GIS REGISTRY INFORMATION

SITE NAME: Walco Transport 06-16-305651

BRRTS #: 02-16-286853 FID # (if appropriate):

COMMERCE # (if appropriate):

CLOSURE DATE: 11/10/2005

STREET ADDRESS: 1021 Garfield Ave

CITY: Superior

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 358202 Y= 696864

CONTAMINATED MEDIA: Groundwater [ ] Soil [X] Both [ ]

OFF-SOURCE GW CONTAMINATION >ES: [ ] Yes [X] No

IF YES, STREET ADDRESS 1:

GPS COORDINATES (meters in WTM91 projection): X= Y=

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL): [ ] Yes [X] No

IF YES, STREET ADDRESS 1:

GPS COORDINATES (meters in WTM91 projection): X= Y=

CONTAMINATION IN RIGHT OF WAY: [ ] Yes [X] No

DOCUMENTS NEEDED:

Closure Letter, and any conditional closure letter issued (certificate of completion)		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	N/A	
County Parcel ID number, *if used for county*, for all affected properties	on deed	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)		X
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.	N/A	
GW: Table of water level elevations, with sampling dates, and free product noted if present	N/A	
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)	N/A	
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)	N/A	
RP certified statement that legal descriptions are complete and accurate		X
Copies of off-source notification letters (if applicable)	N/A	
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)	N/A	
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

WISCONSIN
DEPT. OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
John Gozdzialski, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhinelander, Wisconsin 54501-3349
Telephone 715-365-8900
FAX 715-365-8932
TTY Access via relay - 711

November 10, 2005

Mr. Greg Jeffries
BNSF Railway Co
80 – 44th Ave NE
Minneapolis, MN 55421

Subject: Certificate of Completion
Walco Transport Property, 1021 Garfield Ave, Superior, WI
BRRTS # 06-16-305651

Dear Mr. Jeffries:

The Wisconsin Department of Natural Resources is pleased to present you with the enclosed Certificate of Completion for the above-referenced site.

Thank you for your participation in the Voluntary Party Liability Exemption Program.

If you have any questions regarding this letter, please contact me at 715-365-8990.

Sincerely,
NORTHERN REGION

Janet Kazda

Janet Kazda
Program Associate
Remediation and Redevelopment Program

cc: File
Jim Hosch, Superior
John Sager, Antigo
Danielle Wincentsen, Antigo

Glenn Olander-Quamme
Spence, Ricke, Sweeney & Gernes, P.A.
Suite 600, Degree of Honor Building
325 Cedar St
St. Paul, MN 55101

State of Wisconsin
Department of Natural Resources

CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER SECTION 292.15(2)(a), WIS. STATS.

Whereas, Burlington Northern and Santa Fe Railway Company has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at 1021 Garfield Avenue, Superior, Wisconsin, which is commonly referred to as Walco Transport, further described in the legal description found on Exhibit A, ("the Property");

Whereas, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

Whereas, Burlington Northern and Santa Fe Railway Company has submitted to the Wisconsin Department of Natural Resources ("WDNR") investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

Whereas, in accordance with s. 292.15(2)(a), Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and WDNR has approved of the remedial action plan for the Property; and

Whereas, Lessors Realty Services, Inc. has filed with the Register of Deeds of Douglas County a deed restriction (Attachment C) on the Property which declares that the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

> The property described above may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed), an investigation is conducted, to determine the degree and extent of petroleum and lead contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards. If soil that remains on the property in the location described above is excavated in the future, it will have to be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains, and must be stored, treated and disposed in compliance with applicable statutes and rules.

Whereas, on December 9, 2004, WDNR determined that response actions necessary to restore the environment to the extent practicable with respect to the discharges and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed.

Therefore, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property and any other necessary response actions have been completed.

Upon issuance of this Certificate, the Burlington Northern and Santa Fe Railway Company and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the department approved the environmental investigation required under s. 292.15(2)(a)1., Wis. Stats. However, the Burlington Northern and Santa Fe Railway Company and a person otherwise qualified for protection under s. 292.15(3), Wis. Stats. who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by rules promulgated by the WDNR. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which the Burlington Northern and Santa Fe Railway Company knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 2ND day of NOVEMBER, 2005.

Scott Hassett, Secretary
Wisconsin Department of Natural Resources

Attachment A
LEGAL PROPERTY DESCRIPTION
Walco Transport

See Attached Legal Description

File No.: HB-9067

779728

EXHIBIT "A"

PARCEL E: That part of the West Half of the Southwest Quarter (W 1/2 of SW 1/4), Section Fifteen (15), Township Forty-nine (49) North, Range Fourteen (14) West, Douglas County, Wisconsin, described as follows: Commencing at the West Quarter corner of Section 15, thence South 2 degrees 06 minutes 08 seconds West a distance of 920.72 feet to the point of beginning; thence south 86 degrees 40 minutes 53 seconds East a distance of 558.56 feet; thence North 11 degrees 45 minutes, 42 seconds East a distance of 192.04 feet; thence North 86 degrees, 40 minutes, 53 seconds West a distance of 590.79 feet; thence South 2 degrees, 06 minutes 08 seconds west a distance of 190.00 feet to the point of beginning.

PARCEL E-1: That part of the West half of the Southwest Quarter (W 1/2 of SW 1/4), Section Fifteen (15), Township Forty-nine (49) North, Range Fouteen (14) West, Douglas County, Wisconsin, described as follows: Commencing at the West Quarter corner of Section 15, thence South 2 degrees 06 minutes 08 seconds West a distance of 730.72 feet to the point of beginning; thence North 2 degrees 06 minutes 08 seconds East a distance of 30 feet; thence South 86 degrees 40 minutes 53 seconds East to the centerline of a road easement (said road easement as set forth in Volume 458 of Records, page 871); thence South 11 degrees 45 minutes 42 seconds West along said centerline to a point that is South 86 degrees 40 minutes 53 seconds East of the point of beginning; thence North 86 degrees 40 minutes 53 seconds West a distance of 590.79 feet to the place of beginning. Subject to the existing roadway and utility easement along the Easterly line. Subject to and together with any other valid easements, restrictions and reservations.

ATTACHMENT B
INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS
Walco Transport

1. Phase II Environmental Investigation, Walco Trucking Property, by Twin Ports Testing, Inc, December 2001

2. Work Plan, Walco Transport, by West Central Environmental Consultants, Inc., March 27, 2002

3. Remedial Investigation Report and Remedial Action Plan, Walco Transport, by West Central Environmental Consultants, Inc., August 16, 2002

4. Additional Soil Sampling Results, Walco Transport, by West Central Environmental Consultants, Inc., November 25, 2002

5. Remedial Action Plan Results and Request for Closure, Walco Transport, by West Central Environmental Consultants, Inc., October 19, 2004

ATTACHMENT C
DEED RESTRICTION
Walco Transport

See Attached Deed Restriction

785124

Document Number

DEED RESTRICTION

DOCUMENT # 785124

Recorded
JUNE 16, 2005 AT 12:35PM
KATHY F. HANSON
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: $17.00

Recording Area

Name and Return Address:
Glenn Olander. Quamme 17ca
~~Christen Brothers Properties~~
5226 Pontoon Bay Road 325 Cedar St.
Duluth, MN 55803 Suite 600
St. Paul, MN 55101

06-806-00735-04
Parcel Identification Number

Declaration of Restrictions

In re: the property described on the attached Exhibit "A"

STATE OF Wisconsin)
)ss
COUNTY OF Douglas)

WHEREAS, Christen Brothers Properties, a Minnesota general partnership, is the owner of the above-described property.

WHEREAS, one or more petroleum and lead discharges have occurred on this property, and as of September 4, 2003 when soil samples were collected on this property, soil, which contained petroleum and lead in concentrations that exceeded the non-industrial residual contaminant levels in NR 720.11, Table 2, Wisconsin Administrative Code, and the suggested generic soil cleanup levels for polynuclear aromatic hydrocarbons found in Wisconsin Department of Natural Resources interim guidance Publication RR-519-97, remained on this property at locations B-1, B-5, SB-11, SB-12 and SB-17 as shown on the attached Figure 2 Site Map.

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 property described above may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) an investigation is conducted, to determine the degree and extent of petroleum and lead contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards. If soil that remains on the property in the

location or locations described above is excavated in the future, it will have to be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains, and must be stored, treated and disposed in compliance with applicable statutes and rules.

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, Steven L. Christen asserts that he or she is duly authorized to sign this document on behalf of Christen Brothers Properties.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this _____ day of 4/05, 2005.

Christen Brothers Properties,
a Minnesota general partnership

By [signature]: _____
Printed Name: Steven L. Christen
One of its general partners

785124

This Declaration of Restrictions was acknowledged before me on 4/25/, 2005, by Steven L. Christen, a general partner of Christen Brothers Properties, a Minnesota general partnership, on behalf of the partnership.

Ronald A Stone

Print name: Ronald A Stone
Notary Public, State of Wisconsin
My commission expires 10/01/2007

This document was drafted by Mr. Glenn Olander-Quamme of Spence, Ricke, Sweeney & Gernes, P.A., Suite 600, Degree of Honor Building, 325 Cedar Street, St. Paul, Minnesota 55442, telephone (651) 292-3359, based on a model provided by the Wisconsin Department of Natural Resources.

785124

EXHIBIT "A"

PARCEL E

That part of the West Half of the Southwest Quarter (W ½ of SW ¼) of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Commencing at the west quarter corner of Section 15, thence South 2° 06' 08" West a distance of 920.72 feet to the point of beginning; thence South 86° 40' 53" East a distance of 558.56 feet; thence North 11° 45' 42" East a distance of 192.04 feet; thence North 86° 40' 53" West a distance of 590.79 feet; thence South 2° 06' 08" West a distance of 190.00 feet to the place of beginning.

and

PARCEL E-1

That part of the West Half of the Southwest Quarter (W ½ of SW ¼) of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Commencing at the west quarter corner of said Section 15, thence South 2° 06' 08" West a distance of 730.72 feet to the point of beginning; thence North 2° 06' 08" East a distance of 30 feet; thence South 86° 40' 53" East to the centerline of a road easement (said road easement as set forth in Volume 458 of Records, page 871); thence South 11° 45' 42" West along said centerline to a point that is South 86° 40' 53" East of the point of beginning; thence North 86° 40' 53" West a distance of 590.79 feet to the point of beginning.

file

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
John Gozdzialski, Regional Director

Northern Region Headquarters
107 Sutliff Ave.
Rhinelander, Wisconsin 54501-3349
Telephone 715-365-8900
FAX 715-365-8932
TTY Access via relay - 711

December 21, 2004

Mr. Greg Jeffries
BNSF
80 44th Ave NE
Minneapolis, MN 55421

Subject: Walco Transport – 1021 Garfield Ave, Superior, Wisconsin
WDNR BRRTS # 02-16-286853 and 06-16-305651

Dear Mr. Jeffries:

On December 9, 2004, your request for closure of the case described above was reviewed by the Northern 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 request, the Closure Committee has determined that the following additional work is necessary in order to meet the requirements for case closure and the Voluntary Party Liability Program:

1. The monitoring well named UMW-1 on the UPC property must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of the well abandonment must be submitted to me on Form 3300-5B found at www.dnr.state.wi.us/org/water/dgw/gw/ or provided by the Department of Natural Resources.

2. A deed restriction must be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to require industrial use zoning classification for the property. A draft deed restriction has been submitted and is currently being reviewed by Department staff. When the review is complete, you will receive another letter that explains what changes to make to the draft before you record it.

3. The final invoice for program expenses for the VPLE program will be sent to you in mid-January. You will need to make the final payment on this invoice before the Certificate of Completion can be issued.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 715-365-8990.

Sincerely,
NORTHERN REGION

Janet Kazda

Janet Kazda
Remediation and Redevelopment Program

c: File
Jim Hosch, Superior

Paul Carter
West Central Environmental Consultants
7871 Hickory St NE
Fridley, MN 55432

Mr. Glenn Olander-Quamme
Spence, Ricke, Sweeney & Gernes
Suite 600
325 Cedar St
St. Paul, MN 55101

779728

Document Number

STATE BAR OF WISCONSIN FORM 1-1998
WARRANTY DEED

DOCUMENT # 779728

Recorded
DEC. 16, 2004 AT 02:00PM
KATHY F. HANSON
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: $13.00
Transfer Fee: $1172.70

This Deed, made between **Lessors Realty Services, Inc.** ("Grantor")

and **Christen Brothers Properties, A Minnesota General Partnership.** ("Grantee").

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

Name and Return Address

Christen Brother Properties
5226 Pontoon Bay Road
Duluth, MN 55803

DCA 13ck

06-806-00735-04
Parcel Identification Number (PIN)

This **[*/is not]** homestead property.

SEE ATTACHED "EXHIBIT A" FOR LEGAL DESCRIPTION:

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 agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, general taxes levied in the year of closing.

Dated this **16th** day of **December, 2004**.

_____(SEAL)

_____(SEAL)

D.E. Lessor _____(SEAL)
D.E. Lessor CEO for Lessor Realty Services, Inc.

_____(SEAL)

AUTHENTICATION

Signature(s) _____

_____

authenticated this **16th** day of **December, 2004**

_____

* _____

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

THIS INSTRUMENT WAS DRAFTED BY
D.E. Lessor

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

State of Wisconsin,
Douglas County } ss.

Personally came before me this **16th** day of **December, 2004** the above named **D.E. Lessor** to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Nicole M. Flamang

Notary Public, State of Wisconsin – NICOLE M. FLAMANG
My Commission is permanent. (If not, state expiration date)
6/17/2007

*Names of persons signing in any capacity must be typed or printed below their signature.

File No.: HB-9067

779728

EXHIBIT "A"

PARCEL E: That part of the West Half of the Southwest Quarter (W 1/2 of SW 1/4), Section Fifteen (15), Township Forty-nine (49) North, Range Fourteen (14) West, Douglas County, Wisconsin, described as follows: Commencing at the West Quarter corner of Section 15, thence South 2 degrees 06 minutes 08 seconds West a distance of 920.72 feet to the point of beginning; thence south 86 degrees 40 minutes 53 seconds East a distance of 558.56 feet; thence North 11 degrees 45 minutes, 42 seconds East a distance of 192.04 feet; thence North 86 degrees, 40 minutes, 53 seconds West a distance of 590.79 feet; thence South 2 degrees, 06 minutes 08 seconds west a distance of 190.00 feet to the point of beginning.

PARCEL E-1: That part of the West half of the Southwest Quarter (W 1/2 of SW 1/4), Section Fifteen (15), Township Forty-nine (49) North, Range Fouteen (14) West, Douglas County, Wisconsin, described as follows: Commencing at the West Quarter corner of Section 15, thence South 2 degrees 06 minutes 08 seconds West a distance of 730.72 feet to the point of beginning; thence North 2 degrees 06 minutes 08 seconds East a distance of 30 feet; thence South 86 degrees 40 minutes 53 seconds East to the centerline of a road easement (said road easement as set forth in Volume 458 of Records, page 871); thence South 11 degrees 45 minutes 42 seconds West along said centerline to a point that is South 86 degrees 40 minutes 53 seconds East of the point of beginning; thence North 86 degrees 40 minutes 53 seconds West a distance of 590.79 feet to the place of beginning. Subject to the existing roadway and utility easement along the Easterly line. Subject to and together with any other valid easements, restrictions and reservations.

762273

Document Number

STATE BAR OF WISCONSIN FORM 6 - 2000
SPECIAL WARRANTY DEED

DOCUMENT # 762273

Recorded
AUG. 18, 2003 AT 09:10AM
KATHY F. HANSON
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: $13.00

TRANSFER
$930.00
FEE

Recording Area

This Deed, made between Pioneer National Bank of Duluth, a National Banking Association, Under the laws of the United States Grantor, and Lessors Realty Services, Inc., a Minnesota Corporation Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Douglas County, State of Wisconsin (if more space is needed, please attach addendum):

See Exhibit "A" attached hereto for legal description.

Name and Return Address
Lessors Realty Services, Inc.
HB - 8332
DC-A

13 ck

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, arising by, through or under Grantor, except

06-806-00735-04
Parcel Identification Number (PIN)

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

Dated this 14 day of August, 2003.

* Pioneer National Bank of Duluth,
by Wayne Hibbard, President

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, _____

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

THIS INSTRUMENT WAS DRAFTED BY
Clure Eaton Law Firm
222 W. Superior St., Suite 200
Duluth, MN 55802 #503.9020
(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
Douglas County)

Personally came before me this 14 day of August, 2003 the above named Pioneer National Bank of Duluth, by Wayne Hibbard, President to me known to be the person ____ who executed the foregoing instrument and acknowledged the same.

Nicole M Flamang
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: 6-17-07.)

*Names of persons signing in any capacity must be typed or printed below their signature.

779728

Document Number

STATE BAR OF WISCONSIN FORM 1-1998
WARRANTY DEED

DOCUMENT # 779728

Recorded
DEC. 16, 2004 AT 02:00PM
KATHY F. HANSON
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: $13.00
Transfer Fee: $1172.70

This Deed, made between **Lessors Realty Services, Inc.** ("Grantor")

and **Christen Brothers Properties, A Minnesota General Partnership.** ("Grantee").

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

Name and Return Address

Christen Brother Properties
5226 Pontoon Bay Road
Duluth, MN 55803

DCA 13ck

06-806-00735-04
Parcel Identification Number (PIN)

This [*/is not] homestead property.

SEE ATTACHED "EXHIBIT A" FOR LEGAL DESCRIPTION:

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Dated this **16th** day of **December, 2004**.

_____(SEAL)

_____(SEAL)

D.E. Lessor (SEAL)
D.E. Lessor CEO for Lessor Realty Services, Inc.

_____(SEAL)

AUTHENTICATION

Signature(s) _____

_____

authenticated this **16th** day of **December, 2004**

_____

* _____

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

THIS INSTRUMENT WAS DRAFTED BY
D.E. Lessor

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

State of Wisconsin,

Douglas County } ss.

Personally came before me this **16th** day of **December, 2004** the above named **D.E. Lessor** to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Nicole M. Flamang

Notary Public, State of Wisconsin – NICOLE M. FLAMANG
My Commission is permanent. (If not, state expiration date)
6/17/2007

*Names of persons signing in any capacity must be typed or printed below their signature.

File No.: HB-9067

779728

EXHIBIT "A"

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PARCEL E-1: That part of the West half of the Southwest Quarter (W 1/2 of SW 1/4), Section Fifteen (15), Township Forty-nine (49) North, Range Fouteen (14) West, Douglas County, Wisconsin, described as follows: Commencing at the West Quarter corner of Section 15, thence South 2 degrees 06 minutes 08 seconds West a distance of 730.72 feet to the point of beginning; thence North 2 degrees 06 minutes 08 seconds East a distance of 30 feet; thence South 86 degrees 40 minutes 53 seconds East to the centerline of a road easement (said road easement as set forth in Volume 458 of Records, page 871); thence South 11 degrees 45 minutes 42 seconds West along said centerline to a point that is South 86 degrees 40 minutes 53 seconds East of the point of beginning; thence North 86 degrees 40 minutes 53 seconds West a distance of 590.79 feet to the place of beginning. Subject to the existing roadway and utility easement along the Easterly line. Subject to and together with any other valid easements, restrictions and reservations.

EXHIBIT "A"

PARCEL E

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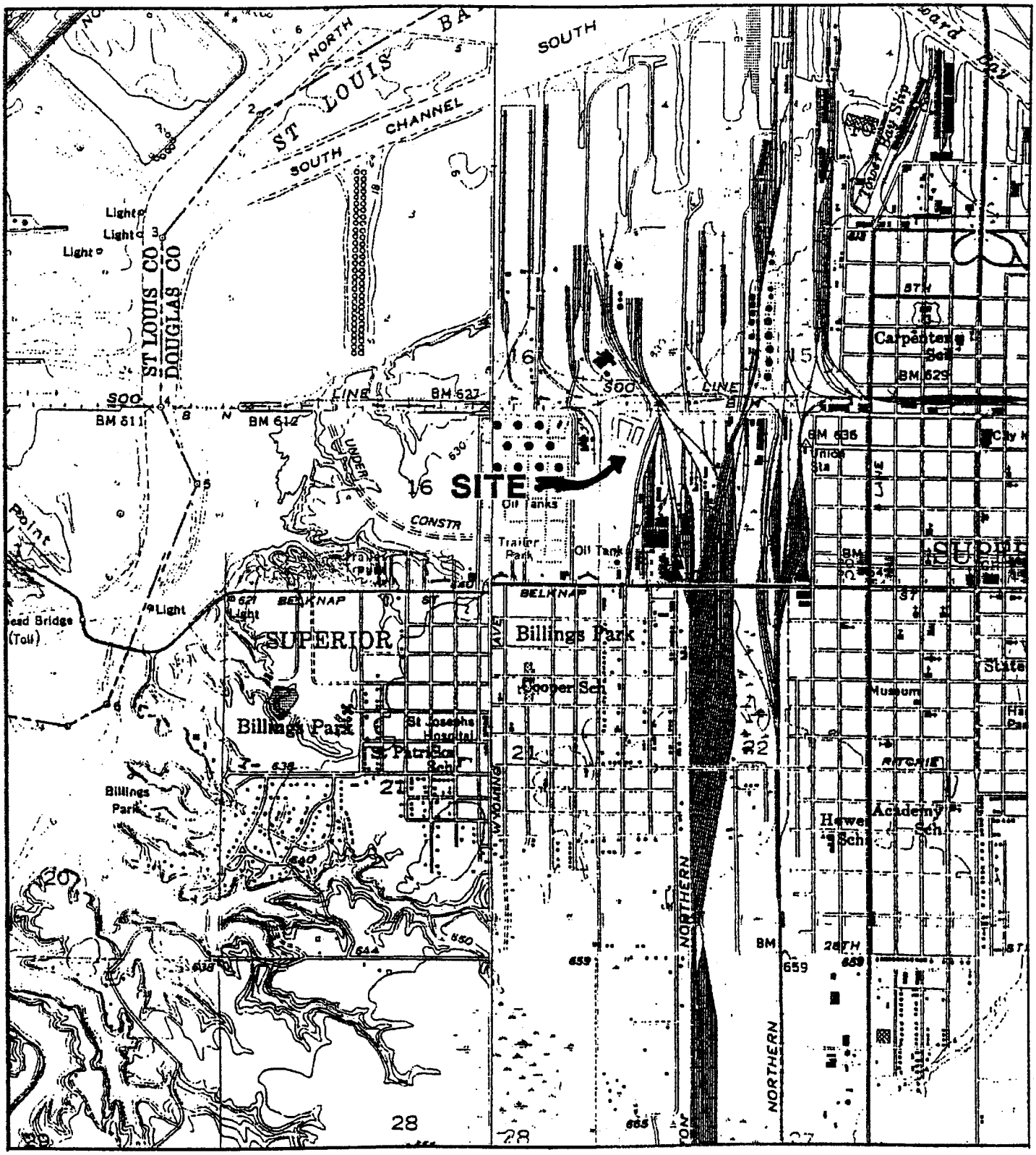
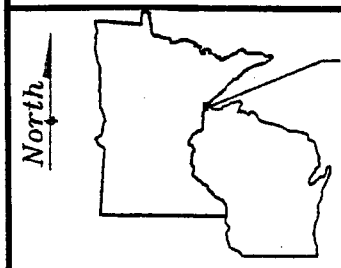
and

PARCEL E-1

That part of the West Half of the Southwest Quarter (W½ of SW¼) of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Commencing at the west quarter corner of said Section 15, thence South 2° 06' 08" West a distance of 730.72 feet to the point of beginning; thence North 2° 06' 08" East a distance of 30 feet; thence South 86° 40' 53" East to the centerline of a road easement (said road easement as set forth in Volume 458 of Records, page 871); thence South 11° 45' 42" West along said centerline to a point that is South 86° 40' 53" East of the point of beginning; thence North 86° 40' 53" West a distance of 590.79 feet to the point of beginning. Subject to the existing roadway and utility easement along the Easterly line.

All of the above is Subject to and together with any other valid easements, restrictions and reservations.





WEST DULUTH, MINNESOTA
SUPERIOR, WISCONSIN
QUADRANGLE
7.5 MINUTE SERIES (TOPOGRAPHIC)

QUADRANGLE LOCATION

0 2000
SCALE IN FEET

WCEC

ENVIRONMENTAL CONSULTANTS

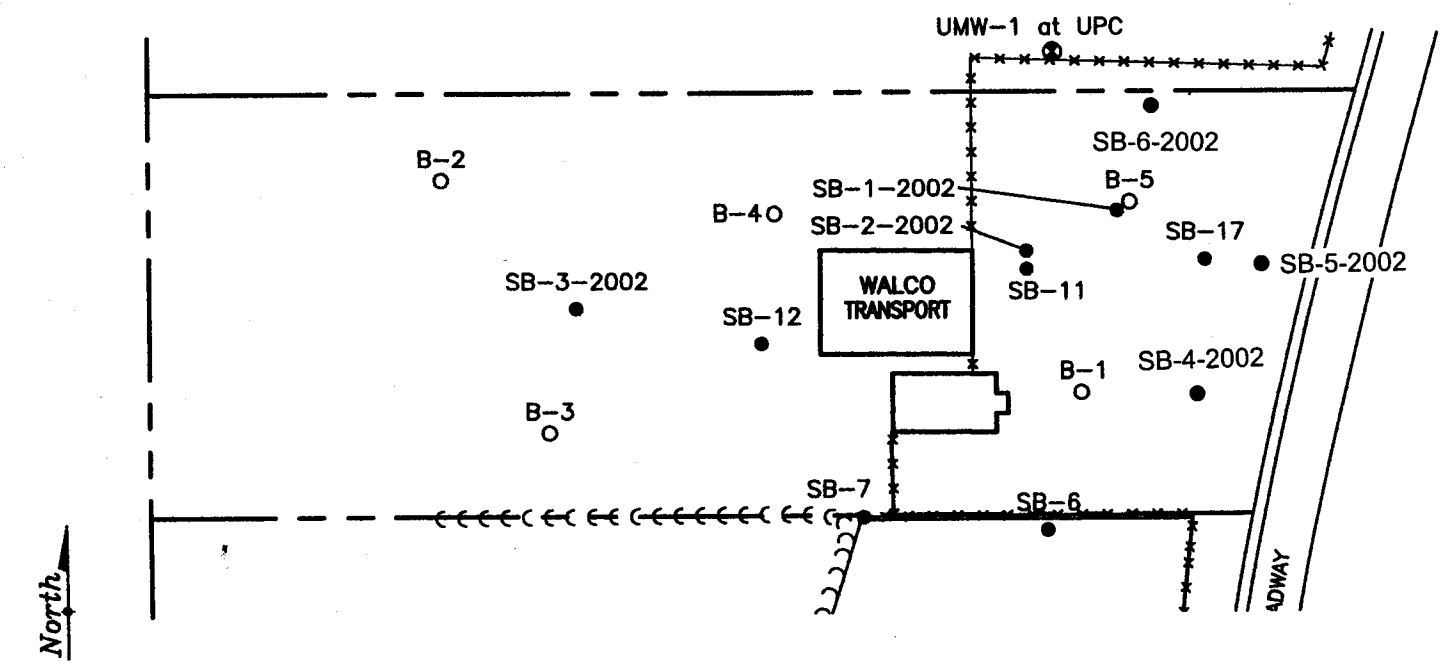
FIGURE 1

Site Location Map

Walco Transport, Superior, Wisconsin

WCEC Project No. 02-3703-50

3703-50SM 023703-50 SJR 3/21/02



LEGEND:

- PROPERTY BOUNDARY
- CHAIN LINK FENCE
- DRAINAGE DITCH
- UMW-1 MONITORING WELL
- SB-8 SOIL BORING
- B-1 ESA SOIL BORING

0 100
SCALE IN FEET

WCEC
ENVIRONMENTAL CONSULTANTS
7871 Hickory St NE, Fridley, MN 55432

WALCO TRANSPORT
1021 GARFIELD AVENUE
SUPERIOR, WISCONSIN

FIGURE 2
SITE MAP

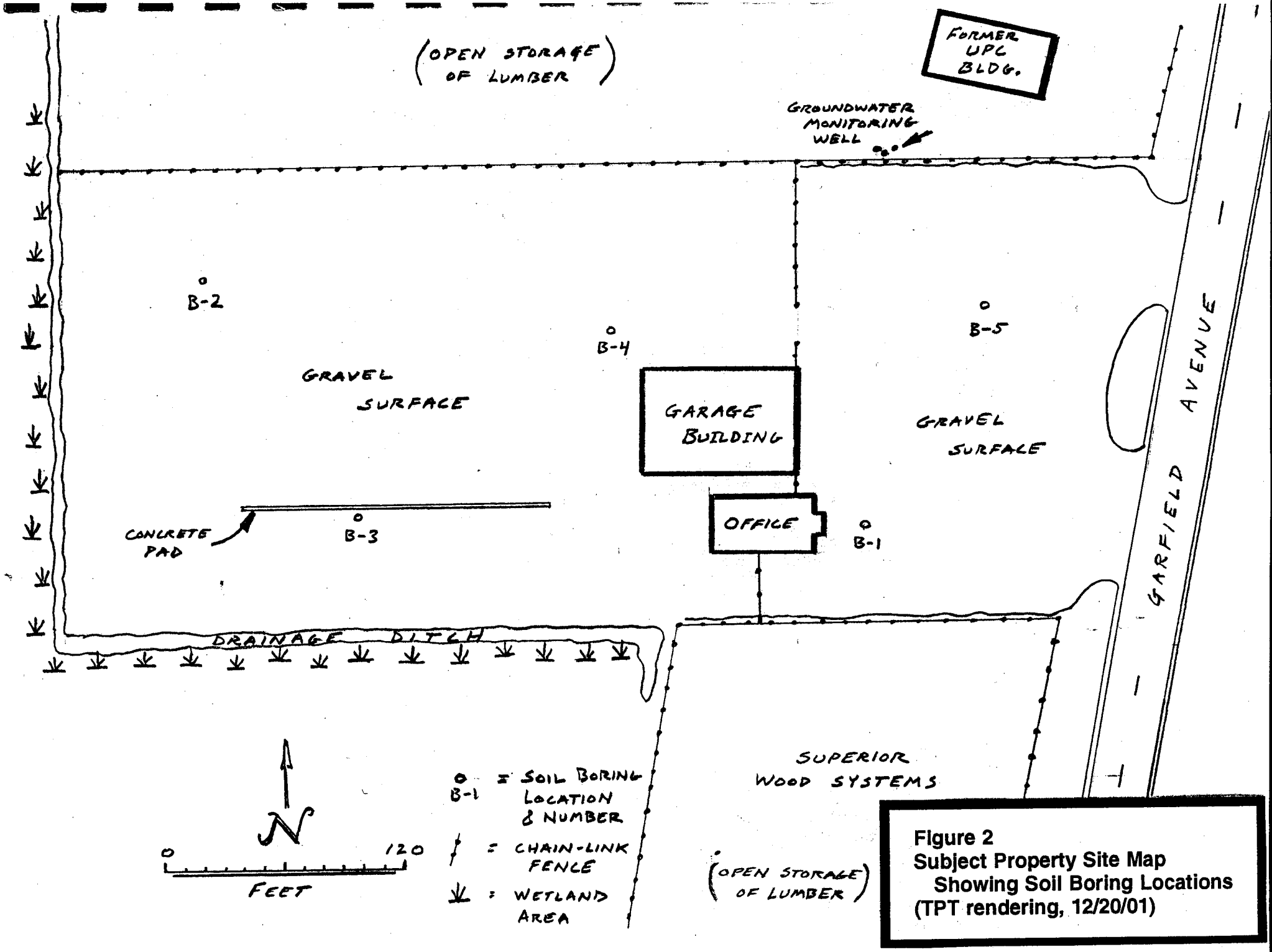


Figure 2
Subject Property Site Map Showing Soil Boring Locations (TPT rendering, 12/20/01)

TABLE 2
GROUND WATER ANALYTICAL RESULTS
Walco Transport
1021 Garfield Avenue, Superior, WI 54880
WDNR BRRTS No. 02-16-286853
WCEC No. 02-3703-50

This table lists parameters detected at or above analytical method detection limits only.
All values in micrograms per liter (ug/L) or parts per billion.

Ground Water Sample			SB-2-2002	Duplicate SB-2-2002	SB-3-2002	Trip Blank
Sample Depth Below Ground			(20')	(20')	(20')	
VOCs	**ES**	**PAL**				
Toluene	1000	200	1.8	0.9	12	<0.47
PAHs	**ES**	**PAL**				
Anthracene	3000	600	0.029	0.034	<0.21	na
Benzo(a)anthracene	none	none	0.021	0.020	<0.20	na
Benzo(k)fluoranthene	none	none	0.014	<0.014	<0.14	na
Benzo(a)pyrene	0.2	0.02	0.019	0.016	<0.12	na
Chrysene	0.2	0.02	0.020	0.020	<0.19	na
Fluoranthene	400	80	0.043	0.044	<0.29	na
2-Methylnapthalene	none	none	0.042	<0.029	<0.29	na
Naphthalene	40	8	0.045	0.035	<0.28	na
Phenanthrene	none	none	0.054	0.061	<0.20	na
Pyrene	250	50	0.039	0.037	<0.21	na

VOCs = Volatile Organic Compounds
PAHs = Polynuclear Aromatic Hydrocarbons
ES = Enforcement Standard
PAL = Preventative Action Limit
< = below analytical method detection limit
na = not analyzed for

TABLE 1
SOIL ANALYTICAL RESULTS
Walco Transport
1021 Garfield Avenue, Superior, WI 54880
WDNR BRRTS No. 02-16-266853
WCEC No. 02-3703-50

This table lists parameters detected at or above analytical method detection limits only - all values in milligrams per kilogram (mg/kg) or parts per million.

Column A1 = EPA Soil Screening Levels (SSLs) - Ingestion (Industrial)
Column A2 = WDNR Generic Residual Contaminant Levels (RCLs) - Direct Contact (Industrial)
Column B1 = Lower Value of Either WDNR Generic RCLs for Protection of Ground Water or EPA SSLs - Method 1 (Default Values)
Column B2 = WDNR Generic RCLs - Protection of Ground Water

12.0 = exceeds direct contact (industrial) level.

0.081 = exceeds protection of ground water level.

Soil Sample			SB-11	SB-11	SB-12	SB-12	SB-17	SB-17	B-1	B-1	B-1	B-2	B-3	B-4	B-5	SB-1-2002	SB-4-2002	SB-4-2002	SB-4-2002	SB-5-2002	SB-5-2002	SB-5-2002	SB-6-2002	SB-6-2002	SB-6-2002
Sample Depth Below Ground			(2-4')	(8-10')	(2-4')	(8-10')	(2-4')	(6-8')	(2.5')	(7')	(29')	(3.5')	(4.5')	(4.5')	(3.5')	(8-10')	(2-4')	(8-10')	(10-12')	(2-4')	(8-10')	(10-12')	(2-4')	(8-10')	(10-12')
VOCs	A1	B1																							
Benzene	104	0.0055	0.081	<0.025	<0.025	<0.025	<0.025	<0.025	0.039	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
n-Butylbenzene	none	none	0.089	0.045	0.078	<0.025	0.042	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
s-Butylbenzene	none	none	0.068	<0.025	<0.025	<0.025	<0.025	<0.025	0.280	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
Chlorobenzene	1560	1.3	<0.025	<0.025	0.032	<0.025	<0.025	<0.025	0.048	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
2-Chlorotoluene	1560	25	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	0.071	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
1,2-Dichlorobenzene	7040	17	<0.025	<0.025	0.064	<0.025	<0.025	<0.025	0.410	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
1,4-Dichlorobenzene	238	2.2	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	0.050	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
Ethylbenzene	7820	2.9	0.099	<0.025	<0.025	<0.025	<0.025	<0.025	0.190	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
Isopropylbenzene	7820	350	0.110	<0.025	<0.025	<0.025	<0.025	<0.025	0.110	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
p-Isopropyltoluene	none	none	0.053	<0.025	<0.025	<0.025	0.046	<0.025	0.410	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
Naphthalene	1560	61	0.630	0.210	0.220	<0.025	0.085	<0.025	1.500	0.045	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
n-Propylbenzene	none	none	0.094	<0.025	0.041	<0.025	<0.025	<0.025	0.190	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
Toluene	15600	1.5	0.330	0.120	0.094	<0.025	0.052	<0.025	0.790	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
1,2,4-Trimethylbenzene	none	none	0.280	0.071	0.068	<0.025	0.052	<0.025	1.800	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
1,3,5-Trimethylbenzene	none	none	0.090	0.048	<0.025	<0.025	<0.025	<0.025	0.540	<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	na	<0.32	<0.32	<0.31	<0.38	<0.30	<0.34	<0.29	<0.31	<0.30
Total Xylenes	156000	4.1	0.650	0.162	0.132	<0.075	<0.075	<0.075	0.770	<0.050	<0.050	<0.050	<0.050	<0.050	<0.050	na	<0.97	<0.96	<0.93	<1.13	<0.90	<1.01	<0.87	<0.92	<0.90
PAHs	A2	B2																							
Acenaphthene	60000	38	2.9	<16.00	<0.500	<0.330	<6.600	<0.500	0.840	<0.021	<0.020	<0.021	<0.022	<0.021	0.120	<0.019	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Acenaphthylene	360	0.7	<0.5	<0.60	<0.020	<0.013	<0.260	<0.020	<0.054	<0.016	<0.015	<0.016	<0.017	<0.016	0.016	<0.014	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Anthracene	300000	3000	7.0	<0.33	0.061	<0.0067	<0.130	<0.010	1.300	<0.016	<0.014	<0.015	<0.016	<0.015	0.200	<0.014	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Benzo(a)anthracene	3.9	17	12.0	<1.00	0.150	<0.020	1.300	<0.030	0.550	<0.017	<0.016	<0.017	<0.018	<0.017	0.270	<0.015	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Benzo(a)pyrene	0.39	48	9.5	<1.00	0.130	<0.020	<0.400	<0.030	0.290	<0.016	<0.015	<0.016	<0.017	<0.016	0.190	<0.014	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Benzo(b)fluoranthene	3.9	360	5.4	<1.80	0.110	<0.037	<0.740	<0.056	0.230	<0.014	<0.013	<0.014	<0.015	<0.014	0.140	<0.013	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Benzo(g,h,i)perylene	39	6800	<13.0	<16.00	<0.500	<0.330	<6.600	<0.500	0.210	<0.015	<0.014	<0.015	<0.015	<0.014	0.085	<0.013	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Benzo(k)fluoranthene	39	870	8.3	<3.00	<0.090	<0.060	<1.200	<0.090	0.120	<0.017	<0.016	<0.017	<0.017	<0.016	0.110	<0.015	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Chrysene	390	37	13.0	1.10	0.220	<0.010	1.600	<0.015	0.770	<0.017	<0.016	<0.017	<0.018	<0.017	0.290	<0.015	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Dibenz(a,h)anthracene	0.39	38	<13.0	<16.00	<0.500	<0.330	<6.600	<0.500	<0.047	<0.014	<0.013	<0.014	<0.015	<0.014	0.021	<0.013	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Fluoranthene	40000	500	36.0	0.68	0.170	<0.0067	1.800	<0.010	0.860	<0.014	<0.013	<0.013	<0.014	<0.013	0.460	<0.012	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Fluorene	40000	100	1.5	<0.33	<0.010	<0.0067	<0.130	<0.010	1.400	<0.016	<0.015	<0.016	<0.017	<0.016	0.140	<0.014	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Indeno(1,2,3-cd)pyrene	3.9	680	<13.0	<16.00	<0.500	<0.330	<6.600	<0.500	<0.049	<0.015	<0.014	<0.015	<0.015	<0.014	0.080	<0.013	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
1-Methylnapthalene	70000	23	nr	nr	nr	nr	nr	nr	2.700	<0.018	<0.017	<0.018	<0.019	<0.018	0.450	<0.016	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
2-Methylnapthalene	40000	20	1.7	<0.60	0.110	<0.013	2.900	<0.020	0.850	<0.016	<0.014	<0.015	<0.016	<0.015	0.390	<0.014	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Naphthalene	110	0.4	4.2	<1.10	<0.035	<0.023	0.590	<0.035	0.260	<0.022	<0.020	<0.022	<0.023	<0.021	0.028	<0.019	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Phenanthrene	390	1.8	35.0	3.10	0.220	<0.020	2.100	<0.030	3.700	<0.014	<0.013	<0.014	<0.015	<0.014	0.710	<0.013	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
Pyrene	30000	8700	25.0	<1.10	0.180	<0.023	1.600	<0.035	0.100	<0.016	<0.014	<0.015	<0.016	<0.015	0.580	<0.014	<0.42	<0.42	<0.41	<0.42	<0.39	<0.44	<0.38	<40	<0.39
DRO	none	250	42.8	26.8	35.6	<5.0	11	<2.0	8400	<4.9	<3.6	<3.8	<4.6	<4.0	11000	<3.3	<11	<11	<11	<13	<11	<11	<9.4	<11	<11
GRO	none	250	na	na	na	na	na	na	36	<3.2	<3.0	<3.2	<3.3	<3.1	<4.1	na	na	na	na	na	na	na	na	na	na
Metals																									
Cadmium	510	none	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	1.5	0.25	0.11	0.22	0.23	0.22	0.21	na	<0.314	<0.280	<0.296	<0.299	<0.279	<0.288	<0.216	<0.272	<0.283
Chromium	200	none	21	19	27	33	33	25	54	49	8.1	45	46	61	44	na	48.4	37.7	31.7	33.3	25.4	30.4	24.6	23.8	36.4
Lead	500	none	150	370	48	30	130	24	260	10	2.2	10	11	12	8.1	na	10.7	10	8.41	10.2	7.11	8.35	5.62	6.76	5.31

VOCs = Volatile Organic Compounds
PAHs = Polynuclear Aromatic Hydrocarbons
DRO = Diesel Range Organics
GRO = Gasoline Range Organics
< = below analytical method detection limit.
nr = not reported (1-Methylnaphthalene).
na = not analyzed for.

TABLE 1
CONFIRMATION SOIL ANALYTICAL RESULTS
Walco Transport
1021 Garfield Avenue, Superior, WI 54880
WDNR BRRTS No. 02-16-286853
WCEC No. 02-3703-50

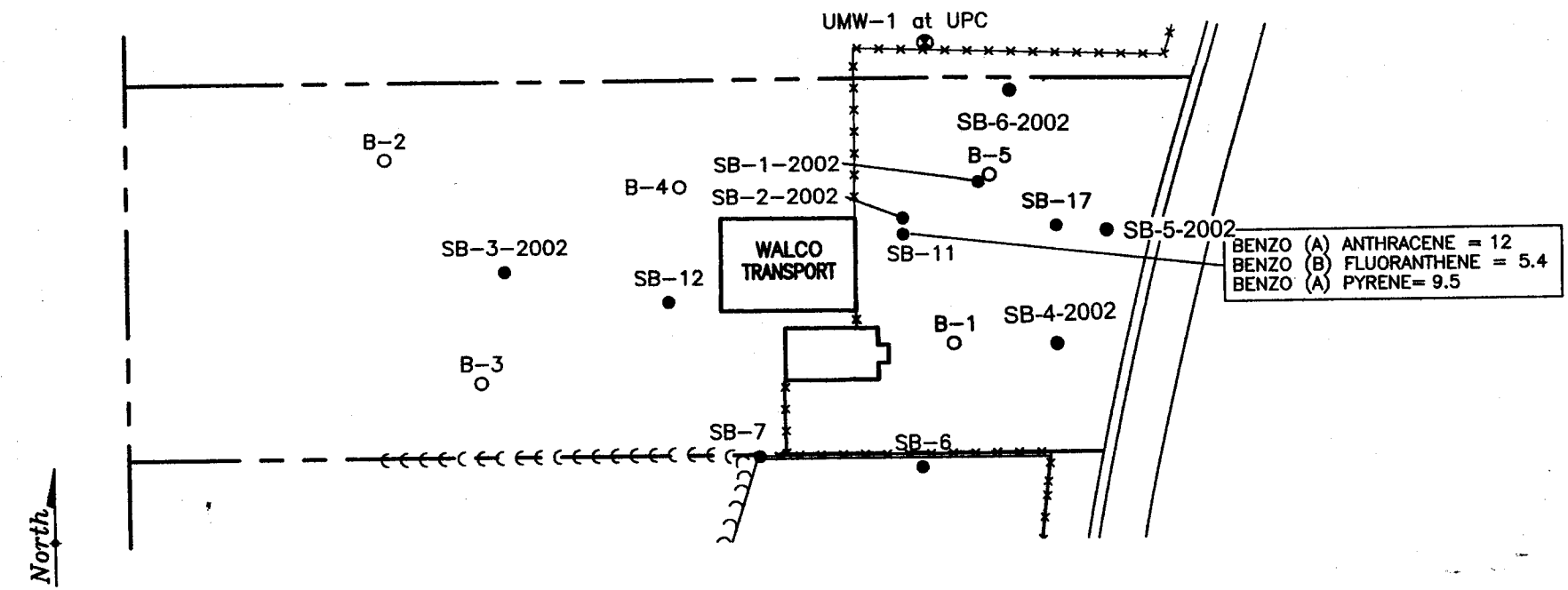
This table lists parameters detected at or above analytical method detection limits only.
All values in milligrams per kilogram (mg/kg) or parts per million.
The excavation work and sampling was completed on September 4, 2003.

Column A = WDNR Generic Residual Contaminant Levels (RCLs) - Direct Contact (Industrial)
Barium = EPA Soil Screening Levels (SSLs) - Ingestion (Industrial)
Column B = WDNR Generic RCLs - Protection of Ground Water

Soil Sample			NW (2-3')	SW (2-3')	EW (2-3')	WW (2-3')	B (9')	DUP
Sample Depth Below Ground			(2-3')	(2-3')	(2-3')	(2-3')	(9')	
PAHs	**A**	**B**						
Anthracene	300000	3000	<0.013	<0.013	0.025	<0.013	<0.013	<0.013
Benzo(a)anthracene	3.9	17	0.024	0.022	0.087	<0.013	<0.013	<0.013
Benzo(a)pyrene	0.39	48	0.019	0.015	0.061	<0.013	<0.013	<0.013
Benzo(b)fluoranthene	3.9	360	0.027	0.027	0.110	<0.013	<0.013	<0.013
Benzo(g,h,I)perylene	39	6800	0.020	0.015	0.052	<0.013	<0.013	<0.013
Benzo(k)fluoranthene	39	870	<0.013	<0.013	0.033	<0.013	<0.013	<0.013
Chrysene	390	37	0.037	0.029	0.083	0.015	<0.013	<0.013
Dibenz(a,h)anthracene	0.39	38	<0.013	<0.013	0.015	<0.013	<0.013	<0.013
Fluoranthene	40000	500	0.041	0.039	0.190	0.014	<0.013	<0.013
Indeno(1,2,3-cd)pyrene	3.9	680	<0.013	<0.013	0.036	<0.013	<0.013	<0.013
2-Methylnapthalene	40000	20	<0.013	0.038	0.024	<0.013	<0.013	<0.013
Naphthalene	110	0.4	<0.013	0.028	0.022	<0.013	<0.013	<0.013
Phenanthrene	390	1.8	0.041	0.045	0.160	0.016	<0.013	<0.013
Pyrene	30000	8700	0.040	0.039	0.150	0.015	<0.013	<0.013
Metals								
Barium	140000	none	218	176	191	256	252	218
Chromium	200	none	54.3	44	47	55	52.5	44.2
Lead	500	none	15.2	9.26	10.7	13.3	11.7	11.6

PAHs = Polynuclear Aromatic Hydrocarbons
< = below analytical method detection limit (MDL).
Diesel Range Organics were not detected at or above MDL of 13 mg/kg.

3703-50SM 023703-50 SJR 3/21/02



LEGEND:

- PROPERTY BOUNDARY
- CHAIN LINK FENCE
- DRAINAGE DITCH
- UMW-1 MONITORING WELL
- SB-8 SOIL BORING
- B-1 ESA SOIL BORING

0 100
SCALE IN FEET

WCEC
ENVIRONMENTAL CONSULTANTS
7871 Hickory St NE, Fridley, MN 55432

WALCO TRANSPORT
1021 GARFIELD AVENUE
SUPERIOR, WISCONSIN

FIGURE 3
SOIL ANALYTICAL RESULTS EXCEEDING DIRECT CONTACT STANDARDS
INDUSTRIAL

Statement of The Burlington Northern and Santa Fe Railway Company

WDNR BRRTS Case No. 02-16-286853
WDNR Site Name: Walco Transport

The Burlington Northern and Santa Fe Railway Company hereby states that it believes that the Special Warranty Deed attached to this Case Summary and Case Closeout Form sets forth the legal description of the property that contains the above-referenced site.

Dated: 10/27/04

The Burlington Northern and
Santa Fe Railway Company

By: Greg Jeffries
Greg Jeffries
Manager, Environmental Remediation

785124

Document Number

DEED RESTRICTION

DOCUMENT # 785124

Recorded
JUNE 16, 2005 AT 12:35PM
KATHY F. HANSON
DOUGLAS COUNTY RECORDER
SUPERIOR, WI 54880-2769
Fee Amount: $17.00

Recording Area

Name and Return Address:
Glenn Olander. Quamme 170a
~~Christen Brothers Properties~~
5226 Pontoon Bay Road 325 Cedar St.
Duluth, MN 55803 Suite 600
St. Paul, MN 55101

06-806-00735-04
Parcel Identification Number

Declaration of Restrictions

In re: the property described on the attached Exhibit "A"

STATE OF Wisconsin)
)ss
COUNTY OF Douglas)

WHEREAS, Christen Brothers Properties, a Minnesota general partnership, is the owner of the above-described property.

WHEREAS, one or more petroleum and lead discharges have occurred on this property, and as of September 4, 2003 when soil samples were collected on this property, soil, which contained petroleum and lead in concentrations that exceeded the non-industrial residual contaminant levels in NR 720.11, Table 2, Wisconsin Administrative Code, and the suggested generic soil cleanup levels for polynuclear aromatic hydrocarbons found in Wisconsin Department of Natural Resources interim guidance Publication RR-519-97, remained on this property at locations B-1, B-5, SB-11, SB-12 and SB-17 as shown on the attached Figure 2 Site Map.

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 property described above may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) an investigation is conducted, to determine the degree and extent of petroleum and lead contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards. If soil that remains on the property in the

location or locations described above is excavated in the future, it will have to be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains, and must be stored, treated and disposed in compliance with applicable statutes and rules.

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, Steven L. Christen asserts that he or she is duly authorized to sign this document on behalf of Christen Brothers Properties.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this _____ day of 4/25, 2005.

Christen Brothers Properties,
a Minnesota general partnership

By [signature]: _____
Printed Name: Steven L. Christen
One of its general partners

785124

This Declaration of Restrictions was acknowledged before me on 4/25/, 2005, by Steven L. Christen, a general partner of Christen Brothers Properties, a Minnesota general partnership, on behalf of the partnership.

Ronald A Stone

Print name: Ronald A Stone
Notary Public, State of Wisconsin
My commission expires 10/01/2007

This document was drafted by Mr. Glenn Olander-Quamme of Spence, Ricke, Sweeney & Gernes, P.A., Suite 600, Degree of Honor Building, 325 Cedar Street, St. Paul, Minnesota 55442, telephone (651) 292-3359, based on a model provided by the Wisconsin Department of Natural Resources.

785124

EXHIBIT "A"

PARCEL E

That part of the West Half of the Southwest Quarter (W ½ of SW ¼) of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Commencing at the west quarter corner of Section 15, thence South 2° 06' 08" West a distance of 920.72 feet to the point of beginning; thence South 86° 40' 53" East a distance of 558.56 feet; thence North 11° 45' 42" East a distance of 192.04 feet; thence North 86° 40' 53" West a distance of 590.79 feet; thence South 2° 06' 08" West a distance of 190.00 feet to the place of beginning.

and

PARCEL E-1

That part of the West Half of the Southwest Quarter (W ½ of SW ¼) of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Commencing at the west quarter corner of said Section 15, thence South 2° 06' 08" West a distance of 730.72 feet to the point of beginning; thence North 2° 06' 08" East a distance of 30 feet; thence South 86° 40' 53" East to the centerline of a road easement (said road easement as set forth in Volume 458 of Records, page 871); thence South 11° 45' 42" West along said centerline to a point that is South 86° 40' 53" East of the point of beginning; thence North 86° 40' 53" West a distance of 590.79 feet to the point of beginning.