



April 26, 2018



JOHN M. ANTARAMIAN  
Mayor

Mr. Doug Cieslak  
Wisconsin Department of Natural Resources  
9531 Rayne Road, Suite 4  
Sturtevant, Wisconsin 53177

Re: LGU Exemption for the City of Kenosha Regarding its Ownership of the Former Marathon #262, 3705 52<sup>nd</sup> Street, Kenosha, Wisconsin, BRRTs#03-30-003096

Dear Mr. Cieslak:

The City of Kenosha (City) has acquired the above referenced property due to tax delinquency. The purpose of this letter is to notify the Wisconsin Department of Natural Resources (WDNR) of the City's legal position about its investigative/remediation liability exemption for hazardous substance contamination that exists on this site.

On this closed BRRTS site, the then owner/operator became insolvent and failed to pay property taxes; thereby causing a tax delinquency on the property. Kenosha County (County) commenced a foreclosure proceeding and, as a result of a judgment entered in that tax delinquency proceeding, the property was transferred to the County and subsequently the City acquired title to the property on December 26, 2017. Attached please find a copy of the quit claim deed which documents the transfer of the property from the County to the City.


Based upon the foregoing facts, the City qualifies for the local governmental unit liability exemption under the Wisconsin Spill Statute. *See* Wis. Stat. § 292.11(9)(e)1m.a. As such, the City has no legal responsibility to conduct any further investigation or remediation on the site in connection with the closed BRRTS matter covering this property.

The City is aware that the site has a GIS registry for residual soil and groundwater contamination at the site that has been determined to not require any further remedial activities or investigation. The City intends to raze the improvements on site, but to not disturb the soil and maintain the pavement until the site is redeveloped.

If you have any question regarding the topics that are the subject of this letter with the City, we are available at your convenience.

Sincerely

CITY OF KENOSHA



John M. Antaramian,  
Mayor

Enclosure

Cc: Frank Pacetti, City Administrator  
Ed Antaramian, City Attorney  
Shelly Billingsley, Public Works Director  
Lanette Altenbach, AECOM

QUIT CLAIM DEED OF  
COUNTY OWNED LANDS BY COUNTY CLERK

Return:  
Kenosha County Clerk  
1010 56 Street  
Kenosha, WI 53140

Tax Parcel # 09-222-36-329-013

THIS INDENTURE, Made this 26th day of  
December, 2017, by and between the County  
of Kenosha in the State of Wisconsin, party of  
the first part, and CITY OF KENOSHA  
of Kenosha County, in the State of Wisconsin,  
part of the second part.

Witnesseth, that the County Board of Supervisors  
of said Kenosha County, at a legal meeting held  
on the 26th day of August, 1947, authorized the  
sale and conveyance of the lands hereinafter described.

Therefore, said Kenosha County, for and in consideration of the sum of no dollars, to it in  
hand paid by the said part of the second part, the receipt whereof is hereby confessed and  
acknowledged, has given, granted, bargained, sold, remised, released and quit-claimed, and  
by these presents does give, grant, bargain, sell, remise, release and quit-claim unto the  
said part of the second part, and to their heirs and assigns forever, the following  
described real estate, situated in the County of Kenosha, State of Wisconsin, to-wit:

(Kenosha Co. former owner) Exempt #2g  
This document is exempt from fee per sec. 77.25(4) Stats.

Lot 25, Mary E. Morin's Addition to Homewood, except the North 17 feet for street  
purposes, being a part of the Southwest ¼ of Section 36, Township 2 North, Range 22 East  
of the Fourth Principal Meridian. Said land being in the City of Kenosha, County of  
Kenosha and State of Wisconsin.

Kenosha County Board Res#58 Authorizing Transfer to the City of Kenosha, dated 12/05/2017

This property is subject to any special assessments.

To Have and to Hold the same, together with all and singular the appurtenances and  
privileges thereunto belonging or in anywise thereunto appertaining, and all the estate,  
right, title, interest and claim whatsoever of the said party of the first part, either in  
law or in equity, either in possession or expectancy of, to the only proper use, benefit  
and behoof of the said party of the second part, their heirs and assigns forever.

In Witness Whereof, said Kenosha County has caused this deed to be executed in its behalf  
by Mary T. Kubicki, its County Clerk, and its official County Seal to be hereto affixed,  
this 26th day of December, 2017.

KENOSHA COUNTY

By Mary T. Kubicki (COUNTY)  
Mary T. Kubicki, County Clerk (SEAL)

State of Wisconsin,) )  
Kenosha County. ) SS.

Personally came before me this 26th Day of December, 2017, the above named Mary T. Kubicki,  
County Clerk of Kenosha County, Wisconsin, to me known to be such officer and to be the  
person who executed the foregoing instrument and acknowledged that she executed the same as  
the act and deed of said Kenosha County and by its authority.

Mail Tax Bill to:  
City of Kenosha  
625 52nd St  
Kenosha, WI 53140

Regina Bachochin  
Regina Bachochin  
Notary Public, Kenosha County, WI  
My Commission Expires 12/06/2020

This instrument was drafted by:  
Mary T. Kubicki



DOCUMENT  
1810981

RECORDED  
At Kenosha County, Kenosha WI 53140  
JoEllyn H. Storz, Register of Deeds  
December 28, 2017 11:53 AM  
\$90.00  
2r  
Pages 1

FEE EXEMPT

# 2g