

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Oshkosh Service Center
625 East County Road Y, Suite 700
Oshkosh, WI 54901-9731

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



January 15, 2016

Mr. Thomas L Lemke, Jr.
1268 Mayer Street
Menasha, WI 54952

SUBJECT: NOTICE OF CONTAMINATION
SCHINDLER CONST CO, WDNR BRRTS #02-71-000611
1310 Earl Street, Menasha, WI

Dear Mr. Lemke:

The Wisconsin Department of Natural Resources (WDNR) was notified on October 5, 1993 that a diesel spill occurred at the property at 1310 Earl Street in Menasha, WI. An excavation of the affected area and an initial investigation was completed in 1994. In 2000 a Deed Affidavit and Notice of Contamination was placed on the property. I understand that you are currently operating a business out of the property at 1310 Earl Street, Menasha WI. The property is listed as being owned by Schindler Const Co, which is no longer an existing entity; however, the taxes are being paid and the bill is being mailed to your residence. Please confirm whether you own this property, or who you are leasing the property from.

When I visited the property on January 6th, 2016, I conversed with one of your employees and asked that he have you contact me and that he deliver to you both my business card and the Notice of Contamination, which you should have received upon transfer of ownership of the property. I have enclosed an additional copy of this Notice of Contamination in the event that you have not yet received a copy.

Please contact me at your earliest convenience to discuss the ownership of the property at 1310 Earl Street and the next steps to be taken. We would like to work with you to nullify the Deed Affidavit/Notice of Contamination currently on this property. If I do not hear from you by February 1, 2016, I will assume that you are the owner and operator of the property at 1310 Earl Street and further action will be taken. You may reach me at the letterhead address, via email at Sarah.Frederick@wisconsin.gov or at (920) 424-0399.

Sincerely,

Sarah E. Frederick
Hydrogeologist
Remediation & Redevelopment Program



AFFIDAVIT

Document Number

R + R - OSH
RECEIVED

1105590

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

09-08-2000 01:10 PM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 16.00
TRANSFER FEE
OF PAGES 4

Legal Description of the Property:

See legal description provided in Attachment 1, hereby attached and made a part of this restriction.

SEP 12 2000
TRACKED
REVIEWED

STATE OF WISCONSIN)
COUNTY OF WINNEBAGO)

ss

Recording Area

Name and Return Address:

Jennifer S. Pelczar
WI Department of Natural Resources
625 E. County Road Y, Suite 700
Oshkosh, WI. 54901-9731

I, Jennifer S. Pelczar, being first duly sworn, state that:

008-0351-11

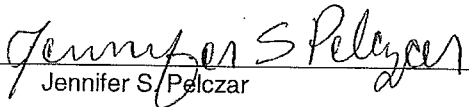
Parcel Identification Number (PIN)

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Oshkosh Service Center, 625 E. County Road Y, Suite 700, City of Oshkosh, Winnebago County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that gasoline contaminants discharged to the Schindler Construction Company ("Schindler Construction") property ("the Property"), which is located at 1355 Earl Street, Menasha, Winnebago County, Wisconsin, and which has the above captioned legal description, has contaminated soil in the vicinity. The Property is listed as owned by Schindler Construction on the most recent deed at the Winnebago County Register of Deeds.
4. The Department believes that removal or treatment of the contaminated soil, and groundwater monitoring and/or treatment, are required on the Property under the authority of s. 292.11, Wisconsin Statutes.
5. On October 5, 1993, the Department received notification that a spill had occurred at the Property and on October 8, 1993 a warden was on-site at this Property to investigate the reported spill. Carl J. Mesman (WDNR Warden) confirmed that there were petroleum-contaminated soils at the Property. Location of soil sample locations and analytical results are provided in Attachment 2.
6. On October 13, 1993, warden Mesman contacted Tomas Schindler about the confirmed contamination on the Property and notified Mr. Schindler of his legal responsibility to restore the environment.
7. On October 14, 1993 warden Mesman revisited the Property to reinspect the Property and on October 19, 1993 warden Mesman had taken samples from the contaminated area of the Property for laboratory analysis. According to the results of the soil sampling event, the Department concluded that there is petroleum-contaminated soil at the Property.
8. On November 10, 1993 warden Mesman was contacted by Mr. Schindler in regards to the contamination and clean up methods. Mr. Schindler was advised that if he was to refuse to clean up the site that a State would hire a contractor and that cost recovery would be attached to the Property. A written letter stating responsibility for cleanup was also sent to Schindler Construction on this same date.

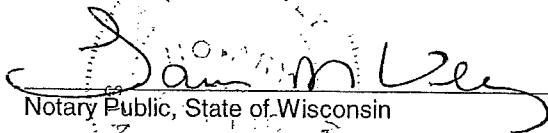
Re: Property Located in
Menasha, Winnebago County,
Described above:

Page 2. of 2.

9. On November 13, 1992 warden Mesman met with Mr. Schindler to discuss clean up requirements for the spill and noted on that day and the following day that some excavation of contaminated soils had been initiated.
10. On February 16, 1994 warden Mesman contacted Bruce Urben, Lake Michigan District Environmental Response Unit Leader, to assign a spill number and also notified Mr. Urben that he felt Mr. Schindler had ample time to complete the clean up.
11. On February 21, 1994 Superior Environmental Services arrived on site to remediate the excavated soils. On February 23, 1995 and April 11, 1995, the Department sent Schindler Construction invoices for the Department's expenses through June 24, 1994.
12. On May 9, 1995 the Department scheduled an enforcement conference with the Schindler Construction in which the Schindler Construction did not appear. As a result of the absence the Department issued Schindler Construction a responsible party letter dated the 21st of February 1995.
13. On October 18, 1996 there was an order that was issued by Judge William H. Carver of the Winnebago County Courthouse that dealt with the expenditures of the State and the requirement of the Schindler Construction to reimburse the State of Wisconsin for the cost of the remediation.
14. On January 11 and January 27, 2000, the Department made attempts to contact Tomas Schindler in order to resolve the issue at hand via an enforcement conference. There was no response to the attempts to contact Mr. Schindler.
15. On June 22, 2000, the Department sent a certified letter to Schindler Construction advising that the Department would record an affidavit on the property deed for the Property.
16. As the Department of Natural Resources believes that petroleum found in the soil on the property with the above legal description will continue to discharge into the environment, subsequent purchasers of the property could be held responsible for investigation and clean-up costs under s. 292.11, Wisconsin Statutes.


Jennifer S. Pelczar

Subscribed and sworn to before me this 8th day of September, 2000.


Notary Public, State of Wisconsin

My commission expires on: 10-27-02

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

Attachment 2



Menasha Spill Map Sampling Location
Schindler Construction Company
Project # 26032
Spill Date: 02/21/94
Sketched By Roger Sacia, FM CAD by Lella Campbell

Initial Spill Location



40 Feet

15 Feet at Widest Area

Culvert

5 Feet

Ditch

3' Deep

Culvert

14 Feet

Sample Information

Sample #1: 11:15am #0146 DRO Ditch
7ft south from North end, 2ft below
surface

Sample #2: 11:20am #0040 DRO Ditch
10ft west of ditch, 2ft north of edge,
6" below surface

Access Road to Menasha Corporation

Earl Street



Not To Scale

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 5 - 1982
PERSONAL REPRESENTATIVE'S DEED

THIS SPACE RESERVED FOR RECORDING DATA

ATTACHMENT 13

DORTHY J. RILEY

DONALD J. RILEY, as Personal Representative of the estate of
a/k/a DONALD JOSEPH RILEYfor a valuable consideration conveys, without warranty, to
CONSTRUCTION, INC. ("Decedent"),
SCHINDLERthe following described real estate in Winnebago County, Grantee,
State of Wisconsin (hereinafter called the "Property"):

The South 118.75 feet, front and rear,
of the North 318.75 feet of the West
10 acres of the South East 1/4 of the
North West 1/4 of Section 11, in Township 20 North, of Range 17
East, in the Town of Menasha, Winnebago County, Wisconsin,
EXCEPTING therefrom that portion of Earl Street as described by
Deed recorded in Winnebago County Registry in Volume 881 on Page
319 as Document No. 256281 AND the South 78.75 front and rear,
of the North 378.75 feet of the West 10 acres of the South East
1/4 of the North West 1/4 of Section 11, Township 20 North, of
Range 17 East, in the Town of Menasha, Winnebago County,
Wisconsin, EXCEPTING that portion conveyed for street purposes,
less and excepting the South 60 feet thereof sold previously to
John Strange Paper Company.

Tax Parcel No: 008-0351-11

This Deed is given in fulfillment of a Land Contract dated
October 11, 1974, between Donald Joseph Riley and Dorothy June
Riley, a/k/a Dorothy June Riley, his wife, Vendors and Schindler
Construction, Inc., Purchaser in the principal sum of \$16,000.00
and which was recorded in the Office of the Register of Deeds of
Winnebago County, Wisconsin, on October 21, 1974, at 8:14 A.M., as
Document Number 456004.

Personal Representative by this deed does convey to Grantee all of the estate and interest in the Property which
the Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the
Personal Representative has since acquired.

Dated this 19th day of November, 1987.

TRANSFER

ENERGY
CODE\$ 16.50
FEE

F. 2 (SEAL)

Personal Representative

Dorothy J. Riley (SEAL)
DORTHY J. RILEY
Personal Representative

AUTHENTICATION

Signature(s) _____
authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, ...
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Atty. David G. Ahrens

Appleton, WI 54911

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Outagamie County, } co.

Personally came before me this 19th day of
November, 1987, the above named
DORTHY J. RILEY

In me known to be the person
executing instrument and acknowledged the same.

David G. Ahrens
David G. Ahrens
Notary Public Outagamie County, Wis.
My Commission is permanent XXXXXXXXXXXXXXXXXXXXXXXX
XX

*Names of persons signing in any capacity should be typed or printed below their signatures.

HC Editor Company

STATE BAR OF WISCONSIN
FORM 5a 8-1982

Stock No. 13005

697479

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