

706182

Document Number

NOTICE OF CONTAMINATION

VOL 1164 PG 539

GRANT COUNTY, WI
RECEIVED FOR RECORD

MAR 31 2008

Legal Description of the Property: Outlot 3 in the Village of Mt. Ida, Grant County, Wisconsin, according to the recorded plat thereof.

STATE OF WISCONSIN)
)
COUNTY OF GRANT)

at 1:20 P m. and recorded in
Vol. 1164 of Records Page 539
Melvin Pierce Register

I, Linda Hanefeld, being first duly sworn, state that:

Recording Area

Name and Return Address:

Linda Hanefeld
WI DNR
3911 Fish Hatchery Road
Fitchburg, WI 53711

pd \$13.00

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources ("Department") at its South Central Regional Headquarters.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum contaminants discharged to the Jeffery and Gloria Lutzen Property, which is located at 6858 Highway 18, Fennimore, in the Town of Mount Ida, County of Grant, ("Property") and which has the above-captioned legal description, has known contaminated soil in the vicinity.
4. On June 16, 1997, the Department received notification stating that petroleum-related contamination exists in the soil at the Property.
5. The Department believes that investigation into the extent and degree of petroleum-related contamination, removal or treatment of the contaminated soil, and/or groundwater monitoring, are required on the Property under the authority of s. 292.11(3), Wisconsin Statutes.
6. On July 8, 1997, the Department sent a letter to Donald Kreyer, Property owner at that time, advising him of the statutory requirement to restore the environment at that location.
7. On March 10, 2003, the Department made an attempt to contact Donald Kreyer via U.S. Mail. This attempt was unsuccessful.
8. Deed documents obtained from the Grant County Register of Deeds indicate that the Property was transferred by warranty deed to Jeffery C Lutzen and Gloria Lutzen on October 18, 2002.
9. On May 15, 2006, the Department sent a letter to Jeffery and Gloria Lutzen advising them of the statutory requirement to restore the environment at the Property.
10. In response to the May 15, 2006, letter from the Department, Gloria Lutzen contacted Linda Hanefeld via telephone and explained that it was unlikely Jeffery and Gloria Lutzen would be able to pay for site investigation and/or cleanup activities.
11. On August 8, 2007, the Department received the necessary financial information concerning Jeffery and Gloria Lutzen's inability to pay for the completion of the investigation and cleanup of the Property. On August 21, 2007, the Department, after analysis, determined that Jeffery and Gloria Lutzen were financially unable to proceed with the necessary site investigation and remediation.
12. On October 5, 2007, the Department sent a letter, by certified mail, to Jeffery and Gloria Lutzen advising them that the Department determined that they were financially unable to proceed with the necessary site investigation and/or remediation and that a notice of contamination would be recorded on the Property, if satisfactory action to

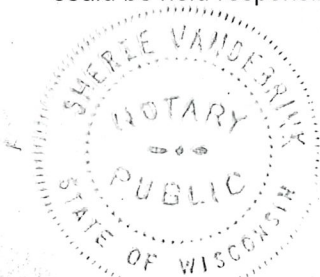
40-696
Parcel Identification Number (PIN)

AFFIDAVIT

In Re: Property Located in the Town of Mount Ida
Grant County, Wisconsin
Described above

restore the environment did not commence. That letter requested a written response by November 4, 2007.

- 13. The Department received an inadequate response to its October 5, 2007 letter.
- 14. On January 29, 2008, the Department sent a certified letter to Jeffery and Gloria Lutzen, advising that the Department has made a decision to record a notice of contamination for the Property at the county Register of Deeds office.
- 15. As the Department believes that petroleum contaminant found in the soil and groundwater 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 clean-up costs under s. 292.11(3), Wisconsin Statutes.



Linda Hanefeld

 Linda Hanefeld
 Hydrogeologist

Subscribed and sworn to before me this 31st day of March, 2008.

Sherie Vandebriuk

 Notary Public, State of Wisconsin

My commission expires on: 11/2010

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