#03-16-579942

(1)

DNR / ATT: JOHN HUNT
RE: 310 BELKNAP ST
SUPERIOR WI.

IN 1984 I PURCHASED THE BUILDING FROM BILL ERLANSON THE LAND WAS LEASED FROM SOO LINE RAILROAD.

IN 1990 I PURCHASED THE LAND FROM SOO LINE.
PRIOR TO PURCHASE, I HAD TWINS PORT TESTING COMPLETE AN ASSESSMENT INCLUDING 7 TEST BORES. NO ISSUES WERE FOUND SO I COMPLETED THE PURCHASE.

I HAD NO KNOWLEDGE OF THE TANK.
THE HEATING SYSTEM WAS GAS. NO OIL WAS IN USE.

IN APRIL OF 2017 I SIGNED A SALE AGREEMENT WITH FASTENAL. THE AGREEMENT CALLED FOR A 60 DAY INSPECTION PERIOD. THEY LATER ASKED FOR AND WERE GRANTED AN ADDITIONAL 30 DAYS AT NO CHARGE.

DURING THE THIRD WEEK OF JULY HANCO UTILITIES STRUCK THE TANK WHILE HORIZONTAL BORING FOR A UTILITY LINE FOR THE HOLIDAY STATION. THEY DUG TO FIND THE OBSTRUCTION FINDING THE TANK. THEY WERE HURRYING TO COVER IT BACK UP WHEN I DROVE UP. THEY DID NOT HAVE MY PERMISSION TO SHORT CUT ACROSS MY PROPERTY TO DRILL FOR SOMEONE ELSES UTILITY.

I MADE THEM TELL ME WHAT WAS GOING ON.
I TOLD THEM NOT TO FILL THE HOLE.
WITHIN 20 MINUTES I DID THE FOLLOWING
I CALLED D.O.T.
I CALLED DANA JOHNSON AT FASTENAL.
I CALLED MY REALESTATE AGENT WHO THE E-MAILED DANA JOHNSON.

ON THE FOLLOWING DAY THE D.O.T. COMMITTED TO REMOVE THE TANK.

I TOLD DANA JOHNSON BY PHONE AND E-MAIL

THE DAY PRIOR TO THE CLOSING DANA JOHNSON CALLED ME. HE ASKED IF THE TANK WAS REMOVED. I TOLD HIM NO AND REMINDED HIM I ONLY HAD A VERBAL COMMITMENT FROM THE D.O.T.

HE SAID THE FUNDS FOR THE PURCHASE WERE WITH THE CLOSING AGENT AND THE CLOSING WOULD PROCEED AS SCHEDULED.

STEVEN BENJAMINSON

Steven M Benjamin