

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



**BRRTS
Duplicate**

15

CERTIFIED MAIL

June 10, 2019

BARBARA BAKER
W3705 SILICA ROAD
FOND DU LAC WI 54935

Subject: Notice of Intent to File Notice of Contamination Affidavit per Wis. Admin. Code § NR 728.11
BRRTS # 03-20-109815
Site Name: Baker Property ("Site")
Site Address: W3705 Silica Road. Fond du Lac, WI 54935 ("Property")

Dear Ms. Baker:

On April 11, 2019, the Department of Natural Resources ("department") sent you a letter requesting a site update for the above referenced Property. The department did not receive a response to the previous request within the allotted timeframe.

In accordance with Wis. Admin. Code § NR 728.11(2)(b), you are hereby notified that the department intends to record an affidavit at the county register of deeds office giving notice of contamination at the Property located at W3705 Silica Road. Fond du Lac, WI 54935, unless you **respond to this second letter in writing, within 30 days of receiving this letter (date of delivery confirmation), informing the department of your plans to finish the necessary environmental response actions at this site.** As part of this response, please include the name and contact information of your environmental consultant.

In accordance with Wis. Admin. Code § 728.11(2)(c), if an acceptable response is not received within the time period set forth in this letter, the department may, as soon as practicable but in no case less than 15 days after the 30-day deadline, record the Notice of Contamination affidavit at the office of the register of deeds for the county in which the Property is located. A copy of the Notice of Contamination affidavit to be filed is enclosed with this letter.

Your prompt attention to this request is appreciated. If you have any questions regarding this notice or how to move your site forward, please contact Tom Verstegen in writing at the letterhead address, by phone at (920) 424-0025, or by email at Thomas.Verstegen@wisconsin.gov.

Sincerely,

Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation and Redevelopment Program

Enc: Copy of Deed Affidavit to Be Filed

Document Number

Wis. Admin. § NR 728.11
NOTICE OF CONTAMINATION

Legal Description of the Property:
See attached Exhibit A

STATE OF WISCONSIN
(COUNTY OF FOND DU LAC)

I, Roxanne N. Chronert, being first duly sworn, state that:

Recording Area

Name and Return Address:
Wisconsin Department of Natural
Resources
Attn: Andrew James
2984 Shawano Avenue
Green Bay, WI 54313

1. I am a Remediation and Redevelopment Program Supervisor, employed by the Wisconsin Department of Natural Resources (hereinafter "the department") at its Northeast Region Service Center, 2984 Shawano Avenue, Green Bay, WI. T20-16-18-16-16-011-00
Parcel Identification Number (PIN)
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The department has determined that Petroleum Volatile Organic Compounds (PVOCs) have discharged at the Baker Property (BRRS# 03-20-109815) ("the Property"), which is located at W3705 Silica Road, in the Town of Taycheedah, County of Fond du Lac, Wisconsin, and which has the above legal description, has contaminated soil in the vicinity.
4. The department has determined that soil contamination has been identified on the Property which has not been adequately defined or remediated.
5. On September 16, 1996, the department sent a letter to Barbara Baker, advising her of the statutory requirement to restore the environment at that location. No response to that letter has been received by the department, by the designated date of October 16, 1996.
6. Per Wis. Admin. § NR 728.11(2)(a), on April 11, 2019, the department sent a letter, by certified mail, to Ms. Barbara Baker advising that a notice of contamination would be recorded if satisfactory action to address the environmental contamination did not commence. That letter requested a written response by May 13, 2019. No response to that letter has been received by the department.
7. Per Wis. Admin. § NR 728.11(2)(b), on June 10, 2019, the department sent a letter, by certified mail, to Ms. Barbara Baker advising that the department has made the decision to record a notice of contamination for the above-described property at the county Register of Deeds office. The 30-day response time set out in the letter has expired. Additionally, per Wis. Admin. § NR 728.11(2)(c), the 15-day waiting period since that deadline, required by Wis. Admin. § NR 728, has passed without an acceptable response.
8. Because the department believes that PVOCs currently found in the soil on the Property with the above legal description, will continue to discharge into the environment, subsequent purchasers of the Property could be held responsible for investigation and cleanup costs under Wis. Stat. § 292.11(3).

AFFIDAVIT

In Re: Property Located in the
Town of Taycheedah
Fond du Lac County, Wisconsin
Described above.

Roxanne N. Chronert, Team Supervisor
Northeast Region Remediation & Redevelopment Program

Subscribed and sworn to before me this ____ day of _____, 2019.

Notary Public, State of Wisconsin

My commission expires on: _____

Exhibit A

A parcel of land situated in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4), Township Fifteen (15) North, of Range Seventeen (17) East, Fond du Lac County, Wisconsin, more fully described as follows: Commencing at a point two Hundred Thirty (230) feet West, and Thirty-Three (33) feet North of the Southeast corner of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4), Township Fifteen (15) North, of Range Seventeen (17) East, Fond du Lac County, Wisconsin, for a point of beginning, which is also on the North R/W line of Scott Street. Thence North One Hundred Twenty (120) feet at a right angle to Scott Street to a point, thence West One Hundred (100) feet to a point, thence South One Hundred Twenty (120) feet to a point on the North line of said Scott Street, thence East One Hundred (100) feet along the North line of Scott Street to the point of beginning.

A part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4), Township Fifteen (15) North, of Range Seventeen (17) East, Fond du Lac County, Wisconsin, and more particularly described as follows, to-wit: Beginning at a point on the South line of the Southwest $\frac{1}{4}$ of said Section 4, 330.0 feet West of the quarter-section stone at the Southeast corner of said Southwest $\frac{1}{4}$ of Section 4, and running thence North at right angles to said South line of the Southwest $\frac{1}{4}$ (and along the West line of that parcel conveyed by Hintz to Baker as described in Vol. 361 of Deeds, Page 381) a distance of 153.0 feet to the Northwest corner of said parcel conveyed to Baker; thence running West, parallel with the aforesaid South line of the Southwest $\frac{1}{4}$, a distance of 90.0 feet; thence running South and parallel with the East line hereof, a distance of 153.0 feet to the aforesaid South line of the Southwest $\frac{1}{4}$ of Section 4; thence running East along such South line, 90.0 feet to the place of beginning; containing 0.32 acre of land, more or less, and subject to the rights of the public in and over that part of the above described parcel lying in the right-of-way for County Trunk Highway 000 (Scott Street Road), which runs along the South side of this parcel; the parcel hereby conveyed being a 120-foot deep lot outside the right-of-way of such highway.

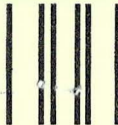
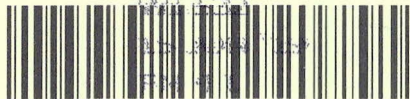
A parcel of land situated in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4), Township Fifteen (15) North, of Range Seventeen (17) East, Fond du Lac County, Wisconsin, more fully describes as follows:

Commencing at the Northeast corner of that parcel conveyed by Hintz to Baker as described in Vol. 361 of Deeds, Page 381; thence North at right angles on an extension of the East line of the premises conveyed by said deed, 80 feet; thence West and parallel with the North line of the parcel conveyed by said deed, 100 feet to a point; thence South 80 feet to the Northwest corner of the parcel conveyed by said deed; thence East and along the North line of the parcel conveyed by said deed, 100 feet to the place of beginning.

A part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4), Township Fifteen (15) North, of Range Seventeen (17) East, Fond du Lac County, Wisconsin, and more particularly described as follows, to-wit: Beginning at a point on the South line of the Southwest $\frac{1}{4}$ of said Section 4, 420 feet West of the quarter section stone at the Southeast corner of said Southwest $\frac{1}{4}$ of Section 4, and running thence North at right angles to said South line of the Southwest $\frac{1}{4}$ (and along the West line of that parcel of land conveyed by Hintz to Baker as described in Vol. 376 of Deeds, Page 26) a distance of 153 feet to the Northwest corner of said parcel conveyed to Baker; thence running East parallel with the aforesaid South line of the Southwest $\frac{1}{4}$ a distance of 90 feet to the Northeast corner of said parcel conveyed to Baker, thence North at right angles 80 feet to a point; thence West and parallel with the North line of said parcel conveyed to Baker, 100 feet to a point; thence South and parallel with the West line of said parcel of land conveyed to Baker, 233 feet; thence East 10 feet to the place of beginning, subject to the rights of the public in and over that part of said parcel lying in County Trunk 000 (Scott Street road).

EXCEPTING THEREFROM land as described in Warranty Deed dated December 21, 1999, recorded December 29, 1999, as Document No. 684837.

USPS TRACKING #



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 4216 8121 4556 05

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

DNR
At Andrew James
2984 Shawano Ave
Green Bay WI 54313

RECEIVED
JUN 17 2019
DNR GREEN BAY



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara Baker
 W3705 Silica Rd
 Fond du Lac WI: 54935



9590 9402 4216 8121 4556 05

2. Article Number (Transfer from service label)

7018 0680 0001 3457 1230

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

 Adult Signature Adult Signature Restricted Delivery Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Restricted Delivery Insured Mail Insured Mail Restricted Delivery

(over \$500)

 Priority Mail Express® Registered Mail™ Registered Mail Restricted Delivery Return Receipt for Merchandise Signature Confirmation™ Signature Confirmation

Restricted Delivery