



DOC# 1507947

Document Number DEED RESTRICTION

Declaration of Restriction

In Re:  
*James E. Cherwinka Trust*

Parcel 1:

Part of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section twenty-five (25), Township twenty-nine (29) North, Range seven (7) East, in the City of Wausau, County of Marathon, State of Wisconsin, described as follows:

Beginning at a point on the South line of Wausau Avenue 227.75 feet West of the West line of Second Street; thence South perpendicular to the South line of Wausau Avenue, 70 feet; thence West, parallel with and 70 feet South of the South line of Wausau Avenue, 147.60 feet, more or less, to a point which is 15 feet Northwesterly of railroad siding track; thence Southwesterly on a curve parallel to and 15 feet distant Northwesterly from the center line of said railroad siding track, to a point 458 feet West of the West line of Second Street; thence North to the South line of Wausau Avenue at a point which is 458 feet West of the West line of Second Street; thence East along the South line of Wausau Avenue 230.25 feet, more or less, to the point of beginning; EXCEPTING that part thereof described in Deed recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 257 of Micro-Records on page 356.

Parcel 2:

Part of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section twenty-five (25), Township twenty-nine (29) North, Range seven (7) East, in the City of Wausau, Marathon County, State of Wisconsin, described as follows:

Commencing at a point on the South line of Wausau Avenue, 227.75 feet West of the West line of Second Street; thence South perpendicular to South line of Wausau Avenue, 70 feet; thence West parallel with and 70 feet South of the South line of Wausau Avenue, 147.60 feet, more or less, to a point which is 15 feet Northwesterly of railroad siding track, thence Southwesterly

*Michael J. Sydow*

Recording Area

Name and Return Address

James E. Cherwinka Trust  
c/o Thomas A. Strandberg, Esq.  
McNally, Maloney & Peterson, S.C.  
2600 N. Mayfair Road, Suite 1080  
Milwaukee, WI 53226  
and  
Wausau Chemical Corp.  
2001 North River Drive  
Wausau, Wisconsin 54401

291-2907-252-0990  
291-2907-252-0997

Parcel Identification Numbers (PIN)

*2.93 acres  
2 Parcels  
2005 N River Dr.*

*Mail-  
ing  
2001  
N. River  
Dr.  
0.42  
acres  
Wausau  
Chem*



on a curve parallel to and 15 feet Northwesterly from the center line of said railroad siding track to a point, said point being 131 feet South of the South line of Wausau Avenue; thence at an azimuth of  $180^\circ$ , 23.05 feet to a point, said point being the P.C. of a reverse curve to the right; thence Southwesterly 224.05 feet along a curve having the following data, radius 675.11 feet, tangents 112.97 feet, I angle  $19^\circ$ , long chord 222.85 feet, curve length 224.05 feet, degree of curvature  $8^\circ 28.8'$ , to a point said point being the point of reverse curvature; thence Southwesterly 166.90 feet along a curve to the left having the following data, radius 615.11 feet, tangents 120.77 feet, long chord 237.02 feet, curve length 238.5 feet, curvature  $9^\circ 18.6'$ , I angle  $22^\circ 13'$  to a point, which point is the point of beginning of the excepted parcel hereafter described; thence at an azimuth of  $87^\circ 06'$  a distance of 273.95 feet to a point, said point being 50 feet perpendicular to and West of the center line of the main line track of the C. M. St. P. & P. R. R.; thence at an azimuth of  $10^\circ 40'$  a distance of 532.32 feet parallel with and 50 feet West of the center line of said railroad tracks to a point, said point being on the South line of Wausau Avenue and 155.60 feet West of the West line of Second Street; thence West along the South line of Wausau Avenue 72.15 feet to the point of beginning; EXCEPTING therefrom the following parcel; beginning at the point designated in the foregoing description as the point of beginning of the excepted parcel; thence North  $83^\circ 46' 30''$  East, 99.6 feet; thence Northeasterly, parallel with the centerline of the railroad siding track of the Chicago, Milwaukee, St. Paul & Pacific Railroad, 181.1 feet; thence Northwesterly, at a right angle, 89.6 feet; thence Southwesterly, along the East boundary of River Drive, and along the West line of the parcel conveyed in the foregoing description, 197 feet, more or less, to the point of beginning.

The above Parcels 1 and 2 are part of Parcel 1 of Certified Survey Map No. 12726 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 55 of Certified Survey Maps on page 44, a copy of which is attached hereto as Exhibit A. The above Parcels 1 and 2 are also identified as PIN 291-2907-252-0990.

And

*Wausau Chemical Corporation*

Part of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section twenty-five (25), Township twenty-nine (29) North, Range seven (7) East, in the City of Wausau, Marathon County, State of Wisconsin, designated as the excepted parcel, described as follows:

Commencing at a point on the South line of Wausau Avenue, 227.75 feet West of the West line of Second Street; thence South perpendicular to South line of Wausau Avenue, 70 feet; thence West parallel with and 70 feet South of the South line of Wausau Avenue, 147.60 feet, more or less, to a point which is 15 feet Northwesterly of railroad siding track, thence Southwesterly on a curve parallel to and 15 feet Northwesterly from the center line of said railroad siding track to a point, said point being 131 feet South of the South line of Wausau Avenue; thence at an azimuth of  $180^\circ$ , 23.05 feet to a point,





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**WHEREAS**, the existing building and pavement on the property provide a partial barrier, minimizing infiltration, and the depth of the remaining contaminants prevents direct contact with the residual soil contamination.

**WHEREAS**, sampling data on and about the property has demonstrated soil cleanup adequately protective of groundwater quality; however, residual soil contamination remains on the property.

**WHEREAS**, it is the desire and intention of the property owners to impose on the property restrictions that will make it unnecessary to conduct further soil remediation activities on the property at the present time.

**NOW THEREFORE**, the owners hereby declare 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 limitation and restrictions:

1. Construction or installation of any water supply well on the property is prohibited pursuant to this deed restriction.
2. Plowing or cultivation of agricultural crops on the property is prohibited pursuant to this deed restriction.
3. The existing Wausau Chemical Corporation building shown on Exhibit B makes complete remediation of soils beneath the building impractical. If the existing building is removed or modified, the property owner shall conduct an investigation to determine the degree and extent of soil contamination beneath the building. To the extent that soil contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the soil contamination shall be managed in accordance with applicable statutes and rules. If currently inaccessible soil contamination near or beneath the building is excavated in the future, the soil must be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains and must be stored, treated and disposed in compliance with applicable statutes and rules.
4. The existing pavement forms a barrier that will be maintained in accordance with the maintenance plan entitled "Pavement Cover and Building Barrier Maintenance Plan, Wausau Chemical Corporation", dated October 17, 2006. The existing pavement will minimize the infiltration of water which prevents additional groundwater contamination. The existing pavement shall be maintained on the property in the locations shown on Exhibit B. Such existing pavement shall not be removed without the approval of the Wisconsin Department of Natural Resources.
5. If construction or installation of buildings, structures or other improvements occur on grid points 19-4 or 35-7 shown on Exhibit B, then the affected soils at grid points 19-4 or 35-7 shall be sampled and managed in accordance with applicable statutes and rules.
6. The property shall be used only for industrial purposes.

This restriction is 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. This restriction inures to the benefit of and is 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 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 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 extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

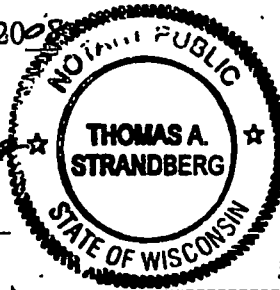
By signing this document, Rhona E. Vogel asserts that he or she is duly authorized to sign this document as a Trustee of the James E. Cherwinka Trust.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 8<sup>th</sup> day of Jan, 2008.

Signature: Rhona E. Vogel  
Printed Name: Rhona E. Vogel  
Trustee, James E. Cherwinka Trust

Subscribed and sworn to before me  
this 8 day of JANUARY, 2008

Thomas A. Strandberg  
Notary Public, State of WISCONSIN  
My commission PERMANENT



By signing this document, John Boeke asserts that he or she is duly authorized to sign this document as an officer of Wausau Chemical Corporation.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 18 day of April, 2008

Signature: John Boeke  
Printed Name: John Boeke  
Officer of Wausau Chemical Corporation



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Subscribed and sworn to before me  
this 15<sup>th</sup> day of April, 2005.

[Signature]  
Notary Public, State of Wisconsin  
My commission is Perpetual

This document was drafted by Michael Best & Friedrich LLP; Conestoga-Rovers and Associates, Inc.; and McNally, Maloney & Peterson, S.C.

X:\CLIENTB\094167\0001\A1844250.1

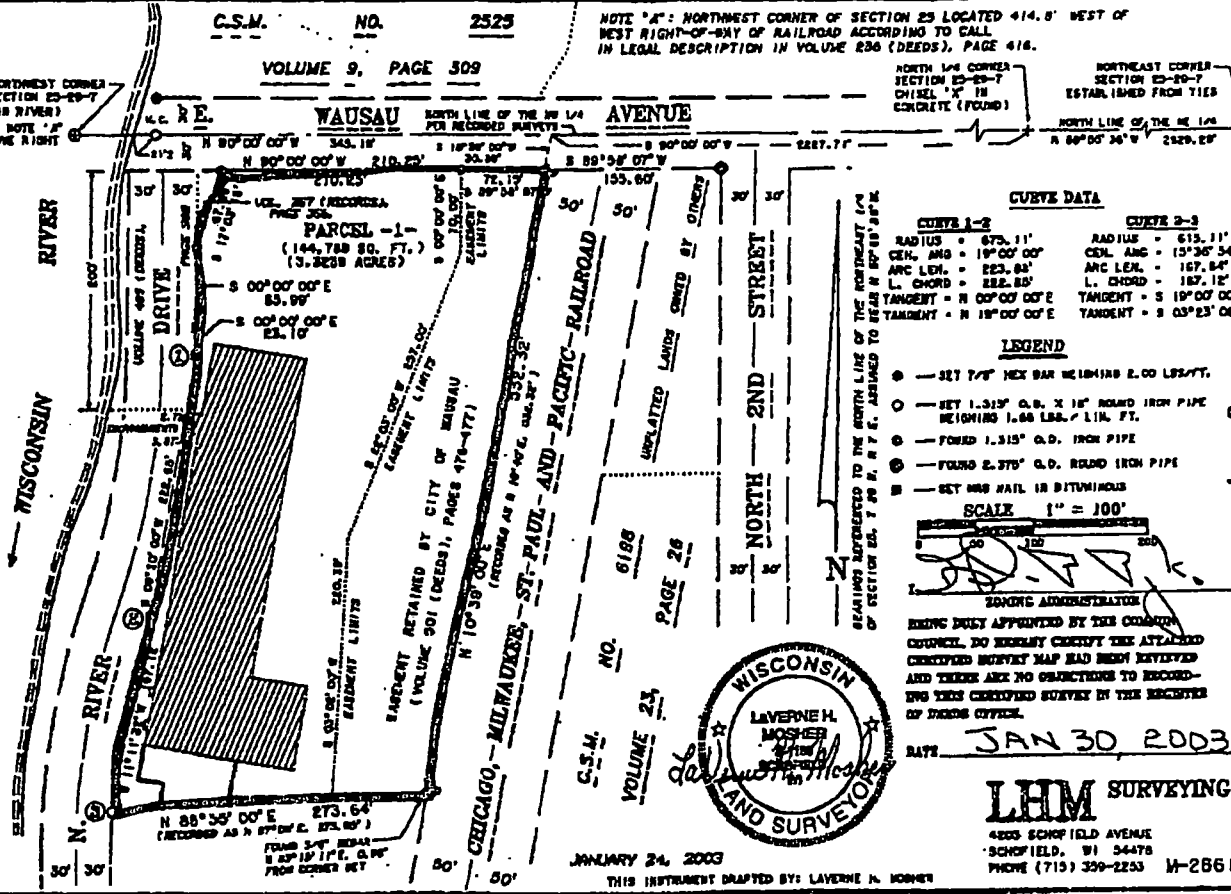
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12726

MARATHON COUNTY CERTIFIED SURVEY MAP

OF PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.



C.S.M. NO. 2525  
VOLUME 9, PAGE 309

NOTE "A": NORTHWEST CORNER OF SECTION 25 LOCATED 414.8' WEST OF WEST RIGHT-OF-WAY OF RAILROAD ACCORDING TO CALL IN LEGAL DESCRIPTION IN VOLUME 236 (DEEDS), PAGE 416.

NORTH 1/4 CORNER SECTION 25-29-T ESTABLISHED FROM TIES  
NORTH LINE OF THE NE 1/4 N 89°00'36"W 2429.28'

**CURVE DATA**

CURVE 1-2	CURVE 2-3
RADIUS = 675.11'	RADIUS = 615.11'
CEN. ANG = 19°00'00"	CEN. ANG = 15°36'34"
ARC LEN. = 223.85'	ARC LEN. = 167.84'
L. CHORD = 222.85'	L. CHORD = 167.12'
TANGENT = N 00°00'00"E	TANGENT = S 19°00'00"E
TANGENT = N 19°00'00"E	TANGENT = S 03°23'06"E

**LEGEND**

- — SET 7/8" HEX BAR WEIGHING 2.00 LBS/FT.
- — SET 1.315" O.D. X 18" ROUND IRON PIPE WEIGHING 1.68 LBS./LIN. FT.
- ⊙ — FOUND 1.315" O.D. IRON PIPE
- ⊗ — FOUND 2.375" O.D. ROUND IRON PIPE
- ⊞ — SET 1/8" NAIL IN BITUMINOUS

SCALE 1" = 100'



ZONING ADMINISTRATOR  
BEING DULY APPROVED BY THE COMMON COUNCIL, DO HEREBY CERTIFY THE ATTACHED CERTIFIED SURVEY MAP HAD BEEN REVIEWED AND THERE ARE NO OBJECTIONS TO RECORDING THIS CERTIFIED SURVEY IN THE REGISTER OF DEEDS OFFICE.

DATE JAN 30, 2003



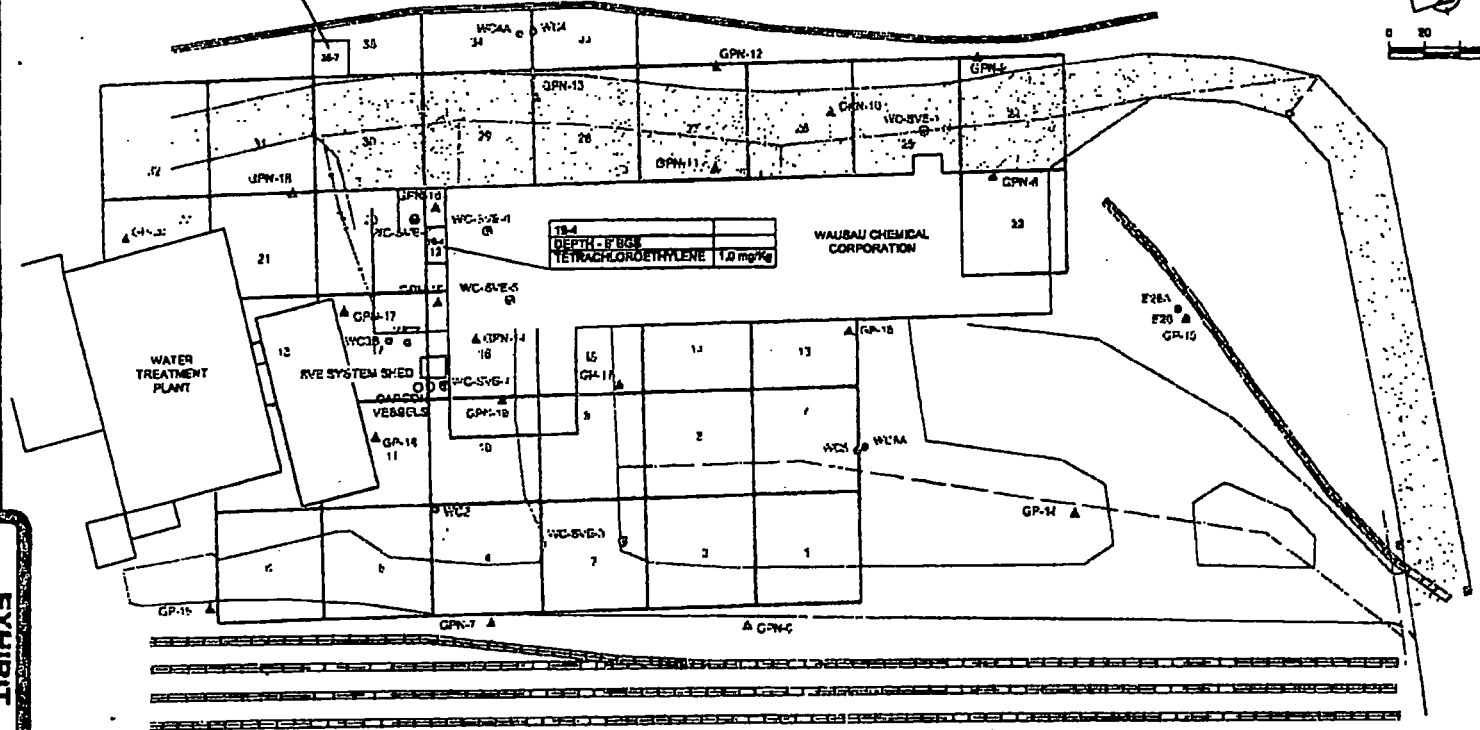
JANUARY 24, 2003  
THIS INSTRUMENT DRAFTED BY: LAVERNE H. MOSIER



**LHM SURVEYING**  
4200 SCHOFIELD AVENUE  
SCHOFIELD, WI 54478  
PHONE (715) 359-2253 M-2661

35.7	
DEPTH - 6' BGS	
TETRACHLOROETHYLENE	0.87 mg/kg
TRICHLOROETHYLENE	0.43 mg/kg
1,2-DICHLOROETHANE	0.13 mg/kg

WISCONSIN RIVER



78.4	
DEPTH - 6' BGS	
TETRACHLOROETHYLENE	1.0 mg/kg

**LEGEND**

- ⊙ SOIL VAPOR EXTRACTION WELL LOCATION
- △ SOIL GAS PROBE LOCATION
- GPN NESTED PROBES (4" ⌀) EXCEPT GPN-15 & GPN-16 (4" ⌀, 11")
- ⊙ SINGLE PROBE (7-12")
- MONITORING WELL LOCATION

- TWO LEVEL SOIL SAMPLING GRID
- SOIL SAMPLING LOCATION
- ASPHALT PAVEMENT

1	2	3
4	5	6
7	8	9

SUBGRID LAYOUT

CRA

03978-30(MISC001)GN-SP001 DEC 01/2006

figure 1

EAST BANK/SOUTH LOADING DOCK  
NOVEMBER 2001 SOIL SAMPLE RESULTS  
*Weusau Water Supply NPL Site*



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