



December 14, 2020

CITY OF SEYMOUR
LORI THIEL – CLERK / TREASURER
328 NORTH MAIN STREET
SEYMOUR WI 54165

Subject: Notice of Intent to File a Deed Notice § NR 728.11(3)
Deering Property - LGU, 120 North Main Street, City of Seymour, Wisconsin
DNR BRRTS Activity #: 03-45-217425

Dear Ms. Thiel:

On September 18, 2000, under direction from the Department of Natural Resources (DNR), a Notice of Contamination was filed as document number 1379997, with the Register of Deeds in Outagamie County with the intent to notify the public of contamination existing at 120 N. Main St, Seymour, WI (Property). The DNR, in accordance with the Wis. Admin. Code chs. NR 700-799 and Wis. Stat. § 292.11(3), determined all administrative and statutory obligations for this release of contamination had not been met and the Notice of Contamination was filed. The Notice of Contamination recorded under Wis. Admin. Code § NR 728.11, was to notify the public of the existence and potential liability of petroleum contamination associated with ownership of the Property.

Since that time, remedial actions have been taken to address the source of contamination and impacts to the environment. On November 25, 2005, pursuant to Wis. Admin. Code ch. NR 726, the contamination case on your Property was closed with continuing obligations as some contamination remains in soil and groundwater. According to the procedure found in Wis. Admin. Code § NR 728.11(3), this letter is to advise you that the DNR has made the decision to record a second affidavit (hereafter referred to as a Deed Notice) that supersedes the original Notice of Contamination for the Property. This Deed Notice is being recorded for the purpose of notifying prospective purchasers and other interested persons that the previously recorded Notice of Contamination, filed on September 18, 2000, has been satisfied and is no longer applicable to the Property.

Attached are drafts of the documents the DNR is in the process of filing. The DNR will provide you with a final copy of the filed Deed Notice once it has been recorded and returned from the Register of Deeds office. If you have any questions, contact Andy James at (715) 527-0114 or at Andrew.James@wisconsin.gov.

Sincerely,

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

Attachments: Deed Notice (draft)
Exhibit A (draft)

DEED NOTICE

Legal Description of the Property:

All of Lot 13, less the North 30 feet thereof, subject to a perpetual easement in a strip of land 10 feet in width lying South and adjacent to the North 30 feet of said Lot 13, the same to be used in common for the purpose of light, air, travel or driveway and other uses, except the construction or erection of buildings thereon, and all of Lot 14 and Lot 15, less the North 34.31 feet of Lot 15, and less the East 40 feet of the South 80 feet of Lot 15, subject to a perpetual easement in a strip of land 10 feet wide on the West and 10 feet wide on the North and adjacent to a tract of land described in Volume 114 of Deeds page 509, Outagamie County Records all of the foregoing being in Block 17, City of Seymour, Wisconsin according to the Recorded Assessors Map of said City.

Recording Area

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

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

340016200, 340016201

Parcel Identification Number (PIN)

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 (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. The contaminated soil and groundwater, for which the DNR recorded a Notice of Contamination (Deed Notice) on June 23, 2000, as Document Number 137014, and subsequent Affidavit (Amended Deed Notice) on September 18, 2000, as document number 1379997, 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 was issued by the DNR on November 25, 2005.
4. In accordance with Wis. Admin. § NR 728.11(3), on December 14, 2020, the DNR sent a letter, to the City of Seymour stating the intent to record a second notice that supersedes the original Amended Deed Notice for the above-described property at the county Register of Deeds office.
5. In accordance with § NR 728.11(3), this affidavit is being recorded for the purpose of notifying prospective purchasers and other interested persons that the previously recorded Notice of Contamination (Deed Notice) on June 23, 2000, as Document Number 137014, and subsequent Amended Deed Notice, dated September 18, 2000, as document number 1379997, are terminated and no longer applicable to the above-described property.

Roxanne N. Chronert,
Team Supervisor, Northeast Region

AFFIDAVIT

In Re: Property Located in the
City of Seymour, Outagamie County, Wisconsin
Described above.

Remediation and Redevelopment Program

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public, State of Wisconsin

My commission expires on: _____

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

DRAFT

EXHIBIT A

Written Determination by the Wisconsin Department of Natural Resources

1. A Notice of Contamination (Amended Deed Notice) was recorded at the Register of Deeds in Outagamie County, Wisconsin, on September 18, 2000, as Document No. 1379997. It applies to the property located at 120 N. Main St, in the city of Seymour, Wisconsin (Property) which is owned by the City of Seymour.
2. The Amended Deed Notice 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 (DNR), in accordance with the 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 DNR believed contamination would continue to release to the environment, it was necessary to notify the public and any subsequent owner, of the liability associated with the contamination on the Property.
3. The Property was formerly a gas station with six Underground Storage Tanks (USTs) which stored petroleum for retail use. On October 23, 1998, a limited Phase II Environmental Site Assessment was conducted which confirmed a release to the environment had occurred. The DNR was notified of the release on March 26, 1999, and a Responsible Party letter was issued to the Property owner on April 6, 1999.
4. Subsequently the UST system, including the pumps and piping, were removed. Site investigation activities took place which did define the degree and extent of Volatile Organic Compounds and Polycyclic Aromatic Hydrocarbons in all applicable media and the site was granted closure on November 25, 2005.
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, 120 N. Main St, in the city of Seymour, Wisconsin.
6. Therefore, the environmental contamination previously identified on this Property has been adequately addressed and the previously filed Amended Deed Notice, has been satisfied.

By: Signature: _____

Date: December 14, 2020

Printed Name: Roxanne N. Chronert

Title: Northeast Region Remediation and Redevelopment Team Supervisor