

From: James, Andrew G - DNR
Sent: Thursday, February 24, 2022 4:18 PM
To: Tracy Ostrander
Cc: Joe Ramcheck (jramcheck@endeavorenv.com)
Subject: WI DOT - Old dutchmill - 03-20-183944 - Updating Deed Notice NR 728.11(3)
Attachments: 20220223_99_Draft_Affidavit.pdf

Dear Ms. Ostrander,

Please find the attached letter which outlines DNR's intent to update or satisfy the notice of contamination that was historically recorded on your property. Please see the attachment for further clarification and instruction. If you have any questions, please let DNR know.

Thank you,
Andy James

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Andy James

Hydrogeologist
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313
Cell: 715-527-0114
Andrew.James@wisconsin.gov



dnr.wi.gov





February 23, 2022

TRACY R. & WILLIAM L. OSTRANDER
N2271 USH 45
CAMPBELLSPORT, WI 53010
Sent via electronic mail only to tostrander12@gmail.com

SUBJECT: Filing of § NR 728.11(3) Deed Notice
WI DOT Old Dutchmill, N2271 USH 45, Town of Auburn, WI
DNR BRRTS Activity # 03-20-183944

Dear Ms. & Mr. Ostrander:

On November 22, 2021, The Department of Natural Resources (“DNR”) issued the final closure letter for your site. As you have complied with the requirements of Wis. Admin. Code chs. NR 700-799 and Wis. Stat. § 292.11(3), the DNR will be updating the Notice of Contamination applied to the deed of your property which was recorded on September 12, 2003, as Document Number 800314.

Please find the attached Deed Notice which the DNR intends to file on your property located at N2271 USH 45, Town of Auburn, Wisconsin (“Property”). This notice will be filed in accordance with § NR 728.11(3) Wis. Admin. Code. The purpose of this Deed Notice is to notify prospective purchasers and other interested persons that the previously filed Affidavit, recorded on September 12, 2003, as Document Number 800314, has been satisfied and is no longer applicable to the Property.

DNR is requesting by March 25, 2022, you respond to DNR regarding any errors that may be contained on the attached draft documents. DNR recommends comparing the attached draft documents with your environmental and Property records to ensure accuracy. DNR will proceed with filing the document on your Property after March 25, 2022. If you have any revisions to the attached document, please contact DNR prior to this date.

Attached is the draft Deed Notice DNR intends to file. DNR is requesting you review these documents and respond by the above date if you find any errors. Should you have any questions or concerns regarding your site or the attached draft documents, please contact your DNR project manager Andy James, at Andrew.James@wisconsin.gov, or at (715) 527-0114.

Sincerely,

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

cc: Joe Ramcheck, Endeavor Environmental Services Inc. (jramcheck@endeavorenv.com)

Attachment:
Draft Deed Notice & Exhibit A

DEED NOTICE

Legal Description of the Property:

That part of the Northwest ¼ Southwest ¼ of Section 4, Township 13 North, Range 19 East, Town of Auburn, Fond du Lac County, Wisconsin, described as follows:

Beginning at a cross mark cut in the concrete paving slab, at the intersection of the center line of USH "45", with the center line of State Trunk Highway No. 67, said point being over the center of a culvert, and at the Southern end of the curve joining said Highway 67 with said USH "45", said point being also 767.80 feet South of the West quarter post of said Section 4; thence assuming the West line of said Northwest quarter of the Southwest quarter (NW ¼ SW ¼) as a North and South base line and referring all courses to said base line by a transit vernier measurement of angels; running thence North 63 degrees 32 minutes East 83.30 feet to an iron stake; thence North 29 degrees 32 minutes East 200 feet to an iron stake; thence North 48 degrees 42 minutes West 83 feet to the center line of said Highway 67, and meeting said center line at right angles; thence Southwesterly and Southerly along said center line to the place of beginning.

Exception therefrom that portion conveyed to Fond du Lac County by deed recorded in Volume 411 of Deeds on Page 230.

As described in Document No. 681225, Volume 1477, pages 148-149, Fond du Lac County Register of Deeds.

Recording Area

Name and Return Address:
Andy James
Department of Natural Resources
2984 Shawano Ave.
Green Bay WI, 54313

T03-13-19-04-10-007-00

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF BROWN)

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

1. I am a Remediation and Redevelopment Program supervisor, employed by the Wisconsin Department of Natural Resources ("department" or "DNR") at its Northeast regional office.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. As documented on the attached Exhibit A, the contaminated soil for which the department recorded a Notice of Contamination (titled "Affidavit") on September 12, 2003, as Document Number 800314, has been investigated and remediated to the satisfaction of the DNR. The residual contamination, originating from the property described above, which exceeds State standards, no longer poses an imminent threat to human health or the environment. A final case closure letter with continuing obligations for residual soil and groundwater contamination and future vapor concern, was issued by DNR on November 22, 2021.
4. In accordance with Wis. Admin. § NR 728.11(3), on February 24, 2022, the DNR sent a notice to the current property owners, advising that a decision has been made to record a second Deed Notice that supersedes the original Affidavit for the above-described property at the county Register of Deeds office.
5. In accordance with § NR 728.11(3), this Deed Notice is being recorded for the purpose of notifying prospective purchasers and other interested persons that the previously recorded Notice of Contamination (titled "Affidavit") on September 12, 2003, as Document Number 800314, is terminated and no longer applicable to the above-described property.

AFFIDAVIT

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

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

Subscribed and sworn to before me this _____ day of _____, 20____. by the above named Roxanne N. Chronert.

Notary Public, State of Wisconsin

My commission expires on: _____

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

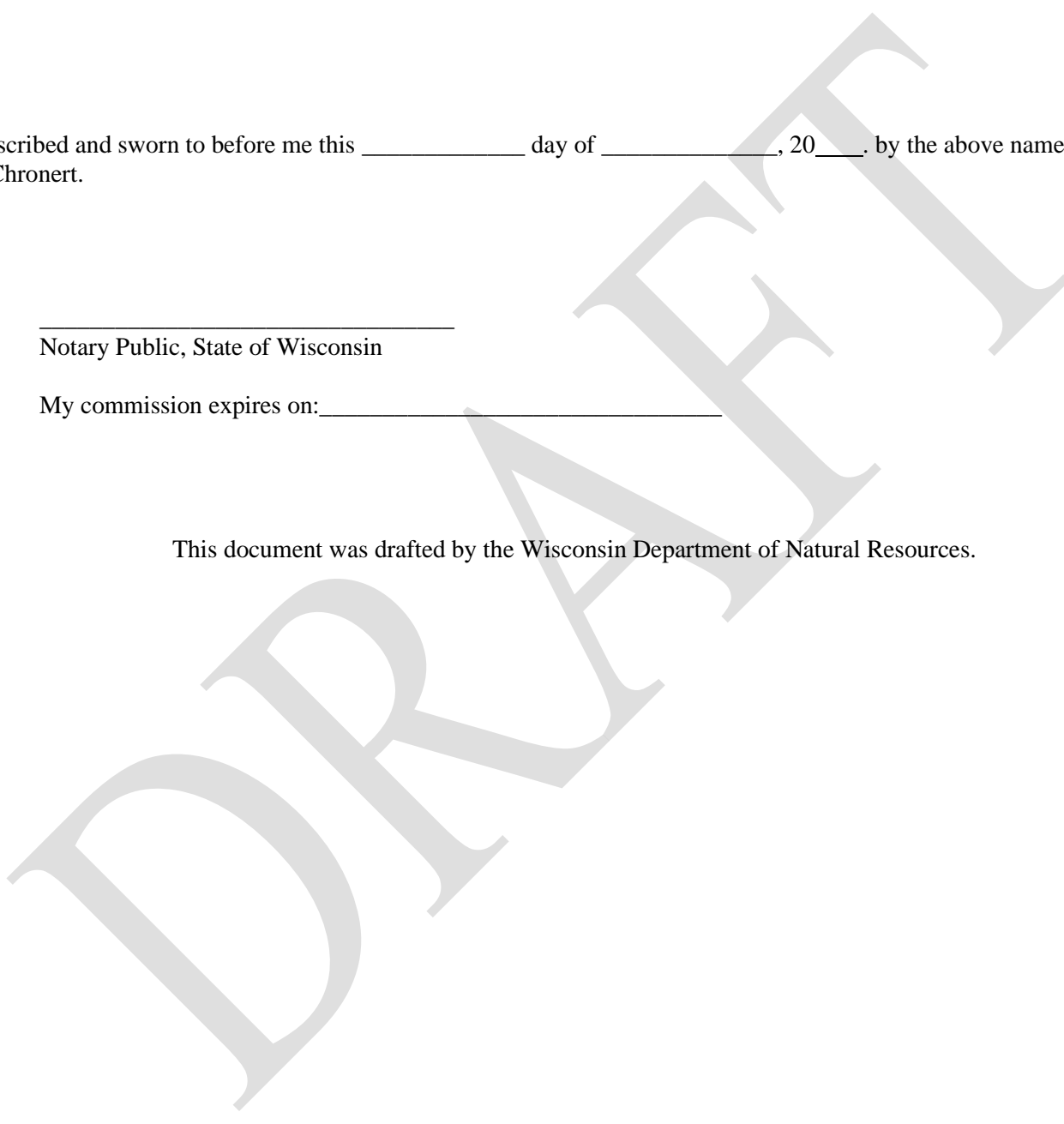


EXHIBIT A

Written Determination by the
Wisconsin Department of Natural Resources

1. A Notice of Contamination (titled "Affidavit") was recorded at the Fond du Lac County Register of Deeds Office on September 12, 2003, as Document Number 800314. It applies to the property located at N2271 USH 45, in the Town of Auburn, Wisconsin ("Property") which is currently owned by William L. and Tracy R. Ostrander.
2. The Affidavit recorded under Wis. Admin. Code § NR 728.11, was to notify the public of the existence and potential liability of contamination associated with the Property. The Wisconsin Department of Natural Resources ("department" or "DNR"), in accordance with Wis. Admin. Code ch. NR 700 rule series and Wis. Stat. § 292.11(3), determined all administrative and statutory obligations for this release of contamination had not been met. Because the department believed contamination would continue to release to the environment, it was necessary to notify the public and any subsequent interested purchasers of the liability associated with the contamination on the Property.
3. The Property was formerly a rural tavern which included a gasoline pump and a 500-gallon leaded gasoline underground storage tank (UST). Contamination was identified when the UST and dispenser were reportedly removed in the early 1990s. On March 26, 1998, the department was notified of this contamination and a Responsible Party letter was issued.
4. Subsequently, site investigation activities took place to define the degree and extent of Volatile Organic Compounds, Polycyclic Aromatic Hydrocarbons, and lead in all applicable media and the site was granted closure on November 22, 2021.
5. Thus, at this time, with the information available, the release of contamination at the Property has been determined to meet all administrative and statutory obligations in accordance with Wis. Admin. Code chs. NR 700-799 and Wis. Stat. § 292.11(3). Please refer to the Continuing Obligations packet found on BRRTS on the Web, for the list of continuing obligations which currently exist at the Property located at, N2271 USH 45, in the Town of Auburn, Wisconsin. The BRRTS Activity Number is: 03-20-183944.
6. Therefore, the environmental contamination previously identified on this Property has been adequately addressed and the previously filed Notice of Contamination (titled "Affidavit"), recorded on September 12, 2003, as Document Number 800314, has been satisfied.

By: Signature: _____

Date:

Printed Name: Roxanne N. Chronert

Title: Team Supervisor Northeast Region Remediation and Redevelopment