

COPY

GROUNDWATER USE RESTRICTION

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2133
SHP

PT. of NATURAL RESOURCES
SERVICE CENTER
STURTEVANT, WI

Property includes Three (3) parcels of land in Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, in the City of Kenosha, County of Kenosha and State of Wisconsin. Parcel one (I) commences at the Northeast corner of Lot Six (6) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport. Parcel two (II) commences at a point on the North line of Lot Eight (8) of Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport. Parcel Three (III) commences at the Northeast corner of Lot Five (5) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport. (See Exhibit "A" for a detailed description of each parcel which makes up this property.)

Recording Area

Great Lakes Yacht Sales LLC
44 10th Street
Kenosha, Wisconsin 53140

Name and Return Address

12-223-31-176-002
Parcel Identification No.

Declaration of Restrictions:

STATE OF WISCONSIN

COUNTY OF KENOSHA

WHEREAS, Great Lakes Yacht Sales LLC
Jack Irvin is the owner of the above described property.

WHEREAS, one or more Petroleum-related discharges have occurred at this property. Petroleum-related contaminated groundwater above ch. NR 140 enforcement standards exists on this property at the following location(s): **benzene at 140 micrograms per liter (µg/L) and 130 µg/L in the location of monitoring wells MW-1 and MW-10, respectively, sampled on October 29, 1997, identified on the map (Figure 1), attached, and hereby made part of the document; methyl t-butyl ether (MTBE) at 250 µg/L, 190 µg/L, 9,200 µg/L, and 810 µg/L in the location of monitoring wells MW-1, MW-5, MW-10, and MW-11, respectively, sampled on October 29, 1997, identified on the map (Figure 2), attached, and hereby made part of the document.**

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

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. 809, Wis. Adm. Code is restricted by ch. NR 811, Wis. Adm. Code and ch. NR 812, Wis. Adm. Code. 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 agency, to determine what specific prohibitions or requirements are applicable prior to construction or reconstruction 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, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 20th day of January, 192000

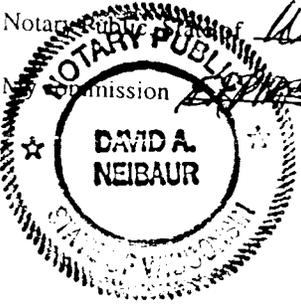
Signature: Jack Irvin

Printed Name: Jack Irvin
Vice President GREAT LAKES YACHT SALES LLC

Subscribed and sworn to before me
this 20th day of January, 2000

David A. Neibaur

Notary Public of WISCONSIN
My Commission Expires 6/16/02



DEED DESCRIPTION

EXHIBIT "A"

Parcel I:

Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, more particularly described as: Commencing at the Northeast corner of Lot Six (6) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport; thence South along an upon the East line of said Lot 6 and said line extended South to the extended dock line of Kenosha Harbor; thence South $72^{\circ} 18'$ West along and upon said Dock line; a distance of 100 feet, more or less, and to the angle in said dock line; thence North $44^{\circ} 49'$ West, a distance of 175.2 feet and to an angle in said dock line; thence North $10^{\circ} 00'$ West a distance of 115.6 feet, more or less, and to the South line of 50th Street; thence North $84^{\circ} 30'$ East along and upon the South line of 50th Street a distance of 240.5 feet, more or less, and to the place of beginning. Said land being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Parcel II:

Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, more particularly described as: Commencing at a point on the North line of Lot Eight (8) of Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport; which is 132 feet West of the Northeast corner of said Lot 8; thence West along and upon the said North line of Lot 8, and said line extended Westerly 264 feet; thence South along and upon a line which is parallel with the West line of Fourth Avenue, 106 feet, more or less, and to the Dock line as established by the U.S. Army Engineers August 11th, 1896; thence North $72^{\circ} 18'$ East along and upon said Dock line and said Dock line extended 140 feet more or less and to the intersection with the South line of the said Lot 8, extended Westerly; thence East along and upon said extended line and the said South line of Lot 8, 130 feet, more or less, to a point which is 132 feet West of the Southeast corner of said Lot 8; thence North 66 feet to the place of beginning. Said land being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Parcel III:

Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, more particularly described as: Commencing at the Northeast corner of Lot Five (5) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport; thence South along and upon the East line of said Lot 5 and said line extended the distance of 132 feet; thence West along and upon a line which is parallel with the South line of 50th Street a distance of 66 feet; thence North along and upon a line which is the extension Southerly of the West line of said Lot 5 and along and upon the said West line of the said Lot 5, 132 feet and to the South line of 50th Street and being the Northwest corner of said Lot 5; thence East along the line of said 50th Street 66 feet to the place of beginning. Said land being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Deed by
W. Eiler

8/14/97

APPROVED BY: ATE

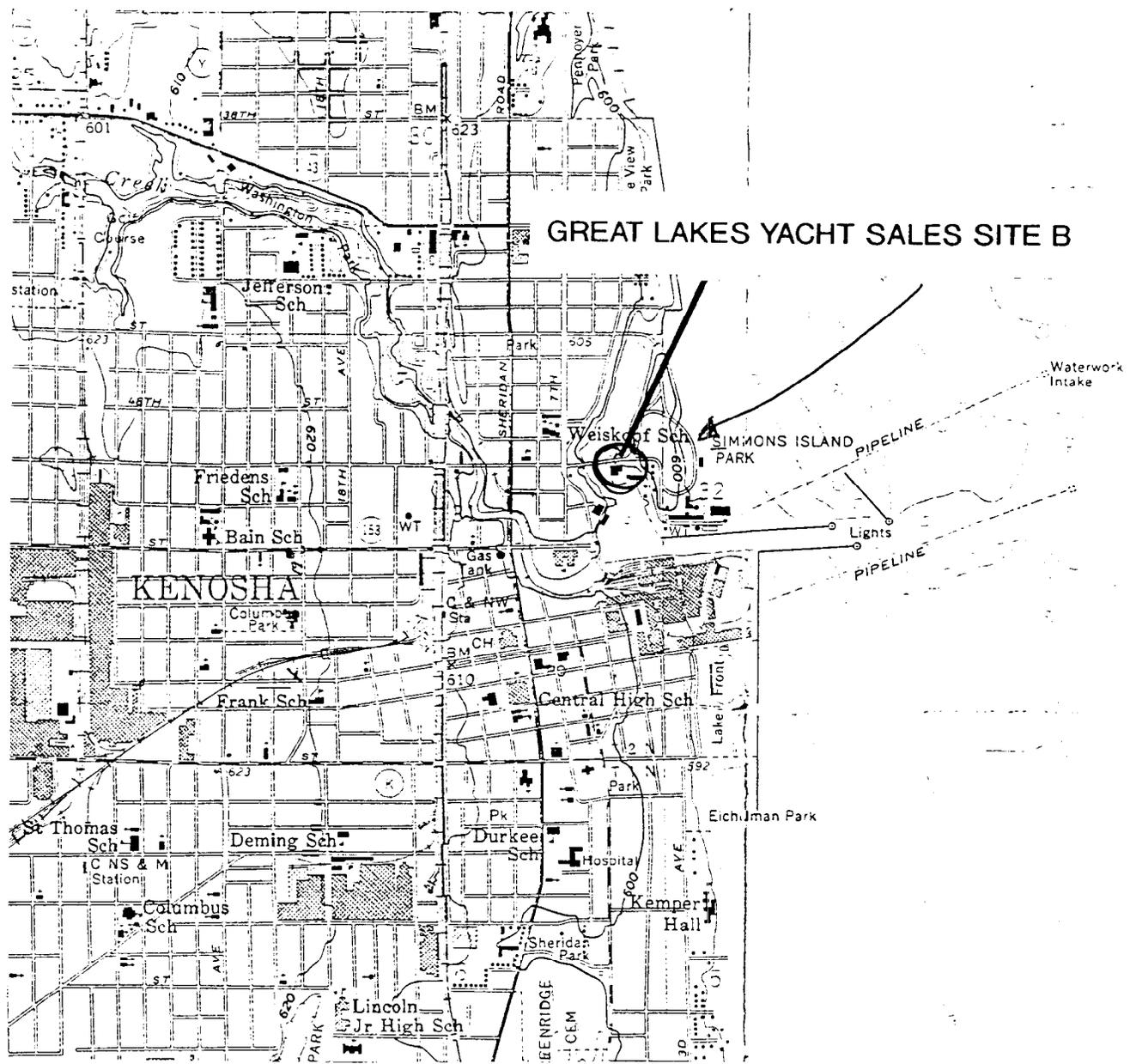
8/14/97

CHECKED BY: AIL

7/17/97

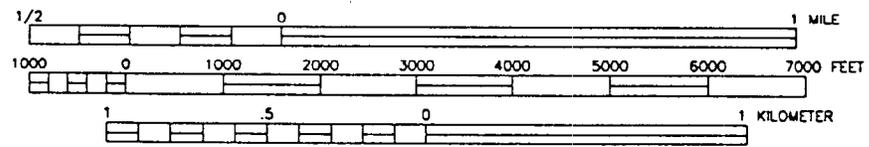
DRAWN BY: LME

DRAWING NO. 90.166R21



(USGS [1958] 1971)

SCALE 1:24000



CONTOUR INTERVAL 10 FEET



LOCATION

**Site Location Map
Great Lakes Yacht
Sales Site B
Kenosha, Wisconsin**

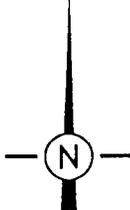


FIGURE NO.
2.1

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

Great Lakes Yacht Sales (GLYS)
433 South 50th Street
Kenosha, WI

FID#: 230091950

BRRTs#: 03-30-000901; 03-30-108168

Site is located in the GLYS boat yard which is used for yacht storage in the off-season and yacht service in the summer months.

Site A:

2 - 1000 gal gas removed in Sept. 1990 at the southern end.
Remediation includes gw extraction; sve and air sparging

Site B:

1 - 8000 gal gas. Removed in Aug. 1996 at the northern end of the site.
Remediation includes removal of hot spot from UST cavity.
About 22 tons of impacted soils removed.

GW flow direction: south to southwest towards the harbor.

Depth : 2 - 3' in the south; 7 - 10' in the north.

of sampling rounds: Site A wells - 18 ; Site B wells - 5.

NR 140 PAL exceedances - MW4; MW 12 - downgradient close to the harbor

NR 140 ES exceedances - MW1; MW5; MW10; MW11. (MW11 is downgradient close to the harbor). Based on the data provided, it appears that groundwater contamination above standards is migrating into the harbor.

Comments:

No soil confirmation sample taken after the sve operation and the hot spot removal.
Residual soil contamination not yet estimated.

Consultant requested conditional closure - NA

Action: Called Jim Fratrack (Water Program) since there appears to be a discharge to the lake. Also mailed supporting documents (groundwater monitoring data) to Jim at his request.

TABLE 4

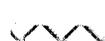
GLYS-A Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin

Well	Sampling Date	Parameters							
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	GRO
MW-1	8/28/91	2,100	1,200	5,000	2,400	<1.0	<1.0	20	56,000
	7/27/93*	2,400	3,100	16,000	15,000	2,400	600	<50	59,000
	12/8/93	56	1,600	1,800	7,500	<1.0	<1.0	<1.0	23,000
	3/29/94	420	2,400	10,000	17,000	3,600	<1,000	<50	57,000
	6/8/94	470	2,300	3,600	8,300	1,900	530	<10	33,000
	9/14/94	<100	1,500	870	7,000	1,200	320	<100	17,000
	12/20/94	68	1,500	490	5,800	1,300	300	<30	17,000
	3/03/95	19	710	72	2,300	880	240	<10	9,400
	5/15/95	44	270	<20	730	450	130	<20	3,800
	9/6/95	2.6	210	18	840	320	110	<5.0	4,000
	11/2/95	10	150	2.2	340	240	160	<2.0	1,900
	5/29/96**	95	170	21	680	220	65	<5.0	2,400
	7/25/96	120	160	370	1,000	310	150	120	4,000
	10/25/96	30	89	2.7	150	110	7.7	520	1,300
	2/6/97	220	230	10	920	530	230	600	6,200
	5/20/97	79	33	4.7	95	84	25	280	NA
8/5/97	120	40	15	170	140	70	190	NA	
10/29/97	140	89	22	250	170	52	250	NA	
NR 140 ES		5.0	700	343	620	NS	NS	60	NS
NR 140 PAL		0.5	140	68.6	124	NL	NL	12	NL

Notes:

(Continued)

Results in ppb

-  Shading indicates value equals or exceeds the NR 140 enforcement standard
-  Cross hatching indicates value equals or exceeds the NR 140 preventive action limit
- Concentrations for all trip blanks for each sampling event were below reporting limits
- (*): First sampling event following system startup for original GLYS site cleanup
- (**): First sampling event after system shutdown
- PAL: Preventive action limit
- NL: No limit
- NS: No standard
- NA: Not analyzed
- MTBE: Methyl t-butyl ether
- TMB: Trimethylbenzene
- ES: Enforcement standard
- GRO: Gasoline range organics

Checked by: _____

Approved by: 

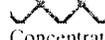
**TABLE 4
(Continued)**

**GLYS-A Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Well	Sampling Date	Parameters							
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	GRO
MW-2	8/28/91	34	2.8	99	140	17	5.7	2.8	610
	7/27/93*	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	1.5	<50
	12/8/93	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	3/29/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	6/8/94	<1.0	2.0	3.6	10	2.0	<1.0	<1.0	<50
	9/14/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	12/20/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	3/03/95	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	5/29/96**	<0.50	<1.0	<1.0	<3.0	NA	NA	<1.0	NS
	7/25/96	<0.50	<1.0	<1.0	<3.0	<1.0	<1.0	2.5	<50
	10/25/96	<0.50	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	2/6/97	<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<3.0	<50
	5/30/97	<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA
	8/5/97	<0.12	<0.22	<0.20	<0.23	0.32	0.38	<0.16	NA
10/29/97	NSC	NSC	NSC	NSC	NSC	NSC	NSC	NSC	
NR 140 ES		5.0	700	343	620	NS	NS	60	NS
NR 140 PAL		0.5	140	68.6	124	NL	NL	12	NL

(Continued)

Notes: Results in ppb

-  Shading indicates value equals or exceeds the NR 140 enforcement standard
-  Cross hatching indicates value equals or exceeds the NR 140 preventive action limit
- Concentrations for all trip blanks for each sampling event were below reporting limits
- (*): First sampling event following system startup for original GLYS site clean-up
- (**): First sampling event after system shutdown
- ES: Enforcement standard
- NL: No limit
- NS: No standard
- NA: Not analyzed
- MTBE: Methyl t-butyl ether
- PAL: Preventive action limit
- GRO: Gasoline range organics
- TMB: Trimethylbenzene
- NSC: No sample collected

Checked by: _____ Approved by: ATE

**TABLE 4
(Continued)**

**GLYS-A Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Well	Sampling Date	Parameters							
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	GRO
MW-3	8/28/91	4.2	18	32	87	12	4.4	65	360
	7/27/93*	1.6	1.1	<1.0	<3.0	<1.0	<1.0	8.4	<50
	12/8/93	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	4.9	<50
	3/29/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	6/8/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	3.7	<50
	9/14/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	1.6	<50
	12/20/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	4.2	<50
	3/3/95	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	3.2	<50
	5/29/96**	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	2.5	<50
	7/25/96	<0.50	<1.0	<1.0	<3.0	<1.0	<1.0	9.8	<50
	10/25/96	<0.5	<1.0	<1.0	<3.0	<1.0	<1.0	6.8	<50
	2/6/97	0.57	0.24	<0.20	0.62	0.32	<0.29	6.8	<50
	5/20/97	0.61	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA
	8/5/97	NSC	NSC	NSC	NSC	NSC	NSC	NSC	NSC
10/29/97	0.27	<0.12	<0.20	<0.23	<0.22	<0.29	5.9	NA	
NR 140 ES		5.0	700	343	620	NS	NS	60	NS
NR 140 PAL		0.5	140	68.6	124	NL	NL	12	NL

(Continued)

Notes: Results in ppb

-  Shading indicates value equals or exceeds the NR 140 enforcement standard
-  Cross hatching indicates value equals or exceeds the NR 140 preventive action limit
- Concentrations for all trip blanks for each sampling event were below reporting limits
- (*): First sampling event following system startup
- (**): First sampling event after system shutdown
- ES: Enforcement standard
- GRO: Gasoline range organics
- PAL: Preventive action limit
- NSC: No sample collected
- NL: No limit
- TMB: Trimethylbenzene
- MTBE: Methyl t-butyl ether
- NA: Not analyzed
- NS: No standard

Checked by: _____

Approved by: 

TABLE 4
(Continued)

GLYS-A Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin

Well	Sampling Date	Parameters							
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	GRO
MW-4	8/28/91	2.6	1.7	5.4	13	4.1	1.7	1.2	75
	7/27/93*	3.8	<1.0	3.6	<3.0	<1.0	<1.0	1.4	<50
	12/8/93	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	3/29/94	24	68	690	420	89	26	<20	1,200
	6/8/94	7.8	<1.0	4.4	<3.0	<1.0	<1.0	1.8	790
	9/14/94	1.1	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	12/20/94	<10	<10	400	<60	<10	<10	<200	3,500
	3/3/95	<5	<30	<5.0	<5.0	<5.0	<5.0	<5.0	5,300
	5/15/95	7.8	<20	<20	<60	<20	<20	<20	13,000
	9/6/95	3.1	<1.0	1.7	3.0	<1.0	<1.0	<7.0	120
	11/2/95	1.5	<1.0	<1.0	<3.0	<1.0	<1.0	11	<50
	5/29/96**	4.2	<1.0	1.5	<3.0	<1.0	<1.0	20	1,500
	7/25/96	3.3	<1.0	1.2	<3.0	<1.0	<1.0	35	53
	10/25/96	2.6	<1.0	<1.0	<3.0	<1.0	<1.0	130	64
	2/6/97	31	<3.0	260	4.6	3.8	<0.29	<1,000	8,500
	5/20/97	16	1.3	8.1	2.5	<0.22	<0.29	31	NA
8/5/97	6.1	<0.22	1.7	<0.23	<0.22	<0.29	25	NA	
10/29/97	2.6	<0.22	0.47	0.28	<0.22	<0.29	22	NA	
NR 140 ES		5.0	700	343	620	NS	NS	60	NS
NR 140 PAL		0.5	140	68.6	124	NL	NL	12	NL

(Continued)

Notes: Results in ppb

Shading indicates value equals or exceeds the NR 140 enforcement standard



Cross hatching indicates value equals or exceeds the NR 140 preventive action limit

Concentrations for all trip blanks for each sampling event were below reporting limits

(*) First sampling event following system startup

(**) First sampling event after system shutdown

NA: Not analyzed

ES: Enforcement standard

MTBE: Methyl t-butyl ether

NS: No standard

TMB: Trimethylbenzene

PAL: Preventive action limit

NL: No limit

GRO: Gasoline range organics

Checked by: _____ Approved by: *[Signature]*

**TABLE 4
(Continued)**

**GLYS-A Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Well	Sampling Date	Parameters							
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	GRO
MW-5	8/28/91		4.2	<1.0	15	<1.0	3.6	<1.0	83
	7/27/93*	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	12/8/93	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	3.1	<50
	3/29/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<50
	6/8/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	6.6	<50
	9/14/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	1.8	<50
	12/20/94	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	1.1	<50
	3/3/95	<1.0	<1.0	<1.0	<3.0	<1.0	<1.0	1.1	<50
	5/29/96**	<0.5	<1.0	<1.0	<3.0	<1.0	<1.0	2,500	1,100
	7/25/96	<10	<20	<20	<60	<20	<20	10,000	2,500
	10/25/96	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	8,800	2,200
	2/6/97		<0.22	<0.20	<0.23	<0.22	<0.29	13,000	5,400
	5/20/97		<2.2	<2.0	<2.3	<2.2	<3.0	6,800	NA
	8/5/97	<0.13	<0.22	<0.20	<0.23	<0.22	0.31	730	NA
10/29/97	0.38	<0.22	<0.20	<0.23	<0.22	<0.29	190	NA	
NR 140 ES		5.0	700	343	620	NS	NS	60	NS
NR 140 PAL		0.5	140	68.6	124	NL	NL	12	NL

Notes: Results in ppb

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Approved by: ATE