



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ruthe E. Badger, Regional Director

South Central Region Headquarters  
and Madison Fish Hatchery Office  
3911 Fish Hatchery Road  
Madison, Wisconsin 53711-5397  
TELEPHONE 608-275-3266  
FAX 608-275-3338  
TDD 608-275-3231

October 29, 1997

File Ref: 02-20-000915

Mr. David Goluba  
Attorney at Law  
P.O. Box 261  
Ripon, WI 54971-0261

SUBJECT: Deed Restriction for the Ripon FF/NN Landfill Superfund Site

Dear Mr. Goluba:

I have received a copy of the deed restriction which you filed for the Ripon FF/NN landfill Superfund site. This parcel is owned by Mrs. Arline Sauer. The restriction will ensure that the landfill cap isn't destroyed or farmed in the future. This proof of filing the deed restriction now completes the last remaining item from the Record of Decision for this site.

Feel free to contact me should you have any questions.

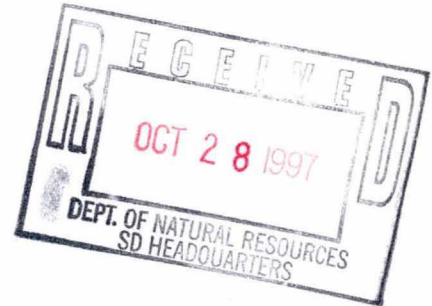
Sincerely,

Stephen M. Ales, P.G.  
Remediation & Redevelopment Hydrogeologist  
ph. 608-275-3310  
ales@dnr.state.wi.us

cc: Ray Roder -Reinhart Boerner et al, P.O. Box 2020, Madison, WI 53701-2020 (w/ enclosure)

DAVID A. GOLUBA  
Attorney at Law

803 Hwy 23 West  
P.O. Box 261  
Ripon, Wisconsin 54971-0261  
(920) 748-5001



October 24, 1997

Stephen M. Ales,  
Department of Natural Resources  
South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, WI 53711

Re: Deed Restriction for Ripon FF/NN Landfill

Dear Mr. Ales:

Enclosed herewith is a copy of the Declaration Of Deed Restrictions recorded in the records of the Register of Deeds for Fond du Lac County.

Very truly yours,

David Goluba

DG/jmg  
enc

cc: Raymond Roder

624756

DECLARATION OF RESTRICTIONS

Document Number

Document Title

Declaration of Restrictions

In Re: A parcel of land in the SE Quarter (¼) of Section 7, Township 16N, Range 14E, Town of Ripon, Fond du Lac County, Wisconsin, that is known as the Ripon FF/NN Landfill, more particularly described as:

Lot 1 of C.S.M. 3634 recorded in Volume 20 of Certified Survey Maps of Fond du Lac County at Pages 33 and 33A as Document No. 459730.

State of Wisconsin  
County of Fond du Lac ss

WHEREAS, Arline Sauer is the owner of the above-described property upon which is located a landfill commonly known as the Ripon FF/NN Landfill. This landfill accepted municipal and industrial wastes between 1967 and 1983;

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which are consistent with the Record of Decision for this property that was signed by the Secretary of the Wisconsin Department of Natural Resources on February 26, 1996 and which will make it unnecessary to conduct further environmental remediation activities on the above-described property at the present time; and

NOW, THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictive covenants:

RECEIVED FOR RECORD

VOL 1336 PAGE 217-219

97 OCT 21 AM 8:18

*Mary A. Bristle*

REGISTER OF DEEDS  
FOND DU LAC COUNTY, WI

Recording Area

Name and Return Address

David Goluba  
Attorney at Law  
P.O. Box 261  
Ripon, WI 54971

14

T17-16-14-07-16-004-00

Parcel Identification Number

- (1) No water wells, other than groundwater monitoring wells or leachate extraction wells, shall be located on the above-described property.
- (2) The following activities are prohibited on the above-described property, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign:
  - (1) Excavation of the landfill cover or any waste materials, grading of the land surface, or filling on the capped area, except for those activities necessary to maintain the landfill cover;
  - (2) Use of the waste disposal area for agricultural purposes;
  - (3) Construction or installation of buildings or other structures over the waste disposal area.Landfill cover maintenance activities may include mowing, fixing soil erosion problems and fixing problems that may develop with the passive landfill gas venting system.
- (3) The property owner shall not use the above-described property or take any other action that may damage or impair the effectiveness of any remedial action component constructed for or installed pursuant to the above-referenced Record of Decision (including the landfill cover and the passive gas venting system) nor otherwise interfere with the performance of remedial work required by the above-referenced Record of Decision.

These restrictions are hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. These restrictions inure to the benefit of and are enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or

in equity against any person or persons who violate or are proposing to violate this restrictive covenant, to prevent the proposed violation or to recover damages for such violation.


Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this restrictive covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be modified or terminated.

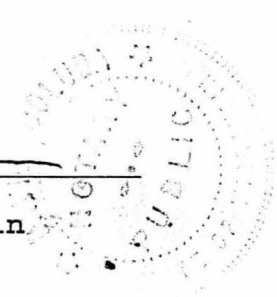
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 4<sup>th</sup> day of June, 1997.

  
\_\_\_\_\_  
Arline Sauer

Subscribed and sworn to before me this 4<sup>th</sup> day of June, 1997 by Arline Sauer.

My commission is permanent.

  
\_\_\_\_\_  
Notary Public  
Fond du Lac County, Wisconsin



This document was drafted by:  
David Goluba  
Attorney at Law  
State Bar No.: 01019274  
P.O. Box 261  
Ripon, WI 54971  
Telephone: (414) 748-5001