

**GOWEY Abstract & Title Company, Inc.**  
**Current Owner Search (Letter Report)**

**Prepared For:**

State of Wisconsin Department of Natural  
Resources  
Aubrey Johnson

**Direct inquiries to:**

Gowey Abstract & Title Company, Inc.  
32 W Pioneer Rd, Fond du Lac, WI 54935  
Phone: 920-922-2200

File Number: **233032**  
County: **Waukesha**

Per your request, I have examined the real estate records pertaining to the lands described in the attached **Addendum/Exhibit A**.

The grantee of the last title vesting document of record is **The Walter Nickel Trust**

Said lands are free and clear of all liens, judgments, mortgages, and unpaid real estate taxes, EXCEPT:

1. Any unsatisfied lien or mortgage encumbering the above described real estate, if any, which was filed or recorded prior to the date said grantee first obtained an interest in and to said lands.
2. Any lien or encumbrance not recorded or filed in the office of the Register of Deeds, Treasurer, or Clerk of Circuit Court.
3. **2022 Real Estate Taxes** in the total amount of \$576.89 - Paid in Full.
4. **Notice of Lien** as set forth in that document recorded March 8, 2002 in Volume N/A on Page N/A, as Document No. 2774972.
5. **Conditional Use Permit** as set forth in that document recorded November 18, 2005 in Volume N/A on Page N/A, as Document No. 3339010.

Certified through **April 19, 2023 at 4:30 PM.**

Gowey Abstract & Title Company Inc.



Michael S. Brandner

HAS/dg

File Number: **233032**

**ADDENDUM/EXHIBIT A**

That part of the Southwest Quarter of the Southwest Quarter (SW1/4-SW1/4) of Section Twenty-two (22) and the Northwest Quarter of the Northwest Quarter (NW1/4-NW1/4) of Section Twenty-seven (27), Township Seven (7) North, Range Eighteen (18) East, City of Delafield, Waukesha County, Wisconsin, lying Southerly and Westerly of the following described parcel:

Commencing at the SW corner of the SW1/4 of said Section 22; thence North 00°50'23" West, along the West line of the said SW1/4, 533.55 feet to the Point of Beginning of the hereinafter described lands; thence continuing along said West line, North 00°50'23" West, 20.11 feet to a point; thence South 84°49'52" East, 1006.72 feet to a point; thence South 51°40'53" East, 400.00 feet to a point; thence South 00°39'05" East, along a line perpendicular to the South line of said SW1/4, 200.00 feet to a point being at the SE corner of the SW1/4-SW1/4; thence South 01°08'21" East, along the East line of the W1/2-NW1/4 of said Section 27, 563.45 to a point; thence South 88°51'39" West, 79.32 feet to a point; thence North 20°38'00" East, 181.50 feet to a point; thence North 01°08'21" West, along a line running parallel to the East line of said W1/2-NW1/4, 395.00 feet to a point being on the South line of the SW1/4 of said Section 22; thence North 00°39'05" West, along a line perpendicular to said South line, 79.72 feet to point of curvature; thence 213.75 feet along the arc of a curve to the left with a radius of 240.00 feet whose chord bears North 26°09'59" West, 206.76 feet to a point of tangency; thence North 51°40'53" West, 261.52 feet to a point; thence North 84°49'52" West, 1013.29 feet to a point being on the West line of the SW1/4 of said Section 22 and Place of Beginning;

**EXCEPT** the platted portion of Cherokee Woods Addition Three.

**TOGETHER WITH** an easement for ingress and egress over that part of Outlot 1 of Certified Survey Map No. 6022 as recorded in Volume 49 of Certified Survey Maps on Page 200, as Document No. 1564350 as described and conveyed in that Easement Agreement recorded as Reel 2810, Page 1332 as Document No. 2403288.

**ALSO TOGETHER WITH** an easement for ingress and egress over that part of the SE1/4-SE1/4 of Section 21, Township 7 North, Range 18 East, as described and conveyed in that Easement Agreement recorded as Reel 2899 on Page 0651, as Document No. 2462540, and corrected in Reel 2996 on Page 0572, as Document No. 2510105.

For Informational Purposes Only, the above described lands are designated with the following:

Tax ID Number: DELC0807992

Property Address: 3402 Kettle Court East  
Delafield, WI 53018

FEE  
\$ 27.35 (11)  
EXEMPT

# QUIT CLAIM DEED

1133366

LIB 417 MAR 608

WALTER N. NICKEL

grantor of Logan, Cache State of Utah, hereby  
QUIT CLAIM to County of Cache

THE WALTER NICKEL TRUST

grantee of Logan, Cache County, Utah  
for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION  
the following described tract s of land in Waukesha County, State of Wisconsin

The West 1/2 of the N.W. 1/4 of Section 27, Town 7 North, Range 18 East, City of Delafield, Waukesha County, Wisconsin, Also all that part of the S.W. 1/4 of Section 22, Town 7 North, Range 18 East, City of Delafield, Waukesha County, Wisconsin bounded and described as follows: Commencing at the S.W. corner of Section 22; thence North 0°16'07" East on the West line of the S.W. 1/4 1153.66 feet to the South line of I-94; thence South 81°07'32" East on said line, 1257.49 feet to the N.W. corner of lands described in Vol. 569 on Page 599; thence South 5°03'07" West, 184.12 feet; thence South 27°11'07" West, 53.00 feet to the S.W. corner of said parcel; thence South 9°12'17" West, 235.16 feet; thence South 80°47'23" East, 199.60 feet; thence South 7°00'00" West, 448.30 feet to the N.E. corner of the West 1/2 of the N.W. 1/4 of Section 27; thence South 89°07'18" West, 1312.24 feet to the place of beginning, EXCEPTING THEREFROM Vol. 548, Page 446 of Deeds.

WITNESS, the hand of said grantor, this 25th day of February A. D. 19 80

Signed in the presence of

x *Walter Nickel*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF UTAH }  
County of Cache } ss.  
On the 25th day of February  
A. D. 19 80 personally appeared before me  
  
Walter N. Nickel

### RECORDING DATA

1133366

REGISTER'S OFFICE  
COUNTY OF CACHE, UTAH  
RECORDED

1980 AUG -7 AM 9:14

LIB 417 IMAGE 608

*Walter Nickel*  
REGISTER OF DEEDS

the signer of the within instrument, who duly  
acknowledged to me that he executed the same.

Commission expires:  
Residing in

Notary Public

*Darius R. ...*



UC2774972-003

### Notice of Lien

001058 MAR-88

2774972

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

03-08-2002 12:18 PM

MICHAEL J. HASSLINGER  
REGISTER OF DEEDS

REC. FEE: 8.00  
REC. FEE-CO: 5.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 3

Under the authority of s. 292.11(7) (a), Wis. Stats. the Department of Natural Resources (" the Department") has expended funds to investigate and remediate hazardous substances on the following property, owned by Walter Nickel Trust:

**See Exhibit A, Legal Description and Sketch of Lands, which is attached to this Notice of Lien**

(NOTE: The Department reserves the right to amend this Legal Description, if necessary, since the Department has conflicting information regarding the Legal Description for the property)

Recording Area

Name and Return Address  
DEPARTMENT OF NATURAL  
RESOURCES  
THOMAS A. WENTLAND  
P.O. BOX 12436  
MILWAUKEE, WI 54212

Under s. 292.81 (3), Wis. Stats., when the Department expends funds to investigate and remediate hazardous substance contamination, the Department may file a lien for the amount expended for such purposes with the Register of Deeds in the county where the contaminated property is located.

The amount expended by the Department in this case as of November 30, 2001, is \$1,852,037.32. The Department expects to expend additional funds for the remediation of this property in the future. Another Notice of Lien will be filed when the amount of the additional funds expended is known. The property remains subject to this lien until the amount owed is paid in full. This lien is superior to all other liens that are or have been filed against the property, except that if the property is residential property, as defined in s. 895.52 (1) (i), Wis. Stats., the lien does not affect any valid prior lien, as defined in s. 292.81 (1), Wis. Stats., on that residential property.

Parcel Identification Number (PIN)

pd  
15/3

The Department certifies that to the best of its knowledge and belief, all information contained in this Lien is correct, and this lien represents a legal encumbrance upon the property. Based on the above information and the authority of s. 292.81 (3), Wis. Stats., the Department claims a lien against the interest which the owners have in the above-described property in the amount of \$1,852,037.32.

Department of Natural Resources

By:

*Darrell Bazzell*

Darrell Bazzell,  
Secretary



### AUTHENTICATION OR ACKNOWLEDGEMENT

Signed and sworn to before me this  
4<sup>th</sup> day of March, 2002.

*Edwina Kavanagh*

State of Wisconsin, County of Dane  
My Commission is permanent.

This document was drafted by the Department of Natural Resources

Project No. 1178

May 24, 1990

## LEGAL DESCRIPTION:

Being a part of the SW 1/4 of the SW 1/4 of Section 22, and a part of the NW 1/4 of the NW 1/4 of Section 27, all in T7N, R18E, City of Delafield, Waukesha County, Wisconsin, more fully described as follows:

Beginning at the SW corner of said Section 22; thence N.00°-50'-23"W., along the West line of said SW 1/4, 551.35 feet to a point being at the SW corner of Kettle Court West, a 60 foot wide public road; thence S.86°-20'-00"E., along the southerly right-of-way line of Kettle Court West, 808.46 feet to a point of curvature; thence continuing along said southerly right-of-way line, 101.33 feet along the arc of a curve to the left with a radius of 331.91 feet, whose chord bears N.84°-55'-15.5"E., 100.93 feet to a point of reverse curvature; thence continuing along said southerly right-of-way line 52.76 feet along the arc of a curve to the right with a radius of 50.00 feet, whose chord bears S.73°-35'-46"E., 50.34 feet to a point of reverse curvature, said point being on the westerly right-of-way line of Kettle Drive, a 60 foot wide public road; thence along said westerly right-of-way line, 25.80 feet along the arc of a curve to the left with a radius of 173.00 feet, whose chord bears S.47°-38'-24"E., 25.78 feet to a point of tangency; thence continuing along said westerly right-of-way line S.51°-54'-45"E., 303.88 feet to a point of curvature; thence continuing along the westerly right-of-way line of Kettle Drive, 266.81 feet along the arc of a curve to the right, with a radius of 279.00 feet, whose chord bears S.24°-31'-00"E., 256.76 feet to a point of tangency; thence continuing along said westerly right-of-way line S.02°-52'-45"W., 221.21 feet to a point; thence N.88°-19'-00"E., along the southerly right-of-way line of Kettle Court East, a 60 foot wide public road, 13.00 feet to the East line of the West 1/2 of the NW 1/4 of said Section 27; thence S.01°-08'-19"E., along the East line of the West 1/2 of said NW 1/4, 821.39 feet to a point being on the North line of Cherokee Woods Addition No. Three, a recorded subdivision; thence S.77°-32'-32"W., along said North line, 1339.16 feet to a point being on the West line of the NW 1/4 of said Section 27; thence N.01°-01'-44"W., along said West line, 1275.00 feet to the SW corner of Section 22, and place of beginning. Said lands containing 2,103,013 square feet (48.2785 acres).

3339010

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

11-18-2005 3:32 PM

MICHAEL J. HASSLINGER  
REGISTER OF DEEDS

REC. FEE: 8.00  
REC. FEE-CO: 5.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 3



WC3339010-003

Conditional Use Permit

Document Title

CITY OF DELAFIELD  
ORDER GRANTING CONDITIONAL USE

NICKEL LANDFILL

Control Building

WHEREAS, Wisconsin Department of Natural Resources (hereinafter the "Developer"), has petitioned the City of Delafield (hereinafter the "City") to grant a Conditional Use under Section 17.75, Zoning Code, Planned Development as a Conditional Use to allow for Control Building Construction (hereinafter the "Project") located in the City of Delafield, and

Recording Area

Name and Return Address

Marilyn Czubkowski  
City of Delafield  
500 Genesee Street  
Delafield, WI 53018

DELC 807992

Parcel Identification Number (PIN)

WHEREAS, the legal description for the subject property is: 3402 Kettle Court East, City of Delafield, County of Waukesha, State of Wisconsin, more fully described as follows:

PT SW1/4 SW1/4 SEC 22 & PT NW1/4 NW1/4 SEC 27 T7N R18E COM SW COR SEC 22 N 553.66 FT S84 49'E 1006.72 FT S51 40'E 400 FT S 200 FT S 1000 FT S77 30'W 1339.35 FT N01 01'W 1275 FT TO BGN LOT 1 LANDFILL 48.12 AC R417/608

WHEREAS, the land is currently zoned B-3 Conditional Use - Landfill - Local and Highway Business District, Conditional Use, Landfill, and

WHEREAS, the City has approved a Specific Implementation Plan for the subject property pursuant to Section 17.39(27)(a) of the City of Delafield Municipal Code, and

WHEREAS, the City has determined that it is in the interest of the City to allow this land to be developed as a Closed Landfill, and

WHEREAS, the City of Delafield Plan Commission has given the matter due consideration, and the Common Council has based its determination on the Criteria for Approval set forth at §17.75(8), Zoning Code, or other similar factors, and has determined that a Conditional Use would be appropriate provided that the Conditional Use is constructed and operated pursuant to the following conditions and in strict compliance with the same.

**THEREFORE, IT IS ORDERED AS FOLLOWS:**

Commencing upon the date hereof, a Conditional Use permit for the subject premises is hereby granted. The Conditional Use permit herein shall apply only to use of the premises by Developer in conformance with the Specific Implementation Plan and the Conditional Use permit shall continue in existence only so long as the Conditional Use is operated in compliance with this permit. This Conditional Use permit is subject to initial and continued compliance with the City of Delafield Municipal Code and each and every one of the following conditions, restrictions, and limitations.

- A. The project will be developed as and meet all City requirements for platting and improvements as defined in Chapter 18, Subdivision Control Code, of the City of Delafield Municipal Code except as modified herein. The general layout of the Project shall comply with the site plan dated June 14, 2004, prepared by GC Environmental, Inc. which is attached as Exhibit "A" and incorporated herein and made a part of this document.
- B. The Conditional Use grant shall apply to the 48.12 acres of land described above.
- C. The project/building will consist of 10 X 12 foot pre-fab control building to house air compressor and electrical equipment.
- D. No use is hereby authorized unless that use is conducted in a lawful, orderly and peaceful manner. Nothing in this permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the City of Delafield, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority. This Conditional Use permit shall not be deemed to constitute a building permit, nor shall this permit constitute any other license or permit required by City of Delafield ordinances or other laws.
- E. The Conditional Use hereby authorized shall be confined to the premises described, without extension or expansion, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Common Council as being in compliance with all pertinent ordinances, after review and recommendation by the Plan Commission.
- F. Should the permitted Conditional Use be abandoned in whole or in part in any manner, or discontinued in use for 12 months after construction completion, or continued other than in strict conformity with the conditions of this approval, said Conditional Use may be terminated by action of the Common Council following referral to the Plan Commission for public hearing and recommendation thereof, and after thirty (30) days written notice of such noncompliance to the Owner.
- G. Except as limited herein, any subsequent material change, alteration, or addition to the use approved herein shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission, such change, alteration, or addition constitutes a substantial change, alteration, or addition based on the standards set forth herein, a public hearing before the Plan Commission may be required pursuant the Zoning Code. Any change, addition, or alteration of the physical exterior of the premises which exceeds \$10,000.00 in construction cost shall be considered substantial and shall require a new Conditional Use permit requiring full compliance with all City procedures and ordinances in place at the time. Any non-substantial

change shall require only compliance with City procedures and ordinances applicable to issuance of a building permit.

- H. Should any paragraph or phrase of this Conditional Use permit be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.
- I. This Conditional Use shall be in effect for as long as the use remains as described herein.
- J. The Project shall be developed and its improvements constructed in compliance with the following approved plans and other materials on file in the office of the City Clerk:
  1. Site Plan - Public Hearing, July 27, 2005 - Site Plan dated June 29, 2005
  2. Approval of Conditional Use Permit - Common Council, Aug. 1, 2005
  - 3.
  - 4.

Let copies of this order be filed in the permanent records of the Common Council of the City of Delafield, let a copy of this permit be recorded at the Waukesha County Register of Deeds as a covenant on the title for the premises for which this Conditional Use is granted, and let copies be sent to the proper City authorities and the Developer.

Approved this 1<sup>st</sup> day of August, 2005.

CITY OF DELAFIELD

*Paul Craig*  
Paul Craig, Mayor

*Marilyn Czubkowski*  
Marilyn Czubkowski, Clerk-Treasurer



Drafted by Attorney J. Timothy Lovett

APPROVAL

We hereby accept the terms of this Conditional Use in its entirety.

Dated this 14 day of Nov, 2005.

*Thomas A. Wentland*  
By  
Title: PROJECT MANAGER  
DEPARTMENT OF NATURAL RESOURCES