

793646

Document Number

RELEASE OF AFFIDAVIT OF CONTAMINATION

Document Name

793646
April 19 2018
Marilyn Pierce
Register of Deeds
GRANT COUNTY WI
09:35 AM
Fee Pd:30.00
TransFee:0.00
Pgs 4
Exempt:

Recording Area

Name and Return Address

Urban, Kussmaul, Muller & Glass, LLC
Attn: DJG
P.O. Box 528
Lancaster, WI 53813

044-00787-0000; 246-01532-0010

Parcel Identification Number (PIN)

In Re: Property described as follows:

Tract I:

Part of the Southeast Quarter (S.E. 1/4) of the Southeast Quarter (S.E. 1/4) of Section Thirty-four (34), Township Five (5) North, Range Three (3) West of the 4th P.M., Grant County, Wisconsin, described as follows:
Commencing at the Southwest corner of the S.E. 1/4 of the S.E. 1/4 of Section 34, T5N, R3W;
thence running North 48.2 feet;
thence North 30° 08' East 48.6 feet;
thence North 54.6 feet to the place of beginning of the tract;
thence running North 274 feet;
thence East 159 feet to the West line of the Chicago, Northwestern Railway right of way;
thence in a Southwesterly direction along said right of way 316 feet to the place of beginning, being a triangular piece of land 159 feet by 274 feet by 316 feet in North Lancaster.

Tract II:

The Northwesterly one-half of the following tract:
Part of the Southeast Quarter (S.E. 1/4) of the Southeast Quarter (S.E. 1/4) of Section Thirty-four (34), Township Five (5) North, Range Three (3) West of the 4th P.M., Grant County, Wisconsin, described as follows:
Commence at the Southwest corner of the S.E. 1/4 of the S.E. 1/4 of said Section 34;
thence North 424.40 feet;
thence East 33.00 feet to the Eastern right-of-way of County Trunk Highway "K";
thence East 154.30 feet to the Western right-of-way line of the Chicago and Northwestern Railroad, which is the point of beginning;
thence South 59° 55' East 50 feet;
thence South 30° 05' West 307.83 feet;
thence North 59° 55' West 50 feet;
thence North 30° 05' East 307.83 feet to the point of beginning.

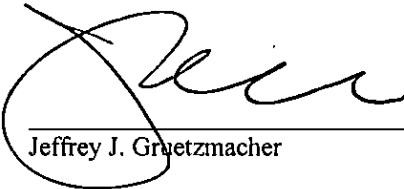
STATE OF WISCONSIN )
) ss.
GRANT COUNTY )

I, Jeffrey J. Gruetzmacher, being fist duly sworn, on oath, depose and say:

- 1. That I am employed by Royal Bank as a Senior Vice President and I am authorized to execute this instrument on its behalf.
2. That I have personal knowledge of the facts herein as set forth and believe the same to be true.
3. That an Affidavit of Contamination ("Affidavit") was recorded in the office of the Register of Deeds for Grant County, Wisconsin, on January 22, 1998, as Document No. 596351, which applies to the property described above ("Property") then owned by Peter J. Harkness.
4. That subsequent to the recording of the Affidavit, an excavation of 1,268 tons of petroleum contaminated soils was performed at the Property.
5. That the Wisconsin Department of Natural Resources ("DNR") issued a "Final Case Closure with Continuing Obligations" letter on January 2, 2018, which states residual soil and groundwater contamination remain and a cap (pavement) must be maintained over contaminated soil.

- 6. That on January 12, 2018, Royal Bank acquired the Property from Peter J. Harkness.
- 7. That on February 22, 2018, I requested that the DNR consent to the release of the restrictions contained in the Affidavit since the reasons for the Affidavit had been satisfied.
- 8. That the DNR agreed with the request and consented to the release and extinguishment of the Affidavit on the Property as evidenced by the letter from Steven L. Martin dated April 4, 2018, and the Written Determination, which are attached hereto and marked as Exhibit A.
- 9. That, therefore, the Affidavit is hereby released and that the restrictions contained therein are hereby removed.


Dated: 4-18-18

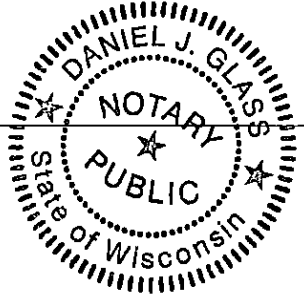
  
 \_\_\_\_\_ (SEAL)  
 Jeffrey J. Gruetzmacher

**ACKNOWLEDGMENT**

STATE OF WISCONSIN        )  
   ) ss.  
 GRANT COUNTY             )

Personally came before me on 4-18-18, the above-named Jeffrey J. Gruetzmacher to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
 Daniel J. Glass  
 Notary Public, State of Wisconsin  
 My Commission is permanent



THIS INSTRUMENT DRAFTED BY:  
Daniel J. Glass  
Lancaster, WI 53813

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
3911 Fish Hatchery Road  
Fitchburg WI 53711-5397

793646

Scott Walker, Governor  
Daniel L. Meyer, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



April 4, 2018

Mr. Jeff Gruetzmacher,  
Royal Bank  
P.O. Box 70  
Lancaster, WI 53813

Subject: Consent to Extinguish a Deed Restriction at Countryside Motors,  
9764 Old Highway K, Lancaster, WI 53813  
DNR BRRTS Activity #03-22-002037

Dear Mr. Gruetzmacher:


An Affidavit of Contamination ("Affidavit") was recorded in the Register of Deeds office in Grant County, Wisconsin on January 22, 1998, as Document No. 596351, for the former Countryside Motors located at 9764 Old Highway K, Lancaster WI (the "property"). The Affidavit was required to notify subsequent purchasers of the Property that petroleum compounds had been discharged to the environment and they could be held responsible for investigation and clean-up costs associated with site remediation.

An excavation was conducted in the area south of the former on-site building and included the area of the former bulk petroleum above ground storage tanks and loading rack. The removal of 1,268 tons of petroleum contaminated soil was performed and disposed of at the Madison Prairie Landfill in Sun Prairie, Wisconsin in October 2015.

A site closure request was received by the Wisconsin Department of Natural Resources (the "Department") on November 27, 2017 with additional information received December 5, 2017. The Department issued a Final Case Closure letter on January 2, 2018. This site was added to the Geographic Information System (GIS) Registry for soil and groundwater contamination on the same date. On February 22, 2018, you contacted the Department by Email asking if you could prepare a release of the document as the reasons for the Affidavit had been satisfied. The Department agrees with your recommendation and consents to the extinguishment of the Affidavit on the Property, as explained in the attached Written Determination. You will need to file a deed notice explaining the extinguishment of the Affidavit. Please attach a copy of this letter and/or the Written Determination to the final deed notice to acknowledge the Department's consent of extinguishing the Affidavit.

Please send a copy of the deed notice to Janet DiMaggio in the Department's Fitchburg office at the address above after it has been recorded at the Register of Deeds.

Thank you for your efforts on this project.



Steven L. Martin, P.G.  
South Central Region Team Supervisor  
Remediation and Redevelopment Program

copy: Janet DiMaggio – Wisconsin Department of Natural Resources

Written Determination by the  
Wisconsin Department of Natural Resources

1. An Affidavit of Contamination ("Affidavit") was recorded in the office of the Register of Deeds for Grant County, Wisconsin, on January 22, 1998, as Document No. 596351, which apply to the property ("Property") owned by Peter J. Harkness (d/b/a Countryside Motors) in the City of Lancaster, Grant County, Wisconsin.
2. The Affidavit described above was required by the Wisconsin of Natural Resources (DNR) in conformance with s. 292.11, Wis. Stats. to notify subsequent purchasers of the property that they could be held responsible for investigation and clean-up costs associated with petroleum compounds discharged into the environment.
3. Subsequent to the recording of the Affidavit, an excavation of 1,268 tons of petroleum contaminated soils was performed at the Property.
4. The DNR issued a "Final Case Closure with Continuing Obligations" letter on January 2, 2018 which states residual soil and groundwater contamination remain and a cap (pavement) must be maintained over contaminated soil.
5. Therefore, the DNR has determined that the Affidavit should be removed.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_

*CC 2 Mark* 4/3/18

**EXHIBIT A**