

31P18
12/23

1408737

Document Number

AFFIDAVIT

Legal Description of the Property:

The east One Hundred Twenty (120) feet of the following described premises: All that part of Block Eighty-four, Fifth Ward Plat, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said city, more fully described as follows: Commencing at the intersection of the west line of Douglas Street with the south line of Washington Street; thence west along the south line of Washington Street 238.00 feet to the point of beginning of parcel herein described; thence continuing west along the south line of Washington Street 200.00 feet; thence south 0° 01' 00" west parallel with the west line of Douglas Street, 140.96 feet; thence east parallel with Washington Street 200.00 feet; thence north 0° 01' 00" east parallel with the west line of Douglas Street, 140.96 feet to the point of beginning.

As described in Document No. 957189, Jacket 9324, Image 10, Outagamie County Register of Deeds.

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

MAY 24 2001

AT 3 O'CLOCK ~~A.M.~~ P.M.
JANICE FLENZ
REGISTER OF DEEDS

Recording Area

Name and Return Address:
Jennifer Huffman
WI Department of Natural Resources
Agricultural Services Center
3369 W. Brewster Street
Appleton, WI 54914

red
1200

31-5-1732-09-0
Parcel Identification Number (PIN)

STATE OF WISCONSIN)
COUNTY OF Outagamie)

I, Jennifer Huffman, being first duly sworn, state that:

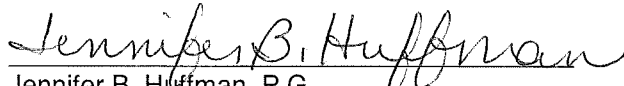
- I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Agricultural Services Center, 3369 W. Brewster Street, Appleton, Outagamie County, Wisconsin.
- I have knowledge of the facts herein set forth and believe the same to be true.
- The Department has determined that petroleum product discharged to the property which is located on 1629 W. Washington Street ("the Property"), in the City of Appleton, County of Outagamie, and which has the above captioned legal description, has contaminated soil on the Property. The potential for groundwater contamination also exists. The Property is listed as owned by Clarence R. and Geraldine A. Korth (herein after "the Korths") on the most recent deed at the Outagamie County Register of Deeds.
- The Department believes that investigation of the contamination followed by removal or treatment of the contaminated soil is required on the Property under the authority of s. 292.11(3), Wisconsin Statutes. Remediation and/or monitoring of contaminated groundwater may also be necessary.
- On June 5, 1995, the Department sent a letter to the Korths, which advised them of the statutory requirement to restore the environment at the Property. The Department received an inadequate response to that letter.
- On September 22, 1995, the Department sent a Notice of Noncompliance to Clarence Korth, which advised that no response had been received to the previous requests to take action and requested that action be taken to address the contamination at the Property. The Department received an inadequate response to that letter.
- On August 20, 1999, the Department sent a Notice of Violation to the Korths concerning their responsibility to address the contamination on the Property. This letter indicated that the Korths had not taken any action and that they were therefore in violation of s. 292.11(3), Stats. The letter also advised that the Department intended to file an affidavit of contamination on the Property.

120' of 100' R 543

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In Re: Property Located in the
City of Appleton, Outagamie County,
described above:

8. On October 15, 1999, the Department sent a letter to the Korths which summarized an October 14, 1999 enforcement conference with the Korths. At this meeting the Korths provided information indicating they were financially unable to address the contamination found at the Property. The Department advised that an affidavit of contamination would be recorded if satisfactory action to restore the environment at the Property did not commence.
9. On January 5, 2001, the Department sent a certified letter to the Korths, which advised that an affidavit of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response within 30 days of receipt. The Department received an inadequate response to that letter.
10. As the Department believes that petroleum contamination 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), Wis. Stats.


Jennifer B. Huffman, P.G.
Hydrogeologist

Subscribed and sworn to before me this 12th day of March, 2001.


Notary Public, State of Wisconsin

My commission expires on: 7-7-02

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