

April 26, 2018

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



JOHN M. ANTARAMIAN Mayor

Re: LGU Exemption for the City of Kenosha Regarding its Ownership of the Former Superamerica #4130, 704 75 Street, Kenosha, Wisconsin, BRRTs#03-30-532981

Dear Mr. Cieslak:

The City of Kenosha (City) has acquired the above referenced property due to tax delinquency. The purposes of this letter are: (1) 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; (2) advise the WDNR of the City's intention to conduct some voluntary investigation of the property in general conformance with NR 716.

After the BRTTS site was opened, 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 had no legal responsibility to conduct any further investigation or remediation on the site in connection with the pending open BRRTS matter covering this property.

While the City is not legally required to conduct a site investigation, the City believes it is prudent to assess the property's subsurface conditions to ensure that the environmental conditions on the property do not create an unreasonable risk to nearby residents. A work plan for an NR 716 Site Investigation and a schedule for the activities will be submitted under separate cover.

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 # 05-123-06-479-017

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. FEC EXEMPT #\_\_\_29\_\_\_\_

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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.

Part of the East ½ of the Southeast ¼ of Section 6, in Town 1 North, Range 23 East of the Fourth Principal Meridian, more particularly described as follows: Commencing at the Northwest corner of 75th Street and 7th Avenue, in the City of Kenosha, thence Northerly along the West line of 7th Avenue a distance of 60.9 feet; more or less, and to the Southeast corner of the parcel of land conveyed to Fannie Steinmetz by Deed recorded in Volume "75" of Deeds, pages 635-6; thence West along the South line of said Steinmetz land and said South line extended, to a point which is 15 feet West of said Steinmetz parcels Southwest corner; thence South at right angles to 75th Street to a point on the North line of said 75<sup>th</sup> Street; thence East along the North line of 75th Street to the place of beginning. AND: Part of the Southeast ¾ of Section 6, in Town 1 North, Range 23 East of the Fourth Principal Meridian, more particularly described as follows: Commencing at a point on the West line of 7th Avenue 135.96 feet North of the South ¼ Section line; thence West 145.15 feet; thence South 49.73 feet; thence East 140.00 feet; thence North 50 feet to the point of beginning, lying and 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 Mary T. Kubicki, County Clerk (SEAL)

State of Wisconsin,)
) SS.
Kenosha County.

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 52<sup>nd</sup> St Kenosha, WI 53140

Keyna Bachschin
Regina) Bachochin

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

This instrument was drafted by: Mary T. Kubicki