

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



May 24, 2023

WALTER NICKEL TRUST
WALTER N NICKEL
C/O MARK A NICKEL, TRUSTEE
3946 FARMINGDALE CT
SOUTH JORDAN, UT 84009-4169

-- CERTIFIED MAIL --

Subject: Notice of Intent to File Lien
DELAFIELD SAN TRANSFER LF #719
3402 KETTLE CT E, DELAFIELD, WI
BRRTS No. 02-68-000166

Dear Mark A. Nickel:

In accordance with Wis. Stats. § 292.81(4), the Walter Nickel Trust is hereby notified, as a responsible party under Wis. Stats. ch. 292 and Wis. Admin. Code § NR 700.03 (51), that the Department of Natural Resources ("department") intends to file a lien against the above-referenced property in order to recover costs incurred by the department related to the inspection, operation and maintenance of the landfill cover and monitoring system, and cleanup of contamination associated with the property.

From state Fiscal Years 2015 through Fiscal Year 2022, the department incurred costs in the amount of seven hundred sixty-seven thousand, nine hundred and nineteen dollars and fifteen cents (\$767,919.15). The department anticipates incurring additional costs for the completion of cleanup activities at the site. The lien will be filed on or after **August 1, 2023**. This letter provides you with a minimum of 60 days' notice before the department files the lien. A copy of the draft lien is enclosed for your reference.

If you have questions concerning this letter, please do not hesitate to contact Gwen Saliars at (920) 510-4343 or Gwen.Saliars@Wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Vondra'.

Ben Vondra
State and Federal Programs Section Chief
Remediation & Redevelopment Program

Enclosures:
Statement of Expenditures
Draft Lien

Attachment 1: Statement of Expenditures, Delafield San Transfer LF #719 (BRRTS # 02-68-000166)

DeLafield Landfill - Expenditures

FY2015	\$60,848.44
FY2016	\$16,181.20
FY2017	\$58,018.08
FY2018	\$176,457.96
FY2019	\$117,174.83
FY2020	\$135,260.64
FY2021	\$102,495.37
FY2022	\$101,482.63
TOTAL	\$767,919.15

NOTICE OF LIEN

Wis. Stats. § 292.81(3)

Document Number

Title of Document

As provided by Wis. Stats. ch. 292 and Wis. Admin. Code series NR 700, the Department of Natural Resources has incurred costs at the following property owned by Walter Nickel Trust and located in Waukesha County.

See attached legal description.

Record this record with the Register of Deeds.

Name and return address:

Ben Vondra
State and Federal Programs Section Chief
Remediation and Redevelopment Program
PO Box 7921
Madison WI 53707-7921
Phone (608) 419-3918

Parcel # DELC0807992

The Department of Natural Resources (department) has incurred expenses for inspection, operation and maintenance of the landfill cover and monitoring system, and cleanup of contamination associated with the property. The amount of these expenses, totaling \$767,919.15, constitutes a superior lien on the property as described in Wis. Stats. § 292.81(3). The property remains subject to this superior lien until these costs are paid in full to the department. No interest is recoverable on this superior lien.

The department makes and files this claim for the legal interest held by the Owner(s) in this property under Wis. Stats. § 292.81(3). The department certifies that to the best of its knowledge and belief, all information contained in this Notice of Lien is correct, and this superior lien represents a legal encumbrance upon the property. Based on the above information, the department claims a superior lien on all the legal interest, which the Owner(s) have in the above-described property.

Wisconsin Department of Natural Resources
By:

Ben Vondra, State and Federal Programs Section Chief
Remediation and Redevelopment Program

AUTHENTICATION OF ACKNOWLEDGMENT

The above named person was sworn to before me
this ____ day of _____, 20__.

Notary Public
State of Wisconsin, County of Dane
My Commission expires

This document was drafted & approved
by:
WI Department of Natural Resources
PO Box 7921
Madison WI 53707-7921

Legal Description:

That part of the Southwest Quarter of the Southwest Quarter (SW1/4-SW1/4) of Section Twenty-two (22) and the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4) of Section Twenty-seven (27), Township Seven (7) North, Range Eighteen (18) East, City of Delafield, Waukesha County, Wisconsin, lying Southerly and Westerly of the following described parcel:

Commencing at the SW corner of the SW1/4 of said Section 22; thence North 00°50'23" West, along the West line of the said SW1/4, 533.55 feet to the Point of Beginning of the hereinafter described lands; thence continuing along said West line, North 00°50'23" West, 20.11 feet to a point; thence South 84°49'52" East, 1006.72 feet to a point; thence South 51°40'53" East, 400.00 feet to a point; thence South 00°39'05" East, along a line perpendicular to the South line of said SW1/4, 200.00 feet to a point being at the SE corner of the SW1/4-SW1/4; thence South 01°08'21" East, along the East line of the W1/2-NW1/4 of said Section 27, 563.45 to a point; thence South 88°51'39" West, 79.32 feet to a point; thence North 20°38'00" East, 181.50 feet to a point; thence North 01°08'21" West, along a line running parallel to the East line of said W1/2-NW1/4, 395.00 feet to a point being on the South line of the SW1/4 of said Section 22; thence North 00°39'05" West, along a line perpendicular to said South line, 79.72 feet to point of curvature; thence 213.75 feet along the arc of a curve to the left with a radius of 240.00 feet whose chord bears North 26°09'59" West, 206.76 feet to a point of tangency; thence North 51°40'53" West, 261.52 feet to a point; thence North 84°49'52" West, 1013.29 feet to a point being on the West line of the SW1/4 of said Section 22 and Place of Beginning;

EXCEPT the platted portion of Cherokee Woods Addition Three.

TOGETHER WITH an easement for ingress and egress over that part of Outlot 1 of Certified Survey Map No. 6022 as recorded in Volume 49 of Certified Survey Maps on Page 200, as Document No. 1564350 as described and conveyed in that Easement Agreement recorded as Reel 2810, Page 1332 as Document No. 2403288.

ALSO TOGETHER WITH an easement for ingress and egress over that part of the SE1/4-SE1/4 of Section 21, Township 7 North, Range 18 East, as described and conveyed in that Easement Agreement recorded as Reel 2899 on Page 0651, as Document No. 2462540, and corrected in Reel 2996 on Page 0572, as Document No. 2510105.

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<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

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Here

Sent To	Walter Nickel Trust, c/o Mark A. Nickel
Street and Apt. No., or PO Box No.	3946 Farmingdale Ct.
City, State, ZIP+4®	South Jordan, UT 84069-4169

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Walter Nickel Trust
c/o Mark A. Nickel
3946 Farmingdale Ct.
South Jordan, UT 84009-4169



9590 9402 5347 9154 0055 59

2. Article Number (Transfer from service label)

7020 0090 0001 5211 1209

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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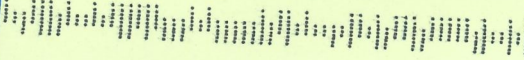
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Molly Schmidt RR/5
Remediation & Redevelopment
Program
Wis. Dept. of Natural Resources
PO Box 7921
Madison, WI 53707-7921

Remediation &
Redevelopment

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