

VOL 1072 PG 368

680699

Document Number

DEED RESTRICTION

Declaration of Restrictions

In Re: Lot 4, Block 1 of the Original Plat of the Village (now City) of Fennimore, Grant County, Wisconsin.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF GRANT )

GRANT COUNTY, WI  
RECEIVED FOR RECORD

AUG 11 2005

at 815A m. and recorded in  
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WILLIAM P. LORAN Register

Recording Area  
Name and Return Address  
Thomas Schirz 1700 rd  
1115 Lincoln Ave  
Fennimore WI 53809

WHEREAS, Thomas A. Schirz is the owner of the above-described property which is located at 1175 Lincoln Avenue, in the City of Fennimore, Wisconsin.

226-8-0000  
Parcel Identification Number

WHEREAS, one or more petroleum-related discharges have occurred on this property, and as of June 25, 1997, when soil samples were collected on this property, petroleum-contaminated soil remained on this property at the following location: at a point approximately 27 feet south of and 10 feet east of the northeast corner of the building, at a depth of 6-10 feet below ground surface. The location is labeled DP-4 on the attached Exhibit A, which is hereby made a part of this restriction. The extent and degree of petroleum-related contamination has not been fully investigated.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil investigation and/or remediation activities on the property at the present time.

WHEREAS, the Department believes that petroleum contamination 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.

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:

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The paved surfaces and building that exist are required in order to minimize the infiltration of water and prevent potential leaching of any contaminants to groundwater resulting in impacts that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. The paved surfaces and the building foundation shall be maintained on the above-described property in the locations shown on the attached Exhibit A unless another barrier which provides similar protection against infiltration and the potential leaching of contaminants is installed and maintained in its place. The existing paved surfaces and structures, and/or any replacement barrier shall be maintained on the above-described property in compliance with the Cap Maintenance Plan dated February 21, 2005, that was submitted to the Wisconsin Department of Natural Resources by Mr. Thomas A. Schirz, as required by section NR 724.13(2), Wis. Adm. Code (1999). The cap maintenance plan, labeled Exhibit B, is hereby made a part of this restriction.

In addition, the following activities are prohibited on any portion of the above-described property where an impervious cap has been placed or where impervious surfaces exist (see attached Exhibit A), unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on capped areas and areas with impervious surfaces; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or impervious surface.

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.

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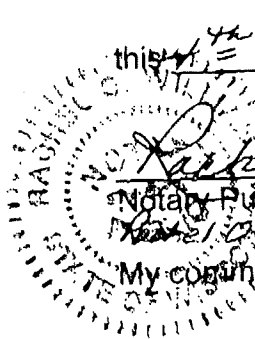
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 4<sup>th</sup> day of August, 2005.

Signature: Thomas A Schirz

Printed Name: Thomas A SCHIRZ

Subscribed and sworn to before me

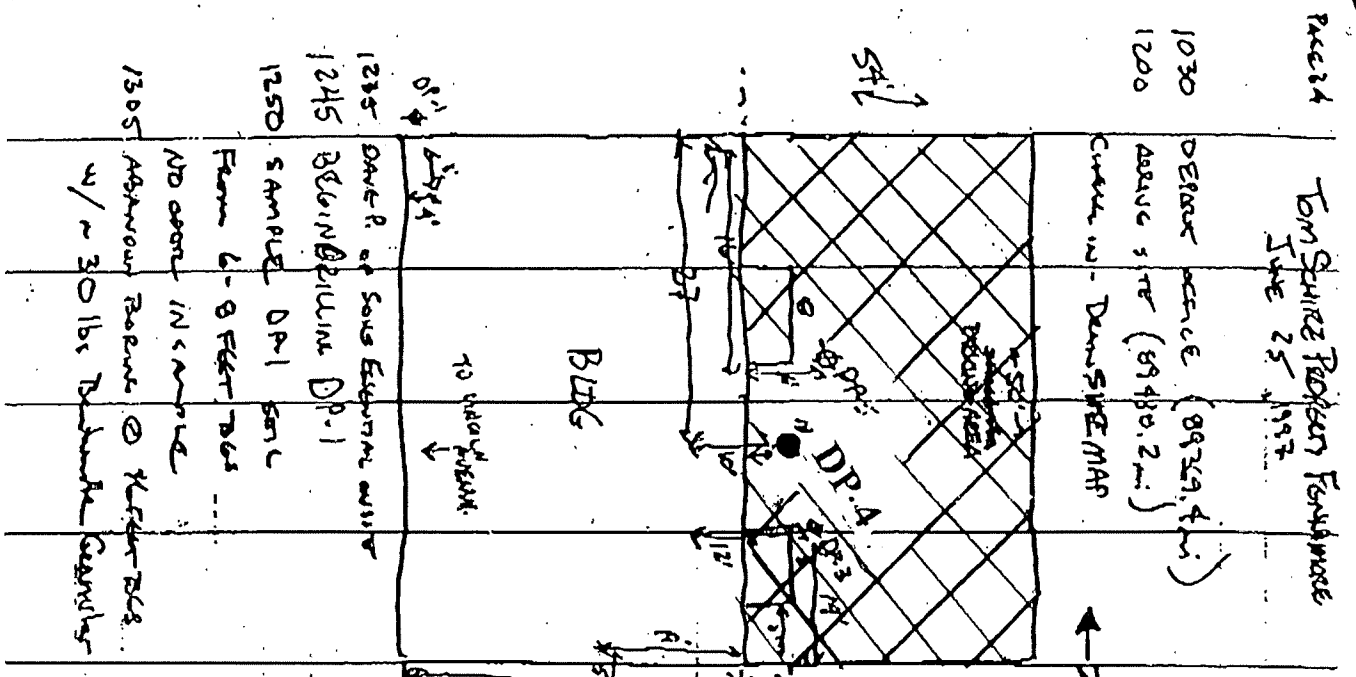
this 4<sup>th</sup> day of August, 2005



Rachel A. Williams  
 Notary Public, State of Wisconsin  
Rachel A. Williams  
 My commission ends November 6, 2005

This document was drafted by the Wisconsin Department of Natural Resources based upon information provided by Thomas A. Schirz.

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Tom Sizemore Property  
 June 25, 1997

1030 DEPART OFFICE (89329.4 mi)  
 ABOVE SITE (89480.2 mi)  
 Current in - DEMONSTRATE MAP

1235 DAVE R. of Sons ESTATE with  
 1245 BLDG IN BLDG DP-1  
 1250 SAMPLE DP-1  
 FROM 6-8 FEET DEEP  
 NO SOIL IN SAMPLE  
 1305 ABANDON BLDG @ KERRICK BLG  
 w/ ~ 30 lbs of Rubble Concrete

HATCHED  
 AREA  
 SUBJECT TO  
 CAP  
 MAINTENANCE  
 PLAN

IF BUILDING  
 IS REMOVED,  
 CAP  
 INSTALLATION &  
 MAINTENANCE  
 REQUIRED

Tom Sizemore Cont.

6-23-97

2400 35

- 1300 - WATER CAP OFFICE - O.K. w/plan
- 1325 - START DP-2
- 1330 - TELEPHONE PEOPLE OFFICE - LIVE O.K.
- 1350 - SAMPLE DP-2 FROM 8-10 FEET
- 1355 - BLDG @ ~ 15.5 FEET - ABANDON  
 HOME w/ ~ 30 lbs of Rubble
- 1405 - BEGIN DP-3
- 1415 - SAMPLE DP-3 FROM 6-8 FEET
- 1435 - BLDG @ ~ 14 FEET ABANDON w/ ~ 30 lbs of Rubble
- 1450 - BEGIN DP-4
- 1500 - SAMPLE DP-4 FROM 6-8 FEET  
 STAMP DOWN - BLDG @ 10 FEET  
 ABANDON BLDG w/ ~ 20 lbs Rubble
- 1510 - START DP-5
- 1525 - SAMPLE DP-5 FROM 6-8 FEET  
 NO SOIL - BLDG @ ~ 12 FEET  
 ABANDON BLDG w/ ~ 22 lbs Rubble
- REMOVE - CERTD CONCRETE BEHIND BLDG
- REPAIR ROAD PATCH SURFACE.
- 1530 - MEASURE IN SITE
- 1550 - TRUCK w/ RUBBLE PILES - SELECT. DEMONS.
- 1600 - DEPART SITE
- 1730 - END (89500.5 mi) DEM

# Exhibit A