# CITY OF MANITOWOC

WISCONSIN, USA www.manitowoc.org



January 11, 2019

Attention: Mr. Tauren Beggs

Wisconsin Department of Natural Resources Remediation and Redevelopment Program 2984 Shawano Ave Green Bay, WI 54313 RECEIVED

JAN 16 2019

WI DNR - GREEN BAY

Reference: Environmental Liability Clarification and LGU Exemption Request

Former Railroad Property Located Along North 10th and North 11th Streets

Manitowoc, Wisconsin

Dear Mr. Beggs:

Pursuant to Wisconsin Statute 292.11(9)(e), the City of Manitowoc (City) is requesting clarification on environmental liabilities and requesting a local government unit (LGU) liability exemption for a former railroad property located along North 10<sup>th</sup> Street and North 11<sup>th</sup> Street in the City of Manitowoc (herein referred to as the "Property"). The Property consists of approximately ± 20.136 acres of largely vacant former railroad/industrial land. The Property is zoned Heavy Industrial I-2. Surrounding properties are a mix of commercial and industrial properties. The Property along with local topography is illustrated on Figure 1.

WDNR Form 4400-237 is provided in Attachment A. The following provides supplemental material to support the LGU request, as requested in Publication RR-055.

1 Reason for Property Acquisition

The City is targeting acquisition of the Property for blight elimination purposes.

2 Acquisition Method

The City declared the property as blighted at the September 17, 2018 Common Council meeting, by Resolution 18-0968. The property is located within TID 16. The City has executed a letter of intent and offer to purchase with the current property owner.

- 3 Additional Property Information
- 3.1 Property Details

Property Address: North 10th and North 11th Streets

Legal Description Adapted from the Corner Point, LLC (2018) ALTA Survey (Attachment B):

A parcel of land located in Blocks 2, 148, 149, 150, 151, 152, 168, 169, 170, 171, 172, 173 and 185 of the Original Plat of the City of Manitowoc and adjacent vacated streets, being part of Government Lot 3 of Section 19 and Government Lot 5 of Section 30, Town 19 North, Range 24 East. City of Manitowoc, Manitowoc County, Wisconsin, described as follows:

Commencing at the NE Corner of said Section 30; Thence N 87°35'26" W, 366.28 feet coincident with the north line of said Government Lot 5 to a point on the west line of N.

City Attorney Kathleen M. McDaniel • Assistant City Attorney Elizabeth Majerus Paralegal Jane M. Rhode

> CITY HALL • 900 Quay Street • Manitowoc, WI 54220-4543 Phone (920) 686-6990 • Fax (920) 686-6999





11th street being the point of beginning; Thence N 00 °52'37" E, 78.32 feet coincident with said west line of N. 11th street to a meander line being \$ 00°52'37" W, ± 61 feet from the approximate Ordinary High Water Mark of the Manitowoc River; Thence N 74 °02'44" W, 882.94 feet coincident with said meander line; Thence S 61°01'35" W, 53.26 feet coincident with said meander line to a point on the north line of an existing parcel recorded in volume 243, page 314, document 306352, being \$ 88 °45'41" E, ±28 feet from said approximate Ordinary High Water Mark of the Manitowoc River; Thence \$ 88 °45'41" E (recorded as N 88 °48'40" W), 30.00 feet; Thence Southerly, 128.67 feet along the arc of a 301.89 foot radius curve to the right the chord of which bears \$ 11°42'41" E (recorded as N 11°45'40" W), 127.70 feet; Thence \$ 00°29'19" W (recorded as N 0°26'20" E), 118.70 feet; Thence N 88°20'41" W (recorded as \$ 88°23'40" E), 1.25 feet; Thence Southerly, 123.97 feet along the arc of a 240.49 foot radius curve to the left the chord of which bears \$ 13°04'41" E (recorded as N 13°07' 40" W), 122.60 feet all coincident with the easterly line of said existing parcel recorded in volume 243, page 314, document 306352; Thence S 48°19'19" W, 20.00 feet to a meander line on the south line of said parcel, being N 48°19'19" E, ±44 feet from said approximate Ordinary High Water Mark of the Manitowoc River; Thence S 49°52'04" E, 1515.55 feet coincident with said meander line to a point on the west line of N. 10th Street as described in volume 755, page 408, document 609214, being N 01°03'40" E, ±24 feet from said approximate Ordinary High Water Mark of the Manitowoc River; Thence N 01°03'40" E (recorded as \$ 00°40'15" W), 15.00 feet; Thence \$ 88°56'20" E (recorded as \$ 89°19'45" W), 9.00 feet; Thence N 00°50'35" W (recorded as \$ 02°34'30" E), 120.06 feet; Thence N 02°55'01" E (recorded as \$ 01°11'06" W), 308.99 feet; Thence \$ 89°30'20" E (recorded as \$ 88°45'45" W), 1.00 feet all coincident with said west line of N. 10th Street as described in volume 755, page 408, document 609214; Thence N 01°03'40" E, 40.27 feet to the southeast corner of said Block 168; Thence N 89°31'05" W, 100.00 feet coincident with the south line of said Block to the southwest corner of Lot 11; Thence N 01°03'40" E, 110.00 feet to the northwest corner of said Lot 11; Thence N 89°31'05" W, 100.00 feet to the southwest corner of Lot 4; Thence N 01°03'40" E, 115.00 feet coincident with the west line of said Lot 4 and its northerly extension to the south line of Buffalo Street as established by the Resolution Vacating Street Area, recorded in document 470436; Thence N 89°31'05" W, 165.97 feet coincident with said south line of Buffalo Street to said west line of N. 11th Street; Thence N 01°20'53" E, 35.00 feet; Thence N 01°02'59" E, 300.32 feet; Thence N 89°25'09" W, 0.55 feet; Thence N 00°52'37" E, 11.68 feet all coincident with said west line of N. 11th Street to the point of beginning. Said parcel includes all of that land lying between the meander lines and the Ordinary High Water Mark of the Manitowoc River.

Said parcel contains  $\pm$  877, 123 Square Feet ( $\pm$ 20.136 Acres) of land.

# PLSS Description Adapted from the Corner Point, LLC (2018) ALTA Survey (Attachment B):

Government Lot 3 of Section 19 and Government Lot 5 of Section 30, Town 19 North, Range 24 East. City of Manitowoc, Manitowoc County, Wisconsin.

# **Property Identification Numbers:**

The Property consists of 23 individual parcel identification numbers as summarized in the table below and illustrated on Figure 2. Assessor records suggest individual parcel IDs were developed for property tax purposes and correspond to historic leases rather than individually surveyed parcels of land, which may explain why identification numbers 173170 and 173160 are associated with more than one parcel.

City Attorney Kathleen M. McDaniel • Assistant City Attorney Elizabeth Majerus
Paralegal Jane M. Rhode
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Phone (920) 686-6990 • Fax (920) 686-6999

| Parcel ID |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 173000    | 173003    | 173022    | 173040    | 173080    | 173110    | 173150    | 173170    |
| 173001    | 173010    | 173023    | 173060    | 173090    | 173130    | 173160    | 173170    |
| 173002    | 173020    | 173030    | 173070    | 173100    | 173140    | 173160    |           |

# 3.2 Aerial Photograph and Summary of Current Uses

# Aerial Photograph

The location and extent of the Property illustrated on an orthophotograph taken in 2017 is provided on Figure 2.

# Current Uses

The Property is largely vacant, with several building/AST foundations remaining in the central portion of the Property. Storage/dumping of materials/debris/vehicles by adjacent facility owners is apparent in the northwestern and eastern portions of the Property. The far northern portion of the Property is currently occupied by the Braun Building Center truss manufacturing facility. Adjacent facility occupants are using portions of the Property for parking.

The real estate sale contract indicates the following leases remain active at the Property:

Tenant	Purpose
Braun Building Center, Inc.	Storage Yard
Holmes Oil Corporation	Warehouse
Holmes Oil Corporation	Bulk Oil Plant
Holmes Oil Corporation	Bulk Oil Plant
Holmes Oil Corporation	Bulk Oil Plant
Holmes Oil Corporation	Bulk Oil Plant
Delite Outdoor	Sign Board

# 3.3 Property Ownership

Historic records indicate the Parcel was transferred from the Manitowoc Terminal Company to the Manitowoc and Western Railroad Company on July 22, 1895, which is consistent with railroad development in the late 19th Century. Assessor records suggest the property was later transferred to the Soo Line Railroad Company and ultimately transferred to the current owner (Wisconsin Central Limited) sometime during the latter half of the 20th Century.

In addition to railroad use during the 20<sup>th</sup> Century, prior industrial occupants are summarized on Figure 3 and include bulk petroleum storage in the central/eastern portions of the Property, ship building on the northern/north central portion of the Property, grain storage/elevator on the eastern/southern portions of the Property, metal/scrap/junk yard storage on the eastern portion of the Property, and transloading of stone along the southern portion of the Property.

# 3.4 Proposed Reuse of the Property

Due to the proximity of the Property to the Manitowoc River and the associated turning basin, likely reuse scenarios include recreational reuse on the southern and western portions of the Property; industrial reuse on the northern portion of the Property; and mixed-use commercial/multi-family residential on the central and eastern portions of the Property.

# 3.5 Previous Environmental Investigations

Numerous environmental investigations have been completed by others on behalf of the current Owner and/or previous tenants at the Property. The WDNR BRRTS Case numbers associated with the Property (Case No. 03-36-001962, Case No. 02-36-176478, and Case No. 02-36-000408) are summarized below.

# BRRTS Case No. 03-36-001962

The Wisconsin Department of Commerce issued a closure letter on October 17, 2005 for BRRTS Case No. 03-36-001962 following excavation of petroleum impacted soil and listing the property on the GIS registry of closed remediation sites as an institutional control to manage residual petroleum impacts to soil and groundwater.

# BRRTS Case No. 02-36-176478

WDNR issued a closure letter for BRRTS Case No. 02-36-176478 on February 22, 2007. Continuing obligations include an annual inspection and maintenance of an engineered barrier to control for residual impacts to soil and groundwater along with continuance of institutional controls.

# BRRTS Case No. 02-36-000408

WDNR closed BRRTS Case No. 02-36-000408 on April 6, 1993.

# 3.6 WDNR License History

No records have been identified suggesting the Property was used as a dump or landfill.

The WDNR SHWIMS database indicates a previous tenant (Holmes Oil Corp) was a Very Small Quantity Hazardous Waste Generator (license number not listed) of D001 non-listed ignitable wastes.

# 3.7 Proposed Date of Acquisition

The City of Manitowoc, Wisconsin anticipates acquiring the Property on or before March 31, 2019.

We trust this information meets your needs. Please review this request as soon as possible and contact me with questions.

Sincerely,

Kathleen M. McDaniel,

Pattle Mell Cant

City Attorney

**Enclosures** 

18-0968



# RESOLUTION DECLARING THE CANADIAN NATIONAL PENINSULA BLIGHTED AND AUTHORIZING THE COMMUNITY DEVELOPMENT AUTHORITY TO ACQUIRE AND ASSIST THE REDEVELOPMENT OF THE PROPERTY

WHEREAS, Wisconsin Statutes §66.1333, the Blight Elimination and Slum Clearance Act (the "Act"), states that it is the policy of this state to protect and promote the health, safety and general welfare of the people of the state in which blighted areas exist by the elimination and preservation of such areas through the utilization of all means appropriate for that purpose, thereby encouraging well-planned, integrated, stable, safe and healthful neighborhoods, the provision of healthful homes, a decent living environment and adequate places for employment of the people of this state and its communities in such areas; and,

WHEREAS, the Common Council has created a Community Development Authority under Manitowoc Municipal Code §3.160 for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects; and

WHEREAS, the Act allows the authority to undertake activities within the City for the purpose of carrying out redevelopment, blight elimination, blight prevention and urban renewal programs and projects as set forth in the Act, together with all powers necessary or incidental to effect adequate and comprehensive redevelopment, blight elimination, and urban renewal programs and projects; and,

WHEREAS, the Canadian National Peninsula in the City, roughly bounded by North 10<sup>th</sup> Street on the east and the Manitowoc River on the north, west, and south, as shown on the attached map, (the "Property") has been proposed as the site for various public improvements and private development projects; and,

WHEREAS, blight elimination, slum clearance, and urban renewal and redevelopment projects at the Property will protect and promote the health, safety, and general welfare of citizens of the City; and

WHEREAS, the Authority proposes to acquire or assist the private acquisition and development of the Property and to carry out blight elimination and urban renewal projects on the Property, including the installation and construction of public

improvements on the Property, and to subsequently transfer portions of the Property to private developers; and,

WHEREAS, Section 5(c)1g. of the Act provides that the Authority may acquire blighted property without designating a redevelopment area or adopting a redevelopment plan if the Authority obtains advance approval of the Common Council by at least a two-thirds vote; and,

WHEREAS, the Authority will conduct a duly-noticed public hearing at which all interested parties will be afforded a full opportunity to express their views respecting this preliminary determination of blight for the Property; and,

WHEREAS, the City staff have made preliminary findings and recommendations that (i) found the Property to be a "blighted property" within the meaning of Wis. Stats. § 66.1333(2m)(bm), and (ii) submitted the attached preliminary blight determination of the Property for the purpose of carrying out blight elimination and urban renewal projects to the Community Development Authority and Common Council for approval; and,

WHEREAS, in accordance with the Act, this Common Council now finds it necessary and in the public interests that the Authority undertake activities to eliminate and prevent blight, obsolescence, and the deterioration of the Property and to promote redevelopment and urban renewal on the Property; and,

WHEREAS, this Common Council has studied the facts and circumstances relating to the Property and the proposed acquisition of the Property, consideration having been given, among other items, to the following matters: (i) the definition of "blighted property" contained in Section (2m)(bm) of the Act, (ii) the Report with respect to the existence of blight on the Property in the context of the Act, (iii) the past and existing condition of, and the proposed uses of, the Property and of similar properties, (iv) the goals and objectives of the proposed acquisition of the Property, (v) visual inspections of the Property and surrounding areas by various members of the Authority and by various staff of and consultants to the City, and (vi) reports and recommendations to the Common Council by the Authority and City staff members.

NOW THEREFORE, BE IT RESOLVED by Mayor Justin M. Nickels and the Common Council of the City of Manitowoc that:

- 1. The Common Council hereby finds, determines and declares that the Property is blighted within the meaning of Section (2m)(bm) of the Act which substantially impairs or arrests the sound growth of the community.
- 2. The Common Council finds that a comprehensive redevelopment plan is not necessary to determine the need for the acquisition of the Property, the uses of the Property after acquisition and the relation of the acquisition to other property redevelopment by the Authority.

SEP 17 2018

ADOPTED

Justin M. Nickels, Mayor

This resolution was drafted by Kathleen M. McDaniel, City Attorney

**Fiscal Impact:** 

\$0

**Funding Source:** 

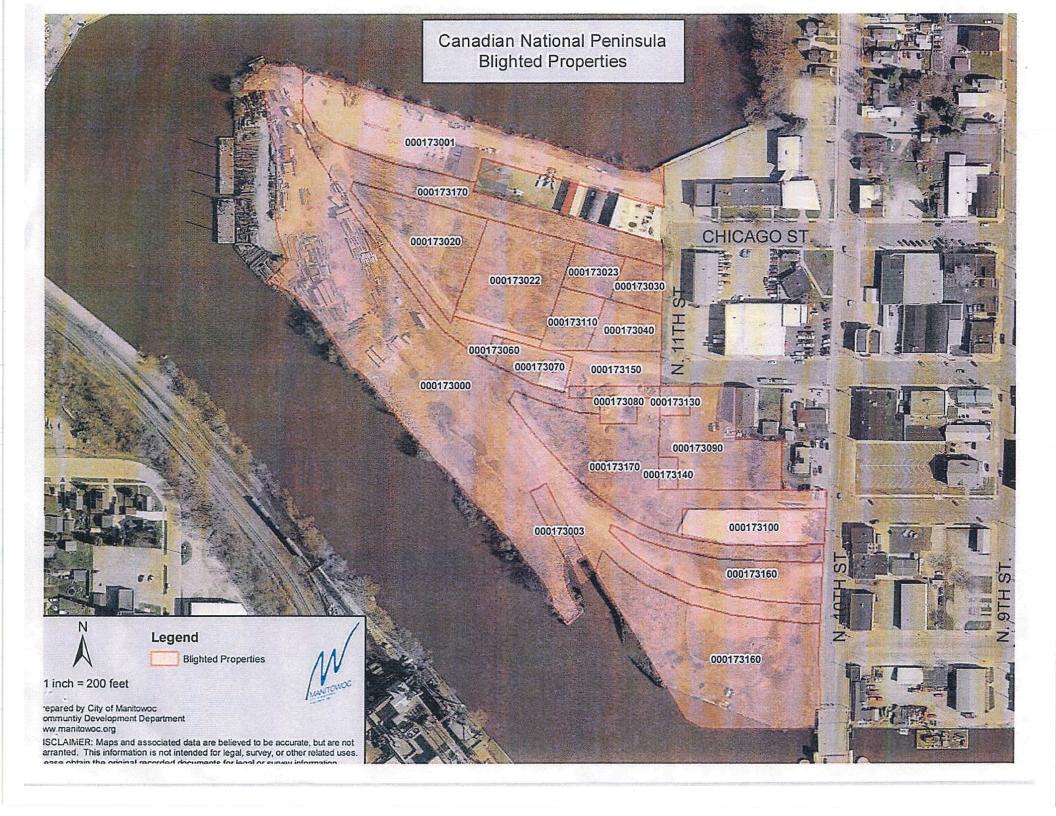
n/a

Finance Director Approval:

/sc

Approved as to form:

/kmm



# **Blight Determination**

1 N. 10<sup>th</sup> Street, 1103 Chicago Street, 1121 Buffalo Street, & 308 N 11<sup>th</sup> Street Also known as the Wisconsin Central LTD / CN Peninsula

Date: September 14, 2018

Parcel #:

052-000-173-130.00 052-000-173-040.00 052-000-173-080.00 052-000-173-140.00 052-000-173-170.00 052-000-173-090.00 052-000-173-022.00 052-000-173-150.00 052-000-173-020.00 052-000-173-110.00 052-000-173-003.00 052-000-173-023.00 052-000-173-030.00 052-000-173-001.00 052-000-173-060.00 052-000-173-160.00 052-000-173-100.00 052-000-173-000.00 052-000-173-010.00 052-000-173-070.00



# **Current Conditions**

The following assessment examines the current conditions of the subject property per the statutory definition of "blight" found in Chs. 32.03(6) and 66.1333(2m)(bm), Wis. Stats.

Statutory Elements	Observations	Resources
abandonment,	The 21 +/- acre site was historically used as a railroad	Historical aerial
dilapidation,	marshalling, salvage, coal gasification, transloading	photography.
deterioration, age or	car ferry dock and storage yard since the late 1800's	Inspection Notes &
obsolescence;	through approximately 1990. After 1990 active rail	Photos 9-11-2014
deterioration of site	activities ceased and limited transloading of rip rap/	Razing Permit 5-1-2015
or other	quarry stone occurred until circa 2010; all activities	
improvements	ceased after 2010. After 2010 two railroad bridges	
	that provided rail car access to the site were	The state of the s
	removed, eliminating any direct rail access to the	
	site. A vast majority of the site has gone fallow with	
	no maintenance occurring by the property owner.	
	The site consists of vacant underutilized land with	
	approximately 3 foundations or slabs exposed from	
	razed buildings. In 2016, the buildings were ordered	
	to be razed but the foundations were left in place.	
	There is one active building being leased and used	
	for a business that builds trusses but otherwise the	
	site is abandoned. An unused former building supply	

	store is sitting dormant. General maintenance on the site is nonexistent. In addition, the sheet wall along the Manitowoc River is in disrepair and is falling into the river. No positive investment by the property owner in the past 30 to 40 years has occurred.	
inadequate provisions for ventilation, light, air or sanitation; insanitary conditions	Not applicable – the buildings have been razed on the site with the exception of the buildings being leased for the construction of building trusses.	Photos
high density of population and overcrowding	Not applicable – this is a non-residential property.	
conditions which endanger life or property by fire and other causes; unsafe conditions	The site is not secured by fencing and there is no owner presence on the site to deter trespassing, vandalism or other illegal activities.  The site has the presence of unprotected foundations and fall hazards. There is evidence of junk and debris being dumped on the site. The river sheet wall system is in major disrepair creating an unsafe environment for boaters and fisherman.	Fire Dept. Citations List Historical Brownfield records, Stantec Reports Photos
faulty lot layout in relation to size, adequacy accessibility or usefulness diversity of ownership	Due to long history of railroad ownership dating to the original plat of the City the lot layout has been haphazard and not conducive to orderly and efficient redevelopment practices.  The property is currently owned by a Canadian company with it's United States office based in Chicago. There is no local presence on the site. Throughout the properties life there have been multiple rail companies that owned the property in addition to a myriad of leases.	Tax Record / Mapping
tax or special assessment delinquency exceeding the fair market value of the land	There are no significant tax or special assessment delinquencies against the property. The property is not being used for its highest and best use. With over 2,000 l.f. of river frontage the property is underutilized and therefore is not generating its potential in tax base.	Tax Record
defective or unusual conditions of title	There are no known construction liens filed against the property. There are environmental restrictions on the property.	
	nt considers the potential impacts of the current state of statutory definition of "blight" found in Ch. 66.1333(2m)	
Statutory Elements	Conclusions	Resources
conducive to ill health, transmission of disease, infant	The presence of hazardous materials, other contamination and petroleum substances on the property are causes for concern relative to health	Previous environmental reports, Stantec Reports

mortality, juvenile delinquency or crime	and mortality. The 21 +/- acre parcel has approximately 2,800' of frontage along the Manitowoc River which is used for a multitude of recreational activities.  The unsecured access and unsupervised oversight of the site are attractive for delinquency and crime. The lack of property maintenance and lack of vermin proof activities are causes for concern relative to transmission of disease.	Photos
detrimental to the public health, safety, morals or welfare	Causes for concern with public health, safety, morals and welfare stem from the dangers present in the unsupervised and unsecured property. The real or perceived environmental contamination and blighted appearance of the property is deterring positive investment by other neighboring property owners. The property casts a negative shadow on residents driving along the N. 10 <sup>th</sup> Street corridor into the downtown area.	Historical environmental reports, Stantec Reports Photos
substantially impairs or arrests the sound growth of a city	Positive community growth is being deterred on the N. 10 <sup>th</sup> Street corridor and other adjacent properties due to the negative visual impact of the property. There is a preponderance of vacant buildings and other deteriorated properties in the blocks immediately surrounding this property. In the past two Comprehensive Plans and recent downtown and river corridor plans the property has been shown as a key redevelopment site for the City.	Photos, Aerial Photography
retards the provisions of housing accommodation	Not applicable – this is a non-residential property.	
constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare	Due to the negative impacts of the vacant, underutilized property investment in adjacent properties is minimal. The property is adjacent to a major southbound travel corridor into the downtown. The current owner has not shown any intention of investing into the property for the betterment of the community.	Stantec Reports

# Determination

The subject parcel and its contents meet the statutory definition of blight.

Completed by: Paul Braun

**City Planner** 

Approved by: City of Manitowoc Common Council (Insert Date)

Community Development Authority of the City of Manitowoc (Insert Date)



# 18-0968

Standing Commit	tee: Finance Committee	
Document Name:		adian National Peninsula Blighted ity Development Authority to Acquire at of the Property
Consent	Non-Consent 🗸	Chairman Recommend
Consent	Non-Consent V	Chan man Recommend
Recommendation	<u>,</u>	
	Adaps Res	
Attest:	1 By	9-17-18
	Chair Alderperson Jim Brey Vice-Chair - Alderperson Todo	Date
	Dina	
	Alderperson Scott McMeans	
	2. Alebat	and the second s
	Alderperson Exic Sitkiewitz	
	W/120 W/11	Gemo
	Alderperson Mike Williams	Je m
Approved:	Just m. / tuke	l alialia
	Justin M. Nickels	Date

State of Wisconsin Department of Natural Resources PO Box 7921, Madison WI 53707-7921 dnr.wi.gov

# Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 9/15)

Page 1 of 8

**Notice:** Use this form to request a written response (on agency letterhead) from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

### Definitions

- "Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.
- "Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55. Wis. Stats.
- "Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.
- "Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

# **Select the Correct Form**

This from should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

# Do not use this form if one of the following applies:

- Request for an off-site liability exemption or clarification for Property that has been or is perceived to be contaminated by one
  or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site
  Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the Lender Liability Exemption, s 292.21, Wis. Stats., if no response or review by DNR is requested. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an exemption to develop on a historic fill site or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- Request for closure for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: <a href="mailto:dnr.wi.gov/topic/Brownfields/Pubs.html">dnr.wi.gov/topic/Brownfields/Pubs.html</a>.

# Instructions

- 1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
- 2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
- 3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program and the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
- 4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf\*

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Form 4400-237 (R 9/15)

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Section 1. Contact and Recip	ient Information					i e
Requester Information	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1					A.
This is the person requesting tech specialized agreement and is ide	nnical assistance or a post	t-closu Sectio	re modification review, that his o n 7. DNR will address its respons	r her liability be o se letter to this p	larific ersor	ed or a า.
Last Name	First	М	MI Organization/ Business Name			
McDaniel	Kathleen	$\mathbf{M}$	M City of Manitowoc, Wisconsin			
Mailing Address			City State ZIP Code			ZIP Code
900 Quay Street			Manitowoc		WI	54220
Phone # (include area code)	Fax # (include area code)	)	Email			
(920) 686-6990			kmcdaniel@manitowoc.or	g		
The requester listed above: (sele-	ct all that apply)			<del></del>		
Is currently the owner			Is considering selling the Pr	roperty		
Is renting or leasing the Pro	operty		Is considering acquiring the	Property		
Is a lender with a mortgage	e interest in the Property					
Other. Explain the status of	f the Property with respect	t to the	applicant:			
Pursuant to Wisconsin State liabilities and requesting a lalong North 10th and North	local government unit (l	ty of N LGU)	Manitowoc (City) is requestin liability exemption for the fo	g clarification or rmer railroad p	on ei rope	nvironmental erty located
Contact Information (to be c	ontacted with questions	s abou	t this request)		f san	ne as requester
Contact Last Name	First	М	I Organization/ Business Name	)		
McDaniel	Kathleen	M	City of Manitowoc, Wisco	nsin		
Mailing Address			City	St	tate	ZIP Code
900 Quay Street			Manitowoc		WI	54220
Phone # (include area code)	Fax # (include area code)	)	Email			
(920) 686-6990			kmcdaniel@manitowoc.org			
Margin Environmental Consultant						
Contact Last Name	First	М	ľ	:		
Byers	Harris		Stantec			
Mailing Address			City	St	tate	ZIP Code
12075 Corporate Parkway; Su			Mequon		WI	53092
Phone # (include area code)	Fax # (include area code)	)	Email			
(414) 581-6476			harris.byers@stantec.com			
Attorney (if applicable)						
Contact Last Name	First	M	, ,	•		
Steimle	Andrew		Steimle Birschbach, LLC			
Mailing Address			City	l		ZIP Code
21 Maritime Drive; PO Box 2			Manitowoc		WI	54221
Phone # (include area code)	Fax # (include area code)	)	Email			
(920) 683-3500	1		Andrew@steimlebirschbac	ch com		

Form 4400-237 (R 9/15)

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Section 2. Property Information Property Name	nation			FID No. (ii	knowr	1)
Former Railroad Property	y Located Along North 10th and No	orth 11th Streets		·		
BRRTS No. (if known)	,	Parcel Identification	on Number			
03-36-001962, 02-36-176	23 parcels; see attached cover letter and Figure 2					
Street Address		City	*****			ZIP Code
North 10th and North 11th Streets		Manitowoc WI				
County	Municipality where the Property is loca	ated	Property is com			perty Size Acres
Manitowoc	City  Town  Village of Mani	itowoc	Single tax parcel	) Multiple t	<sup>ax</sup> 20	
plan accordingly.  No Yes  Date reques  Reason: A					in 60 d	lays. Please
No. Include the fee to Yes. Do not include  Fill out the information Section 3. Technical Section 4. Liability Cl	hat is required for your request in Se a separate fee. This request will be bille in Section 3, 4 or 5 which correspond Assistance or Post-Closure Modificat arification; or Section 5. Specialized	ction 3, 4 or 5. ed separately throuds with the type ottons; Agreement.	ugh the VPLE Pro			
	echnical Assistance or Post-Closure assistance requested: [Numbers in bra		DNR Use]			
to an immediate a Review of Site Inv Review of Site Inv Approval of a Site Review of a Reme Review of a Reme Review of a Reme	Letter (NFA) (Immediate Actions) - NR ction after a discharge of a hazardous sestigation Work Plan - NR 716.09, [135] estigation Report - NR 716.15, [137] - Specific Soil Cleanup Standard - NR 72 edial Action Options Report - NR 722.13 edial Action Design Report - NR 724.09, edial Action Documentation Report - NR term Monitoring Plan - NR 724.17, [25] ration and Maintenance Plan - NR 724.	substance occurs.  ] - Include a fee of Include a fee of \$20.10 or 12, [67] - i, [143] - Include a 724.15, [152] - Include a fee o	Generally, these of \$700.  1050.  Include a fee of a fee of \$1050. of fee of \$1050. oclude a fee of \$ f \$425.	are for a o	for a v	vritten response le spill event.
<ul><li>☐ Schedule a Techn</li><li>☐ Hazardous Waste</li></ul>	nce - s. 292.55, Wis. Stats. [97] (For req ical Assistance Meeting - Include a fee Determination - Include a fee of \$700 ssistance - Include a fee of \$700. Exp	e of \$700.		lfill use Fo	orm 440	00-226)
Post-Closure Modificatio	ns - NR 727 [181]					
Post-Closure Mod sites may be on th \$1050, and:	lifications: Modification to Property bour ne GIS Registry. This also includes remo	oval of a site or Pro	inuing obligation operty from the G	s of a clos SIS Regist	ed site ry. <b>Incl</b>	or Property; ude a fee of
	of \$300 for sites with residual soil contain	,				
Include a fee of obligations.	of \$350 for sites with residual groundwa	ter contamination,	monitoring wells	or for vap	or intru	ision continuing
	on of the changes you are proposing, an					

may be submitted later in the approval process, on a case-by-case basis).

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Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this form

form.
Section 4. Request for Liability Clarification
Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. [Numbers in brackets are for DNR Use]
Lender" liability exemption clarification - s. 292.21, Wis. Stats. [686]
❖ Include a fee of \$700.
Provide the following documentation:
(1) ownership status of the real Property, and/or the personal Property and fixtures;
(2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;
(3) the date the environmental assessment was conducted by the lender;
(4) the date of the Property acquisition; for foreclosure actions, include a copy of the signed and dated court order confirming the sheriff's sale.
(5) documentation showing how the Property was acquired and the steps followed under the appropriate state statutes.
(6) a copy of the Property deed with the correct legal description; and,
(7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).
(8) If no sampling was done, please provide reasoning as to why it was <b>not</b> conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292. 21(1)(c)2.,hi., Wis. Stats.:
h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real Property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.
i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real Property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other containers or in piles or lagoons on the real Property.
Representative" liability exemption clarification (e.g. trustees, receivers, etc.) - s. 292.21, Wis. Stats. [686]
❖ Include a fee of \$700.
Provide the following documentation:
(1) ownership status of the Property;
(2) the date of Property acquisition by the representative;
(3) the means by which the Property was acquired;
(4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the Property;
(5) documentation that the representative has not caused any discharge of a hazardous substance on the Property; and
(6) a copy of the Property deed with the correct legal description.
☐ Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)
Perceived environmental contamination - [649];
hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or
Solid waste - s. 292.23 (2), Wis. Stats. [649].
Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:
(1) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).

(4) a map and the ¼, ¼ section location of the Property;(5) summary of current uses of the Property;

(2) current and proposed ownership status of the Property;

- (6) intended or potential use(s) of the Property;
- (7) descriptions of other investigations that have taken place on the Property; and

(3) date and means by which the Property was acquired by the LGU, where applicable;

(8) (for solid waste clarifications) a summary of the license history of the facility.

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Section 4.	Request for	Liability	Clarification (	cont.)
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Lease liability clarification - s. 292.55, Wis. Stats. [646]

- ❖ Include a fee of \$700 for a single Property, or \$1400 for multiple Properties and the information listed below:
- (1) a copy of the proposed lease;
- (2) the name of the current owner of the Property and the person who will lease the Property;
- (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the Property;
- (4) map(s) showing the Property location and any suspected or known sources of contamination detected on the Property;
- (5) a description of the intended use of the Property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the Property; and
- (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the Property where a discharge has occurred.

General or other environmental liability clarification - s. 292.55, Wis. Stats. [682] - Explain your request below.

Include a fee of \$700 and an adequate summary of relevant environmental work to date.
No Action Required (NAR) - NR 716.05, [682]  ❖ Include a fee of \$700.
Use where an environmental discharge has or has not occurred, and applicant wants a DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.
Clarify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]
A to dealer for a 6 MOO

Include a fee of \$700.

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

See cover letter and associated attachments.

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Section 5. Req	uest for a S	pecialized A	greement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: <a href="mailto:dnr.wi.gov/topic/Brownfields/lgu.html#tabx4">dnr.wi.gov/topic/Brownfields/lgu.html#tabx4</a> .
Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]
❖ Include a fee of \$700, and the information listed below:
<ul> <li>(1) Phase I and II Environmental Site Assessment Reports,</li> <li>(2) a copy of the Property deed with the correct legal description; and,</li> <li>(3) a draft 75.105 agreement based on the DNR's model (<u>dnr.wi.gov/topic/brownfields/documents/mod75-105agrmt.pdf</u>).</li> </ul>
Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]
Include a fee of \$700, and the information listed below:
<ul> <li>(1) Phase I and II Environmental Site Assessment Reports,</li> <li>(2) a copy of the Property deed with the correct legal description; and,</li> <li>(3) a draft 75.105 agreement based on the DNR's model (<u>dnr.wi.gov/topic/brownfields/documents/mod75-106agrmt.pdf</u>).</li> </ul>
Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]
❖ Include a fee of \$1400, and the information listed below:
<ul><li>(1) a draft schedule for remediation; and,</li><li>(2) the name, mailing address, phone and email for each party to the agreement.</li></ul>
Section 6. Other Information Submitted
Identify all materials that are included with this request.  Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.
Phase I Environmental Site Assessment Report - Date:
Phase II Environmental Site Assessment Report - Date:
☑ Legal Description of Property (required for all liability requests and specialized agreements)
Map of the Property (required for all liability requests and specialized agreements)
Analytical results of the following sampled media: Select all that apply and include date of collection.
Groundwater Soil Sediment Other medium - Describe:  Date of Collection:
A copy of the closure letter and submittal materials
☐ Draft tax cancellation agreement
☐ Draft agreement for assignment of tax foreclosure judgment
Other report(s) or information - Describe: See cover letter and associated attachments
For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substances been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at: <a href="https://dn.wi.gov/files/PDF/forms/4400/4400-225.pdf">dn.wi.gov/files/PDF/forms/4400/4400-225.pdf</a>.

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Section 7. Certification by the Person who completed this form	
☑ I am the person submitting this request (requester)	
I prepared this request for:	
Requester Name	
I certify that I am familiar with the information submitted on this request, and true, accurate and complete to the best of my knowledge. I also certify I have this request.	
Signature	Date Signed
Title City Attorney	(920) 686 - 6990 Telephone Number (include area code)

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# Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a <u>DNR regional brownfields specialist</u> with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: <a href="http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf">http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf</a>.

### **DNR NORTHERN REGION**

Attn: RR Program Assistant Department of Natural Resources 223 E Steinfest Rd Antigo, WI 54409

## **DNR NORTHEAST REGION**

Attn: RR Program Assistant Department of Natural Resources 2984 Shawano Avenue Green Bay WI 54313

# **DNR SOUTH CENTRAL REGION**

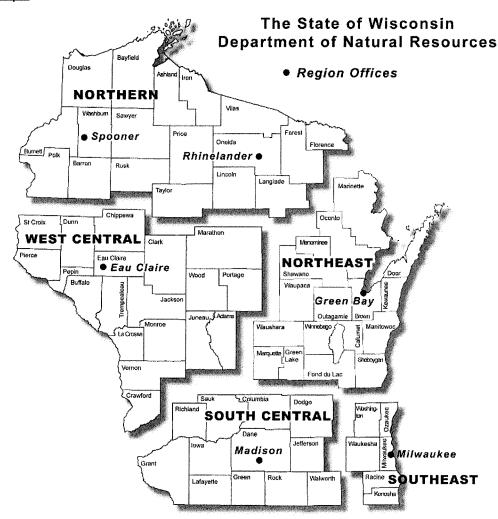
Attn: RR Program Assistant Department of Natural Resources 3911 Fish Hatchery Road Fitchburg WI 53711

# **DNR SOUTHEAST REGION**

Attn: RR Program Assistant Department of Natural Resources 2300 North Martin Luther King Drive Milwaukee WI 53212

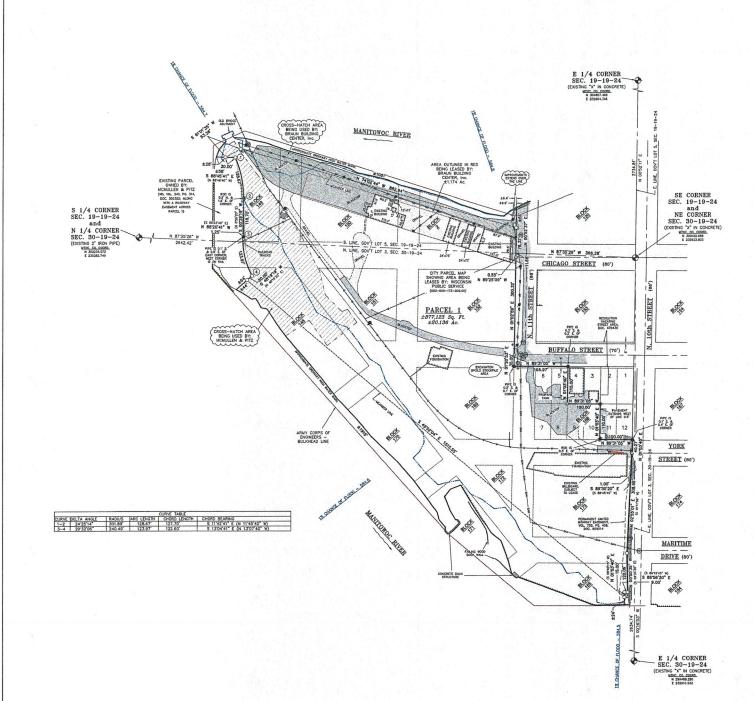
# **DNR WEST CENTRAL REGION**

Attn: RR Program Assistant
Department of Natural Resources
1300 Clairemont Ave.
Eau Claire WI 54702



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

DNR Use Only				
Date Received	Date Assigned	BRRTS Activity Code	BRRTS No. (if used)	
DNR Reviewer		Comments		
Fee Enclosed?  Yes No	Fee Amount	Date Additional Information Req	Quested Date Requested for DNR Response Letter	
Date Approved	Final Determination			





. = EXISTING 1" IRON PIPE

@ = EXISTING 3/4" IRON ROD A = EXISTING MAG/P-K NAIL

( = EXISTING MANHOLE A = EXISTING HYDRANT

 ■ EXISTING WATER VALVE # = EXISTING UTILITY POLE @ = EXISTING ELECTRIC METER LEGEND

- EXISTING LIGHT POLE (000) = "RECORDED AS" DIMENSION

- OVERHEAD POWER LINE -x--x- = WOOD FENCE LINE

OF MANITOWOC FION 30,

THE CITY 5 OF SEC

LOT

BLOCKS 2, 148, 149, 160, 113. EA. 168, 169, 170, 171, 172, 173 AND 169 OF THE ORIGINAL ADACENT VACATED FIELDS. ERIOF PART OF COVERNMENT LOT 3 OF SECTION 19 AND COVERNMENT LOT 4 OF STRAIGE INSCRIMENT, LID 4/OF STRAIGHT AND COVERNMENT.

LOCATED IN AND A

- SANITARY SEWER LINE = STEEL SHEET PILING

GUARD RAIL ----- = FLOOD BOUNDARY LINE

DIGGERS HOTLINE WAS CONTACTED TO MARK UNDERGROUND UTILITIES (DIGGERS HOTLINE DOES NOT MARK PRIVATE SEWER

CONTACT DIGGERS HOTLINE AND VERIFY ALL UTILITY LOCATIONS BEFORE DIGGING

### ALTA COMMITMENT:

EFFECTIVE DATE: July 3, 2018, at 8:30 am

FILE NUMBER: CW-30424

COMMITMENT SCHEDULE B, Part II, Exceptions

Items 1, 2, 3, 4, 5, 6, 10, 11, 14, 15, and 16 may apply to Parcel 1 but may not necessarily be mapped

Items 7, 8, 9, 12, 13, 17, 18, 19, 20, 21, 25, 26, 27, and 28 apply to Parcel 1 and are shown hereon. Items 22, 23 and 24 do not apply to Parcel 1.

### TABLE "A" ITEMS:

1. Corner monuments as shown

According to the FIRM (Flood insurance Rate Map) Ponel Number 55071C0306D and 55071C0306D. Effective Date August 2, 2011, Parcel 1 is adjacent to Zone AE along the Manitowoc River, with virtually all of the parcel classified at Zone X (unshaded), autiside the 0.2% annual chance floodplain.

4 Gross land area as shown

7a. Exterior building dimensions as shown

11. Location of utilities as shown.

### DESCRIPTION: PARCEL 1

A proce of lend located to Blocks 2, 148, 169, 150, 151, 152, 158, 169, 170, 170, 172, 173 and 185 of the Original Plat of the City of Memillows and objects vocated streets. being port of Coerment LLO 3 of Section 19 and Government Lot 3 of Section 30.

Tone 19 North, Angop 24 East, City of Manitowsc, Monitowsc County, Visconsin, described as follows:

Liot 5 of Section 30.

Town 19 North, Renge 24 East, City of Monitowoc, Monitowoc County, Wisconsin, described on follows:

Commencing at the NC Corner of add Section 30; Thence N 8779/26" W, 366.28 feet coincident with the north line of add Government Liot 3 to a point on the water line of N. 11 hi street being the point of separing: Thence N 6072/37" E, 732.37 feet Children's Liot and the section of the North-World of the Section 20, 120.27 feet Children's Liot and the Section 20, 120.27 feet Children's Liot and Section 20, 120.27 feet Children's Liot and Section 24, page 314, document 30532, being 5 6874" E, 226 feet to-children's Management of the Section 20, 120.27 feet Children's Liot and Section 20, 120.27 fee

Said parcel contains ±877,123 Square Feet (±20.136 Acres) of land.

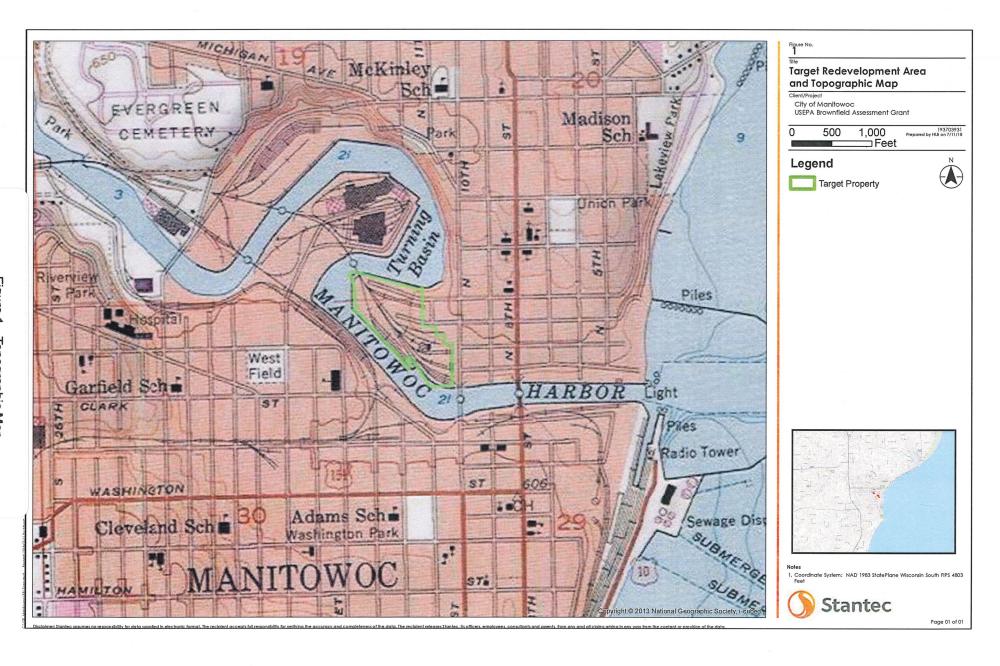
Property Address: 1 N. 10th Street and 1103 Chicago Street, Manitowac, WI 54220

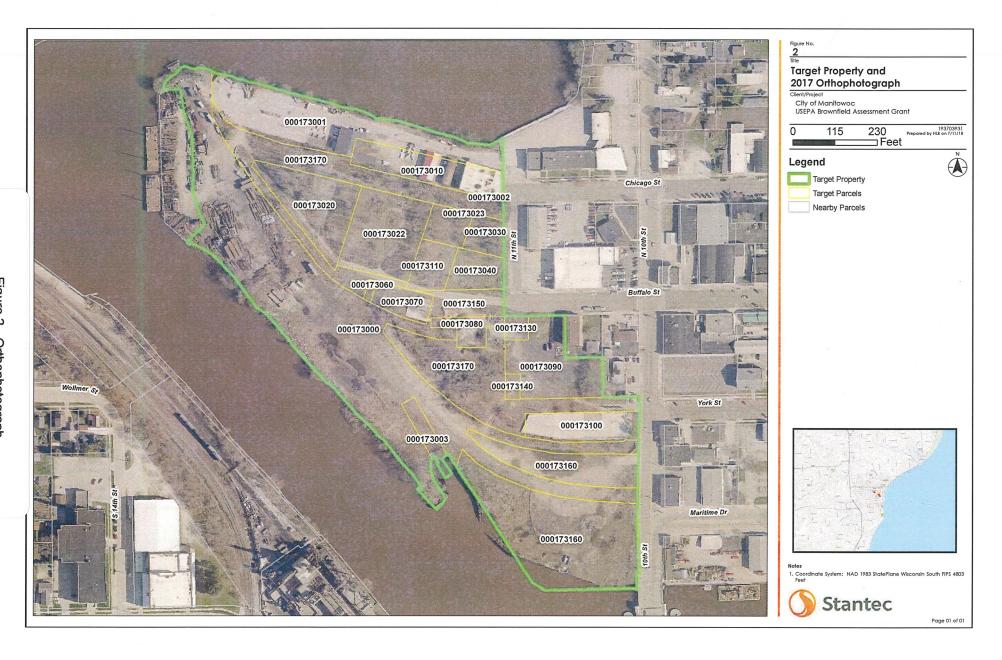
### SURVEYORS CERTIFICATE:

This is to sertly, that this may or joid or of the survey on which it is because a term does not consciously that the may or joid or of the survey on which it is because a term mode in occordone with the 2016 Milletum Standard held in Responses to real AT-ANSPS cand Title Surveys, pility established not adopted by ATA and ANSPS, and in the Surveys, pility established not adopted by ATA and and To Teleda A thereof. The Reference was completed on August 17, 2018 and Title this curvey compiles with Chapter Act 7 of the Wisconsin Administrative Code and is correct to the best of namedical manufacture.











# Target Property and Historic Occupants/Uses

Cilent/Project
City of Manitowoc
USEPA Brownfield Assessment Grant

120 240 ⊐ Feet

193703931 Prepared by HLB on 7/11/18

# Legend

Target Property

Historic Occupants/Uses



1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803

Coordinate System: NAD 1983 StafePlane Wisconsin South FIFS 4803
Feet
 Historic Sile features illustrated on this figure were digitized from
multiple historic maps/sources, including City Assessor files, WDNR
files, and Sanabom (R) Fire Insurance Maps. These features are
provided for illustration purposes only: Stantec makes no warranty as
to the accuracy of these features.
 Orthopholograph: Manillowoc County, 2017



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