



November 15, 2019

JAMES & JOAN BARKER
644 EVERGREEN DRIVE
GRAND MARSH WI 53936

Subject: Deed Notice for Signature and Filing
Krivanek Property, N3475 CTH M, Town of Packwaukee, Wisconsin
DNR BRRTS Activity #: 03-39-001727 PECFA #: 53959-9999-75A

Dear Mr. and Mrs. Barker:

On November 28, 2006, the Department of Natural Resources (DNR) filed a Notice of Contamination (Deed Notice) with the Register of Deeds in Marquette County with the intent to notify the public of contamination existing within the above referenced property (Property). The Deed Notice issued under Wis. Admin. Code § NR 728.11 by the DNR was to notify any purchaser of the existence and potential liability of petroleum contamination associated with ownership of the Property. The DNR, in accordance with Wisconsin Administrative Code and Wis. Stat. § 292.11(3), determined all administrative and statutory obligations for this release of contamination had not been met and the Deed Notice was filed.

Since that time, actions have been taken to address the source of contamination as well as remedy impacts to the environment and on July 23, 2019, pursuant to Wis. Admin. Code ch. NR 726, the contamination case on your Property was closed with continuing obligations as some contamination remains. Per Wis. Admin. Code § 728.11(3), this letter is to advise you that the DNR has made the decision to record a second Deed Notice that supersedes the original Notice of Contamination for the above-described Property. Per Wis. Admin. Code § 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persons that the previously-recorded Notice of Contamination, dated November 28, 2006, has been satisfied and is no longer applicable to the above-described Property.

If acceptable, please sign the attached Deed Notice in the presence of a public notary and file the document with the attached Exhibit A, at the Marquette County, Register of Deeds office. The Register of Deeds office will return the recorded Deed Notice to you with a document number and date of filing. When you receive the recorded Deed Notice, please send a copy to the DNR at the above address to the attention of Andy James.

In the meantime, if you have any questions, please contact Andy James at (920)-662-5149 or Andrew.James@wisconsin.gov

Sincerely,

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

Attachments: Deed Notice
Exhibit A

Legal Description of the Property:

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 19, Township 15 North, Range 9 East, Town of Packwaukee, Marquette County, Wisconsin, described as follows: Beginning 75 feet West of the Centerline of Old U.S. Highway No. 51 on the North line of said Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4); thence West 363.00 feet; thence South 7°4' West 100 feet, to a point, which is the point of beginning of this description; thence continuing South 7°4' West, a distance of 185 feet; thence East 363.00 feet more or less, to a point, on the west right of way line of old U.S. Highway No. 51; thence North along said right of way line a distance of 185 feet, to an iron stake; thence West, 363.00 feet, to the point of beginning.

STATE OF WISCONSIN)
) ss
COUNTY OF MARQUETTE)

James and Joan Barker, being first duly sworn, on Oath,
deposes and says:

- 1. That they are the owner of the above-described property.
2. That approval has been given by the Wisconsin Department of Natural Resources (DNR) to terminate the previously recorded Notice of Contamination (Deed Notice) for the above-described property, as documented in the attached document prepared by the DNR, labeled Exhibit A.
3. That this Deed Notice is being recorded for the purpose of notifying prospective purchasers and other interested persons that the Notice of Contamination that was previously filed by the DNR on November 28, 2006, has been satisfied, as provided in Exhibit A.

Recording Area

Name and Return Address
James & Joan Barker
644 Evergreen Dr
Grand Marsh WI, 53936

Parcel Identification Number (PIN)

Signature: _____ Signature: _____

Printed Name: _____ Printed Name: _____

Subscribed and sworn to before me Subscribed and sworn to before me

this ____ day of _____, 20__ this ____ day of _____, 20__.

Notary Public, State of _____ Notary Public, State of _____
My commission _____ My commission _____

EXHIBIT A

Written Determination by the
Wisconsin Department of Natural Resources

1. A Notice of Contamination (Deed Notice) was recorded at the Register of Deeds in Marquette County, Wisconsin, on November 28, 2006, as Document No. 266678. It applies to the property located at N3475 CO RD/CTH M, Town of Packwaukee, Wisconsin (Property) which is owned by James and Joan Barker (Barkers).
2. The Deed Notice issued under Wis. Admin. Code § NR 728.11, by the Wisconsin Department of Natural Resources (DNR) was to notify any purchaser of the existence and potential liability of petroleum contamination associated with ownership of the Property. The DNR in accordance with Wisconsin Administrative Code 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 petroleum contamination would continue to release into the environment, it was necessary to notify subsequent purchasers of the Property of contamination for which they could be liable.
3. A gas station and service garage operated on the Property until approximately the early 1970's. Three underground storage tanks (USTs) were installed at the Property for retail use, a 1,000 gallon UST containing diesel fuel, and two USTs containing gasoline (one 1,500 gallon and one 500 gallon). These tanks were removed by the Marell Inc. on November 5, 1992. Marell Inc. collected a soil sample beneath the 1,000 gallon UST and confirmed the presence of petroleum contamination in soil. METCO environmental was ultimately retained and on January 27, 2014, submitted a site investigation report meeting all requirements under Wis. Admin. Code § NR 716.15. The Northeast Region (NER) closure committee reviewed a request for closure on May 2, 2019, and approved case closure with continuing obligations. On July 23, 2019, the site was administratively closed.
4. Thus, at this time, with the information available, the referenced release of contamination at the Property is determined to meet all administrative and statutory obligations regarding Wisconsin Administrative Code and Wis. Stat. § 292.11(3). Please refer to the final closure letter dated July 23, 2019, for the list of continuing obligations which currently exist at the Property located at, N3475 CO RD/CTH M, Town of Packwaukee, Wisconsin.
5. Therefore, the environmental contamination previously identified on this Property has been adequately addressed. The DNR believes the need for the previously filed Notice of Contamination has been satisfied.

By:

Signature: 

Date: November 15, 2019

Printed Name: Roxanne N. Chronert

Title: Northeast Region Remediation and Redevelopment Team Supervisor