

## Gray, Jane K - DNR

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**From:** OJ Ojinaga <oj.ojinaga@ghd.com>  
**Sent:** Friday, January 24, 2025 10:14 AM  
**To:** Gray, Jane K - DNR  
**Cc:** Holt, Michael (he/him/his)  
**Subject:** FW: Wausau - Wausau Chemical Parking Lot Request for Paving  
**Attachments:** 3978-Deed Restriction-032406.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Hi Jane,

Please see the email below that you requested regarding the initial parking lot paving request.

OJ

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**From:** OJ Ojinaga  
**Sent:** Wednesday, September 25, 2024 12:30 PM  
**To:** Holt, Michael (he/him/his) <Holt.Michael@epa.gov>  
**Subject:** Wausau - Wausau Chemical Parking Lot Request for Paving

Michael,

As I mentioned on our call earlier today, the City of Wausau has a signed agreement with the Woodchucks organization to provide additional paved parking spaces within walking distance to the stadium. The City has identified the Wausau Chemical site as the preferred option to build a parking lot because of the proximity to the stadium, its current use as gravel temporary parking, and the fact that it would also support other users. Ideally this would be a parking lot that stretches from Wausau Ave to the south and stays tight to the RR tracks. Providing a paved surface to this area would provide a boundary to soil and would improve the current conditions.

Based on the current deed restriction (attached), there is no reason why the City can't proceed with paving this area for parking overflow and see that it would change the current use of this space.

If EPA agrees with this request, please respond to this email with your approval.

Thank you-  
OJ

**Daniel (OJ) Ojinaga**  
Project Manager/Engineer

**GHD**

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Document Number

DEED RESTRICTION

Declaration of Restriction

In Re:

*James E. Cherwinka*

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 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.

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 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°, 23.05 feet to a point, said point being the P.C. of a reverse curve to the right; thence Southwesterly

Recording Area

Name and Return Address

John Booher  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue,  
Suite 3300  
Milwaukee, Wisconsin 53202-4108

37-291-4-2907-252-0990

37-291-4-2907-252-0997

Parcel Identification Numbers (PIN)

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 N  $83^\circ 46' 30''$  E, 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.

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, 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



**WHEREAS**, it is the desire and intention of the property owner 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 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 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 building shown on Figure 1 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 order to minimize the infiltration of water, which prevents additional groundwater contamination. The existing pavement shall be maintained on the property in the locations shown on Figure 1. 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 Figure 1, then the affected soils at grid points 19-4 or 35-7 shall be sampled and managed in accordance with applicable statutes and rules.

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, \_\_\_\_\_ asserts that he or she is duly authorized to sign this document as a representative of the Estate of James E. Cherwinka

**IN WITNESS WHEREOF**, the owner of the property has executed this Declaration of Restrictions, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Representative of the Estate of James E. Cherwinka

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission \_\_\_\_\_

-----  
By signing this document, \_\_\_\_\_ 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Officer of Wausau Chemical Corporation

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

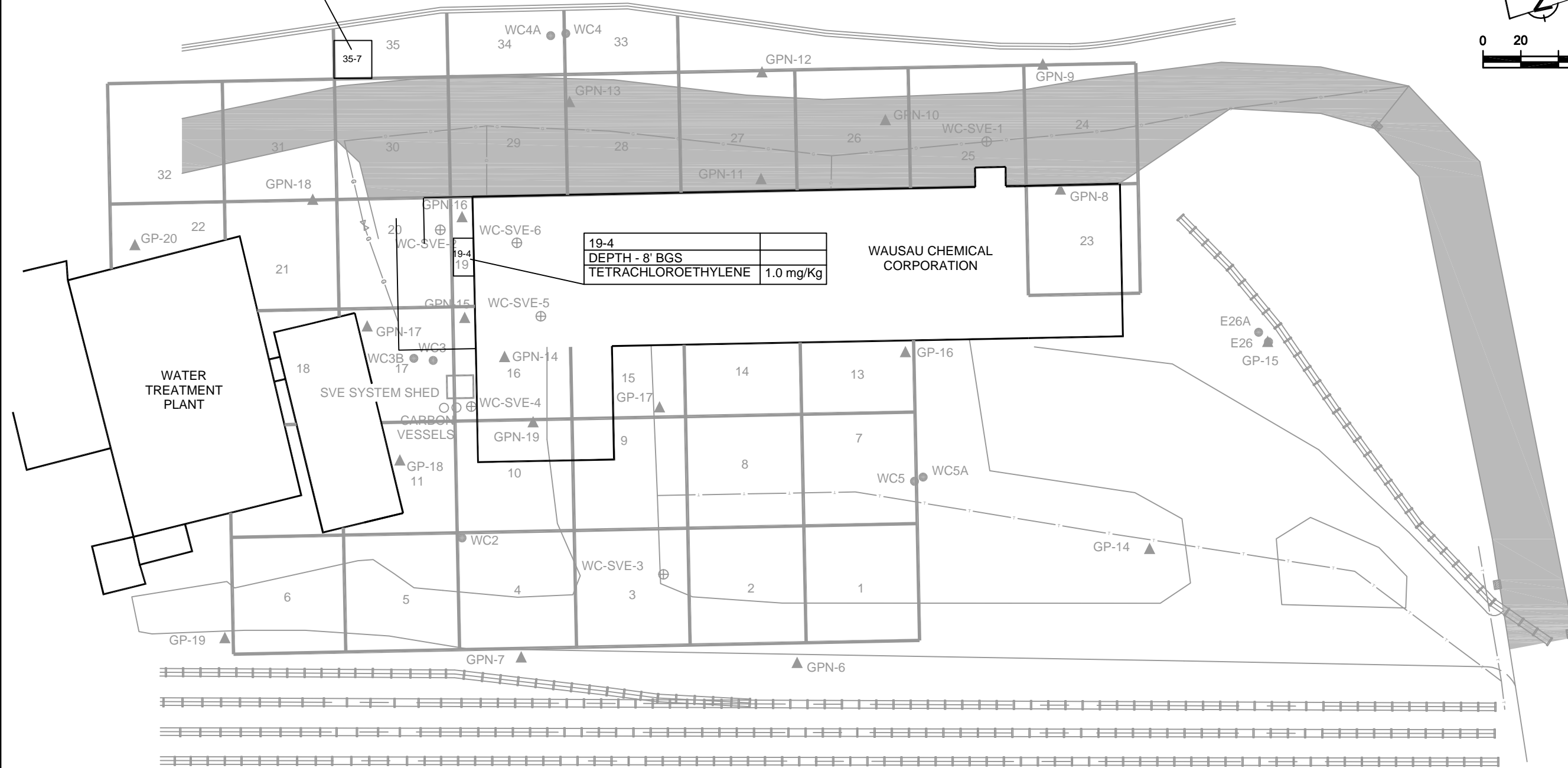
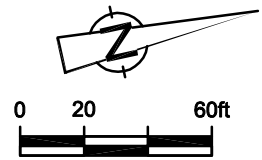
\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission \_\_\_\_\_

This document was drafted by Michael Best & Friedrich, LLP and Conestoga-Rovers and Associates, Inc.



35-7	
DEPTH - 4' BGS	
TETRACHLOROETHYLENE	0.67 mg/Kg
TRICHLOROETHYLENE	0.43 mg/Kg
cis-1,2-DICHLOROETHANE	0.13 mg/Kg

← WISCONSIN RIVER



19-4	
DEPTH - 8' BGS	
TETRACHLOROETHYLENE	1.0 mg/Kg

**LEGEND**

- ⊕ SOIL VAPOR EXTRACTION WELL LOCATION
- ▲ SOIL GAS PROBE LOCATION
- GPN NESTED PROBES (4',8') EXCEPT GPN-15 & GPN-16 (4',8',11')
- GP SINGLE PROBE (2'-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

figure 1  
 EAST BANK/SOUTH LOADING DOCK  
 NOVEMBER 2001 SOIL SAMPLE RESULTS  
 Wausau Water Supply NPL Site