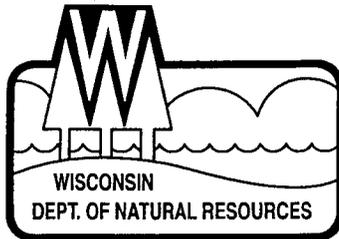


**GIS REGISTRY INFORMATION**

<b>SITE NAME:</b>	WALL PROPERTY		
<b>BRRTS #:</b>	02-15-426755	<b>FID # (if appropriate):</b>	
<b>COMMERCE # (if appropriate):</b>			
<b>CLOSURE DATE:</b>	01/12/2005		
<b>STREET ADDRESS:</b>	9459 SPRUCE STREET		
<b>CITY:</b>	FISH CREEK		
<b>SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):</b>	X=	736511	Y= 521014
<b>CONTAMINATED MEDIA:</b>	Groundwater <input type="checkbox"/>	Soil <input checked="" type="checkbox"/>	Both <input type="checkbox"/>
<b>OFF-SOURCE GW CONTAMINATION &gt;ES:</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>IF YES, STREET ADDRESS 1:</b>	_____		
<b>GPS COORDINATES (meters in WTM91 projection):</b>	X=		Y=
<b>OFF-SOURCE SOIL CONTAMINATION &gt;Generic or Site-Specific RCL (SSRCL):</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>IF YES, STREET ADDRESS 1:</b>	_____		
<b>GPS COORDINATES (meters in WTM91 projection):</b>	X=		Y=
<b>CONTAMINATION IN RIGHT OF WAY:</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>DOCUMENTS NEEDED:</b>			
Closure Letter, and any conditional closure letter issued			X
Copy of most recent deed, including legal description, for all affected properties			X
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties			X
County Parcel ID number, if used for county, for all affected properties			X
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.			X
Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.			X
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)			NA
Tables of Latest Soil Analytical Results (no shading or cross-hatching)			X
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.			NA
GW: Table of water level elevations, with sampling dates, and free product noted if present			X
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)			NA
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour			X
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)			X
RP certified statement that legal descriptions are complete and accurate			X
Copies of off-source notification letters (if applicable)			NA
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)			NA
Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure			X



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
1125 N. Military Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5800  
FAX 920-492-5913  
TTY 711

January 12, 2005

Mr. Jeff Lee  
2418 Crossroads Drive  
Madison, WI 53707-7700

SUBJECT: Final Case Closure By Closure Committee for  
Wall Property with Conditions Met  
9459 Spruce Street, Fish Creek, WI  
WDNR BRRTS # 02-15-426755

Dear Mr. Lee:

On August 18, 2004, the Northeast Region Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On August 27, 2004, you were notified that the Closure Committee had granted conditional closure to this case.

On January 12, 2005 the Department received final correspondence indicating that you have complied with the conditions of closure (filed Exhibit E with your deed restriction). Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry due to groundwater contamination exceeding ch. NR 140 standards at the time of closure, and you intend to construct or reconstruct a well, you will need Department approval. Department approval is required before construction or reconstruction of a well on a property listed on the GIS Registry, in accordance with s. NR 812.09(4)(w). To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at the web address listed above.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 492-5864.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Evenson".

Lisa Evenson  
Hydrogeologist  
Remediation & Redevelopment Program

cc: Robert Mottl P.G., STS Consultants, LTD.,  
1035 Kepler Drive, Green Bay, WI 54311



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
1125 N. Military Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5800  
FAX 920-492-5913  
TTY 711

August 27, 2004

Mr. Jeff Lee  
Gibraltar Town Homes, LLC  
PO Box 7700  
Madison, WI 53707-7700

Subject: Conditional Case Closure for the Wall Property,  
9459 Spruce Street, Fish Creek, Wisconsin  
WDNR BRRTS # 02-15-426755

Dear Mr. Lee:

On August 18, 2004, your request for closure of the case described above was reviewed by the Northeast Region Closure Committee. The Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Closure Committee has determined that the polynuclear aromatic hydrocarbon contamination on the site appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

**MONITORING WELL ABANDONMENT**

The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Documentation of well abandonment must be submitted to Kathryn Erdmann on Form 3300-5B found at <http://www.dnr.state.wi.us/org/water/dwg/gw/> or provided by the Department of Natural Resources

**WASTE AND SOIL PILE REMOVAL**

Any remaining waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Please send a letter advising me that any remaining waste and/or soil piles have been removed once that work is completed.

**DEED RESTRICTION FOR CONTAMINATED SOIL**

To close this site, the Department requires that a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment.

The Department will send you a draft deed restriction for your review. After you have reviewed the draft document for completeness and made any necessary changes, you should sign it if you own the property, or have the appropriate property owner sign it, and have it recorded by the Door County Register of Deeds. Then you must submit a copy of the recorded document, with the recording information stamped on it to me. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.

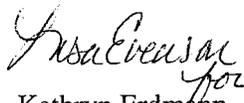
The asphalt, building and green areas covering the contaminated material must be maintained to minimize any direct contact concerns. This cap is to be maintained in accordance with a plan prepared and submitted to the Department pursuant to s. NR 724.13(2), Wis. Adm. Code.

When the above conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://maps.dnr.state.wi.us/brts>.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 492-5798.

Sincerely,



Kathryn Erdmann  
Hydrogeologist  
Remediation & Redevelopment Program

Enclosure

cc: Robert J. Mottl, STS Consultants, Ltd.,  
1035 Kepler Drive, Green Bay, WI 54311

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 1 - 1998  
WARRANTY DEED

**THIS DEED, made between Paul C. Schreiber and Jan E. Schreiber, Grantor(s), and**

**Gibraltar Town Homes L.L.C., Grantee(s).**

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in **DOOR** County, State of Wisconsin (The "Property"):

RETURN TO  
Title Services of Door County, Inc.

File No.: 996

Tax Parcel No: 014-39-1404

SEE ATTACHED LEGAL DESCRIPTION.

This is not homestead property.  
(is)(is not)

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, and general taxes levied in the year of closing.

Dated this 16 day of January, 2003.

\_\_\_\_\_  
(SEAL)

\*

Paul C. Schreiber (SEAL)

\*Paul C. Schreiber

\_\_\_\_\_  
(SEAL)

\*

\_\_\_\_\_  
(SEAL)

\*Jan E. Schreiber

**AUTHENTICATION**

Signatures authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\*  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney Ralph F. Herlache

118 N. 4th Ave., Sturgeon Bay, WI 54235

(Signatures may be authenticated or acknowledged by \_\_\_\_\_ not necessary.)

**ACKNOWLEDGMENT**

STATE OF WISCONSIN }  
Door COUNTY } ss.

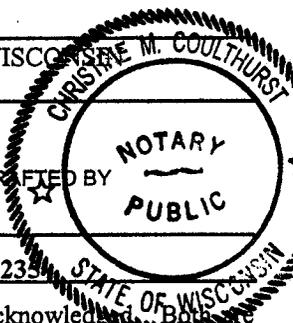
Personally came before me this 16 day of January, 2003, the above named Paul C. Schreiber to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Christine M. Coulthurst  
\*Christine M. Coulthurst

Notary Public \_\_\_\_\_ County, Wis.

My Commission is permanent. If not, state expiration date:

9-14-03



\*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

**LEGAL DESCRIPTION - SCHREIBER SALE TO GIBRALTAR TOWN HOMES, LLC**

A tract of land located in Block 14 of Asa Thorp's Town Plat, Section 29, Township 31 North, Range 27 East, in the Town of Gibraltar, Door County, Wisconsin and described as follows:

Commencing at an existing iron pipe on the Southwest corner of said Block 14 of Asa Thorp's Town Plat; thence North  $16^{\circ}34'50''$  East along the West line of said Block 14, 61.00 feet to an existing iron pipe and the point of real beginning; thence South  $73^{\circ}28'50''$  East 40.00 feet; thence South  $16^{\circ}13'10''$  West 1.00 feet; thence South  $73^{\circ}28'50''$  East 65.00 feet to an existing iron pipe; thence South  $16^{\circ}34'50''$  West 60.0 feet to an existing iron pipe on the southerly line of said Block 14; thence South  $73^{\circ}28'50''$  East along said southerly line of Block 14, 59.86 feet; thence North  $17^{\circ}58'00''$  East 180.76 feet to the northerly line of said Block 14; thence in a northwesterly direction along a 312.20 foot radius curve to the left (delta angle =  $37^{\circ}54'38''$ , chord bearing North  $39^{\circ}59'38''$  West 202.77 feet) 206.52 feet to the Northwest corner of said Block 14; thence South  $16^{\circ}34'50''$  West 231.57 feet to the point of real beginning.

Subject to rights of the public in Spruce Street.

Subject to restrictions contained in the deed recorded September 29, 1941 at Volume 53 of Deeds, page 258.

Subject to Well Agreement recorded December 10, 1986 at Volume 408 of Records, page 476, as Document No. 466679.

Subject to right of provider of the utilities in overhead and underground lines, as shown on survey.

Jan Schreiber  
Jan E. Schreiber

State of MA  
County of Middlesex

~~Person~~ personally came before me this 13<sup>th</sup> day of January, 2003, **Jan E. Schreiber**  
to me known to be the person(s) who executed the foregoing instrument and  
acknowledge the same.

Dante Kuchon - Registrar  
\* Notary Public

Notary Public, State of MA.  
My Commission is permanent. (If not, state expiration date:  
3-28-08.)

# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORP'S TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.



1" = 40'

**LOCATORS**

No.	Northing	Easting
100	4988.11	5375.23
101	5210.06	5441.31
102	5054.71	5571.64
103	4882.77	5515.88
104	4899.79	5458.49
105	5013.38	5411.51
106	5071.56	5430.38
107	5030.89	5542.29
108	4976.67	5524.71

**NOTES**

- EXTERIOR AS PER A SURVEY PREPARED BY BRYE, STUEVE AND BRAUN SURVEYS, LTD., JOB NO. D-02195, DATED NOV. 7, 2002.
- ENTIRE PARCEL CONTAINS 0.818 ACRES
- CONDOMINIUM CONTAINS 0.670 ACRES

**CURVE DATA**

NUMBER	DELTA ANGLE	RADIUS	CHORD DIRECTION	CHORD LENGTH	ARC LENGTH
C1	37°54'38"	312.12	N 39°59'38" W	202.77	206.52

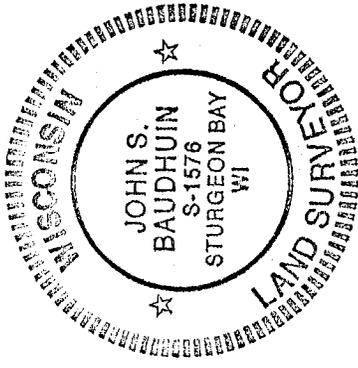
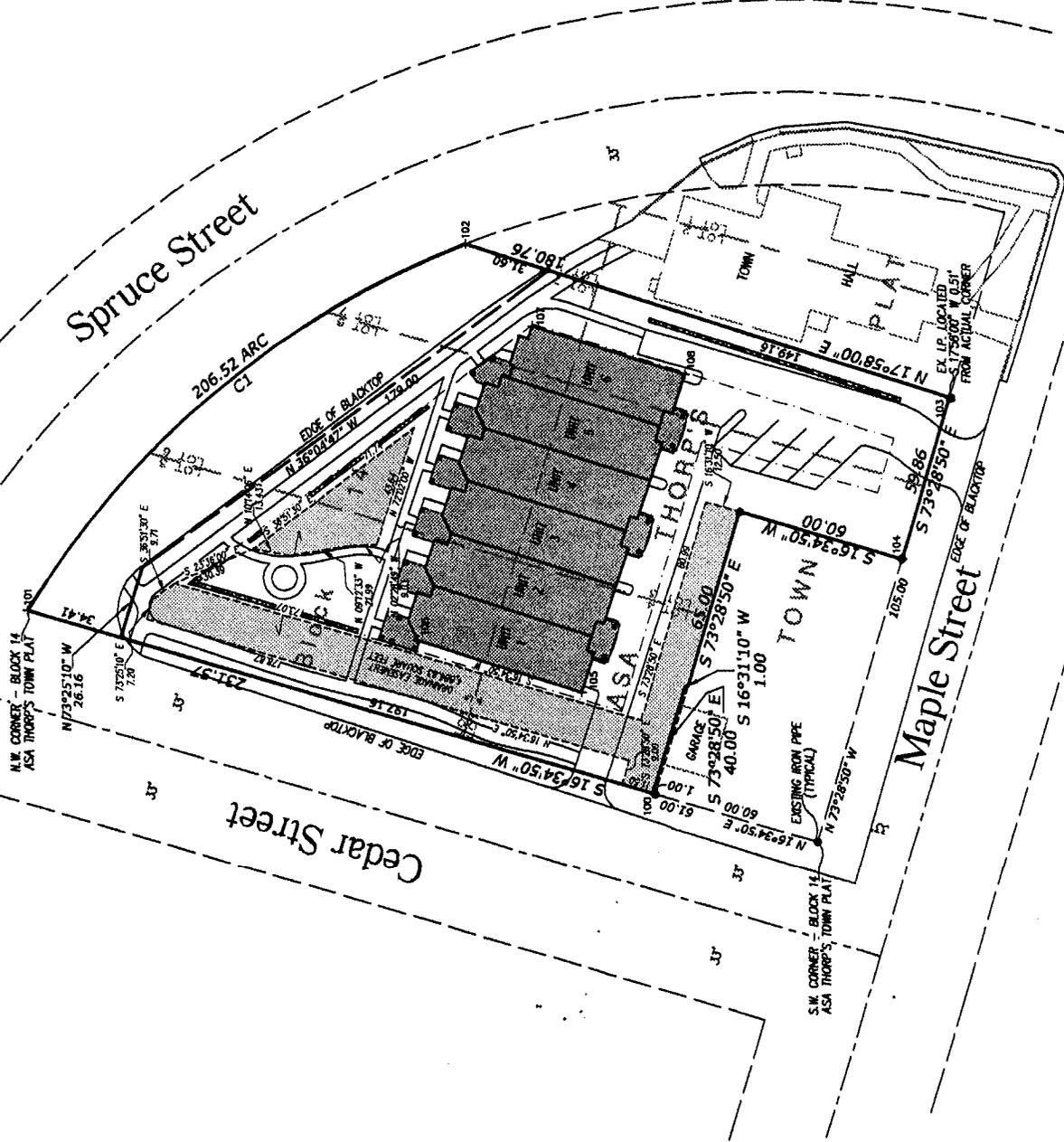
I, JOHN BAUDHUIN, REGISTERED LAND SURVEYOR FOR BAUDHUIN INCORPORATED, DO HEREBY CERTIFY THAT WE HAVE SURVEYED THE CONDOMINIUM DESCRIBED ON ATTACHED SHEET, AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF, AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

I FURTHER CERTIFY THAT I AM A LICENSED LAND SURVEYOR AUTHORIZED TO PRACTICE THAT PROFESSION IN THIS STATE AND THAT THE CONDOMINIUM PLAT TO WHICH THIS CERTIFICATE IS AFFIXED IS A CORRECT REPRESENTATION OF THE CONDOMINIUM DESCRIBED AND THAT THE IDENTIFICATION AND LOCATION OF EACH UNIT OF THE CONDOMINIUM AND COMMON ELEMENTS THEREOF CAN BE DETERMINED FROM THE PLAT.

THIS SURVEY IS MADE FOR THE PRESENT OWNERS OF THE PROPERTY AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE THERETO, FOR ONE YEAR HERE OF:

DATED **8-4-03**

*John S. Baudhuin*  
JOHN S. BAUDHUIN RLS 1576



# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORPS TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

**DESCRIPTION - ENTIRE PARCEL:**

A parcel of land located in Block 14 of Asa Thorp's Town Plat, Section 29, T., 31 N., R., 27 E., Town of Gibraltar, Door County, Wisconsin and described as follows.

Commencing at the Southwest corner of said Block 14 of Asa Thorp's Town Plat, thence N 16°34'50" E --- 61.00 feet along the West line of said Block 14, said line also being the easterly right of way line of Cedar Street to the point of beginning of lands to be described; thence S 73°28'50" E 40.00 feet; thence S 16°31'10" W --- 1.00 feet; thence S 73°28'50" E --- 65.00 feet; thence S 16°34'50" W --- 60.00 feet to the southerly line of said Block 14, said line also being the northerly right of way line of Maple Street; thence S 73°28'50" E --- 59.86 feet along said southerly line of Block 14 (right of way); thence N 17°58'00" E --- 180.76 feet to the northerly line of said Block 14, said line also being the southerly right of way line of Spruce Street; thence northwesterly 206.52 feet along the arc of a 312.12 foot radius curve to the left (delta angle=37°54'38", chord bearing N 39°59'38" W 202.77 feet) along said north line (right of way) to the Northwest corner of said Block 14, thence S 16°34'50" W --- 231.57 feet along the aforementioned West line of Said Block 14 (easterly right of way line of Cedar Street) to the point of beginning.

Said parcel contains 0.818 acres of land.

Said parcel is subject to a drainage easement containing 4,884.83 square feet.

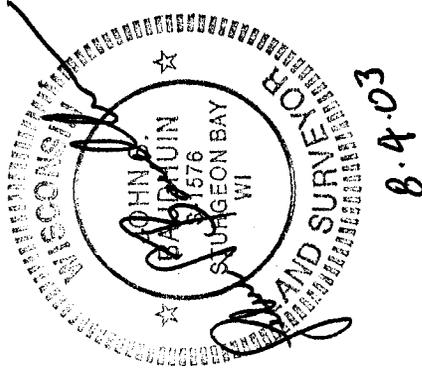
**DESCRIPTION - CONDOMINIUM:**

A parcel of land located in Block 14 of Asa Thorp's Town Plat, Section 29, T., 31 N., R., 27 E., Town of Gibraltar, Door County, Wisconsin and described as follows.

Commencing at the Southwest corner of said Block 14 of Asa Thorp's Town Plat, thence N 16°34'50" E --- 61.00 feet along the West line of said Block 14, said line also being the easterly right of way line of Cedar Street to the point of beginning of lands to be described; thence S 73°28'50" E 40.00 feet; thence S 16°31'10" W --- 1.00 feet; thence S 73°28'50" E --- 65.00 feet; thence S 16°34'50" W --- 60.00 feet to the southerly line of said Block 14, said line also being the northerly right of way line of Maple Street; thence S 73°28'50" E --- 59.86 feet along said southerly line of Block 14 (right of way); thence N 17°58'00" E --- 149.16 feet; thence N 36°04'47" W --- 179.00 feet; thence N 73°25'10" W --- 26.16 feet to the aforementioned West line of Said Block 14; thence S 16°34'50" W --- 197.16 feet along said West line to the point of beginning.

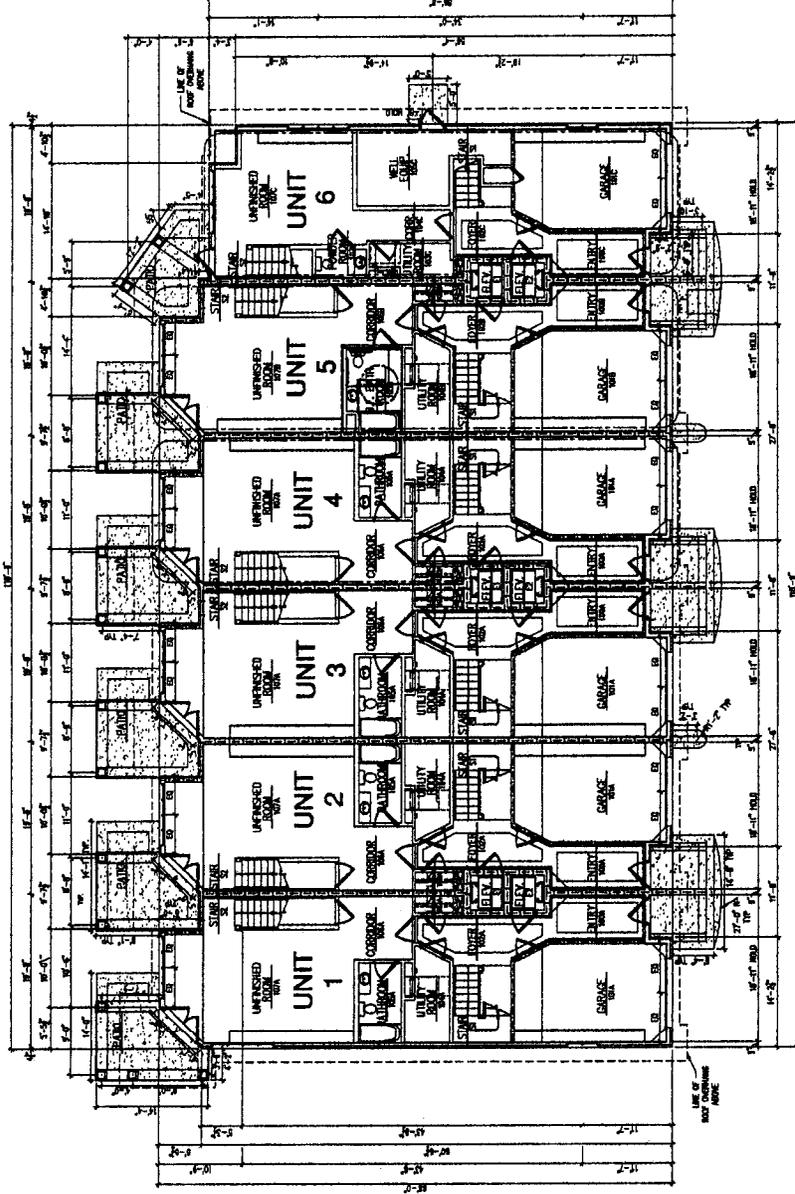
Said parcel contains 0.670 acres of land.

Said parcel is subject to the aforementioned drainage easement containing 4,884.83 square feet.



# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORPS TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

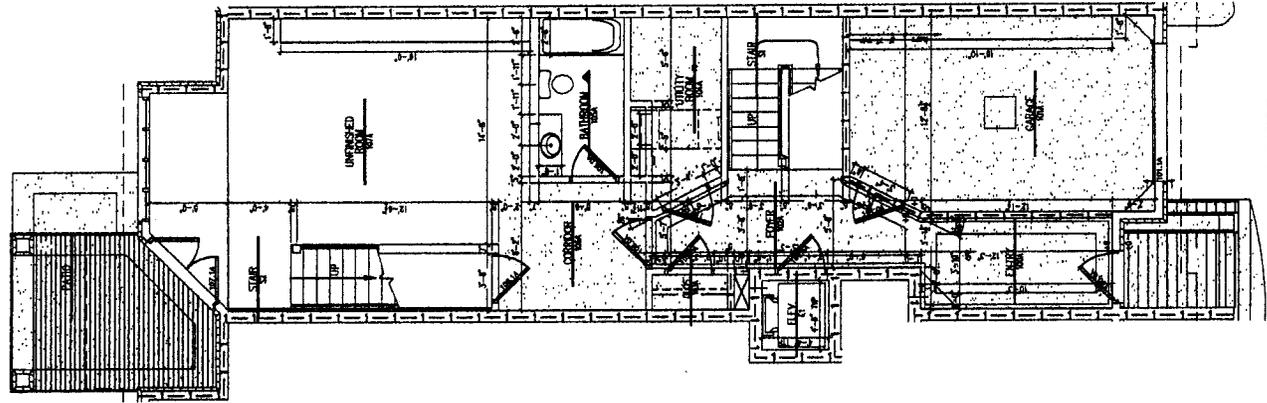
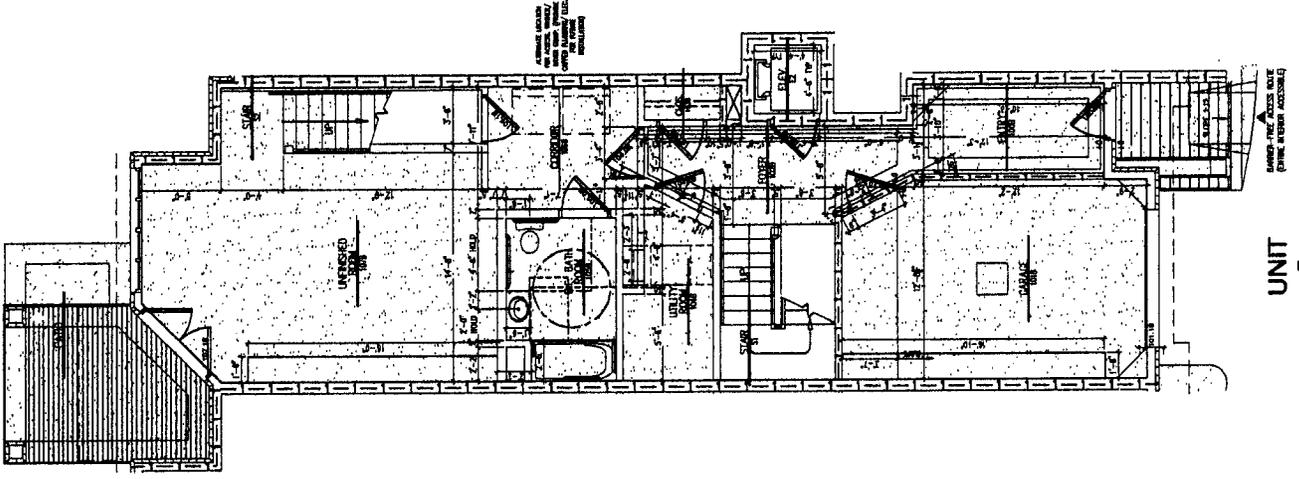
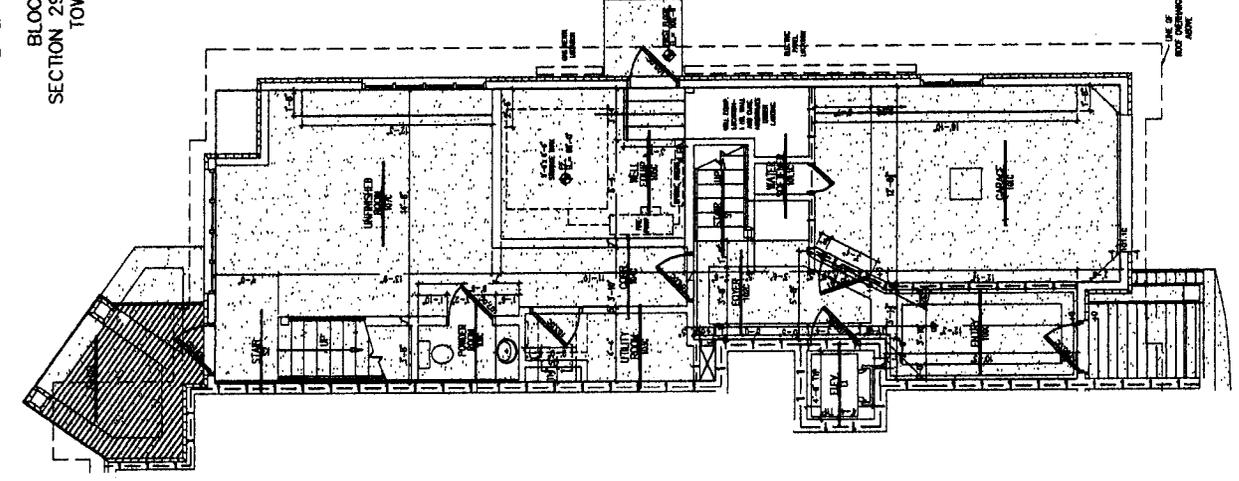


FIRST FLOOR PLANS  
1/16" = 1'

# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORPS TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

INDIVIDUAL FIRST FLOOR UNIT PLANS  
1/8" = 1'



UNIT  
6

UNIT  
5

UNITS  
1-4

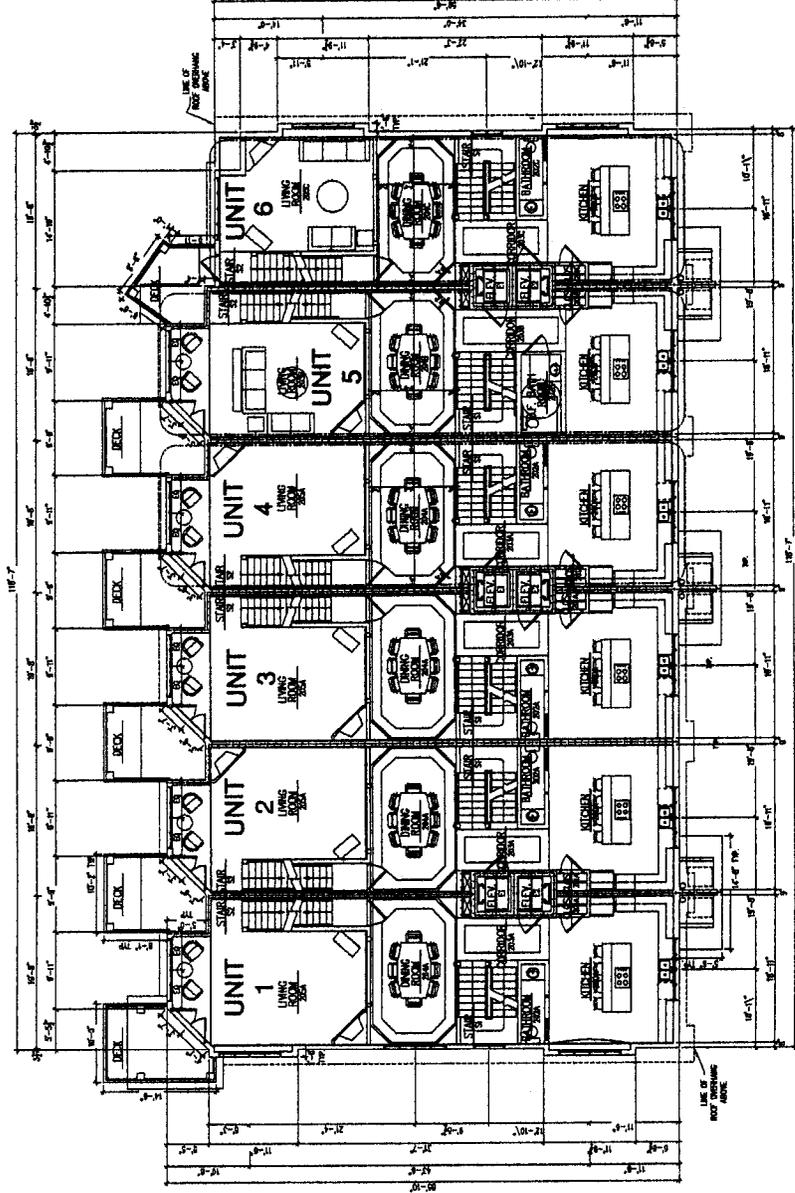
Exhibit D

CAD: DAN LUND/SCHREIBER 1837/UMS/LSZ-PT  
SHEET 4 OF 8

JOB NO. 18521  
7-29-03

# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORPS TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

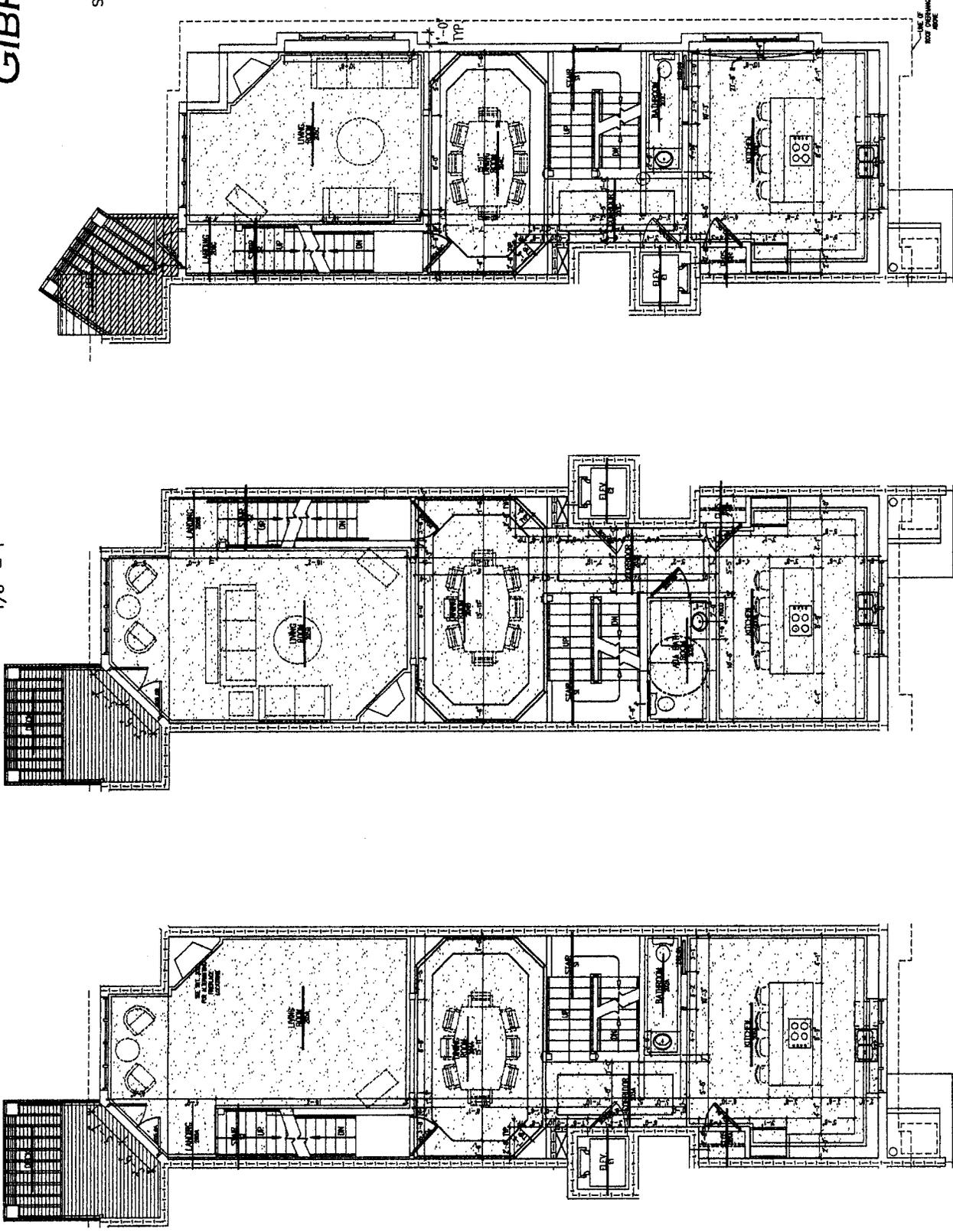


SECOND FLOOR PLANS  
1/16" = 1'

# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORPS TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

INDIVIDUAL SECOND FLOOR UNIT PLANS  
1/8" = 1'



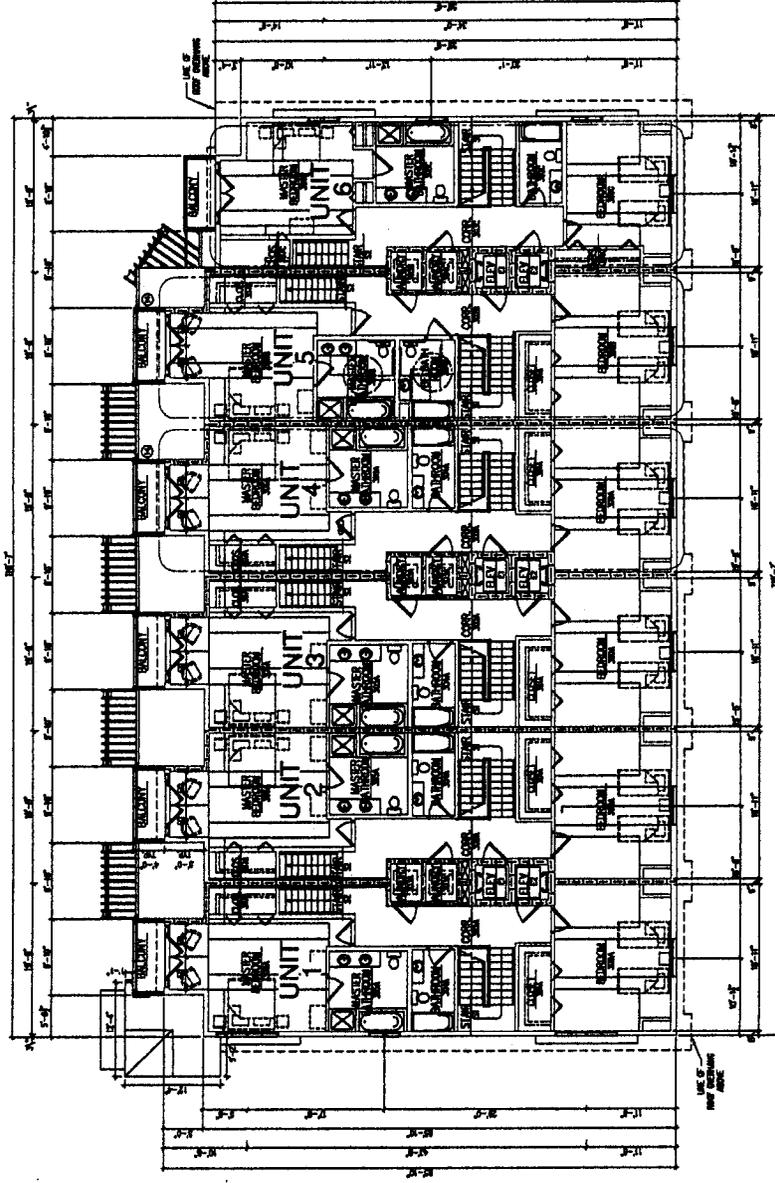
UNITS  
1 - 4

UNIT  
5

UNIT  
6

# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORPS TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

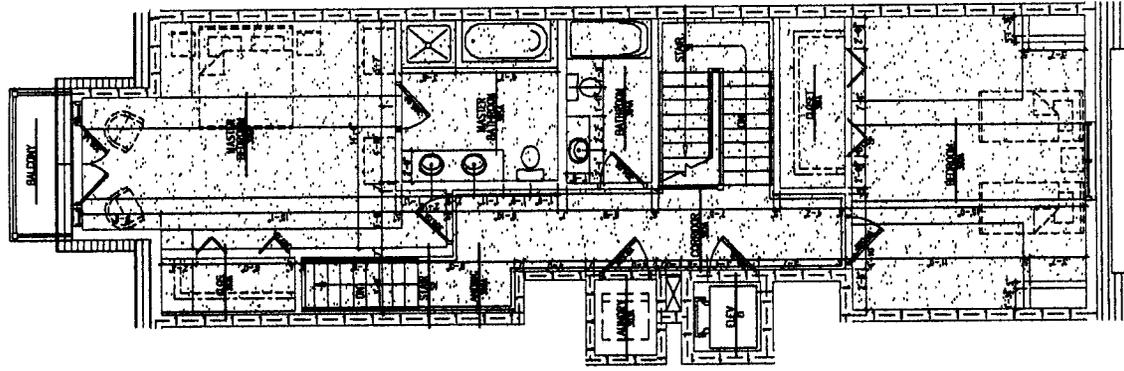


THIRD FLOOR PLANS  
1/16" = 1'

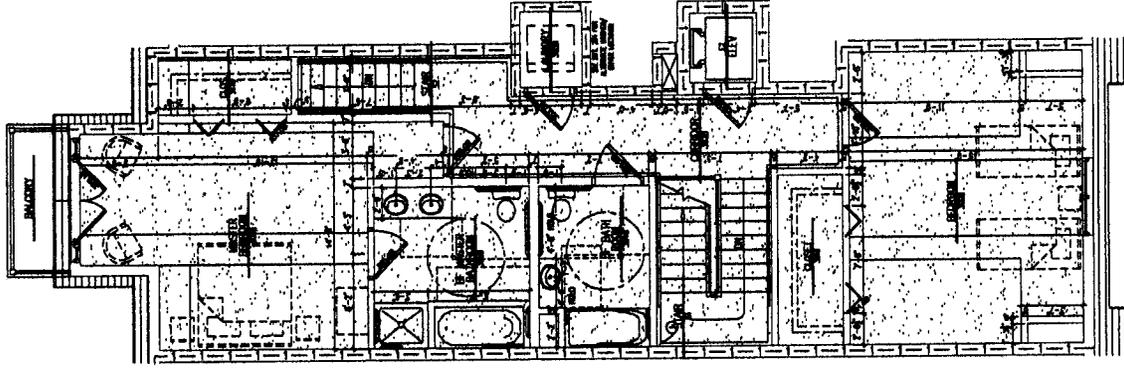
# GIBRALTAR TOWN HOMES, A CONDOMINIUM

LOCATED IN:  
BLOCK 14 OF ASA THORP'S TOWN PLAT,  
SECTION 29, TOWNSHIP 31 NORTH, RANGE 27 EAST,  
TOWN OF GIBRALTAR, DOOR COUNTY,  
WISCONSIN.

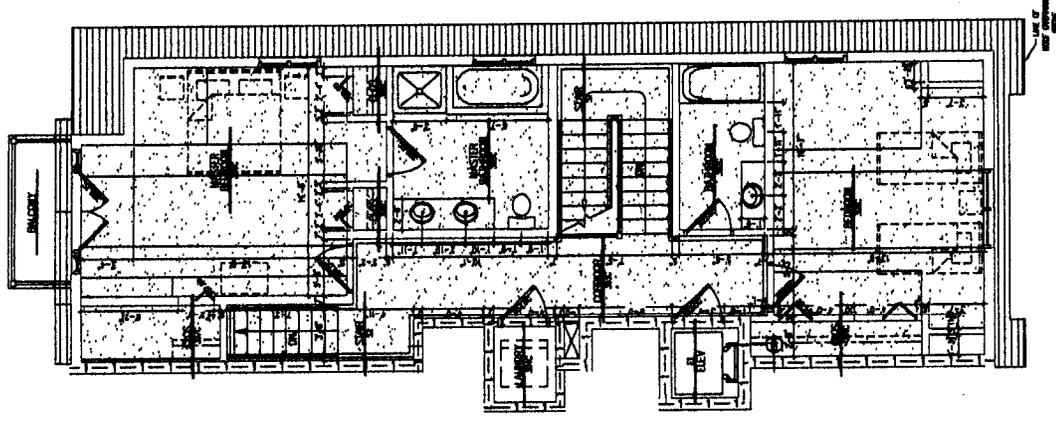
INDIVIDUAL THIRD FLOOR UNIT PLANS  
1/8" = 1'



UNITS  
1 - 4

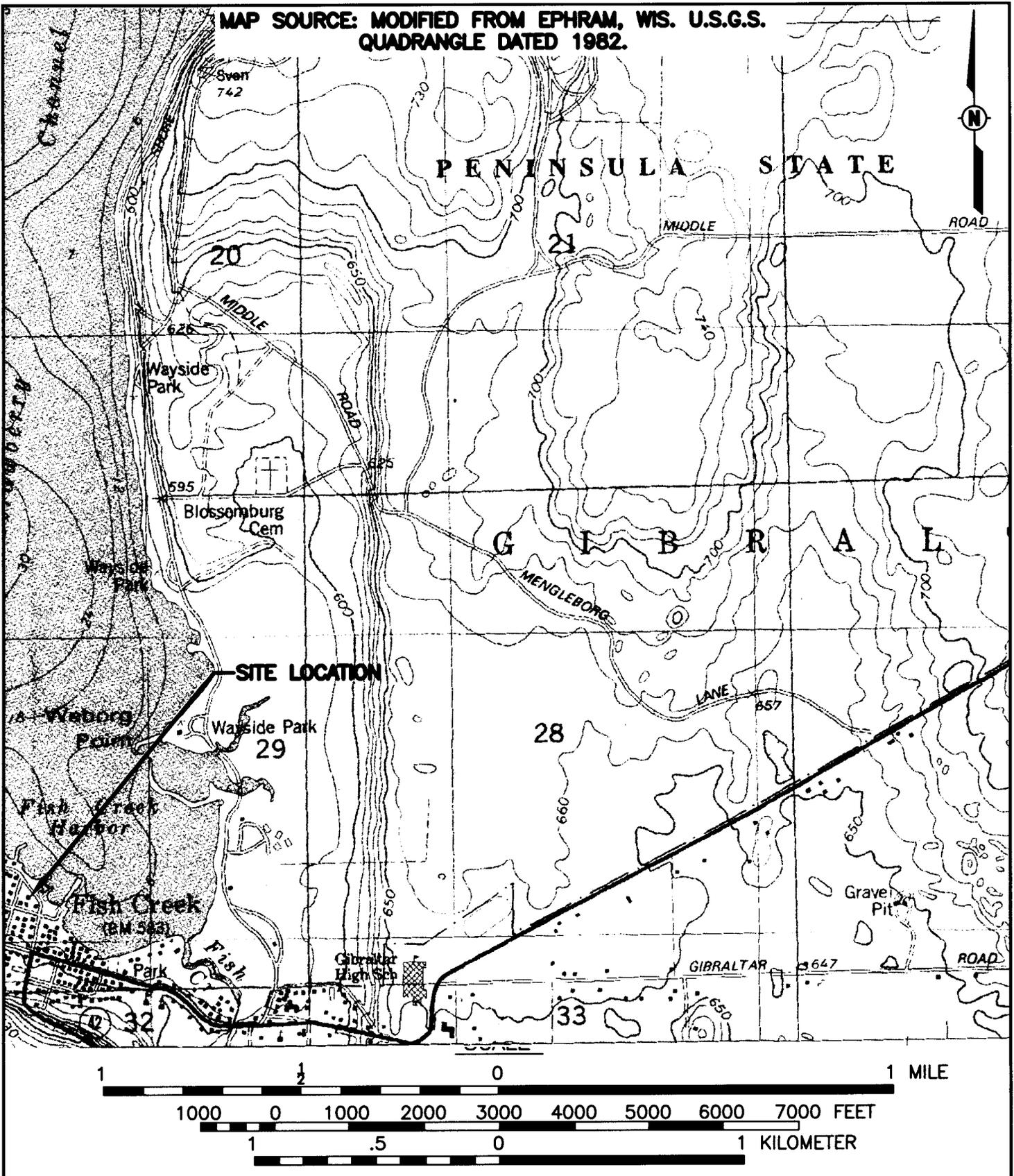


UNIT  
5



UNIT  
6

MAP SOURCE: MODIFIED FROM EPHRAM, WIS. U.S.G.S. QUADRANGLE DATED 1982.



X:\PROJECTS\427906EB\Dwg\427906EA\_site\_location\_map\_fig1,7/27/2004 1:44:00 PM, lemmons



**STS CONSULTANTS**  
 1035 Kepler Drive  
 Green Bay, WI 54311  
 920-468-1978  
 www.stsconsultants.com  
 Copyright ©2004, By: STS Consultants, Ltd.

**SITE LOCATION MAP**  
**FISH CREEK CONDOMINIUM PROJECT**  
 9459 SPRUCE STREET  
 FISH CREEK, WICONSIN

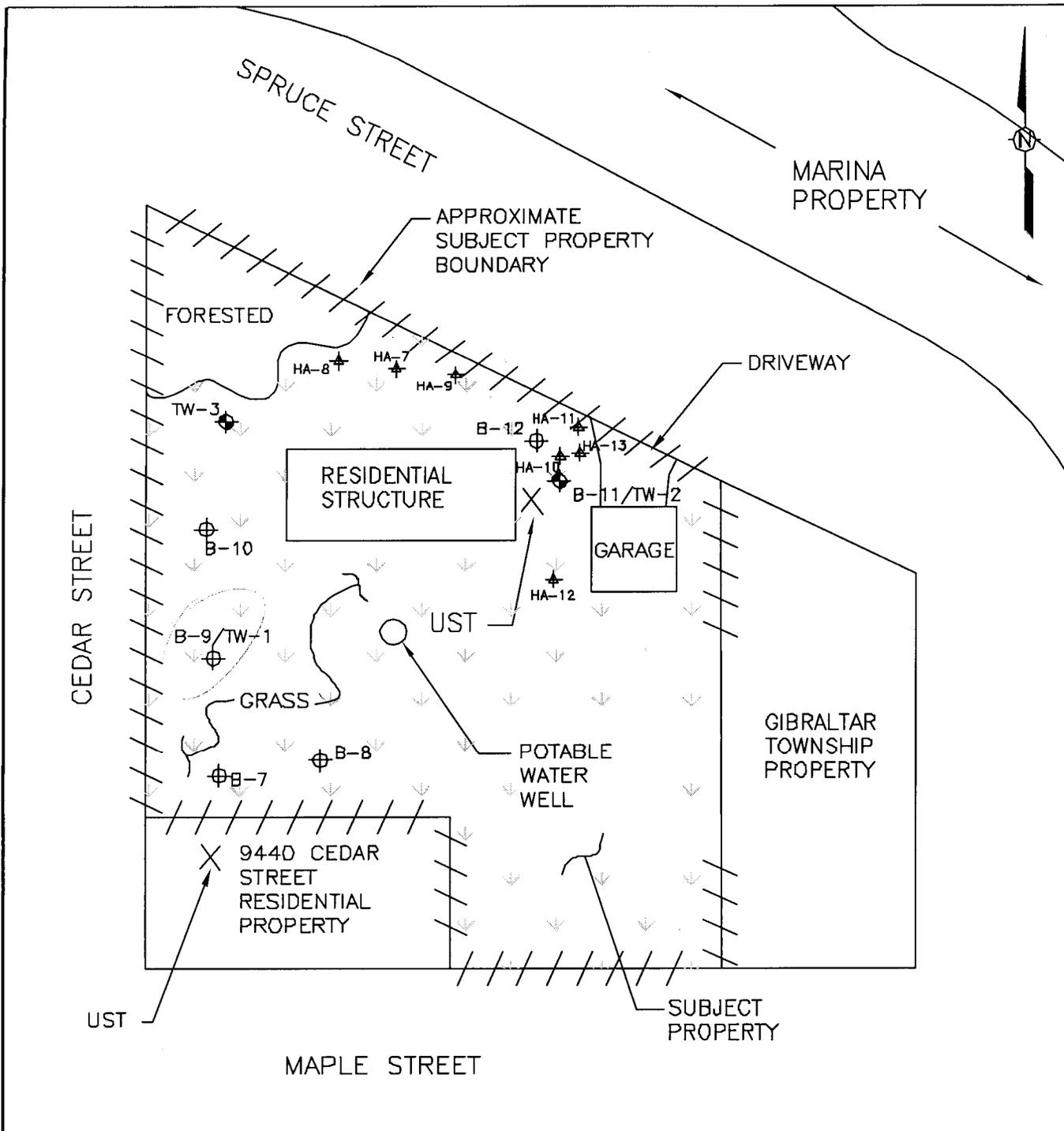
Drawn: JMR 06/21/2004

Checked: RJM 06/21/2004

Approved: RJM 06/21/2004

PROJECT NUMBER 427906EB

FIGURE NUMBER 1



LEGEND		
⊕	SOIL BORING	
⊕	TEMPORARY WELL	
⊕	HAND AUGER	

RESIDENTIAL PROPERTY  
**SITE DIAGRAM**  
**PHASE II SUBSURFACE ASSESSMENT**  
**9459 SPRUCE STREET**  
**FISH CREEK, WISCONSIN**

DESIGNED BY	JSC	2-20-03
DRAWN BY	JMR	2-20-03
APPROVED BY		
CADFILE	SCALE	
	N.T.S.	
STS PROJECT NO.	FIGURE NO.	
27906EA	FIG. 2	



X:\PROJECTS\DWG\2002\27906EA\427906EA002A.dwg, 3/12/2003 10:19:39 AM, Reince



**Table 1 p1.**  
**Soil PAH Analytical Results of Soils Removed From Site**  
**Gibraltar Town Homes, L.L.C.**  
**Fish Creek, Wisconsin**

	Sample No. Sample Depth	B-11 4.0-6.0 11/7/02	HA-1 0.0-4.0 11/26/02	HA-2 0.0-4.0 11/26/02	HA-3 0.0-3.0 11/26/02	HA-4		HA-5		HA-6		HA-7		HA-8		Groundwater Pathway	1997 Interim PAH Suggested RCL Guidance Values			
						0.5-2.0 1/8/03	2.0-4.0 1/8/03	0.5-2.0 1/8/03	2.0-4.0 1/8/03	0.5-2.0 1/8/03	2.0-4.0 1/8/03	0.5-2.0 1/8/03	2.0-4.0 1/8/03	0.5-2.0 1/8/03	2.0-3.0 1/8/03		Direct Contact Pathway			
								Non-industrial		Industrial										
						Ingestion	Inhalation	Ingestion	Inhalation											
<b>PAHs</b>																				
Acenaphthene	(ug/kg)	<12	<110	<54	<5700	<14	<12	<230	12	<260	<36	<630	<12	<250	<12	38,000	900,000	nd	60,000,000	nd
Acenaphthylene	(ug/kg)	<19	180	95	31,000*	50	<20	520	44	670	<61	2600 *	<20	1,100 *	63	700	18,000	nd	390,000	360,000
Anthracene	(ug/kg)	<12	300	160	67,000	77	<12	1,700	110	1,600	95	6,600	<12	1,800	78	3,000,000	5,000,000	nd	300,000,000	nd
Benzo(a)anthracene	(ug/kg)	<6.3	2,200	1,300	250,000*+	330	9.7	6,200+	440	7,700+	500	24,000 *	14	8,700+	550	17,000	88	11,000	3,900	150,000
Benzo(a)pyrene	(ug/kg)	<6.3	2,500+	1,600	260,000+	430+	10	8,300+	520+	10,000+	570+	26,000+	68	10,000+	620+	48,000	8.8	1,600	390	22,000
Benzo(b)fluoranthene	(ug/kg)	<7.4	1,800	1,400	180,000+	350	8.7	6,100+	390	8,600+	640	15,000+	12	6,100+	490	360,000	8.8	4,600	3,900	65,000
Benzo(g,h,i)perylene	(ug/kg)	<13	1,300	1,000	100,000+	250	<13	4,400	310	5,000	480	12,000	<13	5,100	330	6,800,000	1,800	1,100,000	39,000	7,700,000
Benzo(k)fluoranthene	(ug/kg)	<9.5	2,100	1,200	270,000+	340	14	6,400	400	7,000	410	25,000	20	8,700	480	870,000	880	380,000	39,000	5,300,000
Chrysene	(ug/kg)	<7.4	2,100	1,200	230,000*	320	11	5,700	460	6,900	500	24,000	17	9,300	540	37,000	8,800	270,000	390,000	3,800,000
Dibenzo(a,h)anthracene	(ug/kg)	<7.9	360	180	35,000+	72	<8.2	950	92	1,500	100	3,900	<8.2	1,500	97	38,000	8.8	7,800	390	110,000
Fluoranthene	(ug/kg)	<8.4	3,900	2,300	460,000	810	10	15,000	920	18,000	1,100	52,000	15	17,000	1,000	500,000	600,000	nd	40,000,000	nd
Fluorene	(ug/kg)	<6.3	<59	45	17,000	16	<6.4	430	34	390	<19	1,700	<6.4	430	19	100,000	600,000	nd	40,000,000	nd
Indeno(1,2,3-cd)pyrene	(ug/kg)	<12	1,600	930	130,000+	240	<13	4,100+	290	4,800+	400	13,000+	<13	5,000+	320	680,000	88	54,000	3,900	750,000
1-Methylnaphthalene	(ug/kg)	<7.4	<68	<35	3,600	<8.9	<7.8	<150	<7.8	<170	<24	<410	<7.8	<170	<7.5	23,000	1,100,000	nd	70,000,000	nd
2-Methylnaphthalene	(ug/kg)	<7.9	<73	<37	5,500	<9.4	<8.2	<160	<8.3	<180	<25	<440	<8.2	<170	8.3	20,000	600,000	nd	40,000,000	nd
Naphthalene	(ug/kg)	<7.9	98	63	20,000*	30	<8.4	380	29	480 *	78	1500 *	<8.3	620 *	37	400	60,000	20,000	4,000,000	110,000
Phenanthrene	(ug/kg)	<8.4	660	600	180,000*	340	<8.6	5200 *	380	5200 *	320	17,000 *	<8.5	5,400 *	230	1,800	18,000	160,000	390,000	1,100,000
Pyrene	(ug/kg)	<14	4,100	2,100	460,000	530	<15	10,000	810	13,000	930	46,000	16	15,000	840	8,700,000	500,000	nd	30,000,000	nd
Diesel Range Organics	(mg/kg)	<3.3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA					

**Notes:**

RCL = Residual Contaminant Level

50	Exceeds Suggested Generic Non-Industrial Direct Contact RCL.
100 *	Exceeds Groundwater Pathway RCL.
946+	Exceeds Suggested Generic Industrial Direct Contact RCL.

nd = not determined

NA = not analyzed

**Table 1 p2.**  
**Soil PAH Analytical Results of Soils Removed From Site**  
**Gibraltar Town Homes, L.L.C.**  
**Fish Creek, Wisconsin**

	Sample No. Sample Depth	1997 Interim PAH Suggested RCL Guidance Values												Groundwater Pathway	Direct Contact Pathway				
		HA-9		HA-10		HA-11		HA-13		HA-14	HA-16		HA-17		Non-industrial		Industrial		
		0.5-2.0 1/9/03	2.0-3.5 1/9/03	0.5-2.0 1/8/03	2.0-4.0 1/8/03	0.5-2.0 1/9/03	2.0-4.0 1/9/03	0.5-2.0 1/9/03	2.0-4.0 1/9/03	0.0-1.0 3/20/03	0.0-2.0 3/20/03	2.0-4.0 3/20/03	0.0-2.0 3/20/03		2.0-4.0 3/20/03	Ingestion	Inhalation	Ingestion	Inhalation
<b>PAHs</b>																			
Acenaphthene	(ug/kg)	<680	<12	<330	<12	<12	<12	<26	<12	<32	<13	<13	<13	<13	38,000	900,000	nd	60,000,000	nd
Acenaphthylene	(ug/kg)	<b>1,800 *</b>	<20	<b>970 *</b>	<20	44	<20	150	<20	<53	<22	32	<22	<22	700	18,000	nd	390,000	360,000
Anthracene	(ug/kg)	4,300	<12	2,400	<12	59	<12	210	<12	47	<13	21	<13	<13	3,000,000	5,000,000	nd	300,000,000	nd
Benzo(a)anthracene	(ug/kg)	17,000	31	<b>9,700+</b>	9.7	<b>340</b>	<6.7	870	9.4	<b>230</b>	59	100	63	9.1	17,000	88	11,000	3,900	150,000
Benzo(a)pyrene	(ug/kg)	<b>21,000+</b>	<b>40</b>	<b>11,000+</b>	<b>12</b>	<b>390</b>	<b>34</b>	<b>1,000+</b>	8.5	<b>250</b>	65	110	65	10	48,000	8.8	1,600	390	22,000
Benzo(b)fluoranthene	(ug/kg)	<b>14,000+</b>	30	<b>6,700+</b>	9.5	<b>320</b>	<7.1	<b>700</b>	9	<b>230</b>	50	98	50	9	360,000	88	4,600	3,900	65,000
Benzo(g,h,i)perylene	(ug/kg)	<b>10,000</b>	27	<b>6,000</b>	<13	230	<13	580	<13	100	25	48	32	<14	6,800,000	1,800	1,100,000	39,000	7,700,000
Benzo(k)fluoranthene	(ug/kg)	<b>17,000</b>	39	<b>11,000</b>	13	330	<9.9	<b>990</b>	11	220	61	98	61	11	870,000	880	380,000	39,000	5,300,000
Chrysene	(ug/kg)	<b>18,000</b>	35	<b>11,000</b>	9.9	370	<7.6	<b>1,000</b>	9.7	230	57	120	71	10	37,000	8,800	270,000	390,000	3,800,000
Dibenzo(a,h)anthracene	(ug/kg)	<b>3,300+</b>	<b>9.6</b>	<b>1,800+</b>	<8.2	<b>65</b>	<8.3	<b>200</b>	<8.2	<b>29</b>	<8.9	<b>12</b>	<b>9</b>	<8.9	38,000	8.8	7,800	390	110,000
Fluoranthene	(ug/kg)	33,000	47	19,000	<9.0	700	<9.1	2,200	9.1	500	110	200	120	14	500,000	600,000	nd	40,000,000	nd
Fluorene	(ug/kg)	850	<6.5	550	<6.4	12	<6.4	98	<6.4	<18	<7.2	<6.8	<7.3	<7.2	100,000	600,000	nd	40,000,000	nd
Indeno(1,2,3-cd)pyrene	(ug/kg)	<b>10,000+</b>	30	<b>5,800+</b>	<13	<b>220</b>	<13	<b>560</b>	<13	<b>120</b>	31	56	35	<13	680,000	88	54,000	3,900	750,000
1-Methylnaphthalene	(ug/kg)	<440	<7.9	<210	<7.8	<8.0	<7.8	35	<7.7	<20	<8.5	<8.0	<8.5	<8.4	23,000	1,100,000	nd	70,000,000	nd
2-Methylnaphthalene	(ug/kg)	<470	<8.3	<220	<8.2	<8.4	<8.3	36	<8.2	<22	<9.1	<8.6	<9.1	<9.0	20,000	600,000	nd	40,000,000	nd
Naphthalene	(ug/kg)	<b>1,200 *</b>	<8.4	<b>940 *</b>	<8.3	23	<8.4	120	<8.3	22	<9.1	<8.6	<9.1	<9.0	400	60,000	20,000	4,000,000	110,000
Phenanthrene	(ug/kg)	<b>9,100 *</b>	9.6	<b>7,300 *</b>	<8.5	210	<8.6	1,200	<8.5	220	42	84	51	<9.6	1,800	18,000	160,000	390,000	1,100,000
Pyrene	(ug/kg)	31,000	46	18,000	<15	620	<15	1,900	<15	430	100	200	120	16	8,700,000	500,000	nd	30,000,000	nd
Diesel Range Organics	(mg/kg)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA					

Notes:

<b>50</b>	Exceeds Suggested Generic Non-Industrial Direct Contact RCL.
<b>100 *</b>	Exceeds Groundwater Pathway RCL.
<b>946+</b>	Exceeds Suggested Generic Industrial Direct Contact RCL.

nd = not determined

NA = not analyzed

**Table 1 p3.**  
**Soil PAH Analytical Results of Soils Remaining On Site**  
**Glbraiter Town Homes, L.L.C.**  
**Fish Creek, Wisconsin**

	Sample No. Sample Depth	B-7 4.0-4.2 11/7/02	B-8 4.0-4.6 11/7/02	B-9 4.0-5.5 11/7/02	B-12 4.0-6.0 11/7/02	HA-12 0.5-2.0 1/9/03	HA-15 0.0-2.0 3/20/03	1997 Interim PAH Suggested RCL Guidance Values				
								Groundwater Pathway	Direct Contact Pathway			
									Non-industrial		Industrial	
									Ingestion	Inhalation	Ingestion	Inhalation
<i>PAHs</i>												
Acenaphthene	(ug/kg)	<12	NA	<12	<12	<13	<57	38,000	900,000	nd	60,000,000	nd
Acenaphthylene	(ug/kg)	<19	NA	<20	<20	51	<93	700	18,000	nd	390,000	360,000
Anthracene	(ug/kg)	<12	NA	<12	<12	40	350	3,000,000	5,000,000	nd	300,000,000	nd
Benzo(a)anthracene	(ug/kg)	<6.3	NA	<6.7	16	210	<b>1,200</b>	17,000	88	11,000	3,900	150,000
Benzo(a)pyrene	(ug/kg)	<6.3	NA	7.8	<b>24</b>	230	<b>1,200+</b>	48,000	8.8	1,600	390	22,000
Benzo(b)fluoranthene	(ug/kg)	<7.4	NA	<7.8	19	170	<b>1,300</b>	360,000	88	4,600	3,900	65,000
Benzo(g,h,i)perylene	(ug/kg)	<13	NA	<13	17	140	370	6,800,000	1,800	1,100,000	39,000	7,700,000
Benzo(k)fluoranthene	(ug/kg)	<9.5	NA	<10	24	220	<b>1,100</b>	870,000	880	380,000	39,000	5,300,000
Chrysene	(ug/kg)	<7.4	NA	<7.8	17	250	1200	37,000	8,800	270,000	390,000	3,800,000
Dibenzo(a,h)anthracene	(ug/kg)	<7.9	NA	<8.4	<b>12</b>	<b>47</b>	<b>130</b>	38,000	8.8	7,800	390	110,000
Fluoranthene	(ug/kg)	<8.4	NA	<9.0	24	410	2900	500,000	600,000	nd	40,000,000	nd
Fluorene	(ug/kg)	<6.3	NA	<6.7	<6.7	12	70	100,000	600,000	nd	40,000,000	nd
Indeno(1,2,3-cd)pyrene	(ug/kg)	<12	NA	<12	18	<b>140</b>	<b>490</b>	680,000	88	54,000	3,900	750,000
1-Methylnapthalene	(ug/kg)	<7.4	NA	<7.8	<7.9	<8.6	<36	23,000	1,100,000	nd	70,000,000	nd
2-Methylnapthalene	(ug/kg)	<7.9	NA	<8.4	<8.4	<9.1	<39	20,000	600,000	nd	40,000,000	nd
Naphthalene	(ug/kg)	<7.9	NA	<8.4	<8.4	12	<39	400	60,000	20,000	4,000,000	110,000
Phenanthrene	(ug/kg)	<8.4	NA	<9.0	9	160	1300	1,800	18,000	160,000	390,000	1,100,000
Pyrene	(ug/kg)	<14	NA	<15	23	410	2400	8,700,000	500,000	nd	30,000,000	nd
Diesel Range Organics	(mg/kg)	<3.6	<3.7	<3.9	<3.8	NA	NA					

Notes:

RCL = Residual Contaminant Level

<b>50</b>	Exceeds Suggested Generic Non-Industrial Direct Contact RCL.
<b>100 *</b>	Exceeds Groundwater Pathway RCL.
<b>946+</b>	Exceeds Suggested Generic Industrial Direct Contact RCL.

nd = not determined

NA = not analyzed

**Table 1 p4.  
Soil PVOC Analytical Results  
Gibraltar Town Homes, L.L.C.  
Fish Creek, Wisconsin**

	Sample No. Sample Depth	B-7 4.0-4.2	B-8 4.0-4.6	B-9 4.0-5.5	B-11 4.0-6.0	B-12 4.0-6.0	NR 720 RCL Groundwater Pathway	Comm 46 - Values	
								Table 1 Soil Screening	Table 2 Direct Contact
<b>PVOCs</b>									
Benzene	(ug/kg)	<25	<25	<25	<25	<25	5.5	8500	1100
Ethylbenzene	(ug/kg)	<25	<25	<25	<25	<25	2900	4600	--
MTBE	(ug/kg)	<25	<25	<25	<25	<25			
Naphthalene	(ug/kg)	<25	<25	<25	<25	<25	--	--	--
Toluene	(ug/kg)	<25	<25	<25	<25	<25	1500	38000	--
1,2,4-Trimethylbenzene	(ug/kg)	<25	<25	<25	<25	<25	--	94000	--
1,3,5-Trimethylbenzene	(ug/kg)	<25	<25	<25	<25	<25	--	94000	--
Xylenes	(ug/kg)	<50	<50	<50	<50	<50	4100	42000	--

Notes:

RCL = Residual Contaminant Level

**100** Exceeds Groundwater Pathway RCL/SSL.

\* EPA Values Provided for Detected Compounds Without Wisconsin Generic RCLs

Region IX PRGs = EPA Region IX Preliminary Remediation Goals (PRGs) for residential (i.e., non-industrial) soil based on an excess cancer risk of 1E-06 for carcinogens and a hazard quotient of 1 for non-carcinogens. (<http://www.epa.gov/region09/waste/sfun>)

Generic SSL Groundwater = EPA 1996 Soil Screening Guidance: Technical Background Document - Appendix A Generic Soil Screening Levels (SSLs) for migration to groundwater assuming a dilution attenuation factor of 20.

\*\*Generic RCLs from the WDNR's Interim PAH Guidance (Groundwater Pathway/Direct Contact).

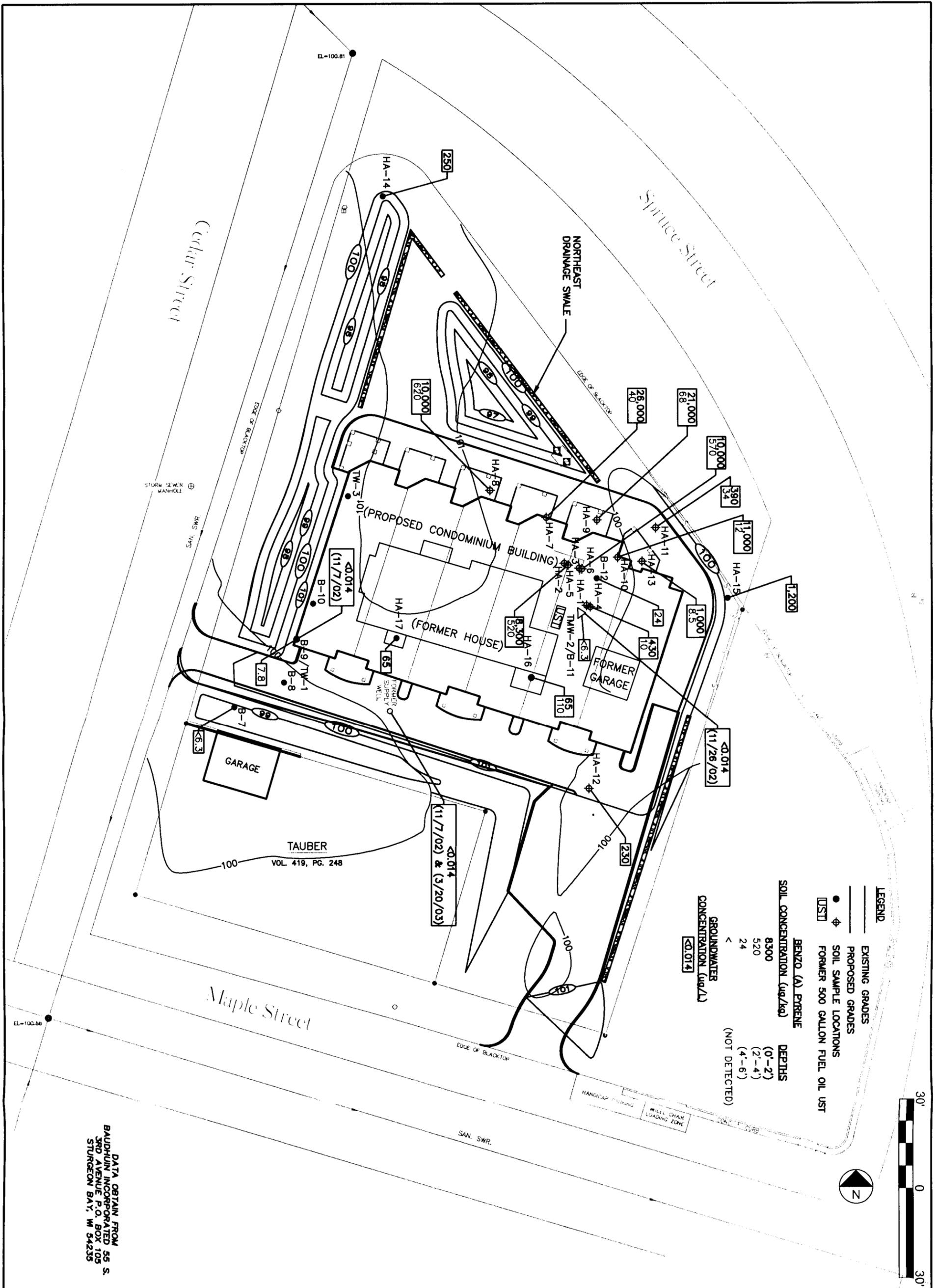
**Table 2 p.1**  
**Groundwater Elevations**  
**Gibraltar Town Homes, L.L.C.**  
**Fish Creek, Wisconsin**

Monitoring Well	Date Measured	TPVC <sup>1</sup> Elevation <sup>2</sup> (feet)	Water Level TPVC (feet)	Water Elevation <sup>2</sup> (feet)
TW-1	11/7/02	97.64	5.33	92.31
TW-2	11/7/02	99.17	4.51	94.66
TW-3	11/7/02	98.68	4.01	94.67

Notes:

1 TPVC = Top of PVC

2 = STS surveyed top of PVC Well elevations on 11/07/2002 using a local benchmark (telephone pole) with an assigned arbitrary elevation of +100 '



**LEGEND**

- EXISTING GRADES
- PROPOSED GRADES
- SOIL SAMPLE LOCATIONS
- FORMER 500 GALLON FUEL OIL UST

BENZO (A) PYRENE	SOIL CONCENTRATION (ug/kg)	DEPTHS
	8300	(0'-2')
	520	(2'-4')
	24	(4'-6')
	<	(NOT DETECTED)

GROUNDWATER CONCENTRATION (ug/L)
<0.014

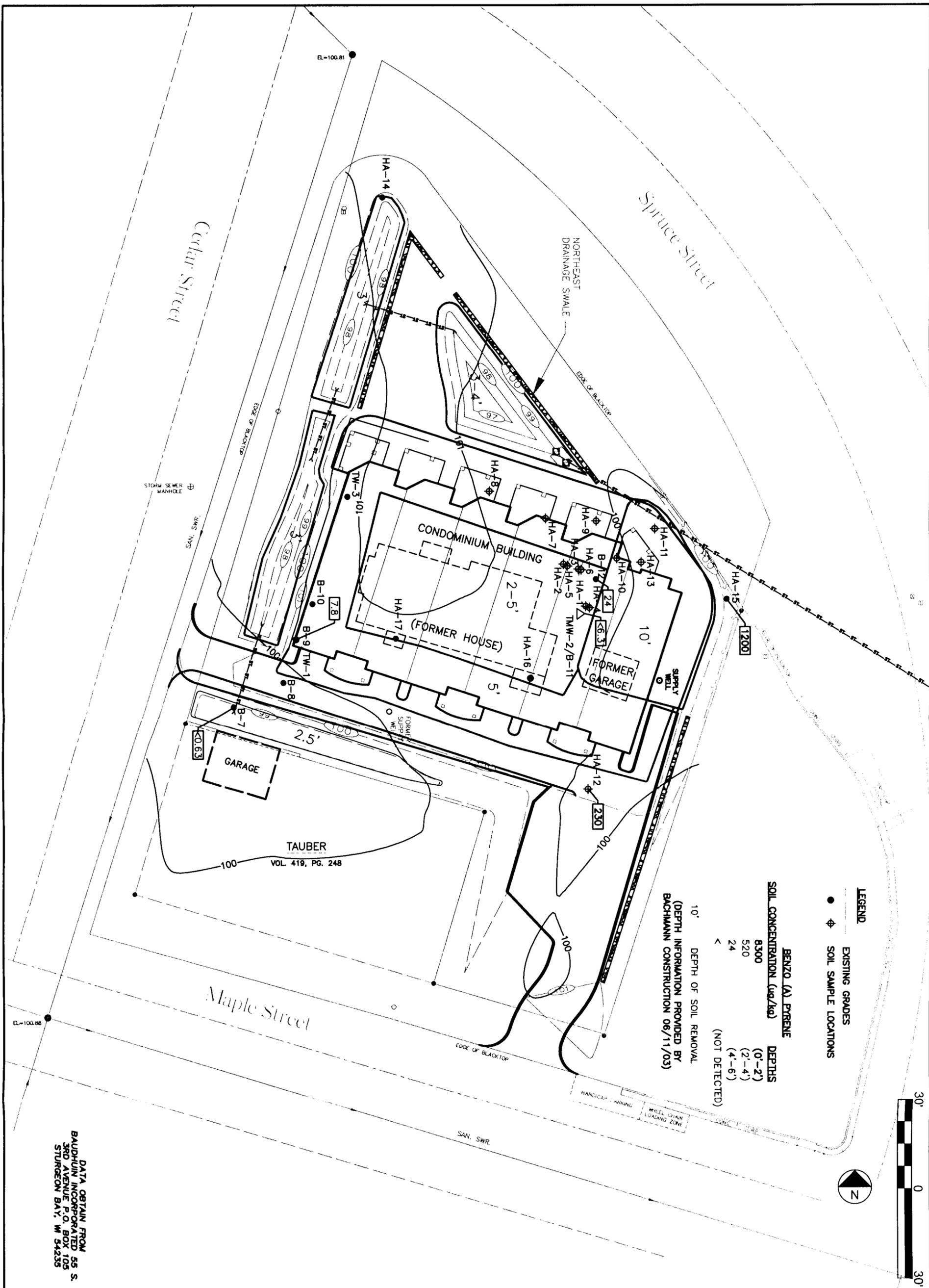


DATA OBTAIN FROM  
BAUDHUIN INCORPORATED 55 S.  
SRD AVENUE P.O. BOX 105  
STURGEON BAY, WI 54235

PRE-DEVELOPMENT SOIL & GROUNDWATER BENZO (A) PYRENE CONCENTRATIONS  
FISH CREEK CONDOMINIUM PROJECT  
9459 SPRUCE STREET  
FISH CREEK, WISCONSIN

**STS CONSULTANTS**  
1035 Kepler Drive  
Green Bay, Wisconsin 54311  
920-468-1978  
www.stsconsultants.com  
Copyright ©2004, by STS Consultants, Ltd.

Drawn: ACS 06/24/04  
Checked: RJM 06/24/04  
Approved:  
PROJECT NUMBER 427906EB  
FIGURE NUMBER 2



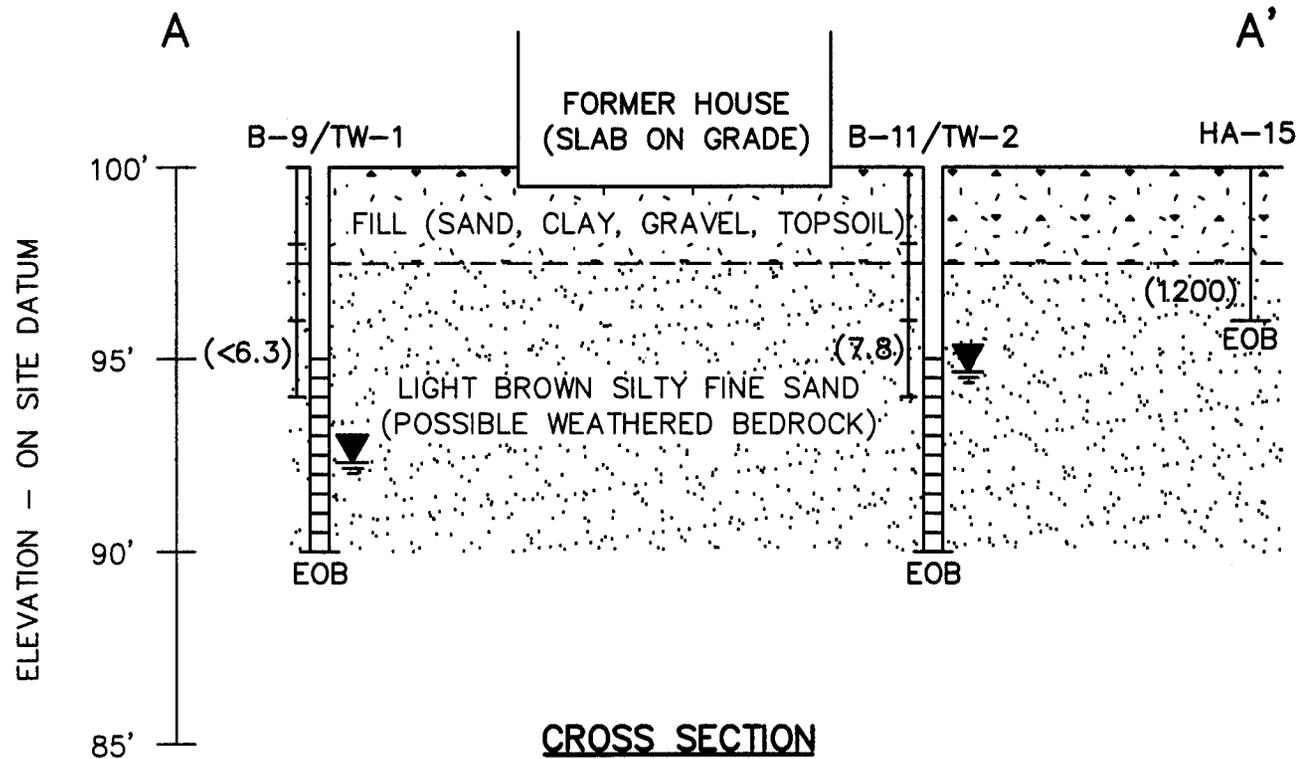
DATA OBTAIN FROM SS S. BAUDHWIN INCORPORATED 55 S. 3RD AVENUE P.O. BOX 105 STURGEON BAY, WI 54235

SOIL BENZO (A) PYRENE CONCENTRATIONS FOLLOWING SITE REDEVELOPMENT  
 FISH CREEK CONDOMINIUM PROJECT  
 9459 SPRUCE STREET  
 FISH CREEK, WISCONSIN

**STS CONSULTANTS**  
 1035 Kepler Drive  
 Green Bay, Wisconsin 54311  
 920-468-1978  
 www.stsconsultants.com  
 Copyright ©2004, By: STS Consultants, Ltd.

Drawn:	ACS	06/24/04
Checked:	RJM	06/24/04
Approved:		
PROJECT NUMBER	427906EB	
FIGURE NUMBER	3	

X:\PROJECTS\427906\EBID\dwg\G427906EB-FISH\_CREEK\_COND\_FIG2\_&\_FIG4.dwg, 7/1/2004 10:28:58 AM, Schleif

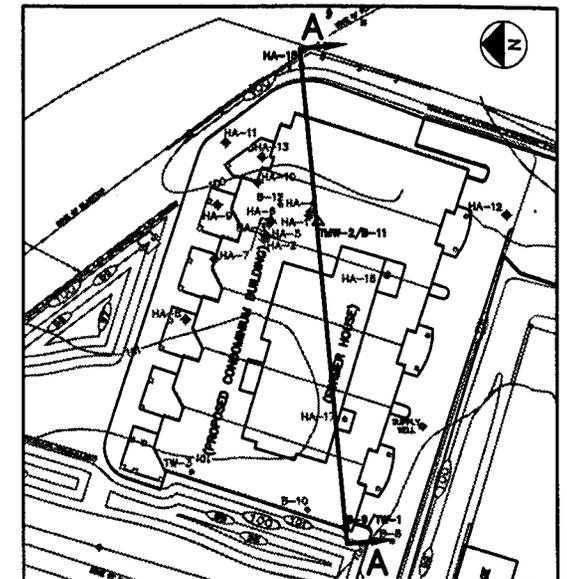


**CROSS SECTION**

SCALE: HOR. - 1"=30'  
VER. - 1"=5'

**LEGEND**

-  SOIL SAMPLE INTERVAL
-  SOIL BENZO (A) PYRENE CONCENTRATION IN ug/Kg
-  WATER ELEVATION 11/7/02
-  SOIL BORING WITH TEMPORARY WELL
-  WELL SCREEN INTERVAL
-  END OF BORING



**INDEX**

SCALE: 1"=60'



**STS CONSULTANTS**  
1035 Kepler Drive  
Green Bay, Wisconsin 54311  
920-468-1978  
www.stsconsultants.com  
Copyright ©2004, By: STS Consultants, Ltd.

**CROSS SECTION A-A'**  
**FISH CREEK CONDOMINIUM PROJECT**  
9459 SPRUCE STREET  
FISH CREEK, WISCONSIN

Drawn :	ACS 06/24/04
Checked:	RJM 06/24/04
Approved:	
PROJECT NUMBER	427906EB
FIGURE NUMBER	4

Document Number

AFFIDAVIT OF CORRECTION

Gibraltar Town Homes L.L.C., hereby swears or affirms that a certain Deed Restriction dated 10/18/04 and recorded 11/12/04 as Document No. 674608 from Gibraltar Town Homes L.L.C. contained an error in the following:

- Legal Description
- Grantor
- Grantee
- Other (please explain; attach addendum if necessary)

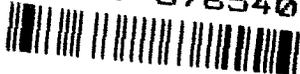
A clerical error was made by the omission of "Exhibit E", an attachment to the Deed Restriction.

The purpose of this Affidavit is to include "Exhibit E" as an attachment to the Deed Restriction dated 10/18/04 and recorded 11/12/04 as Document No. 674608.

The inclusion of "Exhibit E" is as follows:

See attached "Exhibit E".

DOC#: 676540



Recorded  
DEC. 30, 2004 AT 10:47AM

MARILYN JADIN  
REGISTER OF DEEDS  
DOOR COUNTY, WI

Fee Amount Paid: \$23.00

**Recording Area**

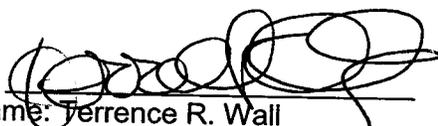
Name and Return Address Tract Indexed  
Mr. Jeff Lee  
Gibraltar Town Homes L.L.C.  
PO Box 7700  
Madison, WI 53707-7700

014-39-1404  
Parcel Identification Number

By signing this document, the undersigned asserts that he or she is duly authorized to sign this document on behalf of Gibraltar Town Homes, L.L.C.

IN WITNESS WHEREOF, the owner of the property has executed this Affidavit of Correction, this 7<sup>th</sup> day of December, 2004.

Gibraltar Town Homes L.L.C.

Signature: 

Printed Name: Terrence R. Wall

Title: Trustee of the Terrence R. Wall Revocable Trust U/A/D 10/27/92, its Manager

Subscribed and sworn to before me this 7 day of December, 2004.



Notary Public, State of Wisconsin

My commission 6/11/06



This document was drafted by Gibraltar Town Homes, L.L.C. By: Jeff Lee



sample HA-15 with Benzo(a)anthracene at 1,200 ppb, Benzo(a)pyrene at 1,200 ppb, Benzo(b)fluoranthene at 1,300 ppb, Benzo(k)fluoranthene at 1,100 ppb, Dibenzo(a,h)anthracene at 130 ppb and Indeno(1,2,3-cd)pyrene at 490 ppb. Locations of soil samples are provided on Exhibit E (figure 3) and are attached and made part of this restriction.

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 remediation activities on the property at the present time.

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:

The paved surfaces, buildings and green (landscaped) areas that existed on the above-described property on the date that this restriction was signed form a barrier that must be maintained in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. These structures are also required in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. The paved surfaces, buildings and green (landscaped) areas shall be maintained on the above-described property in the locations shown on the attached map, labeled Exhibit E unless another barrier, with an infiltration rate of  $10^{-7}$  cm/sec or less, is installed and maintained in their place. The existing structures, and any replacement barrier with an infiltration rate of  $10^{-7}$  cm/sec or less, shall be maintained on the above-described property in compliance with the Inspection and Maintenance Plan Gibraltar Town Homes Site Fish Creek, Wisconsin dated July 2004 that was submitted to the Wisconsin Department of Natural Resources by Robert J. Mottl, P.G. of STS Consultants on behalf of Mr. Jeff Lee of Gibraltar Town Homes L.L.C., as required by section NR 724.13(2), Wis. Adm. Code (1999).

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 E), 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.

By signing this document, Gibraltar Town Homes L.L.C. asserts that it is duly authorized to sign this document on behalf of Gibraltar Town Homes Condominium Owners Association, Inc.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 18 day of October, 2004.

Gibraltar Town Homes Condominium Owners Association, Inc.

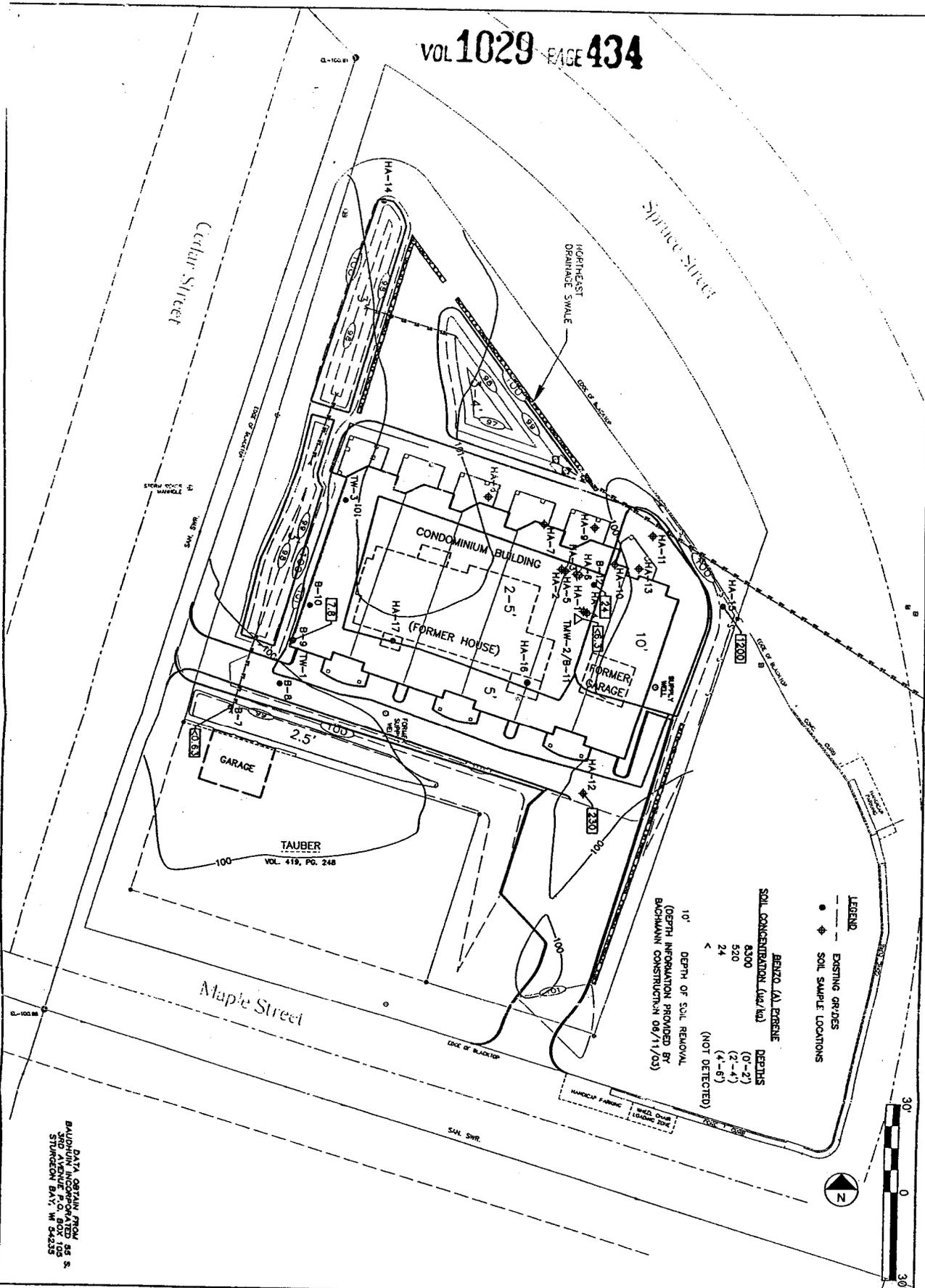
By: Gibraltar Town Homes L.L.C.

Signature: [Handwritten Signature]  
Printed Name: Terrence R. Wall  
Title: Trustee of the Terrence R. Wall Revocable Trust U/A/D 10/27/92, Manager, Gibraltar Town Homes L.L.C.

Subscribed and sworn to before me  
this 18 day of October, 2004.  
[Handwritten Signature]  
Notary Public, State of Wisconsin  
My commission 06/11/06



This document was drafted by The Department of Natural Resources based on information obtained by Robert J. Mottle, P.G. of STS Consultants.



DATA OBTAIN FROM  
8400 W. STURGEON BAY, WISCONSIN  
3RD AVENUE, P.O. BOX 100  
STURGEON BAY, WI 54225

Drawn:	ACS	08/24/04
Checked:	RLM	08/24/04
Project Number:	427906EB	
Sheet Number:	3	

SOIL BENZO (A) PYRENE CONCENTRATIONS FOLLOWING SITE REDEVELOPMENT  
FISH CREEK CONDOMINIUM PROJECT  
9459 SPRUCE STREET  
FISH CREEK, WISCONSIN

**STS**  
SITE CONSULTANTS  
1015 Kepler Drive  
Fish Creek, Wisconsin 54311  
920-452-1978  
www.stsconsultants.com  
Copyright © 2004, by STS Consultants, LLC

INSPECTION AND MAINTENANCE PLAN  
GIBRALTAR TOWN HOMES SITE  
FISH CREEK, WISCONSIN

JULY 2004

WDNR BRRTS No. 02-15-426755

As a condition of closure, a pavement/building/landscaped area cap has been identified as an institutional control to address possible remaining PAH impacts to soils located below these surfaces in the areas indicated on the attached figure(s).

In accordance with Chapter NR 724.13(2), Wisconsin Administrative Code, Gibraltar Town Homes, L.L.C. will inspect the cap annually in accordance with this maintenance plan.

The inspections will consist of visual observations to confirm the following:

- ✓ There is pavement, building flooring, or landscaping in the areas indicated on the attached figure.
- ✓ No filling or digging has occurred

Deficiencies in the cap will be addressed within a reasonable period of time.

Records of all inspection and maintenance activities will be maintained and held on site.

In addition, the WDNR should be notified prior to conducting any of the following activities:

- ✓ Digging or filling within the institutional control area
- ✓ Construction or installation of a building or other structure with a foundation that would be located within the institutional control area