



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

9531 Rayne Road
Sturtevant, Wisconsin 53177
Telephone 262-884-2301
FAX 262-884-2306

November 12, 2002

Mr. Tom Eeg
City of Racine
Dept. of Public Works, City Hall
730 Washington Ave.
Racine, WI 53403

Subject: Final Closure for City of Racine Equipment and Maintenance Facility, 1,500 gallon waste oil UST, 830 S. Marquette St., Racine, WI 53403, BRRT's # 03-52-223524, FID # 252089750

Dear Mr Eeg:

October 21, 2001, your site, as described above, was reviewed for closure by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On October 21, 2001, you were notified that conditional closure was granted to this case.

On August 15, 2002, the Department received correspondence indicating that you have complied with the conditions of closure. The GIS Registry packet was submitted with the appropriate fee in place of the groundwater use restriction. On November 12, 2002 the recorded deed restriction and associated maintenance plan was received. Based on the correspondence and data provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

State Statute 101.143 requires that owners seeking reimbursement of interest costs from the PECFA Program submit a final reimbursement claim within 120 days after they receive a closure letter on their site. If you are eligible for the PECFA Program, and anticipate filing a PECFA reimbursement claim that includes interest costs, you must file a final reimbursement claim to the Department of Commerce within 120 days from receipt of this letter. If you fail to file a claim within that 120-day period, subsequent interest costs will not be eligible for reimbursement by PECFA.

Please be aware that this case may be reopened pursuant to s. 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 your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 262-884-2341.

Sincerely,

Shanna L. Laube, P.G.
Hydrogeologist
Remediation and Redevelopment Program
Southeast Region, Sturtevant Field Office

Cc: Envirogen, Matthew Giovanelli



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
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Gloria L. McCutcheon, Regional Director

9531 Rayne Road
Sturtevant, Wisconsin 53177
Telephone 262-884-2301
FAX 262-884-2306

October 10, 2001

RECEIVED

OCT 11 2001

63427-1277-304

Mr. Keith Haas
City of Racine
Dept. of Public Works, City Hall
730 Washington Ave.
Racine, WI 53403

Subject: Review of Closure Request for City of Racine Equipment and Maintenance Facility, 1,500 gallon waste oil UST, 830 S. Marquette St., Racine, WI 53403, BRRT's # 03-52-223524, FID # 252089750

Dear Mr. Haas:

On October 2, 2001 the Southeast Region's Closure Committee reviewed the above noted site for closure. At this time the Department is issuing a conditional closure letter.

The conditional closure is being granted with the Deed Restriction for the remaining contaminated soil on site. The Deed Restriction will state that the contaminated soil will remain under the asphalt and buildings on the site and will be handle appropriately if or when the building or asphalt is removed from the property. Please provide a maintenance plan for the asphalt cover as well. This should be incorporated into the deed restriction document. Please be sure to document that the deed restriction /performance standard asphalt cover will be for the entire site due to the petroleum compounds identified in the soils as well as the lead exceedences for direct contact which were identified yet not completely defined for the property.

A Groundwater Use Restriction will also be necessary for this site and for particularly the lead and cadmium in the groundwater. Make sure to identify the specific monitoring wells that the lead and cadmium have been detected in. Also, please note the Preventative Action Limit exceedence for the benzene and the 1,2, DCA. The Deed Restriction and Groundwater Use Restriction can be a combined document if you would like to do it that way.

The Performance Standard should be incorporated into this document as well and should provide a maintenance schedule for the asphalt.

The Closure Committee also had concerns regarding the other UST's identified on the maps yet did not have any investigative information provided for in this request. Be aware that this closure is being granted only for the 1,500 gallon waste oil UST that information was provided to the Department in this closure request. A copy of a draft deed/groundwater use restriction document is attached. Please complete a draft of this document and submit that along with a warranty deed, a site map indicating where the monitoring wells of concern are located as well as where the asphalt cover and buildings are and the soil contamination points that we have information for.

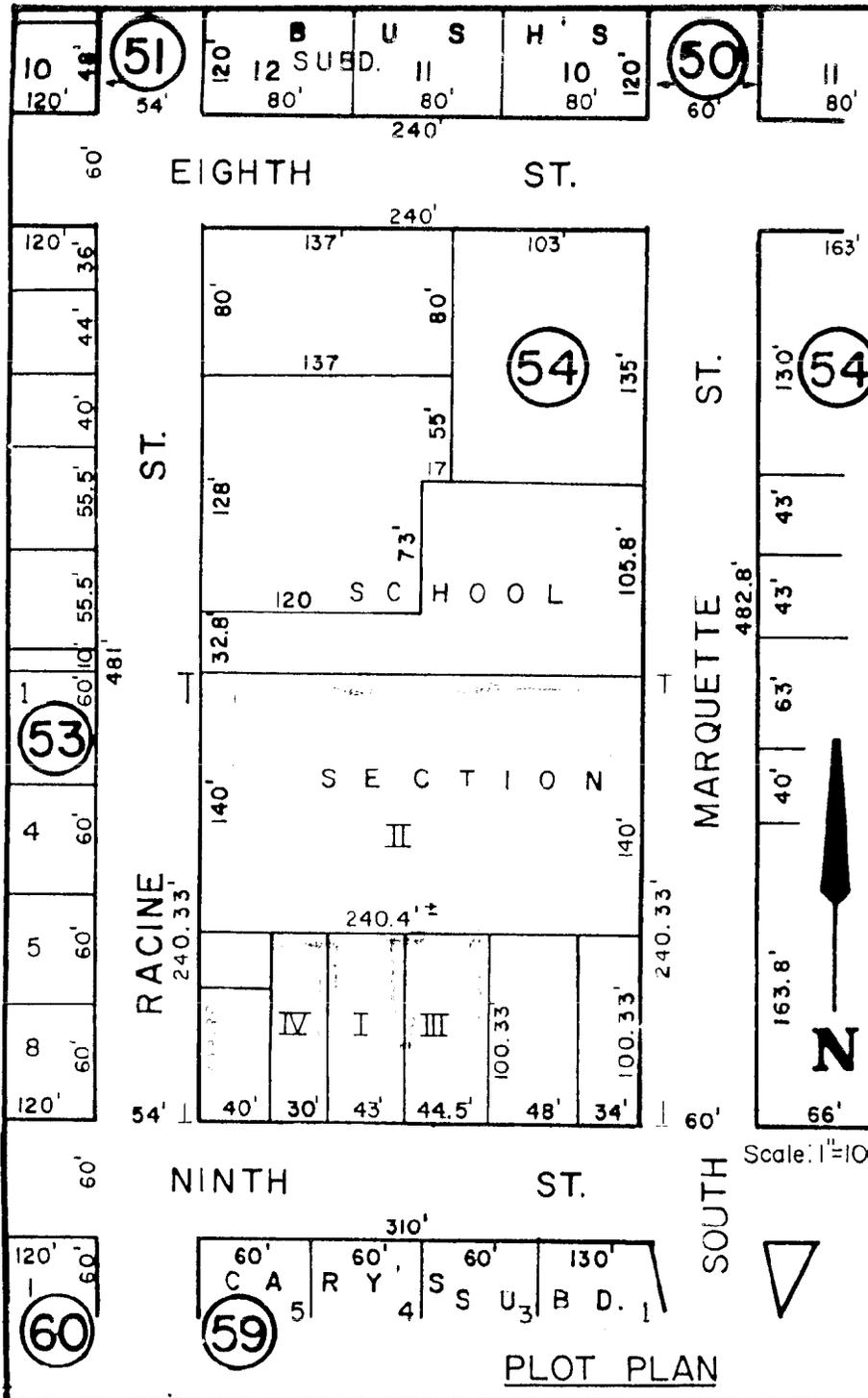
The Department appreciates the action you have taken to protect the environment at this site. If you have any questions regarding this letter please contact me at 262-884-2341.

Sincerely,

Shanna L. Laube, P.G.
Hydrogeologist
Remediation and Redevelopment Program
Southeast Region, Sturtevant Field Office

Cc: Envirogen, Matthew Giovanelli

FILE LA-43



PARCEL #1 That part of Block Fifty-four (54), School Section a recorded plat in Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University Lands to the office of the Secretary of State of the State of Wis., bounded as follows: Begin at a point 70 feet East of the Southwest corner of said block; run thence East 43 feet; thence North 100 feet 4 inches; thence West 43 feet; thence South to the place of beginning. Said land being in the City of Racine, Racine County, Wis.

PARCEL #2 That part of Block Fifty-four (54), School Section a recorded plat in Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the appraisers of School and University Lands to the office of the Secretary of State of the State of Wis., bounded as follows: Begin on the West line of South Marquette Street (formerly Mead Street) as now laid out, at a point which is 100 feet 4 inches North of the North line of Ninth Street; run thence West parallel with the North line of Ninth Street, 240.4 feet, more or less, to the East line of Racine Street; thence North along the East line of Racine Street, 140 feet to a point which is 240 feet and 4 inches North from the Southwest corner of said Block; thence East to the West line of South Marquette St., to a point 240 feet 4 inches North from the South line of said Block; thence South along the West line of South Marquette St., 140 feet to the place of beginning. Said land being in the City of Racine, Racine County, Wisconsin.

PARCEL #3 That part of Block 54, School Section, a recorded plat in Section 16 T3N-R23E, as returned by the Appraisers of School and University Lands to the office of the Secretary of State of the State of Wis., bounded as follows: Begin 113 feet East of the Southwest corner of said block; thence North 100 feet 4 in., thence East 44 feet 6 in.; thence South 100 ft 4 in.; thence West 44 feet 6 in. to the place of beginning. Said land being in the City of Racine, Racine County, Wis.

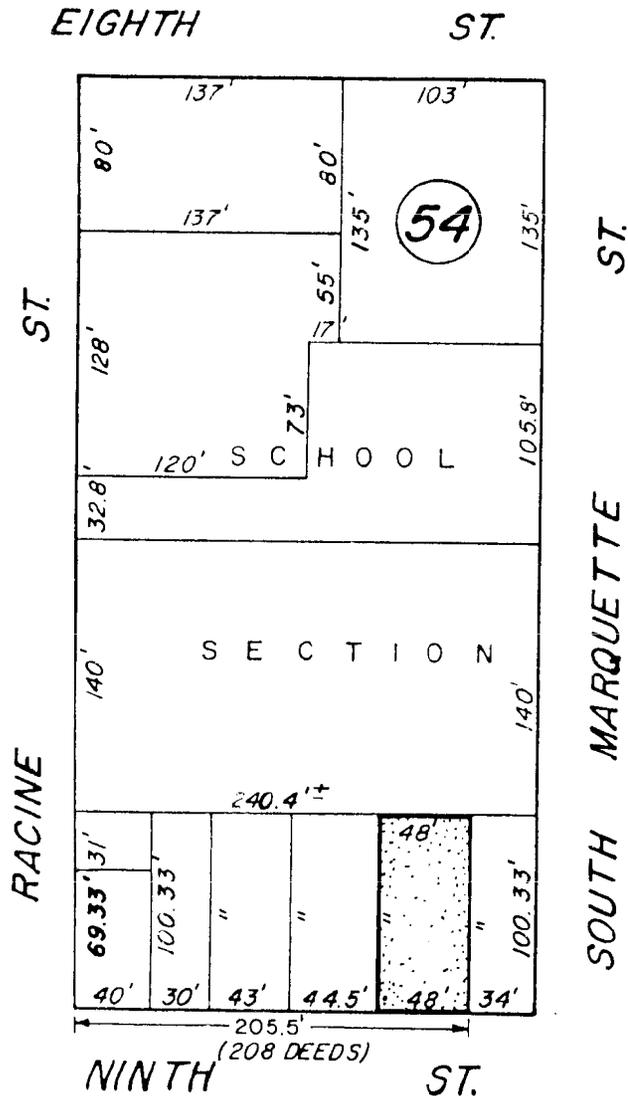
PARCEL #4 That part of Block 54, School Section, a recorded plat in Section 16 T3N-R23E, returned to the office of the Secretary of State of the State of Wis., bounded as follows: Begin at a point 40' East of the Southwest corner of Block 54, which Southwest corner is indicated hereby to be the Northeast intersection of Racine and 9th St., as now laid out. (Racine St. being a 54 feet street); run thence North 100 feet 4 in. thence East 30 feet; thence South 100 feet 4 inches to the South line of said block; run thence West 30 feet to the place of beginning. Said land being in the City of Racine, Racine County, Wisconsin.

PLOT PLAN

The East 48 feet of the West 205.5 feet (recorded as 208 feet in Vol. 459 pg 377) of the South 100.33 feet of that part of Block 54, School Section, a recorded plat, lying East of the East line of Racine Street and North of the North line of Ninth Street

Said lands being in the NW 1/4 of Section 16, Township 3 North, Range 23 East in the City of Racine, Racine County, Wisconsin.

*Purchased by the City of Racine from
Walter Cash & Julie Cash, his wife.
Vol. 1255 Page 559 Mar. 6, 1975.*



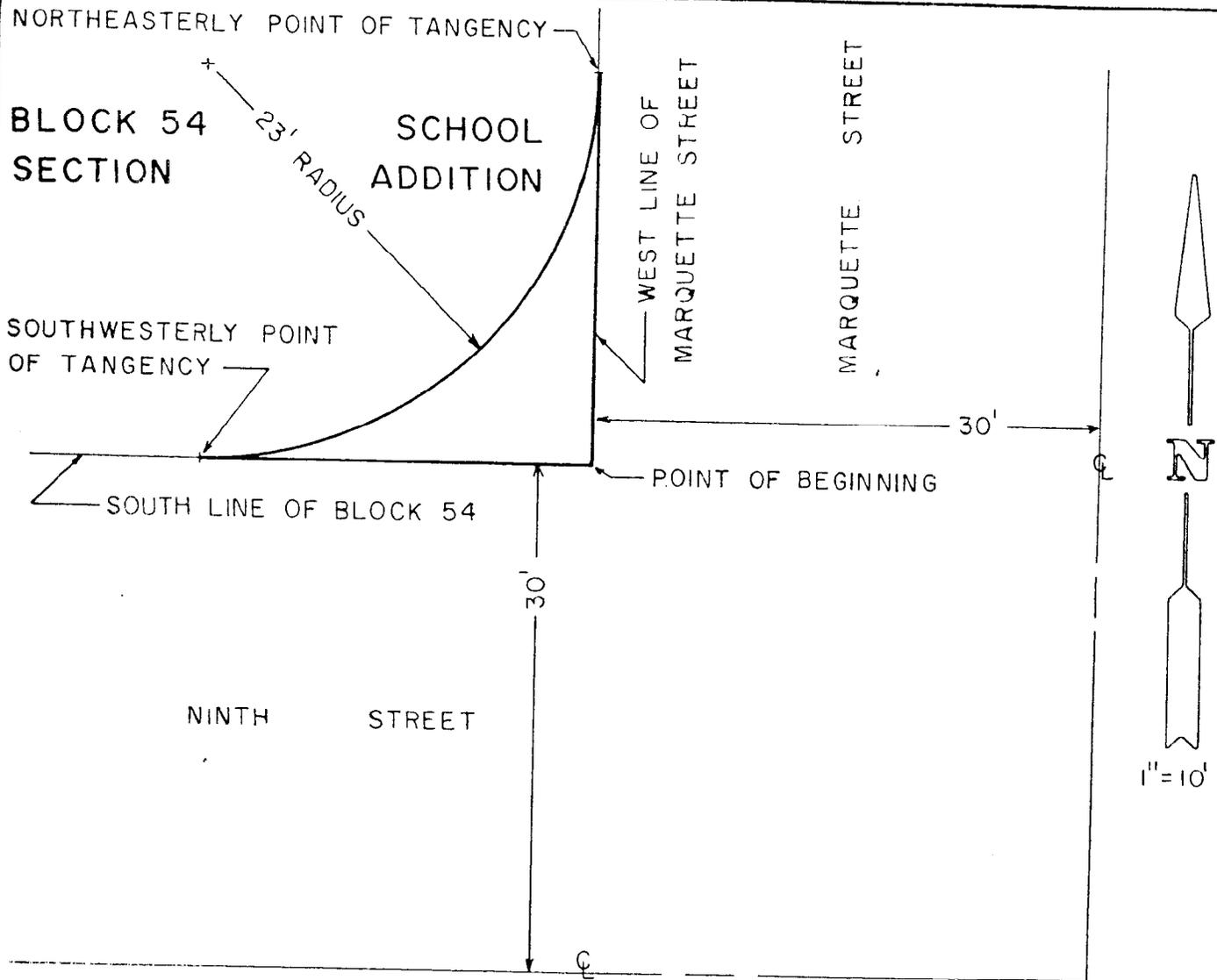
Scale: 1" = 100'

FILE LA-49 (2)

MAY 28, 1974

PREPARED BY THE CITY ENGINEER'S OFFICE - Racine, Wisconsin

f.e.d.
PRB



DEDICATION PLAT

That part of Block 54, School Section Addition, a piece of plat in the City of Racine, Racine County, Wisconsin, bounded as follows :

Begin at the intersection of the south line of Block 54 and the west line of Marquette Street; run thence westerly along said south line a distance of 22.97 feet to the southwesterly point of tangency of a curve of southeasterly convexity whose radius is 23.00 feet and whose chord is 23.51 feet; thence northeasterly along the arc of said curve 36.10 feet to the northeasterly point of tangency with the west line of Marquette Street; thence southerly along said west line 22.97 feet to the point of beginning. Containing 113.20 square feet.

CITY ENGINEER'S OFFICE RACINE, WISCONSIN

③

APPROVED IK DATE 4-6-90
DRAWN DRM DATE 4-6-90

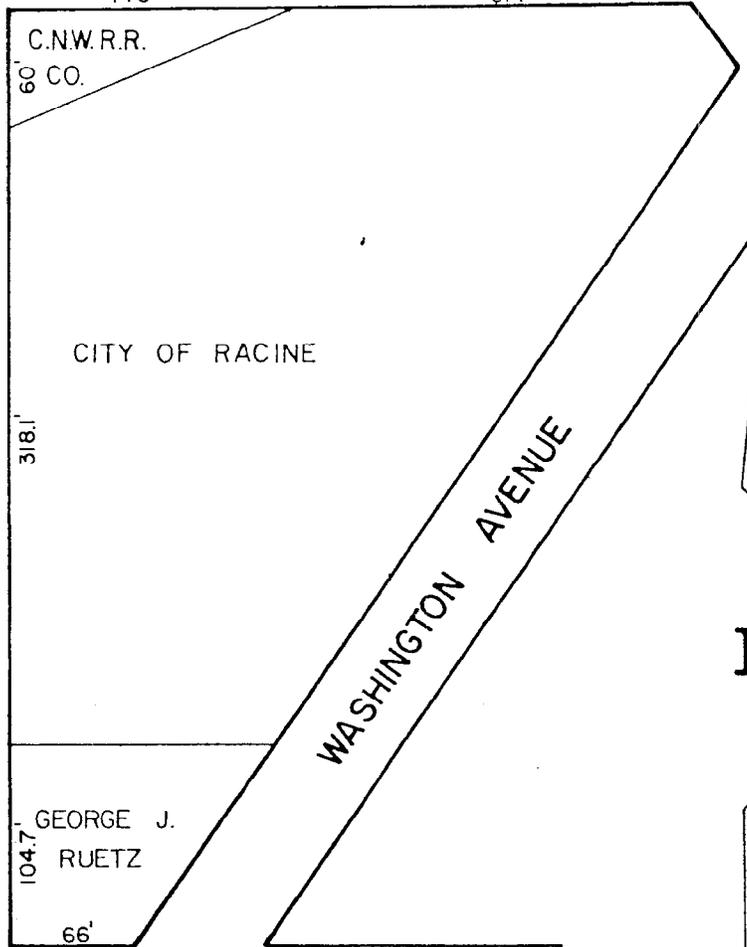
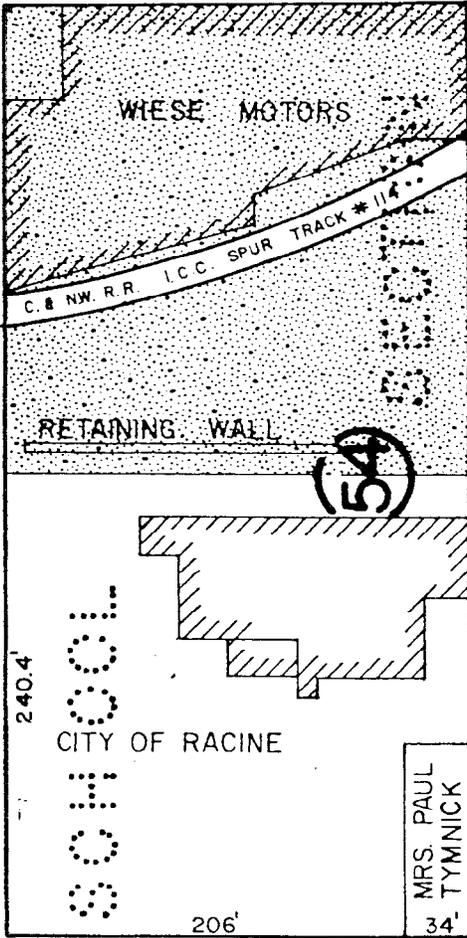
RESOLUTION NO. 4041
ITEM 36 OF MAY 15, 1990 (C.C.P.)

VOLUME 2019 PAGE 670
FILE NO. OWS - 80

EIGHTH STREET

RACINE STREET

MARQUETTE STREET



NINTH STREET



City of Racine, Racine County
 Part of Block 54, School Section,
 as described in Vol. 634 pgs. 324
 & 325. Also that part as described
 in Vol. 747 pgs.220-222. (DEEDS)

Land to be purchased from Ludwig Wiese
 by the City of Racine.

(See Deed #302 in City Clerks Off.)

CITY ENGINEER'S OFFICE
 RACINE, WISCONSIN

(5-5-81) (4)

DRAWN r.p.k. DATE 2-81

RESOLUTION NC
 7404 3-3-81

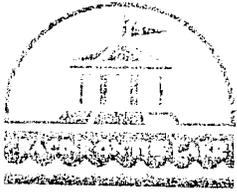
VOLUME 1614 PAGE 311

FILE NO. LA-129

1299260

PIN 3631

All that certain piece or parcel of land known and described as that part of Block Fifty-four (54), Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University lands to the Office of the Secretary of State of the State of Wisconsin, bounded as follows: Begin on the North line of Ninth Street at a point 208 feet East of the Southwest corner of said Block; thence North 100 feet 4 Inches; thence East 26 feet; thence South 14 feet 10 Inches; thence East 4 feet; thence South 1 1/2 feet; thence East 4 feet; thence South 84 feet to the North line of Ninth Street; thence West 34 feet to the place of beginning. Also all that piece or parcel of land being part of Block Fifty-four (54), Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University Lands to the Office of the Secretary of State of the State of Wisconsin, bounded as follows: Begin at a point 100.33 feet North of the North line of Ninth Street and 234 feet East of the East line of Racine Street; thence South 14.83 feet; thence East 4 feet; thence South 1 1/2 feet; thence East 2.4 feet to the West line of Marquette Street; thence North 16.33 feet; thence West 6.4 feet to the place of beginning. Said land being in the City of Racine, County of Racine, and State of Wisconsin.



Parcel ID: 03620000

Property Address:

800 MARQUETTE ST
Racine, WI

Owner Information:

RACINE, CITY OF
730 WASHINGTON AVE
RACINE, WI 53403

Assessment Information:

Sale Date:	4/9/84
Sale Price:	\$
Improvement Value:	\$0
Land Value:	\$0
Total Value:	\$0
Land Use:	City Exempt

**Property
Information:**

Description: BLK 54 SCHOOL SECTION ALL SD BLK W OF S
MARQUETTE ST EXC PT FOR ST 2.653 AC MOL

TABLE 4

Groundwater Sample Laboratory Analytical Results
City of Racine Equipment Maintenance Facility Site
Racine, Wisconsin

Monitoring Well	Sample Date	Parameters											
		Benzene	Ethyl-benzene	Toluene	Xylene	1,2,4-TMB	1,3,5-TMB	MTBE	1,2-DCA	Cd	Pb	DRO (ppm)	Benzo(b)-fluor-Anthene
TMW-1	1-04-00	9.6	23	< 5.0	160	130	80	< 5.0	< 5.0	NA	0.022	NA	NA
	1-07-00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	0.029
	4-19-00	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned
	5-26-00	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned
	8-24-00	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned	Abandoned
PZ-11	1-04-00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	1-07-00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	4-19-00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	5-26-00	< 0.500	< 0.500	< 0.500	< 0.500	< 0.500	< 0.500	0.812	< 0.500	< 5.0	< 5.0	< 1.00	< 0.0200
	8-24-00	< 0.500	< 0.500	< 0.500	< 0.500	< 0.500	< 0.500	< 0.500	< 0.500	< 5.0	< 5.0	NA	< 0.0200
MW-11	1-04-00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	1-07-00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	4-19-00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	5-26-00	< 0.500	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	< 0.500	< 5.00	8.12	0.793	< 0.0200
	8-24-00	< 0.500	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	< 0.500	< 5.00	25.3	NA	0.0404
NR 140 PAL	0.5	140	200	1,000	96*		12	0.5	0.5	1.5	NS	0.2	
NR 140 ES	5	700	1,000	10,000	480*		60	5	5	15	NS	0.2	

(Continued)

Notes: All concentrations in ppb unless otherwise noted.

Bold indicates value exceeds the NR 140 ES

Italics indicates value exceeds the NR 140 PAL

(*): 1,2,4 & 1,3,5-TMB combined

ppm: parts per million

DRO: Diesel Range Organics

NI: Not installed

DCA: Dichloroethane

Cd: Cadmium

ES: Enforcement standard

MTBE: Methyl t-butyl ether

NS: No standard

Pb: Lead

PAL: Preventive action limit

TMB: Trimethylbenzene

NA: Not analyzed

Checked by: _____

Approved by: _____

TABLE 4 (Continued)

Groundwater Sample Laboratory Analytical Results
City of Racine Equipment Maintenance Facility Site
Racine, Wisconsin

Monitoring Well	Sample Date	Parameters											
		Benzene	Ethyl-benzene	Toluene	Xylene	1,2,4-TMB	1,3,5-TMB	MTBE	1,2-DCA	Cadmium	Lead	DRO (ppm)	Benzo(b)-fluor-Anthene
MW-12	1 04 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	1 07 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	4 19 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	5 26 00	<i>4.64</i>	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	< 0.500	< 5.00	< 5.00	0.100	0.0200
MW-13	1 04 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	1 07 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	4 19 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	5 26 00	< 0.500	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	0.867	< 0.500	< 5.00	< 5.00	0.100	0.0200
	8 24 00	< 0.500	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	< 0.500	< 5.00	< 5.00	NA	0.0200
MW-14	1 04 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	1 07 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	4 19 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	5 26 00	< 0.500	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	< 0.500	5.6	< 5.00	0.345	0.0200
	8 24 00	< 0.500	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	< 0.500	< 5.00	< 5.00	NA	0.0200
MW-15	1 04 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	1 07 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	4 19 00	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI
	5 26 00	3.22	34.9	< 5.00	16.1	8.45	5.04	< 0.500	2.42	< 5.00	< 5.00	0.155	0.0200
	8 24 00	<i>0.52</i>	< 5.00	< 5.00	< 5.00	< 5.00	< 5.00	< 0.500	<i>1.01</i>	< 5.00	< 5.00	NA	0.0200
NR 140 PAL	0.5	140	200	1,000	96*		12	0.5	0.5	1.5	NS	0.62	
NR 140 ES	5	700	1,000	10,000	480*		60	5	5	15	NS	0.7	

Notes: All concentrations in ppb unless otherwise noted.

Bold indicates value exceeds the NR 140 ES

Italics indicates value exceeds the NR 140 PAL

(*): 1,2,4 & 1,3,5-TMB combined

Cd: Cadmium

Pb: Lead

ppm: parts per million

ES: Enforcement standard

PAL: Preventive action limit

DRO: Diesel Range Organics

MTBE: Methyl t-butyl ether

TMB: Trimethylbenzene

NI: Not installed

NS: No standard

NA: Not analyzed

DCA: Dichloroethane

Checked by: _____ Approved by: _____

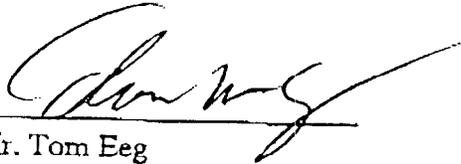
August 9, 2002

Ms. Shanna Laube, P.G.
Hydrogeologist
Wisconsin Department of Natural Resources
Southeast Region, Sturtevant Field Office
9531 Rayne Road
Sturtevant, Wisconsin 53177

**Re: Deed Certification for GIS Registry
City of Racine Equipment and Maintenance Facility
830 South Marquette Street
Racine, Wisconsin 53403**

To Whom It May Concern:

I, Thomas M. Eeg, on behalf of the City of Racine, Responsible Party (RP) for the petroleum clean up at the City of Racine Equipment and Maintenance Facility Site in Racine, Wisconsin, do hereby certify that to the best of my knowledge, the legal descriptions included (parcel number 03620) for registering this site on the GIS system are complete and accurate.



Mr. Tom Eeg
Assistant Commissioner of Public Works

8-9-02

Date

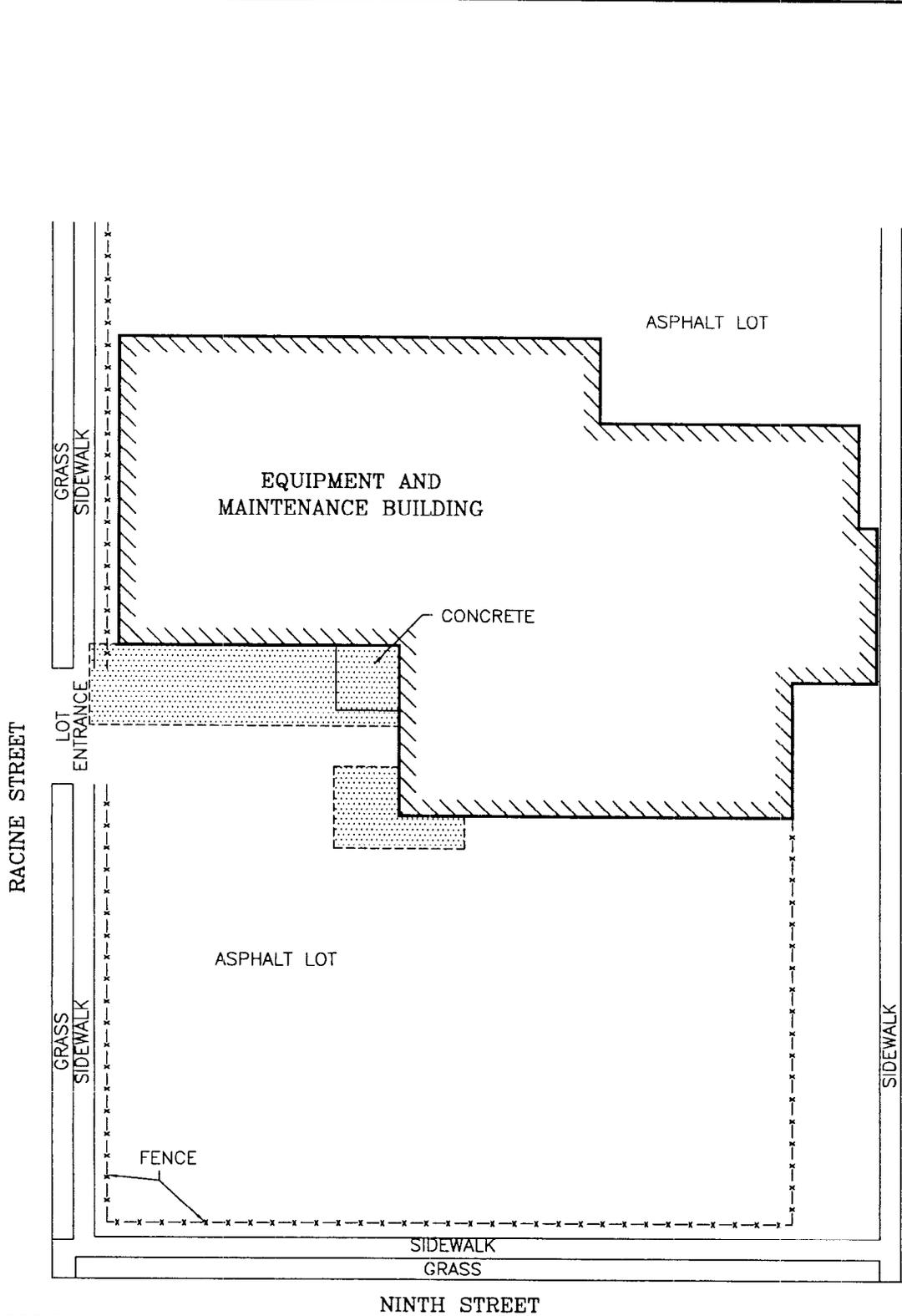
OPERATION AND MAINTENANCE PLAN

**CITY OF RACINE EQUIPMENT & MAINTENANCE FACILITY
830 SOUTH MARQUETTE STREET
RACINE, WISCONSIN 53403
August 2002**

The purpose of this operation and maintenance plan is to implement the chosen performance standard in order to complete a remedial action at the City of Racine Equipment and Maintenance Facility site located at 830 South Marquette Street, in Racine, Wisconsin. The chosen performance standard is an asphalt and/or concrete cap (or similar material that will prevent direct contact with impacted soil) or permanent structure over the locations of soil contamination. The cap may also function as parking areas and for site access.

The entire cap will be inspected on an annual basis for the presence of cracks, gaps, holes, or other defects that would allow access to the underlying soils. If any of these defects are discovered they will be repaired in such a way as to prevent direct contact and be relatively permanent. Repair activities may include one or more, but not limited to, the following: caulking, sealing and replacement of the defective portion of the cap. If defects are discovered in the cap during the time between the annual inspections, the same repair activities will be initiated in a reasonable time frame. Figure 1 shows the location of the cap maintenance area, which overlies the area of impacted soil.

Every annual inspection will be documented in writing by the use of inspection review forms which will document the condition of the cap, the presence and location of any significant defects and explanation of any repair activities. A separate incident form will be used to document defects that are discovered at times between the annual inspections and will record that same information as that acquired during the annual inspections for the specific defect. The inspection review forms and incident forms will be filed and stored at the City of Racine Equipment & Maintenance Facility.



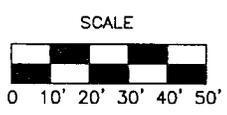
ENGINEER	DATE	ENGINEER	DATE
REVISIONS:		APPROVED BY:	
CHECKED BY:	07/16/02	RRT	07/16/02
DRAWN BY:	99.151R1		
DRAWING NO.			

LEGEND

 CAP MAINTENANCE AREA



2835 North Grandview Blvd.
Pewaukee, Wisconsin 53072-0090



CAP MAINTENANCE AREA
CITY OF RACINE EQUIPMENT MAINTENANCE FACILITY SITE
830 S. MARQUETTE STREET, RACINE, WISCONSIN

FIGURE NO.
1



1851509

3517 520-527

REGISTER'S OFFICE
RACINE COUNTY, WI

Document Number

DEED RESTRICTION

RECORDED

2002 SEP 24 PM 3:21

RECORDED
DEEDS

Declaration of Restrictions

In Re:

All that part of Block Fifty-four (54), School Section, a recorded plat, lying West of Marquette Street; EXCEPTING THEREFROM: All that certain piece or parcel of land known and described as that part of Block Fifty-four (54), Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University lands to the Office of the Secretary of State of the State of Wisconsin, bounded as follows: Begin on the North line of Ninth Street at a point 208 feet East of the Southwest corner of said Block; thence North 100 feet 4 inches; thence East 26 feet; thence South 14 feet 10 inches; thence East 4 feet; thence South 1 1/2 feet; thence East 4 feet; thence South 84 feet to the North line of Ninth Street; thence West 34 feet to the place of beginning.

Also all that piece or parcel of land being part of Block Fifty-four (54), Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University Lands to the Office of the Secretary of State of the State of Wisconsin, bounded as follows: Begin at a point 100.33 feet North of the North line of Ninth Street and 234 feet East of the East line of Racine Street; thence South 14.83 feet; thence East 4 feet; thence South 1 1/2 feet; thence East 2.4 feet to the West line of Marquette Street; thence North 16.33 feet; thence West 6.4 feet to the place of beginning. Said land being in the City of Racine, County of Racine, and State of Wisconsin.

Commonly known as 800 Marquette Street.

STATE OF WISCONSIN

COUNTY OF Racine

WHEREAS, The City of Racine is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated soil remains on this property at the following location: on portions of the parcel identified by parcel identification number 03620. Contamination is identified in the vicinity of MW-12, GP-3, TMW-1, GP-4, GP-2, and MW-15 as shown in Figure 8 and Table 3 from the Site Investigation/Case Closure Report, which was submitted to the WDNR in August 2001, are included in Attachment A hereto.

25-

Recording Area

Name and Return Address

City of Racine
City Attorney's Office
730 Washington Avenue
Racine WI 53403

276 0000 03620 000

Parcel Identification Number (PIN)

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 following activities are prohibited on that portion of the property described above where a cap or cover has been placed (see attached Figure 1), unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1997) (see Operation and Maintenance Plan in Attachment B).

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, _____ asserts that he or she is duly authorized to sign this document on behalf of the City of Racine [the property owner].

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 18th day of September, 2002.

CITY OF RACINE:


James M. Smith, Mayor

Attest:

Karen M. Norton
Karen M. Norton, City Clerk

Subscribed and sworn to before me
this 18th day of September 2002.

Shirley Salvo
Notary Public, State of WI
My commission 10-23-2005

This document was drafted by the Wisconsin Department of Natural Resources.

[FILENAME :Z:\deeddocs\Deed restriction.doc][revised October 6, 1999]

This Indenture, Made this 14th day of May, A.D. 1981

3620

between Wiese Auto Sales, Inc. - - - - -

a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Racine, Wisconsin, party of the first part, and [City of Racine]

a Municipal Corporation ~~XXXXXXX~~ duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Racine, Wisconsin, party of the second part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration

to it paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents does give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said party of the second part, its successors and assigns forever, the following described real estate, situated in the County of Racine and State of Wisconsin, to-wit: Legal description attached

800 - 822 Marquette St
Auto Garage

All that part of Block Fifty-four (54) lying West of Marquette Street, Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University Lands to the Office of the Secretary of State of the State of Wisconsin, excepting therefrom the Southerly 240 feet, 4 inches, and also excepting therefrom that portion owned by the Chicago and North Western Transportation Company described as follows: That part of Block 54, School Section Addition, a recorded plat in the City of Racine, Racine County, Wisconsin, described and bounded as follows: Begin at a point on the West line of Marquette Street, which point is 9 feet Northerly, as measured radially, of the center line of the Chicago and North Western Transportation Company's I.C.C. Spur Track Number 114, as said Spur Track Number 114 is now located and established; run thence South along the West line of Marquette Street to a point which is 9 feet Southerly, as measured radially, of said center line; thence Southwesterly parallel to said center line to the East line of Racine Street; thence North along the East line of Racine Street to a point on said East line, which point is 9 feet Northerly, as measured radially, of said center line; thence Northeasterly parallel to said center line to the point of beginning; except that part of the aforesaid described portion included in the following description: Begin at a point in the West line of Marquette Street 51.70 feet South of the South line of Eighth Street; thence South along the West line of Marquette Street 10 feet; thence West parallel with the South line of Eighth Street 25 feet more or less to the Southeasterly line of land conveyed in Volume 454, page 422 of Deeds; thence Northeasterly along the Southeasterly line 27 feet more or less to the place of beginning. Said land being in the City of Racine, County of Racine, State of Wisconsin. #2

EXEMPT FROM 77.25

(Tax Statement: 3620)

Exempt from Wisconsin Real Estate Transfer Tax under Section 77.25(2) of Wisconsin Statutes.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To Have and to Hold the said premises as above described with the hereditaments and appurtenances, unto the said party of the second part, and to its successors and assigns FOREVER.

And the said Wiese Auto Sales, Inc. party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the encasing and delivery of these presents it is well seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the same are free and clear from all incumbrances whatever, excepting Municipal and zoning ordinances, recorded easements, recorded building and use restrictions and covenants, and general taxes levied for the year 1981.

Vol 1614 Page 311

and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, it will forever WARRANT AND DEFEND.

1147256

KNOW ALL MEN BY THESE PRESENTS, that THE FIRST NATIONAL BANK OF CHICAGO, a National Banking Association duly organized and existing under the laws of the United States of America (hereinafter referred to as the "Trustee"), as Trustee under Indenture of Mortgage and Deed of Trust dated as of January 1, 1939, between Chicago and North Western Railway Company, a corporation duly organized under the laws of the State of Wisconsin, and said The First National Bank of Chicago, as Supplemented and amended (Chicago and North Western Transportation Company, a Delaware corporation, being Successor Mortgagor), recorded in the office of the Secretary of State of the State of Wisconsin on June 6, 1944, in Volume 37 of Railroad Mortgages, Page 165, et seq, as supplemented and amended.

FOR AND IN CONSIDERATION of the payment of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby RELEASE, REMISE, CONVEY and QUITCLAIM unto CITY OF RACINE, WISCONSIN all of the right, title and interest and every claim and demand whatsoever which said Trustee may now have or claim to have acquired in, under, through, or by virtue of said Indenture of Mortgage and Deed of Trust, as supplemented and amended, in and to the property situated in the City of Racine, County of Racine, and the State of Wisconsin and described as follows, to wit:

That part of Block 54 in Section 16, Township 3 North, Range 23 East of the Fourth Principal Meridian, lying Westerly of the West line of Marquette Street, extended Southerly, and lying between lines parallel with and distant 9 feet Northerly and 9 feet Southerly, measured radially, from the center line of Chicago and North Western Transportation Company spur track ICC No. 114, as said spur track is now located, or as located prior to its removal.

Tax No. 16857 (Railroad right-of-way thru City, South of Eighth St., East of Racine St., West of Marquette)

Tax Exempt 77.80 #2 Cont 73250.00

Register's Office
Racine County, Wis. } SS
Received for Record 17th day of
May A.D. 1984 at 8:05
o'clock P.M. and recorded in Volume 1713
of Records on page 924
Helen M. Schuttner 924-B
Register of Deeds

8.00

Attn: Carolyn

3627
3628
1995
1996
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DOCUMENT NO.

6/11 VOL 1188 PAGE 474

WARRANTY DEED—To Corporation
STATE OF WISCONSIN—FORM 1
THIS SPACE RESERVED FOR RECORDING DATA

THIS INDENTURE, Made this 13th day of July
A. D., 19 73, between Ludwig W. Wiese

Back Garage Site

City of Racine
a Municipal Corporation

duly organized and existing under and by virtue of the laws of the State of Wisconsin, located
in Racine County Wisconsin, party of the second part.

Witnesseth, That the said part Y of the first part, for and in consideration
of the sum of One (\$1.00) Dollar and other good and
valuable consideration

RETURN TO
City Clerk

to him in hand paid by the said party of the second part, the receipt whereof is hereby
confessed and acknowledged, ha S given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents
do es give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said party of the second part, its successors and assigns
forever, the following described real estate situated in the County of Racine and State of Wisconsin, to-wit:

Full Value \$99,800.00

Parcel 1: That part of Block Fifty-four (54), Section Sixteen (16),
Township Three (3) North, Range Twenty-three (23) East, as returned
by the appraisers of School and University Lands to the office of the
Secretary of State of the State of Wisconsin, bounded as follows:
Begin at a point 70 feet East of the Southwest corner of said Block;
run thence East 43 feet; thence North 100 feet 4 inches; thence West
43 feet; thence South to the place of beginning. Fee Exempt 77.25 #2

Parcel 2. That part of Block Fifty-four (54), Section Sixteen (16),
Township Three (3) North, Range Twenty-three (23) East, as returned by
the appraisers of School and University Lands to the office of the
Secretary of State of the State of Wisconsin, bounded as follows:
Begin on the West line of South Marquette Street (formerly Mead Street)
as now laid out, at a point which is 100 feet 4 inches North of the
North line of Ninth Street; run thence West parallel with the North
line of Ninth Street, 240.4 feet, more or less, to the East line of
(Continued on reverse side.)

Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all the estate
right, title, interest, claim or demand whatsoever, of the said part Y of the first part, either in law or equity, either in possession or expectancy
of, in and to the above bargained premises, and their hereditaments and appurtenances.

To Have and To Hold the said premises as above described with the hereditaments and appurtenances unto the said party of the
second part, and to its successors and assigns FOREVER.

And the said Ludwig W. Wiese

for himself, his heirs, executors and administrators, do es covenant, grant, bargain and agree to and
with the said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents he is
well seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple,
and that the same are free and clear from all incumbrances whatever,

and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns,
against all and every person or persons lawfully claiming the whole or any part thereof, he will forever WARRANT AND DEFEND.

In Witness Whereof, the said part Y of the first part ha S hereunto set his hand and seal this 13th
day of July, A. D., 1973.

Ludwig W. Wiese (SEAL)

Ludwig W. Wiese (SEAL)

SIGNED AND SEALED IN PRESENCE OF

Jack Harvey
Jack Harvey

(SEAL)

Fred W. Baumann

Fred W. Baumann (SEAL)

STATE OF WISCONSIN,
Racine County, } ss.

Personally came before me, this 13th day of July, A. D., 1973
the above named Ludwig W. Wiese

to me known to be the person who executed the foregoing instrument and acknowledged the same.



Jack Harvey
Jack Harvey

Notary Public Racine County, Wis.

This instrument drafted by
Fred W. Baumann, Attorney at Law

My Commission (Expires) (Is) Permanent

II
3628
Racine Street; thence North along the East line of Racine Street, 140 feet to a point which is 240 feet and 4 inches North from the Southwest corner of said Block; thence East to the West line of South Marquette Street, to a point 240 feet 4 inches North from the South line of said Block; thence South along the West line of South Marquette Street, 140 feet to the place of beginning.
Said land being in the City of Racine.

III
3626
That part of Block Fifty-four (54), in Section Sixteen (16), Township Three (3) North, Range Twenty-three (23) East, as returned by the Appraisers of School and University Lands to the Office of the Secretary of State of the State of Wisconsin, bounded as follows: Begin 113 feet East of the Southwest corner of said Block; thence North 100 feet 4 inches; thence East 44 feet 6 inches; thence South 100 feet 4 inches; thence West 44 feet 6 inches to the place of beginning. Said land being in the City of Racine.

IV
3628
That part of Block 54, Section 16-3-23 East, returned to the office of the Secretary of State of the State of Wisconsin, bounded as follows: Begin at a point 40 feet East of the Southwest corner of Block 54 which Southwest corner is indicated hereby to be the Northeast intersection of Racine and Ninth Streets, as now laid out, Racine Street being 54 foot street; run thence North 100 feet 4 inches; thence East 30 feet; thence South 100 feet 4 inches to the South line of said Block; thence West 30 feet to the place of beginning. Said land being in the City of Racine, Racine County, Wisconsin.

(This is not homestead property.)

(Exempt from Transfer Tax under Sect. 77.25(2), Wis Statutes)

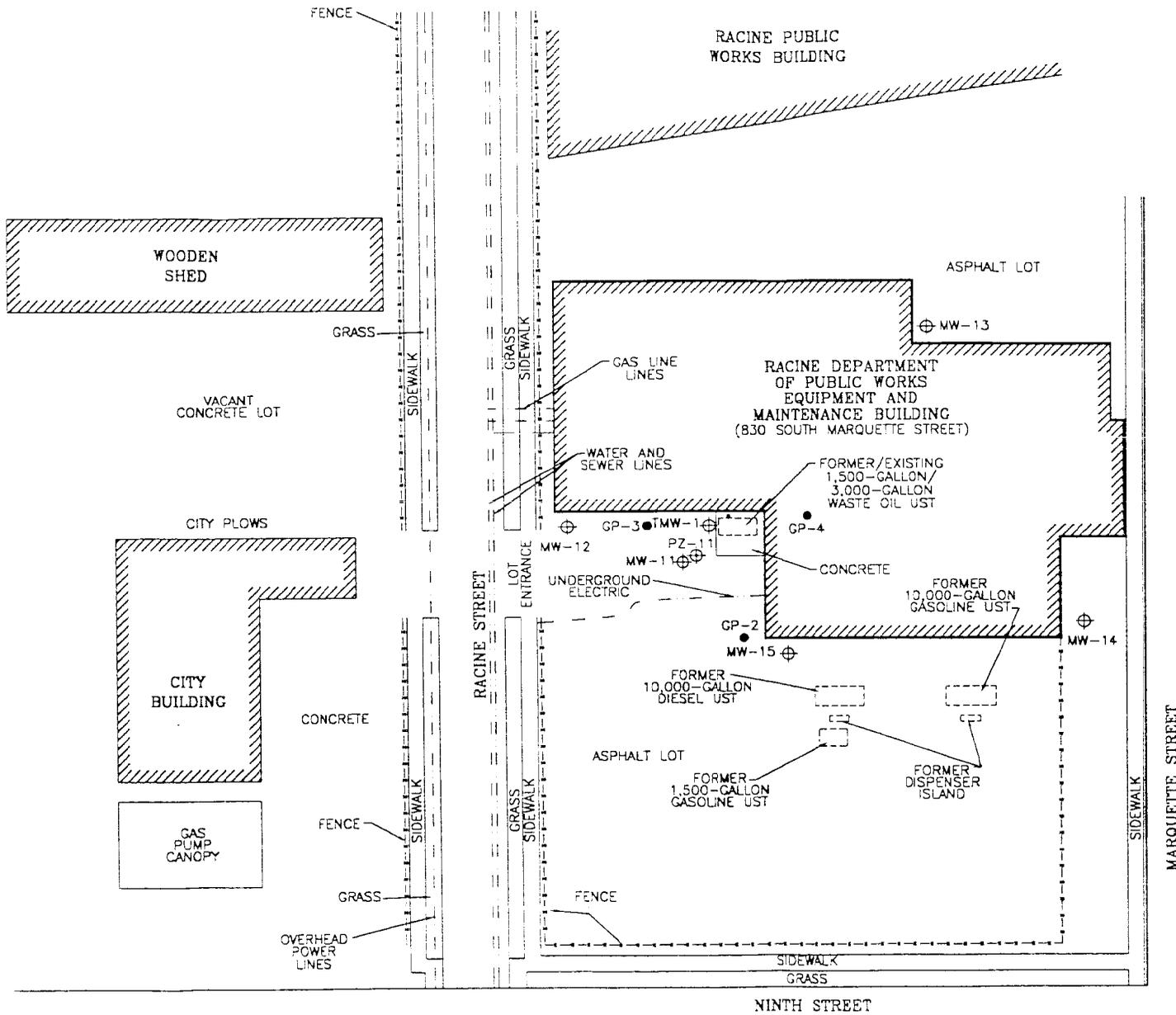
924662

Register's Office } SS.
Racine County, Wis. }
Received for Record 17th day of
July A.D., 1922 at 1:30
o'clock P. M. and recorded in Volume 1158
of Records on page 474-475

Stanley J. Bialecki
Register of Deeds

3.00

VCL 1188 PAGE 475

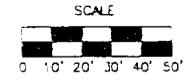


- LEGEND**
- GEOPROBE BORING
 - ⊕ MONITORING WELL
 - ⊕ PIEZOMETER

NOTE:
TMW-1 WAS ABANDONED ON 3/30/00

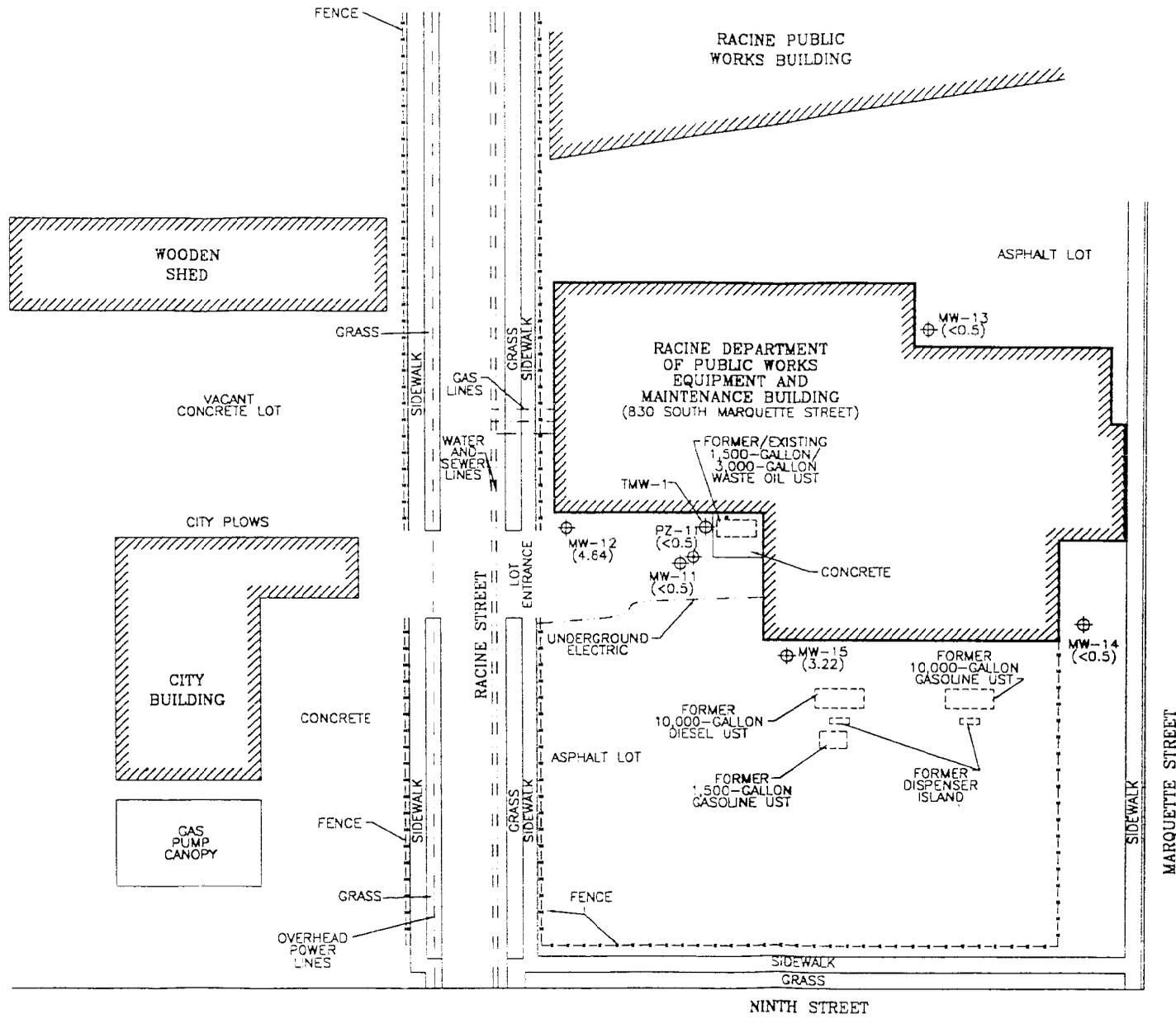
DATE	ENGINEER
DATE	ENGINEER
REVISIONS:	HAC
APPROVED BY:	
CHECKED BY:	WRS
07/11/01	RRT
DRAWN BY:	
99.15.1R3	
DRAWING NO.	

ENVIROGEN
 COST EFFECTIVE LEADERSHIP FOR A CLEANER ENVIRONMENT
 2835 North Grandview Blvd.
 Pewaukee, Wisconsin 53072-0090



GEOPROBE BORING/MONITORING
 WELL LOCATIONS
 CITY OF RACINE EQUIPMENT MAINTENANCE FACILITY SITE
 830 S. MARQUETTE STREET, RACINE, WISCONSIN

FIGURE NO.
3



LEGEND
 ⊕ MONITORING WELL
 ⊕ PIEZOMETER
 () BENZENE CONCENTRATION IN ppb

NOTE:
 TMW-1 WAS ABANDONED ON 3/30/00

ENVIROGEN
 COST EFFECTIVE LEADERSHIP FOR A CLEANER ENVIRONMENT
 2835 North Grandview Blvd.
 Pewaukee, Wisconsin 53072-0090

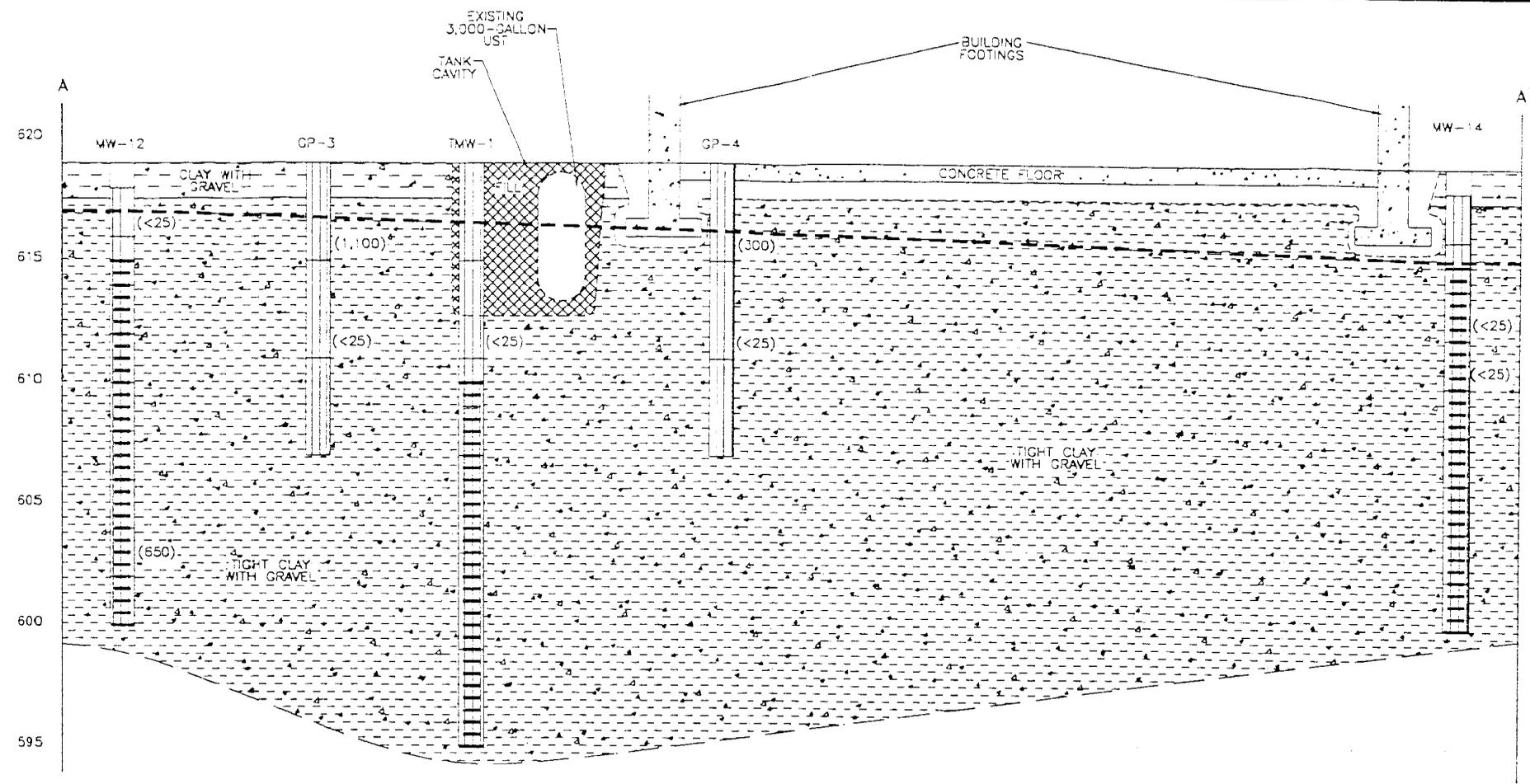


GROUNDWATER BENZENE DISTRIBUTION
 (05/26/00)
 CITY OF RACINE EQUIPMENT MAINTENANCE FACILITY SITE
 830 S. MARQUETTE STREET, RACINE, WISCONSIN

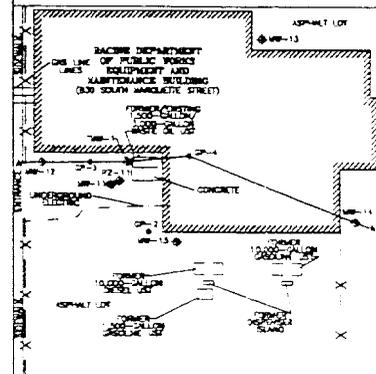
FIGURE NO.
 9

DATE	
ENGINEER	
DATE	
ENGINEER	
REVISIONS:	
APPROVED BY:	
CHECKED BY:	
DATE	07/11/01
RR	
DRAWN BY:	
DATE	09.15.19
DRAWING NO.	

ELEVATION IN FEET ABOVE MEAN SEA LEVEL



PLAN VIEW



LEGEND

- SAMPLE INTERVAL
- SCREENED INTERVAL
- GROUNDWATER TABLE (08/24/00)
- SOIL BENZENE CONCENTRATION IN PPM

SCALE

HORIZONTAL: 1" = 20'
 VERTICAL: 1" = 5'



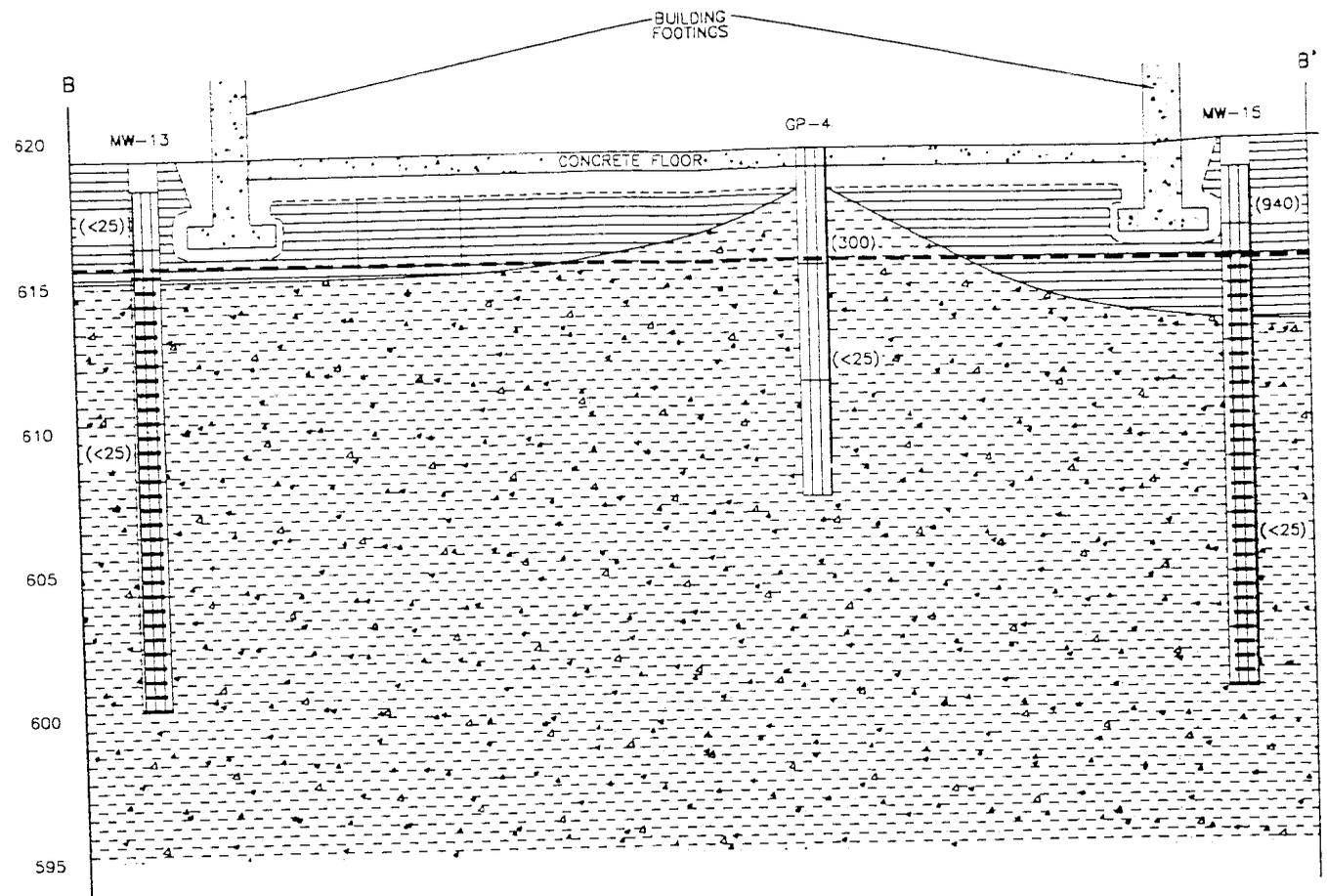
2835 North Grandview Blvd.
 Pewaukee, Wisconsin 53072-0090

GEOLOGIC CROSS-SECTION A-A
 CITY OF RACINE EQUIPMENT MAINTENANCE FACILITY SITE
 630 S. MARQUETTE STREET, RACINE, WISCONSIN

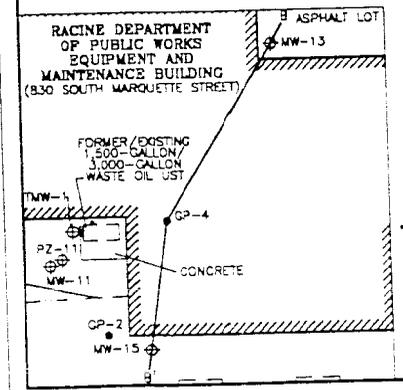
FIGURE NO.
5

ENGINEER	DATE
DESIGNER	DATE
CHECKED BY:	DATE
APPROVED BY:	DATE
DRAWN BY:	DATE
DRAWING NO.	09 151K5
PROJECT NO.	07/11/01
REVISIONS:	

ELEVATION IN FEET ABOVE MEAN SEA LEVEL



PLAN VIEW



LEGEND

- SAMPLE INTERVAL
- SCREENED INTERVAL
- GROUNDWATER TABLE (08/24/00)
- SOIL BENZENE CONCENTRATION IN ppb

SCALE

HORIZONTAL: 1" = 20'
 VERTICAL: 1" = 5'

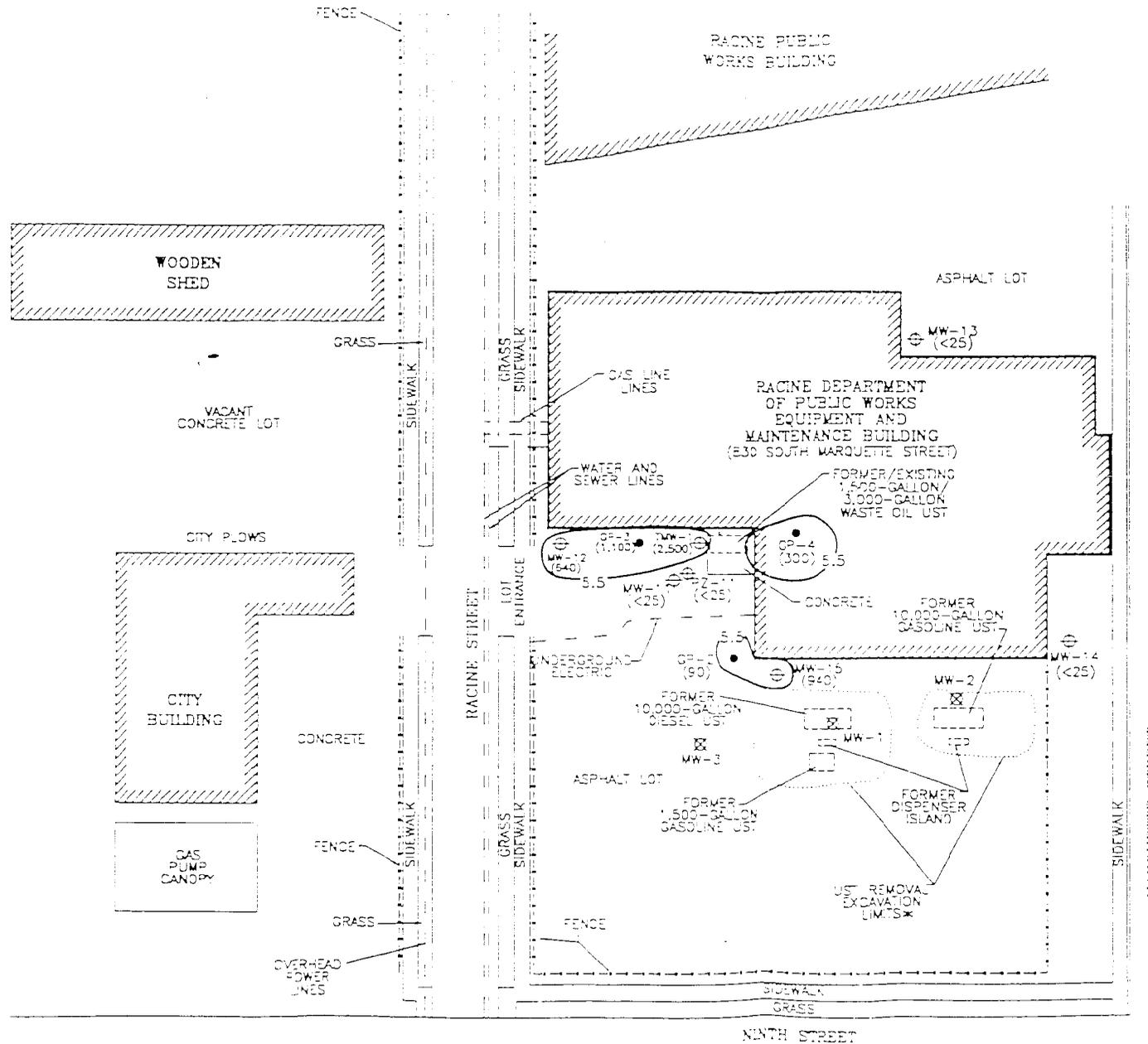
ENVIROGEN
 COST EFFECTIVE LEADERSHIP FOR A CLEANER ENVIRONMENT
 2835 North Grandview Blvd.
 Pewaukee, Wisconsin 53072-0090

GEOLOGIC CROSS-SECTION B-B
 CITY OF RACINE EQUIPMENT MAINTENANCE FACILITY SITE
 830 S. MARQUETTE STREET, RACINE, WISCONSIN

FIGURE NO.
6

ENGINEER	DATE
ENGINEER	DATE
REVISIONS:	
APPROVED BY:	1/24
CHECKED BY:	7/25
07/11/01	
DRAWN BY:	KRT
99.15.116	
DRAWING NO.	

1517 527



LEGEND

- GEOPROBE BORING
- ⊕ MONITORING WELL
- ⊕ PIEZOMETER
- MORaine ENVIRONMENTAL, INC. TEST BORING
- ⊗ MORaine ENVIRONMENTAL, INC. MONITORING WELL (NOW ABANDONED)
- () BENZENE CONCENTRATION IN ppp
- 5.5 ISOCONCENTRATION CONTOUR

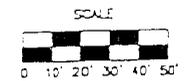
NOTE:

MW-1 WAS ABANDONED ON 3/30/00

* AS DETERMINED BY MORaine ENVIRONMENTAL, INC. IN FEBRUARY 1999 REPORT.

NR 720 GENERIC SOIL STANDARD FOR BENZENE IS 5.5 ppp

ENVIROGEN
 BEST EFFECTIVE LEADERSHIP FOR A CLEANER ENVIRONMENT
 2035 North Grandview Ave.
 Milwaukee, Wisconsin 53272-0090



SOIL BENZENE DISTRIBUTION

CITY OF RACINE EQUIPMENT MAINTENANCE FACILITY SITE
 830 S. MARQUETTE STREET, RACINE, WISCONSIN

DATE	
ENGINEER	
REVISIONS:	
APPROVED BY:	<i>MS</i>
CHECKED BY:	<i>MS</i>
DATE	03/29/01
DRAWN BY:	KFT
DRAWING NO.	99-1517D

8