



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
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Milwaukee, Wisconsin 53212-3128
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January 2, 2007

In Reply Refer To: FID# 241025190
BRRTS# 02-41-261144
County of Milwaukee

Ms. Vicki Busalacchi
Rainmaker Enterprises
904 E Pearson Street
Milwaukee, WI 53202

Subject: Final Case Closure, Parts House Property, 215-245 West Maple Street,
Milwaukee, WI

Dear Ms. Busalacchi:

On December 27, 2006, the Wisconsin Department of Natural Resources (WDNR) reviewed the above referenced case for closure. The WDNR reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The WDNR 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 you 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 WDNR 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 WDNR'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.

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement, that currently exists in the location shown on the attached map 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 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.

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 WDNR 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.

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

The WDNR 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 Andy Boettcher at (414) 263-8541.

Sincerely,



James A Schmidt

Southeast Region Remediation & Redevelopment Team Supervisor

Enclosures: Map of Cap Maintenance Area
Cap Maintenance Plan
Barrier Inspection Log Sheet

cc: Konicek Environmental, 1032 S Spring St., Port Washington, WI 53074

EXHIBIT
 (KNOWN AS 215 WEST MAPLE STREET IN THE CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN)
PARIS HOUSE LOFTS CONDOMINIUM

JANUARY 21, 2005 RANNAKER ENTERPRISES, INC. DRAWING NO. 160412 - MHN
 LOTS 2, 14 AND 15, PART OF LOTS 4, 8, 12, 16 AND 17 AND PART OF THE VACATED ALLEYS ADJOINING SAID LOTS 2, 14 AND 15, BLOCK 146 AND PART OF LOTS 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 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3461, 3463, 3465, 3467, 3469, 3471, 3473, 3475, 3477, 3479, 3481, 3483, 3485, 3487, 3489, 3491, 3493, 3495, 3497, 3499, 3501, 3503, 3505, 3507, 3509, 3511, 3513, 3515, 3517, 3519, 3521, 3523, 3525, 3527, 3529, 3531, 3533, 3535, 3537, 3539, 3541, 3543, 3545, 3547, 3549, 3551, 3553, 3555, 3557, 3559, 3561, 3563, 3565, 3567, 3569, 3571, 3573, 3575, 3577, 3579, 3581, 3583, 3585, 3587, 3589, 3591, 3593, 3595, 3597, 3599, 3601, 3603, 3605, 3607, 3609, 3611, 3613, 3615, 3617, 3619, 3621, 3623, 3625, 3627, 3629, 3631, 3633, 3635, 3637, 3639, 3641, 3643, 3645, 3647, 3649, 3651, 3653, 3655, 3657, 3659, 3661, 3663, 3665, 3667, 3669, 3671, 3673, 3675, 3677, 3679, 3681, 3683, 3685, 3687, 3689, 3691, 3693, 3695, 3697, 3699, 3701, 3703, 3705, 3707, 3709, 3711, 3713, 3715, 3717, 3719, 3721, 3723, 3725, 3727, 3729, 3731, 3733, 3735, 3737, 3739, 3741, 3743, 3745, 3747, 3749, 3751, 3753, 3755, 3757, 3759, 3761, 3763, 3765, 3767, 3769, 3771, 3773, 3775, 3777, 3779, 3781, 3783, 3785, 3787, 3789, 3791, 3793, 3795, 3797, 3799, 3801, 3803, 3805, 3807, 3809, 3811, 3813, 3815, 3817, 3819, 3821, 3823, 3825, 3827, 3829, 3831, 3833, 3835, 3837, 3839, 3841, 3843, 3845, 3847, 3849, 3851, 3853, 3855, 3857, 3859, 3861, 3863, 3865, 3867, 3869, 3871, 3873, 3875, 3877, 3879, 3881, 3883, 3885, 3887, 3889, 3891, 3893, 3895, 3897, 3899, 3901, 3903, 3905, 3907, 3909, 3911, 3913, 3915, 3917, 3919, 3921, 3923, 3925, 3927, 3929, 3931, 3933, 3935, 3937, 3939, 3941, 3943, 3945, 3947, 3949, 3951, 3953, 3955, 3957, 3959, 3961, 3963, 3965, 3967, 3969, 3971, 3973, 3975, 3977, 3979, 3981, 3983, 3985, 3987, 3989, 3991, 3993, 3995, 3997, 3999, 4001, 4003, 4005, 4007, 4009, 4011, 4013, 4015, 4017, 4019, 4021, 4023, 4025, 4027, 4029, 4031, 4033, 4035, 4037, 4039, 4041, 4043, 4045, 4047, 4049, 4051, 4053, 4055, 4057, 4059, 4061, 4063, 4065, 4067, 4069, 4071, 4073, 4075, 4077, 4079, 4081, 4083, 4085, 4087, 4089, 4091, 4093, 4095, 4097, 4099, 4101, 4103, 4105, 4107, 4109, 4111, 4113, 4115, 4117, 4119, 4121, 4123, 4125, 4127, 4129, 4131, 4133, 4135, 4137, 4139, 4141, 4143, 4145, 4147, 4149, 4151, 4153, 4155, 4157, 4159, 4161, 4163, 4165, 4167, 4169, 4171, 4173, 4175, 4177, 4179

CAP MAINTENANCE PLAN

This Cap Maintenance Plan shall be applicable to the parcel of Property depicted on Figure 1, and a copy of this Cap Maintenance Plan shall at times be kept on file in the offices of the owner of the Property, Rainmaker Enterprises, Inc., or its successor(s) in interest (the "Owner"), and any company that is retained to manage the Property on behalf of the Owner (the "Property Manager").

1. *Annual Inspections*- Not less than annually, the paved areas of the Property and the landscaped areas of the Property shall be inspected to ensure that the integrity of the soil cover in the landscaped areas is maintained and that no significant fissures or cracks develop in the paved areas, which would allow a materially significant increase in the infiltration and percolation of precipitation or surface water through the contaminated soils beneath the paved areas. Any disturbances of the soil cover or significant cracking of the pavement shall be noted. Upon completion of the inspection a brief report shall be prepared which identifies the date of the inspection, the individual(s) conducting the inspection, any observed disturbance of the soil cover in the landscaped areas, and any significant cracking observed in the paved areas. A copy of the inspection report shall be kept on file by the Owner and/or Property Manager, with a copy of this Cap Maintenance Plan, and shall be made available for inspection by representatives of the Wisconsin Department of Natural Resources (WDNR), upon reasonable request, during the normal business hours of the Owner or Property Manager.
2. *Repairs to Capped Areas* - If, during the annual inspection or other routine inspections of the Property, the soil cover is observed to have been disturbed or significant cracking is observed in paved areas, the Owner shall arrange to have repairs made to such areas, in a manner consistent with this Cap Maintenance Plan. Such repairs shall be carried out within a reasonable period of time, not to exceed 120 days, subject to weather and season considerations.
3. *Landscaping Maintenance* - The Owner of the Property shall maintain the vegetative cover in landscaped areas according to the custom and practice of the landscaping industry applicable to similarly situated properties in the Metropolitan Milwaukee area. In the event it becomes necessary, or if the Owner desires to install or replace trees, shrubs, fencing or retaining walls, or perform other landscaping that would penetrate below the soil cap into the contaminated soils below the soil cap, the following steps shall be taken:
 - A. The contractor performing the work shall be provided with a copy of this Cap Maintenance Plan and shall prepare a health and safety plan (HASP), appropriate to the work being performed, to protect workers from any significant or health threatening exposure to contaminated soils beneath the clean soil cover.
 - B. Any excavated clean soils from the soil cover shall be separated and segregated so that they may be replaced upon completion of the work. Any excavation into the contaminated soils beneath the soil cover shall be conducted in accordance with the HASP, and any excavated contaminated soils shall be segregated and kept on site, in conformance with the requirements of Chapter NR71 8, Wisconsin Administrative Code (WAC), until completion of the work.
 - C. Upon completion of the work, previously excavated contaminated soils may be placed back into the excavation, but only to the extent such replacement does not interfere with the replacement and maintenance of the minimum 1 foot of clean soil cover over the area of the excavation, and does not constitute a violation of Wisconsin hazardous waste management law (Chapter 291,

Wisconsin Statutes). The clean soil cover material and any additional clean soil necessary to bring the excavation to grade shall be replaced in such a way to maintain a minimum 1 foot of clean soil cover, and the area of the excavation shall be seeded and/or mulched in a manner consistent with the landscape plan for the areas and standard landscaping custom and practice.

- D. Any remaining contaminated soils that cannot be replaced in the excavation shall be properly characterized and disposed of at an appropriately licensed facility.
- E. A brief memorandum report describing the work performed, identifying the person(s) performing the work, and verifying that this Cap Maintenance Plan was adhered to, shall be prepared and kept on file by the Owner and/or Property Manager, and shall be made available for inspection by representatives of the WDNR, upon reasonable request, during the normal business hours of the Owner or Property Manager.

4. *Pavement Replacement and Repairs* - If it becomes necessary or desirable to remove or replace pavement, or perform repairs to paved areas, the pavement removal, repair or replacement shall be undertaken in the following manner:

- A. The contractor performing the work shall be provided with a copy of this Cap Maintenance Plan and shall prepare a HASP, appropriate to the work being performed, to protect workers from any significant or health threatening exposure to contaminated soils beneath the paved area.
- B. Any excavated clean soils from the soil cover, or granular layer materials where they exist beneath the paved area to be removed or repaired, shall be separated and segregated so that they may be replaced upon completion of the work. Any excavation into the contaminated soils beneath the soil cover, pavement or granular layer shall be conducted in accordance with the HASP, and any excavated contaminated soils shall be segregated and kept on site, in conformance with the requirements of Chapter NR718, WAC, until completion of the work.
- C. Upon completion of the work, previously excavated contaminated soils may be placed back into the excavation, but only to the extent such replacement does not interfere with the replacement and maintenance of either the minimum 1 foot of clean soil cover and/or granular layer over the area of the excavation, and does not constitute a violation of Wisconsin hazardous waste management law (Chapter 291, Wisconsin Statutes). The clean soil cover material or granular layer material, and any additional clean soil or granular material necessary to bring the excavation to grade shall be replaced in such a way as to remain either the minimum 1 foot of clean soil cover or the original thickness of the granular layer, if they previously existed beneath the pavement, and the area of the excavation shall be paved in a manner consistent with its original condition.
- D. Any remaining contaminated soils that cannot be replaced in the excavation shall be properly characterized and disposed of at an appropriately licensed facility.
- E. A brief memorandum report describing the work performed, identifying the person(s) performing the work, and verifying that this Cap Maintenance Plan was adhered to, shall be prepared and kept on file by the Owner and/or the Property Manager, and shall be made available for inspection by representatives of the WDNR, upon reasonable request, during the normal business hours of the Owner or Property Manager.

5. *Utility Repairs* - No underground utility repairs or installation of new or replacement utilities shall be conducted on the Property until after the utility and any contractor(s) for the utility have acknowledged receipt of a copy of this Cap Maintenance Plan. The underground utility repairs or installation(s) shall be conducted in strict conformance with the standards set forth above with respect to excavations into landscaped areas and paved areas. In addition, if the underground utility repairs or installation(s) involve any disturbance of the seals used to seal the entrance of utility lines into structures on the property, such seals shall be replaced with new seals of like or superior quality. The utility or its contractor(s) shall prepare a memorandum report regarding the work, as set forth above, which shall be kept on file and made available for inspection by representatives of the WDNR, upon reasonable request, during the normal business hours of the Owner or Property Manager.

Doc: MaintenancePlan

0249782

Document Number

QUIT CLAIM DEED

Name and Return Address:

RAINMAKER ENTERPRISES, INC.
904 East Pearson Street
Milwaukee, WI 53202

(414) 406-0812

Tax Key No.: 462-1003-000-X

This transaction is exempt from the Wisconsin Real Estate Transfer Fee and Transfer Return pursuant to Sec. 77.25 (2) of the Wisconsin Statutes.

REGISTER'S OFFICE 1 SS
Milwaukee County, WI

RECORDED AT 4:05 PM

03-22-2002

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 11.00

Recording Area

REEL

5290

IMAGE

3333

THIS INDENTURE, Made this 1st day of February, 2002, between City of Milwaukee, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Milwaukee, Wisconsin, party of the first part, and **RAINMAKER ENTERPRISES, INC.** herein referred to as "Buyer", party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of **One and No/100ths (\$1.00) Dollars** to it paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released and quitclaimed, and by these presents does give grant and assigns forever, the following described real estate, situated in the City of Milwaukee and County of Milwaukee, State of Wisconsin, to-wit:

The South 21.25 feet (Lots 4 and 14), Lot 5 and the North 1.75 feet of un-numbered Lot, and the East 5.0 feet of the North 8.35 feet of Lot 12, and Lot 13 excluding the South 10.5 feet of the West 135.0 feet and vacated alley and the North 23.0 feet of Lot 6 adjacent, Block 142, Judge Smith's Subdivision in the Northeast 1/4 of Section 5, Township 6 North, Range 22 East.

Address: 1815 South 2nd Street

CREO No.: 462/107

It is mutually agreed by and between the parties hereto, it's heirs, personal representatives, successors and assigns that the property herein conveyed shall be joined with the Grantee's adjoining property so as to create a single parcel to be used as a unit; that said combined parcel shall not be divided without the approval of the Common Council of the City of Milwaukee; that the land herein conveyed shall be used as open space and no principal building may be erected thereon. In the event there is a breach of any of the foregoing conditions, this deed shall become forfeited, and the premises herein described, and all rights herein conveyed, shall at once revert and re-vest in and become the property of the party of the first part, its successors or assigns without any declaration of forfeiture or act or re-entry, and without any other act by said party of the first part to be performed, and without any right of the party of the second part to reclamation or compensation for monies paid or improvements made, as absolutely, fully, and perfectly as if this deed had never been made. The adjoining property is known as:

Lots 1, 2, 3, 15, 16, 17 and the North 3.75 feet (Lots 4 and 14) and vacated alley, Block 142, Judge Smith's Subdivision in the Northeast 1/4 of Section 5, Township 6 North, Range 22 East, in the City of Milwaukee, Milwaukee County, State of Wisconsin.

Address: 215 West Maple Street

Tax Key No.: 462-1002-000-4

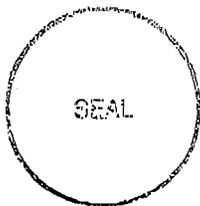
TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, either in possession or expectancy of, to the only proper use, benefit and behoof of the said party of the second part, it's heirs, personal representatives, successors and assigns forever.

IN WITNESS WHEREOF, the said City of Milwaukee, party of the first part, has caused these presents to be signed by Gregory J. Shelko, its Special Deputy Commissioner of the Department of City Development, at Milwaukee, Wisconsin, this 1st day of February, 2002.

CERTIFICATE NO. _____

STATE OF WISCONSIN
MILWAUKEE COUNTY

OFFICE OF
REGISTER OF DEEDS



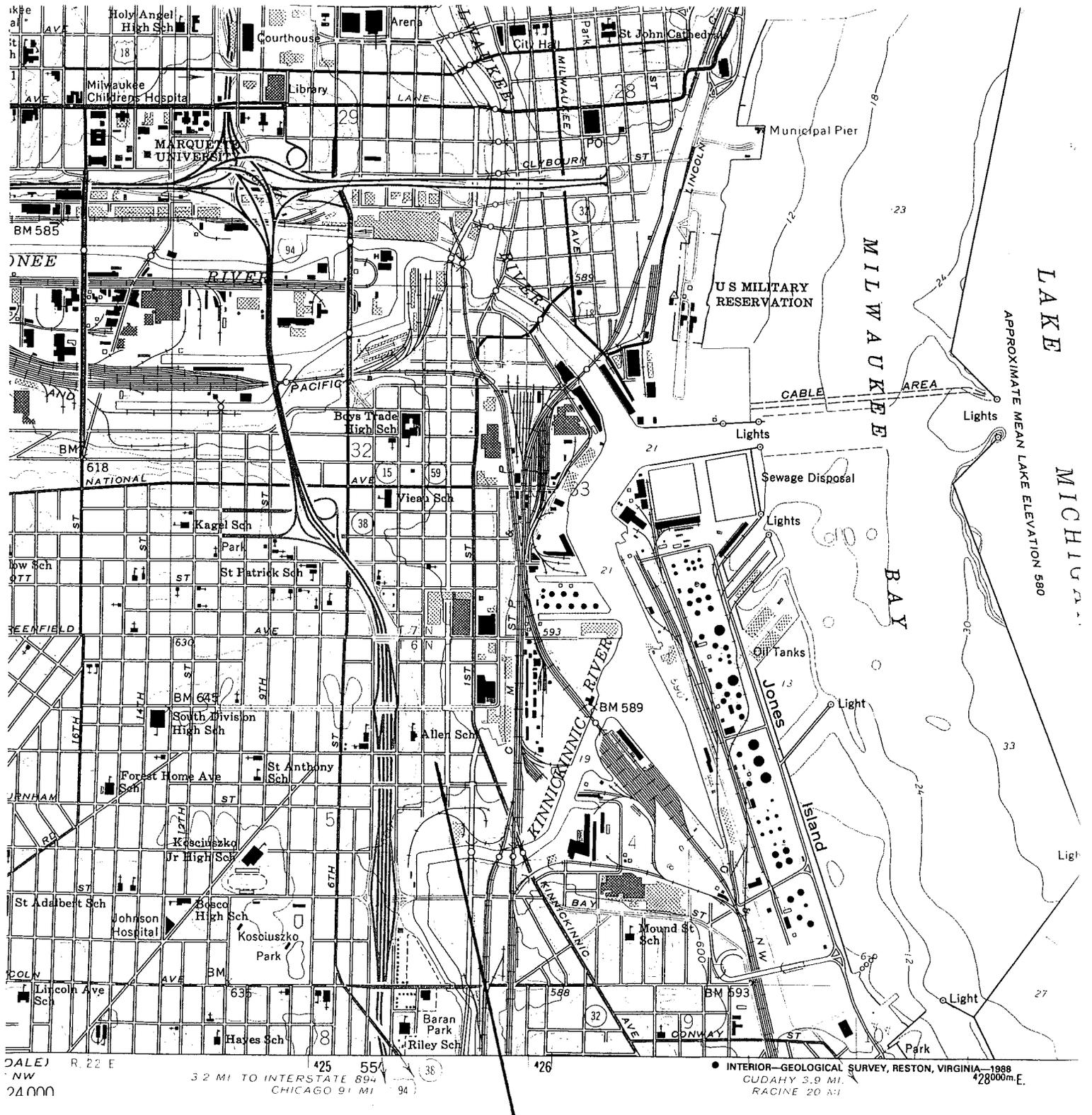
I, the undersigned
Register of Deeds of
Milwaukee County,
hereby certify that
this document is a
true and correct copy
of the original on
file of record in
this office.

Witness my hand and
official seal this

AUG 12 2003

John LaFave
John LaFave





SITE

Konicek Environmental Consulting, LLC

Figure 1

Source: Milwaukee Quadrangle Map

Site Location/Parts House
 215-245 West Maple Street
 Milwaukee, Wisconsin

attached

The attached legal description identifies the impacts remaining at the Parts House (WDNR BRRTS # 02-41-261144).

Vicki Busalacchi

Vicki Busalacchi
Rainmaker Enterprises