

GIS REGISTRY INFORMATION

SITE NAME: COMMERCIAL PROPERTY
 BRRTS #: 02-41-520482 FID # (if appropriate): 341089210
 COMMERCE # (if appropriate): —
 CLOSURE DATE: 06/23/05
 STREET ADDRESS: 1114 N WATER ST
 CITY: MILWAUKEE

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 900180 Y= 287920

CONTAMINATED MEDIA: Groundwater Soil Both

OFF-SOURCE GW CONTAMINATION >ES: Yes No

IF YES, STREET ADDRESS 1: _____
 GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

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

IF YES, STREET ADDRESS 1: _____
 GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

CONTAMINATION IN RIGHT OF WAY: Yes No

DOCUMENTS NEEDED:

- Closure Letter, and any conditional closure letter issued
- Copy of most recent deed, including legal description, for all affected properties
- Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties
- County Parcel ID number, if used for county, for all affected properties
- Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.
- Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.
- Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)
- Tables of Latest Soil Analytical Results (no shading or cross-hatching)
- Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.
- GW: Table of water level elevations, with sampling dates, and free product noted if present
- GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)
- SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour
- Geologic cross-sections, if required for SI. (8.5x14" if paper copy)
- RP certified statement that legal descriptions are complete and accurate
- Copies of off-source notification letters (if applicable)
- Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)
- Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure

X
X
X
X
X
X
X
NA
X
NA
NA
NA
X
NA
X
NA
NA
NA



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

June 23, 2005

Mr. John Silseth
Market Street Partners II, LLP
322 E. Michigan St., Suite 275
Milwaukee, WI 53202

File Ref: FID#341089210
BRRTS#02-41-520482

Subject: Case Closure for Commercial Property at 1114 N. Water Street, Milwaukee

Dear Mr. Silseth:

Your request for case closure of the Commercial Property site, located at 1114 N. Water Street, Milwaukee, has been reviewed by the Wisconsin Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. The "Revised Closure Request" by GZA GeoEnvironmental, Inc., dated April 29, 2005, provided information in response to the Department closure denial letter dated July 14, 2004. Based on the information submitted, the Department has determined that the petroleum contamination found in soil at the site has been investigated and remediated to the extent practicable under site conditions. The Department considers the case closed under s. NR726.05, Wisconsin Administrative Code, with specific closure conditions listed in this letter.

Low concentrations of certain volatile organic compounds commonly associated with gasoline were found in shallow soil on the south part of the property. No groundwater contamination was found, and the residual soil contamination levels do not appear to pose a risk to groundwater and do not exceed the residual contaminant levels calculated to be protective of human health under direct contact exposure assumptions.

Conditions of Case Closure:

1. **Excavation of Contaminated Soil** Residual soil contamination remains in the southwest part of the site, immediately south of the existing Brew City Bar-B-Q building, as indicated in the information submitted to the Department. If soil in this location is excavated in the future, the property owner at that time will be required to sample and analyze the excavated soil in order to determine whether the contamination still remains. The owner will also have to properly store, treat, or dispose of any excavated materials, based upon the results of that characterization, and take special precautions during excavation activities to prevent a direct contact threat to humans. All future owners and occupants of this property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard at the time of excavation.
2. **GIS Registry Listing** 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 registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>.

Please be aware that this 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.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 414-263-8758.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela Mylotta". The signature is fluid and cursive, with a large initial "P" and "M".

Pamela A. Mylotta, Hydrogeologist
Remediation & Redevelopment Program
Southeast Region, Milwaukee Service Center

c: Jay Karls – GZA GeoEnvironmental Inc.
SER Casefile



REQUIRED SITE INFORMATION AND GIS REGISTRY INFORMATION

1. **Copy(s) of most recent deed**, including legal description(s), for all affected properties within or partially within contaminated site boundary. (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.) **A copy of the deed is provided after this Required Site Information listing.**
2. **A copy of certified survey map(s)**, as required by s. NR 716.15(2)(j)(2), 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). **A copy of the certified survey map is provided after this Required Site Information listing.**
3. **The parcel identification number** (if county uses them) for each property within the contaminated site boundaries. Include the address of each property within the contaminated site boundary (regardless of whether parcel id # exists). **Geographic position** data for each property (meters in WTM83/91 projection) in compliance with the requirements of s. NR 716.15 (2)(k), unless this information was previously submitted to the agency with administrative authority for the site as part of the site investigation report, or unless the agency with administrative authority has directed that the responsible party does not need to provide geographic position data for a specific site. **Geographic position data (WTM83/91 projection coordinates) from the RR GIS Registry Web Site: 900180, 287920.**
4. **A site location map** which outlines all properties within the contaminated site boundaries on a USGS topographic map or plat map in sufficient detail to permit the easy location of all parcels. If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200 feet of the site. (If only one property, combine with map required in next item #5.) **See Figure No. B-1.**
5. **A map of contaminated properties within the site boundary** showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. This map shall also 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 ch. NR 140 enforcement standards, and/or in relation to the boundaries of soil contamination exceeding generic or site-specific residual contaminant levels as determined under s. NR 720.09, 720.11 and 720.19. **See Figure No. B-2.**

**APPENDIX B
REQUIRED SITE INFORMATION/GIS REGISTRY INFORMATION**



6. **A table of the most recent analytical results**, with sample collection dates from all monitoring wells, and any potable wells for which samples have been collected for groundwater, and/or showing results for all contaminants found in pre-remedial sampling and in the most recent soil sampling event, for soils (without shading or crosshatching). (Note occurrence of free product.) *See Table B-1 for Soil Analytical Results.*
7. **An isoconcentration map**, if required as part of the site investigation (SI), of the contaminated properties within the site boundaries. The map must include the areal extent of groundwater contamination exceeding PALS and the areal extent of groundwater contamination exceeding ESs, groundwater flow direction(s) based on the most recent data, and sample collection dates. **If an isoconcentration map was not required** as part of the SI, substitute a map showing the horizontal extent of contamination, based on the most recent data. Note free product location(s). *Not Applicable.*
8. **A table of the previous 4 water level elevation measurements from all monitoring wells**, at a minimum, with the date measurements were made, is to be included. (If present, free product elevation and thickness is to be noted on the table.) *Not Applicable.*
9. **A groundwater flow direction map** representative of groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, 2 groundwater flow maps showing the maximum variation in flow direction are to be submitted. (Maps should be prepared according to the applicable portions of ss. NR 716.15(2)(g)5-8 and 716.15(2)(h)1-2). *Not Applicable.*
10. For sites closing with residual soil contamination, **include a map showing the location of all soil samples** and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds generic or site specific residual contaminant levels. *See Figure No. B-3.*
11. **A geologic cross section**, if required as part of the SI, showing vertical extent and location of residual soil contamination exceeding generic or site specific RCLs and residual groundwater contamination, source extent and location, isoconcentrations for all groundwater contaminants that exceed PALs that remain when closure is requested; water table and piezometric elevations, and the location and elevation of geologic units, bedrock, and confining units, if any. *Not Applicable, impacts in fill material only.*
12. **A statement signed by the responsible party**, which states that he or she believes that the legal description has been attached for each property that is within, or partially within, the contaminated site boundary. (The point here is that a legal description for each of the contaminated properties has been submitted. The RP is

**APPENDIX B
REQUIRED SITE INFORMATION/GIS REGISTRY INFORMATION**

not required to attest to the accuracy of the attached legal descriptions.) *The statement signed by the responsible party is provided after this Required Site Information listing.*



13. **A copy of the letters sent by the RP to all owners of properties with groundwater exceeding ESs** (including the current source- property owner, if the RP is not the current source-property owner) as required by s. NR 726.05(3)(a)(4)(g). (Off source properties are listed separately on the GIS Registry with a link to the source property.) Letters must contain standard provisions of Attachment A of ch. NR 726. *Not Applicable.*

14. **A copy of all written notifications** provided to the City/village/municipal/state agency or other entity responsible for maintenance of a public street or highway or railroad right-of-way, within or partially within the boundaries of the contaminated site, for contamination exceeding groundwater ESs and/or soil exceeding generic or site specific RCLs. *Not Applicable.*

STATE BAR OF WISCONSIN FORM 6-2000
SPECIAL WARRANTY DEED

Document Number

This Deed, made between Market Street Partners II LLP, a Wisconsin limited liability partnership, Grantor,
and SSG Properties, LLC, a Wisconsin limited liability company

Grantee.

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

See Exhibit A attached hereto and incorporated herein.

Recording Area

Name and Return Address

Marcia E. Facey
Quarles & Brady LLP
411 East Wisconsin Avenue, Suite 2040
Milwaukee, Wisconsin 53202-4497

Part of 392 1298 112 9

Parcel Identification Number (PIN)

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

Together with all appurtenant rights, title and interests. Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances, arising by, through or under Grantor, except municipal and zoning ordinances and agreements entered under them; recorded easements, agreements, redevelopment plans, recorded covenants, conditions and restrictions; the lien for real estate taxes for the current year; survey matters; rights of tenants in possession; and easements, if any, of the public or any school district, utility, municipality or person, as provided in Section 80.32(4) of the Statutes, for the continued use and right of entrance, maintenance, construction and repair of underground or overground structures, improvements or service in that portion of the subject premises which were formerly a part of Market Street now vacated.

Dated this 26th day of December, 2003.

(SEAL)

MARKET STREET PARTNERS II LLP

By: James P. Connelly (SEAL)

* James P. Connelly

(SEAL)

AUTHENTICATION

Signature(s) of James P. Connelly

authenticated this 26th day of December, 2003

Patrick M. Zabrowski
* Patrick M. Zabrowski

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

THIS INSTRUMENT WAS DRAFTED BY

Patrick M. Zabrowski of Foley & Lardner
(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

State of Wisconsin, }
County. } ss.

Personally came before me this day of , the above named

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

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

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

Market Street Partners II LLP

EXHIBIT A

Lot 2 of Certified Survey Map No. 7322, recorded on November 7, 2003, as Document No. 8674474, being a division of Lots 6, 7, 8 and 9, Block 58, in Plat of the Town of Milwaukee on the East Side of the River, all being in the Northeast 1/4 of the Northeast 1/4 of Section 29, Town 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, the lands underlying said Certified Survey Map.

DCD # 2315

CERTIFIED SURVEY MAP NO. 7322

A division of part of Lots 6, 7, 8, and 9, Block 58, in Plat of Milwaukee, all being in the Northeast 1/4 of the Northeast 1/4 of Section 29, Town 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin.

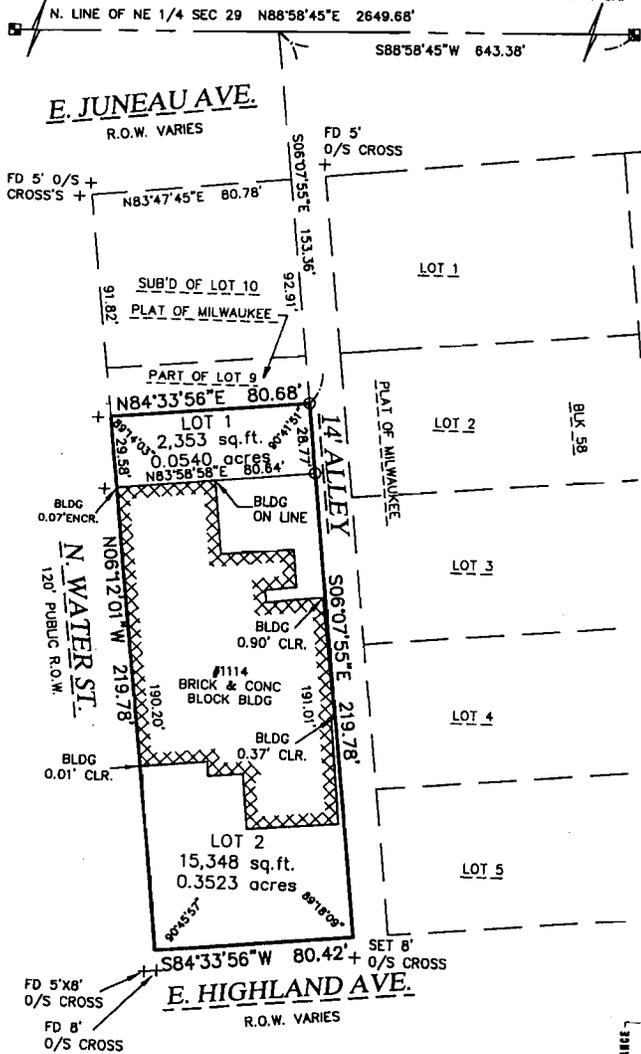
NW COR. OF NE 1/4
SEC. 29, T7N, R22E.
CONC MONUMENT
WITH BRASS CAP

NE COR. OF NE 1/4
SEC. 29, T7N, R22E.
CONC MONUMENT
WITH ALUM. CAP

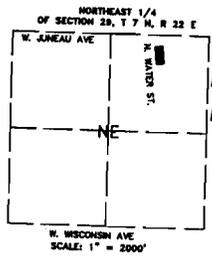
ZONING: C9B(A)
TAX KEY NO. 392-1298-112-9

+ INDICATES SET 5' O/S CROSS (UNLESS NOTED).
O INDICATES SET 1.315" O.D. IRON PIPE 24" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

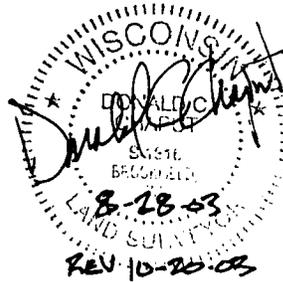
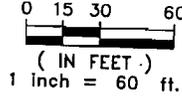
ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SECTION 29 T 7 N, R 22 E, WHICH BEARS N88°58'45"E



VICINITY MAP



GRAPHIC SCALE



NSE NO. 5161246\CS101L60 - RMK
National Survey & Engineering

Telephone 262-781-1000
Facsimile 262-781-8466

18745 W. Bluemond Road
Suite 200
Brookfield, WI 53008-6838
www.nse.com

SHEET 1 OF 4

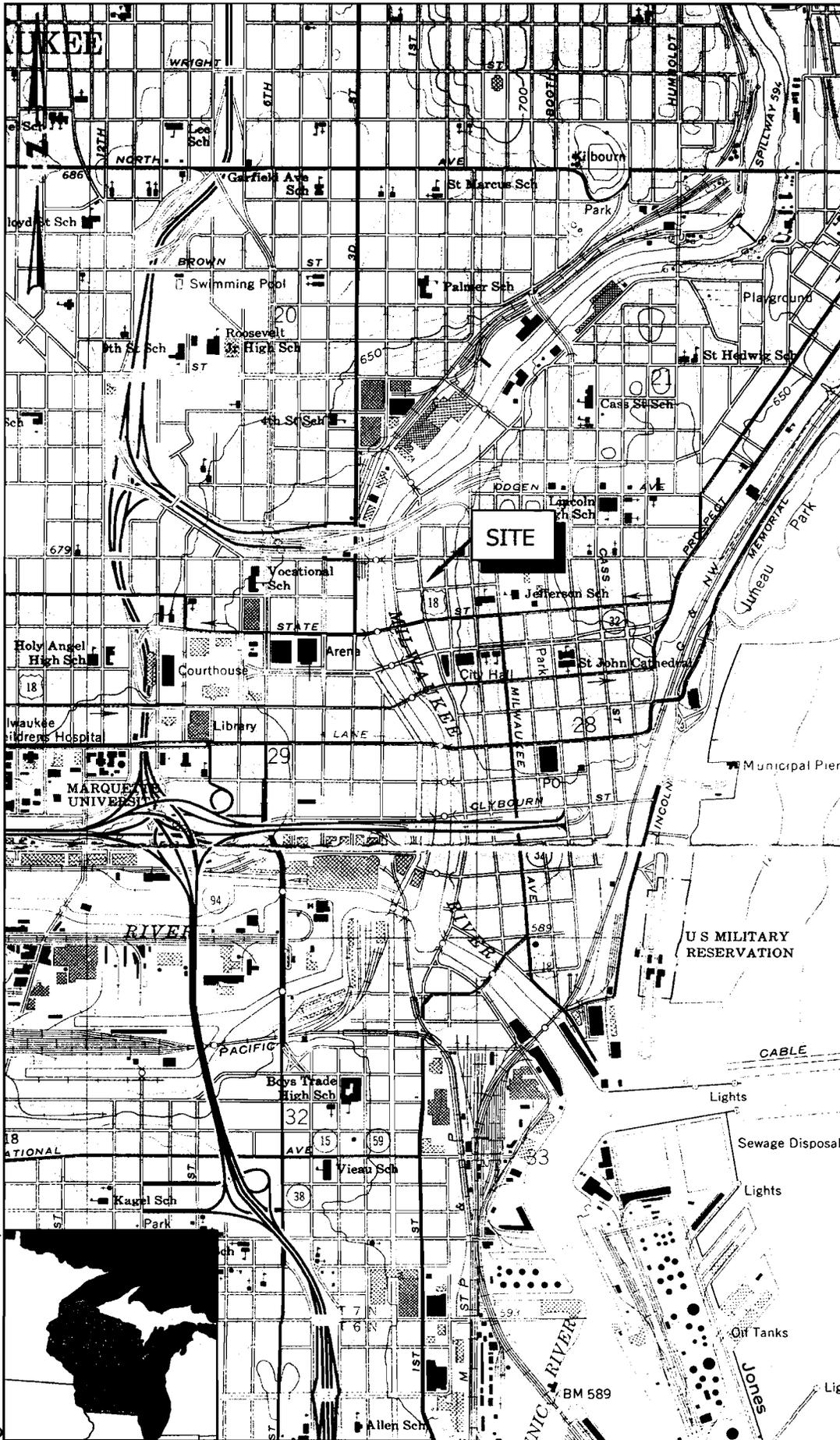
7322

8674474

NOV 7 2003

INFRASTRUCTURE SERVICES DIVISION 10/23/03
Mascia Landholm
 CENTRAL DRAFTING & RECORDS MANAGER
Al Martin 10/23/03
 ENGR. IN CHARGE ENVIRONMENTAL ENGR.
 CORRECT
Jeffrey Plank 10/23/03
 CIVIL ENGINEER
 APPROVED

DEPARTMENT OF CITY DEVELOPMENT
 CITY OF MILWAUKEE
 OCT 27 2003
Jeffrey Plank
 STAFF APPROVED



REV. NO.	DESCRIPTION	BY	DATE
	SCALE: 1:24,000 (APPROXIMATE)	PROJ MGR: JFK	DRAWN BY: KCD
	0 1000' 2000' 4000'	DESIGNED BY: KCD	DATE: 4/13/04
	SOURCE: U.S.G.S. WAUWATOSA, WISCONSIN USGS QUADRANGLE MAP 1994	REVIEWED BY: JCO	
<p>COMMERCIAL PROPERTY 1114 NORTH WATER STREET MILWAUKEE, WISCONSIN</p> <p>SITE LOCATION MAP</p>		<p>PROJECT NO. 20.150852.00</p>	
		<p>FIGURE NO. B-1</p>	



LEGEND

-  BORING COMPLETED BY GILES ENGINEERING ASSOCIATES, INC. ON OCTOBER 6, 2003
-  HAND AUGERS COMPLETED BY GZA GEOENVIRONMENTAL, INC. ON DECEMBER 19, 2003
-  GEOPROBE BORINGS COMPLETED ON FEBRUARY 6, 2004.

NOTES:

1. Site Plan was developed by GZA GeoEnvironmental, Inc.
2. Site features and boring locations were approximately determined using tape measurement and line of sight from existing topographic features. This data should be considered accurate only to the degree implied by the method used.
3. Borings completed by GZA GeoEnvironmental, Inc. on December 19, 2003 and Giles Engineering Associates, Inc. were completed using hand tools.
4. Boring completed on February 6, 2004 were completed using GeoProbe technology.

WATER STREET

SIDEWALK

GATED
ENTRANCE

**BREW CITY BAR-B-Q
BUILDING**

COVERED
WOOD
DECK

COVERED
CONCRETE
PATIO

ALLEY



B-1

H1

B-4

B-2

B-3

B-6

B-5

SIDEWALK

JOB NO.
20.150852.00

FIGURE NO.
B-2

**COMMERCIAL PROPERTY
1114 NORTH WATER STREET
MILWAUKEE, WISCONSIN**

SITE PLAN

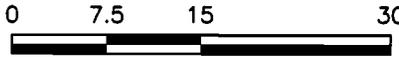
1	GEOPROBE LOCATIONS	KCD	4/13/2004
REV. NO.	DESCRIPTION	BY	DATE
<p>1" = 15' (APPROXIMATE)</p> 		PROJ MGR: JFK OPERATOR: CJM DESIGNED BY: JFK REVIEWED BY: JCO DATE: 5/2/04	
 <p>N 4140 Duplainville Road • Pewaukee, Wisconsin • 53072 Phone (262) 691-2682 • Fax (262) 691-9279 • www.gza.com</p>			

TABLE B-1
SOIL ANALYTICAL RESULTS
Commercial Property
1114 North Water Street
Milwaukee, Wisconsin

Parameter	WAC NR 720.09 RCLs ¹	WAC NR 746.06 Direct Contact Standards ²	Sample Identification, Sampling Depth and Date Collected						
			H-1 ³	B-1 ⁴	B-2 ⁴	B-3 ⁴	B-4 ⁵	B-5 ⁵	B-6 ⁵
			1-3'	2-3'	3-4'	1-2'	2-4'	2-4'	2-4'
			10/06/03	12/19/03	12/19/03	12/19/03	02/06/04	2/6/04	02/06/04
VOCs (ug/kg)									
Benzene	5.5	1,100	426	<32	<28	719	<28	<30	<29
Ethylbenzene	2,900	NS	<43	<32	<28	137	<28	<30	<29
Toluene	1,500	NS	52	<32	41	205	75	<30	<29
Xylenes (total)	4,100	NS	<60	<96	134	274	158	<89	<86
Naphthalene	NS ⁶	NS	61	NA	NA	NA	NA	NA	NA

Notes:

1. Residual Contaminant Levels, as published in Wisconsin Administrative Code NR 720.09.
2. Risk-based standard for the protection of human health from direct contact with contaminated soil, as published in Wisconsin Administrative Code NR 746.06 Table 2.
3. Soil sample collected by Giles Engineering, utilizing hand-auger techniques, on October 6, 2003.
4. Soil samples collected by GZA Geoenvironmental, utilizing hand-auger techniques, on December 19, 2003.
5. Soil samples collected by to GZA Geoenvironmental's subcontractor, Kitson Environmental Services, utilizing Geoprobe soil sample techniques, on February 6, 2004.
6. Standard for naphthalene not published in Wisconsin Administrative Code NR 720.09; however, Table 1 of the Wisconsin Department of Natural Resources' *Soil Cleanup for Polycyclic Aromatic Hydrocarbons (PAHs) Interim Guidance, April 1997 (corrected)* provides generic RCLs for naphthalene of 400 ug/kg (groundwater pathway) and 20,000 ug/kg (direct contact).
7. Concentrations in micrograms per kilogram (ug/kg).
8. NS= No standard published; NA = analysis not conducted for constituent.
9. **Bold** = exceedence of WAC NR720.09 RCL.

LEGEND

-  BORING COMPLETED BY GILES ENGINEERING ASSOCIATES, INC. ON OCTOBER 6, 2003
-  HAND AUGERS COMPLETED BY GZA GEOENVIRONMENTAL, INC. ON DECEMBER 19, 2003
-  GEOPROBE BORINGS COMPLETED ON FEBRUARY 6, 2004.

NOTES:

1. Site Plan was developed by GZA GeoEnvironmental, Inc.
2. Site features and boring locations were approximately determined using tape measurement and line of sight from existing topographic features. This data should be considered accurate only to the degree implied by the method used.
3. Borings completed by GZA GeoEnvironmental, Inc. on December 19, 2003 and Giles Engineering Associates, Inc. were completed using hand tools.
4. Boring completed on February 6, 2004 were completed using GeoProbe technology.

WATER STREET

SIDEWALK

EXTENT OF SOIL IMPACTS EXCEEDING
720.09 GENERIC RCLS FOR BENZENE

**BREW CITY BAR-B-Q
BUILDING**

COVERED
WOOD
DECK

ALLEY



COVERED
CONCRETE
PATIO

SIDEWALK

GATED
ENTRANCE

FIGURE NO.
B-3

JOB NO.
20.150852.00

**COMMERCIAL PROPERTY
1114 NORTH WATER STREET
MILWAUKEE, WISCONSIN**

**APPROXIMATE EXTENT OF
SOIL EXCEEDANCES**

1	GEOPROBE LOCATIONS	KCD	4/13/2004
REV. NO.	DESCRIPTION	BY	DATE
<p>1" = 15' (APPROXIMATE)</p> 		PROJ MGR: JFK OPERATOR: CJM DESIGNED BY: JFK DATE: 5/2/04 REVIEWED BY: JCO	
		GZA GeoEnvironmental, Inc. <small>N 4140 Duplainville Road • Pewaukee, Wisconsin • 53072 Phone (262) 691-2662 • Fax (262) 691-9279 • www.gza.com</small>	

MARKET STREET PARTNERS II

June 7, 2004

Dear Wisconsin Department of Natural Resources,

On behalf of Market Street Partners II, I believe that the legal description for all properties within or partially within the area of soil contamination at the Commercial Property located at 1114 North Water Street in Milwaukee, Wisconsin (WDNR BRRTS Case #: 02-41-520482) has been provided in this request for site closure.

Sincerely,



John M. Silseth

322 East Michigan Street #275 Milwaukee WI 53202
Telephone 1-414-273-4350 Fax 1-414-273-2507