GIS REGISTRY
Cover Sheet

May, 2008
(RR 5367)

Source Property Information

CLOSURE DATE: Nov 10, 2008

BRRTS #: **02-65-285216**

FID #: 265005070

ACTIVITY NAME: Borg Instruments, Inc.

DATCP #:

PROPERTY ADDRESS: 902 E. Wisconsin St.

COMM #:

MUNICIPALITY: Delavan

PARCEL ID #: XTY 00056, XLDA 00027A

***WTM COORDINATES:**

X: 631993 Y: 240902

** Coordinates are in WTM83, NAD83 (1991)*

WTM COORDINATES REPRESENT:

- (●) Approximate Center Of Contaminant Source
- ( ) Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

☐ Groundwater Contamination > ES *(236)*

- ☐ Contamination in ROW
- ☐ Off-Source Contamination

*(**note:** for list of off-source properties see "Impacted Off-Source Property")*

☒ Soil Contamination > *RCL or **SSRCL or Direct Contact > 4 ft *(232)*

- ☐ Contamination in ROW
- ☐ Off-Source Contamination

*(**note:** for list of off-source properties see "Impacted Off-Source Property")*

Land Use Controls:

☐ Soil: maintain industrial zoning *(220)*

*(**note:** soil contamination concentrations between residential and industrial levels)*

☐ Structural Impediment *(224)*

☐ Site Specific Condition *(228)*

☐ Cover or Barrier *(222)*

*(**note:** maintenance plan for groundwater or direct contact)*

☐ Vapor Mitigation *(226)*

☐ Maintain Liability Exemption *(230)*

*(**note:** local government or economic development corporation)*

Monitoring wells properly abandoned? *(234)*

(●) Yes ( ) No

** Residual Contaminant Level*
***Site Specific Residual Contaminant Level*

State of Wisconsin Department of Natural Resources http://dnr.wi.gov	**GIS Registry Checklist** Form 4400-245 (R 4/08) Page 1 of 3

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #: 02-65-285216 PARCEL ID #: XTY 00056, XLDA 00027A

ACTIVITY NAME: Borg Instruments, Inc. WTM COORDINATES: X: 631933 Y: 240902

CLOSURE DOCUMENTS (the Department adds these items to the final GIS packet for posting on the Registry)

☒ **Closure Letter**

☐ **Maintenance Plan** *(if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)*

☐ **Conditional Closure Letter**

☐ **Certificate of Completion (COC)** for VPLE sites

SOURCE LEGAL DOCUMENTS

☒ **Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.
Note: *If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*

☒ **Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map *for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map.* (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

Figure #: 3 **Title: Farris, Hansen, & Assoc. Inc. Certified Survey Map No. 4078**

☒ **Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

MAPS (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

☒ **Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.
Note: *Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*

Figure #: 1 **Title: Site Location Map**

☒ **Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.

Figure #: 2 **Title: Site Map**

☐ **Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL)as determined under s. NR 720.09, 720.11 and 720.19.

Figure #: 7 & 4 **Title: Soil Sample Locations & DRO, GRO, PVOC and VOC Analytical Results**

BRRTS #: 02-65-285216 ACTIVITY NAME: Borg Instruments, Inc.

MAPS (continued)

☐ **Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

Figure #: **Title:**

Figure #: **Title:**

☐ **Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.
Note: *This is intended to show the total area of contaminated groundwater.*

Figure #: **Title:**

☒ **Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more then 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

Figure #: 4 **Title: Water Table Map 06-28-05**

Figure #: 5 **Title: Water Table Map 03-29-07**

TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

☒ **Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.
Note: This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

Table #: 1 & 4 **Title: Summary of Soil Screening and Analyt. Results & Summary of DRO, GRO, VOC An. Results**

☐ **Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

Table #: **Title:**

☒ **Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

Table #: 3 **Title: Groundwater Elevation Data**

IMPROPERLY ABANDONED MONITORING WELLS

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.
Note: *If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.*

☒ **Not Applicable**

☐ **Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.
Note: *If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.*

Figure #: **Title:**

☐ **Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

☐ **Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

☐ **Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 02-65-285216 ACTIVITY NAME: Borg Instruments, Inc.

NOTIFICATIONS

Source Property

☐ **Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

☐ **Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

☐ **Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.
Note: *Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.*

Number of "Off-Source" Letters:

☐ **Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.

☐ **Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies).** This does not apply to right-of-ways.
Note: *If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*

☐ **Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

Number of "Governmental Unit/Right-Of-Way Owner" Letters:

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutchen, Regional Director

Waukesha Service Center
141 NW Barstow Street, Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2128

November 10, 2008

Mr. Mark Wendorf
City of Delavan
123 South Second Street
Delavan, WI 53115

Subject: Final Case Closure
Petroleum Release at Borg Instruments, Inc.
902 Wisconsin St., Delavan, WI
FID# 265005070 BRRTS# 02-65-285216

Dear Mr. Wendorf:

On June 3, 2008, the Department of Natural Resources' (the Department) Southeast Region Closure Committee reviewed the closure request for the case at the above referenced property (the Property). The Southeast Region Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. The Southeast Region Closure Committee determined that the case could be closed if the site was included on the Department's Remediation and Redevelopment Program's GIS Registry for soil, because post-remedial soil samples were not collected after the remediation system was shut down. The remediation system wells (air sparging and soil vapor extraction wells) and groundwater monitoring wells for the petroleum case at the Property would also have to be abandoned. These issues were discussed with you consultant.

On June 30, 2008, the Department received the soil GIS Registry fee and packet. On October 1, 2008, the Department received documentation that the all of the wells for the petroleum case had been properly abandoned at the Property. The correspondence received demonstrated that you have complied with the conditions established by the Southeast Region Closure Committee for closing the case.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wisconsin Administrative 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.

GIS Registry

The conditions of case closure set out below in this letter require that your site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reason is summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed

Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at: http://dnr.wi.gov/org/aw/rr/gis/index.htm. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line http://dnr.wi.gov/org/water/dwg/3300254.pdf or at the web address listed above for the GIS Registry.

Remaining Residual Soil Contamination

Residual soil contamination remains on the east side of the Property in the area of the petroleum release as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations referenced above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter or the case, please contact me at the letterhead address or (262) 574-2166.

Sincerely,

David G. Volkert, P.G.
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Lynn Scherbert, Ayres
Jeffrey Steiner, Ayres
SER File

0522708

Document Number

STATE BAR OF WISCONSIN FORM 1 - 1998

WARRANTY DEED

RECORDED ON

2002 SEP 11 PM 1 59

CONNIE J. WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI

This Deed, made between **Delavan Development Corporation d/b/a Lake Delavan Enterprises, Inc.** an Ill. Corp.

Grantor, and **City of Delavan, a municipal corporation**

Grantee.

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in **Walworth** County, State of Wisconsin (The "Property"):

Recording Area

Name and Return Address
Attorney Scott T. Christian
Brennan Steil Basting & MacDougall S.C.
P.O. Box 446
Delavan, WI 53115-0446

SEWT 13.00

SEWT-90118

Parcel 1: Lots 63, 64, and 65, Tyrell Subdivision, located in Section 17, T2N, R16E, City of Delavan, Walworth County, Wisconsin.
Parcel 2: Lot 12, Block 3, Larnard's Subdivision of Latimer's Addition to the City of Delavan, being a part of the South half of the Northwest 1/4 and the North half of the Southwest 1/4 of Section 17, Township 2 North, Range 16 East, City of Delavan, Walworth County, Wisconsin.
Parcel 3: A parcel of land located in the Southwest 1/4 of Section 17, Town 2 North, Range 16 East, City of Delavan, Walworth County, Wisconsin and including Lots 5, 6, and 7, Block 4, Larnard's Subdivision of Latimer's Addition to the City of Delavan and Lots 8, 9 and 10, Block 4, Latimer's Addition to the City of Delavan, more fully described as follows: Beginning at the northeast corner of Block 18, Passage, Aram and Downie Addition to the City of Delavan; thence northeasterly along the south-easterly line of Wisconsin Street 605.03 feet to the northeast corner of Lot 5 in Block 4 of Larnard's Subdivision of Latimers Addition to the City of Delavan; thence Southeasterly along the northeasterly line of said Lot 5, 161.20 feet to the southeast corner of said Lot 5; thence southwesterly along the southeasterly line of said Block 4 of Larnard's Subidivsion of Latimers Addition and the southwesterly extension of said line 480.61 feet; thence westerly along the arc of a curve with a radius of 680.22 feet, a chord distance of 214.77 feet to a point; thence northwesterly 30.00 feet to a point located 88.00 feet southwesterly of the southeasterly extension of the northeasterly line of Block 18 of Passage, Aram and Downie Addition to the City of Delavan; thence northeaseteryly 88.00 feet to a point on the southeasterly extension of the northeaseterly line of Block 18 of Passage, Aram and Downie Addition located 95.00 feet southeaseterly of the northeast corner of said Block 18; thence northwesterly 95.00 feet to the place of beginning.
*XLDA 00032, XLDT 00001 and XWUP 00024

XTY 00056, XLDA 00027A, *see below
Parcel Identification Number (PIN)

This is not homestead property.
(is not)

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recording building and use restrictions and covenants, general taxes levied in the year of closing, and those matters set forth in Exhibit "A" attached hereto and made a part hereof.

TRANSFER
$600.00
FEE

Dated this 6th day of **September**, **2002**.

Delavan Development Corporation
an Illinois Corp.

d/b/a Lake Delavan Enterprises, Inc.

* **By: Peter Diambri, President**

* **By: Paul P. Diambri, Secretary**

AUTHENTICATION

Signature(s) **of Peter Diambri and Paul P. Diambri**

authenticated this ____ day of **September**, **2002**

*

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

THIS INSTRUMENT WAS DRAFTED BY
Attorney Scott T. Christian
Delavan, Wisconsin

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

ACKNOWLEDGMENT

STATE OF Wisc.)
) ss.
Wal. County.)

Personally came before me this 6th day of the above named PETER DIAMBRI AND PAUL P. DIAMBRI to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

Dorothy Bruno

*

Notary Public, State of Wisc.
My Commission is permanent. (If not, state expiration date: 5/14/02.)

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

EXHIBIT "A"

1. Rights or claims of the parties in possession not shown by the public record.

2. Easements or claims of easements not shown by the public record.

3. Discrepancies, conflicts in boundary lines, shortages in areas, encroachments and any facts which a correct survey and inspection of the premises would disclose and which are not of the public record.

4. Any lien, or rights to lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by public record.

5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.

6. Special taxes or assessments, if any, payable with the taxes levied or to be levied for the current and subsequent years.

7. General taxes for the year 2002, and subsequent years, not yet due and payable.

8. Liens or deferred charges for sewer, water mains and service pipes, not shown on the tax roll.

9. Easement for underground walkway as set forth in Warranty Deed recorded in Volume 236, on Page 952, as Document No. 49452 and in Warranty Deed recorded in Volume 378, on Page 846, as Document No. 134577.

10. Restrictions, easements, leases and other matters as set forth in Warranty Deed recorded in Volume 472, on Page 298, as Document No. 186195.

11. Memorandum of Lease recorded in Volume 378, on Page 848, as Document No. 134578.

12. Rights and easements, if any, in and to any and all railroad switches, sidetracks, spur tracks and rights of way located upon or appurtenant to the subject premises.

13. Public or private rights, if any, in such portion of the subject premises as may be used, laid out or dedicated in any manner for street, highway and/or alley purposes.

14. Rights of the public in that portion of the premises lying within the limits of Wisconsin Street, Harrison Street and Ann Street.

15. Postponed real estate taxes for the year 2001 in the amount of $2,619.18.

16. Encroachment of a fence onto railroad right of way, overhead walkways, tunnels, steam pipes, and apparent unrecorded easement for utilities, drainage rights, rights of others in and to that portion of the subject premises as lay northeasterly, northwesterly and southeasterly of a fence located adjacent to the respective boundary lines and other matters as depicted on a survey by George T. Dunham dated February, 1965 and MESNE other surveys on the subject premises.

Document Number
DEED RESTRICTION
Exempt from fee: s.77.25(2) Wis. Stats.

626023

Recorded
DEC. 16, 2004 AT 08:58AM
CONNIE J WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI
Fee Amount: $13.00

WHEREAS, the CITY OF DELAVAN, Walworth County, Wisconsin, a municipal corporation is the owner of the below-described property; and

Legal Description This is not homestead property:

A parcel of land in the Northwest ¼ and Northeast ¼ of the Southwest ¼ of Section 17, T2N, R16E of Walworth County, Wisconsin, described as:

Commencing at the northeast corner of Lot 5 in Block 4 of the Larnard's Subdivision of Latimers Addition; thence S60°13'38"W along the south line of Wisconsin Street 16.00 feet to the point of beginning; thence continuing S60°13'38"W along said south line 529.05 feet to the northeast corner of Lot 1 in Block 18 of the Passage Aram & Downie Addition; thence S29°33'39"E along the east line of said block 154.42 feet to a point on a curve; thence 63.98 feet along the arc of a curve to the left having a radius of 880.22 feet and a chord which bears N64°33'21"E 63.98 feet to the north right-of-way line of the Wisconsin & Southern Railroad; thence N60°27'34"E along said north right-of-way line 464.61 feet to a line that is 16.00 feet westerly of and measured at right angles to the west line of Harrison Street as now laid out and parallel with said west line; thence N29°33'39"W along said parallel line 161.20 feet to the south line of Wisconsin Street and the point of beginning.

This space is reserved for recording data

Return to

City of Delavan
Attn: Mark Wendorf
P.O. Box 465
Delavan, WI 53115-0465

13.00

Parcel Identification Number/Tax Key Number

XLDT 00001 and XLDA 00032

This conveyance is exempt from the Wisconsin Real Estate Transfer Fee and a Wisconsin Real Estate Transfer Return pursuant to the provisions of Section 77.25(2).

WHEREAS, the City of Delavan has received a Brownfields Green Space and Public Facility Grant from the Department of Natural Resources ("DNR") pursuant to s. 292.79, Wis. Stats., and ch. NR 173, Wis. Adm. Code; and

WHEREAS, the City of Delavan submitted an application for this grant to DNR, received on January 16, 2003. That application described the intended use of the property for a purpose that DNR determined was eligible for funding under s. 292.79(2), Wis. Stats., and ch. NR 173.05, Wis. Adm. Code; and

WHEREAS, the City of Delavan and DNR entered into a grant agreement for grant number GRN-010 on May 28, 2004 which described the requirements and responsibilities of the grantee and DNR with respect to this eligible project; and

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will limit the use of the property to those purposes and land uses identified in the application for at least twenty (20) years from the date the grant agreement was signed by DNR, in order to satisfy the requirement in s. NR 173.17(1)(b), Wis. Adm. Code; and

626023

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

Land Use Restriction. This subject property may only be used for the following purposes:
Public City Park with green space and storm water detention basin.

Amendment. The Restrictions imposed upon the Property are attached to and shall run with the land for at least twenty (20) years from May 28, 2004, provided however, that they may be extinguished or amended upon the recording of an instrument signed by both DNR, or its successor or assign, and the Property Owner, or his/her successor or assign.

By signing this document, Mayor Mel Nieuwenhuis and City Clerk Sue Kitzman assert that they are duly authorized to sign this document on behalf of the City of Delavan.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 11th day of November, 2004.

(Signature)

Mayor Mel Nieuwenhuis

(Signature)

City Clerk Sue Kitzman

State of Wisconsin)
Walworth County)) ss.

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

Jennifer J. Wiese
(Print or Type Name, Notary Public, State of Wisconsin)

02-12-2006
(Date Commission Expires)

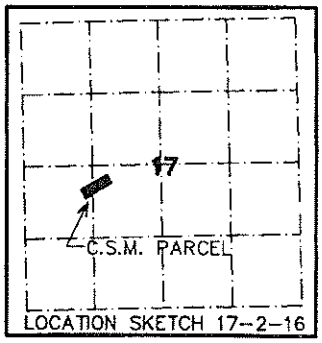
Project ID 04-718 This instrument was drafted by Mark Wendorf, DPW Parcel No. One

Figure 3

FARRIS, HANSEN & ASSOC. INC. **CERTIFIED SURVEY MAP NO. 4078**

7 RIDGWAY COURT– P.O. BOX 437
ELKHORN, WISCONSIN 53121
PHONE (262) 723–2098
FAX (262) 723–5886
OWNERS:
CITY OF DELAVAN
DELAVAN, WI 53115

SOILS: PsB; PsA



716631

Filed
AUG. 17, 2007 AT 11:47AM

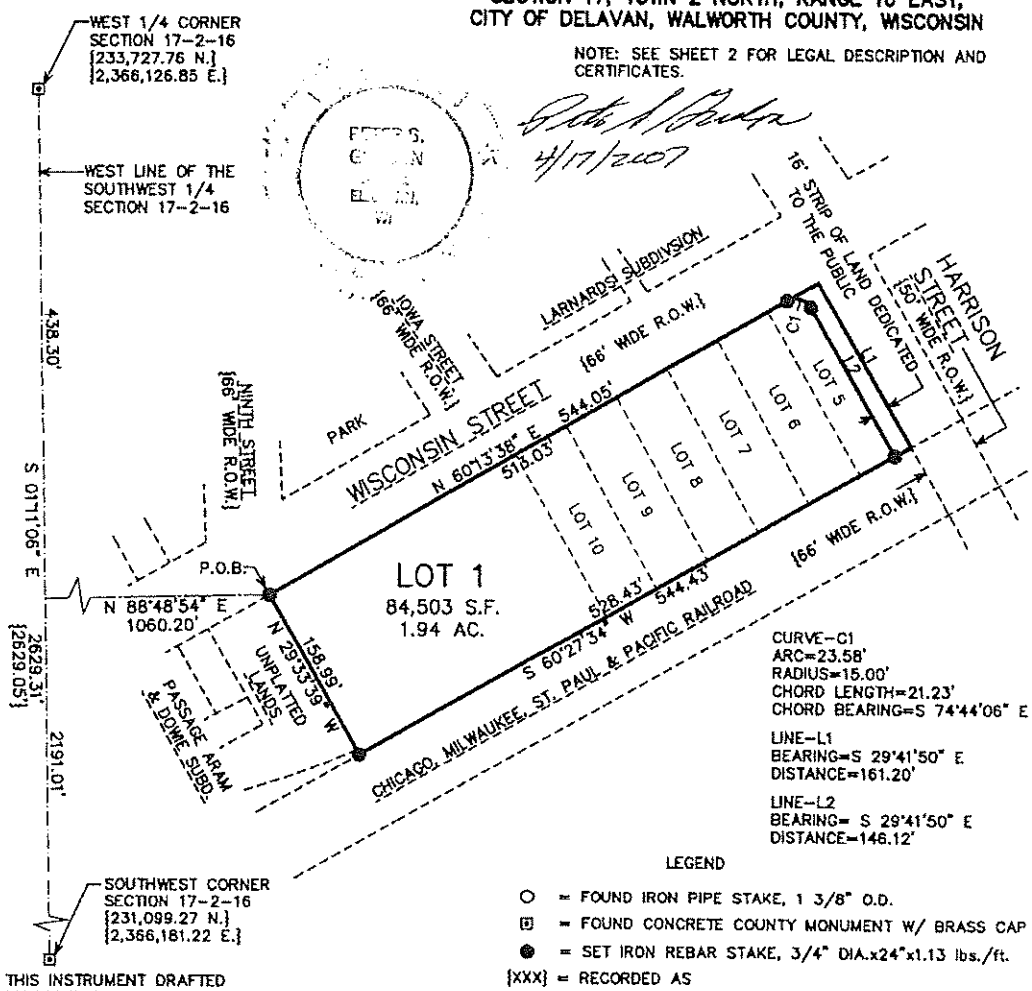
Vol/Gab 25 Pag/Slide 240
CONNIE J WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI
Fee Amount: $13.00

GRID NORTH
W. COORD. SYSTEM
SOUTH ZONE

ASSIGNED WEST LINE OF THE SW 1/4
SECTION 17–2–16
S 01°11'06" W – NAD 1927

LOTS 5 THROUGH 10, BLOCK 4 OF LARNARDS SUBDIVISION OF LATIMER ADDITION AND UNPLATTED LANDS LOCATED IN PART OF THE NE 1/4 AND NW 1/4 OF THE SW 1/4 OF SECTION 17, TOWN 2 NORTH, RANGE 16 EAST, CITY OF DELAVAN, WALWORTH COUNTY, WISCONSIN

NOTE: SEE SHEET 2 FOR LEGAL DESCRIPTION AND CERTIFICATES.



CURVE–C1
ARC=23.58'
RADIUS=15.00'
CHORD LENGTH=21.23'
CHORD BEARING=S 74°44'06" E

LINE–L1
BEARING=S 29°41'50" E
DISTANCE=161.20'

LINE–L2
BEARING= S 29°41'50" E
DISTANCE=146.12'

LEGEND

○ = FOUND IRON PIPE STAKE, 1 3/8" O.D.
⊡ = FOUND CONCRETE COUNTY MONUMENT W/ BRASS CAP
● = SET IRON REBAR STAKE, 3/4" DIA.x24"x1.13 lbs./ft.
{XXX} = RECORDED AS

100 50 0 100 200 300 400
MAP SCALE IN FEET ORIGINAL 1"= 120'

THIS INSTRUMENT DRAFTED BY PETER S. GORDON
PROJECT NO. 6547
DATED: 03/22/2007
SHEET 1 OF 2 SHEETS

CSM #4078

Figure 3

CERTIFIED SURVEY MAP NO. 4078

LOTS 5 THROUGH 10, BLOCK 4 OF LARNARDS SUBDIVISION OF LATIMER ADDITION AND UNPLATTED LANDS LOCATED IN PART OF THE NE 1/4 AND NW 1/4 OF THE SW 1/4 OF SECTION 17, TOWN 2 NORTH, RANGE 16 EAST, CITY OF DELAVAN, WALWORTH COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT AT THE DIRECTION OF THE CITY OF DELAVAN, OWNER, AND IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS FOR THE CITY OF DELAVAN, WALWORTH COUNTY, WISCONSIN, I HAVE SURVEYED, DIVIDED, MAPPED, AND DEDICATED THE FOLLOWING DESCRIBED LAND AND THAT THIS MAP IS A TRUE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND OF THE DIVISION THEREOF TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. LOTS 5 THROUGH 10, BLOCK 4 OF LARNARDS SUBDIVISION OF LATIMER ADDITION AND UNPLATTED LANDS LOCATED IN PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWN 2 NORTH, RANGE 16 EAST, CITY OF DELAVAN, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND CONCRETE MONUMENT MARKING THE WEST 1/4 CORNER OF SAID SECTION 17 (T2N;R16E); THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 17, S 01DEG 11MIN 06SEC E, 438.30 FEET; THENCE N 88DEG 48MIN 54SEC E, 1060.20 FEET TO THE POINT OF BEGINNING ON THE SOUTHERLY RIGHT OF WAY LINE OF WISCONSIN STREET; THENCE ALONG SAID RIGHT OF WAY LINE, N 60DEG 13MIN 38SEC E, 544.05 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HARRISON STREET; THENCE ALONG SAID RIGHT OF WAY LINE, S 29DEG 41MIN 50SEC E, 161.20 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD; THENCE ALONG SAID RIGHT OF WAY LINE, S 60DEG 27MIN 34SEC W, 544.43 FEET; THENCE N 29DEG 33MIN 39SEC W, 158.99 FEET TO THE POINT OF BEGINNING. CONTAINING 87,130 SQUARE FEET (2.00 ACRES) OF LAND, MORE OR LESS.

DATED: APRIL 17, 2007

PETER S. GORDON R.L.S. 2101

CITY OF DELAVAN APPROVAL

THIS CERTIFIED SURVEY MAP IN THE CITY OF DELAVAN APPROVED THIS 12th DAY OF June, 2007.

SUSAN KITZMAN, CITY CLERK

OWNERS CERTIFICATE

AS OWNER, I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THE MAP. I ALSO CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE CITY OF DELAVAN FOR APPROVAL.

MEL NIEUWENHUIS MAYOR

STATE OF WISCONSIN

COUNTY OF WALWORTH

PERSONALLY CAME BEFORE ME THIS 12 DAY OF July, 2007, THE ABOVE NAMED MEL NIEUWENHUIS, CITY OF DELAVAN MAYOR, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

02/09/2010

MY COMMISSION EXPIRES

NOTARY PUBLIC Delavan WISCONSIN

THIS INSTRUMENT DRAFTED
BY PETER S. GORDON
PROJECT NO. 6547
DATED: 03/22/2007
SHEET 2 OF 2 SHEETS

CITY OF DELAVAN

P.O. Box 465
123 South Second St.
Delavan, Wisconsin 53115
262·728·5585
Fax: 262·728·4566
www.ci.delavan.wi.us

June 19, 2008

Mr. David Volkert
Wisconsin Department of Natural Resources
141 NW Barstow Street
Waukesha, WI 53188

RE: Borg Instruments Inc. Site
Statement of Accuracy of Site Description

Dear Mr. Volkert:

This letter is to satisfy the requirement for the GIS Registry "Source Legal Documents." As the responsible party at this site, it is the belief of the City of Delavan that the deed and certified survey maps submitted for the GIS registry are correct and accurately describe the contaminated property known as the Borg Instruments Inc. site.

Should you have any further questions regarding this statement, please contact me at 262-728-5585. Thank you for your consideration of our closure request.

Sincerely,

City of Delavan

Mark E. Wendorf
Director of Public Works

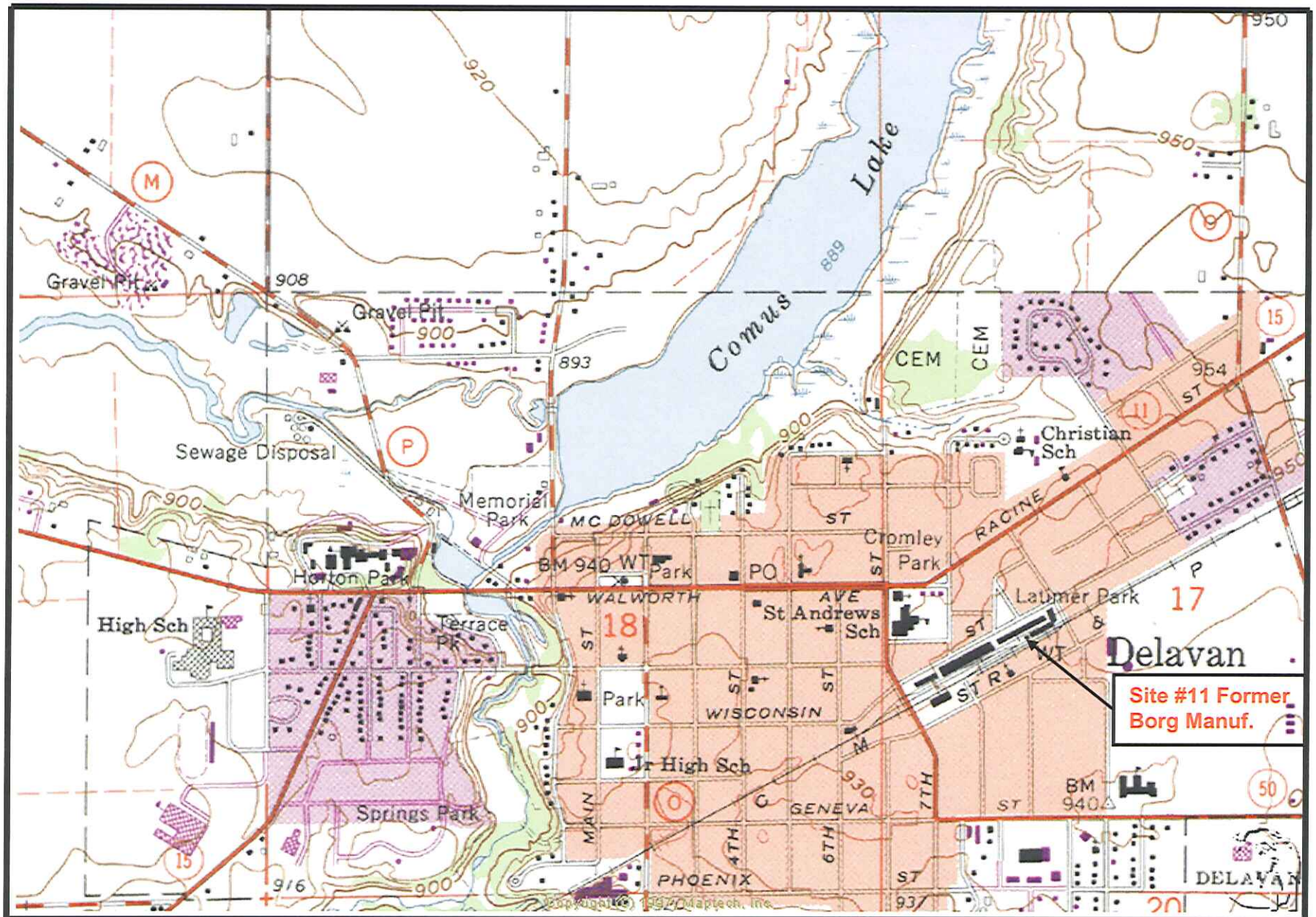
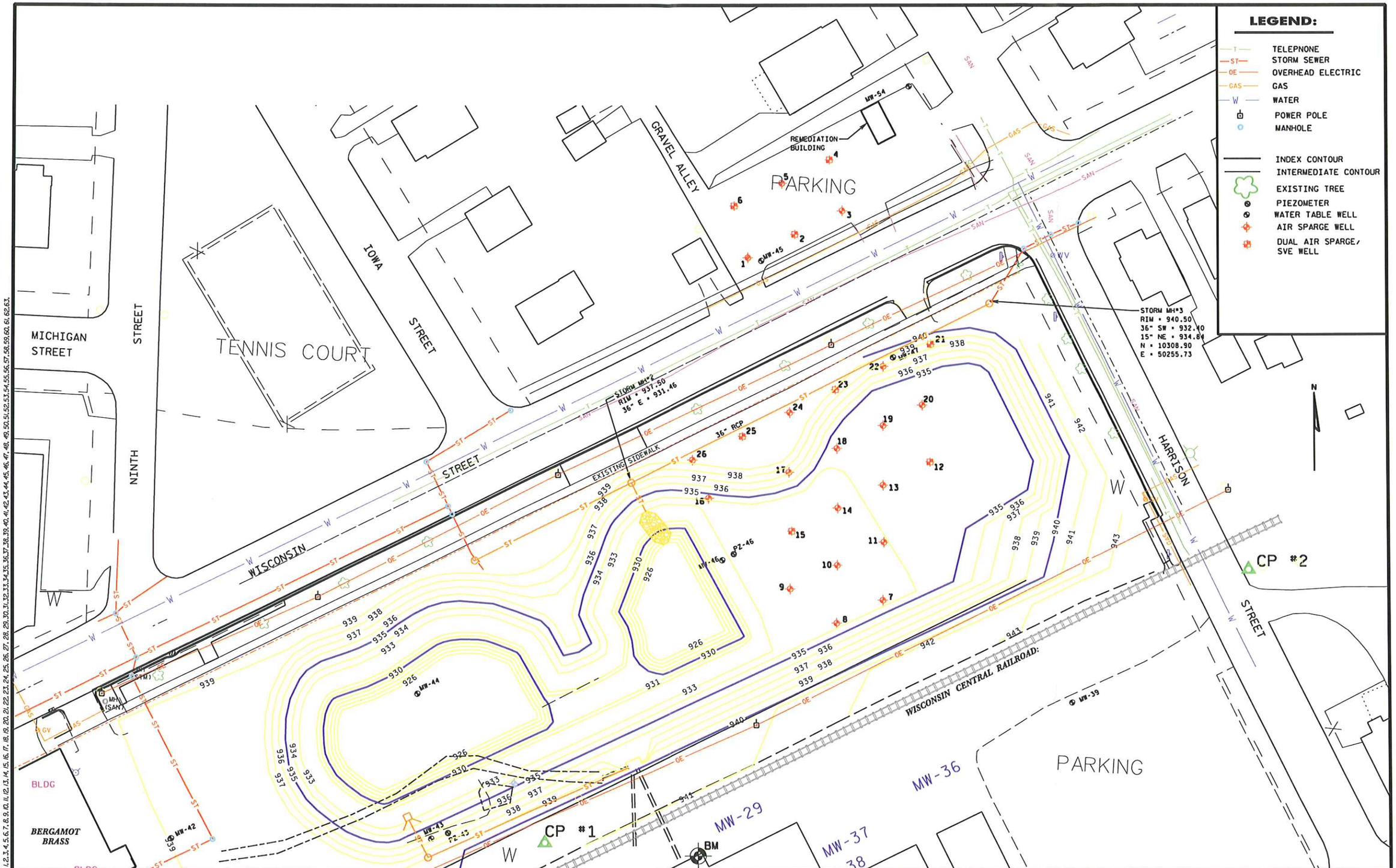


Figure 1 - Site Location Map
Ann Street Redevelopment Corridor
June 2003 Job Number 53-0394.60

DELAVAN, WIS.
NW/4 DELAVAN 15' QUADRANGLE
N4237.5—W8837.5/7.5
PHOTOINSPECTED 1986
1960
PHOTOREVISED 1971

AYRES ASSOCIATES



DR.BY W. HERMANSON	JOB NO. 53-0394.60	MK	DATE	REVISIONS	DR.	ENGRG. APVL.	PROJ. APVL.
CHK.BY J. STEINER	25 0 50 GRAPHIC SCALE IN FEET		- -		WH	J. STEINER	J. STEINER
DATE							

PLAN PREPARED FOR:
CITY OF DELAVAN
DEPARTMENT OF PUBLIC WORKS

PLANS PREPARED BY
AYRES ASSOCIATES
Engineers/Architects
Scientists/Surveyors
Owen Ayres & Associates Inc.
Madison, Wisconsin

ANN STREET RAILROAD CORRIDOR BROWNFIELD REDEVELOPMENT PROJECT

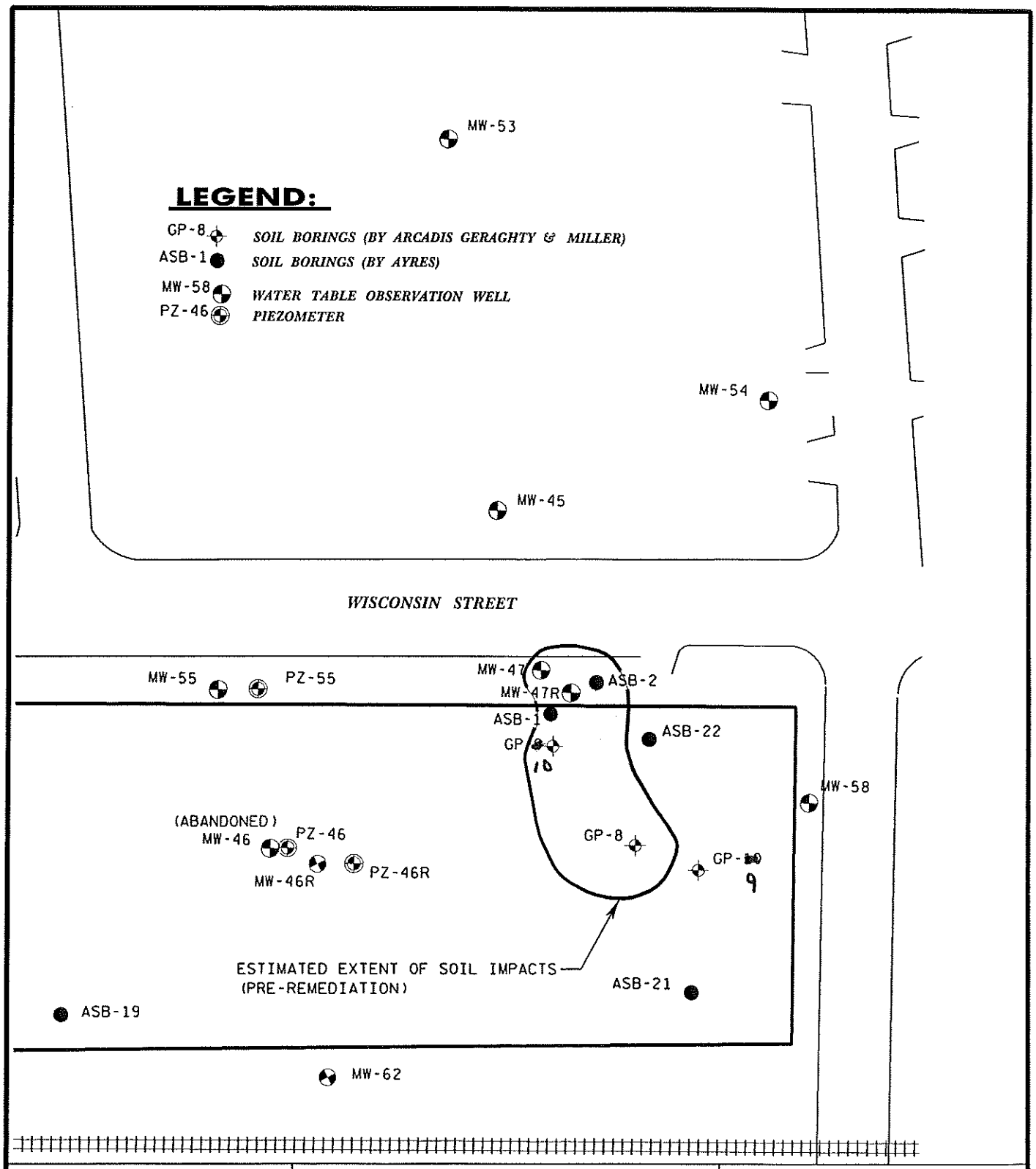
Figure 2 - Site Map

FIGURE NO. | REV. No.

AYRES/CADDS SHEET 100

C:\DGN\SARAH\53047500\53047500_OV.DGN
PEN.
5/16/2008
12:30:05 PM

LEVELS ON - 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63.



AYRES ASSOCIATES

SITE LOCATION

MAPPING SOURCE:
AYRES ASSOCIATES
CADD FILES

NORTH

30 0 60
GRAPHIC SCALE IN FEET

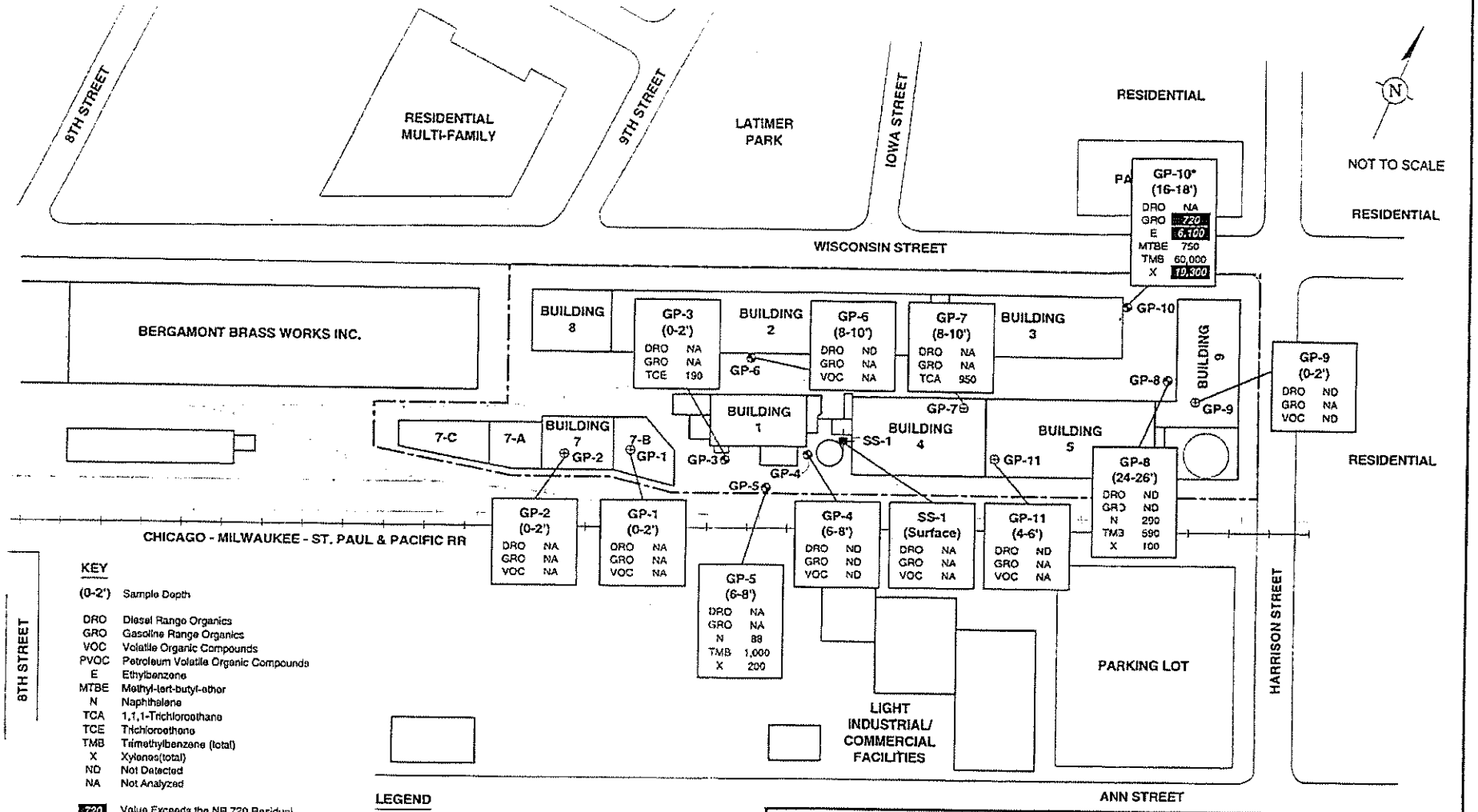
FIGURE 7

SOIL SAMPLE LOCATIONS

CITY OF DELAVAN
123 SOUTH SECOND STREET
DELAVAN, WISCONSIN 53115

DATE: 05-29-08
JOB NUMBER: 53-0606.00

d:\DGN\53060600\WD\53060600_04.DGN
modlbw.tbl
5/30/2008
8:49:08 AM



KEY

(0-2')	Sample Depth
DRO	Diesel Range Organics
GRO	Gasoline Range Organics
VOC	Volatile Organic Compounds
PVOC	Petroleum Volatile Organic Compounds
E	Ethylbenzene
MTBE	Methyl-tert-butyl-ether
N	Naphthalene
TCA	1,1,1-Trichloroethane
TCE	Trichloroethene
TMB	Trimethylbenzene (total)
X	Xylenes(total)
ND	Not Detected
NA	Not Analyzed
720	Value Exceeds the NR 720 Residual Contaminant Level
*	Analyzed for PVOCs

All results expressed in micrograms per kilogram (µg/kg) except for DRO and GRO which are expressed in milligrams per kilogram (mg/kg)

LEGEND

- RAILROAD TRACKS
- SUBJECT PROPERTY BOUNDARY
- GEOPROBE BORING LOCATION
- HAND BORING LOCATION
- SURFACE SAMPLE LOCATION

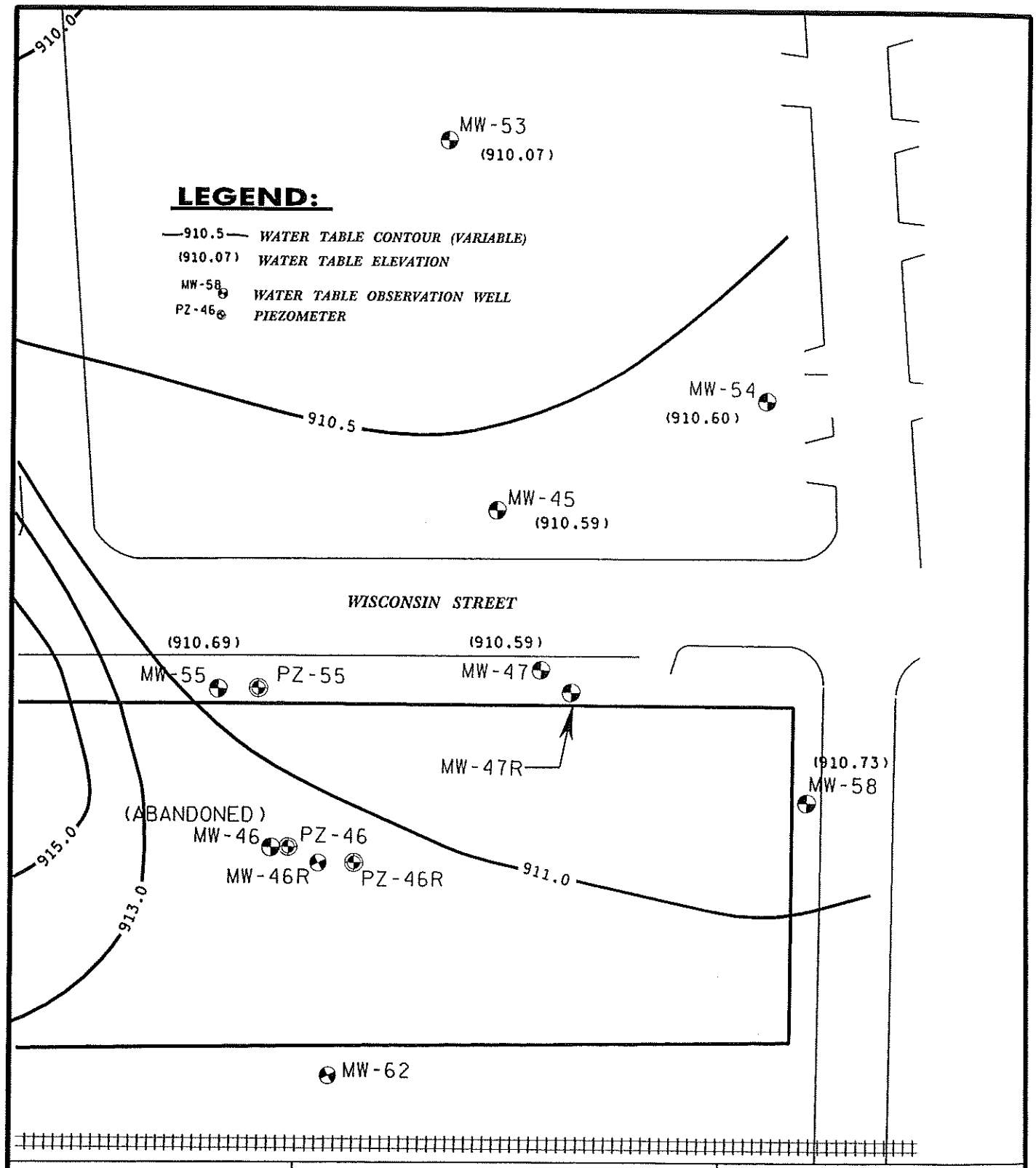
ARCADIS GERAGHTY & MILLER

DRO, GRO, PVOC AND VOC ANALYTICAL RESULTS

FORMER BORG FACILITY
DELAVAN, WISCONSIN

FIGURE 4

DRAFTER: ELS | APPROVED: | CHECKED: RAP | DRAWING: ANALYTIC.AI | FILE NO.: GRAPHICS | FN: ARCHALBS\W0719\DELAVAN | DWG DATE: 14APR99



AYRES ASSOCIATES

SITE LOCATION

MAPPING SOURCE:
AYRES ASSOCIATES
CADD FILES

NORTH

30 0 60
GRAPHIC SCALE IN FEET

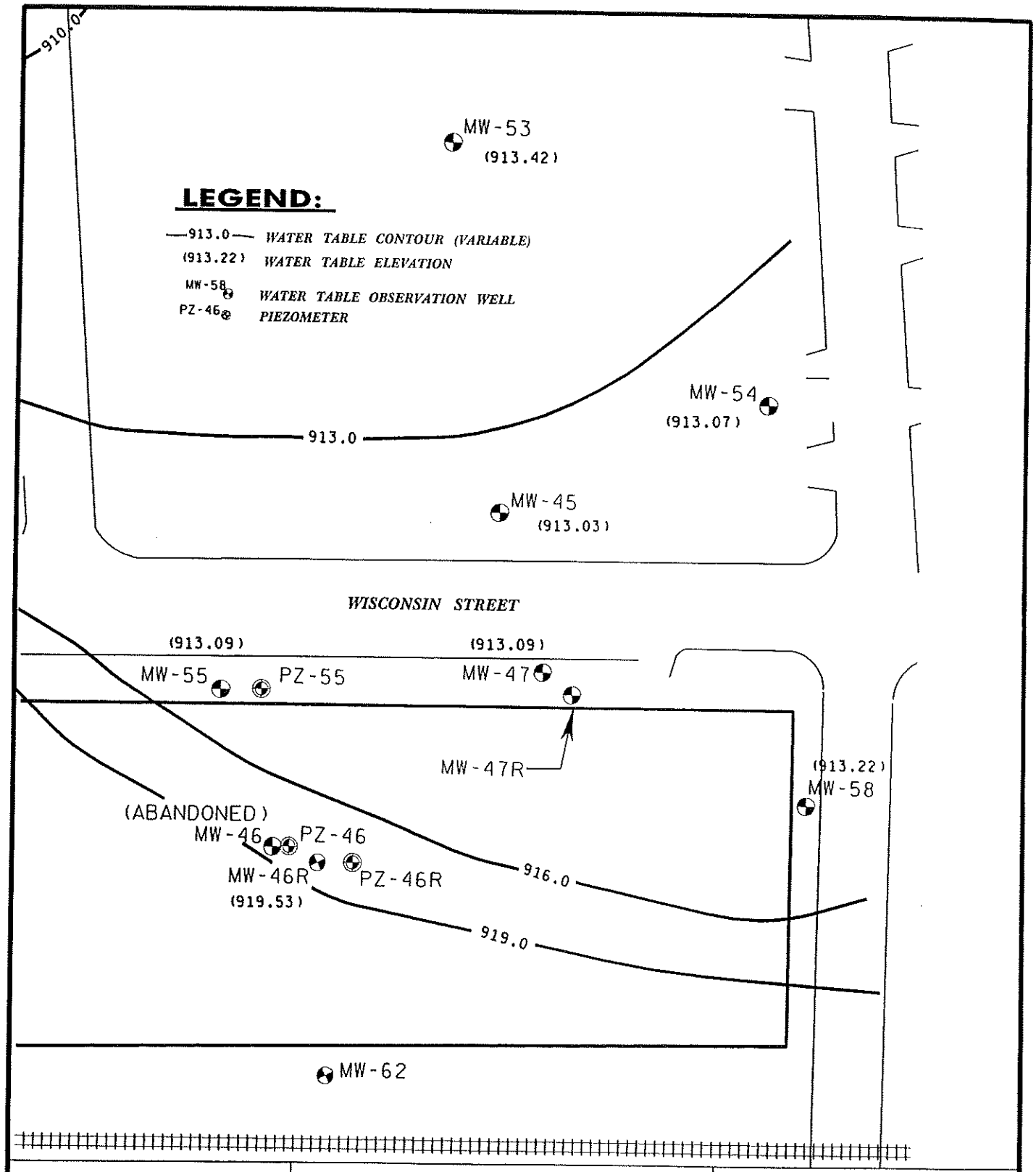
FIGURE 4

WATER TABLE MAP 06-28-05

CITY OF DELAVAN
123 SOUTH SECOND STREET
DELAVAN, WISCONSIN 53115

DATE: 05-27-08
JOB NUMBER: 53-0606.00

d:\DGN\53060600\WD\53060600_02.DGN
madlbw.tbl
5/27/2008
1:48:27 PM



AYRES ASSOCIATES

SITE LOCATION

MAPPING SOURCE:
AYRES ASSOCIATES
CADD FILES

NORTH

30 0 60
GRAPHIC SCALE IN FEET

FIGURE 5

WATER TABLE MAP 03-29-07

CITY OF DELAVAN
123 SOUTH SECOND STREET
DELAVAN, WISCONSIN 53115

DATE: 05-27-08
JOB NUMBER: 53-0606.00

d:\DGN\53060600\WD\53060600_03.DGN
modlbw.tbl
5/27/2008
1:49:10 PM

Table 1

Table 1
Summary of Soil Screening and Analytical Results (August 2003)
Formor Borg Property
Delavan, Wisconsin

Summary of Headspace Screening in Soil Borings

Boring	Sample Depth (feet)																					
	0-2	2-4	4-6	6-8	8-10	10-12	12-14	14-16	16-18	18-20	20-22	22-24	24-26	26-28	28-30	30-32	32-34	34-36	36-38	38-40	40-42	42-44
MW-41											7		25	152	148		74					
PZ- 43											34	61										
MW-44			2			28	4	3	2													
MW-45																59	42	64				
PZ-46																39	26	52			56	8
MW-47			46	49	59	127	156	145			155	177	32	85		211	70	9				

Summary of Polycyclic Aromatic Hydrocarbon (PAH) Detections in Soil

Sample ID	Date	Depth	Benzo(a) anthracene	Benzo(a) pyrene	Benzo (b) fluoranthene	Benzo(g,h,i) perylene	Benzo(k) fluoranthene	Chrysene	Fluoranthene	Indeno(1,2,3-cd) pyrene	Pyrene	1-Methyl naphthalene	Ace napthylene	Phenanthrene
			Concentration in milligrams per Kilogram (mg/Kg)											
MW-44	8/6/2003	10-12 ft	**0.34**	**0.25**	**0.27**	0.23	0.14	*	1.7	**0.25**	3.5	0.43	0.29	0.58
Ground water Pathway RCL			17	48	360	6,800	870	37	500	680	8,700	23	0.7	1.8
Direct Contact - Non Industrial RCL			0.088	0.0088	0.088	1.8	0.88	8.8	800	0.088	500	1,100	18	18
Direct Contact - Industrial RCL			39	39	39	39	39	390	40,000	3.9	3,000	70,000	360	390

Notes:
RCL - Wisconsin Department of Natural Resources suggested Residual Contaminant Levels documented in Publication RR-519-97, Soil Cleanup Levels for Polycyclic Aromatic Hydrocarbons (PAHs) Interim Guidance
BOLD Concentration greater than the the "suggested" direct contact non-industrial RCL.
* Concentration below laboratory method detection limit.

Summary of Volatile Organic Compound (VOC) Detections in Soil

Sample ID	Date	Depth	GRO	DRO	Benzene	Ethyl benzene	Toluene	Total Xylenes	Methyl-tert-Butyl-Ether	Trimethyl-benzene	Naphthalene	n-Butyl benzene	sec-Butylbenzene	tert-Butylbenzene	Diisopropyl ether	Isopropyl benzene	p-Isopropyl-toluene	n-Propyl-benzene	Styrene
			Concentrations in milligrams per kilogram (mg/kg)																
MW-41	8/4/2003	24-26 ft	---	---	*	*	0.019	0.157	*	0.176	0.16	0.38	0.079	0.09	*	*	0.08	0.12	0.13
MW-42	8/4/2003	24-26 ft	---	---	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
PZ-43	8/5/2003	20-22 ft	---	---	*	*	*	0.053	*	1.2	*	3.0	0.87	*	*	*	1.6	*	1.7
MW-44	8/6/2003	10-12 ft	---	**150**	*	*	0.026	*	*	0.229	0.45	0.52	0.12	*	*	*	0.093	0.055	0.12
MW-45	8/12/2003	10-12 ft	---	---	*	*	0.015	*	*	*	*	*	*	*	*	*	*	*	*
PZ-46	8/7/2003	10-12 ft	---	---	*	*	*	*	*	0.017	*	*	*	*	*	*	*	*	*
MW-47	8/8/2003	10-12 ft	---	---	*	*	*	0.045	*	0.213	0.087	0.51	0.067	*	*	*	0.025	0.058	0.077
MW-47	8/8/2003	18-20 ft	---	---	**3.2**	**75**	**170**	**346**	*	**170**	**32**	60	4.9	*	15	6.4	2.8	25	4.4
NR 720 Residual Contaminant Level (R			10	10	0.0055	2.9	1.5	4.1	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
NR 746 Soil Screening Level (SSL)			10	10	9.5	4.6	38	42	NE	11	2.7	NE	NE	NE	NE	NE	NE	NE	NE
NR 746 Direct Contact Level (DCL)			NE	NE	1.1	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE	NE

Notes:
* Concentration below laboratory method detection limit.
Concentrations in milligrams per kilogram (mg/Kg)
RCL NR 720 Wisconsin Administrative Code Residual Contaminant Level (mg/Kg). Based on protection of ground water.
SSL NR 746 Wisconsin Administrative Code Soil Screening Level (mg/Kg). Indicator of residual petroleum product in soil pores.
DCL NR 746 Wisconsin Administrative Code Direct Contact Level (mg/Kg) in top 4 feet of soil. Based on protection of Human Health.
Bold Concentration exceeds NR 720 or NR 746 cleanup criteria.
--- Parameter not analyzed.

ARCADIS GERAGHTY&MILLER

Table 4. Summary of Soil Diesel Range Organics, Gasoline Range Organics and Volatile Organic Compounds Analytical Results, Former Borg Facility, Delavan, Wisconsin.

Boring Sample Depth Sample Date	GP-1 0-2' 3/30/99	GP-2 0-2' 3/30/99	GP-3 0-2' 3/30/99	GP-4 6-8' 3/30/99	GP-5 6-8' 3/30/99	GP-6 8-10' 3/30/99	GP-7 8-10' 3/30/99	GP-8 24-26' 3/30/99	GP-9 0-2' 3/30/99	GP-10 16-18' 3/30/99	GP-11 4-6' 3/30/99	NR 720 RCL
GRO (mg/kg)	NA	NA	NA	<3.1	NA	NA	NA	NA	NA	**720**	NA	100
DRO (mg/kg)	NA	NA	NA	<4.3	NA	<4.9	NA	<3.7	<4.4	NA	<4.2	100
PVOC												
Ethylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	**6,100**	NA	2,900
Methyl-tert-butyl-ether	NA	NA	NA	NA	NA	NA	NA	NA	NA	750	NA	NS
1,2,4-Trimethylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	45,000	NA	NS
1,3,5-Trimethylbenzene	NA	NA	NA	NA	NA	NA	NA	NA	NA	15,000	NA	NS
Xylenes, total	NA	NA	NA	NA	NA	NA	NA	NA	NA	**19,300**	NA	4,100
VOC												
Ethylbenzene	NA	NA	ND	ND	ND	NA	ND	33 Q	ND	NA	NA	2,900
Isopropylbenzene	NA	NA	ND	ND	71 Q	NA	ND	ND	ND	NA	NA	NS
p-Isopropyltoluene	NA	NA	ND	ND	220	NA	ND	ND	ND	NA	NA	NS
Naphthalene	NA	NA	ND	ND	88	NA	ND	290	ND	NA	NA	NS
n-Propylbenzene	NA	NA	ND	ND	ND	NA	ND	52 Q	ND	NA	NA	NS
Tetracholoethane	NA	NA	ND	ND	ND	NA	33 Q	ND	ND	NA	NA	NS
Trichloroethene	NA	NA	190	ND	ND	NA	ND	ND	ND	NA	NA	NS
1,1,1-Trichloroethane	NA	NA	ND	ND	ND	NA	950	ND	ND	NA	NA	NS
1,2,4-Trimethylbenzene	NA	NA	ND	ND	1000	NA	ND	460	ND	NA	NA	NS
1,3,5-Trimethylbenzene	NA	NA	ND	ND	ND	NA	ND	130	ND	NA	NA	NS
Xylenes, total	NA	NA	ND	ND	200	NA	ND	100	ND	NA	NA	4,100

Results expressed in micrograms per kilogram (µg/kg) unless otherwise indicated.

Q Value is between the limit of detection and the limit of quantification.

bold Value exceeds the NR 720 Residual Contaminant Level.

mg/kg Milligram per kilogram.

PVOC Petroleum volatile organic compounds.

VOC Volatile organic compounds.

NS No standard.

DRO Diesel Range Organics.

GRO Gasoline Range Organics.

NA Not analyzed.

ND Not detected.

g:\michalbs\wi0719\delavan\tables\delsl voc.xls

Table 3
Groundwater Elevation Data
Ann Street Railroad Corridor Redevelopment Project
Delavan, Wisconsin

WELL ID	TOP OF CASING ELEVATION (feet MSL)	Well Screens		6/28/2005		6/20/2006		3/28/2006		3/29/2007	
		Top of Screen (feet MSL)	Bottom of Screen (feet MSL)	DEPTH TO WATER (feet)	GW ELEVATION (feet MSL)	DEPTH TO WATER (feet)	GW ELEVATION (feet MSL)	DEPTH TO WATER (feet)	GW ELEVATION (feet MSL)	DEPTH TO WATER (feet)	GW ELEVATION (feet MSL)
MW-45	939.24	914.24	904.24	28.65	910.59	27.80	911.44	29.43	909.81	26.21	913.03
MW-46R	938.46	915.00	905.00	----	----	----	----	----	----	18.93	919.53
PZ-46R	938.32	894.00	889.00	----	----	----	----	----	----	20.11	918.21
MW-52	938.91	914.91	904.91	28.72	910.19	----	----	29.55	909.36	26.4	912.51
MW-53	940.67	914.67	904.67	30.6	910.07	29.91	910.76	31.43	909.24	28.25	912.42
MW-54	939.73	914.73	904.73	29.13	910.60	28.44	911.29	29.95	909.78	26.66	913.07
MW-55	937.80	912.80	902.80	27.11	910.69	26.21	911.59	27.93	909.87	24.71	913.09
PZ-55	937.72	882.72	877.72	27.31	910.41	----	----	27.97	909.75	24.89	912.83
MW-58	941.58	916.58	906.58	30.85	910.73	30.03	911.55	31.61	909.97	28.36	913.22

Note:
1. All wells surveyed to USGS datum. Wells surveyed to top of PVC casing.
2. Benchmark is section corner (brass disk) in center of east-bound turn lane at corner of Hwy. 11 and 7th Street.