

**GIS REGISTRY**  
**Cover Sheet**

July, 2008  
(RR 5367)

**Source Property Information**

**BRRTS #:** 02-30-553995  
**ACTIVITY NAME:** HARBORSIDE COMMONS  
**PROPERTY ADDRESS:** 716 51ST PLACE  
**MUNICIPALITY:** KENOSHA  
**PARCEL ID #:** 1222331162006

**CLOSURE DATE:** Aug 18, 2011  
**FID #:** 230198650  
**DATCP #:**  
**COMM #:**

**\*WTM COORDINATES:**

X: 698768 Y: 237511

*\* 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")*
- Soil Contamination > \*RCL or \*\*SSRCL (232)  
 Contamination in ROW  
 Off-Source Contamination  
*(note: for list of off-source properties see "Impacted Off-Source Property")*

**Land Use Controls:**

- Soil: maintain industrial zoning (220)  
*(note: soil contamination concentrations between residential 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 or economic development corporation)*

**Monitoring wells properly abandoned? (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 #: 02-30-553995 (No Dashes) PARCEL ID #: 12-223-31-162-006

ACTIVITY NAME: Harborside Commons WTM COORDINATES: X: 698768 Y: 237511

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

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

**SOURCE LEGAL DOCUMENTS**

- 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.*
- 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: ALTA Survey**
- 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.

- 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 #: 1                      Title: Site Location Diagram**
- 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: Post Development Site Features Diagram**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour 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: Remaining Impacts Diagram**

BRRTS #: 02-30-553995

ACTIVITY NAME: Harborside Commons

**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 #: Title:

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 #: Title:

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

Figure #: 4 Title: Groundwater Flow Direction Diagram

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 #: 1,2,3 Title: Soil Analytical Results

- 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 #: 4,5,6 Title: Groundwater Analytical Results

- 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 #: Title:

**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 #: 02-30-553995

ACTIVITY NAME: Harborside Commons

**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:**

**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.

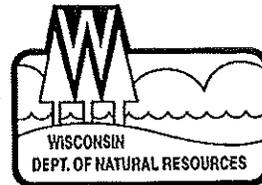
*Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*

**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: 1**

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Sturtevant Service Center  
9531 Rayne Rd  
Sturtevant WI 53177

Scott Walker, Governor  
Cathy Stepp, Secretary  
John Hammen, Acting Regional Director  
Telephone 262-884-2300  
FAX 262-884-2306  
TTY Access via relay - 711



August 18, 2011

Silverstone Parners, Inc.  
Kristi Morgan  
7447 University Ave.  
Suite 210  
Middleton, WI 53562

Subject: Closure Review of Harborside Commons, 716 51<sup>st</sup> Place, Kenosha, WI FID 230198650, BRRTS 02-30-553995

Dear Ms. Morgan:

On August 3, 2011 the Department received the request for case closure. The Department has reviewed this request for closure.

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

#### GIS Registry

The conditions of case closure set out below in this letter require that this site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- If a structural impediment that obstructed a complete site investigation or cleanup is removed or modified, additional environmental work must be completed
- 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

This letter and information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at: <http://dnr.wi.gov/org/aw/r/gis/index.htm>. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior 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. This form can be obtained on-line <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

#### Residual Soil Contamination

Residual soil contamination remains at B-19, B-10 and B-11 as shown on the attached map and in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual 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.

Harborside Commons

Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. You must pass on the information about these continuing obligations to the next property owner or owners. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department 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 or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter [including compliance with referenced maintenance plans are met].

Prohibited Activities

The following activities are prohibited on any portion of the property where [pavement, a building foundation, soil cover, engineered cap or other barrier] is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure.

Post-Closure Notification Requirements

In accordance with ss, 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, an example of a changed condition requiring prior notification includes, but is not limited to:

- Any activity or construction that results in the removal or modification of a structural impediment that obstructed a complete site investigation or cleanup
- Disturbance, construction on, change or removal in whole or part of pavement, an engineered cover or a soil barrier that must be maintained over contaminated soil

Please send written notifications in accordance with the above requirements to Victoria Stovall, 2300 North Dr. martin Luther King Jr. Dr., Milwaukee, WI 53212.

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 Shanna Laube-Anderson at 262-884-2341.

Sincerely,

*Frances M. Koonce*

Frances M. Koonce, Team Supervisor  
Southeast Region Remediation & Redevelopment Program

Cc: EDS, Trenton Ott, 6637 N. Sidney Place, Milwaukee, WI 53209

## **CAP MAINTENANCE PLAN**

July 29, 2011

### **Property Located at:**

716 51<sup>st</sup> Place in Kenosha, Wisconsin

Harborside Commons Redevelopment  
FID No. 230198650  
BRRTS No. 02-30-553995

### **Described as follows:**

South half of Block 82 in the northeast quarter of Section 31, Town 2 North, Range 23 East of the Fourth Principal Meridian and lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin and the North ½, EXCEPTING THEREFROM the East ½ thereof of Block 82 of the original Plat of the Village of Southport, in the northeast quarter of Section 31, Town 2 North, Range 23 East of the Fourth Principal Meridian and lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Tax Key No. 12-223-31-162-006

### **Introduction:**

This document is the Maintenance Plan for a cap at the above-referenced property (the "Property") in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing cap within specific areas of the Property.

More site-specific information about the Property may be found in:

- The case file in the Wisconsin Department of Natural Resources (DNR) southeast regional office
- BRRTS on the Web (DNR's internet based data base of contaminated sites): <http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do>
- GIS Registry PDF file for further information on the nature and extent of contamination: <http://dnrmapping.wisconsin.gov/imf/imf.jsp?site=brrts2> and
- The DNR project manager (contact information found on the last page).

### **Description of Residual Impacts:**

The Property is currently occupied by a newly-constructed 89 unit senior assisted living facility. The Property is zoned for a mixed use district, which allows for former industrial-type properties to be converted to residential, commercial, or office use. The zoning is consistent with the current and planned future use. Prior to construction, the Property was vacant and contained historic fill materials. Site investigation (SI) activities have been conducted at the Property. The SI results indicated relatively low concentrations of residual soil impacts associated with the historic fill noted at the Property. The following compounds remain in soil at concentrations above their suggested residual contaminant levels (RCLs) for the non-industrial direct contact pathway: total lead, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene. The redevelopment capped the entire property with the building foundation, concrete/asphalt paved areas, or a soil cap within landscaped areas. The soil cap consists of a geotextile fabric underlying 6 to 8 inches of topsoil. Based on the soil sampling results, the residual soil impacts will be addressed through maintaining the existing caps as direct contact barriers. The RAP was submitted to and approved by the DNR in November 2009. EDS submitted a closure request and soil Geographic information System (GIS) packet to the DNR.

**Description of the Cap to be maintained:**

The building foundation, concrete/asphalt paved areas, and soil cap areas (these features combined construe the "Cap") that exist over residual soil impacts on the above-described property in the locations shown on the attached map ("Exhibit A") serve as a barrier to prevent direct human contact with residual soil impacts that might otherwise pose a threat to human health. Based on the current and future use of the Property, the Cap should function as intended unless disturbed.

**Annual Inspection:**

The Cap overlying residual soil impacts and as depicted on the attached map ("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 by the Property owner or their designated representative. 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 inspection log will include recommendations for necessary repair of any areas of the Cap where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept at the address of the Property owner and available for submittal or inspection by DNR representatives upon their request.

**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 or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the Property owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The Property owner must also sample any soil that is excavated from the Property prior to disposal to ascertain if soil impacts remain. The soil must be treated, stored, and disposed of by the Property owner in accordance with applicable local, state, and federal law.

In the event the Cap overlying the residual soil impacts is removed or replaced, the replacement barrier must be equivalent for the purpose of minimizing direct contact with the underlying soils. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Cap Maintenance Plan unless indicated otherwise by the DNR or its successor.

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

**Prohibition of Activities and Notification of DNR Prior to Actions Affecting the Cap:**

The following activities are prohibited on any portion of the Property where the Cap is required as shown on Exhibit A, unless prior written approval has been obtained from the DNR: (1) removal of the existing cap; (2) replacement of the cap with another barrier; (3) excavating or grading of the land surface; (4) filling on the capped surface; (5) plowing for agricultural cultivation; and (6) construction or placement of a building or other structure within the capped area.

**Amendment or Withdrawal of Maintenance Plan:**

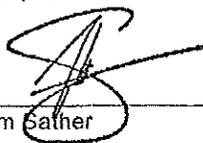
This Maintenance Plan can be amended or withdrawn by the Property owner and its successors with the written approval of DNR.

**Contact Information (as of July 2011):**

Site Owner and Operator: Silverstone Partners, Inc.  
Mr. Tom Sather  
7447 University Avenue, Suite 210  
Middleton, WI 53562

Signature: \_\_\_\_\_

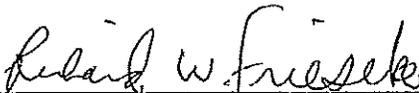
Mr. Tom Sather



Consultant:

Environmental & Development Solutions, Inc.  
Attn: Rick Frieseke, P.E.  
6637 N. Sidney Place  
Milwaukee, WI 53209  
(414) 228-9810

Signature: \_\_\_\_\_



DNR:

Ms. Shanna Laube-Anderson  
Hydrogeologist  
Wisconsin Department of Natural Resources  
9531 Rayne road, Suite IV  
Sturtevant, WI 53177  
(262) 884-2341

51st Street

EXHIBIT A

# KEY

-  = vegetated soil cap
-  = asphalt/concrete cap
-  = concrete building foundation cap
-  = Soil Sample
- B(a)A = benzo(a)anthracene
- B(a)P = benzo(a)pyrene
- B(b)F = benzo(b)flouranthene
- D(ah)A = dibenzo(ah)anthracene
- IP = indeno(123-cd)pyrene

**Notes:**

- 1.) All concentrations are listed in parts per million (ppm).
- 2.) Concentrations listed exceed the generic RCL for the non-industrial direct contact pathway.

8th Avenue

Sidewalk

B-19	
3-4 FT	
Lead	770

B-19

B-18	
6-7 FT	
B(a)P	0.013

B-10	
3-4 FT	
B(a)A	1.9
B(a)P	1.5
B(b)F	1.7
D(ah)A	0.26
IP	0.57

Asphalt Parking

7th Avenue

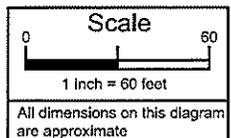
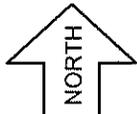
Sidewalk

Landscaped Area

Patio

Driveway

B-14	
3-4 FT	
Clean	



B-11	
6-7 FT	
Lead	110
B(a)A	0.39
B(a)P	0.31
D(ah)A	.0038
IP	0.10

51st Place

Sidewalk

B-12	
3-4 FT	
B(a)A	0.69
B(a)P	0.52
B(b)F	0.61
D(ah)A	0.04
IP	0.15



File No.: 101201b  
 DWG Date: 7-29-2011  
 Rev Date: 7-29-2011  
 Drawn By: MJR  
 Checked By (PM): TJO

## Remaining Impacts Diagram Kenosha Harborside 7th Avenue and 51st Place Kenosha, Wisconsin

Figure  
 4





Document Number

STATE BAR OF WISCONSIN FORM 1-2000  
WARRANTY DEED

**This Deed**, made between, JB 5017, LLC a Wisconsin limited liability company, Grantor, and , Kenosha Harborside, LLC, Grantee.

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

The North 1/2, EXCEPTING THEREFROM the East 1/2 thereof, of Block 82 of the Original Plat of the Village of Southport, in the Northeast 1/4 of Section 31, Town 2 North, Range 23 East of the Fourth Principal Meridian, lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

**TRANSFER FEE**

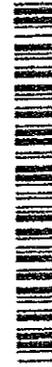
\$ 735.00

For Informational Purposes Only  
Tax Key No. 12-4-223-31-162-005

Property Address: 722 51st Street, Kenosha, WI

11- Recoding Area

Name and Return Address KENOSHA HARBORSIDE  
7447 UNIVERSITY AVE STE 210  
MIDDLETON WI 53562



DOCUMENT

1567011

RECORDED

At Kenosha County, Kenosha, WI 53140  
Louise I. Principe, Register of Deeds  
on 9/03/2008 at 2:42PM \$745.00

JANK

REGDEED

Together with all appurtenant rights, title and interests

12- 223-31-162-005

Parcel Identification Number (PIN)

This is not homestead property.

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 enters under the, recorded easements for the distribution of utility and municipal services, recorded building and use restriction and covenants, general taxes levied in the year of closing.

Dated this 28 day of AUG, 2008.

*James A. Bell Jr.*

JB 5017, LLC a Wisconsin limited liability company

By: James A. Bell, Jr., Sole 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

James A. Bell, Jr.

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

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )

Kenosha County ss.

Personally came before me this 28 day of AUG, 2008 the above named JB 5017, LLC a Wisconsin limited liability company, By: James A. Bell, Jr. to me known to be the person who executed the foregoing instrument and acknowledge the same.

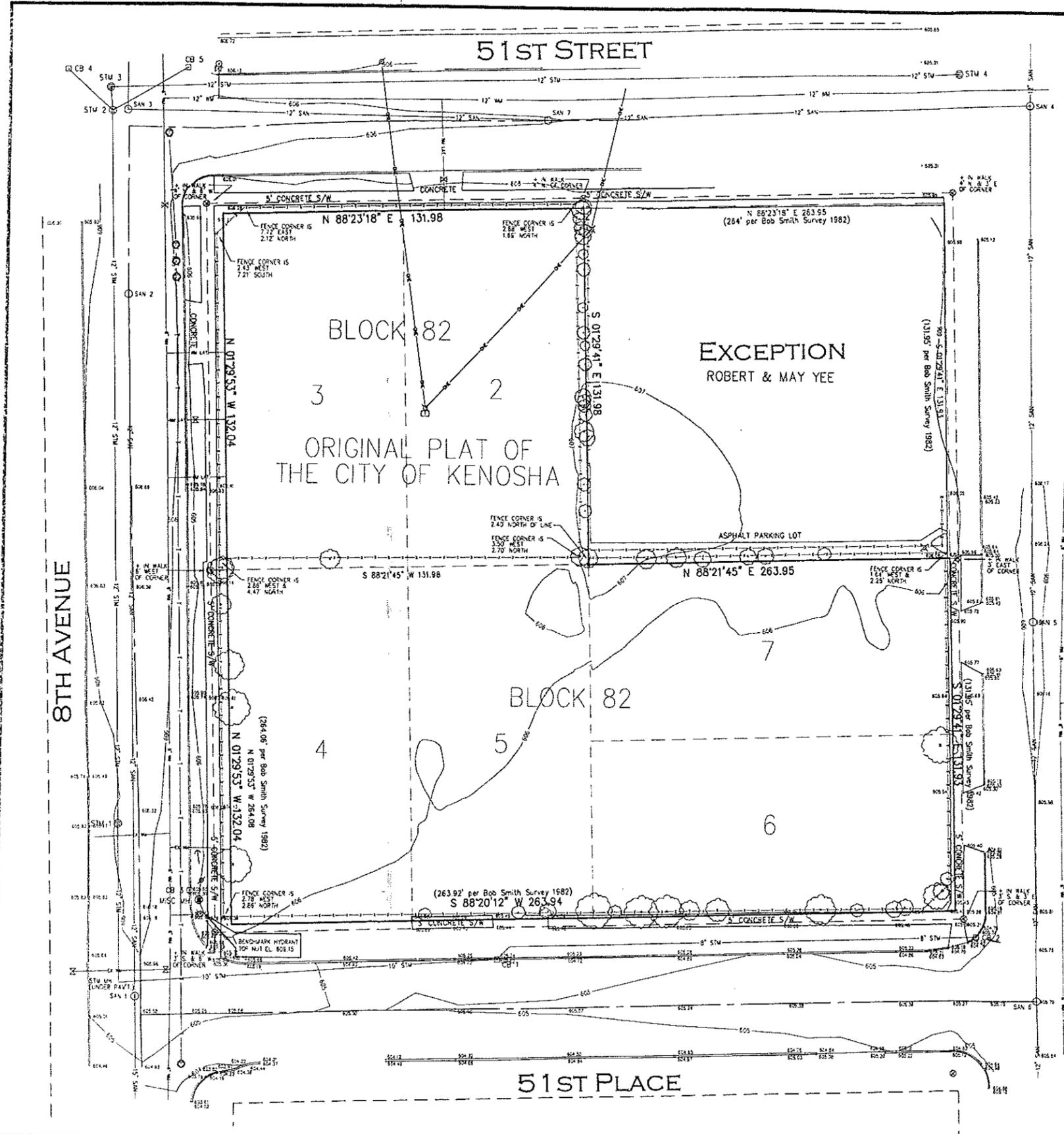
*Terry Daniels Ebner*

\* TERRY DANIELS EBNER

Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date 1 11 09)

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



**DESCRIPTION**

**DESCRIPTION OF RECORD**  
 The South Half of Block 82, and the North 1/2, EXCEPTING THEREFROM the East 1/2 thereof, of Block 82 in the Northeast Quarter of Section 31, Town 2 North, Range 23 East of the Fourth Principal Meridian, and lying and being containing 1.200 acres.

Tax Key No.: 12-4-223-31-162-003 & 12-4-223-31-162-006  
 Property Address: 7th Avenue & 722 51st Street

**CERTIFICATE**  
 To:  
 Kenosha Harborside, LLC, WNC Holding, LLC., First American Title Insurance Company, Landmark Title Corporation, West Pointe Bank and Wisconsin Housing and Economic Development Authority, their successors and assigns.

I hereby certify that this survey was prepared by me or under my supervision in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2005 and includes items 1, 2, 3, 4, 6, 7a, 7b, 7c, 8, 9, 10, 11b, 18 and 18 of Table A thereof and, to the extent possible, shows the location of all setback lines listed pursuant to item 6 of Table A. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Wisconsin, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Undersigned further certifies that the legal description describes the same property as insured in Commonwealth Land Title Insurance Corporation Title Commitment No. LT-106183 & LT-107691 dated 1/14/2008 & 5/12/2008 and any exceptions have been noted.

November 26, 2009  
*James E. Robinson*  
 James E. Robinson  
 Registered Land Surveyor  
 State of Wisconsin  
 Registered No. 1283



**ZONING NOTES:**  
 B-4 ZONING - MIXED USE  
 a. **Front Yard.** There shall be a build-within between range of zero (0) feet to fifteen (15) feet, measured from the front lot line, or from the setback line of any major street. A minimum of sixty (60%) percent of the principal building with measured at the ground level shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority. The percentage within the build-within range may also be satisfied through a garden wall having a minimum height of three (3) feet when so authorized by the Review Authority.

b. **Side Yard.**  
 (1) Interior Side Yard.  
 (a) One or two story building: ten (10) feet.  
 (b) Three story building: minimum ten (10) feet for the first and second story, twelve (12) feet for the third story.  
 (c) Four story building: minimum ten (10) feet for the first and second story, twelve (12) feet for the third story, and fourteen (14) feet for the fourth story.  
 (d) Five story building: minimum ten (10) feet for the first and second story, twelve (12) feet for the third story, fourteen (14) feet for the fourth story, and sixteen (16) feet for the fifth story.  
 (e) Where a building has a masonry wall without any windows or openings on a side of a building, the interior side yard along that side of the building may be reduced to zero (0).

(2) **Street Side Yard.** There shall be a build-within range of zero (0) feet to fifteen (15) feet, measured from the street side lot line, or from the setback line of any major street. Corner lots shall have at least one (1) street side yard and may have a second street side yard, or one (1) interior side yard. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3) feet, measured at the ground level, shall be located within the build-within range on at least one street side yard. The percentage required within the build-within range may be reduced when so authorized by the Review Authority.

c. **Rear Yard.** A rear yard of not less than ten (10) feet is required unless the rear yard is located along a public street, in which case a build-within range of zero (0) feet to fifteen (15) feet, measured from the rear lot line, or from the setback line of any major street, shall be required. A minimum of sixty (60%) percent of the width of the principal building, accessory building and/or garden wall having a minimum height of three (3) feet, measured at the ground level, shall be located within the build-within range. The percentage required within the build-within range may be reduced when so authorized by the Review Authority.

**ENCROACHMENT NOTES:**  
 THE CHAIN LINK FENCE ALONG 8TH AVENUE IS WITHIN THE ROW BY 2.8 FT. THE CHAIN LINK FENCE ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE EAST HALF OF THE BLOCK APPEARS TO BE 2.2 FT TO 2.4 FT NORTH OF LINE. THE ROW LINES ALONG 8TH AVENUE, 51ST PLACE AND 7TH AVENUE ARE NOT BEING WIDENED.

**EXISTING UTILITY DATA**

STM MH 1 RM 606 07 IE: 12' N&S 597.17 IE: 12' E 599.47	CB 3 RM 605 15 IE: 10' SW 603.154 (FROZEN DEBRIS)	SAN MH 3 RM 606 70 IE: 12' N 595.20 IE: 12' E 595.20 (FLOWS EAST TO NORTH)
STM MH 2 RM 606 68 IE: 12' N&S 599.43 IE: 8' SW 602.78 IE: 8' W 600.38 IE: 10' NE 601.28	MISC MH RM 605 60 IE: 599.10 (FROZEN DEBRIS) 599.6 TOP OF WATER	SAN MH 4 RM 605 94 IE: 12' N&S 596.84 IE: W 597.94
CB 1 RM 604 62 IE: 10' W 599.52 IE: 8' NE 600.02	SAN MH 1 RM 605 78 IE: 12' N 595.23 IE: 15' S 593.23	SAN MH 5 RM 605 70 IE: 12' N&S 595.55 IE: E 596.70
CB 2 RM 604 58 IE: 6' W 602.68	SAN MH 2 RM 606 72 IE: 12' S 596.82 (DEBRIS/NO FLOW)	SAN MH 6 RM 606 13 IE: 12' N&S 595.93



**FLOOD NOTE:**  
 By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 330202A-002A, which bears an effective date of Dec. 5, 1995. This property is not in a Special Flood Hazard Area. By telephone call dated Dec. 1, 2008, to the National Flood Insurance Program (600-635-6520) we have learned this community does not currently participate in the program. No field surveying was performed to determine the zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

**UTILITY NOTE**

THE EXACT LOCATION OF UNDERGROUND STRUCTURES OR FACILITIES SHOWN ON THE PLANS ARE BASED ON AVAILABLE RECORDS AT THE TIME OF PREPARATION AND ARE NOT GUARANTEED TO BE COMPLETE OR CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITIES 72 HOURS PRIOR TO CONSTRUCTION TO DETERMINE THE EXACT LOCATION OF ALL FACILITIES AND TO PROVIDE ADEQUATE PROTECTION DURING THE COURSE OF THE WORK.

**NOTES:**  
 OWNER - KENOSHA HARBORSIDE, LLC  
 7447 UNIVERSITY AVE. STE. 210  
 MIDDLETON, WI 53542 PHONE 608-624-2291  
 SURVEYOR: NIELSEN MADSEN & BARBER, S.C.  
 1339 WASHINGTON AVENUE, RACINE, WI 53403  
 PHONE 262-634-5588

BEARING BASE: GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE.  
 ALL ELEVATIONS REFER TO NATIONAL GEODETIC DATUM OF 1929.



- LEGEND:**
- ⊗ STORM MANHOLE
  - ⊠ CATCH BASIN
  - STM — STORM SEWER
  - ⊗ HYDRANT
  - ⊗ WATER VALVE
  - RM — WATERSMAN
  - ⊙ SANITARY MANHOLE
  - SAN — SANITARY SEWER
  - ⊙ DECIDUOUS TREE
  - F — FENCE
  - ⊙ POWER POLE
  - GUY WIRE
  - ⊙ MISC. MANHOLE
  - ⊙ CHISEL "A"
  - ⊙ LIGHT POLE
  - ⊙ TELEPHONE MANHOLE

REVISIONS	BY	DATE	REVISIONS	BY	DATE

LAYER MANAGER	PAPER SPACE DRAWINGS	SCALES:
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	1" = 20'
DRAWN BY	DATE	DRAWING NAME
SCB/JER	11-24-2009	2008009.DWG
FIELD WORK	DATE	DESIGN BY
FTM/JER	4-28-2008	

**NM & B** NIELSEN MADSEN & BARBER S.C.  
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS  
 1339 WASHINGTON AVE. RACINE, WI. 53403  
 TELEPHONE (262)634-5588 FAX (262)634-5024 E-MAIL NMB@NMBS.C

**ALTA SURVEY**  
 THE SOUTH 1/2 AND THE WEST 1/2 OF THE NORTH 1/2 OF BLOCK 82 IN THE ORIGINAL TOWN OF SOUTHPORT FOR  
**SILVERSTONE PARTNERS, INC.**  
 CITY OF KENOSHA, KENOSHA COUNTY, WISCONSIN

SHEET NO.  
 1 OF 1  
 2008.0009.03

Date: 7/5/2011

RE: Statement Regarding Legal Description for the Harborside Commons  
Redevelopment Site Located at 7<sup>th</sup> Avenue and 51<sup>st</sup> Place in Kenosha,  
Wisconsin

To whom it may concern:

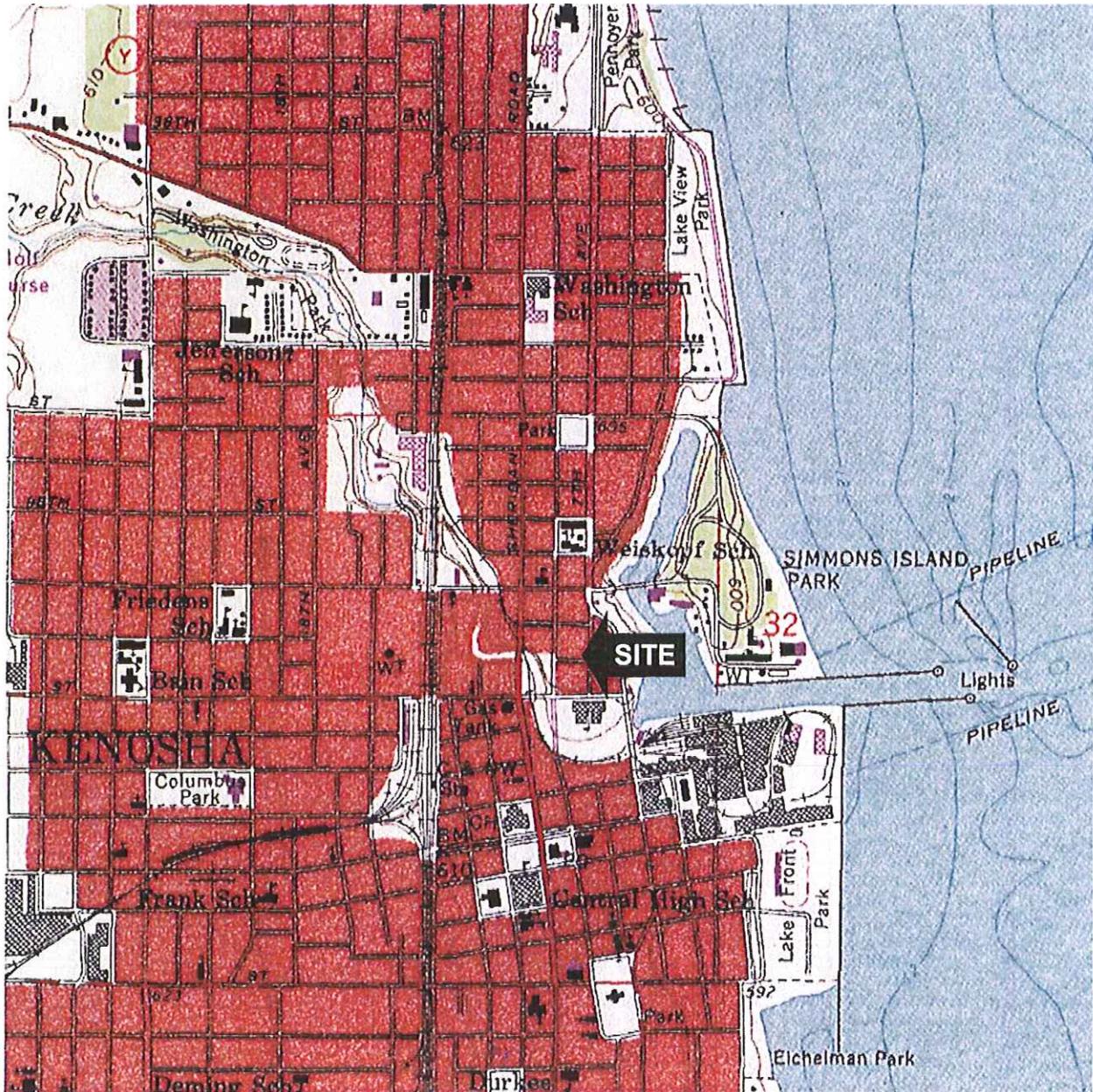
I believe that the legal description included in this soil Geographic Information  
System (GIS) packet is complete and accurate to the best of my knowledge.

Respectfully,



---

Name: Mr. Tom Sather  
Silverstone Partners



Approximate  
Scale

1" = 1,600'

United States Geologic Society Topographic Map  
Kenosha Quadrangle

SE 1/4 of NE 1/4 of Sec 31, T2N, R23E

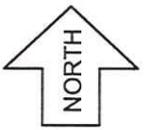
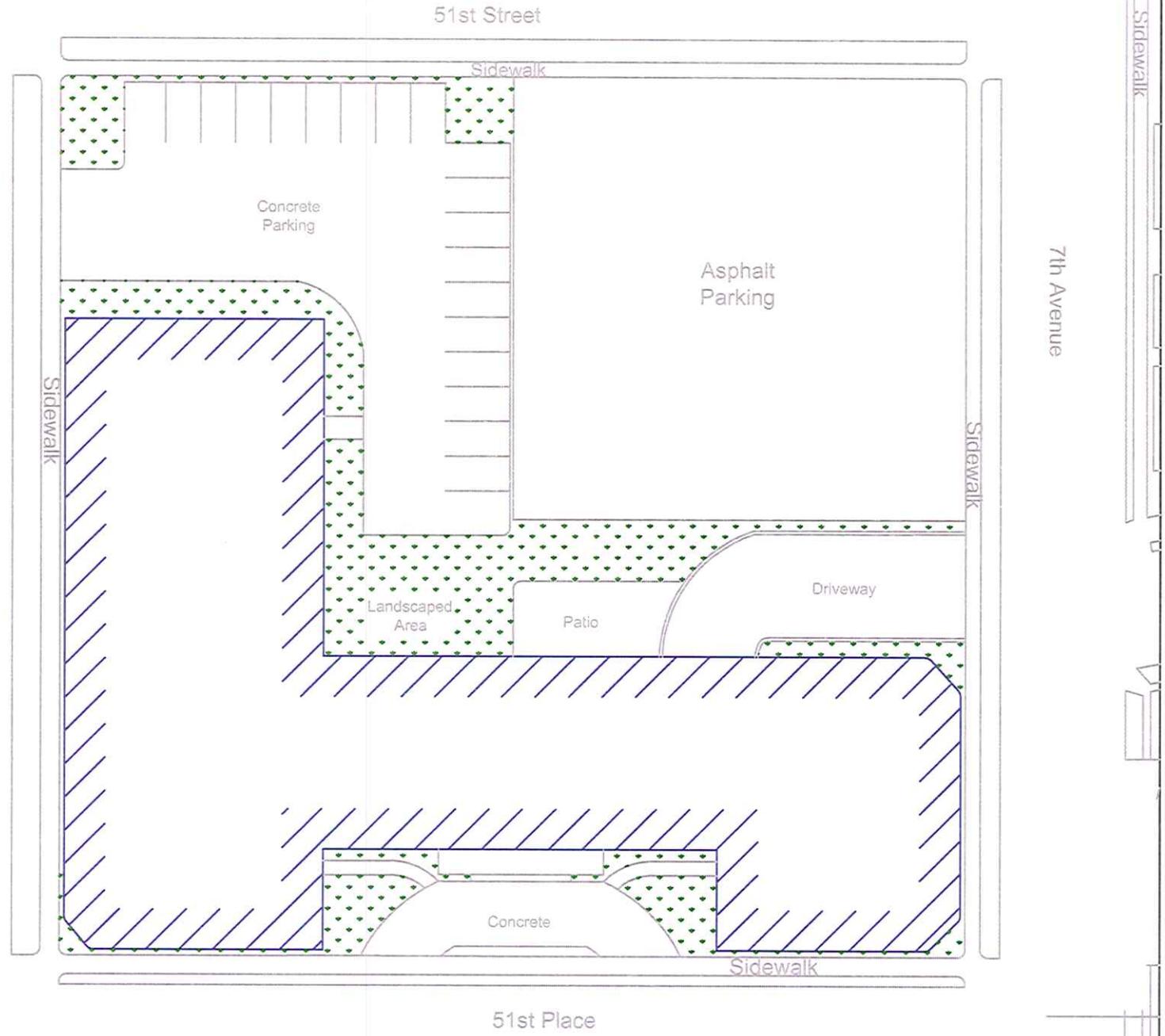


**Site Location Diagram**  
Harborside Commons  
7th Avenue and 51st Place  
Kenosha WI

Figure  
1

# KEY

-  = grass/vegetation
-  = building footprint



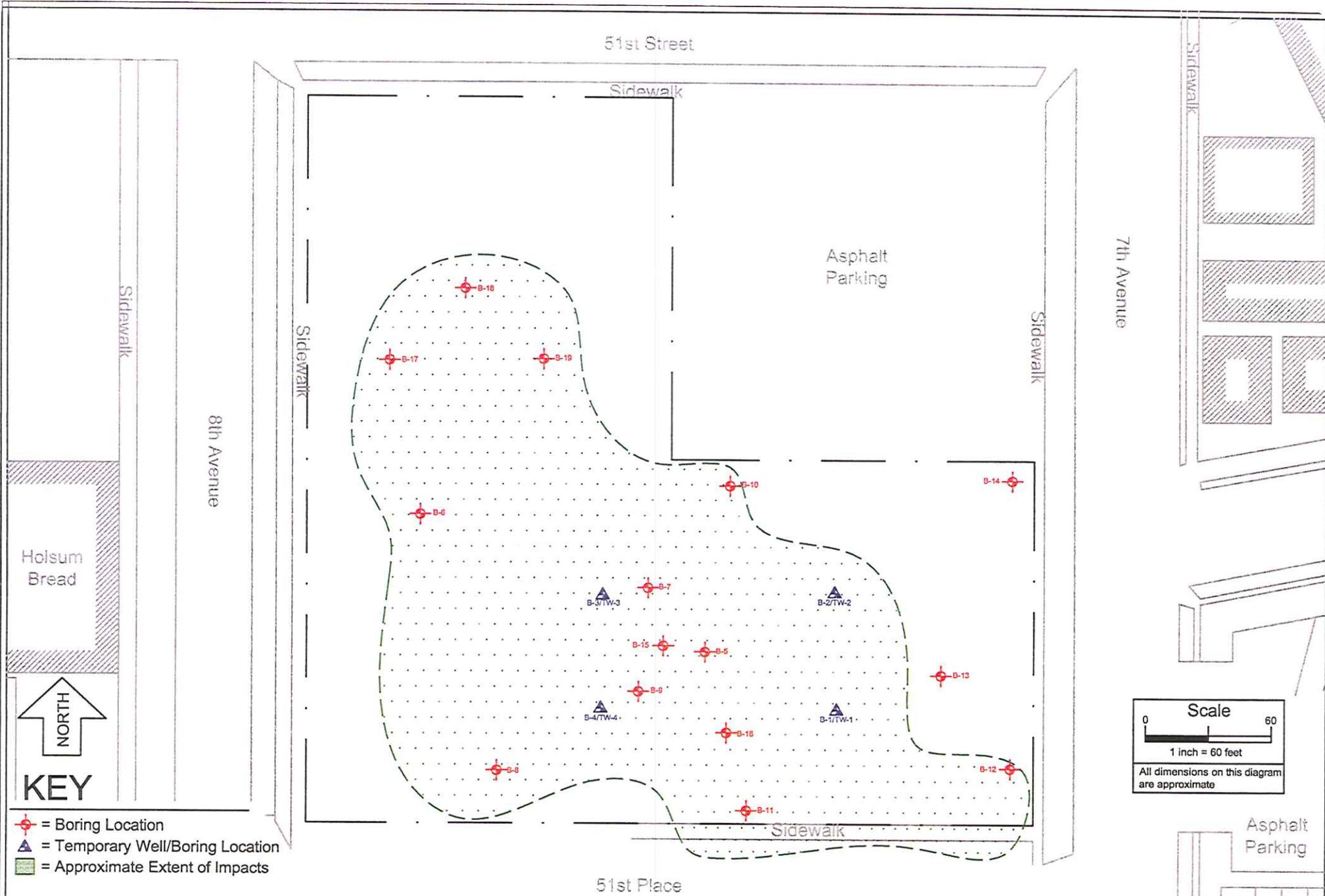
**Scale**  
 0 ————— 60  
 1 inch = 60 feet  
 All dimensions on this diagram are approximate



File No.: 101201d  
 DWG Date: 7-29-2011  
 Rev Date: 7-29-2011  
 Drawn By: MJR  
 Checked By (PM): TJO

**Post-Development Site Features Diagram**  
 Kenosha Harborside  
 7th Avenue and 51st Street  
 Kenosha, Wisconsin

**Figure**  
 3



File No.: 101201c  
 DWG Date: 7-29-2011  
 Rev Date:  
 Drawn By: MJR  
 Checked By (PM): TJO

**Extent of Soil Impacts Diagram**  
 Kenosha Harborside  
 7th Avenue and 51st Place  
 Kenosha, Wisconsin

**Scale**  
 0 60  
 1 inch = 60 feet  
 All dimensions on this diagram are approximate

**Figure**  
 8

# KEY

- = vegetated soil cap
- = asphalt/concrete cap
- = concrete building foundation cap

- = Soil Sample
- B(a)A = benzo(a)anthracene
- B(a)P = benzo(a)pyrene
- B(b)F = benzo(b)flouranthene
- D(ah)A = dibenzo(ah)anthracene
- IP = indeno(123-cd)pyrene

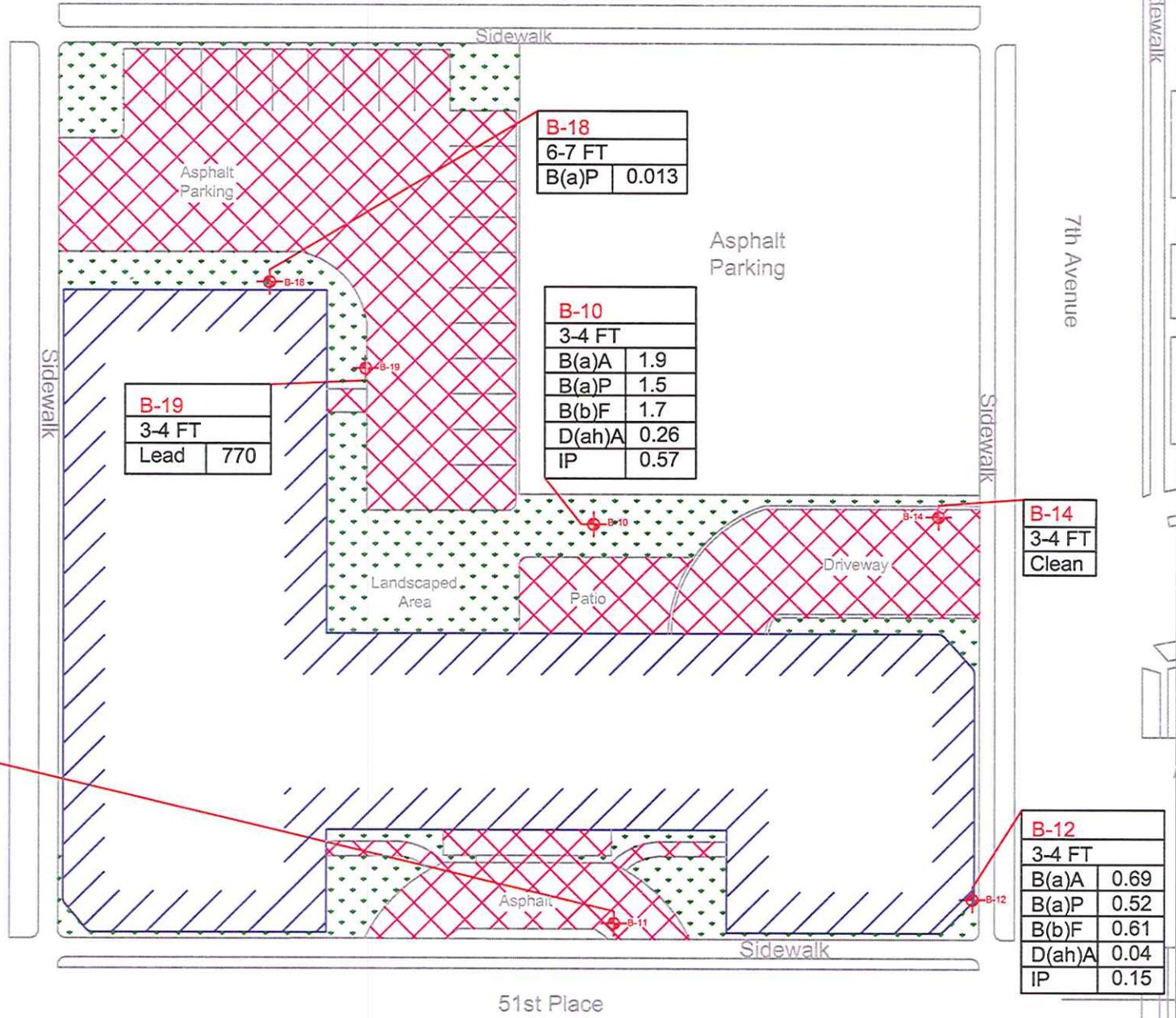
### Notes:

- 1.) All concentrations are listed in parts per million (ppm).
- 2.) Concentrations listed exceed the generic RCL for the non-industrial direct contact pathway.

8th Avenue

51st Street

Sidewalk



<b>B-18</b>	
6-7 FT	
B(a)P	0.013

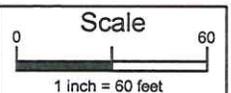
<b>B-10</b>	
3-4 FT	
B(a)A	1.9
B(a)P	1.5
B(b)F	1.7
D(ah)A	0.26
IP	0.57

<b>B-19</b>	
3-4 FT	
Lead	770

<b>B-14</b>	
3-4 FT	
Clean	

<b>B-11</b>	
6-7 FT	
Lead	110
B(a)A	0.39
B(a)P	0.31
D(ah)A	.0038
IP	0.10

<b>B-12</b>	
3-4 FT	
B(a)A	0.69
B(a)P	0.52
B(b)F	0.61
D(ah)A	0.04
IP	0.15



All dimensions on this diagram are approximate

File No.: 101201b  
 DWG Date: 7-29-2011  
 Rev Date: 7-29-2011  
 Drawn By: MJR  
 Checked By (PM): TJO

## Remaining Impacts Diagram

Kenosha Harborside  
 7th Avenue and 51st Place  
 Kenosha, Wisconsin



Figure

4



APPROXIMATE PROPERTY BOUNDARY

8TH AVENUE

51ST STREET

APPROXIMATE PROPERTY BOUNDARY

ASPHALT DRIVE AND PARKING LOT

ACCESS ROAD

7TH AVENUE

51ST PLACE

51ST PLACE

B3/TW-3  
(10.4')

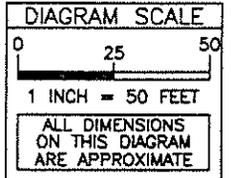
B2/TW-2  
(9.1')

B4/TW-4  
(9.5')

B1/TW-1  
(9.1')

LEGEND

⊕ B4/TW-4 SOIL BORING CONVERTED TO TEMPORARY WELL



7TH AVENUE AND 51ST PLACE  
KENOSHA, WISCONSIN

PROJECT NO: J09012 PM: CMC  
 DRAWN BY: CMC DATE: 6/05/08  
 CHECKED BY: DJB DATE: 6/06/08  
 APPRVD BY: DJB DATE: 6/06/08  
 FILE:

GROUNDWATER FLOW DIAGRAM  
9/26/2007

FIGURE  
4

TABLE 1  
KENOSHA HARBORSIDE J09012  
SOIL SAMPLE ANALYTICAL RESULTS

SAMPLE ID	B-1	B-1	B-2	B-2	B-3	B-3	B-4	B-5	B-5	B-17	B-18	B-19	NR 720 Table 1 generic RCL	NR 746.06 Table 1
	3-4'	5-6'	3-4'	5-6'	3-4'	9-10'	3-4'	3-4'	5-6'	3-4'	3-4'	3-4'		
SAMPLE COLLECTION DEPTH	9/27/2007										7/3/2009			
SAMPLE COLLECTION DATE														
PARAMETER-VOC'S (PPB)														
Benzene	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<17	<17	5.5	8,500
Bromobenzene	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<11	<11	NS	NS
Bromodichloromethane	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<20	<20	NS	NS
Bromoform	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<30	<30	NS	NS
Bromomethane	<6.4	<6.4	<6.4	<6.4	<6.4	<6.4	<6.4	<6.4	<6.4	<6.4	<64	<67	NS	NS
n-Butylbenzene	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<12	NS	NS
sec-Butylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<10	<10	NS	NS
tert-Butylbenzene	<0.93	<0.93	<0.93	<0.93	<0.93	<0.93	<0.93	<0.93	<0.93	<0.93	<9.7	<9.7	NS	NS
Carbon tetrachloride	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<17	<17	NS	NS
Chlorobenzene	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<12	<13	NS	NS
Chlorodibromomethane	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<12	NS	NS
Chloroethane	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<2.9	<30	<30	NS	NS
Chloroform	<2.1	<2.1	<2.1	<2.1	<2.1	<2.1	<2.1	<2.1	<2.1	<2.1	<20	<21	NS	NS
Chloromethane	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<28	<29	NS	NS
2-Chlorotoluene	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<12	NS	NS
4-Chlorotoluene	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<16	<17	NS	NS
1,2-Dibromomethane	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<16	<17	NS	NS
Dibromomethane	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<16	<16	NS	NS
1,2-Dichlorobenzene	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<12	NS	NS
1,3-Dichlorobenzene	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<1.9	<19	<12	NS	NS
1,4-Dichlorobenzene	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<11	<11	NS	NS
Dichlorodifluoromethane	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<16	<17	NS	NS
1,1-Dichloroethane	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<13	<13	NS	NS
1,2-Dichloroethane	<2.7	<2.7	<2.7	<2.7	<2.7	<2.7	<2.7	<2.7	<2.7	<2.7	<26	<28	4.9	600
1,1-Dichloroethene	<3.7	<3.7	<3.7	<3.7	<3.7	<3.7	<3.7	<3.7	<3.7	<3.7	<37	<38	NS	NS
cis-1,2-Dichloroethene	<3.6	<3.6	<3.6	<3.6	<3.6	<3.6	<3.6	<3.6	<3.6	<3.6	<36	<38	NS	NS
trans-1,2-Dichloroethene	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<34	<35	NS	NS
1,2-Dichloropropane	<3.8	<3.8	<3.8	<3.8	<3.8	<3.8	<3.8	<3.8	<3.8	<3.8	<38	<39	NS	NS
1,3-Dichloropropane	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<14	<18	NS	NS
2,2-Dichloropropane	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<2.8	<28	<29	NS	NS
1,1-Dichloropropene	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<17	<18	NS	NS
cis-1,3-Dichloropropene	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<1.3	<14	<14	NS	NS
trans-1,3-Dichloropropene	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<19	<19	NS	NS
Ethylbenzene	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<11	<12	2,900	4,600
Hexachlorobutadiene	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<1.8	<18	<18	NS	NS
Isopropylbenzene	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<10	<11	NS	NS
p-Isopropyltoluene	<0.87	<0.87	<0.87	<0.87	<0.87	<0.87	<0.87	<0.87	<0.87	<0.87	<8.7	<9.0	NS	NS
Methylene Chloride	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<30	<31	NS	NS
Methyl tert-butyl ether	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<14	<14	NS	NS
Naphthalene	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	21	<21	NS	2,700
n-Propylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<10	<10	NS	NS
Styrene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<10	<10	NS	NS
1,1,1,2-Tetrachloroethane	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<10	<10	NS	NS
1,1,2,2-Tetrachloroethane	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<1.6	<16	<17	NS	NS
Tetrachloroethene	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<12	NS	NS
1,2,3-Trichlorobenzene	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<12	NS	NS
1,2,4-Trichlorobenzene	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<1.2	<12	<13	NS	NS
1,1,1-Trichloroethane	<2.6	<2.6	<2.6	<2.6	<2.6	<2.6	<2.6	<2.6	<2.6	<2.6	<26	<27	NS	NS
1,1,2-Trichloroethane	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<23	<24	NS	NS
Trichloroethene	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<1.7	<17	<17	NS	NS
Trichlorofluoromethane	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<1.4	<14	<14	NS	NS
1,2,3-Trichloropropane	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<3.4	<34	<35	NS	NS
1,2,4-Trimethylbenzene	<0.85	<0.85	<0.85	<0.85	<0.85	<0.85	<0.85	<0.85	<0.85	<0.85	<8.5	<8.8	NS	83,000
1,3,5-Trimethylbenzene	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<1.1	<10	<11	NS	11,000
Toluene	<6.1	<6.1	<6.1	<6.1	<6.1	<6.1	<6.1	<6.1	<6.1	<6.1	<61	<63	1,500	NS
Vinyl chloride	<4.1	<4.1	<4.1	<4.1	<4.1	<4.1	<4.1	<4.1	<4.1	<4.1	<14	<15	NS	NS
Xylenes, Total	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<2.3	<23	<24	4,100	NS

NOTES:

- 1) all less than (<) values are reported as the laboratory minimum detection limit (MDL)
- 2) PPB parts per billion (ug/kg)
- 3) VOC volatile organic compounds
- 4) RCL residual contaminant level
- 5) NS no standard established for this analyte

CODE:

Chapter NR 720 of the Wisconsin Administrative Code Table 1 values are determined based on protection of groundwater  
 NR 746.06 of the Wisconsin Administrative Code Table 1 values are based on the protection of human health  
 Bold values indicate concentrations that exceed NR 720 and/or NR 746 generic RCL standards

TABLE 2  
KENOSHA HARBORSIDE J09012  
SOIL ANALYTICAL RESULTS

PAH PARAMETER (ppm)			Anthracene	Acenaphthene	Acenaphthylene	Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(g,h,i)perylene	Benzo(k)fluoranthene	Chrysene	Dibenz(a,h)anthracene	Flouranthene	Flourene	Indeno(1,2,3-cd)pyrene	Naphthalene	Phenanthrene	Pyrene
Sample ID	Sample Depth	Sample Date																
B-1	3-4'	9/26/2007	<0.0080	<0.010	<0.010	0.012	<0.0092	<0.013	<0.089	<0.011	0.013	<0.0093	0.0009	<0.011	<0.0099	<0.0081	<0.0087	<0.010
B-1	5-6'		0.084	0.023	<0.010	0.19	0.18	0.23	0.058	0.092	0.17	0.014	0.44	0.026	0.058	0.021	0.32	0.41
B-2	3-4'		<0.0080	<0.010	<0.010	<0.0086	<0.0092	<0.013	<0.0089	<0.011	<0.011	<0.0093	<0.0076	<0.011	<0.0099	<0.0081	<0.0087	<0.010
B-2	5-6'		<0.0080	<0.010	<0.010	0.013	<0.0092	<0.013	<0.0089	0.015	0.014	<0.0093	0.021	<0.011	<0.0099	<0.0081	0.013	0.015
B-3	3-4'		0.011	<0.010	<0.010	0.046	0.037	0.062	0.018	0.024	0.032	<0.0093	0.081	<0.011	<0.0099	0.02	0.063	0.066
B-3	9-10'		<0.0080	<0.010	<0.010	<0.0086	<0.0092	<0.013	<0.0089	0.012	<0.011	<0.0093	0.018	<0.011	<0.0099	0.073	0.056	0.012
B-4	3-4'		<0.0080	<0.010	<0.010	<0.0086	<0.0092	0.015	<0.0089	0.017	0.022	<0.0093	0.024	0.013	<0.0099	0.15	0.11	0.024
B-5	3-4'		<0.0080	<0.010	<0.010	<0.0086	<0.0092	<0.013	<0.0089	<0.011	<0.011	<0.0093	<0.0076	<0.011	<0.0099	<0.0081	<0.0087	<0.010
B-5	5-6'	<0.0080	<0.010	<0.010	<0.0086	<0.0092	<0.013	<0.0089	<0.011	<0.011	<0.0093	<0.0076	<0.011	<0.0099	<0.0081	<0.0087	<0.010	
B-6	3-4'	2/28/2008	0.012	0.0053	0.005	0.013	0.0053	0.0084	0.0016	0.0033	0.014	<0.00093	0.03	0.0069	<0.0011	0.28	0.17	0.024
B-6	6-7'		0.042	0.02	0.014	0.046	0.016	0.026	0.01	0.018	0.057	0.0038	0.13	0.036	0.0056	0.89	0.6	0.081
B-7	3-4'		0.059	0.011	0.028	0.11	0.11	0.14	0.05	0.076	0.13	0.015	0.21	0.028	0.038	0.05	0.24	0.18
B-8	3-4'		0.0023	<0.0016	0.0019	0.0061	0.0037	0.0055	0.0015	0.0028	0.0039	<0.00093	0.0094	<0.0018	0.0014	0.098	0.039	0.0085
B-8	6-7'		0.0024	<0.0016	<0.0011	0.0036	0.0013	0.0028	<0.0011	0.0022	0.0029	<0.00093	0.0061	<0.0018	<0.0011	0.028	0.025	0.0044
B-9	3-4'		0.11	0.88	0.044	0.38	0.33	0.49	0.2	0.14	0.42	0.043	1.1	0.091	0.17	0.2	1	0.8
B-9	6-7'		0.0037	0.002	0.0028	0.009	0.0068	0.0092	0.0046	0.0052	0.0086	0.0015	0.015	0.0028	0.0038	0.066	0.046	0.014
B-10	3-4'		1.3	0.33	0.032	1.9	1.5	1.7	0.6	0.24	1.3	0.26	4.3	0.45	0.57	0.63	4.7	3.4
B-10	6-7'		<0.0007	<0.0016	<0.0011	<0.0011	<0.0008	<0.0011	<0.0011	0.002	<0.00063	<0.00093	0.0014	<0.0018	<0.0011	<0.0008	0.0017	0.0014
B-11	3-4'		0.0038	<0.0016	<0.0011	0.0085	0.007	0.0071	0.0024	0.0053	0.0075	<0.00093	0.15	<0.0018	0.0021	<0.0008	0.017	0.018
B-11	6-7'		0.15	0.016	0.036	0.39	0.31	0.44	0.099	0.11	0.28	0.038	0.79	0.028	0.1	0.033	0.44	0.62
B-12	3-4'		0.24	0.095	0.022	0.69	0.52	0.61	0.15	0.29	0.55	0.044	1.4	0.1	0.15	0.014	1.4	1.4
B-13	3-4'		0.0022	<0.0016	0.0016	0.0066	0.0055	0.0072	0.0018	0.0036	0.0046	<0.00093	0.011	<0.0018	0.0017	<0.0008	0.0062	0.011
B-13	5-6'		<0.0007	<0.0016	<0.0011	<0.0011	<0.0008	<0.0011	<0.0011	0.0019	0.0012	<0.0009	<0.0008	<0.0018	<0.0011	<0.0008	<0.00079	<0.0006
B-14	3-4'		<0.0007	<0.0016	<0.0011	<0.0011	0.0014	0.0022	<0.0011	0.0023	0.0013	<0.00093	0.0027	<0.0018	<0.0011	<0.0008	0.0014	0.0022
B-17	3-4'		<0.008	<0.01	<0.01	<0.009	<0.009	<0.013	<0.009	<0.011	<0.011	<0.009	<0.008	<0.011	<0.009	<0.008	<0.009	<0.01
B-18	3-4'	<0.008	<0.01	<0.01	0.014	0.013	0.017	<0.009	0.014	<0.009	<0.009	0.042	<0.011	<0.01	<0.008	0.021	0.031	
B-19	3-4'	<0.008	<0.01	<0.01	<0.009	<0.009	<0.013	<0.009	<0.011	<0.011	<0.009	<0.008	<0.011	<0.009	<0.008	<0.009	<0.01	
RR 519-97 Table 1 (groundwater pathway)			3,000	38	0.7	17	48	360	6,800	870	37	38	500	100	680	0.4	1.8	8,700
RR 519-97 Table 1 (non-industrial)			5,000	900	18	0.088	0.0088	0.088	1.8	0.88	8.8	0.0088	600	600	0.058	20	18	500

NOTES:

- 1) all less than (<) values are reported as the laboratory minimum detection limit (MDL)
- 2) ppm parts per million (mg/kg)
- 3) NS no standard established for this analyte

CODE:

- RR 519-97 Table 1 values for direct contact pathway for non-industrial sites  
Bold values indicate concentrations that exceed the RR 519-97 Table 1 suggested guidelines

**TABLE 3  
KENOSHA HARBORSIDE J09012  
SOIL ANALYTICAL RESULTS**

PARAMETER- RCRA METALS (ppm)			Arsenic	Barium	Cadmium	Chromium	Hexavalent Chromium	Lead	Selenium	Silver	Mercury	TCLP - Lead	TCLP - Chromium
Sample ID	Depth	Date											
B-1	3-4'	9/26/2007	<0.40	16	0.059	4.4	-	5.6	<0.46	<0.12	0.007	-	-
B-1	5-6'	9/26/2007	<0.40	32	0.17	9.5	-	18	<0.46	<0.12	0.018	-	-
B-2	3-4'	9/26/2007	<0.40	12	0.2	11	-	8	3.7	<0.12	0.0099	-	-
B-2	5-6'	9/26/2007	<b>0.92</b>	45	0.23	13	<2.0	<b>98</b>	2	<0.12	0.016	-	-
B-3	3-4'	9/26/2007	<0.40	34	0.55	8.1	-	<b>410</b>	0.74	<0.12	2.3	-	-
B-3	9-10'	9/26/2007	<0.40	6.9	0.15	9.2	-	23	2.6	<0.12	0.0019	-	-
B-4	3-4'	9/26/2007	<0.40	20	0.56	<b>35</b>	<2.0	<b>120</b>	9.7	<0.12	0.0041	-	-
B-5	3-4'	9/26/2007	<b>1.3</b>	15	0.27	9.3	-	8.7	3.9	<0.12	0.01	-	-
B-5	5-6'	9/26/2007	<2	5.8	0.045	4.6	-	4.6	<0.46	<0.62	<0.0015	-	-
B-6	3-4'	2/28/2008	-	-	-	<b>86</b>	-	<b>56</b>	-	-	-	-	-
B-6	6-7'	2/28/2008	-	-	-	72	-	39	-	-	-	-	-
B-7	3-4'	2/28/2008	-	-	-	<b>27</b>	-	<b>110</b>	-	-	-	-	-
B-8	3-4'	2/28/2008	-	-	-	<b>67</b>	-	<b>180</b>	-	-	-	-	-
B-8	6-7'	2/28/2008	-	-	-	13	-	23	-	-	-	-	-
B-9	3-4'	2/28/2008	-	-	-	<b>360</b>	-	<b>220</b>	-	-	-	-	-
B-9	6-7'	2/28/2008	-	-	-	<b>93</b>	-	26	-	-	-	-	-
B-10	3-4'	2/28/2008	-	-	-	9.4	-	38	-	-	-	-	-
B-10	6-7'	2/28/2008	-	-	-	4.2	-	2.9	-	-	-	-	-
B-11	3-4'	2/28/2008	-	-	-	4.5	-	2.4	-	-	-	-	-
B-11	6-7'	2/28/2008	-	-	-	7.9	-	<b>110</b>	-	-	-	-	-
B-12	3-4'	2/28/2008	-	-	-	<b>15</b>	-	9.1	-	-	-	-	-
B-13	3-4'	2/28/2008	-	-	-	10	-	15	-	-	-	-	-
B-13	5-6'	2/28/2008	-	-	-	4.7	-	4	-	-	-	-	-
B-14	3-4'	2/28/2008	-	-	-	7.9	-	4.8	-	-	-	-	-
B-15	3-4'	7/3/2009	-	-	-	-	-	-	-	-	-	0.055	<0.050
B-16	3-4'	7/3/2009	-	-	-	-	-	-	-	-	-	<0.050	<0.050
B-17	3-4'	7/3/2009	<1.4	19	<0.037	<b>16</b>	-	8.6	4.7	0.2	0.017	-	-
B-18	3-4'	7/3/2009	<1.4	57	<0.037	9.5	-	36.0	2.6	<0.16	0.052	-	-
B-19	3-4'	7/3/2009	<0.54	52	<0.037	11	-	<b>770</b>	3.2	<0.16	0.034	2.6	-
NR 720 Table 2 Generic RCLs for Non-Industrial Sites			0.039	NS	8	14*	14	50	NS	NS	NS	5 mg/L	5 mg/L

**NOTES:**

- |  |  |
|--|--|
| 1) all less than ( < ) values are reported as the laboratory minimum detection limit (MDL) | 5) ppm parts per million (mg/kg)               |
| 2) NS no standard established for this analyte   | 6) RCL residual contaminant level              |
| 3) Bold values indicate concentrations that exceed NR 720 generic RCL standards            | 7) -- not analyzed for this particular analyte |
| 4) RCRA Resource Conservation & Recovery Act Metals  |  |

Chapter NR 720 of the Wisconsin Administrative Code established standards based on human health risk from direct contact for non- industrial sites

\*Chapter NR 720 of the Wisconsin Administrative Code has established standards for hexavalent chromium at 14 ppm and trivalent chromium at 16,000 ppm. Soil samples were submitted for analysis of total chromium and therefore the lowest established standard of 14 ppm was used.

July 29, 2011

Mr. Michael Lemens  
City Engineer  
City of Kenosha  
625 52<sup>nd</sup> Street, Room 305  
Kenosha, WI 53140



RE: Off-Site Notification Letter Associated with the Harborside Commons  
Property Located at 716 51<sup>st</sup> Place in Kenosha, WI — EDS Project No.  
101201; BRRTS No. 02-30-553995; FID No. 230198650

Dear Mr. Lemens:

On behalf of Silverstone Partners, Inc., the responsible party (RP) for the above referenced site, **Environmental & Development Solutions, Inc (EDS)** submits this letter as a requirement of the Wisconsin Department of Natural Resources (DNR) for the pending closure request for the above-referenced site.

Contamination that appears to have originated on the Harborside Commons property located at 716 51<sup>st</sup> Place (Parcel No. 12-223-31-162-006) may have migrated onto the right-of-way of 51<sup>st</sup> Place, immediately south of the above referenced property. The level of certain polycyclic aromatic hydrocarbons (PAHs) that may be present in the soil on the right-of-way (summarized on the attached tables and illustrated on the attached diagram) are present at concentrations above the non-industrial standards. However, the impacts have been remediated to levels protective of state standards and meet the requirements for case closure that are found in chapter NR 726 and chapter NR 746, WAC. A request will be submitted to the DNR to grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken.

If the DNR grants closure, it will be documented in a letter and all properties within the site boundaries where soil contamination above DNR soil standards was found at the time that the case was closed will be listed on the DNR's geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where soil contamination above DNR standards was found at the time that the case was closed. You may obtain a copy of the closure letter and any maps associated with the GIS Registry for the site by accessing the DNR GIS Registry of Closed Remediation Sites on the internet at <http://www.dnr.wi.gov/org/aw/rr/gis/index.htm>. A copy of the closure letter and this letter will be included as part of the site file on the GIS Registry of Closed Remediation Sites and can be referenced by the BRRTS or FID Nos. listed at the top of this letter.

Since the source of the soil contamination is not on your property, neither you nor any subsequent owner of your property will be held responsible for investigation or cleanup of this soil contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to the property for environmental investigation or cleanup if access is required.

However, if materials are to be excavated from the right-of-way (illustrated on the attached diagram) during any future alterations, you must inform workers of the potential direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE) and the excavated materials will require proper sampling, handling, and/or disposal in accordance with applicable State of Wisconsin regulations.

In addition, should you wish to change the land use/zoning of the right-of-ways and/or properties surrounding the right-of-ways, notification to the DNR of the land use/zoning changes is required and additional cleanup actions may be necessary.

As an affected entity, you have a right to contact the DNR to request copies of any technical information that is relevant to this closure request, you should mail that request to: Ms. Shanna Laube-Anderson, Wisconsin Department of Natural Resources, 9531 Rayne Road, Suite IV, Sturtevant, WI 53177. 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," you may visit <http://www.dnr.wi.gov/org/aw/rr/archives/pubs/RR589.pdf>.

If you need more information, you may contact me at (414) 228-9810 or you may contact Ms. Shanna Laube-Anderson of the Wisconsin Department of Natural Resources, at (262) 884-2341.

Respectfully,

***Environmental & Development Solutions, Inc.***



Trenton J. Ott  
Project Manager

Attachments

101201d

cc: Mr. Mike Higgins  
City Clerk/Treasurer