



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southern District Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711
TELEPHONE 608-275-3266
TELEFAX 608-275-3338

February 27, 1995

LUST File Ref: 2138
(Dane County)

Mr. Dick Jones
4117 Nakoma Road
Madison, WI 53711

SUBJECT: Jones Property, 4117 Nakoma Road, Madison, Wisconsin

Dear Mr. Jones:

The Department has received a copy of the completed Deed Restriction for the above property. There is proof of filing this record with the Dane County Register of Deeds. Therefore, closure of this site has been granted and no further action is necessary at this time. If in the future the Department receives information which demonstrates that additional work is necessary and feasible, the Department has the authority to require further action.

You should note that this letter does not constitute Department "certification" under s. 144.765 (2) (a) 3, Stats., as created by 1993 Wisconsin Act 453 (May 12, 1994). Persons who meet the definition of "purchaser" in s. 144.765 (1) (c) must receive Department pre-approval prior to conducting a site investigation in order to be eligible for the liability exemption under s. 144.765, Stats.

If you have any questions regarding this determination, you may contact me at the number shown below.

Sincerely,

Mathew A. Laak

Mathew A. Laak, E.I.T.
Hydrogeologist
Telephone: (608) 275-3224

xc: Michael Keil BT² Inc 3118 Watford Way Madison WI 53713-3251

FILE

2659580

95 FEB -8 PM 1:11

Declaration of Restrictions and Covenants

In Re: Lot Twenty-one (21), Block Nineteen (19), Plat of Blocks 19, 20, 21, 22, 23, Nakoma, in the City of Madison, Dane County, Wisconsin, excepting the Southwesterly 20 feet thereof.

STATE OF WISCONSIN)
) ss V29329P 48
COUNTY OF DANE)

WHEREAS, Richard P. Jones and Joyce A. Jones are the owners of the above-described property; and

WHEREAS, it is the desire and intention of the property owners 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 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:

One or more heating oil discharges have occurred at this property. Structural impediments existing at the time of cleanup made complete remediation of the contamination impracticable. Heating oil contaminated soil may remain on this property at the following locations: beneath the southeast wall of the building addition, which is situated near the eastern corner of the original structure. 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 heating oil 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 8th day of February, 1995.

Signature: Richard P. Jones Joyce A. Jones
Printed Name: Richard P. Jones Joyce A. Jones

Subscribed and sworn to before me
this 1st day of Feb, 1995

Brenda J. Luedtke
Notary Public, State of Wisconsin
My commission expires 3/22/98

The document was drafted by the Wisconsin Department of Natural Resources RETURN TO
Richard P. Jones
4117 Nakoma Rd
Madison, Wis. 53711
PIU # 60-0709-321-0903-0 ✓

STATE OF WISCONSIN }
COUNTY OF DANE) ss

Regarding a certified copy of Document number
2659580 Vol. 29329 Page(s) 48

I, Jane Licht, Register of Deeds of the County of Dane, in the State of Wisconsin, do hereby certify that the attached is a true, full and accurate copy of the original record on file, as appears from the records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, in the City of Madison, Dane County, Wisconsin, as of the following date:

2-20-95
Jane Licht
Jane Licht, Register of Deeds

FEB 27 1995

Any provision herein which restricts the sale, rental or use of the described real property because of color or race is invalid and unenforceable under federal law.

JAN 31 1995

DOCUMENT NO.

2616353

REAL ESTATE MORTGAGE SATISFACTION

SATISFACTION OF MORTGAGE STATE OF WISCONSIN This Space Reserved For Recording Data

Journal Credit Union, located in the County of Milwaukee, State of Wisconsin, does hereby certify and acknowledge, that a certain mortgage, made and executed by

Richard P. Jones and Joyce A. Jones, husband and wife as joint tenants

now held and owned by the credit union above named and recorded in the office of the Register of Deeds in and for Dane County, in the State of Wisconsin, to wit:

- Description provided in attached addendum. Description provided below:

Lot Twenty-one (21), Block Nineteen (19), Plat of Blocks, 19,20,21,22,23, Nakoma, in the City of Madison Dane County, Wisconsin, excepting the Southwesterly 20 feet thereof.

REGISTER OF DEEDS DANE COUNTY WI 51 JUL 12 AM 10:16

V27926P 39

RETURN TO

RICHARD P. JONES 4117 NAKOMA ROAD MADISON, WI 53711

Recorded in Volume/XXX V23947P-1,2 of XXXXX/Mortgages, on XXX/Image Document No. 2501070, is fully paid, satisfied and discharged. The Register of Deeds of said County is hereby authorized to enter this satisfaction of record.

Dated June 29, 19 94, Journal Credit Union.

BY:

Quirin E. Braam, Pres + Treas. Signature President

* Quirin E. Braam, President & Treasurer

COUNTERSIGNED BY:

Richard S. Nilsson, Jr. Vice President Signature Title of Officer

* Richard S. Nilsson, Jr. Vice President

Acknowledgment

State of Wisconsin, Milwaukee County ss.

This instrument was acknowledged before me on June 29, 19 94, by Quirin E. Braam as President & Treasurer and Richard S. Nilsson, Jr. as Vice President of Journal Credit Union.

NOTARY SEAL

Stella Miller * Stella Miller Notary Public, Milwaukee County, Wisconsin. My commission expires 11/10/96

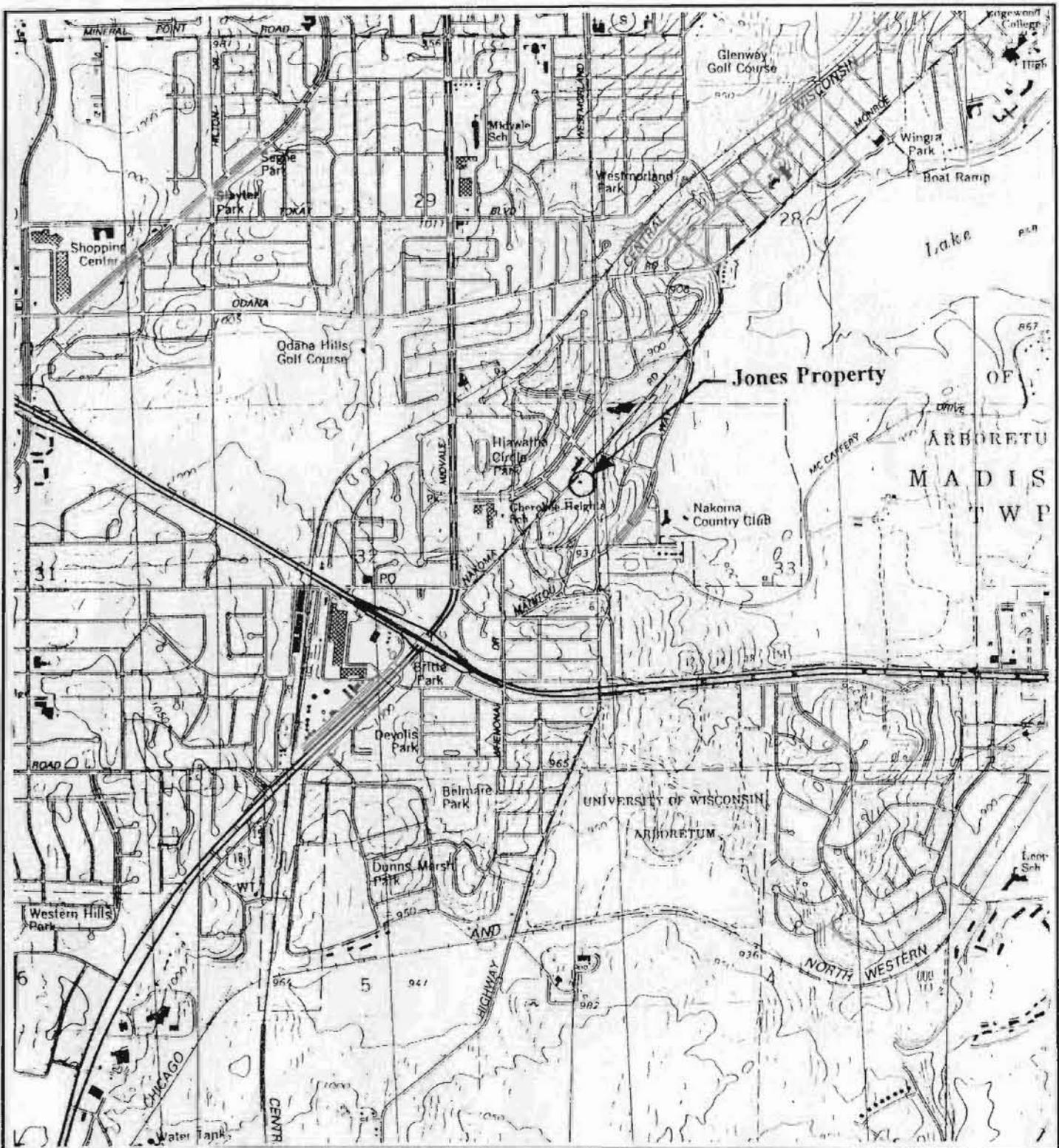
THIS INSTRUMENT WAS DRAFTED BY:

Quirin E. Braam

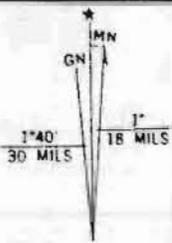
* Type or print name signed above.

(Section 59.51 (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. Section 59.513 similarly requires that the name of the person who, or governmental agency which, drafted such instrument, shall be printed, typewritten, stamped or written thereon in a legible manner.)

Attachment 1



Jones Property Site Location Map



MADISON WEST, WIS.

SW/4 MADISON 15' QUADRANGLE
43089-A4-TF-024

1983

DMA 3170 III SW-SERIES V86 I



QUADRANGLE LOCATION

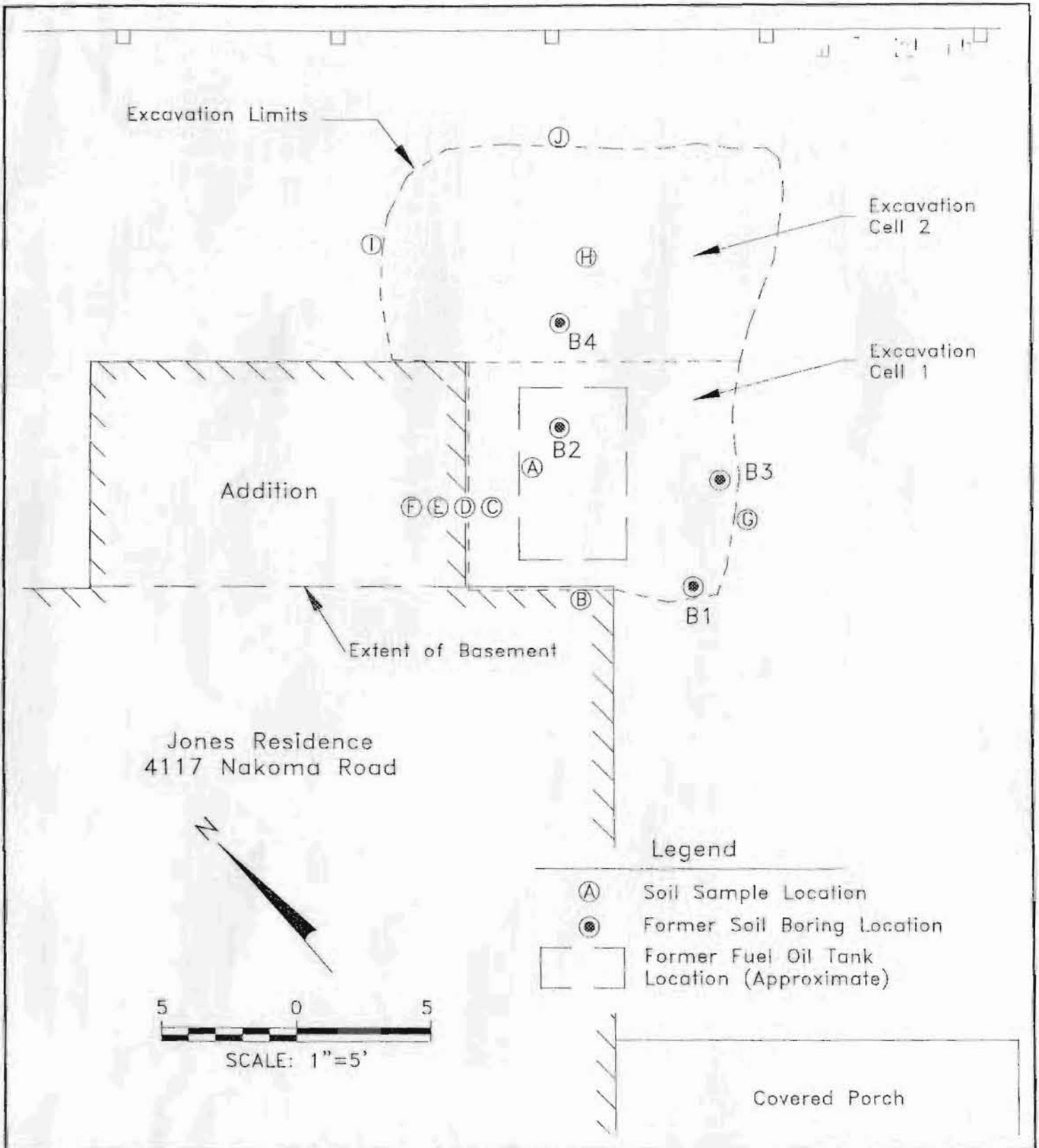
Scale: 1" = 2000'

Project No. 1541

05/10/94

KEIL ENVIRONMENTAL
ENGINEERING, INC.

Attachment 2



Jones Residence Excavation Plan

Project No.: 1541 Drawn: 05/10/94

File: exc_plan.skd Revised: 12/07/94

KEIL ENVIRONMENTAL
ENGINEERING, INC.

Table 1

<i>Soil Sample Analytical Results (mg/Kg)</i>									
Sample Location	Date Sampled	DRO	Benzene	Ethyl-benzene	Toluene	M&P Xylene	O Xylene	1,3,5 TMB	1,2,4 TMB
B1@13.5-15.5'	06/02/94	<3.9	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
B2@11-13'	"	15,000	<0.61	9.0	3.0	21.0	10.0	54.0	15.0
B2@16-18'	"	<4.0	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
B3@13.5-15.5'	"	<3.9	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001
B4@13.5-15.5'	"	5,900	<0.26	0.34	<0.26	0.88	0.42	2.40	0.75
B4@16-18'	"	<3.9	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001	<0.001

TMB = Trimethylbenzene
DRO = Diesel Range Organics

Groundwater is estimated to be 75' bgs. Groundwater was not encountered during soil boring activities.

6. Soil Excavation Alternatives

We believe that soil excavation is the preferred option for soil remediation at the site. The effectiveness of soil excavation will be dependent on the accessibility of the impacted soil. The estimated range of costs for clean and contaminated soil excavation, contaminated soil haul to a disposal or treatment facility, backfill material, and excavation program certification is \$3,400 to \$4,400. The cost range provided above does not include soil disposal or treatment.

Costs associated with soil disposal and soil treatment alternatives are provided below.

a) Landfill Disposal

Effectiveness: Landfill disposal results in contaminant transfer rather than contaminant treatment. Landfill disposal could result in a future liability for a contaminated soil generator if the landfill were to require remediation.

Costs: The estimated cost of landfill disposal ranges from \$1,500 to \$2,100. The potential costs of long-term liability associated with the landfill are unknown.

1. Conduct a file review of the case information at the time of closure to answer some general questions about the site including:

Project Manager: Mike Schmoller

Review Date: June 28, 2007

Site Name: Jones Property

BRRTS Number: 02-13-002138

FID Number: NA

Parcel No.:

Address: 4117 Nakoma Road, Madison, WI 53711

Current Property Owner: Richard Jones

Original Responsible Party: Same as above

Property Owner at Closure (if different): NA

Has the site been geolocated? Yes No

Site Coordinates (WTM83/91): 565238, 285675

How was site selected for audit?

Random Regional Priority Compliance Follow-up Other (specify)

Complaint Received

Is the site on a GIS Registry? Yes No

Did the close-out letter include some specific requirements that the site owner and/or responsible party needed to address? Yes No

If Yes, describe specific requirements:

The house on the property was required to remain in place as a direct contact barrier

What types of restrictions existed at the time of case closure? (check all that apply)

Pavement, Soil or Other Cover Industrial Land-Use Restriction

Structural Impediment Other Performance Standard

Was a maintenance plan required at closure? Yes No

Has/have there been amendments to the restriction(s) or has/have the restriction(s) been nullified by DNR? Yes No

Was/were the appropriate restriction(s) recorded with the Register of Deeds?

Yes No

Has the property been transferred since the restriction was recorded?

Yes No

Date of closure: February 27, 1995

Conditional Final

Final Closure Pending

Were there other restricted properties associated with the source site (ie. Affected neighboring properties)? Yes No

2. Contact the site owner to get appropriate clearance for access, and walk the site (ideally with the owner or responsible party) to review the site conditions against the conditions documented at closure to verify or change answers to questions in #1.

With the site owner/RP (if possible), review and answer the following for DNR RR records:

Have site conditions changed since the closure of the case that would affect either a deed restriction or other restrictions or requirements associated with the site? NO

Examples: a building has been razed and the location of the building prevented full investigation and/or remediation; excavation or residential development has occurred in a restricted area.

Has additional monitoring or remediation been done since the site was closed?

Yes X No

If a performance standard was the final remedy, has it been altered?

Yes X No

If yes above, was DNR notified? Yes No

If a maintenance agreement was required at closure, has it been followed?

Yes X No

Have local zoning changes occurred since closure? Yes X No

If "Yes", does it appear to impact the effectiveness of the restriction?

Yes No

Were any new potential sources of contamination identified? Yes X No

If "Yes", does sampling need to be performed? Yes No

3. Answer the following and document for the file the results of the compliance review of the case:

Is the site in general compliance with the closure approval document?

X Yes No

(May depend on extent of non-compliance, non-maintenance of remedy or changed ownership/conditions. If case is out of compliance, it should be prioritized by the region, for new casework or enforcement, as needed.)

Is soil contamination located beneath an existing structure (i.e. building, road etc.)?

X Yes No

Is the structure still present? X Yes No

Is an asphalt cap or soil cap/cover removed or in disrepair? Yes X No

If "Yes", should it be replaced or repaired? Yes No

Is soil monitoring needed to determine if the final remedy has been modified such that a direct contact threat exists? Yes X No

For example, an asphalt cap has been removed or is in disrepair or a new contaminated site is present upgradient, etc.

If a new threat to public health or the environment exists, what should be done to address the problem and by whom?

Are additional actions warranted at the site? Yes X No If yes, please explain:

Does the site require follow-up by DNR? Yes X No

Does the site restriction need to be changed? Yes X No

Has the GIS Registry code for the site been entered into BRRTS? ~~X~~ Yes X No

Has the Closure Compliance Review code for the site been entered into BRRTS?

Yes X No 185