

# GIS REGISTRY

## Cover Sheet

July, 2008  
(RR 5367)

### Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

COMM #:

#### \*WTM COORDINATES:

X:  Y:

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

#### WTM COORDINATES REPRESENT:

- Approximate Center Of Contaminant Source
- Approximate Source Parcel Center

**AUG 26 2008** 

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 #: 02-41-000247 PARCEL ID #: 1668991008  
ACTIVITY NAME: FIRSTAR DEVELOPMENT CORP WTM COORDINATES: X: 689660 Y: 296639

**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.)
- 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 #: H-1 Title: CERTIFIED SURVEY MAP**
- 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 8.5 x 14 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 #: A-1 Title: SITE LOCATION MAP**
- 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 #: A-1.1 Title: SITE MAP**
- 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 #: 2 Title: RESIDUAL SOIL CONTAMINATION**

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ACTIVITY NAME: FIRSTAR DEVELOPMENT CORP

**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 #: Title:

Figure #: Title:

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

Tables must be no larger than 8.5 x 14 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: **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 #: Title:

**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).

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ACTIVITY NAME: FIRSTAR DEVELOPMENT CORP

## NOTIFICATIONS

### Source Property

- 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.

- 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:**



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin 53212-3128  
FAX 414-263-8606  
Telephone 414-263-8500  
TTY Access via relay - 711

August 22, 2008

Bayshore Town Center, LLC  
Attn: Mike Mesenbourg  
5900 North Port Washington Road  
Glendale, WI 53217

Subject: Final Case Closure with Land Use Limitations or Conditions for the Former Firststar Development Corporation, 5880 North Port Washington Road, Glendale, WI

FID: 241492130  
BRRTS: 02-41-000247  
PECFA: 53217-4594-00

Dear Mr. Mesenbourg:

On August 22, 2008, the Wisconsin Department of Natural Resources ("the Department") reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On August 7, 2008, the Department received the GIS Registry Packet for the site indicating that you have complied with the requirements of closure.

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

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which the current property owner] and any subsequent property owners must adhere. 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. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

### Residual Soil Contamination

Residual soil contamination remains at the location indicate on the enclosed Figure 2, map provided to the Department. . 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 would be 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.

### Barrier to Prevent Direct Contact Only

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement, building foundation, and landscaped areas that currently exists in the location shown on the attached map (Figure G-1) shall be maintained in compliance with **the attached maintenance plan** in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. 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 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 would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes 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 during excavation activities to prevent a health threat to humans.

The following activities are prohibited on any portion of the property where pavement, a building foundation, and soil cover 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; or 6) construction or placement of a building or other structure.

### GIS Registry

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 sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry 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://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

### PECFA

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.

The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact John J. Hnat at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to the Remediation and Redevelopment Program Assistant Vicky Stovall (414-263-8688) at the above address.

Sincerely,



James A. Schmidt  
Southeast Region Team Supervisor  
Remediation and Redevelopment

C: John Van Lieshout, Reinhardt, Boerner, Van Deuren  
John Osborne, GZA Environmental  
WDNR SER Files

## CAP MAINTENANCE PLAN

June 25, 2008

### *Property Address:*

Bayshore Town Center, LLC.  
5800 North Port Washington Road  
Glendale, Wisconsin  
Glendale Tax Key #: 1668991008

FID #241493560

BRRTS #02-41-000247



### **Introduction**

This document is the Cap Maintenance Plan ("Maintenance Plan") for maintenance of surface conditions ("Cap Maintenance") at 5880 North Port Washington Road in Glendale, Wisconsin ("Site"), in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code (WAC). This Maintenance Plan provides background information on Site conditions, presents the activities that are restricted on the Site because of the existing conditions and describes an on-going maintenance process that will limit the potential for future environmental concern at Site. (see Figure G-1)

### **Background**

The subsurface at the Site is impacted by polynuclear aromatic hydrocarbons (PAHs) and metals. The current surface at the Bayshore Town Center that includes the Site, including buildings, paved areas and landscaping, has been constructed in a way that limits potential exposure to environmental impacts. The protective cap structures at the Site include impervious surfaces and landscaped areas.

### **Impervious Surfaces**

Asphalt, concrete and building floor slabs ("Impervious Surfaces") are at the Site to limit the potential for contact with impacted soil. The Impervious Surfaces also act as a partial infiltration barrier to minimize future groundwater contamination migration. The Impervious Surfaces will be inspected once a year, normally in the spring after snow and ice are gone (from exterior locations) for deterioration, cracks and other potential problems that can cause additional infiltration into the subsurface. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Areas where soil has become or is 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 A, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying soil is materially exposed. If repairs to the paved areas appear necessary, the owner of the Site will either make the necessary repairs or contract repair maintenance with full

**CAP MAINTENANCE PLAN**  
**(Continued)**

documentation in the inspection log. Owner will maintain the inspection log on-Site at the facility for review if requested by the Wisconsin Department of Natural Resources (WDNR).

**Landscaped Areas**

Impacted soil beneath current landscaped areas was overlain by a geomembrane to separate the impacted soil from the landscape features above. If excavations or plantings will extend below the membrane, the work must be observed by a representative of GZA to verify the nature of the excavated soil. Relocation or addition of landscaped areas from the current configuration will require over-excavation of impacted soil or the addition of a membrane liner under the direction of GZA.



**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. In order to maintain the integrity of the protective cap structures, the property owner will maintain a copy of this Maintenance Plan on the 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 WDNR.

**Contact Information**

Owner

Bayshore Town Center, LLC  
5900 North Port Washington Road  
Glendale, WI 53217  
Mr. Mike Mesenbourg  
(414) 332-8136

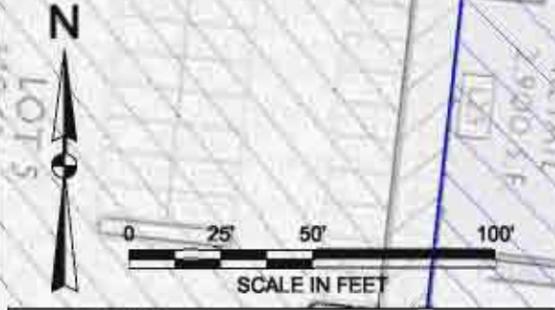
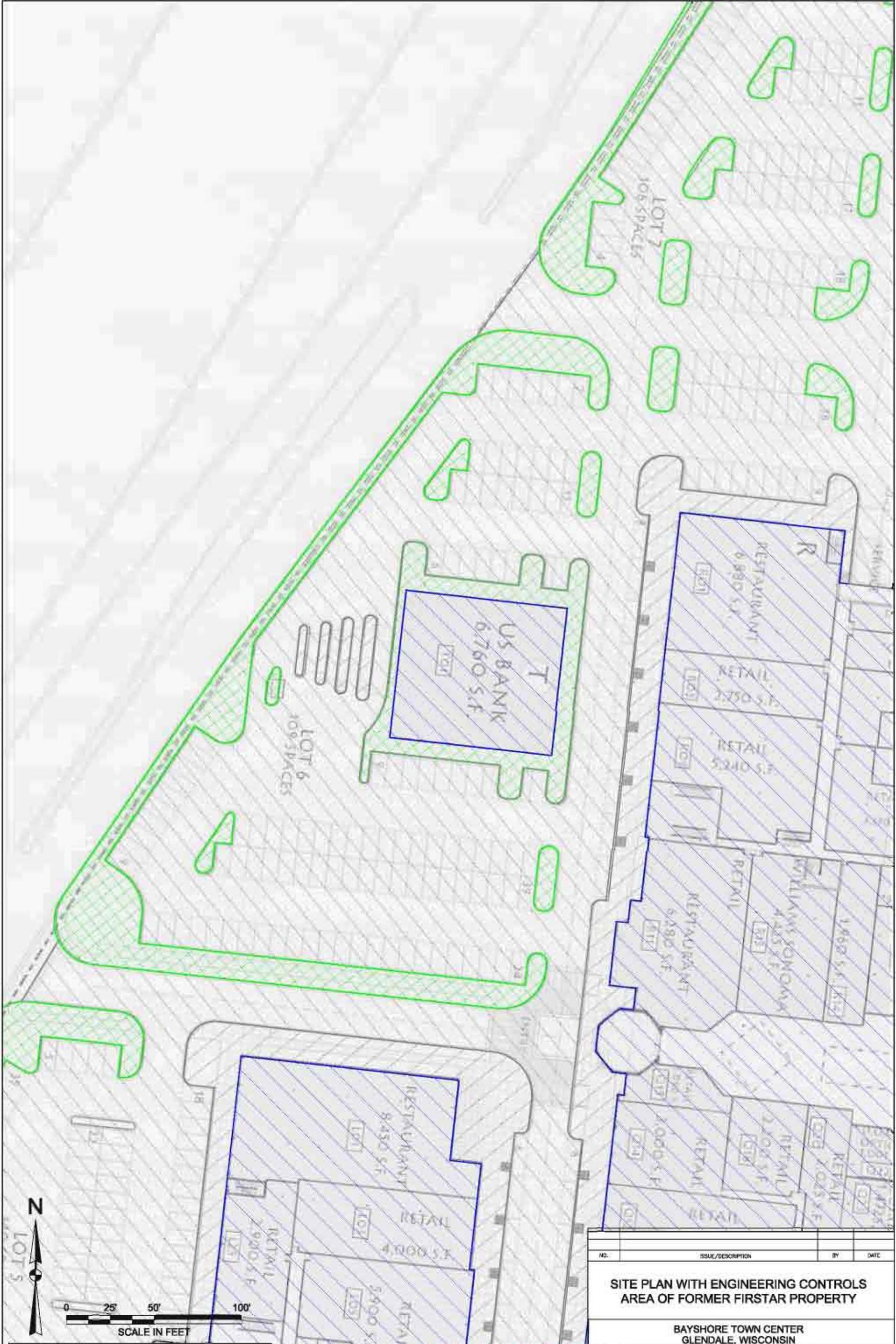
Consultant

GZA GeoEnvironmental, Inc.  
20900 Swenson Drive, Suite 150  
Waukesha, WI 53186  
Mr. John C. Osborne, P.G.  
(262) 754-2560

WDNR

Wisconsin Department of Natural Resources  
2300 North Dr. Martin Luther King, Jr. Drive  
Milwaukee, WI 53212  
Mr. John H. Hnat, P.G.  
(414) 263-8644





LEGEND	
	BUILDING FOOTPRINT
	CONCRETE FOOTPRINT
	LANDSCAPING FOOTPRINT

UNLESS SPECIFICALLY NOTED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REPRODUCED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHER, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
<b>SITE PLAN WITH ENGINEERING CONTROLS AREA OF FORMER FIRSTAR PROPERTY</b>			
<b>BAYSHORE TOWN CENTER GLENDALE, WISCONSIN</b>			
PREPARED BY:		GZA GeoEnvironmental, Inc. Engineers and Scientists 1000 OLSON DRIVE, SUITE 150 WAUNESHA, WISCONSIN 53188 (920) 754-2000	
PROJ MGR:	JFK	REVIEWED BY:	JCO
DESIGNED BY:	SEF	DRAWN BY:	JAH
DATE:	8/1/08	PROJECT NO.:	20.0150985
		CHECKED BY:	SEF
		SCALE:	
		REVISION NO.:	
			<b>FIGURE G-1</b>
			SHEET NO.



**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**(Original Mall and Eastern Parking Structure)**

Land situated in the City of Glendale, Milwaukee County, Wisconsin, described as follows:

That part of Government Lots 3 and 4 in the Southeast 1/4 of Section 29, Township 8 North, Range 22 East, in the City of Glendale, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, 828.12 feet, North 0 deg. 09' 50" West of the Southwest corner of said 1/4 Section, said point lying in the South line of the North 15 acres of said Government Lot 4; thence North 89 deg. 54' 10" East, along said South line of the North 15 acres of said Government Lot 4, 60.00 feet to the point of beginning of the lands about to be described; said point lying in the Easterly right-of-way of relocated N. Port Washington Road; thence North 0 deg. 09' 50" West, along said Easterly right-of-way and parallel to the West line of said 1/4 Section, 237.05 feet to a point; thence North 89 deg. 50' 10" East, along said Easterly right-of-way, 5.00 feet to a point on a curved line; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 507.96 feet with its center to the East and a chord 267.36 feet in length which bears North 15 deg. 05' 40" East), an arc distance of 270.55 feet to a point of tangency; thence North 30 deg. 21' 10" East, along said Easterly right-of-way, 299.86 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,741.32 feet with its center to the Southeast and a chord 296.10 feet in length which bears North 33 deg. 26' 55" East) an arc distance of 296.24 feet to a point of tangency, thence North 36 deg. 32' 40" East, along said Easterly right-of-way, 139.34 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,130.75 feet with its center to the Northwest and a chord 342.61 feet in length which bears North 31 deg. 55' 47" East), an arc distance of 342.98 feet to a point in the East line of the Old N. Port Washington Road right-of-way; thence North 36 deg. 35' 14" East, along said east line of the Old N. Port Washington Road, right-of-way, 18.26 feet to a point; thence North 89 deg. 45' 10" East, 564.77 feet to a point; thence South parallel to and 30 feet from the East line of the West 1/2 of said 1/4 Section, South 00 deg. 00' 02" East, 1,418.73 feet to a point in the South line of the North 15 acres of said 1/4 Section; thence South 89 deg. 54' 10" West along said South line of the North 15 acres of said 1/4 section, 1,228.51 feet to the point of beginning, excepting therefrom that portion conveyed by instrument recorded as Document No. 09011338.

Said Parcel (as Measured) being more particularly described in the Survey prepared by HNTB being job No. 40404, dated November 23, 2004 as follows:

That part of Government Lots 3 and 4 in the Southeast 1/4 of Section 29, Town 8 North, Range 22 East, in the City of Glendale, Milwaukee County, State of Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, 828.12 feet, North 0 deg. 28' 27" West of the Southwest corner of said 1/4 Section, said point lying in the South line of the North 15 acres of said Government Lot 4; thence North 89 deg. 35' 33" East, along said South line of the North 15 acres of said Government Lot 4, 60.00 feet to the Easterly right-of-way of relocated

N. Port Washington Road also being the point of beginning; thence North 0 deg. 28' 27" West along said Easterly right-of-way, 237.05 feet to a point; thence North 89 deg. 31' 33" East, along said Easterly right-of-way, 5.00 feet to a point on a curved line; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 507.96 feet with its center to the East and a chord 267.36 feet in length which bears North 14 deg. 47' 03" East), an arc distance of 270.55 feet to a point of tangency; thence North 30 deg. 02' 33" East, along said Easterly right-of-way, 299.87 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,741.32 feet with its center to the Southeast and a chord 296.10 feet in length which bears North 33 deg. 08' 18" East) an arc distance of 296.24 feet to a point of tangency, thence North 36 deg. 14' 03" East, along said Easterly right-of-way, 139.34 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,130.74 feet with its center to the Southeast and a chord 342.61 feet in length which bears North 31 deg. 37' 22" East), an arc distance of 342.98 feet to a point of non-tangency; thence North 36 deg. 16' 37" East, along said Easterly right-of-way, 18.25 feet to a point; thence North 89 deg. 26' 33" East, 564.75 feet to a point; thence South 0 deg. 18' 39" East parallel to and 30 feet West (measured at right angles) to the East line of the West 1/2 of said 1/4 Section, 1,418.73 feet to a point in the South line of the North 15 acres of said 1/4 Section; thence South 89 deg. 35' 33" West along said South line of the North 15 acres of said 1/4 section, 1,228.51 feet to the point of beginning, excepting therefrom that portion conveyed by instrument recorded as Document No. 09011338.

6



State Bar of Wisconsin Form 6 - 2003  
**SPECIAL WARRANTY DEED**

DOC. # 08911232

Document Number \_\_\_\_\_ Document Name \_\_\_\_\_  
THIS DEED, made between Corrigan Holdings, Inc., a Nevada corporation, successor by merger with Corrigan Properties, Inc., ("Grantor," whether one or more), and Bayshore Town Center, LLC,

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED 12/07/2004 01:42PM

JOHN LA FAVE  
REGISTER OF DEEDS

AMOUNT: 21.00

\_\_\_\_\_  
("Grantee," whether one or more).  
Grantor for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Milwaukee County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):  
\* a Texas corporation, formerly known as Corrigan Properties, Inc., No. 2, a Texas corporation.

See legal description attached hereto as Exhibit A and incorporated herein.

Recording Area \_\_\_\_\_  
Name and Return Address \_\_\_\_\_  
Metropolitan Title Company  
National Services Division  
10355 Citation Drive  
Brighton, MI 48116

TRANSFER  
\$120,000.00  
FEE

166-8991-001 and  
166-8991-002  
Parcel Identification Number (PID)

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: for those permitted exceptions set forth on Exhibit B attached hereto.

Dated Nov. 30<sup>th</sup>, 2004

CORRIGAN HOLDINGS, INC.  
(SEAL) BY Leo F. Corrigan, III (SEAL)  
\*Leo F. Corrigan, III, President

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

**AUTHENTICATION**

**ACKNOWLEDGMENT**

Signature(s) \_\_\_\_\_  
authenticated on \_\_\_\_\_

STATE OF WISCONSIN )  
COUNTY ) ss.  
Personally came before me on \_\_\_\_\_, 2004,  
the above-named Leo F. Corrigan, III  
as President of Corrigan Holdings, Inc.  
to me known to be the person(s) who executed the  
foregoing instrument and acknowledged the same.

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

See Attached  
Notary Public, State of Wisconsin  
My Commission (is permanent) (expires: \_\_\_\_\_)

THIS INSTRUMENT DRAFTED BY:  
Joseph J. Balistrieri, Esq.  
Reinhart Boerner Van Deuren s.c.

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.  
SPECIAL WARRANTY DEED STATE BAR OF WISCONSIN FORM No. 6-2003

\*Type name below signature.  
Reinhart, Boerner, 1800 North Water St., Milwaukee, WI 53202 Phone 414/2963280 Fax 414/2968097 T4277339 27X  
Markus DeZur Produced with DigiForm™ by RE FormNet, LLC 1800 North Water Street, Oconomowoc, Wisconsin 53099 (608) 363-8808 www.reformnet.com

NU-488696

Grantor: *Corrigan Holdings, Inc., a Nevada corporation*  
Grantee: *Bayshore Town Center, LLC*

EXHIBIT A

Legal Description

(To be attached)

MW\1147007MSD:MSD 11/29/04

## LEGAL DESCRIPTION

Land in the City of Glendale, Milwaukee County, Wisconsin, described as follows:

That part of Government Lots 3 and 4 in the Southeast 1/4 of Section 29, Township 8 North, Range 22 East, in the City of Glendale, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, 828.12 feet, North 0 deg. 09' 50" West of the Southwest corner of said 1/4 Section, said point lying in the South line of the North 15 acres of said Government Lot 4; thence North 89 deg. 54' 10" East, along said South line of the North 15 acres of said Government Lot 4, 60.00 feet to the point of beginning of the lands about to be described; said point lying in the Easterly right-of-way of relocated N. Port Washington Road; thence North 0 deg. 09' 50" West, along said Easterly right-of-way and parallel to the West line of said 1/4 Section, 237.05 feet to a point; thence North 89 deg. 50' 10" East, along said Easterly right-of-way, 5.00 feet to a point on a curved line; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 507.96 feet with its center to the East and a chord 267.36 feet in length which bears North 15 deg. 05' 40" East), an arc distance of 270.55 feet to a point of tangency; thence North 30 deg. 21' 10" East, along said Easterly right-of-way, 299.86 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,741.32 feet with its center to the Southeast and a chord 296.10 feet in length which bears North 33 deg. 26' 55" East) an arc distance of 296.24 feet to a point of tangency, thence North 36 deg. 32' 40" East, along said Easterly right-of-way, 139.34 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,130.75 feet with its center to the Northwest and a chord 342.61 feet in length which bears North 31 deg. 55' 47" East), an arc distance of 342.98 feet to a point in the East line of the Old N. Port Washington Road right-of-way; thence North 36 deg. 35' 14" East, along said east line of the Old N. Port Washington Road, right-of-way, 18.26 feet to a point; thence North 89 deg. 45' 10" East, 564.77 feet to a point; thence South parallel to and 30 feet from the East line of the West 1/2 of said 1/4 Section, South 00 deg. 00' 02" East, 1,418.73 feet to a point in the South line of the North 15 acres of said 1/4 Section; thence South 89 deg. 54' 10" West along said South line of the North 15 acres of said 1/4 section, 1,228.51 feet to the point of beginning.

Said Parcel (as Measured) being more particularly described in the Survey prepared by HNTB being Job No. 40404, dated November 23, 2004 as Follows:

That part of Government Lots 3 and 4 in the Southeast 1/4 of Section 29, Town 8 North, Range 22 East, in the City of Glendale, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, 828.12 feet, North 0 deg. 28' 27" West of the Southwest corner of said 1/4 Section, said point lying in the South line of the North 15 acres of said Government Lot 4; thence North 89 deg. 40' 14" East, along said South line of the North 15 acres of said Government Lot 4, 60.00 feet to the Easterly right-of-way of relocated N. Port Washington Road also the point of beginning; thence North 0 deg. 28' 27" West along said Easterly right-of-way, 237.05 feet to a point; thence North 89 deg. 31' 33" East, along said Easterly right-of-way, 5.00 feet to a point on a curved line; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 507.96 feet with its center to the East and a chord 267.36 feet in length which bears North 14 deg. 47' 03" East), an arc distance of 270.55 feet to a point of tangency; thence North 30 deg. 02' 33" East, along said Easterly right-of-way, 299.87 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,741.32 feet with its center to the Southeast and a chord 296.10 feet in length which bears North 33 deg. 08' 18" East) an arc distance of 296.24 feet to a point of tangency, thence North 36 deg. 14' 03" East, along said Easterly right-of-way, 139.34 feet to a point of curve; thence Northeasterly along said Easterly right-of-way being a curved line (having a radius of 2,130.74 feet with its center to the Southeast and a chord 342.61 feet in length which bears North 31 deg. 37' 22" East), an arc distance of 342.98 feet to a point of non-tangency; thence North 36 deg. 16' 37" East, along said Easterly right-of-way, 18.25 feet to a point; thence North 89 deg. 26' 33" East, 564.75 feet to a point; thence South 0 deg. 18' 39" East parallel to and 30 feet West (measured at right angles) to the East line of the West 1/2 of said 1/4 Section, 1,418.73 feet to a point in the South line of the North 15 acres of said 1/4 Section; thence South 89 deg. 35' 33" West along said South line of the North 15 acres of said 1/4 section, 1,228.51 feet to the point of beginning.

1143719V.1

Grantor: Corrigan Holdings, Inc., a Nevada corporation  
Grantee: Bayside Town Center, LLC

**EXHIBIT B**

**Permitted Exceptions**

**(To be attached)**

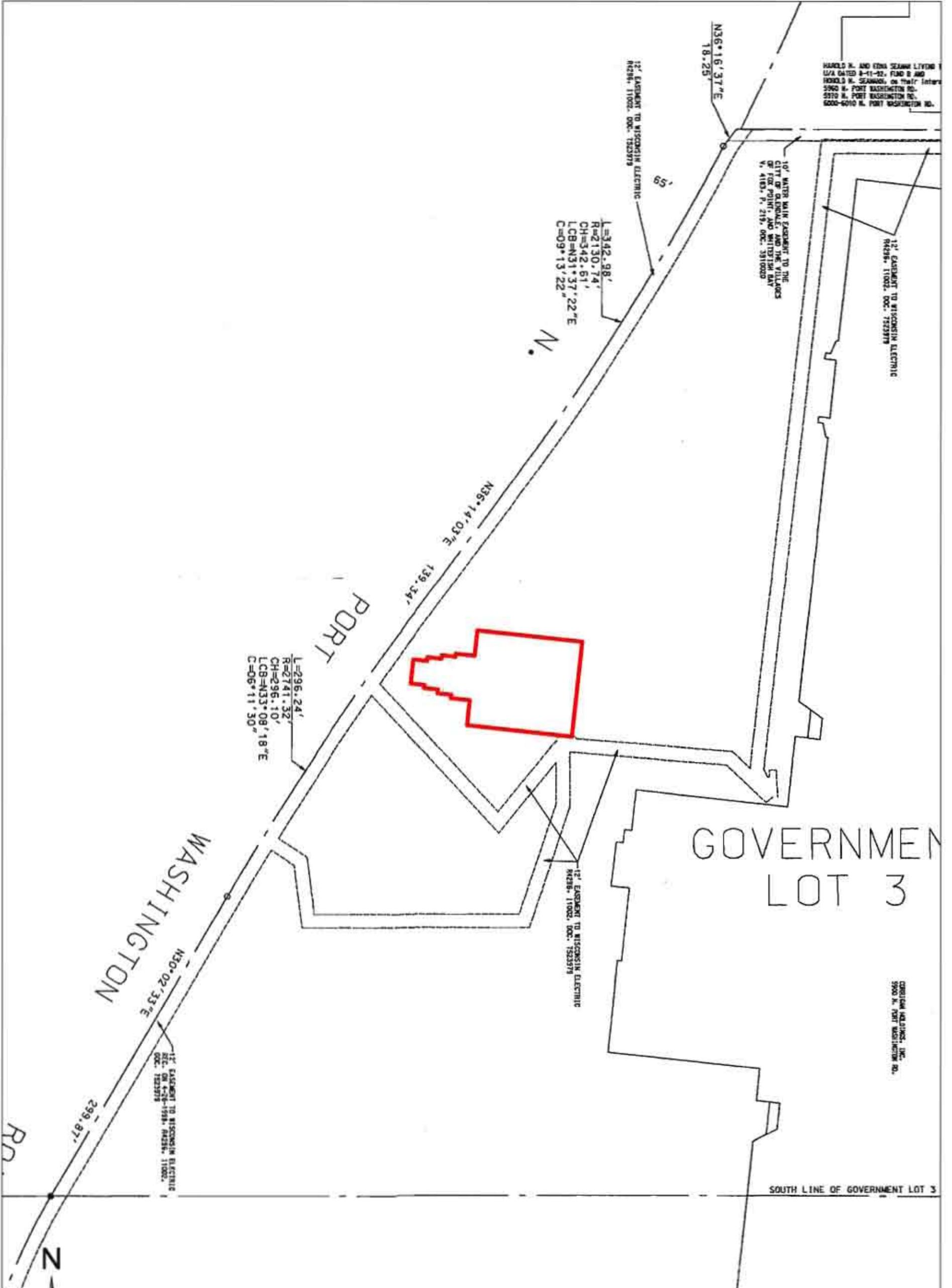
MWA\147009MSD:MSD 11/29/04

## EXHIBIT B

### PERMITTED ENCUMBRANCES

1. Provisions, conditions, reservations, restrictions, and/or easements contained in instrument recorded April 8, 1953, in Reel 3137, Image 235 as Document No. 3189504, Amendment recorded October 13, 1975 in Reel 884, Image 324 as Document No. 4952628.
2. Easement in favor of Wisconsin Telephone Company and the Covenants, Conditions and Restrictions contained in instrument(s) recorded in Reel 3235, Image 448 as Document No. 3258604.
3. Easement in favor of City of Glendale and the Villages of Fox Point and Whitefish Bay and the Covenants, Conditions and Restrictions contained in instrument(s) recorded in Volume 4183, page 219 as Document No. 3910020.
4. Interest of Blockbuster Midwest, L.P., a Delaware limited partnership, Assignee, and Terms, Conditions and Provisions of Lease, as evidenced by Memorandum of Lease, recorded August 10, 1987, in Reel 2128, Image 1585 as Document No. 6093154, Assignment of Tenant's Leasehold Interest recorded January 19, 1989 in Reel 2296, Image 336 as Document No. 6245748.
5. Interest of Walgreen New Berlin, Inc., successor to Walgreen Milwaukee, Inc., a Wisconsin Corporation, Lessee, and Terms, Conditions and Provisions of Lease, as evidenced by Lease, dated November 10, 1966, recorded December 19, 1966, in Reel 340, page Image 469 as Document No. 4293789, and Agreement recorded August 6, 1976 in Reel 950, Image 9 as Document No. 5026076 and Memorandum of Lease Modification Agreement recorded October 7, 1993 in Reel 3135, Image 1038 as Document No. 6837897.
6. Wisconsin Electric Distribution Easement Underground in favor of Wisconsin Electric Power Company and the Covenants, Conditions and Restrictions contained in instrument(s) recorded in Reel 4296, Image 1002 as Document No. 7523979.
7. The following matters as disclosed by survey dated September 27, 2004, prepared by HNTB Architects Engineers Planners, being Job No. 40881:
  - (a) Buildings into easements recorded as Document No. 7523979 and Document No. 3258604
  - (b) Sanitary sewer, storm sewer and catch basin running under buildings
  - (c) Underground storage tank onto subject property lies within easement recorded as Document No. 7523979
  - (d) Sign into easement recorded as Document No. 7523979
  - (e) Asphalt parking and driveways over recorded easements
  - (f) Possible rights of others to use the asphalt drives and parking on subject property evidenced by the curb cut connecting to the asphalt roadway on the parcel to the South.





HAROLD H. AND EDNA SEAMAN LIVING  
 1/2A DATED 8-11-22, FUND B AND  
 HAROLD H. SEAMAN, DE FEAT' INTER  
 5900 N. PORT WASHINGTON RD.  
 5970 N. PORT WASHINGTON RD.  
 6000-6010 N. PORT WASHINGTON RD.

10' WATER MAIN EASEMENT TO THE  
 CITY OF GLENDALE AND THE VILLAGES  
 OF FOX POINT AND WILMETHAM BAY  
 V. 4183, P. 219, DOC. 3810029

12' EASEMENT TO WISCONSIN ELECTRIC  
 R4298, 11002, DOC. 7523978

L=342.98'  
 R=2130.74'  
 CH=342.61'  
 LCB=N31°37'22"E  
 C=09°13'22"

N36°14'03"E  
 139.34'

L=296.24'  
 R=2741.32'  
 CH=296.10'  
 LCB=N33°08'18"E  
 C=06°11'30"

12' EASEMENT TO WISCONSIN ELECTRIC  
 R4298, 11002, DOC. 7523978

12' EASEMENT TO WISCONSIN ELECTRIC  
 REC. ON 4-28-1998, R4298, 11002,  
 DOC. 7523978

GOVERNMENT  
 LOT 3

CAROLAN HOLDINGS, INC.  
 5900 N. PORT WASHINGTON RD.

SOUTH LINE OF GOVERNMENT LOT 3

UNPLATTED  
 LANDS



**LEGEND**

— FIRSTAR PROPERTY BOUNDARY

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT,  
 THIS DRAWING IS THE SOLE PROPERTY OF GZA  
 GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN  
 ON THIS DRAWING IS SOLELY FOR USE BY GZA'S CLIENT  
 OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE  
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 SOLE RISK AND WITHOUT ANY RISK OF LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
<b>CERTIFIED SURVEY MAP</b>			
<b>BAYSHORE TOWN CENTER GLENDALE, WISCONSIN</b>			
PREPARED BY:	GZA GeoEnvironmental, Inc. Engineers and Scientists 2000 BENTON DRIVE, SUITE 100 GLENDALE, WISCONSIN 53146 (262) 754-2000		PREPARED FOR:
PROJECT NO.:	20.0150985	DATE:	8/1/08
DESIGNED BY:	SEF	DRAWN BY:	JAH
REVIEWED BY:	JCC	CHECKED BY:	JFK
SCALE:		REVISION NO.:	
FIGURE			H-1
9-8887 NO.			

ACKNOWLEDGEMENT

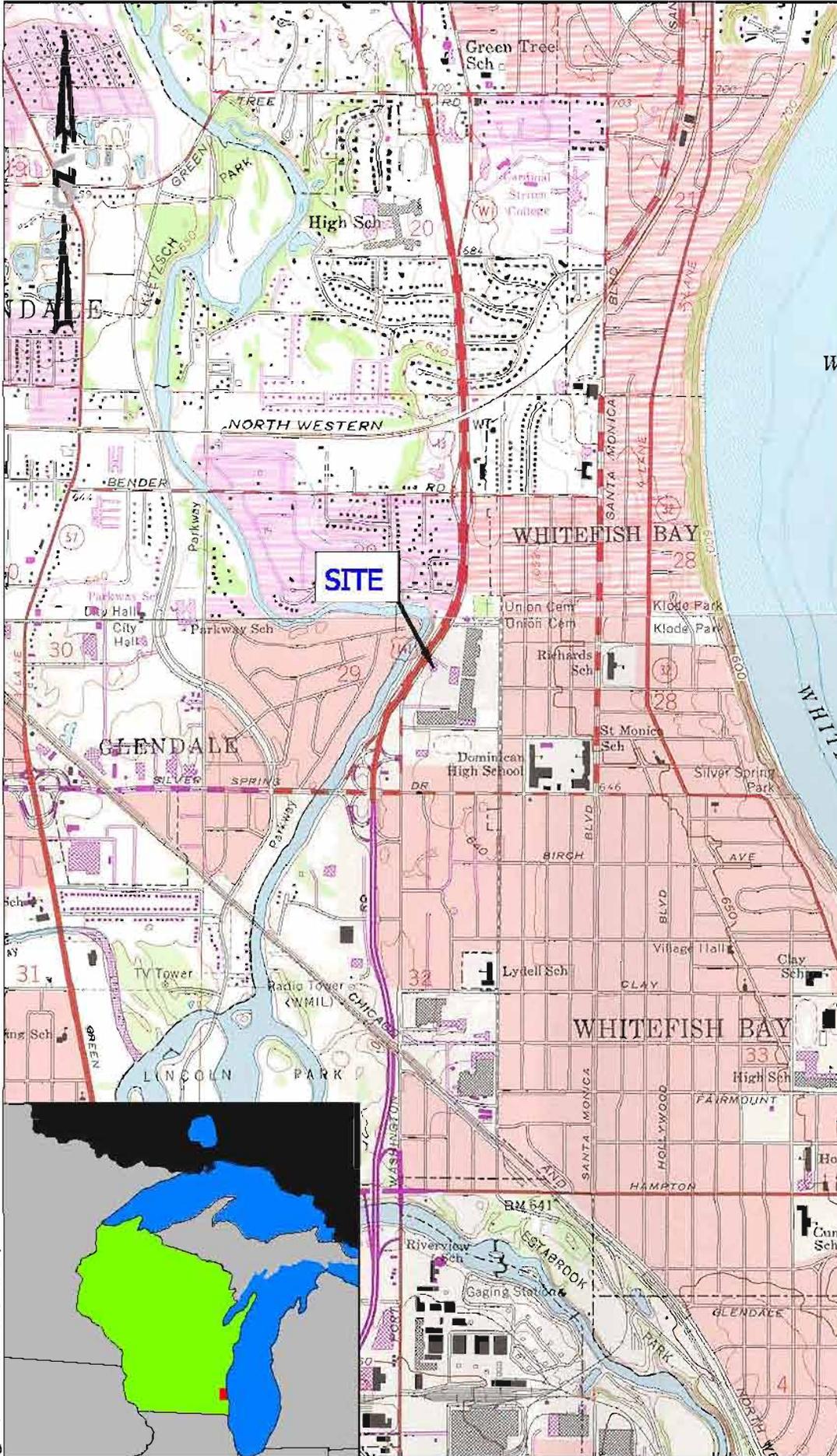
STATE OF NEW YORK    )  
                                  )  
NEW YORK COUNTY     )

Personally came before me on November 30, 2004 the above named Leo F. Corrigan, III as President of Corrigan Holdings, Inc. to me known to be the person who executed the foregoing instrument and acknowledged same.



---

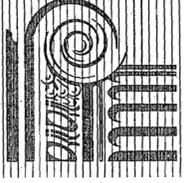
ELAINE E. ROSS  
Notary Public, State of New York  
No. 01RO4786826  
Qualified in Bronx County  
Commission Expires November 30, 20\_06



REV. NO.	DESCRIPTION	BY	DATE
	<p>PROJ MGR: JFK DESIGNED BY: DJS REVIEWED BY: JFK</p> <p>SCALE: 1:24,000</p> <p>0 1000' 2000' 4000'</p> <p>SOURCE: U.S.G.S. MILWAUKEE, WISCONSIN QUADRANGLE MAP 1958 (PHOTO-REVISED 1971)</p>	<p>DRAWN BY: JAH DATE: 6/17/08</p>	
<p><b>FORMER FIRSTSTAR DEVELOPMENT SITE GLENDALE, WISCONSIN</b></p>		<p><b>SITE LOCATION MAP</b></p>	
PROJECT NO.		20.0150985.60	
FIGURE :		A-1	



GZA  
GeoEnvironmental, Inc.  
2000 Wisconsin Drive  
Westborough, MA 01581  
Phone (800) 774-3388  
Fax (508) 754-4700  
www.gza.com



**M&K CONSULTANTS, INC.**  
**HERBERT ROBINSTEIN**  
**KELLER & CHADEK**  
**INCORPORATED**  
 ARCHITECTS & INTERIOR DESIGNERS  
 200 EAST MICHIGAN STREET  
 MILWAUKEE, WISCONSIN 53202  
 TELEPHONE: (414) 271-6330

**Project**  
 First Wisconsin  
 Milwaukee - Bayshore  
 Branch Bank

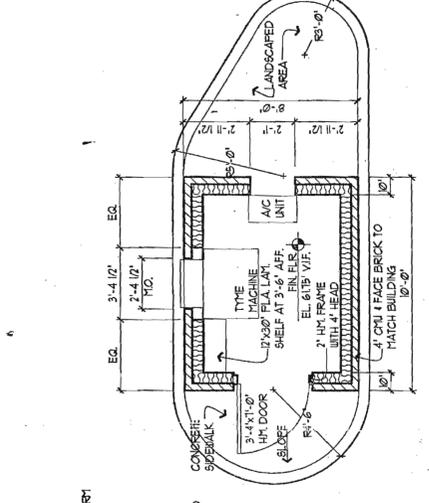
**Sheet Title**  
 SITE PLAN

**Project Architect:**  
 BL  
**Drawn By:**  
 BL  
**Approved By:**  
 JFB  
**Date:**  
 MAY 12, 1991

**Revisions**  
 No. Date By

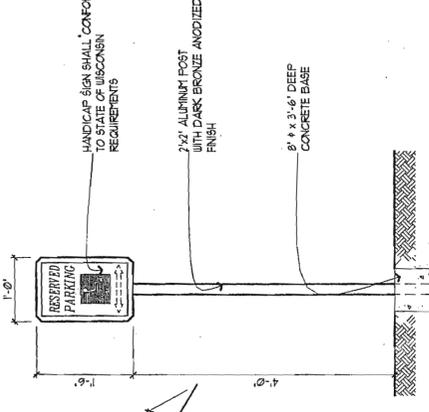
**Project No.**  
 91038-01

**Sheet No.**  
**A1.1**

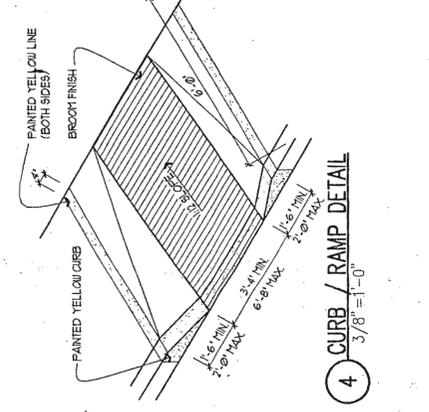


6 PLAN AT TYME MACHINE  
 1/4" = 1'-0"

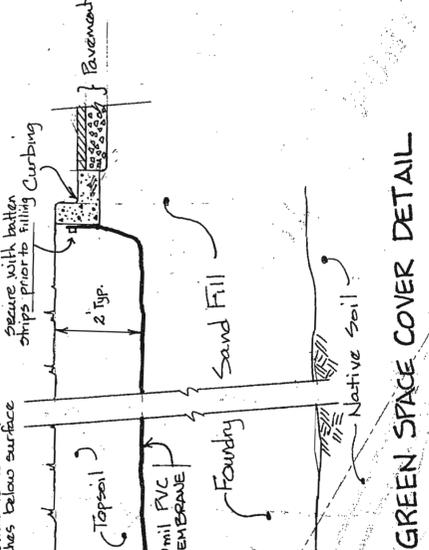
- KEY NOTES:**
- 1'-0" x 12'-0" x 6'-0" CONCRETE DUMPSTER PAD WITH 6x6 W/3x3 W.P. 3/4" WOOD SCREEN WALL WITH 4x4 CORNER POSTS (2) 4'-0" GATES (1) 3'-0" HAN DOOR
  - SEE A1 FOR PARKING DIMENSIONS ADJACENT TO THE BUILDING
  - HANDICAP PARKING STALL 7'-0" x 10'-0" WITH HANDICAP PARKING SIGN PER DETAIL 5/A1
  - CRS RAMP PER DETAIL 4/A1
  - RELOCATE EXISTING FLAG POLE
  - 4'-0" HIGH x 6'-0" CONCRETE FILLED STEEL BOLLARD WITH 3'-6" BELOW GRADE ANCHORED IN 10" x 10" CONCRETE SEE ELECTRICAL FOR LIGHT BOLLARDS
  - SECTION ON TYPICAL CURB SEE 24/A1



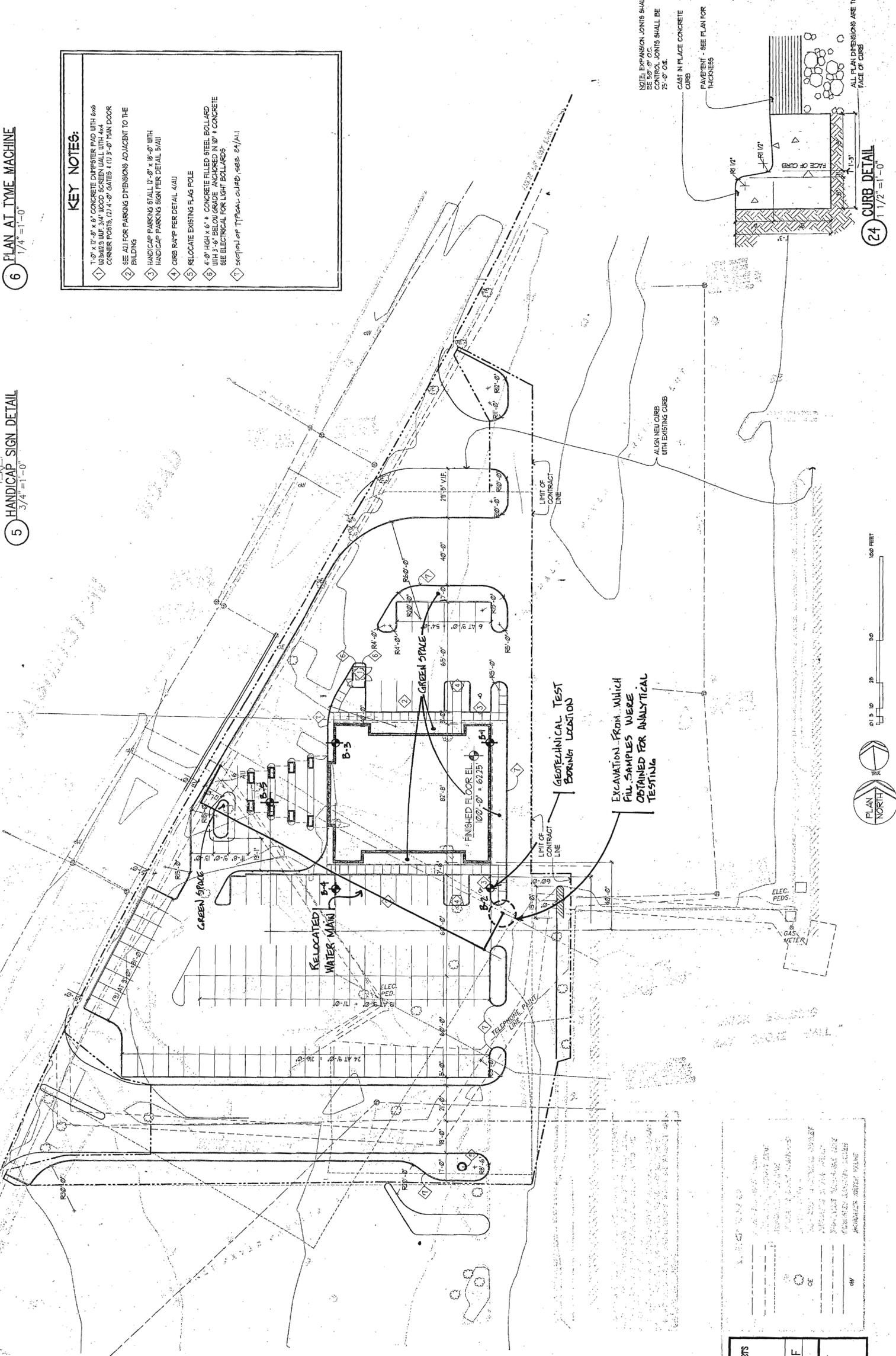
5 HANDICAP SIGN DETAIL  
 3/4" = 1'-0"



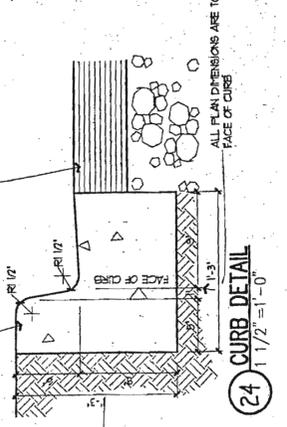
4 CURB / RAMP DETAIL  
 3/8" = 1'-0"



GREEN SPACE COVER DETAIL



NOTE: EXPANSION JOINTS SHALL BE 5/8" O.C.  
 CONTROL JOINTS SHALL BE 15'-0" O.C.  
 CAST IN PLACE CONCRETE CURB  
 PAINT - SEE PLAN FOR THICKNESS



24 CURB DETAIL  
 1/2" = 1'-0"

DATE	BY	CHK

**STS Consultants, Ltd. Consulting Engineers**  
 11425 West Lake Park Drive  
 Milwaukee, Wisconsin 53224  
 414-359-3030

PROJECT NUMBER: **83647XF**  
 SHEET NUMBER: **2**

PHASE I ENVIRONMENTAL ASSESSMENT  
 BAYSHORE MALL  
 FIRSTAR CORPORATION



Table 1  
Soil Analytical Results

Parameters	Composite
Units	ug/g
Arsenic	13
Barium	156
Cadium	0.57
Chromium	5.63
Lead	159
Mercury	0.187
Silver	0.40
Anthracene	12 <sup>(5)</sup>
Benzo (a) anthracene	30.9 <sup>(5)</sup>
Benzo (a) pyrene	20.6
Benzo (b) fluoranthene	22.2
Benzo (ghi) perylene	16 Q
Benzo (k) fluoranthene	18 Q
Chrysene	26.4 <sup>(5)</sup>
Dibenzo (a,h) anthracene	6 Q
Fluoranthene	117
Indeno (1,2,3-cd) pyrene	18 Q
Phenanthrene	41.4
Pyrene	54.4
Methylene Chloride	25.7 <sup>(4)</sup>

Notes:

1. Table compiled by GZA from information in Wisconsin Department of Natural Resources file for Site.
2. ug/g = micrograms per gram
3. Q = detected between the limit of detection and limit of quantification
4. Flagged as a laboratory contaminant.
5. Compound found in blank as well as sample.