northeast 1/4 of Fractional Northeast 1/4) of Section 9, Township 19 North, of Range 17 East, in the Town of Neenah, Winnebago County, Wisconsin, described as follows, viz:

Commencing on the Northwesterly line of County Trunk Highway "A" (commonly known as Lake Shore Road), at a point that is North 35°50' East, 240 feet from the west Easterly corner of Lot-23 in First Addition to Adella Beach, Government Lot 2, Section 9, Township 19 North, Range 17 East; thence North 54°10' West, 250 feet; thence North 35°50' East, parallel with the Northwesterly line of said Highway, 120 feet; thence South 54°10' East to the Shore of Lake Winnebago; thence Southwesterly along the shore of said Lake to a point that is South 54°10' East of the place of beginning; thence North 54°10' West, to the place of beginning, excepting therefrom that portion heretofore conveyed to Winnebago County for highway purposes.

This is not homestead property.

Together with all and singular the benefits and appurtenances thereto in anywise belonging.

Warrants that the title is good, indefeasible in fee simple and free and clear of town, village, county, municipal zoning ordinances, covenants, easements and restrictions of record.

and will warrant and defend the same.

Dated this 28th day of July, 1998  
by John E. Bermingham (SEAL)  
John E. Bermingham, Special Administrator (SEAL)

John E. Bermingham (SEAL)  
For Gary L. Banes, pursuant to Court order dated July 9, 1998 (SEAL)

AUTHENTICATION

Signature of John E. Bermingham

authenticated this 28th day of July, 1998

Joanne E. Baivier  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY  
John E. Bermingham

Attorney at Law  
(Signatures may be authenticated or acknowledged. Both are not necessary.)

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\_\_\_\_.)

\* Names in persons signing in any capacity should be typed or printed below their signatures.

1025895

REGISTER'S OFFICE  
WINNEBAGO COUNTY, WI  
RECORDED ON

1998-09-14 13:01:06

SUSAN WINNINGROFF  
REGISTER OF DEEDS

RECORDING FEE 10.00  
TRANSFER FEE 200.00  
# OF PAGES 1

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Richard & Lori Batley  
1741 County Rd. A  
Neenah, WI 54956

010-0180-02

PARCEL IDENTIFICATION NUMBER

COPY





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

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center  
625 East County Road Y, STE 700  
Oshkosh, Wisconsin 54901-9731  
TELEPHONE 920-424-3050  
FAX 920-424-4404

April 24, 2000

Jeanne Banes Special Administration  
Atty. John Bermingham, Special Administrator  
PO Box 1190  
Oshkosh, WI 54903-1190

**SUBJECT:** Final Closure for Steven's Reef Marina,  
1741 South Commercial Street, Neenah, WI  
WDNR LUST/ERP CASE #: 03-71-208541

Dear Mr. Bermingham:

On October 11, 1999, the Department approved this site for closure based on the conditions that the temporary monitoring point be properly abandoned and a groundwater use restriction be filed with the Winnebago County Register of Deeds office for the remaining groundwater contamination. The Department was notified by April 21, 2000 that the two conditions were satisfied.

Therefore, as of April 21, 2000, the Department considers this case closed. No further action is necessary at the site at this time. However, the case may be reopened pursuant to ch. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare or the environment.

The Department appreciates efforts to comply with the conditional requirements for final closure and to complete the final paperwork. If you have any questions regarding this letter, please feel free to call me at the number below.

Sincerely,

Jennifer Tobias  
Hydrogeologist  
Bureau for Remediation & Redevelopment  
(920) 424-7887

cc: Richard & Lori Batley, 2426 Forest Manner Ct., Neenah, WI 54956  
Don Brittnacher, OMNI Associates, One Systems Drive, Appleton, WI 54914



NOW THEREFORE, the owners hereby declare 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 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.

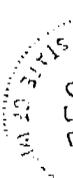
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin 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 owners of the property have executed this Declaration of Restrictions, this 25<sup>th</sup> day of June, 19 2000

Signature: Richard J. Batley  
Printed Name: Richard J. Batley

Subscribed and sworn to before me this 25<sup>th</sup> day of June, 19 2000

Carole Williams  
Notary Public, State of Wisconsin  
My commission 6-30-2000



Groundwater Use Restriction - Richard J. and Lori A. Batley

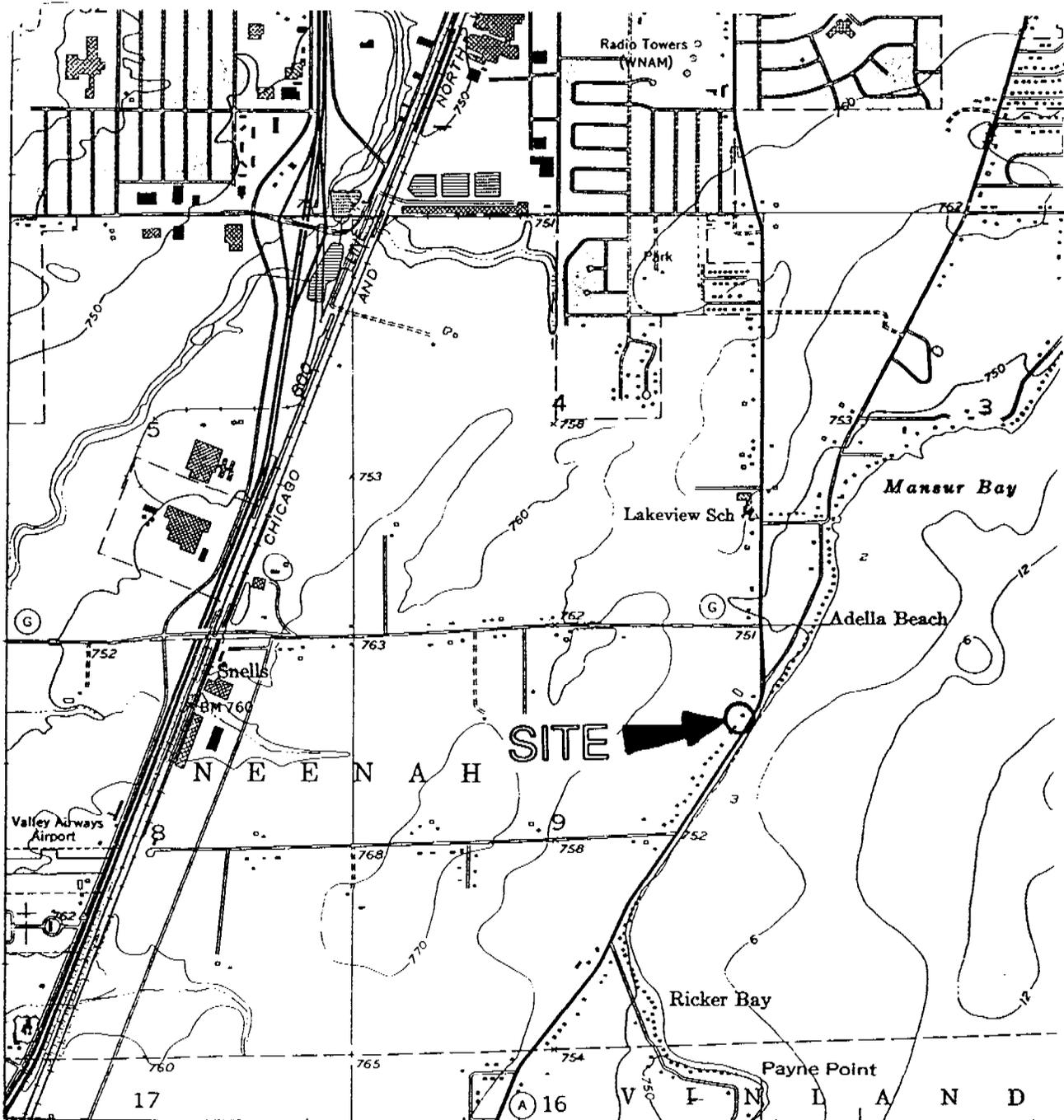
3

Signature: Lori A. Batley  
Printed Name: Lori A. Batley

Subscribed and sworn to before me this 25<sup>th</sup> day of Jan, 192000

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission \_\_\_\_\_

This document was drafted by the Wisconsin Department of Natural Resources, based on information provided by attorney John E. Bermingham.



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAP, NEENAH, WISCONSIN QUADRANGLE, 1984.

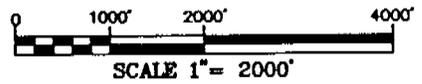


FIGURE 1  
SITE LOCATION MAP

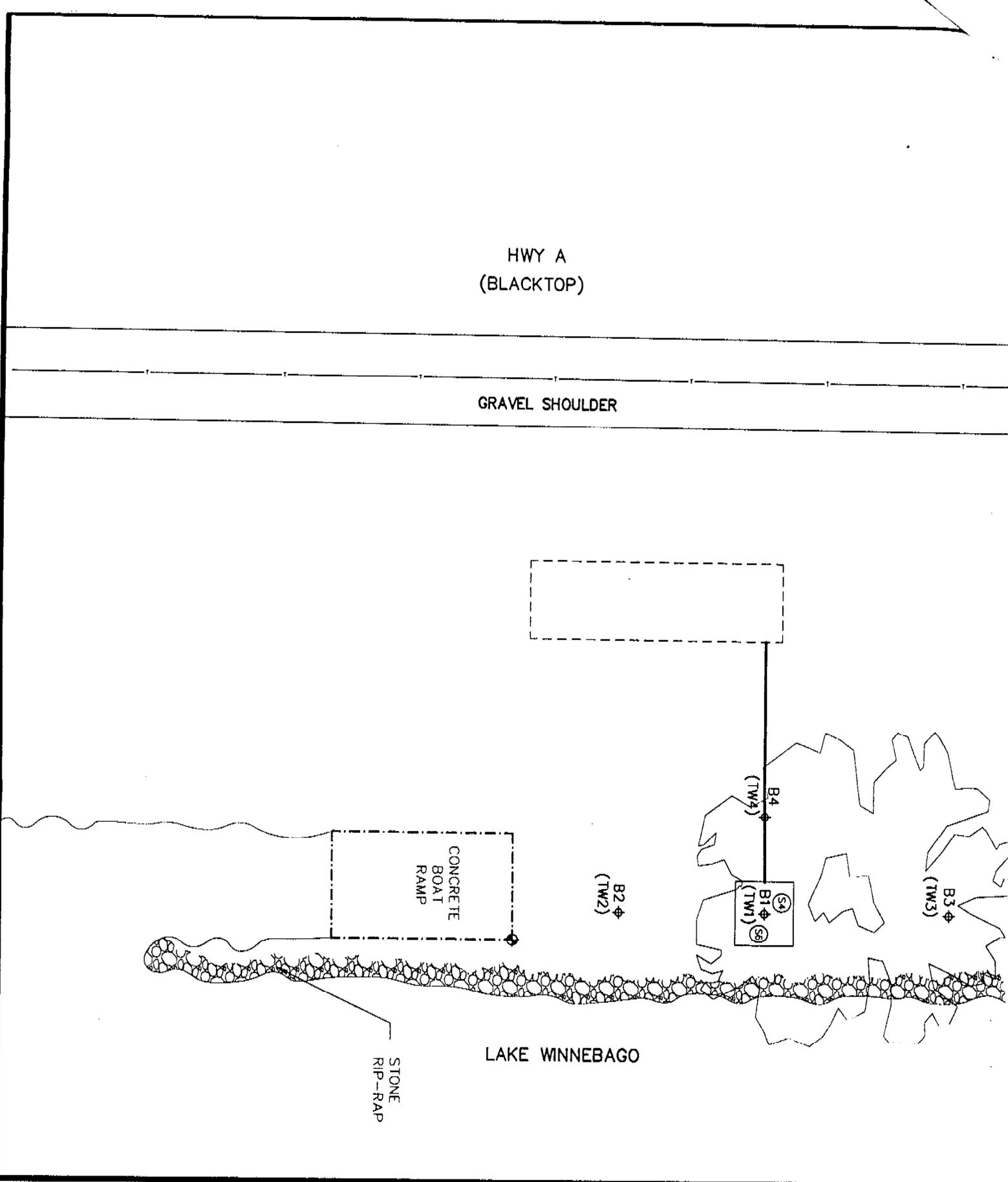


STEVENS REEF MARINA  
1741 S. COMMERCIAL STREET  
NEENAH, WISCONSIN 54956

**OMNI**  
ASSOCIATES

ONE SYSTEMS DRIVE  
APPLETON, WI 54914  
PHONE (920) 735-6900  
FAX (920) 830-6100

PROJECT MANAGER:	PROJECT NO:	N1477A98
PROJECT ENGINEER:	CAD FILE NO:	N1477A3
DRAWN BY:	DLD SCALE:	
REVIEWED BY:	DATE:	7/21/98



0' 2' 5' 10'  
SCALE: 1" = 10'

LOCAL GRID NORTH  
N

**LEGEND:**

- (TW1) Temporary Well Location and I.D. No.
- B1ϕ Soil Boring Location and I.D. No.
- Ⓞ S9 Hand Auger Soil Sampling Location and I.D. No.
- Former Tank Bed Location
- Former Pump Island
- Edge of Concrete Pavement
- Former Product Line
- Buried Telephone Cable
- ⊕ Tree
- ⊕ Reference Point

FIGURE 2  
SITE DETAIL MAP

STEVENS REEF MARINA  
1741 S. COMMERCIAL STREET  
NEENAH, WISCONSIN 54956

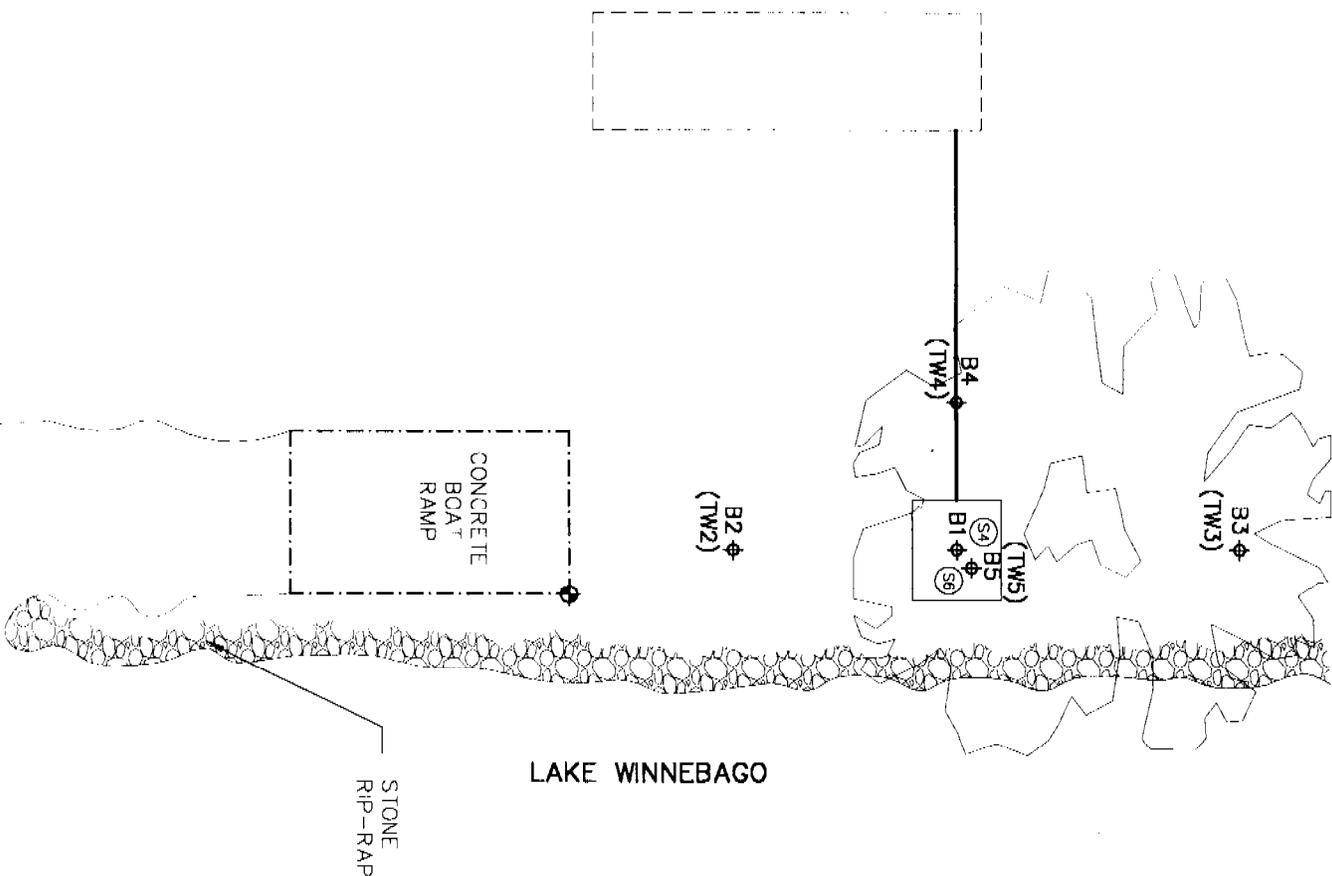


ONE SYSTEMS DRIVE  
APPLETON, WI 54914  
PHONE (920) 735-6800  
FAX (920) 830-8100

PROJECT MANAGER:	PROJECT NO:	N1545A99
PROJECT ENGINEER:	CAD FILE NO:	N1545A2
DRAWN BY:	D.D., J.V.	SCALE: 1" = 10'
REVIEWED BY:	DATE:	4/22/99

HWY A  
(BLACKTOP)

GRAVEL SHOULDER



LOCAL GRID NORTH

**LEGEND:**

- (TW1) Temporary Well Location and I.D. No.
- B1-φ Soil Boring Location and I.D. No.
- (S4) Hand Auger Soil Sampling Location and I.D. No.
- Former Tank Bed Location
- Former Pump Island
- Edge of Concrete Pavement
- Former Product Line
- Buried Telephone Cable
- Tree
- ◆ Reference Point

FIGURE 2  
SITE DETAIL MAP

STEVENS REEF MARINA  
1741 S. COMMERCIAL STREET  
NEENAH, WISCONSIN 54956



ONE SYSTEMS DRIVE  
APPLETON, WI 54914  
PHONE (920) 735-6900  
FAX (920) 830-6100

PROJECT MANAGER:	PROJECT NO:	N1545A9
PROJECT ENGINEER:	CAD FILE NO:	N1545A2
DRAWN BY:	D.D. JEV SCALE:	1" = 10'
REVIEWED BY:	DATE:	4/22/95

N1545A99  
STEVENS REEF MARINA

TABLE 1  
SUMMARY OF LABORATORY ANALYSIS  
TEMPORARY WELL SAMPLES

PARAMETER	ES	PAL	TW1	TW2	TW3	TW4	TW5
SAMPLE DATE	-	-	2/12/99	2/12/99	2/12/99	2/12/99	7/28/99
DETECTED VOCs (µg/L)							
BENZENE	5	0.5	1300	ND	0.85	5.5	120
n-BUTYLBENZENE	-	-	410	ND	ND	ND	NA
sec-BUTYLBENZENE	-	-	60	ND	ND	ND	NA
DI-ISOPROPYL ETHER			100	ND	ND	ND	NA
ETHYLBENZENE	700	140	1000	ND	ND	ND	75
ISOPROPYLBENZENE	-	-	84	ND	ND	ND	NA
p-ISOPROPYLTOLUENE	-	-	20	ND	ND	ND	NA
MTBE	60	12	94	1.2	2.3	7.8	22
NAPHTHALENE	40	8	450	ND	ND	ND	48
n-PROPYLBENZENE	-	-	310	ND	ND	ND	NA
TOLUENE	343	68.6	10000	17	4.4	26	2.2
1,2,4-TRIMETHYLBENZENE	-	-	2600	1	ND	ND	160
1,3,5-TRIMETHYLBENZENE	-	-	1000	ND	ND	ND	26
m,p-XYLENE	620	124	5900	0.81	ND	ND	43
o-XYLENE	(combined)	(combined)	2700	0.62	ND	ND	(combined)

ES = enforcement standard  
PAL = preventive action limit  
ND = not detected

██████ = sample concentrations detected above the enforcement standard

Note: Temporary wells are not constructed in a manner which will allow them to be used as NR 140 points of enforcement. The ES and PAL are shown for comparative purposes only.