

GIS REGISTRY  
Cover Sheet

OCT 27 2010 

July, 2008  
(RR 5367)

Source Property Information

BRRTS #: 02-41-552725

CLOSURE DATE: Oct 27, 2010

ACTIVITY NAME: Former Hometown - UWM Housing Dorms

FID #: 241859090

PROPERTY ADDRESS: 1436 East North Avenue

DATCP #:

MUNICIPALITY: Milwaukee

COMM #:

PARCEL ID #: 320-9948-115-2

\*WTM COORDINATES:

WTM COORDINATES REPRESENT:

X: 691637 Y: 289747

Approximate Center Of Contaminant Source

\* Coordinates are in  
WTM83, NAD83 (1991)

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

- Groundwater Contamination > ES (236)
  - Contamination in ROW
  - Off-Source Contamination

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

- Soil Contamination > \*RCL or \*\*SSRCL (232)
  - Contamination in ROW
  - Off-Source Contamination

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

Land Use Controls:

- Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations between residential and industrial levels)*
- Structural Impediment (224)
- Site Specific Condition (228)

- Cover or Barrier (222)

*(note: maintenance plan for groundwater or direct contact)*
- Vapor Mitigation (226)
- Maintain Liability Exemption (230)

*(note: local government or economic development corporation)*

Monitoring wells properly abandoned? (234)

Yes  No  N/A

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

DCI 2-2-2010

## GIS Registry Checklist

Form 4400-245 (R 3/10)

Page 1 of 3

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 #: 02-41-552725 PARCEL ID #: 320-9948-115-2  
ACTIVITY NAME: Hometown, Inc -- UWM Housing Dorms WTM COORDINATES: X: 691637 Y: 289747

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

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

### SOURCE LEGAL DOCUMENTS

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #:**                      **Title:** MILWAUKEE CO. INTERMEDIATE MAP SJC - PARCEL #320-9948-115
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

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

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

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
**Note:** Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.  
**Figure #: 1**                      **Title: Vicinity Diagram**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2**                      **Title: Post- Development Site Features and Final Capping Diagram**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 6**                      **Title: Final Sample Locations and Soil Analytical Results Above RCLs Diagram**

BRRTS #: 02-41-552725

ACTIVITY NAME: Hometown, Inc -- UWM Housing Dorms

**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 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

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

**Table #:** 3/4                      **Title:** Table 3 Soil Management Analytical Results/Table 4 Final Pre-Capping 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).

BRRTS #: 02-41-552725

ACTIVITY NAME: Hometown, Inc - - UWM Housing Dorms

**NOTIFICATIONS**

**Source Property**

**Not Applicable**

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

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

**Off-Source Property**

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

**Not Applicable**

**Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

**Number of "Off-Source" Letters:**

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

**Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.

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

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

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



## 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

October 27, 2010

The Mandel Group Properties, LLC  
Attn: Robert Monnat  
301 East Erie Street  
Milwaukee, WI 53202

Subject: Final Case Closure with Land Use Limitations or Conditions for the Former Hometown  
– UWM Housing Dorms 1436 East North Avenue Milwaukee, WI

FID: 241859090  
BRRTS: 02-41-552725

Dear Mr. Monnat:

On October 18, 2010, the Wisconsin Department of Natural Resources (“the Department”) reviewed the above referenced case for closure. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On October 18, 2010, the Department e-mailed your consultant, Environmental & Development Solutions, Inc. (EDS) that final closure would be granted on receipt of the approved Cap Maintenance Plan for the site. On October 25, 2010, the Department received the signed Cap Maintenance Plan from EDS.

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.

### GIS Registry

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

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- If the structural impediment is removed or modified, additional environmental work must be completed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/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://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

#### Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which 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.

#### Remaining Residual Soil Contamination

Residual soil contamination remains at the locations indicated on the enclosed map **Figure 6** (Final Sample Locations and Soil Analytical Results Above RCLs Diagram) as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material 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.

#### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the building foundation, pavement, and soil cover 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 attached maintenance plan and inspection log are to be kept up-to-date and on-site, and the inspection log need only be submitted to the Department upon request.

## Prohibited Activities

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

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,

A handwritten signature in black ink that reads "James A. Schmidt". The signature is written in a cursive style with a large initial "J" and "S".

James A. Schmidt  
Southeast Region Team Supervisor  
Remediation and Redevelopment

C: John Van Lieshout, Reinhardt, Boerner, Van Deuren  
Jason Bartley, EDS  
Ann Brummitt, Milwaukee River Work Group  
WDNR SER Files

## CAP MAINTENANCE PLAN

October 19, 2010

### Property Located at:

1436 E. North Avenue, Milwaukee, WI

UWM Real Estate Foundation Student Housing Facility Property  
FID No. 241859090  
BRRTS No. 02-41-552725

### Described as follows:

(Parcel 1:)

THAT PART OF LOT 16 IN THE SOUTHEAST 1/4 OF SECTION 16, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION AND 35 FEET WEST OF THE SOUTHWEST CORNER OF LOT 15, BLOCK 222 IN WALWORTH'S SUBDIVISION OF THE EAST 977 FEET OF LOTS 15 AND 16 IN SAID 1/4 SECTION, RUNNING THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID LOT 15, BLOCK 222, IN SAID WALWORTH'S SUBDIVISION, 77 FEET TO A POINT; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 125 FEET TO A POINT WHICH IS 127 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION AND 160 FEET WEST OF THE WEST LINE OF SAID LOT 15, BLOCK 222, IN SAID WALWORTH'S SUBDIVISION; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID LOT 15, BLOCK 222, WALWORTH'S SUBDIVISION AFORESAID, 77 FEET TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 125 FEET TO THE POINT OF BEGINNING.

ALSO; (Parcel 2:)

THAT PART OF LOTS 15 AND 16, IN THE SOUTHEAST 1/4 OF SECTION 16, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS 50 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 16 AND 160 FEET WEST OF THE WEST LINE OF LOT 15, BLOCK 222, WALWORTH'S SUBDIVISION OF THE EAST 977 FEET OF LOTS 15 AND 16 IN SAID 1/4 SECTION; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID BLOCK 222 EXTENDED AND BLOCK 217 IN SAID WALWORTH'S SUBDIVISION 462.40 FEET TO A POINT WHICH IS 149.2 FEET SOUTH OF THE NORTH LINE OF SAID GOVERNMENT LOT 15; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT 15 TO A POINT IN THE EASTERLY SHORE LINE OF THE MILWAUKEE RIVER; THENCE SOUTHWESTERLY ALONG SAID SHORE LINE TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION TO THE POINT OF BEGINNING.

ALSO; (Parcel 3:)

THAT PART OF GOVERNMENT LOTS 15 AND 16 IN THE SOUTHEAST 1/4 OF SECTION 16, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION AND 35 FEET WEST OF THE SOUTHWEST CORNER OF LOT 15, BLOCK 222 IN WALWORTH'S SUBDIVISION OF THE EAST 977 FEET OF LOTS 15 AND 16 IN SAID 1/4 SECTION; RUNNING THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID LOT 15, A DISTANCE OF 77 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 125 FEET TO A POINT WHICH IS 127 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION AND 160 FEET WEST OF THE WEST LINE OF SAID LOT 15, BLOCK 222 IN SAID

WALWORTH'S SUBDIVISION; THENCE NORTH ON A LINE PARALLEL TO THE WEST LINE OF SAID BLOCK 222 EXTENDED AND THE WEST LINE OF BLOCK 217 IN SAID WALWORTH'S SUBDIVISION, 385.40 FEET TO A POINT WHICH IS 149.2 FEET SOUTH OF THE NORTH LINE OF SAID GOVERNMENT LOT 15; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT 15, A DISTANCE OF 125 FEET TO A POINT WHICH POINT IS 35 FEET WEST OF THE WEST LINE OF SAID BLOCK 217; THENCE SOUTH ON A LINE PARALLEL TO THE WEST LINE OF SAID BLOCKS 217 AND 222 EXTENDED 385.40 FEET TO THE POINT OF BEGINNING. EXCEPTING THAT PART CONVEYED IN QUIT CLAIM DEED RECORDED AS DOCUMENT NO. 7505919.

Tax Key No. 320-9948-115

**Introduction:**

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

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

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

**Description of Residual Impacts:**

The Property is currently occupied by a newly-constructed student housing facility for the University of Wisconsin - Milwaukee. The Property is zoned as Planned Development, which is consistent with the current developed use. Prior to construction, the Property was vacant and still contains historic fill consisting of predominantly soil fill. The southeast portion of the Property formerly contained a gasoline service station for which the Wisconsin Department of Commerce ("Commerce") granted final closure for in their letter dated April 14, 2005. Several environmental studies have been conducted at the Property including Phase I Environmental Site Assessment ("Phase I"), Phase II, site investigation (SI), and pre-cap soil sampling activities. Environmental & Development Solutions, Inc. (EDS) compiled the sampling data into a "Sampling Results and Remedial Action Plan" (RAP) dated October 28, 2008, which the DNR approved in their letter dated November 14, 2008. EDS has also documented the implementation of the RAP including the pre-cap soil sampling concurrently with the recent development and has submitted a closure request for the DNR to review. This cap maintenance plan is a condition of closure for the site.

The sampling conducted at the Property indicates relatively low concentrations of residual soil impacts associated with the historic fill and petroleum impacts. The following compounds are present in soil at concentrations above their suggested residual contaminant levels (RCLs) for the non-industrial direct contact pathway: total lead, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene. Per the approved RAP) the development capped the entire property with the building foundation, concrete/asphalt paved areas, or a soil cap within landscaped areas. The soil cap consists of a geotextile fabric underlying 6 to 8 inches of topsoil. Groundwater was not encountered during the SI or during construction. Based on the soil sampling results, the residual soil impacts will be addressed through maintaining the existing caps as direct contact barriers (Exhibit A). EDS submitted a historic fill exemption application, a low-hazard exemption request, closure request, and soil Geographic information System (GIS) packet to the DNR.

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

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

**Annual Inspection:**

The Cap overlying residual soil impacts and as depicted on Exhibit A ("Figure 2") will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed by the Property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the Property owner and is included as Exhibit B, "Cap Inspection Log." The inspection log will include recommendations for necessary repair of any areas of the Cap where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept at the address of the Property owner and available for submittal or inspection by DNR representatives upon their request.

**Maintenance Activities:**

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

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

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

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

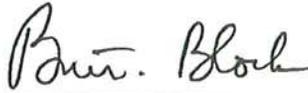
The following activities are prohibited on any portion of the Property where the Cap is required as shown on Exhibit A, unless prior written approval has been obtained from the DNR: (1) removal of the existing cap; (2) replacement of the cap with another barrier; (3) excavating or grading of the land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

**Amendment or Withdrawal of Maintenance Plan:**

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

**Contact Information (as of July 2009):**

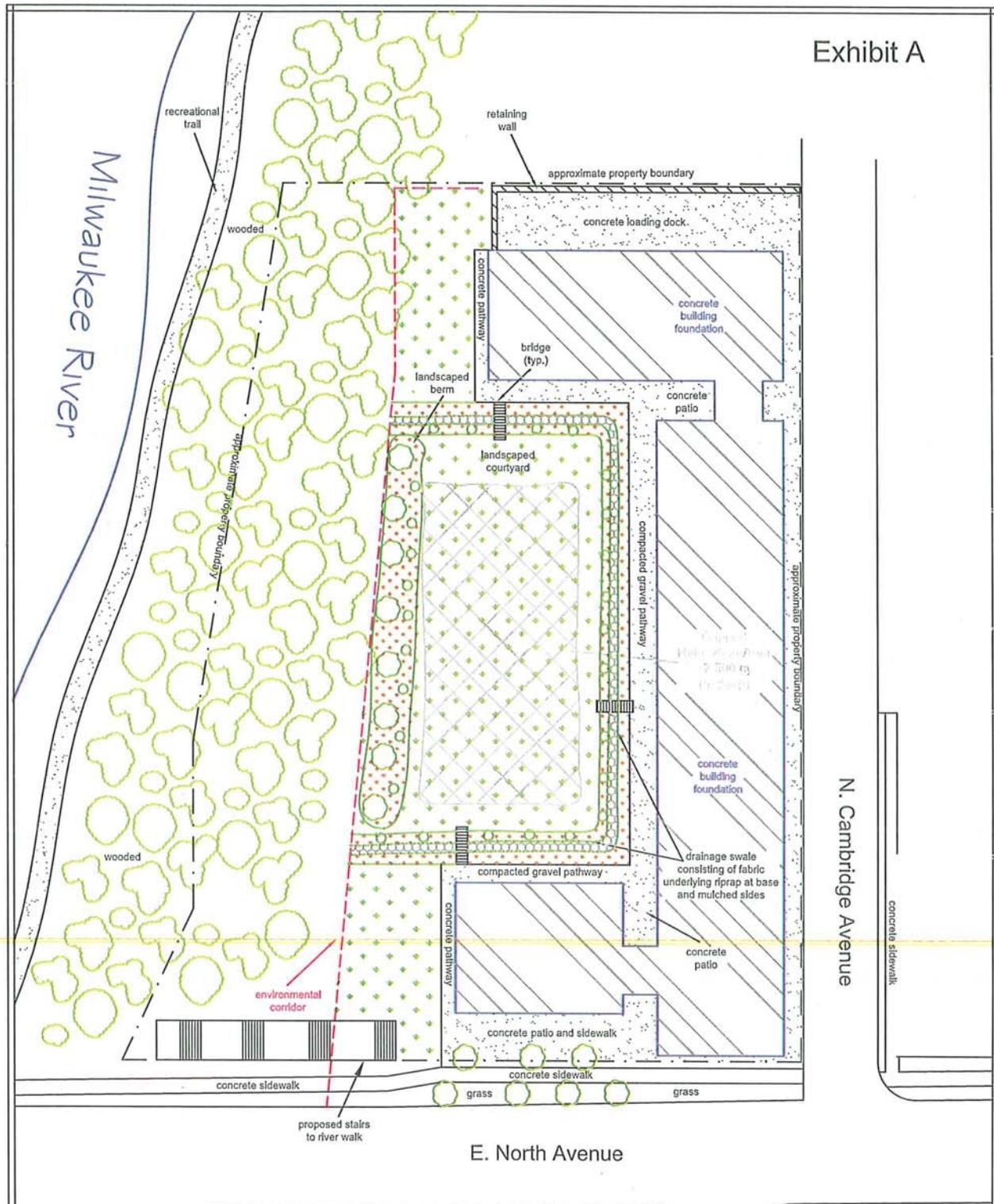
Site Owner and Operator: UWM Real Estate Foundation, Inc.  
Attn: Bruce T. Block  
3230 E. Kenwood Boulevard  
Milwaukee, WI 53211  
(414)

Signature:   
\_\_\_\_\_  
Bruce T. Block  
Chairman

Consultant: Environmental & Development Solutions, Inc.  
Attn: Jason Bartley, P.G.  
6637 N. Sidney Place  
Milwaukee, WI 53209  
(414) 228-9810

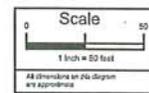
Signature:   
\_\_\_\_\_  
Jason E. Bartley  
Vice President

DNR: Mr. John Hnat  
Hydrogeologist  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King J. Dr.  
Milwaukee, WI 53212  
(414) 263-8541



**KEY**

- = capped area consisting of 6 to 8 inches of vegetated topsoil overlying geotextile fabric.
- = capped area consisting of 6 to 8 inches of vegetated mulch overlying geotextile fabric.
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File No.: 0612071  
 DWG Date: 10-8-10  
 Rev Date: 10-12-10  
 Drawn By: JEB  
 Checked By (PM): JEB

**Post-Development Site Features  
 and Final Capping Diagram**  
 UWMREF Housing Development Project  
 1436 E. North Avenue  
 Milwaukee, Wisconsin

**Figure**  
**2**



A

SPECIAL WARRANTY DEED



\* 0 9 7 8 5 6 1 2 \*

DOC.# 09785612

Document Number

Document Title

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED 08/25/2009 01:45PM

JOHN LA FAVE  
REGISTER OF DEEDS  
AMOUNT: 17.00  
FEE EXEMPT 77.25 #: 0  
TRANSFER FEE: 13596.90

Recording Area

Name and Return Address

BRUCE T. BLOCK  
REINHART BOERNER VAN DEUREN S C.  
1000 N. WATER ST., STE 1700  
MILWAUKEE, WI 53201-2965

PT. 320-9948-115-2

Parcel Identification Number (PIN)

**THIS PAGE IS PART OF THIS LEGAL DOCUMENT-DO NOT REMOVE**

This information must be completed by submitter document title, name & return address, and PIN (if required) Other information such as the granting clauses, legal description, etc may be placed on this first page of the document or may be placed on additional pages of the document Note Use of this cover page adds one page to your document and \$2.00 to the recording fee Wisconsin Statutes, 59.517 WRDA 2/96

recbx09 6/09rmd

STATE BAR OF WISCONSIN FORM 6 - 2003  
SPECIAL WARRANTY DEED

Document Number

This Deed, made between Mandel Northtown LLC, a Wisconsin limited liability company.  
Grantor,  
and The UWM Real Estate Foundation, Inc., a Wisconsin non-stock corporation  
Grantee

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests (the "Property"), in Milwaukee County, State of Wisconsin (if more space is needed, please attach addendum)

See Addendum A attached hereto and incorporated herein

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

See Addendum B attached hereto and incorporated herein

Recording Area
Name and Return Address Bruce T Block Remhart Boerner Van Deuren s c 1000 N Water Street, Suite 1700 Milwaukee, WI 53201-2965

Part of 320-9948-115-2

Parcel Identification Number (PIN)

This is not homestead property  
(\*) (is not)

Dated August 20, 2009

MANDEL NORTHTOWN LLC

By [Signature] (SEAL)  
\* Barry R. Mandel, Manager

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

AUTHENTICATION

Signature(s) \_\_\_\_\_

authenticated on \_\_\_\_\_

\*  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by § 706 06, Wis Stats )

THIS INSTRUMENT WAS DRAFTED BY  
Matthew V Munro, Foley & Lardner LLP, Milwaukee

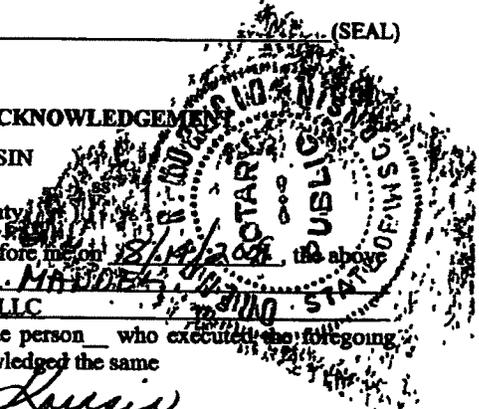
ACKNOWLEDGEMENT

STATE OF WISCONSIN

MILWAUKEE County

Personally came before me on 8/19/2009, the above named BARRY R. MANDEL of Mandel Northtown LLC to me known to be the person who executed the foregoing instrument and acknowledged the same

[Signature]  
\* BRENDA R KORACIN  
Notary Public, State of Wisconsin  
My Commission is permanent (If not, state expiration date.)  
10/18/09



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

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 signatures

**ADDENDUM A  
TO  
SPECIAL WARRANTY DEED**

Legal Description

That part of Lot 16 in the Southeast  $\frac{1}{4}$  of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point 50 feet North of the South line of said  $\frac{1}{4}$  Section and 35 feet West of the Southwest corner of Lot 15, Block 222 in Walworth's subdivision of the East 977 feet of Lots 15 and 16 in said  $\frac{1}{4}$  Section, running thence North and parallel to the West line of said Lot 15, Block 222, in said Walworth's Subdivision, 77 feet to a point; thence West and parallel to the South line of said  $\frac{1}{4}$  Section, 125 feet to a point which is 127 feet North of the South line of said  $\frac{1}{4}$  Section and 160 feet West of the West line of said Lot 15, Block 222, in said Walworth's Subdivision; thence South and parallel to the West line of said Lot 15, Block 222, Walworth's Subdivision aforesaid, 77 feet to a point 50 feet North of the South line of said  $\frac{1}{4}$  Section; thence East parallel to the South line of said  $\frac{1}{4}$  Section, 125 feet to the point of beginning.

ALSO;

That part of Lots 15 and 16, in the Southeast  $\frac{1}{4}$  of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point which is 50 feet North of the South line of said Southeast  $\frac{1}{4}$  of Section 16 and 160 feet West of the West line of Lot 15, Block 222, Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said  $\frac{1}{4}$  Section; thence North and parallel to the West line of said Block 222 extended and Block 217 in said Walworth's Subdivision, 462.40 feet to a point which is 149.2 feet South of the North line of said Government Lot 15; thence West and parallel to the North line of said Government Lot 15 to a point in the Easterly shore line of the Milwaukee River; thence Southwesterly along said shore line to a point 50 feet North of the South line of said  $\frac{1}{4}$  Section; thence East and parallel to the South line of said  $\frac{1}{4}$  Section to the point of beginning.

ALSO;

That part of Government Lots 15 and 16 in the Southeast  $\frac{1}{4}$  of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point 50 feet North of the South line of said  $\frac{1}{4}$  Section and 35 feet West of the Southwest corner of Lot 15, Block 222 in Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said  $\frac{1}{4}$  Section; running thence North and parallel to the West line of said Lot 15, a distance of 77 feet to the point of beginning of the land herein described; thence West and parallel to the South line of said  $\frac{1}{4}$  Section, 125 feet to a point which is 127 feet North of the South line of said  $\frac{1}{4}$  Section and 160 feet West of the West line of said Lot 15, Block 222 in said Walworth's Subdivision; thence North on a line parallel to the West line of said Block 222 extended and the West line of Block 217 in said Walworth's Subdivision, 385.40 feet to a point which is 149.2 feet South of the North line of said Government Lot 15; thence East and parallel to the North line of said Government Lot 15, a distance of 125 feet to a point which point is 35 feet West of the West line of said Block 217; thence South on a line parallel to the West line of said Blocks 217 and 222 extended, 385.40 feet to the point of beginning.

EXCEPTING that part conveyed in Quit Claim Deed Recorded as Document No. 7505919.

**ADDENDUM B  
TO  
SPECIAL WARRANTY DEED**

**Permitted Encumbrances**

1. General taxes for the year 2009.
2. Permanent Limited Highway Easement recorded as Document No. 6445088.
3. Easement recorded as Document No. 6460033.
4. Warranty Deed recorded as Document No. 9212632
5. Provisions for taxes or assessments as contained in BID #20, 25-30.
6. Easements and Terms and Conditions set forth in Reciprocal Easement Agreement recorded 2009, as Document No. 09785611 AUG 25 2009



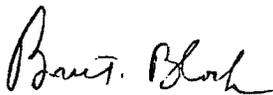
Date: October 11, 2010

RE: Statement Regarding Legal Description for the UWMREF Housing  
Development Project Located at 1436 E. North Avenue in Milwaukee,  
Wisconsin

To whom it may concern:

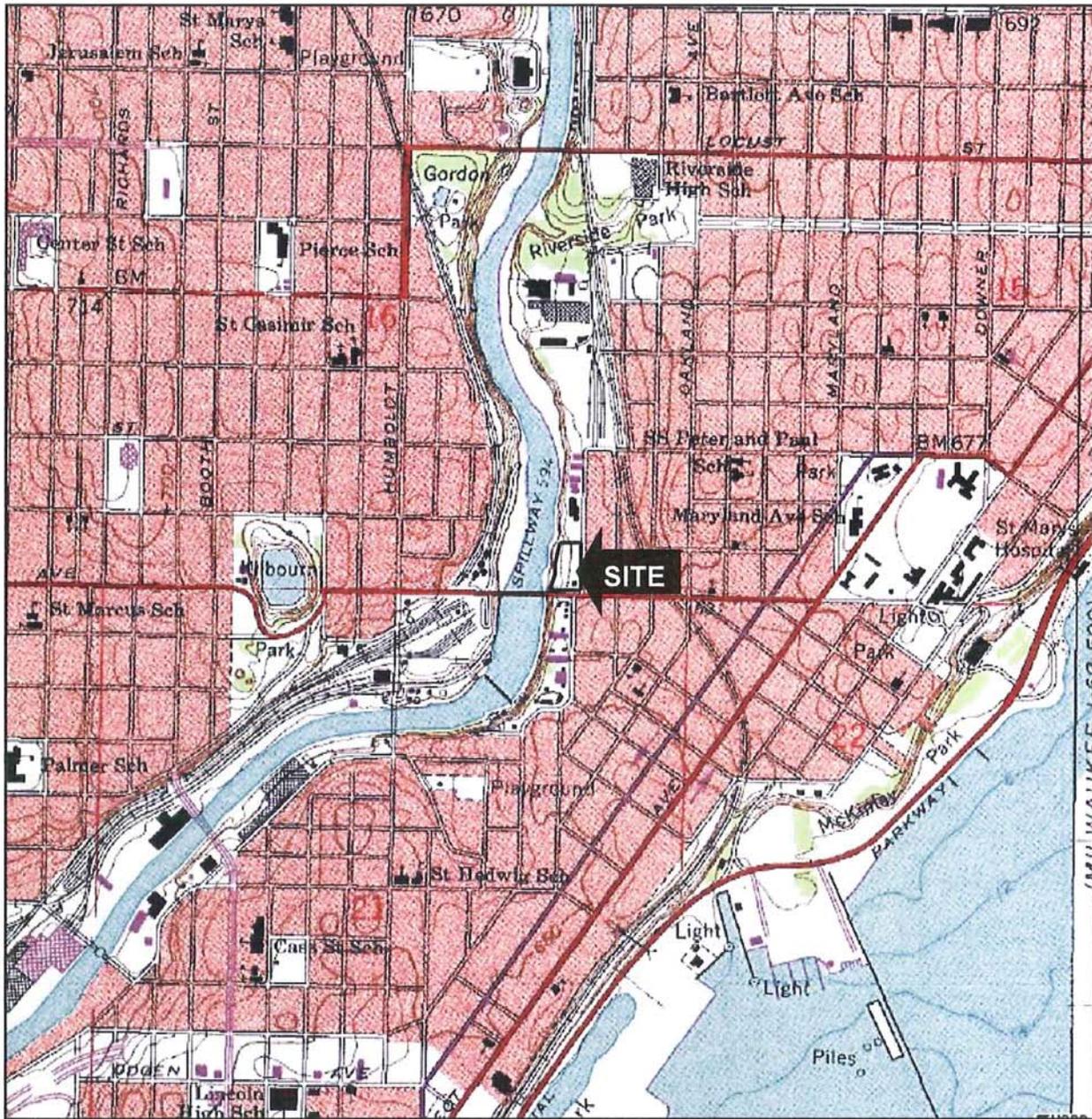
I believe that the legal description on the Special Warranty Deed included in this  
soil Geographic Information System (GIS) packet is complete and accurate to the  
best of my knowledge.

Respectfully,

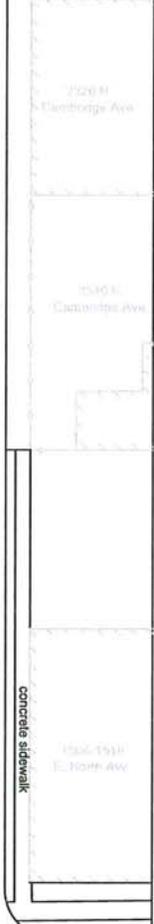
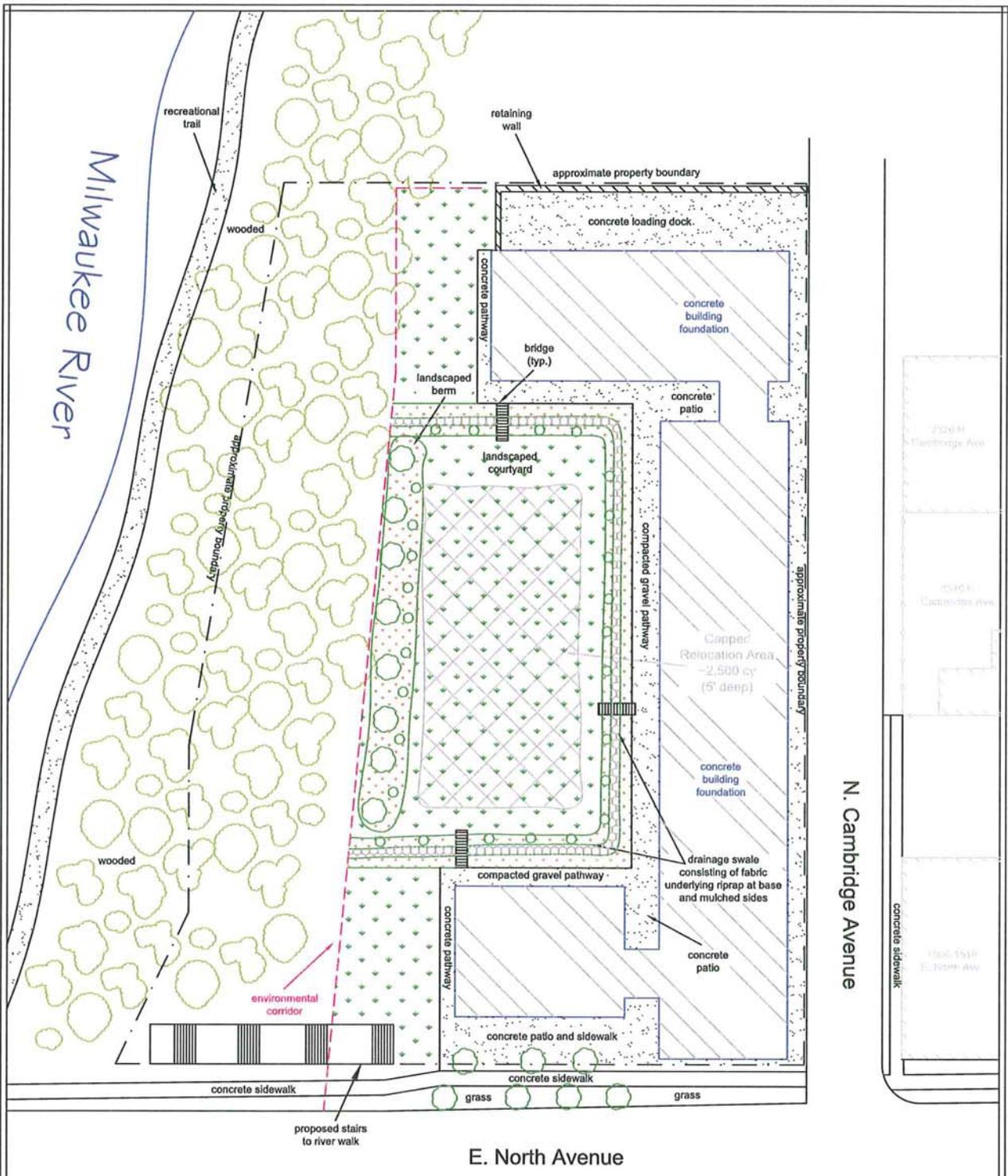


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Bruce T. Block  
Chairman, UWM Real Estate Foundation, Inc.

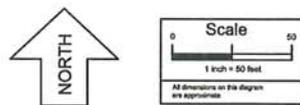


<p>Approximate Scale</p> <p>1" ~ 1,600'</p>	<p>United States Geologic Society Topographic Map Milwaukee Quadrangle 1978</p> <p>SE 1/4 of SE 1/4 of Sec 16, T7N, R22E</p>	
	<p><b>Vicinity Diagram</b></p> <p>UWMREF Housing Development Project 1436 E. North Avenue Milwaukee, Wisconsin</p>	<p>Figure 1</p>



**KEY**

- = capped area consisting of 6 to 8 inches of vegetated topsoil overlying geotextile fabric.
- = capped area consisting of 6 to 8 inches of vegetated mulch overlying geotextile fabric.
- = capped area consisting of concrete building foundation.
- = capped area consisting of asphalt, concrete or compacted gravel walkways or driveways.

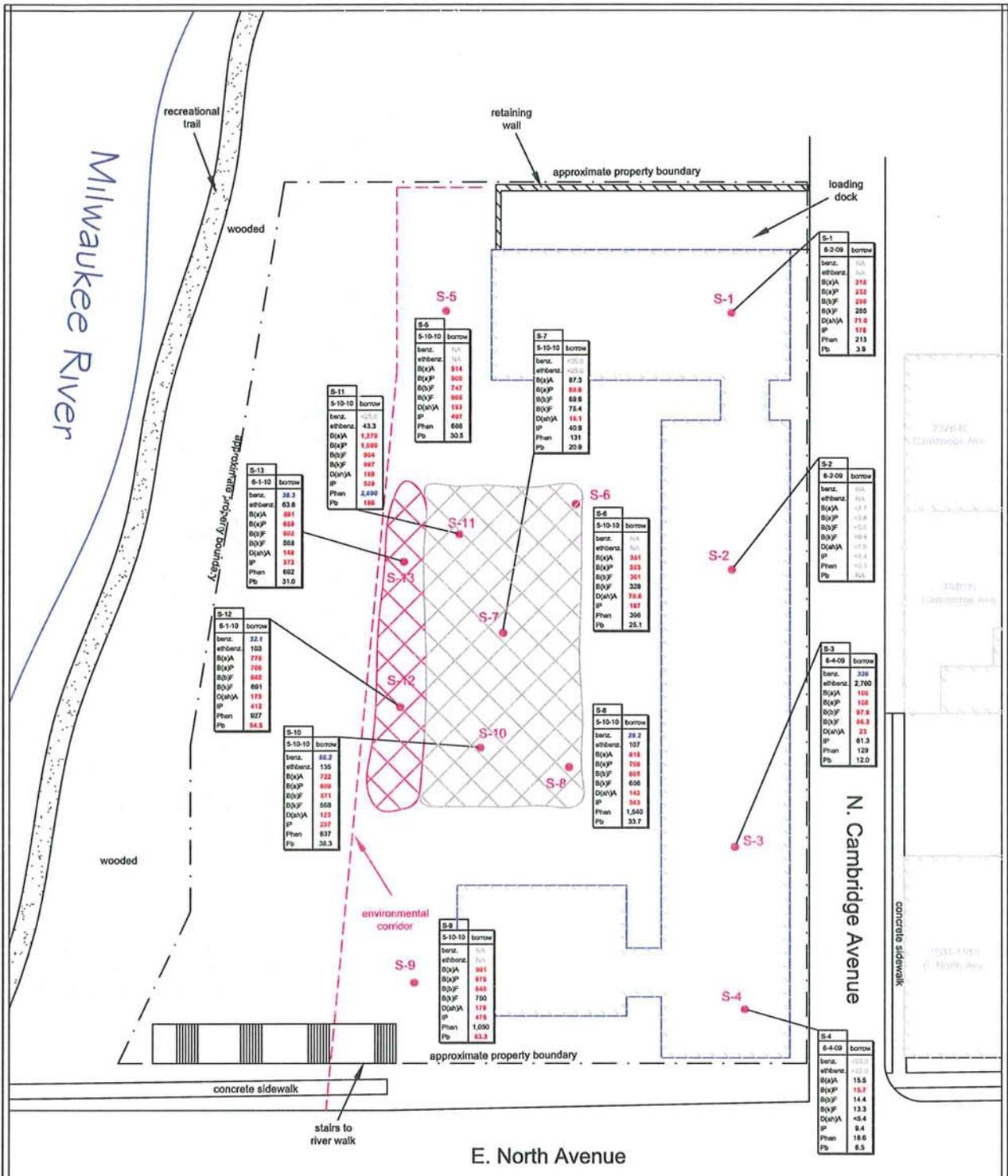


File No.: 0612071  
 DWG Date: 10-8-10  
 Rev Date: 10-12-10  
 Drawn By: JEB  
 Checked By (PM): JEB

**Post-Development Site Features  
 and Final Capping Diagram**  
 UWMREF Housing Development Project  
 1436 E. North Avenue  
 Milwaukee, Wisconsin

**Figure**

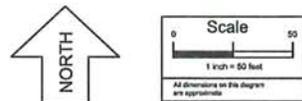
**2**



**KEY**

- = petroleum soil relocation area
- = former petroleum stockpile (moved to relocation area)
- = pre-cap soil sample
- benz. = benzene
- ethbenz. = ethylbenzene
- B(a)A = benzo(a)anthracene
- B(a)P = benzo(a)pyrene
- B(b)F = benzo(b)fluoranthene
- B(k)F = benzo(k)fluoranthene
- D(a)A = dibenzo(ah)anthracene
- IP = indeno(123-cd)pyrene
- Phen = phenanthrene
- Pb = total lead

Notes:  
 1) Concentrations in **blue bold italics** exceed the suggested groundwater pathway RCL.  
 2) Concentrations in **red bold** exceed their suggested direct contact pathway RCLs.



File No.: 061207m  
 DWG Date: 9-28-10  
 Rev Date: 10-12-10  
 Drawn By: JEB  
 Checked By (PM): JEB

**Final Sample Locations and  
 Soil Analytical Results Above RCLs Diagram**  
 Mandel UWMREF Housing Development Project  
 E. North Avenue  
 Milwaukee, Wisconsin

**Figure  
 6**

**TABLE 3**  
 Soil Management Soil Sample Analytical Results  
 UWMREF Housing Development Project  
 1436 E. North Avenue, Milwaukee, Wisconsin  
 (only the PVOCs and detected VOCs compounds are listed)

Test Description	EX-1	EX-2	EX-3	EX-4	EX-5	EX-6	NR 720 RCLs	sugg. RCL GW path.	NR 746 RCL D.C. path
Sample Date	5/22/09	5/22/09	5/22/09	5/22/09	6/2/09	6/2/09			
Sample Depth (feet)	borrow pit	borrow pit	borrow pit	borrow pit	stockpile	stockpile			
<b>Volatile Organic Compounds (µg/kg)</b>									
benzene	<i>185</i>	<i>91.0</i>	<25.0	<i>29.3</i>	<i>41.9</i>	<i>146</i>	5.5	-	1,100
ethylbenzene	379	527	142	43.9	258	<i>3,960</i>	2,900	-	4,600
methyl-tert-butyl-ether	<25.0	<25.0	<25.0	<25.0	<25.0	<50.0	-	-	-
toluene	270	172	<25.0	72.8	<25.0	311	1,500	-	38,000
comb. trimethylbenzenes	1,604	2,189	458	220.1	435	12,100	-	-	94,000
total xylenes	1,337	1,705	217	152	477.4	8,420	4,100	-	42,000
<b>Polynuclear Aromatic Hydrocarbons (µg/kg)</b>									
acenaphthene	27.2	24.2	3.4	47.8	7.9	16.7	-	38,000	900,000
acenaphthylene	41.7	23.0	3.8	35.6	4.6	<19.4	-	700	18,000
anthracene	138	105	17.1	191	8.9	<52.0	-	3,000,000	5,000,000
benzo(a)anthracene	<i>337</i>	<i>223</i>	41.1	<i>418</i>	<10.0	<95.0	-	17,000	88
benzo(a)pyrene	<i>366</i>	<i>226</i>	<i>43.5</i>	<i>515</i>	7.6	<i>74.8</i>	-	48,000	8.8
benzo(b)fluoranthene	<i>361</i>	<i>200</i>	39.1	<i>480</i>	<6.8	<64.4	-	360,000	88
benzo(g,h,i)perylene	280	154	40.0	385	6.4	54.6	-	6,800,000	1,800
benzo(k)fluoranthene	294	186	37.7	337	<7.4	75.8	-	870,000	880
chrysene	368	215	45.0	423	12.3	89.3	-	37,000	8,800
dibenzo(a,h)anthracene	<i>95.3</i>	<i>54.0</i>	<i>11.3</i>	<i>123</i>	<5.6	<53.0	-	38,000	8.8
fluoranthene	775	503	78.0	880	21.4	179	-	500,000	600,000
fluorene	25.4	21.6	4.4	39.6	11.1	34.5	-	100,000	600,000
indeno(1,2,3-cd)pyrene	<i>241</i>	<i>135</i>	31.0	<i>333</i>	<5.0	<47.8	-	680,000	88
naphthalene	173	231	73.0	94.0	188	772	-	400	20,000
phenanthrene	306	255	41.7	527	29.4	127	-	1,800	18,000
pyrene	600	393	70.3	759	15.5	135	-	8,700,000	500,000
<b>Metals (mg/kg)</b>									
lead	43.6	27.8	27.9	<i>132</i>	24.3	10.6	50	-	-

Notes:

1. Concentrations in *blue bold italics* exceed their respective generic, calculated, or suggested standard for the groundwater pathway.
2. Concentrations in *red bold* exceed their respective generic, calculated, or suggested standard for the direct contact pathway (only within the top 4 feet bgs).
3. NR 720 RCLs are generic standards for the groundwater pathway for VOCs, and for non-industrial direct contact for metals.
4. Suggested standards for the PAHs were obtained from DNR guidance document and the non-industrial direct contact values were used.

**TABLE 4**  
Final Pre-Capping Conditions Soil Analytical Results  
UWMREF Housing Development Project  
1436 E. North Avenue, Milwaukee, Wisconsin  
(only the PVOCs and detected VOCs compounds are listed)

Test Description	S-1	S-2	S-3	S-4	S-5	S-6	S-7	S-8	S-9	S-10	S-11	S-12	S-13	NR 720 RCLs	sugg. RCL GW path.	NR 746 RCL D.C. path
Sample Date	6/2/09	6/2/09	6/4/09	6/4/09	5/10/10	5/10/10	5/10/10	5/10/10	5/10/10	5/10/10	5/10/10	6/1/10	6/1/10			
Sample Depth (feet)	11'	11'	12'	12'	surface											
<b>Volatile Organic Compounds (µg/kg)</b>																
benzene	NA	NA	<b>326</b>	<25.0	NA	NA	<25.0		NA		<25.0			5.5	-	1,100
ethylbenzene	NA	NA	2,760	<25.0	NA	NA	<25.0	107	NA	135	43.3	103	63.6	2,900	-	4,600
methyl-tert-butyl-ether	NA	NA	<50.0	<25.0	NA	NA	<25.0	<25.0	NA	<25.0	<25.0	<25.0	<25.0	-	-	-
toluene	NA	NA	303	<25.0	NA	NA	32.6	60.6	NA	109	55.9	53.4	41.2	1,500	-	38,000
comb. trimethylbenzenes	NA	NA	10,530	150.1	NA	NA	90.5	445	NA	367	144.1	455	249.5	-	-	94,000
total xylenes	NA	NA	6,255	<75.0	NA	NA	118.1	418	NA	400.8	208.4	403	282.5	4,100	-	42,000
<b>Polynuclear Aromatic Hydrocarbons (µg/kg)</b>																
acenaphthene	15.5	<0.96	13.9	5.2	57.6	54.2	13.6	203	96.1	34.9	275	81.6	58.4	-	38,000	900,000
acenaphthylene	9.9	<1.8	10.5	2.4	44.9	22.7	<3.0	24.7	26.5	35.7	<61.1	22.2	26.7	-	700	18,000
anthracene	104	<4.7	47.3	<5.3	378	193	66.9	669	518	406	1,330	483	315	-	3,000,000	5,000,000
benzo(a)anthracene		<8.7		15.5			87.3							-	17,000	88
benzo(a)pyrene		<3.8												-	48,000	8.8
benzo(b)fluoranthene		<5.9		14.4			69.6							-	360,000	88
benzo(g,h,i)perylene	188	<4.4	64.9	10.9	592	212	49.1	405	540	316	635	444	396	-	6,800,000	1,800
benzo(k)fluoranthene	285	<6.4	96.3	13.3		328	75.4	656	750	568		691	568	-	870,000	880
chrysene	332	<3.6	110	17.5	986	376	102	817	951	690	1,480	770	632	-	37,000	8,800
dibenzo(a,h)anthracene		<4.8		<5.4										-	38,000	8.8
fluoranthene	648	<1.1	247	34.8	1,710	754	187	1,820	2,000	1,600	3,120	1,570	1,310	-	500,000	600,000
fluorene	17.4	<0.95	32.5	3.9	84.2	57.8	17.4	351	120	68.2	369	128	72.9	-	100,000	600,000
indeno(1,2,3-cd)pyrene		<4.4	61.3	9.4			40.9							-	680,000	88
naphthalene	10.4	<1.3	375	35.1	73.4	62.5	19.5	172	35.2	24.2	177	67	109	-	400	20,000
phenanthrene	213	<2.1	129	18.6	686	396	131	1,540	1,050	637		927	692	-	1,800	18,000
pyrene	483	<1.1	183	26.0	1,490	655	164	1,340	1,580	1,150	2,380	1,230	1,120	-	8,700,000	500,000
<b>Metals (mg/kg)</b>																
lead	3.9	NA	12.0	6.5	30.5	25.1	20.9	33.7		38.3			31.0	50	-	-

- Notes:
- Concentrations in **blue bold italics** exceed their respective generic, calculated, or suggested standard for the groundwater pathway.
  - Concentrations in **red bold** exceed their respective generic, calculated, or suggested standard for the direct contact pathway (only within the top 4 feet bgs).
  - NR 720 RCLs are generic standards for the groundwater pathway for VOCs, and for non-industrial direct contact for metals.
  - Suggested standards for the PAHs were obtained from DNR guidance document and the non-industrial direct contact values were used.