GIS REGISTRY
Cover Sheet

August 2011
(RR-5367)

Source Property Information

CLOSURE DATE: Jan 18, 2012

BRRTS #: **03-13-002815**

FID #: 113303410

ACTIVITY NAME: KLEIN TRUST PROPERTY

DATCP #:

PROPERTY ADDRESS: 3702 E Washington Ave

PECFA#: 53704364702A

MUNICIPALITY: Madison

PARCEL ID #: 251/0810-332-0319-2

***WTM COORDINATES:**

X: **574973** Y: **294099**

** Coordinates are in WTM83, NAD83 (1991)*

WTM COORDINATES REPRESENT:

○ Approximate Center Of Contaminant Source

◉ Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

☒ Groundwater Contamination > ES *(236)*

☐ Contamination in ROW

☒ Off-Source Contamination

*(**note:** for list of off-source properties see "Impacted Off-Source Property" form)*

☒ Soil Contamination > *RCL or **SSRCL *(232)*

☐ Contamination in ROW

☐ Off-Source Contamination

*(**note:** for list of off-source properties see "Impacted Off-Source Property" form)*

Land Use Controls:

☐ N/A (*Not Applicable*)

☐ Soil: maintain industrial zoning *(220)*

*(**note:** soil contamination concentrations between non-industrial and industrial levels)*

☐ Structural Impediment *(224)*

☒ Site Specific Condition *(228)*

☒ Cover or Barrier *(222)*

*(**note:** maintenance plan for groundwater or direct contact)*

☐ Vapor Mitigation *(226)*

☐ Maintain Liability Exemption *(230)*

*(**note:** local government unit or economic development corporation was directed to take a response action)*

Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? *(234)*

◉ Yes ○ No ○ N/A

** Residual Contaminant Level*
***Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #: 03-13-002815 *(No Dashes)* PARCEL ID #: 251/0810-332-0319-2

ACTIVITY NAME: Klein Trust Property

CLOSURE DOCUMENTS (the Department adds these items to the final GIS packet for posting on the Registry)

- [x] **Closure Letter**
- [x] **Maintenance Plan** *(if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)*
- [x] **Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- [x] **Conditional Closure Letter**
- [ ] **Certificate of Completion (COC)** (for VPLE sites)

SOURCE LEGAL DOCUMENTS

- [x] **Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.
  Note: *If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*
- [x] **Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map *for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map.* (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

  Figure #: 1 **Title: Certified Survey Map Number 150-A**
- [x] **Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

MAPS (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 11 x 17 inches unless the map is submitted electronically.

- [x] **Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.
  Note: *Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*

  Figure #: 2 **Title: Site Location**
- [x] **Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.

  Figure #: 3 **Title: Site Layout**
- [x] **Soil Contamination Contour Map:** For sites closing with residual soil contamination, <u>this map is to show the location of all contaminated soil and a single contour</u> showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL)as determined under s. NR 720.09, 720.11 and 720.19.

  Figure #: 4 **Title: Soil Contamination (2009)**

BRRTS #: 03-13-002815 ACTIVITY NAME: Klein Trust Property

MAPS (continued)

☒ **Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

Figure #: 5 **Title: Cross-Section Showing Contamination (Nov. 2009)**

Figure #: **Title:**

☒ **Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.
Note: *This is intended to show the total area of contaminated groundwater.*

Figure #: 6 **Title: Groundwater Contamination (Nov. 2009)**

☒ **Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more then 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

Figure #: 7 **Title: Water-Table Contour Map (Nov. 2009)**

Figure #: **Title:**

TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))

Tables must be no larger than 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

☒ **Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.
Note: This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

Table #: 1 **Title: Summary of Soil Analytical Data**

☒ **Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

Table #: 2 **Title: Summary of Recent Groundwater Analytical Data**

☒ **Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

Table #: 3 **Title: Summary of Recent Water Level Data**

IMPROPERLY ABANDONED MONITORING WELLS

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.
Note: *If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.*

☒ **Not Applicable**

☐ **Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.
Note: *If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.*

Figure #: **Title:**

☐ **Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

☐ **Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

☐ **Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 03-13-002815 ACTIVITY NAME: Klein Trust Property

NOTIFICATIONS

Source Property

☐ **Not Applicable**

☒ **Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

☒ **Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

☐ **Not Applicable**

☒ **Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.
Note: *Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.*

Number of "Off-Source" Letters: 1

☒ **Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.

☒ **Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies).** This does not apply to right-of-ways.
Note: *If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*

☐ **Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map *for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map.* (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

Figure #: **Title:**

☐ **Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

Number of "Governmental Unit/Right-Of-Way Owner" Letters:

State of Wisconsin
Department of Natural Resources
http://dnr.wi.gov

Impacted Off-Source Property Information

Form 4400-246 (R 3/08)

This fillable form is intended to provide a list of information that must be submitted for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request (Section H). The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #: 03-13-002815 *(No Dashes)*

ACTIVITY NAME: KLEIN TRUST PROPERTY

ID	Off-Source Property Address	Parcel Number	WTM X	WTM Y
A	3710 E WASHINGTON AVE	081033203184	574985	294133
B				
C				
D				
E				
F				
G				
H				
I				

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

January 18, 2012

Ms Sue Johnson
Klein Credit Shelter Trust
709 Augusta Drive
Waunakee, WI 53703

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Klein Trust Property, 3702 East Washington Avenue, Madison, WI
WDNR BRRTS Activity #: 03-13-002815

Dear Ms. Johnson:

The Department of Natural Resources (DNR) considers Klein Trust Property closed, with continuing obligations. No further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attached maintenance plan to anyone who purchases this property from you.

This final closure decision is based on the correspondence and data provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The South Central Region (SCR) Closure Committee reviewed the request for closure on July 6, 2010. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. A conditional closure letter was issued by the DNR on July 8, 2010, and documentation that the conditions in that letter were met was received on December 29, 2011.

The site was a former gasoline service station and currently is a commercial property. Remediation techniques of soil vapor extraction and air sparging were used to reduce the contaminant concentrations in the soil and groundwater at the site. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

Groundwater contamination is present above ch. NR 140 enforcement standards.

Residual soil contamination exists that must be properly managed should it be excavated or removed.

Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier.

Site-specific exposure assumptions were used. Current land or property use must be maintained to be protective. If changes to the current property use or land use are planned, an assessment must be made of whether the closure is still protective.

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide notice of residual contamination and of any continuing obligations. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at http://dnr.wi.gov/org/water/dwg/3300254.pdf or at the web address listed below for the GIS Registry.

All site information is also on file at the South Central Regional DNR office, at 3911 Fish Hatchery Road, Fitchburg. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. To review the site on the GIS Registry web page, visit the RR Sites Map page at http://dnr.wi.gov/org/aw/rr/gis/index.htm.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement or a building is required, as shown on the **attached map**, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier;
- replacement with another barrier;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings;

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you or the current property owner, and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plans are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Residual Groundwater Contamination (ch. NR 140, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on this contaminated property and off this contaminated property, as shown on the **attached map.**

Affected property owners were notified of the presence of groundwater contamination. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval.

Residual Soil Contamination (ch. NR 718, or ch. 289, Stats.; chs. 500 to 536, Wis. Adm. Code)

Soil contamination remains at two locations to the southeast and southwest on the site as indicated on the **attached map**. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats)

The pavement and building that exists in the location shown on the **attached map** shall be maintained in compliance with the **attached maintenance plan** 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, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation.

The **attached maintenance plan and inspection log** are to be kept up-to-date and on-site.

PECFA Reimbursement

Section 101.143, Wis. Stats., requires that Petroleum Environmental Cleanup Fund Award (PECFA) claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the Department of Safety and Professional Services PECFA Program to determine the method for salvaging the equipment.

The following DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf.

Please send written notifications in accordance with the above requirements to the DNR South Central Region RR Program, 3911 Fish Hatchery Road, Fitchburg, WI, to the attention of Wendy Weihemuller, the Environmental Program Assistant.

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.

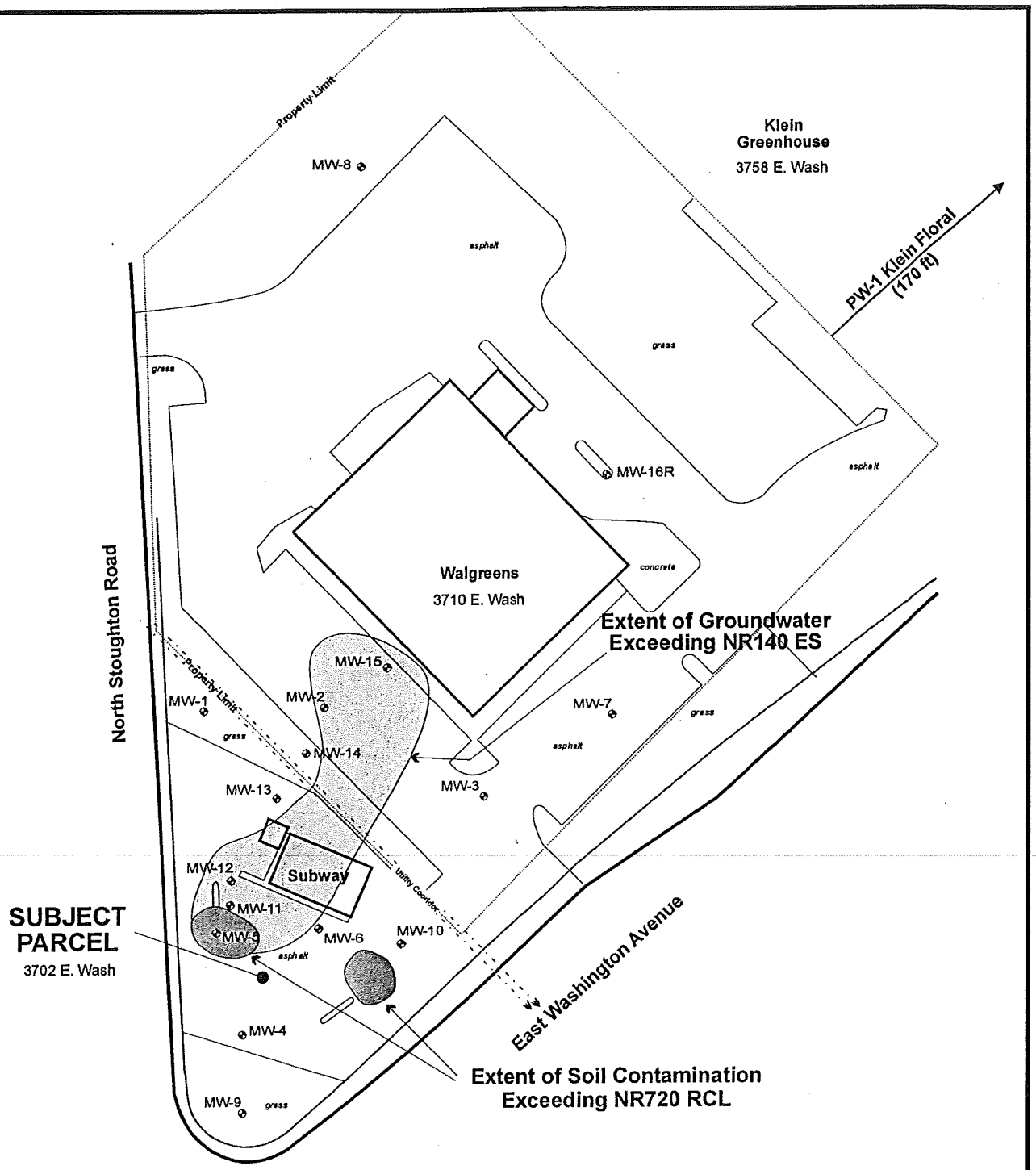
The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Wendell Wojner at (608) 275-3297.

Sincerely,

Linda Hanefeld, Team Supervisor
South Central Region Remediation & Redevelopment Program

Attachments:
- remaining groundwater contamination map
- remaining soil contamination map
- extent of cap map
- maintenance plan
- RR 819

cc: Robyn Seymour, Seymour Environmental, 2531 Dyreson Road, McFarland, WI 53558
Jerry McAdow, Lathrop and Clark, 740 Regent Street, Madison, WI 53715
Jon Heberer, Department of Safety and Professional Services



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0 80' 160'

1 INCH = 80 FEET
SCALE IS APPROXIMATE

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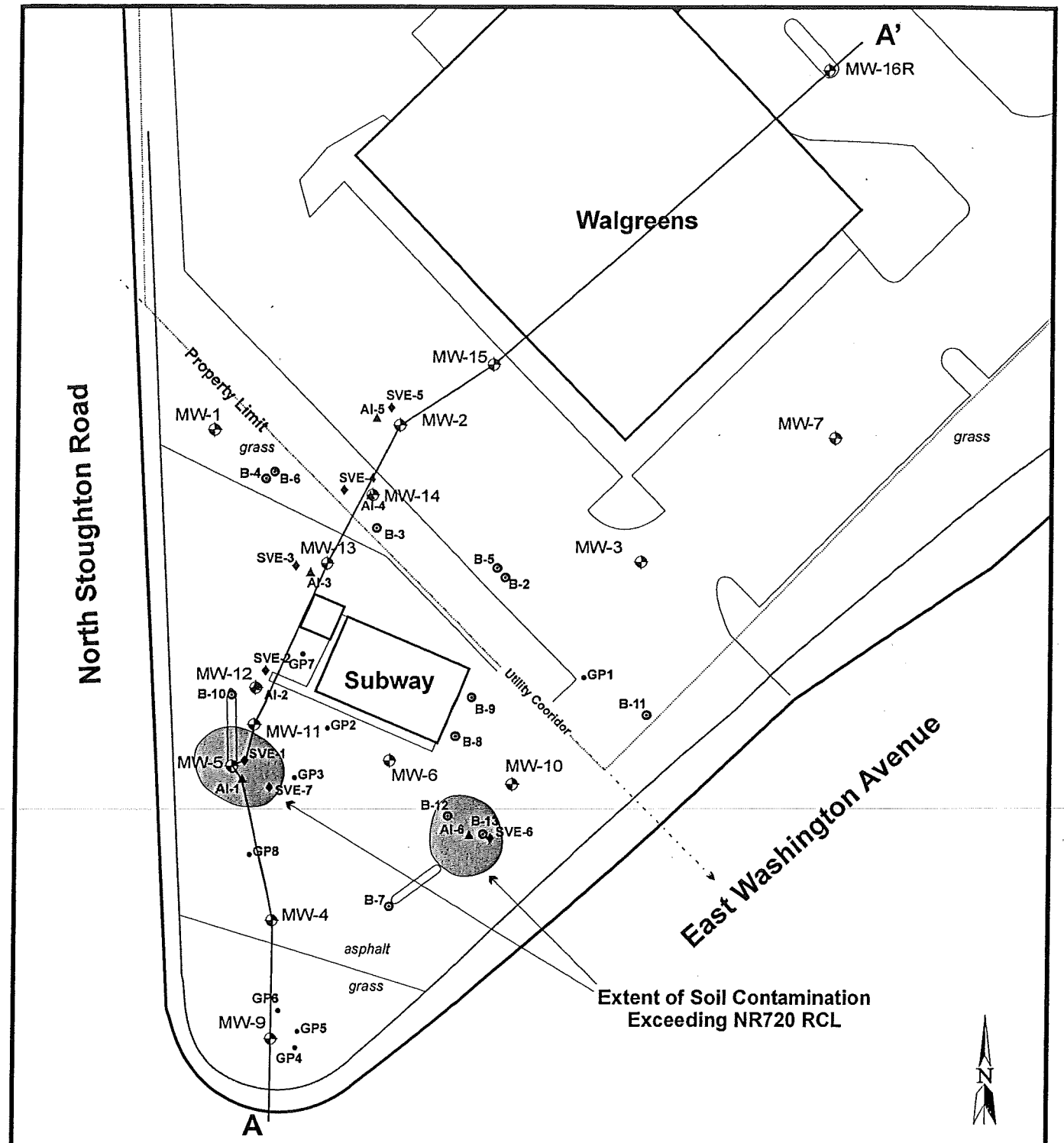
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	SITE LAYOUT Klein Trust Property 3702 E. Washington Avenue Madison, Wisconsin	FIGURE 3



LEGEND

MW-2 - Monitoring Well
GP6 - Geoprobe
B-11 - Soil Boring
SVE-6 - Soil Venting Well
AI-6 - Air Sparging Well

0 50' 100'

1 INCH = 50 FEET
SCALE IS APPROXIMATE

FILE/PATH: D:\PROJECTS\KLEIN\ Kleinsubway-basemap.cdr
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.

SOIL CONTAMINATION (2009)
Klein Trust - Subway
3702 E. Washington Avenue
Madison, Wisconsin

FIGURE
4

PAVEMENT COVER AND BUILDING BARRIER MAINTENANCE PLAN

June 26, 2010
Property Located at:
3702 and 3710 East Washington Avenue
Madison, Wisconsin 53704
Commerce #53704-3647-02, WDNR BRRTS/Activity #03-13-002815

LEGAL DESCRIPTION
Dane County Parcel IDs:0810-332-0319-2 & 0810-332-0318-4 as described in Certified Survey Map Number 150-A
Part of Outlot 109 of the recorded Burke Assessor's Plant No. 1, formerly being Lots 8 and 9 and part of Lots 4, 5, 6, 7, Block 2 of the recorded plat of Sunnyside (now vacated), located in the West ½ of the Northwest ¼ of Section 33, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, which is more fully described as follows: Commencing at the Northwest corner of said Section 33, said corner being marked by a bronze cap in 4" x 4" x 30" concrete monument: thence South 7°-43' East, 968.2 feet; thence South 43°-15' East, 146.3 feet to an iron stake on the East line of U.S. Highway No. 51 and the point of beginning of this description: thence South 2°-28' East, along said East line of highway, 303.7 feet to the Northeast line of East Washington Avenue; thence North 48°-22" East, along said Northeast line of Avenue, 368.45 feet; thence South 43°-15' East, along right-of-way line of Avenue, 19.0 feet; thence North 48°-22' East, along Northeast line of Avenue, 200.0 feet; thence North 43°-15' West, 403.4 feet; thence 48°-21' West, 244.7 feet to the East line of U.S. Highway 51; thence South 2°-28' East, along said East line of highway 191.6 feet to the point of beginning, excepting therefrom a 15 foot radius at U.S.H 51 and East Washington Avenue.

Introduction
This document is the Maintenance Plan for a pavement cover and building barrier at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing building and parking lot occupying the area over the soil or groundwater contamination. The location of the building to be maintained in accordance with this Maintenance Plan, as well as the impacted soil and groundwater, are identified in the attached map (Exhibit A).

Cover and Building Barrier Purpose
The paved surfaces over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. These paved surfaces and building foundation also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection
The paved surfaces and building foundation overlying the contaminated soil and groundwater as depicted in Exhibit A will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. The inspection log must be kept at appropriate locations and made immediately available for review by the Wisconsin Department of Natural Resources (WDNR), its successor, and/or other state agency. Do not submit a copy of the log annually.

Maintenance Activities
If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the paved surfaces and/or the building overlying the contaminated soil are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by WDNR or its successor.

The property owner, in order to maintain the integrity of the paved surfaces and/or the building, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Amendment or Withdrawal of Maintenance Plan
This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of Wisconsin Department of Natural Resources.

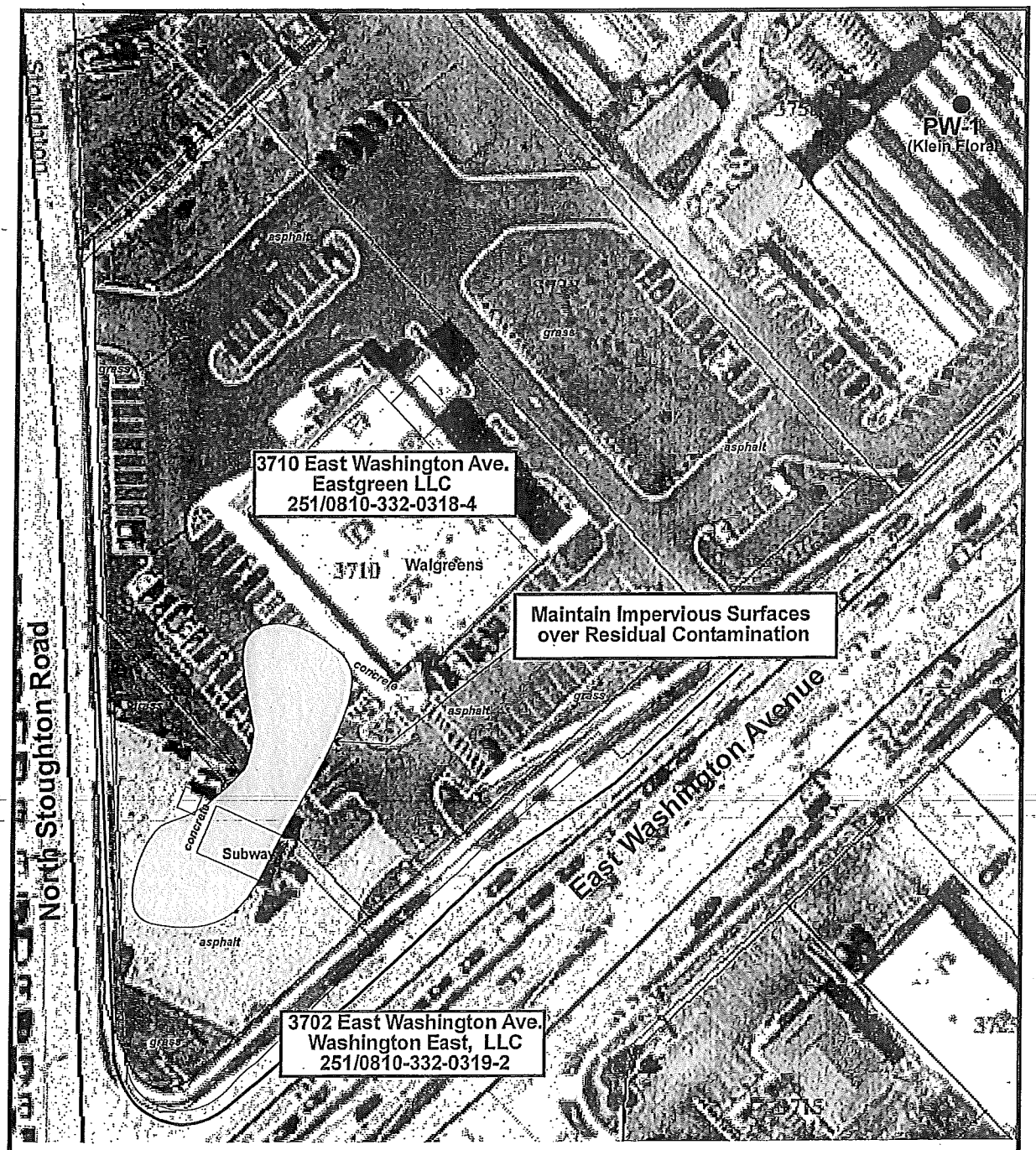
Contact Information
June 2010
Site Owner and Operators:
Washington East LLC (3702 East Washington)
709 Augusta Drive
Waunakee, WI 53597
608-244-5661

Eastgreen, LLC (3710 East Washington)
210 North Bassett, #100
Madison, Wisconsin 53703
608-345-9500

Consultant:
Seymour Environmental Services, Inc.
2531 Dyreson Road
McFarland, Wisconsin 53558
608-838-9120

WDNR:
Wendell Wojner
3911 Fish Hatchery Road
Madison, Wisconsin 53711
608-275-3297

Commerce:
Jon Heberer
201 West Washington
Madison, Wisconsin 53707
608-261-5405



N

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FILE/PATH: D:\PROJECTS\KLEIN\ Kleinsubway-basemap.cdr
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: Access Dane

SEYMOUR ENVIRONMENTAL SERVICES, INC.	CAP MAINTENANCE AREA Klein Trust Property 3702 and 3710 E. Washington Avenue Madison, Wisconsin	EXHIBIT A

CAP INSPECTION LOG

Inspection Date	Inspector	Condition of Cap	Recommendations/Photos	Have Recommendations from previous inspection been implemented?

SOURCE PROPERTY

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

January 18, 2012

Mr. Bruce Neviaser
Washington East LLC
c\o Continuum Limited Partnership
1600 Aspen Commons, Suite 850
Middleton, WI 53562

SUBJECT: Continuing Obligations and Property Owner Requirements for 3702 East Washington Avenue, Madison
Parcel Identification Number: 0810-332-0319-2
Final Case Closure for Klein Trust Property, 3702 East Washington Avenue, Madison, WI
WDNR BRRTS Activity #: 03-13-002815

Dear Mr. Neviaser:

The purpose of this letter is to notify you that certain continuing obligations apply to the property at 3702 East Washington Avenue, Madison, WI, (referred to in this letter as the "Property") due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved for the above referenced case. The continuing obligations that apply to the Property are stated as conditions in the attached closure approval letter, and are consistent with s. 292.12, Wis. Stats., and ch. NR 700, Wisconsin Administrative Code, rule series. They are meant to limit exposure to any remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist at the Property.

It is common for properties with approved cleanups to have continuing obligations as part of cleanup/closure approvals. Information on continuing obligations on properties is shown on the Internet at http://dnr.wi.gov/org/aw/rr/gis/index.htm. How to find further information about the closure and residual contamination for this site can be located at http://dnr.wi.gov/org/aw/rr/clean.htm.

The Department reviewed and approved the case closure request regarding the petroleum contamination in soil and groundwater at this site, based on the information submitted by Seymour Environmental Services, Inc. As required by state law, you received notification about the requested closure from the person conducting the cleanup. No further investigation or cleanup is required at this time. However, the closure decision is conditioned on the long-term compliance with certain continuing obligations, as described below.

Continuing Obligations Applicable to Your Property

A number of continuing obligations are described in the attached case closure letter to Ms. Sue Johnson, dated January 18, 2012.

SOURCE PROPERTY

The following DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" has been included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf.

The Department appreciates your efforts. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Wendell Wojner at (608) 275-3297.

Sincerely,

Linda Hanefeld
South Central Region Remediation & Redevelopment Team Supervisor

Attach. Closure Letter
Maintenance Plan

cc: Ms. Sue Johnson, Klein Credit Shelter Trust, 709 Augusta Drive, Madison, WI 53703
Robyn Seymour, Seymour Environmental Services, PO Box 398, 2531 Dyreson Road, Mcfarland, WI 53558.

A copy of this letter is placed in the GIS Registry packet along with the closure letter.

Enclosure: RR 819 – Continuing Obligations Fact Sheet

Attachment

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

January 18, 2012

Ms Sue Johnson
Klein Credit Shelter Trust
709 Augusta Drive
Waunakee, WI 53703

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Klein Trust Property, 3702 East Washington Avenue, Madison, WI
WDNR BRRTS Activity #: 03-13-002815

Dear Ms. Johnson:

The Department of Natural Resources (DNR) considers Klein Trust Property closed, with continuing obligations. No further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attached maintenance plan to anyone who purchases this property from you.

This final closure decision is based on the correspondence and data provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The South Central Region (SCR) Closure Committee reviewed the request for closure on July 6, 2010. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. A conditional closure letter was issued by the DNR on July 8, 2010, and documentation that the conditions in that letter were met was received on December 29, 2011.

The site was a former gasoline service station and currently is a commercial property. Remediation techniques of soil vapor extraction and air sparging were used to reduce the contaminant concentrations in the soil and groundwater at the site. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

Groundwater contamination is present above ch. NR 140 enforcement standards.

Residual soil contamination exists that must be properly managed should it be excavated or removed.

Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier.

Attachment

Site-specific exposure assumptions were used. Current land or property use must be maintained to be protective. If changes to the current property use or land use are planned, an assessment must be made of whether the closure is still protective.

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide notice of residual contamination and of any continuing obligations. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at http://dnr.wi.gov/org/water/dwg/3300254.pdf or at the web address listed below for the GIS Registry.

All site information is also on file at the South Central Regional DNR office, at 3911 Fish Hatchery Road, Fitchburg. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. To review the site on the GIS Registry web page, visit the RR Sites Map page at http://dnr.wi.gov/org/aw/rr/gis/index.htm.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement or a building is required, as shown on the **attached map**, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier;
- replacement with another barrier;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings;

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you or the current property owner, and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plans are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Residual Groundwater Contamination (ch. NR 140, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on this contaminated property and off this contaminated property, as shown on the **attached map.**

Attachment

Affected property owners were notified of the presence of groundwater contamination. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval.

Residual Soil Contamination (ch. NR 718, or ch. 289, Stats.; chs. 500 to 536, Wis. Adm. Code)

Soil contamination remains at two locations to the southeast and southwest on the site as indicated on the **attached map**. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats)

The pavement and building that exists in the location shown on the **attached map** shall be maintained in compliance with the **attached maintenance plan** 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, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation.

The **attached maintenance plan and inspection log** are to be kept up-to-date and on-site.

PECFA Reimbursement

Section 101.143, Wis. Stats., requires that Petroleum Environmental Cleanup Fund Award (PECFA) claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the Department of Safety and Professional Services PECFA Program to determine the method for salvaging the equipment.

The following DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf.

Please send written notifications in accordance with the above requirements to the DNR South Central Region RR Program, 3911 Fish Hatchery Road, Fitchburg, WI, to the attention of Wendy Weihemuller, the Environmental Program Assistant.

Attachment

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.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Wendell Wojner at (608) 275-3297.

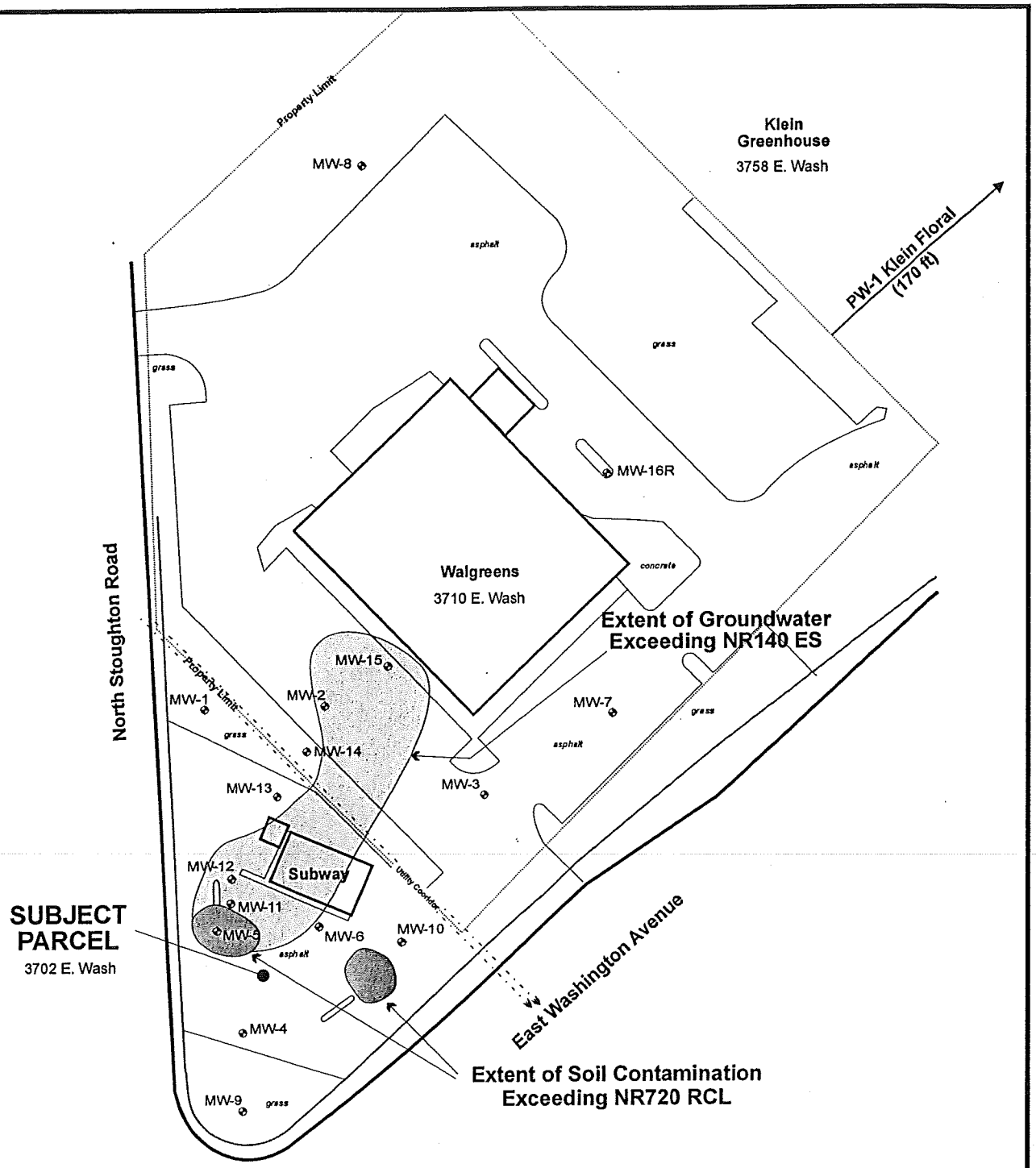
Sincerely,

Linda Hanefeld, Team Supervisor
South Central Region Remediation & Redevelopment Program

Attachments:
- remaining groundwater contamination map
- remaining soil contamination map
- extent of cap map
- maintenance plan
- RR 819

cc: Robyn Seymour, Seymour Environmental, 2531 Dyreson Road, McFarland, WI 53558
Jerry McAdow, Lathrop and Clark, 740 Regent Street, Madison, WI 53715
Jon Heberer, Department of Safety and Professional Services

Attachment



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1 INCH = 80 FEET
SCALE IS APPROXIMATE

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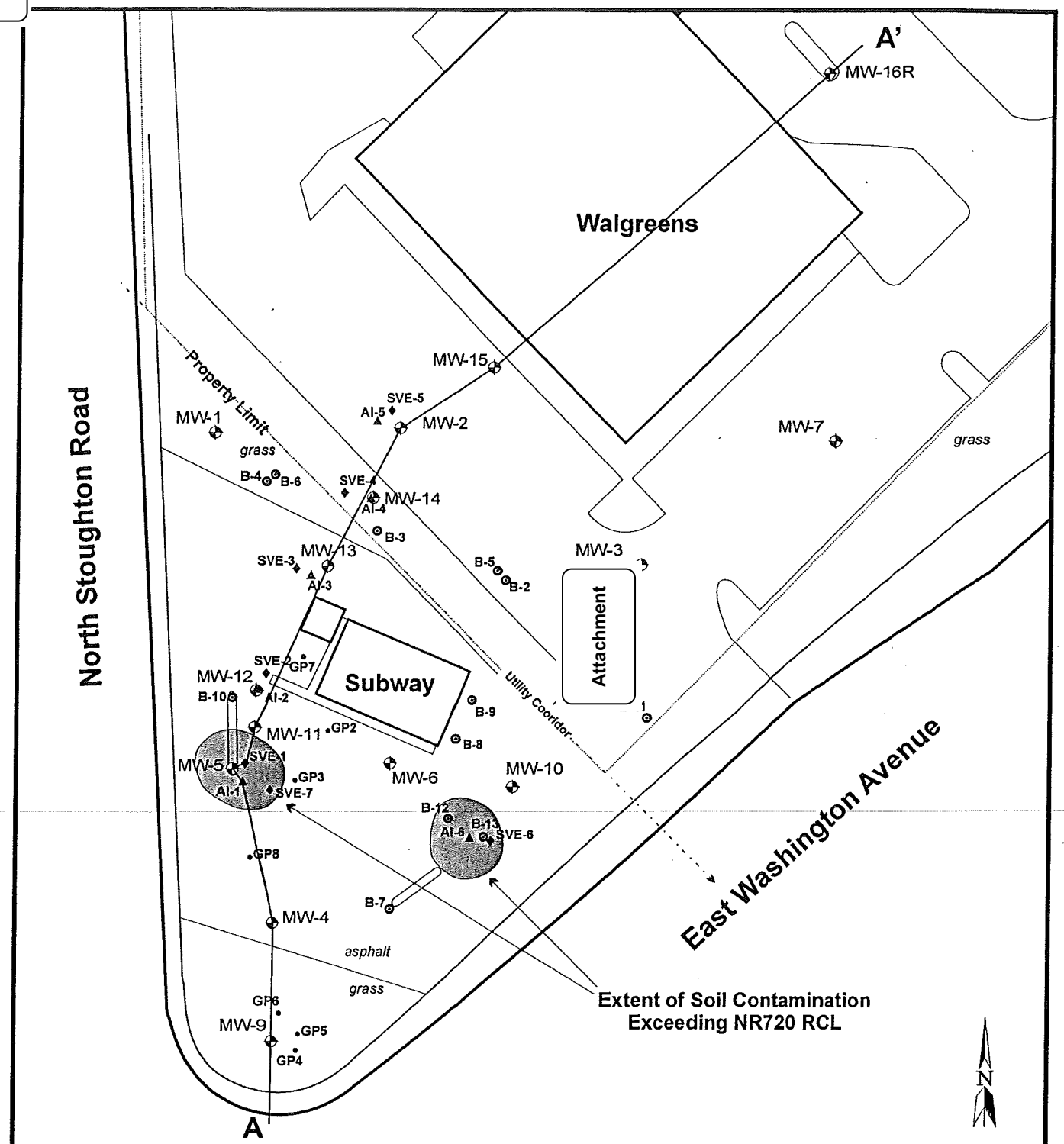
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	SITE LAYOUT Klein Trust Property 3702 E. Washington Avenue Madison, Wisconsin	FIGURE 3

Attachment



LEGEND

MW-2 - Monitoring Well
GP6 - Geoprobe
B-11 - Soil Boring
SVE-6 - Soil Venting Well
AI-6 - Air Sparging Well

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1 INCH = 50 FEET
SCALE IS APPROXIMATE

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DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.

SOIL CONTAMINATION (2009)
Klein Trust - Subway
3702 E. Washington Avenue
Madison, Wisconsin

FIGURE
4

Attachment

PAVEMENT COVER AND BUILDING BARRIER MAINTENANCE PLAN

June 26, 2010
Property Located at:
3702 and 3710 East Washington Avenue
Madison, Wisconsin 53704
Commerce #53704-3647-02, WDNR BRRTS/Activity #03-13-002815

LEGAL DESCRIPTION
Dane County Parcel IDs:0810-332-0319-2 & 0810-332-0318-4 as described in Certified Survey Map Number 150-A
Part of Outlot 109 of the recorded Burke Assessor's Plant No. 1, formerly being Lots 8 and 9 and part of Lots 4, 5, 6, 7, Block 2 of the recorded plat of Sunnyside (now vacated), located in the West ½ of the Northwest ¼ of Section 33, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, which is more fully described as follows: Commencing at the Northwest corner of said Section 33, said corner being marked by a bronze cap in 4" x 4" x 30" concrete monument: thence South 7°-43' East, 968.2 feet; thence South 43°-15' East, 146.3 feet to an iron stake on the East line of U.S. Highway No. 51 and the point of beginning of this description: thence South 2°-28' East, along said East line of highway, 303.7 feet to the Northeast line of East Washington Avenue; thence North 48°-22" East, along said Northeast line of Avenue, 368.45 feet; thence South 43°-15' East, along right-of-way line of Avenue, 19.0 feet; thence North 48°-22' East, along Northeast line of Avenue, 200.0 feet; thence North 43°-15' West, 403.4 feet; thence 48°-21' West, 244.7 feet to the East line of U.S. Highway 51; thence South 2°-28' East, along said East line of highway 191.6 feet to the point of beginning, excepting therefrom a 15 foot radius at U.S.H 51 and East Washington Avenue.

Introduction
This document is the Maintenance Plan for a pavement cover and building barrier at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing building and parking lot occupying the area over the soil or groundwater contamination. The location of the building to be maintained in accordance with this Maintenance Plan, as well as the impacted soil and groundwater, are identified in the attached map (Exhibit A).

Cover and Building Barrier Purpose
The paved surfaces over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. These paved surfaces and building foundation also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection
The paved surfaces and building foundation overlying the contaminated soil and groundwater as depicted in Exhibit A will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. The inspection log must be kept at appropriate locations and made immediately available for review by the Wisconsin Department of Natural Resources (WDNR), its successor, and/or other state agency. Do not submit a copy of the log annually.

Attachment

Maintenance Activities
If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the paved surfaces and/or the building overlying the contaminated soil are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by WDNR or its successor.

The property owner, in order to maintain the integrity of the paved surfaces and/or the building, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Amendment or Withdrawal of Maintenance Plan
This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of Wisconsin Department of Natural Resources.

Contact Information
June 2010
Site Owner and Operators:
Washington East LLC (3702 East Washington)
709 Augusta Drive
Waunakee, WI 53597
608-244-5661

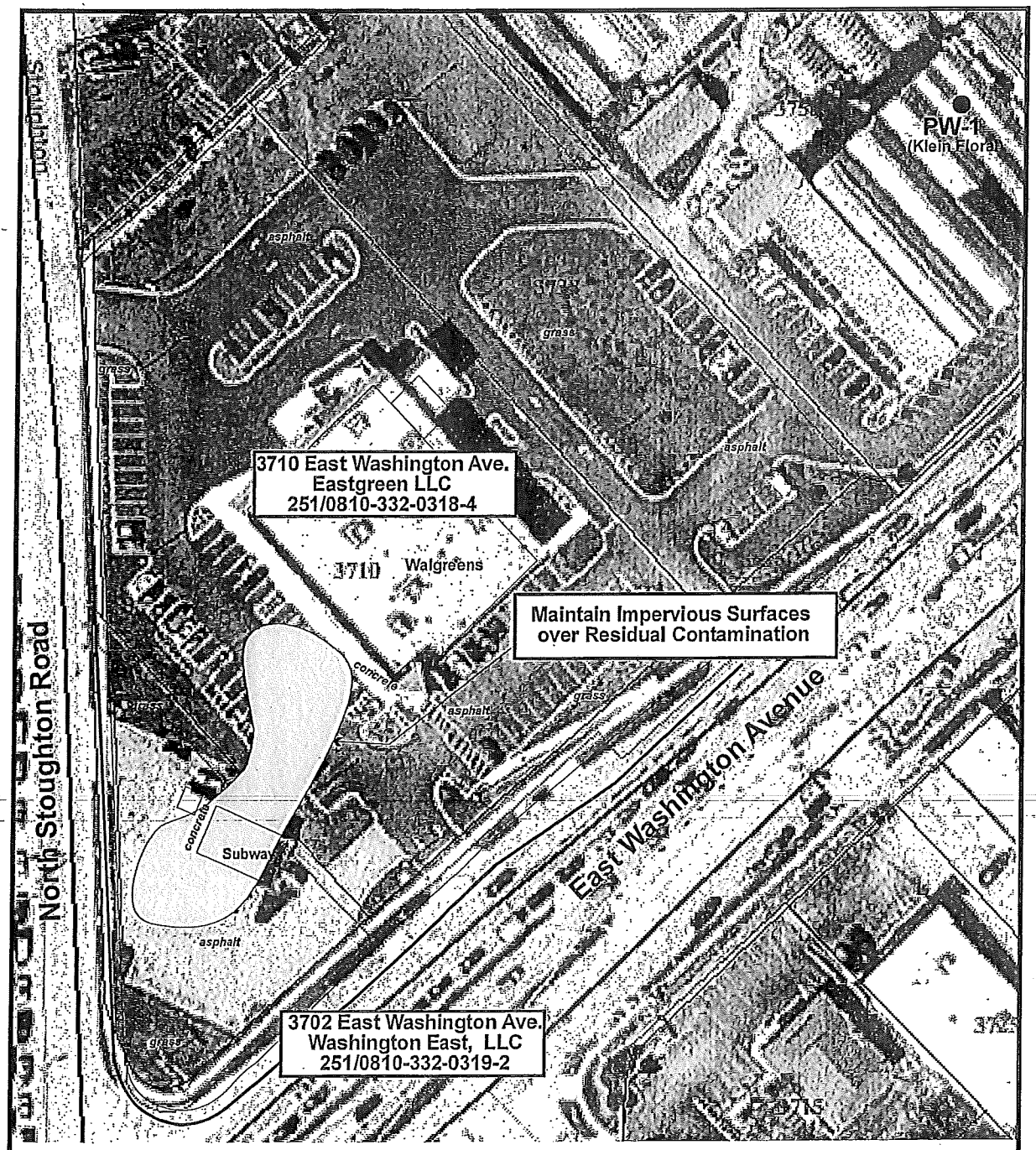
Eastgreen, LLC (3710 East Washington)
210 North Bassett, #100
Madison, Wisconsin 53703
608-345-9500

Consultant:
Seymour Environmental Services, Inc.
2531 Dyreson Road
McFarland, Wisconsin 53558
608-838-9120

WDNR:
Wendell Wojner
3911 Fish Hatchery Road
Madison, Wisconsin 53711
608-275-3297

Commerce:
Jon Heberer
201 West Washington
Madison, Wisconsin 53707
608-261-5405

Attachment



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DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: Access Dane

SEYMOUR ENVIRONMENTAL SERVICES, INC.	CAP MAINTENANCE AREA Klein Trust Property 3702 and 3710 E. Washington Avenue Madison, Wisconsin	EXHIBIT A

Attachment

CAP INSPECTION LOG

Inspection Date	Inspector	Condition of Cap	Recommendations/Photos	Have Recommendations from previous inspection been implemented?

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PROPERTY

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

January 18, 2012

Mr. Scott Faust
Eastgreen, LLC
210 North Bassett Street #100
Madison, WI 53703

SUBJECT: Continuing Obligations and Property Owner Requirements for 3710 East Washington Avenue, Madison
Parcel Identification Number: 0810-332-0318-4
Final Case Closure for Klein Trust Property, 3702 East Washington Avenue, Madison, WI
WDNR BRRTS Activity #: 03-13-002815

Dear Mr. Faust:

The purpose of this letter is to notify you that certain continuing obligations apply to the property at 3710 East Washington Avenue, Madison, WI, (referred to in this letter as the "Property") due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved for the above referenced case, located at 3702 East Washington Avenue, Madison, WI. (The case is referenced by the location of the source property, i.e. the property where the original discharge occurred, prior to contamination migrating to the Property.) The continuing obligations that apply to the Property are stated as conditions in the attached closure approval letter, and are consistent with s. 292.12, Wis. Stats., and ch. NR 700, Wis. Adm. Code, rule series. They are meant to limit exposure to any remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist at the Property.

It is common for properties with approved cleanups to have continuing obligations as part of cleanup/closure approvals. Information on continuing obligations on properties is shown on the Internet at http://dnr.wi.gov/org/aw/rr/gis/index.htm. How to find further information about the closure and residual contamination for this site can be located at http://dnr.wi.gov/org/aw/rr/clean.htm.

The Department reviewed and approved the case closure request regarding the petroleum contamination in soil and groundwater at the source site, based on the information submitted by Seymour Environmental Services, Inc. As required by state law, you received notification about the requested closure from the person conducting the cleanup. No further investigation or cleanup is required at this time. However, the closure decision is conditioned on the long-term compliance with certain continuing obligations, as described below.

Continuing Obligations Applicable to Your Property

A number of continuing obligations are described in the attached case closure letter to Ms. Sue Johnson, dated January 18, 2012. However, only the following continuing obligations

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PROPERTY

apply to your Property.

- Residual groundwater contamination
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier.

GIS Registry – Well Construction Approval Needed

Because of the residual petroleum contamination and the continuing obligations, this site, which includes your Property, will be listed on the Department's internet accessible GIS Registry, at http://dnr.wi.gov/org/aw/rr/gis/index.htm. If you intend to construct or reconstruct a well on the Property, you will need to get Department approval in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help with this form. This form can be obtained on-line http://dnr.wi.gov/org/water/dwg/3300254.pdf. If at some time, all these continuing obligations are fulfilled, and the remaining contamination is either removed or meets applicable standards, you may request the removal of the Property from the GIS Registry.

Property Owner Responsibilities

The owner (you and any subsequent property owner) of this Property is responsible for compliance with the continuing obligation, pursuant to s. 292.12, Wis. Stats. You are strongly encouraged to pass on the information about these continuing obligation to anyone who purchases this property from you (i.e. pass on this letter). For residential property transactions, you are required to make disclosures under Wis. Stats. s. 709.02. You may have additional obligations to notify buyers of the condition of the property and the continuing obligation set out in this letter and the closure letter.

Please be aware that failure to comply with the continuing obligations may result in enforcement action by the Department.

These responsibilities are the property owner's. A property owner may enter into a legally binding agreement (such as a contract) with someone else (the person responsible for the cleanup) to take responsibility for compliance with the continuing obligations. If the person with whom any property owner has an agreement fails to adequately comply with the appropriate continuing obligations, the Department has the authority to require the property owner to complete the necessary work.

A legal agreement between you and another party to carry out any of the continuing obligations listed in this letter does not automatically transfer to a new owner of the property. If a subsequent property owner cannot negotiate a new agreement, the responsibility for compliance with the applicable continuing obligations resides with that Property owner.

When maintenance of a continuing obligation is required, the Property owner is responsible for inspections, repairs, or replacements as needed. Such actions should be documented by the Property owner and the records kept accessible for the Department to review for as long as the Department directs.

You and any subsequent Property owners are responsible for notifying the Department, and obtaining approval, before making any changes to the property that would affect the obligations applied to the Property. Send all written notifications in accordance with the above

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requirements to the South Central Region RR Program at 3911 Fish Hatchery Road, Fitchburg, WI, to the attention of Wendy Weihemuller, the Environmental Program Assistant. The following DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" has been included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf.

Under s. 292.13, Wis. Stats., owners of properties affected by contamination from another property are generally exempt from investigating or cleaning up a hazardous substance discharge that has migrated onto a property from another property, through the soil, groundwater or sediment pathway. However, the exemption under s. 292.13, Wis. Stats., does not exempt the property owner from the responsibility to maintain a continuing obligation placed on the property in accordance with s. 292.12, Wis. Stats. To maintain this exemption, that statute requires the current property owner and any subsequent property owners, to meet the conditions in the statute, including:

- Granting reasonable access to DNR or responsible party, or their contractors;
- Avoiding interference with response actions taken; and
- Avoiding actions that make the contamination worse (e.g., demolishing a structure and causing or worsening the discharges to the environment).

The Department appreciates your efforts. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Wendell Wojner at (608) 275-3297.

Sincerely,

Linda Hanefeld
South Central Region Remediation & Redevelopment Team Supervisor

Attach. Closure Letter
Maintenance Plan

cc: Ms. Sue Johnson, Klein Credit Shelter Trust, 709 Augusta Drive, Madison, WI 53703
Robyn Seymour, Seymour Environmental Services, PO Box 398, 2531 Dyreson Road, Mcfarland, WI 53558.

A copy of this letter is placed in the GIS Registry packet along with the closure letter.

Enclosure: RR 819 – Continuing Obligations Fact Sheet

Attachment

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Scott Walker, Governor
Cathy Stepp, Secretary

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

January 18, 2012

Ms Sue Johnson
Klein Credit Shelter Trust
709 Augusta Drive
Waunakee, WI 53703

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Klein Trust Property, 3702 East Washington Avenue, Madison, WI
WDNR BRRTS Activity #: 03-13-002815

Dear Ms. Johnson:

The Department of Natural Resources (DNR) considers Klein Trust Property closed, with continuing obligations. No further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attached maintenance plan to anyone who purchases this property from you.

This final closure decision is based on the correspondence and data provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The South Central Region (SCR) Closure Committee reviewed the request for closure on July 6, 2010. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. A conditional closure letter was issued by the DNR on July 8, 2010, and documentation that the conditions in that letter were met was received on December 29, 2011.

The site was a former gasoline service station and currently is a commercial property. Remediation techniques of soil vapor extraction and air sparging were used to reduce the contaminant concentrations in the soil and groundwater at the site. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

Groundwater contamination is present above ch. NR 140 enforcement standards.

Residual soil contamination exists that must be properly managed should it be excavated or removed.

Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier.

Attachment

Site-specific exposure assumptions were used. Current land or property use must be maintained to be protective. If changes to the current property use or land use are planned, an assessment must be made of whether the closure is still protective.

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide notice of residual contamination and of any continuing obligations. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at http://dnr.wi.gov/org/water/dwg/3300254.pdf or at the web address listed below for the GIS Registry.

All site information is also on file at the South Central Regional DNR office, at 3911 Fish Hatchery Road, Fitchburg. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. To review the site on the GIS Registry web page, visit the RR Sites Map page at http://dnr.wi.gov/org/aw/rr/gis/index.htm.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement or a building is required, as shown on the **attached map**, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier;
- replacement with another barrier;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings;

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you or the current property owner, and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plans are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Residual Groundwater Contamination (ch. NR 140, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on this contaminated property and off this contaminated property, as shown on the **attached map.**

Attachment

Affected property owners were notified of the presence of groundwater contamination. If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval.

Residual Soil Contamination (ch. NR 718, or ch. 289, Stats.; chs. 500 to 536, Wis. Adm. Code)

Soil contamination remains at two locations to the southeast and southwest on the site as indicated on the **attached map**. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats)

The pavement and building that exists in the location shown on the **attached map** shall be maintained in compliance with the **attached maintenance plan** 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, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation.

The **attached maintenance plan and inspection log** are to be kept up-to-date and on-site.

PECFA Reimbursement

Section 101.143, Wis. Stats., requires that Petroleum Environmental Cleanup Fund Award (PECFA) claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the Department of Safety and Professional Services PECFA Program to determine the method for salvaging the equipment.

The following DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf.

Please send written notifications in accordance with the above requirements to the DNR South Central Region RR Program, 3911 Fish Hatchery Road, Fitchburg, WI, to the attention of Wendy Weihemuller, the Environmental Program Assistant.

Attachment

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.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Wendell Wojner at (608) 275-3297.

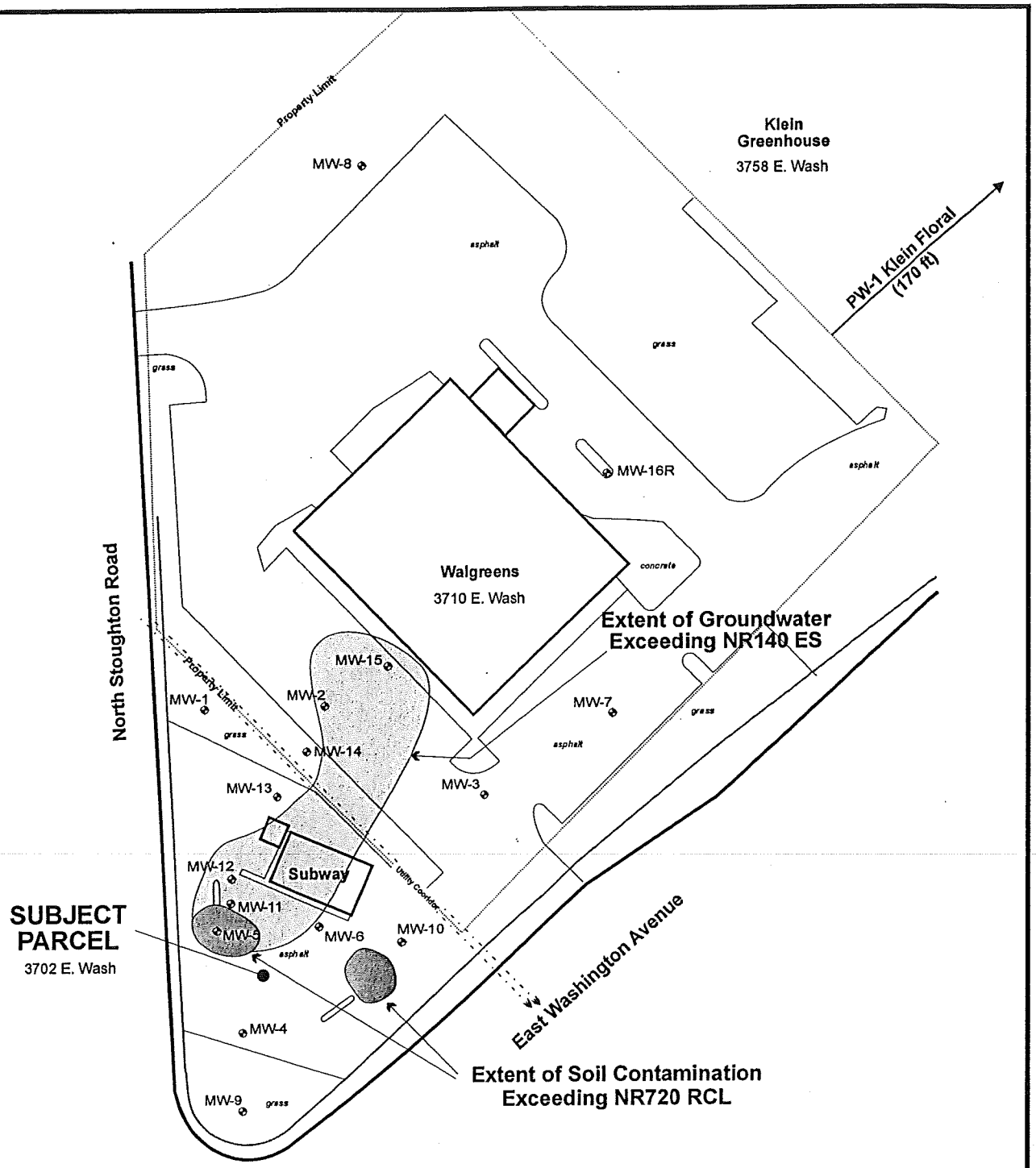
Sincerely,

Linda Hanefeld, Team Supervisor
South Central Region Remediation & Redevelopment Program

Attachments:
- remaining groundwater contamination map
- remaining soil contamination map
- extent of cap map
- maintenance plan
- RR 819

cc: Robyn Seymour, Seymour Environmental, 2531 Dyreson Road, McFarland, WI 53558
Jerry McAdow, Lathrop and Clark, 740 Regent Street, Madison, WI 53715
Jon Heberer, Department of Safety and Professional Services

Attachment



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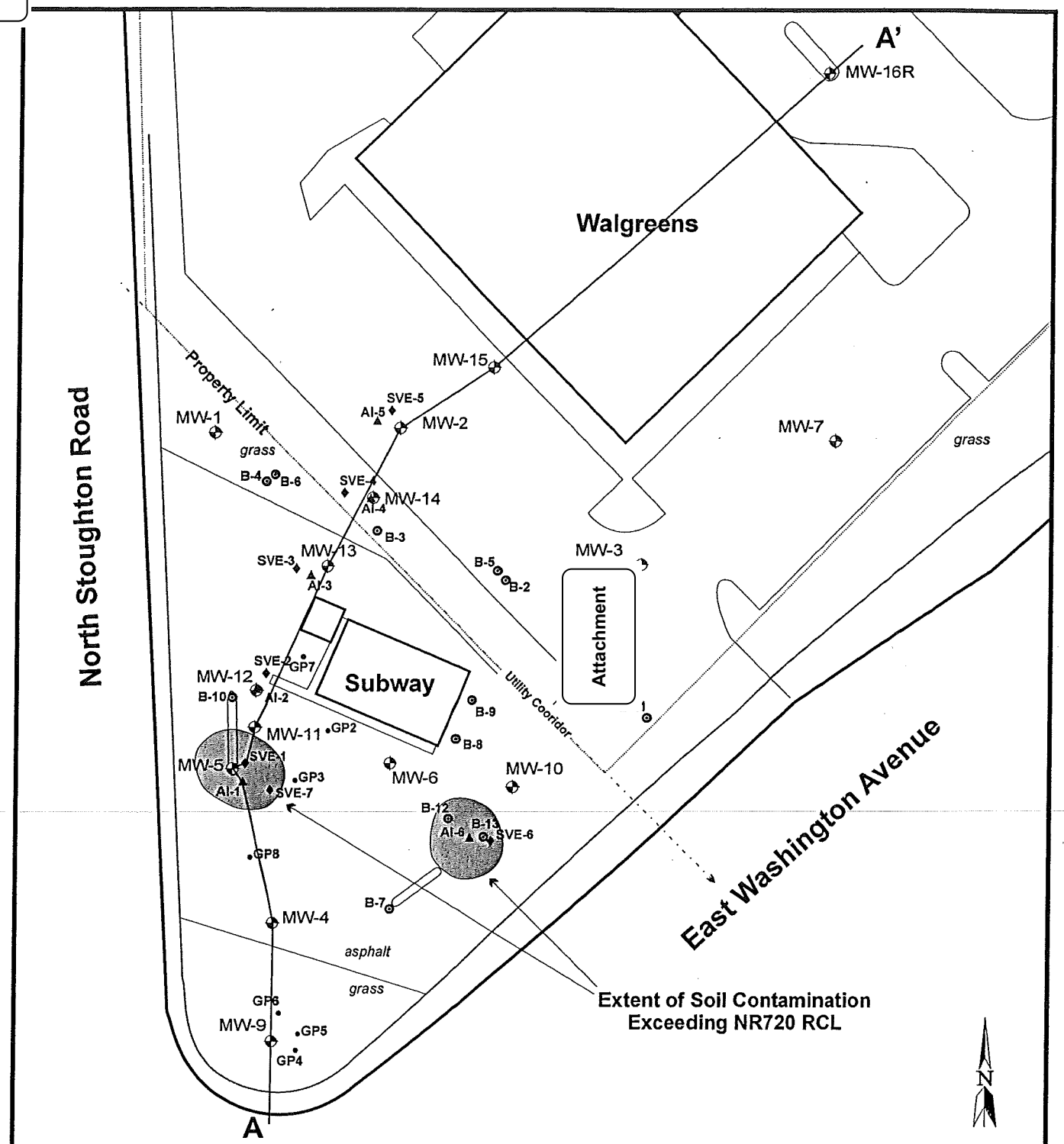
0 80' 160'

1 INCH = 80 FEET
SCALE IS APPROXIMATE

FILE/PATH: D:\PROJECTS\KLEIN\ Kleinsubway-basemap.cdr
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	SITE LAYOUT Klein Trust Property 3702 E. Washington Avenue Madison, Wisconsin	FIGURE 3

Attachment



LEGEND

MW-2 - Monitoring Well
GP6 - Geoprobe
B-11 - Soil Boring
SVE-6 - Soil Venting Well
AI-6 - Air Sparging Well

0 50' 100'

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SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.

SOIL CONTAMINATION (2009)
Klein Trust - Subway
3702 E. Washington Avenue
Madison, Wisconsin

FIGURE
4

Attachment

PAVEMENT COVER AND BUILDING BARRIER MAINTENANCE PLAN

June 26, 2010
Property Located at:
3702 and 3710 East Washington Avenue
Madison, Wisconsin 53704
Commerce #53704-3647-02, WDNR BRRTS/Activity #03-13-002815

LEGAL DESCRIPTION
Dane County Parcel IDs:0810-332-0319-2 & 0810-332-0318-4 as described in Certified Survey Map Number 150-A
Part of Outlot 109 of the recorded Burke Assessor's Plant No. 1, formerly being Lots 8 and 9 and part of Lots 4, 5, 6, 7, Block 2 of the recorded plat of Sunnyside (now vacated), located in the West ½ of the Northwest ¼ of Section 33, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, which is more fully described as follows: Commencing at the Northwest corner of said Section 33, said corner being marked by a bronze cap in 4" x 4" x 30" concrete monument: thence South 7°-43' East, 968.2 feet; thence South 43°-15' East, 146.3 feet to an iron stake on the East line of U.S. Highway No. 51 and the point of beginning of this description: thence South 2°-28' East, along said East line of highway, 303.7 feet to the Northeast line of East Washington Avenue; thence North 48°-22" East, along said Northeast line of Avenue, 368.45 feet; thence South 43°-15' East, along right-of-way line of Avenue, 19.0 feet; thence North 48°-22' East, along Northeast line of Avenue, 200.0 feet; thence North 43°-15' West, 403.4 feet; thence 48°-21' West, 244.7 feet to the East line of U.S. Highway 51; thence South 2°-28' East, along said East line of highway 191.6 feet to the point of beginning, excepting therefrom a 15 foot radius at U.S.H 51 and East Washington Avenue.

Introduction
This document is the Maintenance Plan for a pavement cover and building barrier at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing building and parking lot occupying the area over the soil or groundwater contamination. The location of the building to be maintained in accordance with this Maintenance Plan, as well as the impacted soil and groundwater, are identified in the attached map (Exhibit A).

Cover and Building Barrier Purpose
The paved surfaces over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. These paved surfaces and building foundation also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection
The paved surfaces and building foundation overlying the contaminated soil and groundwater as depicted in Exhibit A will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. The inspection log must be kept at appropriate locations and made immediately available for review by the Wisconsin Department of Natural Resources (WDNR), its successor, and/or other state agency. Do not submit a copy of the log annually.

Attachment

Maintenance Activities
If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the paved surfaces and/or the building overlying the contaminated soil are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by WDNR or its successor.

The property owner, in order to maintain the integrity of the paved surfaces and/or the building, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Amendment or Withdrawal of Maintenance Plan
This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of Wisconsin Department of Natural Resources.

Contact Information
June 2010
Site Owner and Operators:
Washington East LLC (3702 East Washington)
709 Augusta Drive
Waunakee, WI 53597
608-244-5661

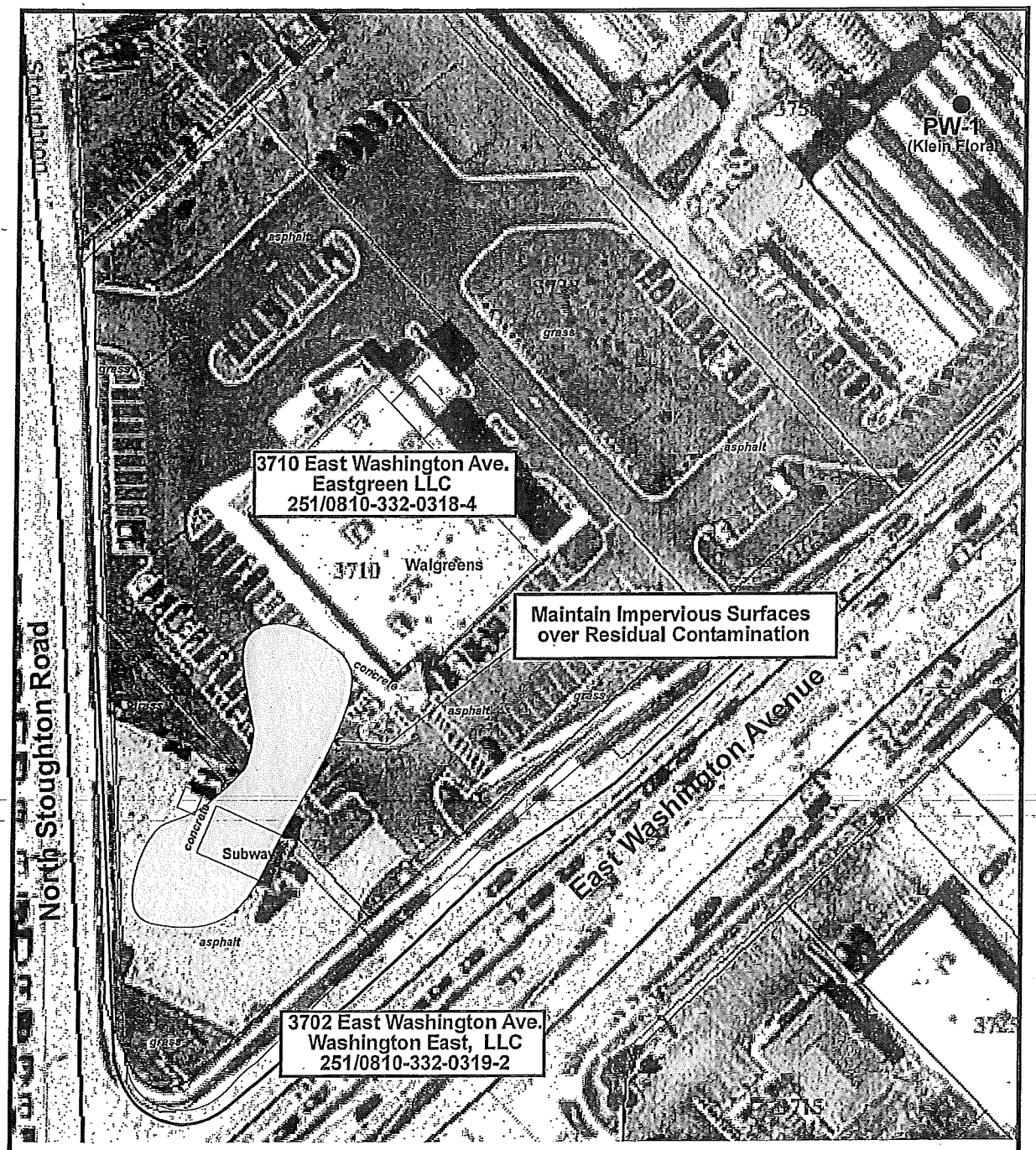
Eastgreen, LLC (3710 East Washington)
210 North Bassett, #100
Madison, Wisconsin 53703
608-345-9500

Consultant:
Seymour Environmental Services, Inc.
2531 Dyreson Road
McFarland, Wisconsin 53558
608-838-9120

WDNR:
Wendell Wojner
3911 Fish Hatchery Road
Madison, Wisconsin 53711
608-275-3297

Commerce:
Jon Heberer
201 West Washington
Madison, Wisconsin 53707
608-261-5405

Attachment



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1 INCH = 80 FEET
SCALE IS APPROXIMATE

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DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: Access Dane

SEYMOUR ENVIRONMENTAL SERVICES, INC.	CAP MAINTENANCE AREA Klein Trust Property 3702 and 3710 E. Washington Avenue Madison, Wisconsin	EXHIBIT A

Attachment

CAP INSPECTION LOG

Inspection Date	Inspector	Condition of Cap	Recommendations/Photos	Have Recommendations from previous inspection been implemented?

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Lloyd L. Eagan, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TTY Access via relay - 711

July 8, 2010

File Ref: 03-13-002815

Ms Sue Johnson
Klein Credit Shelter Trust
709 Augusta Drive
Waunakee, WI 53703

Subject: Conditional Closure for Klein Trust Property, 3702 E. Washington Avenue, Madison

Dear Ms. Johnson:

On July 6, 2010, the South Central Region Closure Committee reviewed your request for closure of the case described above. The South Central Region 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 petroleum contamination on the site from the former underground storage tanks 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, Wisconsin Administrative Code and will be closed if the following conditions are satisfied:

MONITORING WELL ABANDONMENT

The monitoring wells, soil vapor extraction wells, and air sparging wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to me on Form 3300-005 found at http://dnr.wi.gov/org/water/dwg/gw/ or provided by the Department of Natural Resources.

PURGE WATER, WASTE AND SOIL PILE REMOVAL

Any remaining purge water, 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. Once that work is completed, please send appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

When the above conditions have been satisfied, please submit the well abandonments form to verify that the applicable condition has 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 GIS Registry. To review the site on the GIS Registry web page, visit the RR Sites Map page at: http://dnr.wi.gov/org/aw/rr/gis/index.htm.

Section 101.143, Wis. Stats., requires that PECFA claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA

reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the Commerce PECFA Program to determine the method for salvaging the equipment.

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.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact me at (608) 275-3297.

Sincerely,

Wendell Wojner
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Robyn Seymour, Seymour Environmental, 2531 Dyreson Road, McFarland, WI 53558
Jon Heberer, Department of Commerce
Jerry McAdow, Lathrop and Clark, 740 Regent Street, Madison, WI 53715

UNOFFICIAL COPY

Document Number

STATE BAR OF WISCONSIN FORM 1 - 1999

WARRANTY DEED

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
3543206

09/18/2002 11:03:45AM

Trans. Fee: 510.00
Exempt #:

Rec. Fee: 15.00
Pages: 3

001001

This Deed, made between SUB Properties, LLC, a Wisconsin limited liability company, Grantor, and Washington East LLC, a Wisconsin limited liability company, Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in DANE County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum): Please see attached Addendum A.

Recording Area

Name and Return Address
The Great Lakes Companies, Inc.
Attn: Patrick Anderson
122 West Washington Avenue
Madison, WI 53703

251-0810-332-0319-2
Parcel Identification Number (PIN)

Together with all appurtenant rights, title and interests.

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

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except Please see attached Addendum B.

Dated this 11th day of July, 2001.

*SUB PROPERTIES, LLC

Susan H. Klein-Johnson, Member

*Susan H. Klein-Johnson, Member

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

Attorney Jerry E. McAdow
Lathrop & Clark LLP

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

*

*

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
Dane County.)

Personally came before me this 11th day of July, 2001 the above named Susan H. Klein-Johnson

to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

David P. Weller

*David P. Weller

Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: _____, _____.)

WARRANTY DEED

STATE BAR OF WISCONSIN
FORM No. 1-1999

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

Lathrop & Clark LLP 740 Regent Street, Suite , Madison WI 53701-1507
Phone: 6082577766 Fax: 6082571507 Lathrop & Clark LLP

Produced with ZipForm™ by RE FormsNet, LLC 18025 Fifteen Mile Road, Clinton Township, Michigan 48035, (800) 383-9805

T5200620.ZFX

3/15

UNOFFICIAL COPY

ADDENDUM A

TO

WARRANTY DEED

Lot One (1) of Certified Survey Map No. 150-A recorded in the Dane County Register of Deeds Office in Volume 1 of Certified Survey Maps, Page 150, as Document No. 1107113, in the City of Madison, Dane County, Wisconsin, EXCEPT those lands conveyed by Quit Claim Deed, recorded on Volume 782 of Deeds, Page 338, as Document No. 1107912 and lands awarded by Award of Damages, recorded in Volume 188 of Records, Page 410, as Document No. 1268861.

Together with and subject to an easement contained in instrument recorded on April 26, 1999, as Document No. 3106110. Consent and conditions contained in instrument recorded on September 15, 1999, as Document No. 3155329.

NEW TAX ROLL PARCEL NUMBER:	251-0810-332-0319-2
OLD TAX ROLL PARCEL NUMBER :	60-0810-332-0319-2
ADDRESS PER TAX ROLL:	3702 East Washington Avenue

larssue\5\attachment to warranty deed 09-22-00.doc

UNOFFICIAL COPY

ADDENDUM B

TO

WARRANTY DEED

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, the terms and provisions of a certain Lease with Subway, Inc. which terminates on March 31, 2009 and access and vehicle easements of record. .

L:\clients\LARSSUE\5\addendum b exceptions to warranty deed redline 07.10.01.doc

CERTIFIED ... MAP ...BER 150

PART OF OUTLOT 109 OF THE RECORDED BURKE ASSESSOR'S PLAT NUMBER 1, ... IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN

DOCUMENT NUMBER 1107113

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN) SS
COUNTY OF DANE)

I, Andrew Dahlen, registered land surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a parcel of land for a CERTIFIED SURVEY MAP, said parcel being bounded and described as follows:

PART of Outlot 109 of the recorded Burke Assessor's Plat No. 1, formerly being Lots 8 and 9 and part of Lots 4,5,6 and 7, Block 2 of the recorded plat of Sunnyside (now vacated), located in the West ½ of the Northwest ¼ of Section 33, Town 8 North, Range 10 East, City of Madison, Dane County, Wisconsin, which is more fully described as follows: Commencing at the Northwest corner of said Section 33, said corner being marked by a bronze cap in 4" x 4" x 30" concrete monument; thence South 7°-43' East, 968.2 feet; thence South 43°-15' East, 146.3 feet to an iron stake on the East line of U.S. Highway No. 51 and the point of beginning of this description; thence South 2°-28' East, along said East line of highway, 303.7 feet to the Northeast line of East Washington Avenue; thence North 48°-22' East, along said Northeast line of Avenue, 368.45 feet; thence South 43°-15' East, along right-of-way line of Avenue, 19.0 feet; thence North 48°-22' East, along Northeast line of Avenue, 200.0 feet; thence North 43°-15' West, 403.4 feet; thence South 48°-21' West, 244.7 feet to the East line of U.S. Highway No. 51; thence South 2°-28' East, along said East line of highway, 191.6 feet to the point of beginning, excepting therefrom a 15 foot radius at U.S.H. 51 and E. Washington Avenue.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of Madison in surveying, dividing and mapping the same.

WISCONSIN ANDREW DAHLEN MADISON, WIS. LAND SURVEYOR

Andrew Dahlen

Andrew Dahlen, Land Surveyor
No. S-2

CERTIFICATE OF COUNTY REGISTER OF DEEDS

RECEIVED for record this 15 day of July, 1964 at 1 30 o'clock P. M., and recorded in Volume 1 of Certified Survey Maps of Dane County, on Page 150 + 150-A

Harold K. Hill

Harold K. Hill, Register of Deeds
for Dane County
By: Bertha S. Dunn
Deputy

APPROVED FOR RECORDING PER PLAN
COMM. ACTION OF 6-8-64
CR Dinaver for 7-9-64
H. K. CLARK, SEC. DATE

SHEET 2 of 2

VOLUME 1 PAGE 150

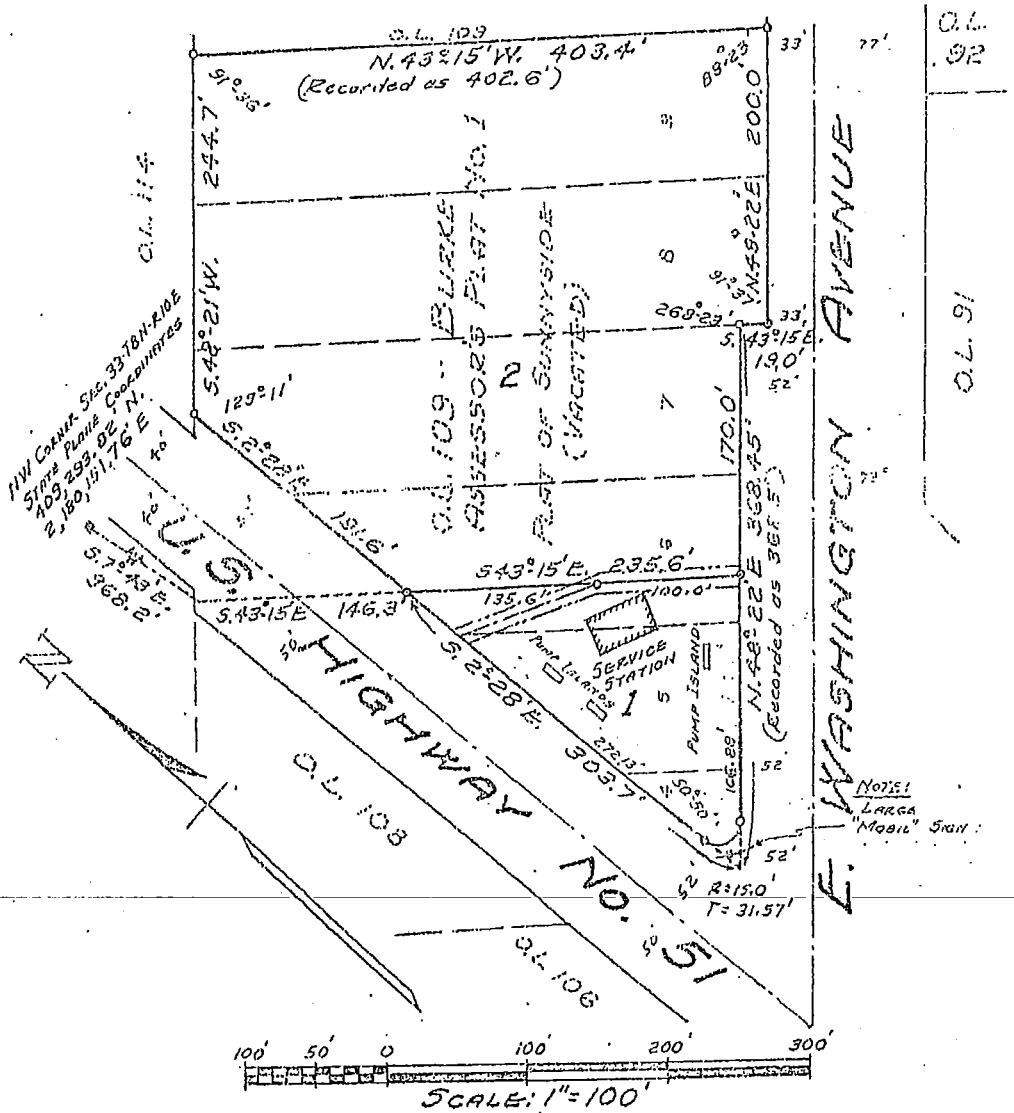
MAP #150

FIGURE #1

CERTIFIED SURVEY MAP NUMBER 150-A

PART OF OUTLOT 109 OF THE RECORDED BURKE ASSESSOR'S PLAT NUMBER 1, NOW IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN

DOCUMENT NUMBER 1107113



NOTES:

The Coordinates of the Quarter Corners are on the Wisconsin Coordinate System South Zone. All bearings are referred to Grid North of this system.

All field measurements were taken to the nearest 0.05 of a foot.

LEGEND

- ▪ : Bronze Cap in 4"x4"x30" Conc. Monument
- • : 1" Iron Stake Found
- o : 1"x24" Iron Pipe Set - 1.13lbs/ft.
- ——— : Property Line
- — — : Platted Lot Line
- = Sanitary Sewer & Water Easement

WISCONSIN ANDREW DAHLEN MADISON, WIS. LAND SURVEYOR

APPROVED FOR RECORDING PER PLAN COMM. ACTION OF 6-8-64

C.R. Dirksen for 7.9.64

K. K. CLARK, SEC. DATE

SHEET 1 of 2

VOLUME 1 PAGE 150-A

Sub Properties, LLC
709 Augusta Dr.,
Waunakee, WI 53597
608-849-6442

GIS REGISTRATION STATEMENT

For
Properties Located At:

3702 East Washington Avenue & 3710 East Washington Avenue

Parcel IDs: 0810-332-0319-2 & 0810-332-0318-4

WDNR BRRTS/Activity # 03-13-002815

WDNR Activity Name: Klein Credit Shelter Trust (nka SUB Properties, LLC)

To the best of my knowledge, I believe that the attached legal description and deed(s) provided to the Wisconsin Department of Natural Resources for the Geographic Information System (GIS) registration of properties at 3702 &3710 E. Washington Avenue, City of Madison, Dane County, Wisconsin, are complete and accurate for the property associated with SUB Properties, LLC release site (BRRTS 03-13-002815) in the City of Madison, Dane County, Wisconsin. These legal descriptions represent all properties known to be within, or partially within, the contaminated site boundary.

Signed:

SUB Properties LLC Sue Johnson, Member 9-3-08
Owner Date
By: (name) Sue Johnson, Sole Member

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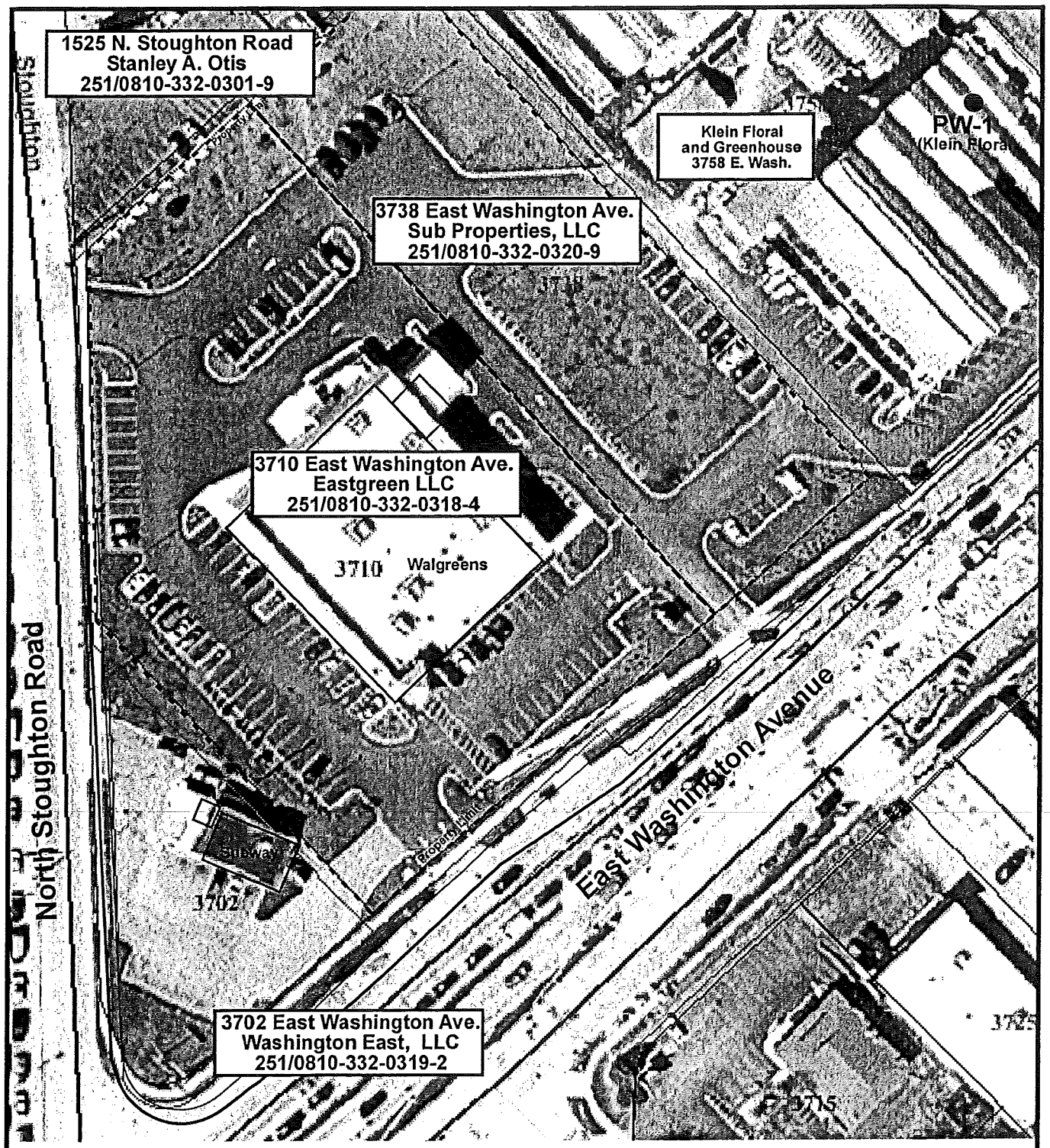

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SCALE IS APPROXIMATE

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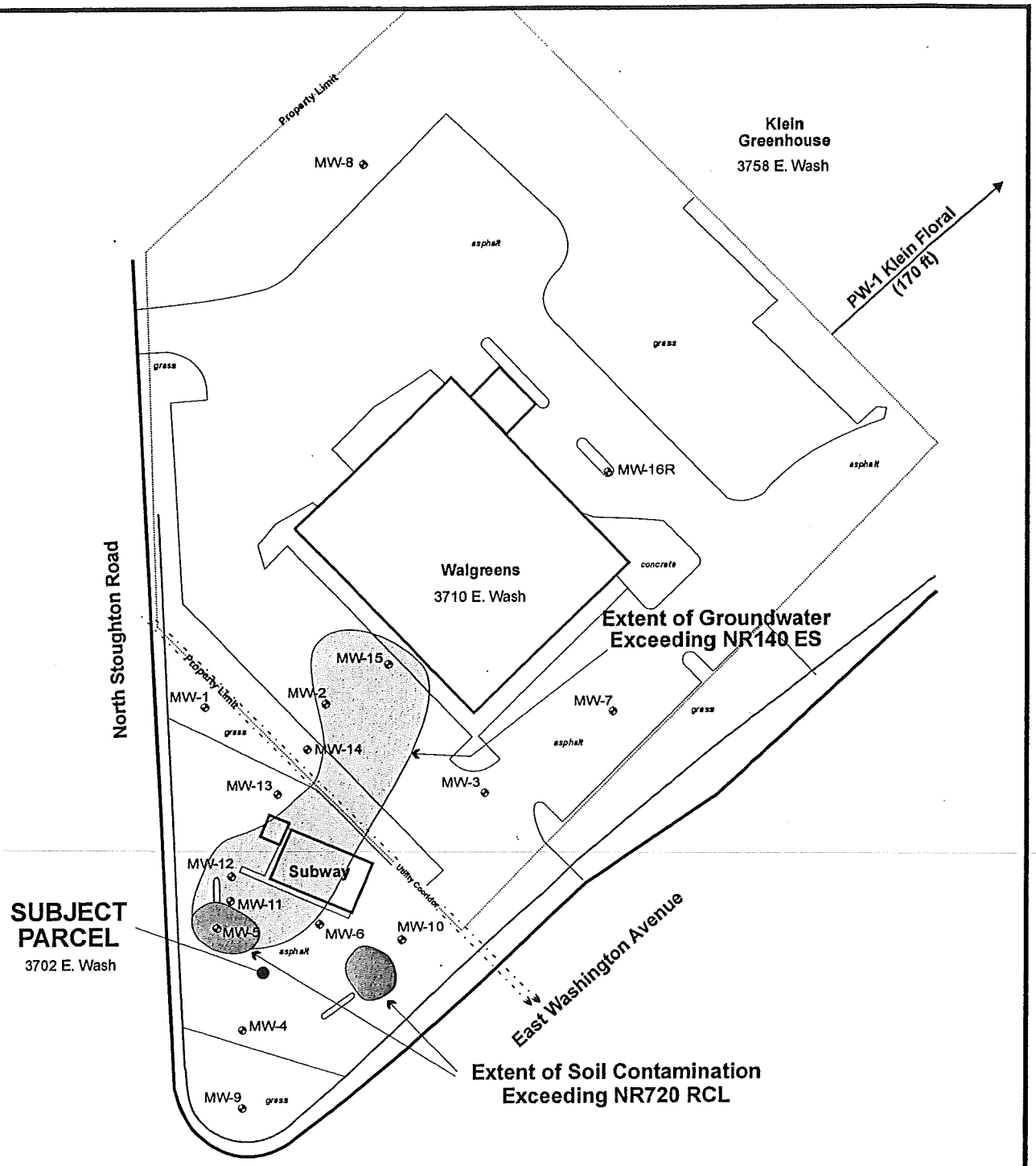
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	SITE LOCATION Klein Trust Property 3702 and 3710 E. Washington Avenue Madison, Wisconsin	FIGURE 2



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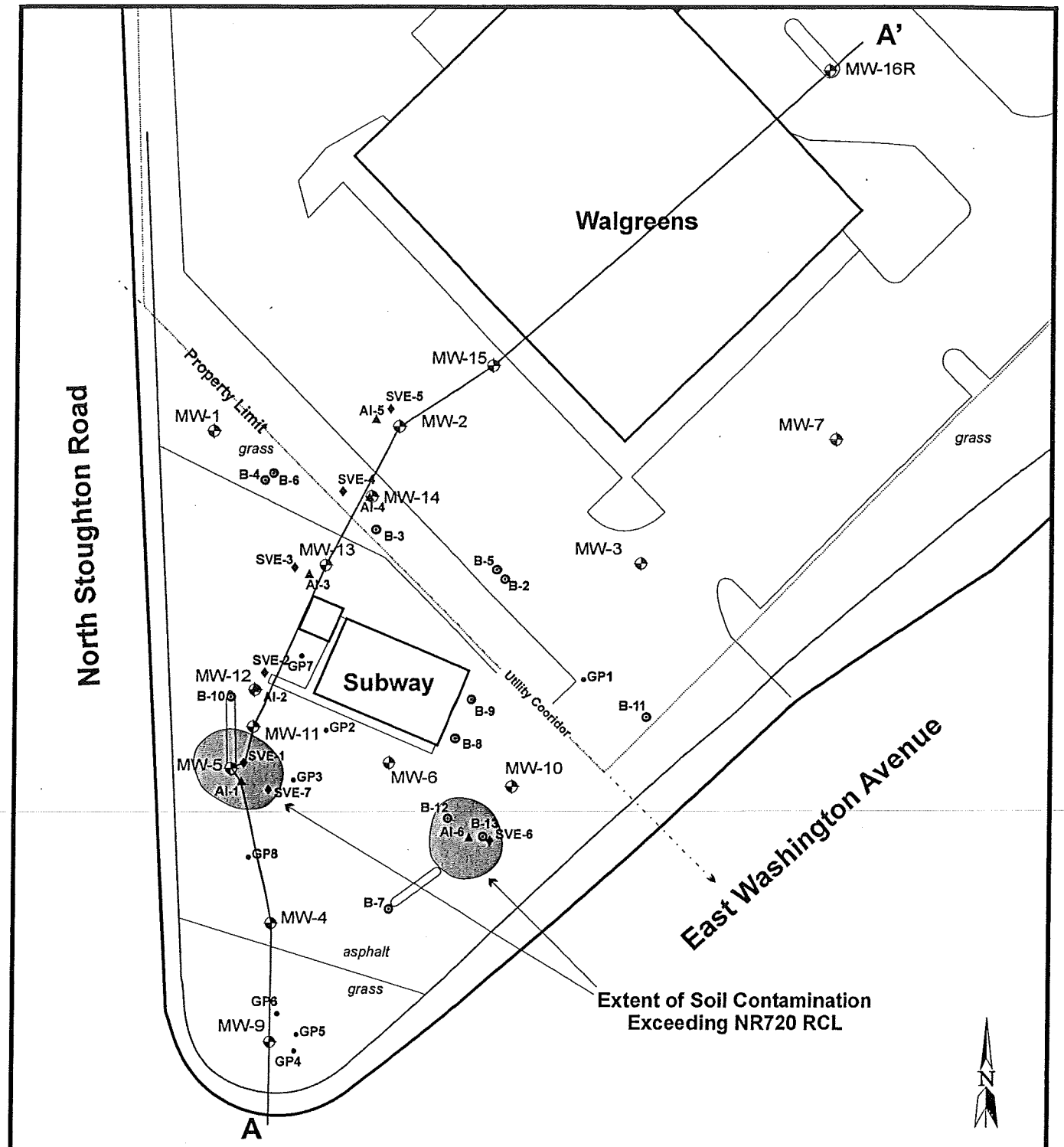
PREPARED: MDF APPROVED:
SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	SITE LAYOUT Klein Trust Property 3702 E. Washington Avenue Madison, Wisconsin	FIGURE 3



LEGEND

MW-2 - Monitoring Well
GP6 - Geoprobe
B-11 - Soil Boring
SVE-6 - Soil Venting Well
AI-6 - Air Sparging Well

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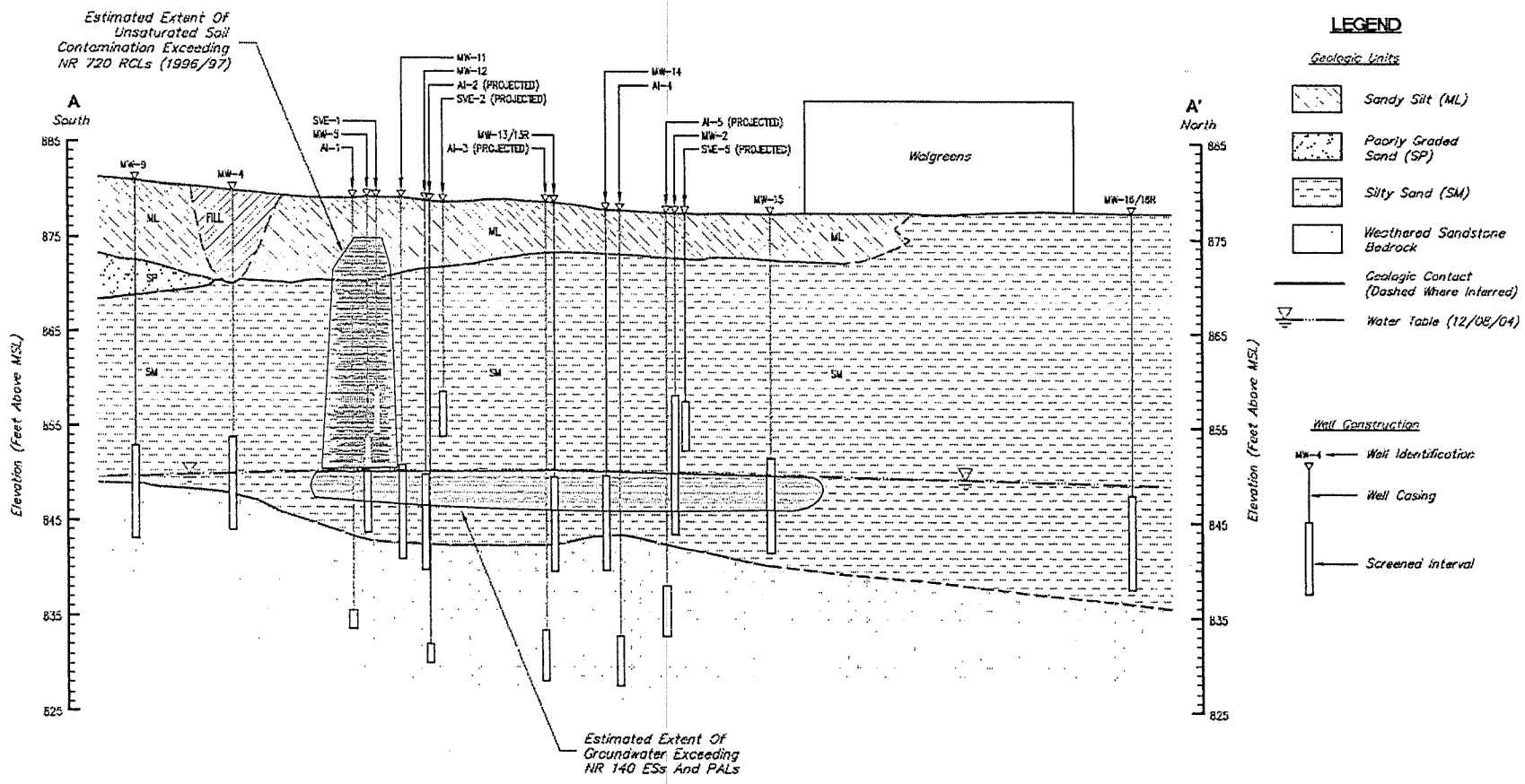
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.

SOIL CONTAMINATION (2009)
Klein Trust - Subway
3702 E. Washington Avenue
Madison, Wisconsin

FIGURE 4



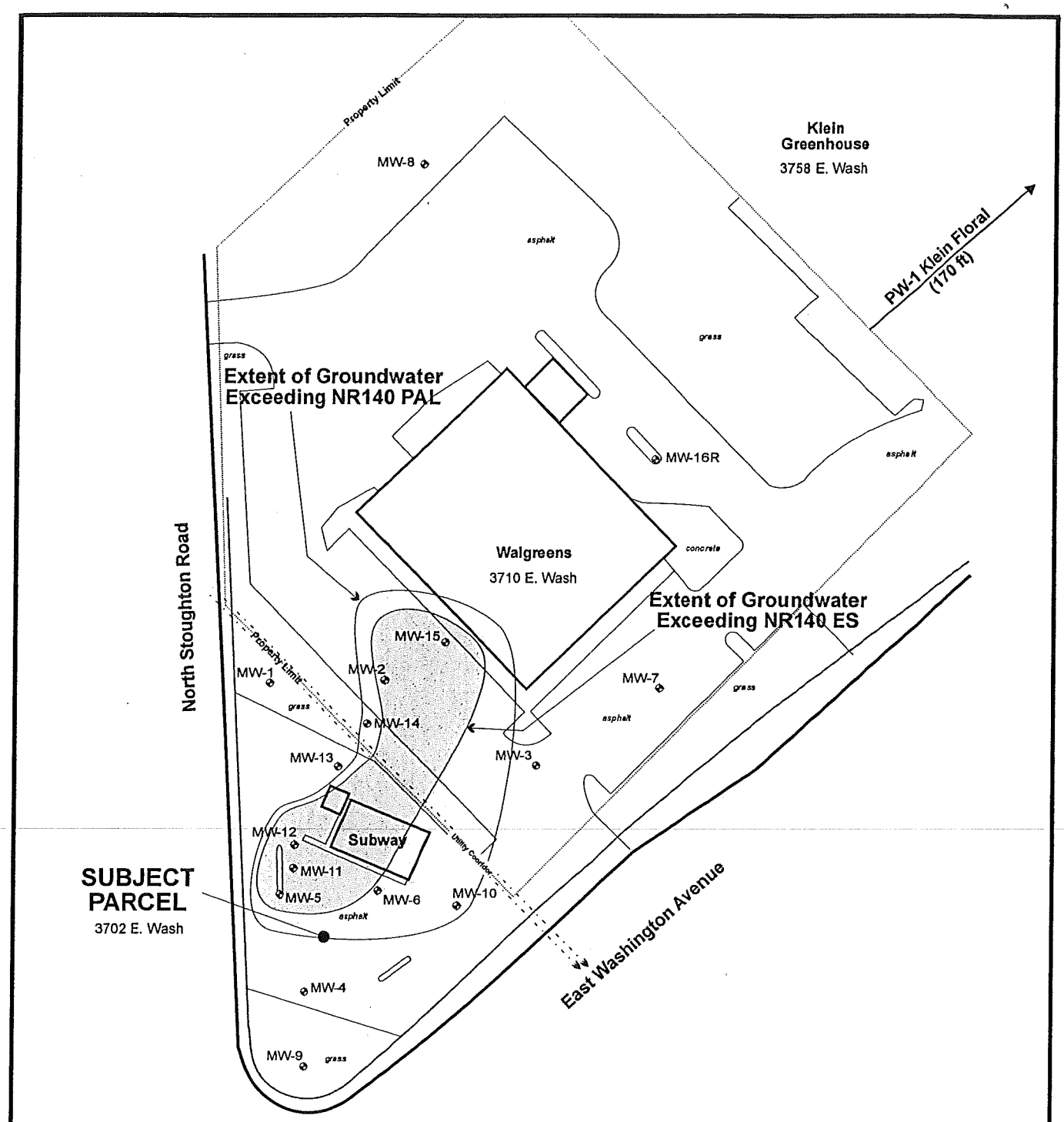
*** Cross-Section Line Shown on Figure 4**

FILE/PATH: D:\PROJECTS\KLEIN\ Section-postremediation.cdr
DATE: 06/08/2010
PREPARED: MDF APPROVED:
SOURCE:
GANNETT FLEMING MAPS/ FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.

CROSS-SECTION SHOWING CONTAMINATION (2009)
Klein Trust -Subway
3702 E. Washington Avenue
Madison, Wisconsin

FIGURE
5



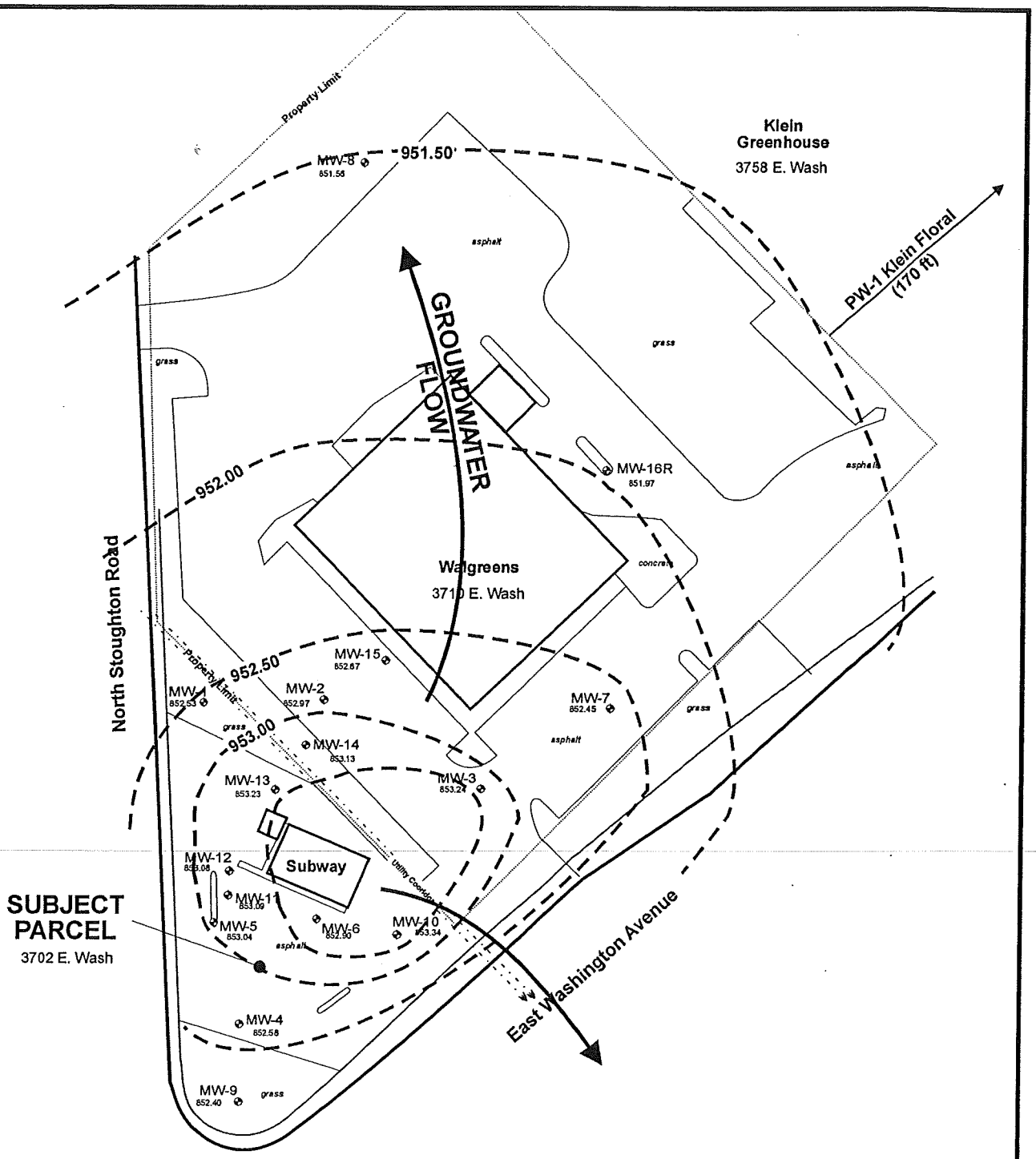
N

0 80' 160'

1 INCH = 80 FEET
SCALE IS APPROXIMATE

FILE/PATH: D:\PROJECTS\KLEIN\ Kleinsubway-basemap.cdr
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE:
FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	GROUNDWATER CONTAMINATION (Nov. 09) Klein Trust Property 3702 E. Washington Avenue Madison, Wisconsin	FIGURE 6



FILE/PATH: D:\PROJECTS\KLEIN\ Kleinsubway-basemap.cdr
DATE: 08/24/2007
PREPARED: MDF APPROVED:
SOURCE: FIELD MEASUREMENTS

SEYMOUR ENVIRONMENTAL SERVICES, INC.	WATER-TABLE CONTOUR MAP (Nov. 09) Klein Trust Property 3702 E. Washington Avenue Madison, Wisconsin	FIGURE 7

TABLE 1 (page 1 of 2)
SUMMARY OF SOIL ANALYTICAL DATA
Klein Trust (Subway) - 3702 East Eashington Avenue - Madison, Wisconsin

Date	Sample Point	Depth (ft)	PID (vppm)	DRO	GRO	Benzene	Ethylbenzene	Methyl-tert-butyl ether	Toluene	1,3,5 Trimethylbenzene	1,2,4 Trimethylbenzene	Total Xylenes
5/15/96	GP-1	31	0.7	na	<5.0	<25	<25	<25	<25	<25	<25	<25
5/24/96	B-2	20-22	0.7	na	<5.0	**31**	106	<25	281	32	75	85
	B-3	20-22	1	na	<5.0	<25	29	<25	26	<25	<25	29
	B-4	20-22	122	na	<5.0	<25	34	<25	27	<25	<25	42
9/23/96	B-5	9-11	na	na	<5	<10	<25	<25	<25	<25	<25	<75
	B-6	11-13	na	na	<5	<10	<25	<25	<25	<25	<25	<75
11/20/96	B-7	10-12	0.3	na	<5.5	<27	<27	<27	<27	<27	<27	<27
	B-7	25-27	90	na	<5.5	<27	39	<27	<27	42	81	48
	B-8	10-12	8	<5.0	na	na	na	na	na	na	na	na
	B-8	25-27	2.4	<5.0	na	na	na	na	na	na	na	na
	B-9	15-17	1.2	<5.0	na	na	na	na	na	na	na	na
	B-9	27-29	90	<5.0	na	na	na	na	na	na	na	na
	B-10	5-7	43	na	<5.5	<27	28	<27	<27	<27	32	44
	B-10	25-27	3	na	<5.5	<27	<27	<27	<27	<27	<27	<27
Nov-96	MW-4	10-12	7.9	na	<5.4	<27	<27	<27	<27	<27	<27	<27
	MW-4	30-32	4	na	<5.4	<28	<28	<28	<28	<28	<28	<28
	MW-5	10-12	2200	na	**4790**	**67200**	**132000**	<1100	**408000**	52500	174000	**461000**
	MW-5	25-27	1900	na	**6040**	**102000**	**217000**	<4500	**656000**	85100	306000	**781000**
	MW-6	15-17	2.2	na	<5.4	<27	<27	<27	<27	<27	<27	<27
	MW-6	25-27	5	na	<5.4	<27	38	<27	57	<27	38	67
	MW-7	10-12	2	na	<5.4	<27	51	<27	80	<27	76	121
	MW-7	25-27	<0.1	na	<5.4	<28	<28	<28	<28	<28	<28	<28
	MW-8	15-17	1.9	na	<5.4	<27	<27	<27	<27	<27	<27	<27
	MW-8	25-27	1.8	na	<5.4	<27	<27	<27	<27	<27	<27	<27
NR720 RCL			ns	100	100	5.5	2900	ns	1500	ns	ns	4100
NR746 Table 2			ns	ns	ns	1100	ns	ns	ns	ns	ns	ns
NR746 Table 1			ns	ns	ns	8500	4600	ns	38000	11000	83000	42000

- DRO and GRO listed in mg/kg; other values are in ug/kg
- na = not analyzed
- ns = no standard established
- NR720 RCL = Residual Contaminant levels (exceedances bold)
- NR746 Table 1 = Indicator of Saturated Soil Pores
- NR746 Table 2 = Direct Contact Hazard level

TABLE 1 (page 2 of 2)
SUMMARY OF SOIL ANALYTICAL DATA
Klein Trust (Subway) - 3702 East Eashington Avenue - Madison, Wisconsin

Date	Sample Point	Depth (ft)	PID	DRO	GRO	Benzene	Ethylbenzene	Methyl-tert-butyl ether	Toluene	1,3,5 Trimethylbenzene	1,2,4 Trimethylbenzene	Total Xylenes
3/3/97	MW-9	10-12	2.1	na	<5.4	<27	<27	<27	<27	<27	<27	<27
	MW-9	25-27	1.4	na	<5.4	<27	<27	<27	<27	<27	<27	<27
3/31/97	GP-2	12-14	420	na	15.9	<27	<27	<27	<27	185	620	54
	GP-2	18-20	50	na	<5.2	<27	43	<27	<27	119	321	117
	GP-3	5-7	200	na	<5.2	<28	61	<28	59	<28	53	51
	GP-3	15-17	60	na	<5.2	**80**	76	<27	41	43	94	272
	GP-4	5-7	0.2	na	<5.2	<30	<30	<30	<30	<30	<30	<30
	GP-4	10-12	0.2	na	<5.2	<26	<26	<26	<26	<26	<26	<26
	GP-6	5-7	<0.2	na	<5.2	<31	<31	<31	<31	<31	<31	<31
	GP-7	5-7	0.2	na	<5.2	<27	<27	<27	<27	<27	<27	<27
	GP-7	14.5-16.5	1	na	<5.2	<26	<26	<26	<26	<26	<26	<26
	GP-8	10-11.5	0.2	na	<5.2	<26	<26	<26	<26	<26	<26	<26
4/28/97	B-11	20-22	2	na	<5.0	<26	<26	<26	<26	<26	<26	<26
	B-11	25-27	1	na	<5.0	<27	<27	<27	<27	<27	<27	<27
	B-12	20-22	>1000	na	**140**	**128**	2550	<27	**5680**	3090	9780	**14930**
	B-12	30-32	>1000	na	**135**	**202**	2300	<27	**6480**	2670	8720	**13980**
	B-13	10-12	>1000	na	**1320**	**<1070**	**30800**	<1070	**48400**	38700	127000	**200000**
	B-13	25-27	>1000	na	**1770**	**3100**	**44400**	<2150	**151000**	31700	101000	**250000**
	MW-10	15-17	0.8	na	<5.0	<27	<27	<27	<27	<27	<27	<27
	MW-10	25-27	3	na	<5.0	<27	<27	<27	<27	<27	52	47
NR720 RCL			ns	100	100	5.5	2900	ns	1500	ns	ns	4100
NR746 Table 2			ns	ns	ns	1100	ns	ns	ns	ns	ns	ns
NR746 Table 1			ns	ns	ns	8500	4600	ns	38000	11000	83000	42000

- DRO and GRO listed in mg/kg; other values are in ug/kg
- na = not analyzed
- ns = no standard established
- NR720 RCL = Residual Contaminant levels (exceedances bold)
- NR746 Table 1 = Indicator of Saturated Soil Pores
- NR746 Table 2 = Direct Contact Hazard level

TABLE 2
SUMMARY OF RECENT GROUNDWATER ANALYTICAL DATA
Klein Trust Property - Subway
3702 East. Washington Avenue - Madison, Wisconsin

WELL	Date	Benzene	Ethyl-benzene	MTBE	Toluene	Total TMB	Total Xylenes	Lead
MW-1	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	na	na	na	na	na	na	--
MW-2	6/11/09	**26.3**	*208*	<90	104	*359.9*	642	--
	11/23/09	**30.8**	*225*	<0.38	157	*287.1*	713	--
MW-3	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	<0.39	<0.41	<0.38	<0.42	<0.83	<1.25	--
MW-4	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	na	na	na	na	na	na	--
MW-5	6/11/09	**378**	*214*	<1.8	127	**772**	*1781*	--
	11/23/09	**891**	*269*	<3.8	*242*	**852.8**	*2714*	--
MW-6	6/11/09	*0.70*	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	*0.88*	<0.41	<0.38	<0.42	<0.83	<1.25	--
MW-7	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	na	na	na	na	na	na	--
MW-8	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	<0.39	<0.41	<0.38	<0.42	<0.83	<1.25	--
MW-9	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	na	na	na	na	na	na	--
MW-10	6/11/09	<0.23	<0.40	<0.36	<0.36	1.2	<1.10	--
	11/23/09	*0.73*	17.2	<0.38	8.2	28.4	81.7	--
MW-11	6/11/09	**3980**	*143*	<9.0	186	95.7	365	--
	11/23/09	**12.8**	2.8	<0.38	<0.42	2.8	<1.25	--
MW-12	6/11/09	**224**	*635*	2.5	*727*	**741.1**	*2219*	--
	11/23/09	**54.2**	*248*	1.2	140	*279.6*	651	--
MW-13R	6/11/09	0.32	118	0.96	34.8	70.9	228.4	--
	11/23/09	<0.39	52.4	0.39	108	94.7	282.6	--
MW-14	6/11/09	<0.23	44.0	<0.36	92.5	30.0	107.4	--
	11/23/09	<1.9	*219*	<1.9	*441*	80.2	478	--
MW-15	6/11/09	**680**	**4630**	<36.1	**9630**	**3868**	**21940**	--
	11/23/09	**518**	**4600**	<19.0	**8260**	**4210**	**22530**	--
MW-16R	6/11/09	<0.23	<0.40	<0.36	<0.36	<0.79	<1.10	--
	11/23/09	<0.39	<0.41	<0.38	<0.42	<0.83	<1.25	--
NR140	ES	5	700	60	1000	480	10000	15
	PAL	0.5	140	12	200	96	1000	1.5

- All data is listed in ug/l
-- = not analyzed
- NR140 ES = Enforcement Standards (exceedances bold)
- NR140 PAL = Preventative Action Limit (exceedances italicized)

TABLE 3
SUMMARY OF RECENT GROUNDWATER LEVEL DATA
Klein Trust Property - Subway
3702 East. Washington Avenue - Madison, Wisconsin

WELL	DATE	4/5/04		6/3/04		9/8/04		12/8/04		6/11/09		11/23/09	
	TOC	Depth	Elevation	Depth	Elevation	Depth	Elevation	Depth	Elevation	Depth	Elevation	Depth	Elevation
MW-1	878.00	30.14	847.86	27.79	850.21	25.36	852.64	27.93	850.07	22.90	855.10	25.47	852.53
MW-2	877.87	30.03	847.84	28.40	849.47	24.59	853.28	26.98	850.89	22.25	855.62	24.90	852.97
MW-3	879.69	31.53	848.16	30.08	849.61	26.36	853.33	28.36	851.33	24.55	855.14	26.45	853.24
MW-4	880.33	32.19	848.14	30.12	850.21	27.31	853.02	29.71	850.62	24.88	855.45	27.75	852.58
MW-5	879.35	31.26	848.09	29.56	849.79	25.96	853.39	28.36	850.99	23.61	855.74	26.31	853.04
MW-6	880.53	32.38	848.15	30.56	849.97	27.26	853.27	29.65	850.88	25.01	855.52	27.63	852.9
MW-7	879.03	31.09	847.94	29.44	849.59	26.24	852.79	28.48	850.55	23.94	855.09	26.58	852.45
MW-8	878.69	31.46	847.23	28.81	849.88	26.76	851.93	29.32	849.37	23.92	854.77	27.13	851.56
MW-9	881.16	33.08	848.08	30.80	850.36	28.25	852.91	30.81	850.35	25.90	855.26	28.76	852.4
MW-10	881.60	33.42	848.18	31.39	850.21	28.14	853.46	30.18	851.42	26.02	855.58	28.26	853.34
MW-11	879.31	31.14	848.17	29.25	850.06	26.64	852.67	27.92	851.39	23.51	855.80	26.22	853.09
MW-12	878.37	30.67	847.70	28.16	850.21	25.94	852.43	27.79	850.58	22.67	855.70	25.29	853.08
MW-13	879.22	dry	dry	29.50	849.72	25.58	853.64	27.92	851.30	aband	aband	aband	aband
MW-13R	878.72	30.73	847.99	28.83	849.89	25.28	853.44	27.66	851.06	22.91	855.81	25.49	853.23
MW-14	877.63	29.83	847.80	27.66	849.97	24.48	853.15	26.64	850.99	22.01	855.62	24.50	853.13
MW-15	879.02	31.43	847.59	29.83	849.19	26.11	852.91	28.40	850.62	23.85	855.17	26.35	852.67
MW-16R	878.35	30.85	847.5	28.93	849.42	25.92	852.43	28.11	850.24	23.28	855.07	26.38	851.97

- Depth data is listed in feet
- Elevation data is listed in feet above mean sea levels (msl)
- aband = well abandoned

SOURCE PROPERTY

RECEIVED
GANNETT FLEMING-MADISON, WI
FILE NO: 34687.001
JUL 17 2008
REVIEWED BY: dfo
DATE: 7/17/08
ROUTE TO:

July 16, 2008

Certified Mail
Return Receipt Requested

Mr. Bruce Neviaser
Washington East LLC
c/o Continuum Limited Partnership
1600 Aspen Commons, Suite 850
Middleton, WI 53562

Re: Geographic Information System Registry
Notification of Soil and Groundwater Contamination
By SUB Properties, LLC (formerly the Klein Credit Shelter Trust)
WDNR BRRTS # 03-13-002815
For the Subway Property
Property ID 0810-332-0319-2
3702 East Washington Avenue
Madison, WI 53704

Dear Mr. Neviaser:

SUB Properties, LLC (formerly the Klein Credit Shelter Trust) is notifying Washington East LLC that residual petroleum hydrocarbon impacts to soil and groundwater currently remain at the above referenced property (hereinafter the "site"). SUB Properties, LLC and our environmental consultant, Gannett Fleming, Inc., will be submitting a case closure request for the site to the Wisconsin Department of Natural Resources (WDNR) in the next several weeks. Because of the residual soil impacts above NR 720 generic Residual Contaminant Levels (RCLs) and groundwater impacts above NR 140 Enforcement Standards (ESs) that still exist at the site, the 3702 East Washington property will be listed in the WDNR Geographic Information System (GIS) Registry of Closed Remediation Sites.

Attached Figure 5 shows the estimated extent of unsaturated soil contamination exceeding the NR 720 RCLs based on soil samples collected in 1996 and 1997 prior to the operation of the soil vapor extraction soil remediation unit that ran from September 1998 to February 2004. The two areas shown are located near the former dispenser islands on the 3702 East Washington Avenue property. Compounds in the soil at these locations exceeding the NR 720 RCLS include benzene, ethylbenzene, toluene, trimethylbenzene, and xylene.

Figure 5 shows the most recent groundwater quality data (December 8, 2004) on the 3702 East Washington Avenue property. Groundwater from monitoring wells MW-5, MW-6, MW-10, MW-11, MW-12, and MW-13R contains one or more of the following compounds that exceed the NR 140 ESs (highlighted on Figure 5 in bold red): benzene, trimethylbenzene, or lead.

SOURCE PROPERTY

The environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume will naturally degrade over time. SUB Properties, LLC and Gannett Fleming believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapter NR 726 and chapter NR 746, Wisconsin Administrative Code, and we will be requesting that the WDNR accept natural attenuation as the final remedy for this site and grant case closure. Closure means that the WDNR will not be requiring any further investigation or clean-up action to be taken, other than the reliance on natural attenuation.

Since SUB Properties, LLC is the responsible party for the petroleum release at the site (which was first detected in May 1996), neither you nor any subsequent owner of the property at 3702 East Washington Avenue will be held responsible for investigation or cleanup of this groundwater contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to your property for environmental investigation or cleanup if access is required. For further information on the requirements of section 292.13, Wisconsin Statutes, you may call 1-800-367-6076 for calls originating in Wisconsin, or 608-264-6020 if you are calling from out of state or within the Madison area, to obtain a copy of the Department of Natural Resources' publication "#RR-589, Fact Sheet 10: Guidance for Dealing with Properties Affected by Off-Site Contamination."

The WDNR will not review the closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the WDNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the WDNR that is relevant to this closure request, you should mail that information to Dino Tsoris, Wisconsin Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, Wisconsin, 53711-5397.

If this case is closed, all properties within the site boundaries where soil contamination exceeds the NR 720 RCLs and where groundwater contamination exceeds the chapter NR 140 groundwater ESs will be listed on the WDNR's GIS Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the locations of properties in Wisconsin where soil contamination is above the NR 720 RCLs and where groundwater contamination above chapter NR 140 ESs was found at the time that the case was closed. This GIS Registry will be available to the general public on the WDNR's internet web site. Please review the attached legal description of your property, and notify me within the next 30 days if the legal description is incorrect. The legal description is attached to the warranty deed (document # 3549206) as Addendum A.

SOURCE PROPERTY

Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual groundwater contamination. Any well driller who proposes to construct a well on your property in the future will first need to call the Diggers Hotline (1-800-242-8511) if your property is located outside of the service area of a municipally owned water system, or contact the Drinking Water program within the WDNR if your property is located within the designated service area of a municipally owned water system, to determine if there is a need for special well construction standards.

Once the WDNR makes a decision on the closure request, it will be documented in a letter. If the WDNR grants closure, you may obtain a copy of the letter by writing to the agency address given above or by accessing the WDNR GIS Registry of Closed Remediation Sites on the internet at http://dnr.wi.gov/org/aw/rr/gis/. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

If you need more information, you may contact me at 709 Augusta Dr., Waunakee, WI 53597, 608-849-6442, or you may contact Dino Tsoris, Wisconsin Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, Wisconsin, 53711-5397, 608-275-3299.

Sincerely,

SUB Properties, LLC

By: Susan H. Johnson
Susan H. Johnson, sole member

Enclosures: Deed for property with addendums, survey map of property, and Figure 5.

cc w/ enc.: Dino Tsoris (WDNR)
Jerry McAdow (Lathrop and Clark, LLP)
Tom Sobota, (Boardman Suhr Curry & Field, LLP)
cc w/o enc: Dave Olig (Gannett Fleming)

SOURCE PROPERTY

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. BRUCE NEVIASER
WASHINGTON EAST LLC
C/O CONTINUUM LP
1600 ASPEN COMMONS, STE 850
MIDDLETON, WI 53562

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Alhena Bayne

☐ Agent
☒ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7005 0390 0001 2965 9718

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

State of Wisconsin
Department of Natural Resources
http://dnr.wi.gov

Impacted Off-Source Property Information

Form 4400-246 (R 3/08)

This fillable form is intended to provide a list of information that must be submitted for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request (Section H). The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #: 03-13-002815 *(No Dashes)*

ACTIVITY NAME: KLEIN TRUST PROPERTY

ID	Off-Source Property Address	Parcel Number	WTM X	WTM Y
A	3710 E WASHINGTON AVE	081033203184	574985	294133
B				
C				
D				
E				
F				
G				
H				
I				

OFF-SOURCE
A
PROPERTY

RECEIVED
GANNETT FLEMING-MADISON, WI
FILE NO: 34687.001
Klein
JUL 18 2008
REVIEWED BY: dp
DATE: 7/18/08
ROUTE TO:

July 16, 2008

Certified Mail
Return Receipt Requested

Eastgreen, LLC
Tax Department, Mail Stop 2252
300 Wilmot Road
Deerfield, IL 60015

And

Mr. Scott Faust
Eastgreen, LLC
210 N. Bassett Street # 100
Madison, WI 53703

Re: Geographic Information System Registry
Notification of Groundwater Contamination
By SUB Properties, LLC (formerly the Klein Credit Shelter Trust)
WDNR BRRTS # 03-13-002815
For the Walgreens Property
Property ID 0810-332-0318-4
3710 East Washington Avenue
Madison, WI 53704

Dear Mr. Faust:

SUB Properties, LLC (formerly the Klein Credit Shelter Trust) is notifying Eastgreen LLC that residual petroleum hydrocarbon impacts to groundwater currently remain at the above referenced property (which along with the adjacent property at 3702 are collectively referred to as the "site"). SUB Properties, LLC and our environmental consultant, Gannett Fleming, Inc., will be submitting a case closure request for the site to the Wisconsin Department of Natural Resources (WDNR) in the next several weeks. Because of the groundwater impacts above NR 140 Enforcement Standards (ESs) that still exist at the site, both the 3702 and the 3710 East Washington properties will be listed in the WDNR Geographic Information System (GIS) Registry of Closed Remediation Sites.

Attached Figure 1 shows the most recent groundwater quality data (December 8, 2004) on the 3702 and 3710 East Washington Avenue property. With respect to the 3710 property, groundwater from monitoring wells MW-2 and MW-15 contains one or more of the following compounds at concentrations that exceed their respective NR 140 ESs (highlighted on Figure 1 in bold red): benzene, ethylbenzene, toluene, trimethylbenzene, xylene, or lead.

OFF-SOURCE
A
PROPERTY

Eastgreen LLC
Tax Department, Mail Stop 2252
Deerfield, Illinois
Mr. Scott Faust
Madison, Wisconsin
July 16, 2008

The environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume will naturally degrade over time. SUB Properties, LLC and Gannett Fleming believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapters NR 726 and NR 746, Wisconsin Administrative Code, and we will be requesting that the WDNR accept natural attenuation as the final remedy for this site and grant case closure. Closure means that the WDNR will not be requiring any further investigation or clean-up action to be taken, other than the reliance on natural attenuation.

Since SUB Properties, LLC is the responsible party for the petroleum release at the site (which was first detected in May 1996 on the 3702 property), neither you nor any subsequent owner of the property at 3710 East Washington Avenue will be held responsible for investigation or cleanup of this groundwater contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to your property for environmental investigation or cleanup if access is required. For further information on the requirements of section 292.13, Wisconsin Statutes, you may call 1-800-367-6076 for calls originating in Wisconsin, or 608-264-6020 if you are calling from out of state or within the Madison area, to obtain a copy of the Department of Natural Resources' publication "#RR-589, Fact Sheet 10: Guidance for Dealing with Properties Affected by Off-Site Contamination."

The WDNR will not review the closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the WDNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the WDNR that is relevant to this closure request, you should mail that information to Dino Tsoris, Wisconsin Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, Wisconsin, 53711-5397.

If this case is closed, all properties within the site boundaries where groundwater contamination exceeds the chapter NR 140 groundwater ESs will be listed on the WDNR's GIS Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the locations of properties in Wisconsin where soil contamination is above the NR 720 RCLs and where groundwater contamination above NR 140 ESs was found at the time that the case was closed. This GIS registry will be available to the general public on the WDNR's internet web site. Please review the attached legal description for Parcel 1, as well as the certified survey map of your property, and notify me within the next 30 days if the legal description is incorrect. The

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Eastgreen LLC
Tax Department, Mail Stop 2252
Deerfield, Illinois
Mr. Scott Faust
Madison, Wisconsin
July 16, 2008

legal description is located on the special warranty deed (document # 3656869) and includes Certified Survey Map (CSM) No. 9499 and two Affidavits of Correction for CSM 9499.

Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual groundwater contamination. Any well driller who proposes to construct a well on your property in the future will first need to call the Diggers Hotline (1-800-242-8511) if your property is located outside of the service area of a municipally-owned water system, or contact the Drinking Water program within the WDNR if your property is located within the designated service area of a municipally-owned water system, to determine if there is a need for special well construction standards.

Once the WDNR makes a decision on the closure request, it will be documented in a letter. If the WDNR grants closure, you may obtain a copy of the letter by writing to the agency address given above or by accessing the WDNR GIS Registry of Closed Remediation Sites on the internet at http://dnr.wi.gov/org/aw/rr/gis/. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

If you need more information, you may contact me at 709 Augusta Dr., Waunakee, WI 53597, 608-849-6442, or you may contact Dino Tsoris, Wisconsin Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, Wisconsin, 53711-5397, 608-275-3299.

Sincerely,

SUB Properties, LLC

By: Susan H. Johnson
Susan H. Johnson, sole member

Enclosures: Deed for property with affidavits of correction, CSM No. 9499, and Figure 1

cc w/ enc.: Dino Tsoris (WDNR)
Jerry McAdow (Lathrop and Clark, LLP)
Bruce Neviaser (Washington East LLC, c/o Continuum Limited Partnership)
Tom Sobota (Boardman Suhr Curry & Field, LLP)
cc w/o enc: David Olig (Gannett Fleming, Madison)

OFF-SOURCE
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PROPERTY

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Scott Faust
Eastgreen, LLC
210 N. BASSETT ST #100
MADISON, WI 53703

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (Printed Name) Scott Faust
C. Date of Delivery 7/8

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7005 0390 0001 2965 9695

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

OFF-SOURCE
A
PROPERTY

Document Number

STATE BAR OF WISCONSIN FORM 6 - 2000

SPECIAL WARRANTY DEED

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
3653563

02/20/2003 12:10:06PM

Trans. Fee: 13200.00
Exempt #:

Rec. Fee: 11.00
Pages: 1

000604

Recording Area

Name and Return Address
Attorney Thomas Sobota
Boardman Suhr Curry & Field, LLP
Post Office Box 927
Madison, Wisconsin 53701-0927

This Deed, made between East Washington Property, LLC Grantor, and Eastgreen LLC Grantee

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

Parcel 1

Lot One (1), Certified Survey Map No. 9499 recorded in Volume 54 of Certified Survey Maps of Dane County, Wisconsin, pages 136 to 139, inclusive, as Document No. 3169025 in the City of Madison, Dane County, Wisconsin; as said Certified Survey Map has been modified by Affidavit of Correction recorded February 28, 2000 as Document No. 3194352 and by Affidavit of Correction recorded August 15, 2000 as Document No. 3241624.

Parcel 2

A non-exclusive vehicular and pedestrian ingress and egress easement for the benefit of Parcel 1 created by instrument recorded on April 26, 1999 as Document No. 3106110.

Together with all appurtenant rights, title and interests.

251-0810-332-0318-4
Parcel Identification Number (PIN)
This Is not homestead property.
(is) (is not)

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 **municipal and zoning ordinances and agreements entered under them, recorded easements, recorded building and use restrictions and covenants, general taxes levied in the year of closing.**

East Washington Property, LLC
by: Building Exchange Company, Sole Member
by: Hans Voit
Name and Title: Hans Voit, Vice President

AUTHENTICATION

Signature(s)

authenticated this day of

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

ACKNOWLEDGMENT

STATE OF Wisconsin)
) ss.
Dane County)

Personally came before me this 10th day of February 2003 the above named Hans Voit as the Vice President of Building Exchange Company, LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Larry K. Libman
Notary Public, State of Wisconsin
My Commission is permanent. If not, state expiration date

LARRY K. LIBMAN NOTARY PUBLIC STATE OF WISCONSIN

THIS INSTRUMENT WAS DRAFTED BY
Attorney Larry K. Libman, Axley Brynelson, LLP
2 East Mifflin St. #200, Madison, WI 53703
265634

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

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

OFF-SOURCE
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PROPERTY

000021

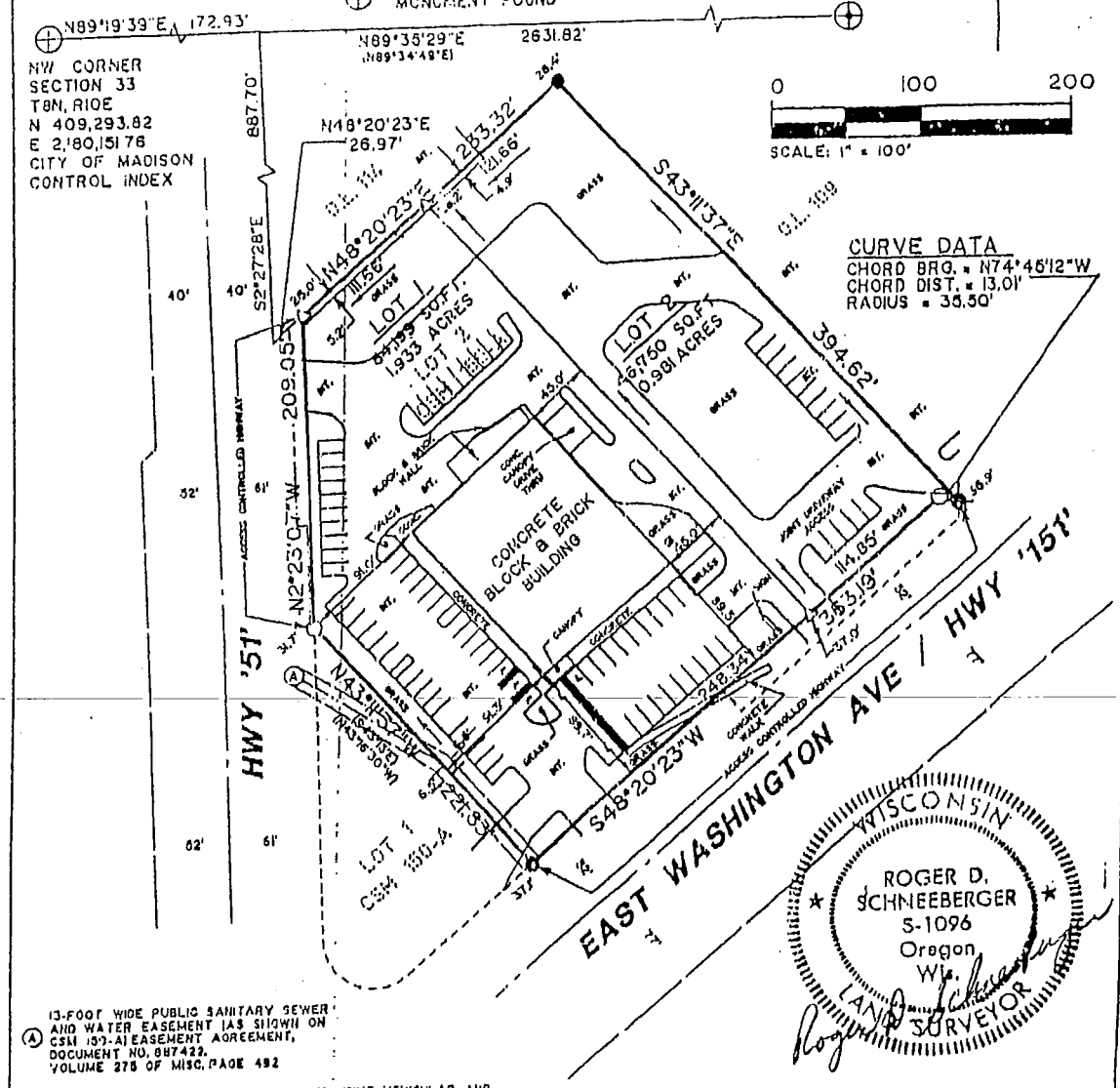
CERTIFIED SURVEY MAP

CLIENT: SUB PROPERTIES, LLC
% LATHROP & CLARK
740 REGENT ST.
MADISON, WI 53701

LEGEND
- 1" IRON PIPE FOUND
- RAILROAD SPIKE SET
- 3/4" X 24" LONG REBAR WEIGHING 504 LBS/LIN.FT SET
- 3/4" REBAR FOUND
- ALUMINUM CAP IN CONCRETE MONUMENT FOUND
- BRASS CAP IN CONCRETE MONUMENT FOUND

N1/4 CORNER
SECTION 33
T8N, R10E
N 409,313.09
E 2,182,782.07
CITY OF MADISON
CONTROL INDEX

N



CURVE DATA
CHORD BRG. = N74°45'12"W
CHORD DIST. = 13.01'
RADIUS = 35.50'

WISCONSIN
ROGER D. SCHNEEBERGER
S-1096
Oregon
Wis.
LAND SURVEYOR

Roger D. Schneeberger

(A) 13-FOOT WIDE PUBLIC SANITARY SEWER AND WATER EASEMENT (AS SHOWN ON CSM 150-A) EASEMENT AGREEMENT, DOCUMENT NO. 887422, VOLUME 275 OF MISC. PAGE 492

NOTE: PARCEL SUBJECT TO A NON-EXCLUSIVE VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF LOT 1 CREATED BY INSTRUMENT RECORDED APRIL 26, 1999, AS DOCUMENT NO. 3106110

NOTE: ARROWS INDICATE THE DIRECTION OF SURFACE DRAINAGE SWALE AT INDIVIDUAL PROPERTY LINES. SAID DRAINAGE SWALE SHALL BE GRADED WITH THE CONSTRUCTION OF EACH PRINCIPAL STRUCTURE AND MAINTAINED BY THE LOT OWNER UNLESS MODIFIED WITH THE APPROVAL OF THE CITY ENGINEER. ELEVATIONS GIVEN ARE FOR PROPERTY CORNERS AT GROUND LEVEL AND SHALL BE MAINTAINED BY THE LOT OWNER

NOTE: ALL LOTS WITHIN THIS SURVEY ARE SUBJECT TO A NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES WHICH SHALL BE A MINIMUM OF 6-FEET IN WIDTH MEASURED FROM THE PROPERTY LINE TO THE INTERIOR OF EACH LOT EXCEPT THAT THE EASEMENT SHALL BE 2-FEET IN WIDTH ON THE PERIMETER OF THE SURVEY. EASEMENTS SHALL NOT BE REQUIRED ON PROPERTY LINES SHARED WITH GREENWAYS OR PUBLIC STREETS.

NOTE: BOTH HIGHWAY 51 AND 151 WAY (BLACKSEN) CONTROLLED BY THE STATE OF WISCONSIN

"AS OWNER I HEREBY RESTRICT ALL LOTS AND BLOCKS SO THAT NO OWNER, POSSESSOR, USER, LICENSEE OR OTHER PERSON MAY HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS FROM OR EGRESS TO ANY HIGHWAY LYING WITHIN THE RIGHT-OF-WAY OF U.S.H. 51 & U.S.H. 151 AS SHOWN ON THE LAND DIVISION MAP. IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN s. 236.293, STATS., AND SHALL BE ENFORCEABLE BY THE DEPARTMENT OR ITS ASSIGNS."

MEAD & HUNT

Mead & Hunt, Inc.
6501 Mineral Pt. Rd.
Madison, Wisconsin 53719-2700
Phone 608-273-6380
Fax 608-273-6391

DOT 13-051-0091-990

REVISED: 9/21/99
REVISED: 9/30/99

Dwg No. N 9276 S
Sheet 1 of 4
Job No. 5365-99A
n:\survey\99\g151-99a\s36599a.dgn

Document No. 3169025
CSM No. 9477
Volume 54 Page 136

4/11

OFF-SOURCE
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PROPERTY

DANE COUNTY
REGISTER OF DEEDS

3194352

02-28-2000 3:32 PM

Trans. Fee

Rec. Fee 12.00
Pages 2

Register of deeds recording area

Name and return address:

000389

Mead & Hunt, Inc.
6501 Watts Road, Suite 101
Madison, WI 53719-2700

Parcel Identification Number:

Lot 1: 0810-332-0318-4
Lot 2: 0810-332-0320-9

AFFIDAVIT OF CORRECTION

Note: use black ink; print or type legibly.

AFFIANT, Roger D. Schneeberger, hereby affirms that to the best of his/her knowledge and belief, a certain document recorded on the 4th day of November, 1999, as certified Survey Map No. 9499, in volume 54 of Certified Survey Maps, pages 136-139, as document number 3169025 which was recorded in Dane County, State of Wisconsin, contained the following errors:

On Page 1, The Map
The lot line between Lots 1 and 2, the bearing and distance was omitted.

The square feet area on Lot 2, shown as 46,750 square feet.

AFFIANT makes this affidavit for the purpose of correcting the above document to read as follows:

The lot line between Lots 1 and 2 should read: S 43°-11'-37" E, 383.72 feet

The square feet area on Lot 2, should read 42,750 square feet.

Signed: Roger D. Schneeberger on this 2ND, day of FEBRUARY, 2000 (year).

Name Printed: ROGER D. SCHNEEBERGER

WISCONSIN ROGER D. SCHNEEBERGER S-1096 Oregon Wis. LAND SURVEYOR

AUTHENTICATION/ACKNOWLEDGMENT

STATE OF WISCONSIN

The above named person came before me this 2nd day of FEBRUARY, 2000, (year) to me known to be the person who executed this instrument.

Signature

Don Gotrik
Name printed

STATE OF WISCONSIN DON GOTRIK NOTARY PUBLIC

Notary Public, Dane County, Wisconsin My Commission Expires: 2-2-2003

Document drafted by: ROGER D. SCHNEEBERGER

GEN40736

Sheet 1 of 2 2/2

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000390

AFFIDAVIT OF CORRECTION

Approved for recording by the Secretary of the City of Madison Planning Commission.

Mark A. Olinger by [illegible] 2-21-00

Mark Olinger — Date

Mead & Hunt
Sheet 2 of 2

GFN-A0736

OFF-SOURCE
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PROPERTY

DANE COUNTY
REGISTER OF DEEDS

3241624

08-15-2000 3:47 PM

Trans. Fee

Rec. Fee 12.00
Pages 2

Register of deeds recording area

Name and return address:

001140

Mead & Hunt, Inc.
6501 Watts Road, Suite 101
Madison, WI 53719-2700

Parcel Identification Number:

Lot 1: 0810-332-0318-4
Lot 2: 0810-332-0320-9

AFFIDAVIT OF CORRECTION

Note: use black ink; print or type legibly.

AFFIANT, Roger D. Schneeberger, hereby affirms that to the best of his/her knowledge and belief, a certain document recorded on the 4th day of November, 1999, as certified Survey Map No. 9499, in volume 54 of Certified Survey Maps, pages 136-139, as document number 3169025 which was recorded in Dane County, State of Wisconsin, contained the following errors:

This also is intended to correct Affidavit of Correction Document No. 3194352.

On Page 1, The Map
The lot line between Lots 1 and 2, the bearing and distance was omitted.

The area on Lot 2, shown as 46,750 square feet and 0.981 acres

On Page 2
In the description which reads: "Parcel contains 2.914 acres".

AFFIANT makes this affidavit for the purpose of correcting the above document to read as follows:

The lot line between Lots 1 and 2 should read: S 43°-11'-37" E, 383.72 feet

The area on Lot 2, should read 46,709 square feet and 1.072 acres.

Parcel contains 3.005 acres

WISCONSIN
ROGER D. SCHNEEBERGER
S-1096
Oregon
Wis.
LAND SURVEYOR

Signed: Roger D. Schneeberger on this 22ND, day of MARCH, 2000 (year).

Name Printed: ROGER D. SCHNEEBERGER

AUTHENTICATION/ACKNOWLEDGMENT

STATE OF WISCONSIN

The above named person came before me this 22nd day of March, 2000, (year) to me known to be the person who executed this instrument.

Wendy K. Culver Baum
Signature

Wendy K. Culver Baum
Name printed

Notary Public, Dane County, Wisconsin
Document drafted by: Roger D. Schneeberger

My Commission Expires: 04-01-2001

GENA0740/03 00

Mead & Hunt
Sheet 1 of 2 2/12

OFF-SOURCE
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PROPERTY

AFFIDAVIT OF CORRECTION

001141

Approval for recording by the Secretary of the City of Madison Planning Commission.

Mark A. Olinger by [illegible] 7-26-00

Mark Olinger Date

OFF-SOURCE
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PROPERTY

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
3656073

02/20/2003 12:10:06PM

Trans. Fee:
Exempt #: 3

Rec. Fee: 17.00
Pages: 4

000678

MEMORANDUM OF INTEREST

This Memorandum of Interest is made by Washington East, LLC, a Wisconsin limited liability company ("W/E"), Senior Care of Wisconsin, Inc., a Wisconsin corporation ("S/C"), and Collins Properties, LLC, a Wisconsin limited liability company ("C/P"). S/C and C/P shall hereinafter be referred to collectively as the "Collins Group".

Background

Return to: Atty. Tom Sobota
P. O. Box 927
Madison, WI 53701-0927
Parcel #'s on Exhibits A & B

a. W/E is the owner of a parcel of real estate described on **Exhibit A**, which is attached hereto, and which is located at 3702 East Washington Avenue, Madison, Wisconsin (the "SUB Parcel").

b. W/E and the Collins Group entered into an offer to purchase, including various amendments thereto, (the "Offer") dated August 11, 1999 with regard to a parcel of real estate described on **Exhibit B**, which is attached hereto, and which is located adjacent to the SUB Parcel and the address of which is 3710 East Washington Avenue, Madison, Wisconsin (the "Walgreen Parcel").

c. On November 9, 1999, the Collins Group acquired the Walgreen Parcel from W/E.

d. Under the terms of the Offer, W/E is obligated to convey the SUB Parcel to the Collins Group, for no further consideration, within thirty (30) days after the Wisconsin Department of Natural Resources has issued its usual "no further action" letter or its then equivalent in connection with the completion of remediation activities with regard to the SUB Parcel. The Collins Group's right to have the SUB Parcel conveyed to it by W/E, pursuant to the terms of the Offer, shall be referred to as the "SUB Parcel Conveyance Right"

e. The Collins Group desires to assign the SUB Parcel Conveyance Right to a third party which is purchasing the Walgreen Parcel.

NOW, THEREFORE, the parties hereto agree as follows:

1. The Collins Group shall have the right to assign the SUB Parcel Conveyance Right to any person or entity which acquires fee title to the Walgreen Parcel, and the SUB Parcel Conveyance Right may be assigned to any subsequent holder of fee title to the Walgreen Parcel.

2. The purpose of this Memorandum of Interest is to memorialize and place of record the terms , provisions and conditions regarding the conveyance of the SUB Parcel, and the interests of the parties therein, as set forth in the Offer.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Interest effective as of February 10, 2003.

[SIGNATURES ON FOLLOWING PAGE]

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000679

Washington East, LLC
By: Nevac Group Ltd., Manager

By: _____
Bruce D. Neviaser, Its Secretary / Treasurer

Senior Care of Wisconsin, Inc.

By: _____
Michael S. Collins, Treasurer

Collins Properties, LLC

By: _____
Michael Collins, Authorized Member

FIONNUALA ANDERSON NOTARY PUBLIC STATE OF WISCONSIN

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Personally came before me this 7th day of February, 2003 the above-named Bruce D. Neviaser, acting as Secretary / Treas. of Nevac Group Ltd., and known to me to be the person who executed the foregoing document and acknowledged the same.

F. L. Anderson
Notary Public, Dane County, Wisconsin
My Commission: EXPIRES 3/19/2006

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Personally came before me this 10th day of February, 2003 the above-named Michael S. Collins, acting as Treasurer of Senior Care of Wisconsin, Inc., and known to me to be the person who executed the foregoing document and acknowledged the same.

LARRY K. LIBMAN NOTARY PUBLIC STATE OF WISCONSIN

Notary Public, Dane County, Wisconsin
My Commission: is permanent

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Personally came before me this 10th day of February, 2003 the above-named Michael Collins, acting as Authorized Member of Collins Properties, LLC, and known to me to be the person who executed the foregoing document and acknowledged the same.

LARRY K. LIBMAN NOTARY PUBLIC STATE OF WISCONSIN

Notary Public, Dane County, Wisconsin
My Commission: is permanent

This instrument was drafted by
Attorney Larry K. Libman
Axley Brynelson, LLP
2 East Mifflin Street, Suite 200
Madison, Wisconsin 53703
(608) 257-5661

205034

OFF-SOURCE
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PROPERTY

EXHIBIT A

Lot One (1) of Certified Survey Map No. 150-A recorded in the Dane County Register of Deeds Office in Volume 1 of Certified Survey Maps, Page 150, as Document No. 1107113, in the City of Madison, Dane County, Wisconsin, EXCEPT those lands conveyed by Quit Claim Deed, recorded on Volume 782 of Deeds, Page 338, as Document No. 1107912 and lands awarded by Award of Damages, recorded in Volume 188 of Records, Page 410, as Document No. 1268861.

Together with and subject to an easement contained in instrument recorded on April 26, 1999, as Document No. 3106110. Consent and conditions contained in instrument recorded on September 15, 1999, as Document No. 3155329.

NEW TAX ROLL PARCEL NUMBER:	251-0810-332-0319-2
OLD TAX ROLL PARCEL NUMBER:	60-0810-332-0319-2
ADDRESS PER TAX ROLL:	3702 East Washington Avenue

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PROPERTY

EXHIBIT B

U11U681

PARCEL 1

LOT ONE (1), CERTIFIED SURVEY MAP NO. 9499 RECORDED IN VOLUME 54 OF CERTIFIED SURVEY MAPS OF DANE COUNTY, WISCONSIN, PAGES 136 TO 139, INCLUSIVE, AS DOCUMENT NUMBER 3169025, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN; AS SAID CERTIFIED SURVEY MAP HAS BEEN MODIFIED BY AFFIDAVIT OF CORRECTION RECORDED FEBRUARY 28, 2000 AS DOCUMENT NUMBER 3194352 AND BY AFFIDAVIT OF CORRECTION RECORDED AUGUST 15, 2000 AS DOCUMENT NUMBER 3241624.

PARCEL 2

A NON-EXCLUSIVE VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED BY INSTRUMENT RECORDED ON APRIL 26, 1999 AS DOCUMENT NUMBER 3106110.

PARCEL NO. 251-0810-332-0318-4

OFF-SOURCE
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PROPERTY

DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
3656874

02/20/2003 12:10:06PM

Trans. Fee:
Exempt #: 3

Rec. Fee: 19.00
Pages: 5

000682

ASSIGNMENT OF CONVEYANCE RIGHT

This Assignment of Conveyance Right (the "Assignment") is made effective this 10th day of February, 2003, by and between Senior Care of Wisconsin, Inc., a Wisconsin corporation ("S/C"), Collins Properties, LLC, a Wisconsin limited liability company ("C/P"), and Eastgreen LLC, a Wisconsin limited liability company ("Eastgreen"). S/C and C/P shall hereinafter be referred to collectively as the "Collins Group"

Background

Return to Attorney Tom Sobota
P. O. Box 927
Madison, WI 53701-0927

Parcel #'s on Exhibits A and B

a. As described in that certain Memorandum of Interest dated February 10, 2003 (the "Memorandum"), which was recorded in the office of the Register of Deeds for Dane County, Wisconsin on February____, 2003, as document No. 3656873, the Collins Group has the right to have a parcel of real estate conveyed to it, which parcel (the "SUB Parcel") is located at 3702 East Washington Avenue, Madison, Wisconsin, and is described on **Exhibit A,** which is attached hereto, The Collins Group's right to have the SUB Parcel conveyed to it shall be referred to as the "SUB Parcel Conveyance Right".

b. As also described in the Memorandum, the Collins Group has the right to assign the SUB Parcel Conveyance Right to any person or entity which is the holder of the fee title to the parcel of real estate located at 3710 East Washington Avenue, and which is described in **Exhibit B,** which is attached hereto (the "Walgreen Parcel").

c. On the date of this Assignement, Eastgreen is acquiring the fee title to the Walgreen Parcel.

NOW, THEREFORE, the parties hereto agree as follows.

1. The Collins Group hereby irrevocably assigns and conveys all of its right title and interest in and to the SUB Parcel Conveyance Right to Eastgreen.

2. The Collins Group warrants and represents to Eastgreen that it has not previously assigned the SUB Conveyance right to any other party, and that it has full right and

OFF-SOURCE
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PROPERTY

authority to make the assignment to Eastgreen set forth herein.

3. The Collins Group makes no other warranties or representations to Eastgreen with regard to the SUB Conveyance Right or with regard to the SUB Parcel.

4. Eastgreen hereby accepts this Assignment.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment effective as of February 10, 2003.

Eastgreen LLC

By: Scott M. Faust
Scott M. Faust, President

Senior Care of Wisconsin, Inc.

By: _____
Michael S. Collins, Treasurer

Collins Properties, LLC

By: _____
Michael Collins, Authorized Member

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Personally came before me this 10th day of February, 2003 the above-named Scott M. Faust, acting as President of Eastgreen LLC, and known to me to be the person who executed the foregoing document and acknowledged the same.

T. V. Sobota
Notary Public, Dane County, Wisconsin
My Commission: is permanent

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Personally came before me this 10th day of February, 2003 the above-named Michael S. Collins, acting as Treasurer of Senior Care of Wisconsin, Inc., and known to me to be the person who executed the foregoing document and acknowledged the same.

Notary Public, Dane County, Wisconsin
My Commission: is Permanent

LARRY K. LIBMAN NOTARY PUBLIC STATE OF WISCONSIN

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PROPERTY

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STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

Personally came before me this 10th day of February, 2003 the above-named Michael Collins, acting as Authorized Member of Collins Properties, LLC, and known to me to be the person who executed the foregoing document and acknowledged the same.

L. K. L

Notary Public, Dane County, Wisconsin
My Commission is permanent

LARRY K. LIBMAN
NOTARY
PUBLIC
STATE OF WISCONSIN

This instrument was drafted by
Attorney Larry K. Libman
Axley Brynelson, LLP
2 East Mifflin Street, Suite 200
Madison, Wisconsin 53703
(608) 257-5661

(205034)

OFF-SOURCE
A
PROPERTY

EXHIBIT A

Lot One (1) of Certified Survey Map No. 150-A recorded in the Dane County Register of Deeds Office in Volume 1 of Certified Survey Maps, Page 150, as Document No. 1107113, in the City of Madison, Dane County, Wisconsin, EXCEPT those lands conveyed by Quit Claim Deed, recorded on Volume 782 of Deeds, Page 338, as Document No. 1107912 and lands awarded by Award of Damages, recorded in Volume 188 of Records, Page 410, as Document No. 1268861.

Together with and subject to an easement contained in instrument recorded on April 26, 1999, as Document No. 3106110. Consent and conditions contained in instrument recorded on September 15, 1999, as Document No. 3155329.

NEW TAX ROLL PARCEL NUMBER:	251-0810-332-0319-2
OLD TAX ROLL PARCEL NUMBER:	60-0810-332-0319-2
ADDRESS PER TAX ROLL:	3702 East Washington Avenue

OFF-SOURCE
A
PROPERTY

000686

EXHIBIT B

PARCEL 1

LOT ONE (1), CERTIFIED SURVEY MAP NO. 9499 RECORDED IN VOLUME 54 OF CERTIFIED SURVEY MAPS OF DANE COUNTY, WISCONSIN, PAGES 136 TO 139, INCLUSIVE, AS DOCUMENT NUMBER 3169025, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN; AS SAID CERTIFIED SURVEY MAP HAS BEEN MODIFIED BY AFFIDAVIT OF CORRECTION RECORDED FEBRUARY 28, 2000 AS DOCUMENT NUMBER 3194352 AND BY AFFIDAVIT OF CORRECTION RECORDED AUGUST 15, 2000 AS DOCUMENT NUMBER 3241624.

PARCEL 2

A NON-EXCLUSIVE VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS EASEMENT FOR THE BENEFIT OF PARCEL 1 CREATED BY INSTRUMENT RECORDED ON APRIL 26, 1999 AS DOCUMENT NUMBER 3106110.

PARCEL NO. 251-0810-332-0318-4