

266678
Document Number

AFFIDAVIT

Legal Description of the Property:

A parcel of land located in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 19, Township 15 North, Range 9 East, Town of Packwaukee, Marquette County, Wisconsin, described as follows: Beginning 75 feet West of the Centerline of Old U.S. Highway No. 51 on the North line of said Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼); thence West 363.00 feet; thence South 7°4' West 100 feet, to a point, which is the point of beginning of this description; thence continuing South 7°4' West, a distance of 185 feet; thence East 363.00 feet more or less, to a point, on the west right of way line of old U.S. Highway No. 51; thence North along said right of way line a distance of 185 feet, to an iron stake; thence West, 363.00 feet, to the point of beginning.

Marquette Register of Deeds
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Bernie M. Wegner

Recording Area

Name and Return Address:

Kevin McKnight
WDNR
625 E. CTY Y, Suite 700 \$13.00
Oshkosh WI 54901-9731

Parcel Identification Number (PIN)

STATE OF WISCONSIN)

COUNTY OF Winnebago)

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

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1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Oshkosh Service Center, 625 E. County Rd Y, Suite 700, 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 property which is located at N3475 HWY M, Town of Packwaukee, Marquette County Wisconsin and which has the above captioned legal description, (the "Property"), has contaminated soil and groundwater in the vicinity. The Property is listed as owned by Eleanor Krivanek per the April 17, 2000 Abridgement of Final Judgment for the estate of Edmund E. Krivanek at the Marquette County Register of Deeds (Vol. 374 Page 106).
4. On November 5, 1992 the Department received a report from Marell, Inc., which stated that petroleum related contamination exists in the soil at the Property.
5. 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.
6. On November 17, 1992, the Department sent a letter to Mr. Ed Krivanek, which advised him of the statutory requirement to restore the environment at the Property. The Department received no response to that letter.
7. On November 1, 2002, the Department sent a letter to Ed Krivanek, which again advised him of his statutory requirement to restore the environment at the Property.
8. On January 2, 2003, on behalf of Eleanor Krivanek, MSA Professional Services submitted to the Department the results of an initial investigation of the Property. The investigation confirmed the presence of petroleum contaminated soil and groundwater on the Property and advised further investigation to assess the potential risks

associated with the contamination and to define the extent of the groundwater contamination. Thereafter the site investigation was discontinued.

9. On October 12, 2005, the Department sent Eleanor Krivanek a Notice of Noncompliance for failure to take action to restore the environment at the Property. The Department received no response to that letter.
10. On October 24, 2005, the Department sent Eleanor Krivanek a Notice of Violation and requested Mr. Jim Barker acting on his authority as Power of Attorney to provide the necessary information for the Department to make a determination of her ability to pay.
11. On November 11, 2005 Jim Barker submitted the necessary financial information concerning Eleanor Krivnek's inability to pay for the completion of the investigation and cleanup of the Property.
12. On May 9, 2006, the Department sent a letter to Eleanor Krivanek (in care of Jim Barker, acting as Power of Attorney), which advised that the Department determined that Eleanor Krivanek was financially unable to proceed with the necessary site remediation and that an affidavit of contamination would be recorded on the Property if satisfactory action to restore the environment did not commence. That letter requested a written response by May 30, 2006 and provided the opportunity to meet to discuss this determination prior to filing the deed affidavit. This determination was not contested.
13. As the Department believes that petroleum contamination currently found in the soil and groundwater 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.



Kevin D. McKnight, Hydrogeologist

Subscribed and sworn to before me this 27 day of November, 2006.



Notary Public, State of Wisconsin

My commission expires on: 16 Aug. 2009

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

