

14/304

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Document Number

AFFIDAVIT

OUTAGAMIE COUNTY  
RECEIVED FOR RECORD

FEB 24 1999

AT 9 O'CLOCK A.M. P.M.  
GRACE HERB  
REGISTER OF DEEDS

Legal Description of the Property:

7W - SE

A parcel of land known as 609 West Main Street, Village of Hortonville, Outagamie County, Wisconsin described as follows: All that part of the North West 1/4 of the South East 1/4 of Section Thirty-five (35), Township Twenty-two (22) North, of Range Fifteen (15) East, described as follows, to-wit: Commencing at a point in the center of the highway known as the Hortonville and New London Road, 388.74 feet South Easterly from the intersection of the center line of said Road with the North and South 1/4 line of said Section 35, said point being the Southeast corner of lands described in Volume 149 of Deeds page 576, Outagamie County Records, running thence North 14°26' West along the East line of lands described in said Deed, 274 feet, thence due West 125.4 feet, thence South 1°26' East 243 feet to the center of said Road, thence South Easterly along the center of said road 188.74 feet to the place of beginning, as described in Volume 876, Page 591, Outagamie County Register of Deeds.

V 846 R 533

Recording Area

Name and Return Address:

Kevin McKnight  
WI Department of Natural Resources  
Oshkosh Service Center  
PO Box 2565  
Oshkosh, WI 54903

pt.  
12.00

STATE OF WISCONSIN )

COUNTY OF OUTAGAMIE )

Parcel Identification Number (PIN)

I, Kevin McKnight, being first duly sworn, state that:

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Oshkosh Service Center, 905 Bayshore Drive, City of Oshkosh, Winnebago County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum product discharged to the Kringel property, which is located at 609 West Main Street, in the Village of Hortonville, County of Outagamie, and which has the above captioned legal description, has contaminated soil in the vicinity. The property is listed as owned by Lon G. Kringel, on the most recent deed at the Outagamie County Register of Deeds.
4. The Department believes that removal or treatment of the contaminated soil, and/or groundwater monitoring, are required on the property under the authority of s. 292.11(3), Wisconsin Statutes.
5. On August 25, 1994, the Department sent a letter to Mr. Kringel, which advised him of the statutory requirement to restore the environment at that location. An inadequate response to that letter was received by the Department.
6. On April 11, 1995, the Department sent a letter to Mr. Kringel, which requested that he hire an environmental consultant to investigate and address the contamination at the Kringel property. The Department also sent a May 10, 1995, Notice of Noncompliance and a December 13, 1995, Notice of Violation to Mr. Kringel. No response to any of these letters was received by the Department.
7. On May 7, 1996, the Department sent a certified letter to Mr. and Mrs. Lon G. Kringel which advised them that an affidavit of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response by June 7, 1996. The certified letter was returned to the Department unclaimed on May 28, 1996.

AFFIDAVIT

In Re: Property Located in the  
Village of Hortonville, Outagamie County,

Described above:

8. On June 6, 1996, the Department sent a second letter to Mr. and Mrs. Lon G. Kringel via regular mail. This letter requested that the Kringels meet with the Department of Natural Resources on June 12, 1996, to discuss their intent to address the contamination on the Kringel property. The original May 7, 1996, letter was also included with this letter. Mr. and Mrs. Kringel did not attend the meeting; and no response to either letter was received by the Department.
9. On January 11, 1999, the Department sent a certified letter to Mr. Kringel, which advised that the Department would record an affidavit on the property deed.
10. Because the Department believes that petroleum product currently found in the soil on the property with the above legal description, will continue to discharge into the environment, subsequent purchasers of the property could be held responsible for investigation and clean-up costs under s. 292.11(3), Wisconsin Statutes.

  
\_\_\_\_\_  
Kevin McKnight

Subscribed and sworn to before me this 24th day of February, 1999.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires on: 10-21-2001

This document was drafted by the Wisconsin Department of Natural Resources.