

GIS REGISTRY
Cover Sheet

March, 2010
(RR 5367)

Source Property Information

CLOSURE DATE: Dec 20, 2010

BRRTS #: 02-41-555682
ACTIVITY NAME: 2070 Miller Parkway Property
PROPERTY ADDRESS: 2070 Miller Parkway
MUNICIPALITY: West Milwaukee
PARCEL ID #: 457-1006-007

FID #: 341181940

DATCP #:

COMM #:

***WTM COORDINATES:**

WTM COORDINATES REPRESENT:

X: 685692 Y: 283668

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

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

Groundwater Contamination > ES (236)

Soil Contamination > *RCL or **SSRCL (232)

Contamination in ROW

Contamination in ROW

Off-Source Contamination

Off-Source Contamination

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

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

Land Use Controls:

N/A (Not Applicable)

Cover or Barrier (222)

Soil: maintain industrial zoning (220)

*(note: maintenance plan for
groundwater or direct contact)*

*(note: soil contamination concentrations
between non-industrial and industrial levels)*

Vapor Mitigation (226)

Structural Impediment (224)

Maintain Liability Exemption (230)

Site Specific Condition (228)

*(note: local government unit or economic
development corporation was directed to
take a response action)*

Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? (234)

Yes No N/A

** Residual Contaminant Level*

***Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:	02-41-555682	PARCEL ID #:	457-1006-007		
ACTIVITY NAME:	2070 Miller Park Way	WTM COORDINATES: X:	685692	Y:	283668

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

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Conditional Closure Letter**
- Certificate of Completion (COC)** for VPLE sites

SOURCE LEGAL DOCUMENTS

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

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

- Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.
- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.
Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.
Figure #: 1 **Title: Site Location Map**
 - Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.
Figure #: **Title: Soil Boring Exhibit**
 - 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 #: **Title:**

BRRTS #: 02-41-555682

ACTIVITY NAME: 2070 Miller Park Way

MAPS (continued)

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

Figure #: **Title:**

Figure #: **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

Note: This is intended to show the total area of contaminated groundwater.

Figure #: **Title:**

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

Figure #: **Title:**

Figure #: **Title:**

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

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

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

Table #: 1 **Title:** Soil Analytical Results

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

Table #: **Title:**

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

Table #: **Title:**

IMPROPERLY ABANDONED MONITORING WELLS

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

Note: If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

Note: If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

Figure #: **Title:**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 02-41-555682

ACTIVITY NAME: 2070 Miller Park Way

NOTIFICATIONS

Source Property

- Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

Off-Source Property

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

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

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

Number of "Off-Source" Letters:

- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.
Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

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



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

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

December 20, 2010

In Reply, Refer to: FID# 341181940
BRRTS# 02-41-555682
BRR/ERP

Mr. Roger Franz
N3 Development Ltd. &
N3RI 268 Miller West Milwaukee WI, LLC
620 E Southlake Blvd
Southlake, TX 76092

Subject: Final Case Closure with Continuing Obligations for the Property at 2070 S Miller Parkway, West Milwaukee, WI

Dear Mr. Franz:

On December 17, 2010 the Wisconsin Department of Natural Resources (WDNR) reviewed your request for closure of the case described above. The WDNR reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases.

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time, however, you and future property owners must comply with certain continuing obligations as explained in this letter.

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
- 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 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 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 and Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the barrier (consisting of a combination of building foundations, pavement and a clean soil cap) that currently exists in the location shown on the attached map (**Attachment A**) shall be maintained in compliance with the attached cap maintenance plan (**CMP**) in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If any contaminated soil 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 cap maintenance plan and inspection log are to be kept up-to-date.

Prohibited Activities

The following activities are prohibited on any portion of the property where a barrier is required as shown on the attached map (**Attachment A**), 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 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
SER Remediation & Redevelopment Team Supervisor

Encl: Cap Maintenance Plan

cc: Charles Cashman, ATC Associates, Inc. 1223 W Main St. #277, Sun Prairie, WI 53590

CAP MAINTENANCE PLAN

July 16, 2010

Property Located at:

Firestone Complete Auto Care
2070 Miller Parkway
West Milwaukee, Wisconsin
WDNR FID No. 341181940
WDNR BRRTS No. 07-41-554708
ATC Project No. 22.75315.0008

Parcel Identification Number:

457-1006-004

Introduction

This CAP Maintenance Plan for an asphalt pavement cover and building barrier at the above-referenced property was prepared in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the proposed slab-on-grade building and concrete and asphalt paved surfaces occupying the area over the contaminated soil located beneath the property. The soil and groundwater beneath the property are impacted by petroleum hydrocarbons.

More site-specific information about this property may be found in:

- The case file in the Wisconsin Department of Natural Resources (WDNR) Southeast regional office;
- BRRTS on the Web (WDNR'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 WDNR project manager for Milwaukee County.

Description of Contamination

Soil contaminated by diesel range organics (DRO), various polycyclic aromatic hydrocarbons (PAHs) and various volatile organic compounds (VOCs) is located at a depth of one (1) to eight (8) feet below the ground surface beneath the property. The locations of the paved surfaces to be maintained in accordance with this CAP Maintenance Plan are shown in the figure included in Attachment A.

Description of the Cap to be Maintained

The CAP consists of five (5) distinct areas, as follows:

- Bituminous pavement: three (3) inches of asphalt over eight (8) inches of stone base;
- Heavy duty bituminous pavement: five (5) inches of asphalt over ten (10) inches of stone base;

- Concrete pavement, floor slab or sidewalk: minimum of five (5) inches of concrete over four (4) inches of stone;
- Grassed landscaped areas: six (6) inches topsoil/grass over nine (9) inches of clean fill; and
- Mulched landscaped areas: six (6) inches of bark over twelve (12) inches of clean fill.

The areas are shown on the Site Plan included in Attachment A.

Cover and Building Barrier Purpose

The paved surfaces and building foundation over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contaminants that might otherwise pose a threat to human health. These paved surfaces and building foundation also act as a partial infiltration barrier to minimize future soil-to-groundwater contaminant migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The paved surfaces and building foundation overlying the contaminated soil, as depicted on the Site Plan included in Attachment A, will be inspected once a year, normally in the spring after all of the snow and ice is gone and the frost in the ground has thawed. The annual inspection will be conducted to identify deterioration, cracks and other potential problems associated with the paved surface and building foundation that can cause additional infiltration into or exposure to the underlying soils. The inspections will be performed to evaluate the paved surface and building foundation for damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors.

The barrier surface (pavement) and building foundation will be evaluated for distress symptoms, including but not limited to the following:

- Surface defects such as scaling and delaminating;
- Surface concrete and asphalt deformation such as rutting, settling and frost heave;
- Cracking and spalling; or
- Potholes.

Any area where soils have become or are likely to become exposed and where infiltration from the surface will not be effectively minimized will be documented. A log of the inspections and any repairs will be maintained by the property owner on the Barrier Inspection and Maintenance Log form, included as Attachment B. The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection and maintenance log. A copy

of the inspection and maintenance log will be kept at the address of the property owner and available for submittal or inspection by WDNR representatives upon request.

Maintenance Activities

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

In the event the paved surfaces and/or the building foundation overlying the contaminated soil are removed or replaced, the replacement barrier must be, at a minimum, equally impervious as the original paved surfaces. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner, in order to maintain the integrity of the paved surfaces and building foundation will maintain a copy of this Maintenance Plan at the property 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 the WDNR Prior to Actions Affecting a Cover or Cap

The following activities are prohibited on any portion of the property where paved surfaces and building foundation are required as shown of 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.

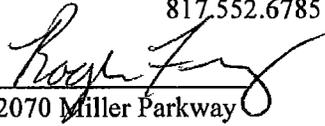
Amendment or Withdrawal of Maintenance Plan

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

Contact Information

July 2010

Site Owner Representative: Mr. Roger Franz
N3 Development, Ltd.
620 East Southlake Boulevard
Southlake, Texas 76092
817.552.6785

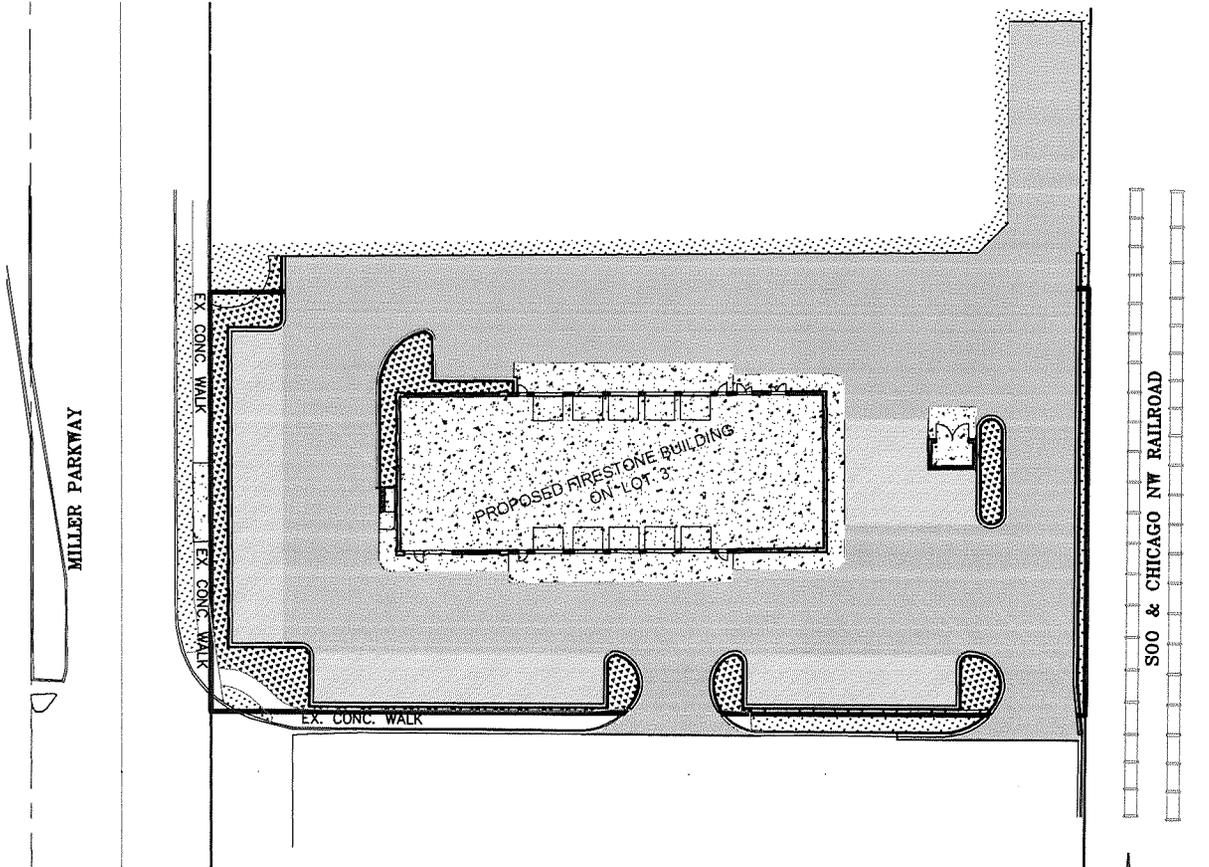
Site Operator: 
2070 Miller Parkway
West Milwaukee, Wisconsin 53214
817-552-6785

Consultant: Mr. Charles Cashman
ATC Associates Inc.
1223 West Main Street #277
Sun Prairie, Wisconsin 53590
608.825.2757

WDNR: Mr. Andrew Boettcher
Wisconsin Department of Natural Resources
2300 North Martin Luther King Drive
Milwaukee, Wisconsin 53212
414.263.8541

SOIL CAP LEGEND

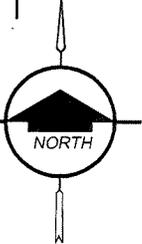
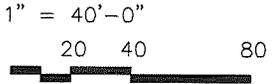
-  PROPOSED BITUMINOUS PAVEMENT:
3" OF ASPHALT OVER 8" STONE BASE
-  PROPOSED HEAVY-DUTY BITUMINOUS PAVEMENT:
5" OF ASPHALT OVER 10" STONE BASE
-  PROPOSED CONCRETE PAVEMENT.
FLOOR SLAB OR SIDEWALK: MINIMUM 5"
OF CONCRETE OVER 4" STONE BASE
-  PROPOSED GRASSED LANDSCAPE AREA:
6" TOPSOIL/GRASS OVER 9" OF CLEAN
FILL
-  PROPOSED MULCHED LANDSCAPE AREA:
6" OF BARK OVER 12" OF CLEAN FILL



* EXISTING IMPROVEMENTS FROM PLAT OF SURVEY/ ALTA SURVEY PREPARED BY AMERICAN SURVEYING COMPANY, INC., DATED JULY 16, 2005.

** POST DEVELOPED CONDITIONS FROM PLAN OF PROPOSED IMPROVEMENTS FOR FIRESTONE AT MILLER PARKWAY COMMERCIAL SUBDIVISION, PREPARED BY JAS ASSOCIATES, LTD, LAST REVISED JULY 19, 2010.

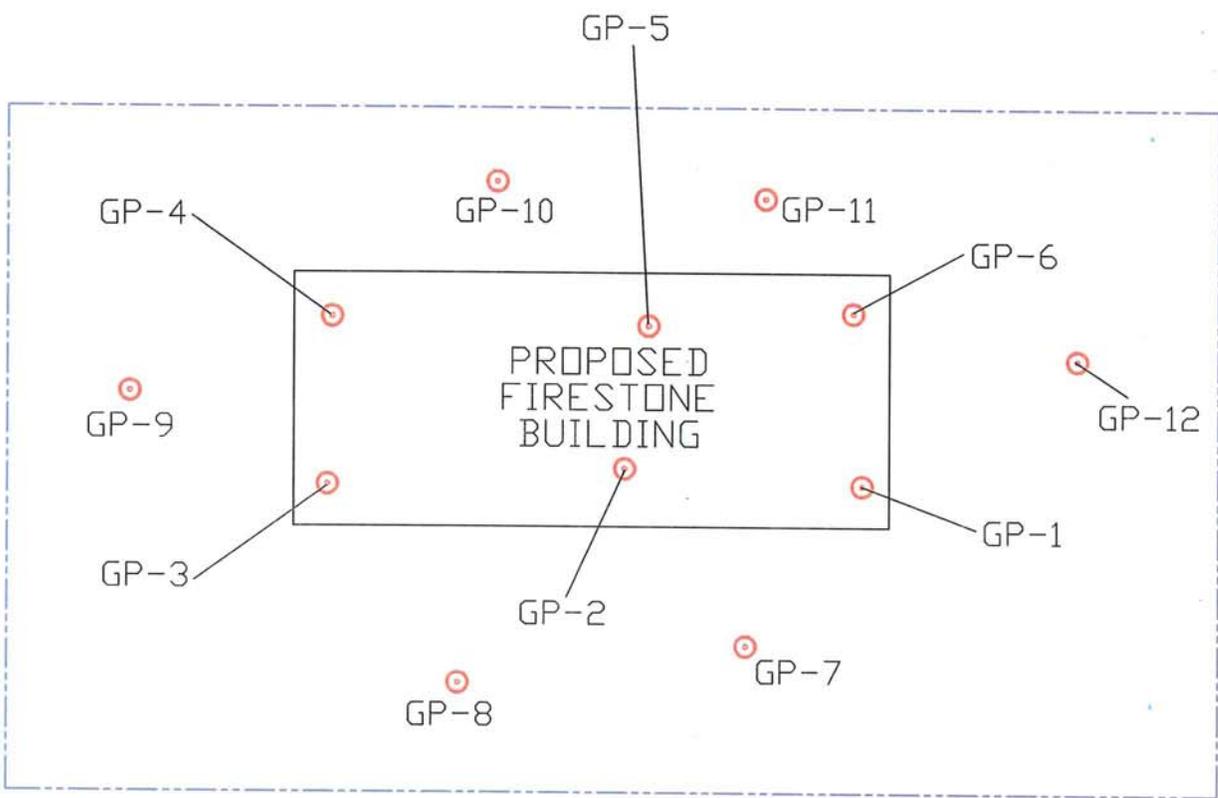
SOIL CAP PLAN EXHIBIT





VACANT LOT

MILLER PARKWAY



SONIC RESTAURANT

LEGEND

- - - - - APPROXIMATE SITE BOUNDARY LINES
- - CURRENT SOIL BORING LOCATION

		FIGURE 2.0 SOIL BORING PLAN	
		PHASE II ENVIRONMENTAL SITE ASSESSMENT PROPOSED FIRESTONE 2100 S. MILLER PARKWAY WEST MILWAUKEE, WISCONSIN	
APPROVALS	DATE	PREPARED FOR BRIDGESTONE RETAIL OPERATIONS, LLC BLOOMINGDALE, ILLINOIS	
<small>DRAWN</small> T.R.R.	11/23/09		
<small>CHECKED</small> M.W.	11/23/09		
<small>APPROVED</small> D.A.D.		<small>JOB NUMBER</small> 83483.01	<small>DRAWING NUMBER</small> FIGURE 2.0

DOC.# 09898055

RECORDED
07/20/2010 02:53PM

JOHN LA FAVE
REGISTER OF DEEDS
Milwaukee County, WI
AMOUNT: \$30.00
TRANSFER FEE: \$2,100.00
FEE EXEMPT #: 0
LIWP7

This document has been electronically recorded and returned to the submitter.

State Bar of Wisconsin Form 1-2003
WARRANTY DEED

Document Number

Document Name

THIS DEED, made between Miller Park Way Limited Partnership, a Wisconsin limited partnership
(“Grantor,” whether one or more),
and N3R1 26th Miller West Milwaukee WI, LLC, a Delaware limited liability company
(“Grantee,” whether one or more).

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

See attached Exhibit A.

Recording Area

Name and Return Address

Debbie Hanley
N3 Real Estate
620 E. Southlake Rd.
Southlake, TX 76092

See attached Exhibit A

Parcel Identification Number (PIN)

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

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: the Permitted Encumbrances attached to this Deed as Exhibit B.

Dated July 15, 2010

MILLER PARK WAY LIMITED PARTNERSHIP

By: Miller Park Way (GP), Inc., General Partner

(SEAL)

(SEAL)

* By: Robert A. Patch, President

(SEAL)

(SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

STATE OF WISCONSIN

authenticated on _____

MILWAUKEE

COUNTY OF MILWAUKEE

Personally came before me on July 15, 2010
the above-named Robert A. Patch, President of Miller Park Way (GP), Inc., General Partner of Grantor

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Michael A. Marx
* Michael A. Marx
Notary Public, State of Wisconsin

My Commission (is permanent) (expires: _____)

THIS INSTRUMENT DRAFTED BY:

Michael A. Marx
Mallery & Zimmerman, S.C.

(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.

WARRANTY DEED

© 2003 STATE BAR OF WISCONSIN

FORM NO. 1-2003

* Type name below signatures.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

Lot 3 of Certified Survey Map No. 8222 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on March 9, 2010, as Document No. 9852599, being all of Lot 2 of Certified Survey Map No. 7874, being part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 1, Township 6 North, Range 21 East, in the Village of West Milwaukee, County of Milwaukee and State of Wisconsin.

Formerly Known As: Part of Lot 2 of Certified Survey Map No. 7874 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on January 29, 2007, as Document No. 9376972, being part of Lot 1 of Block 4 and all of Lot 2 of Block 4 of Assessor's Plat #296, being part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 1, Township 6 North, Range 21 East, in the Village of West Milwaukee, County of Milwaukee and State of Wisconsin.

PARCEL B:

A permanent non-exclusive easement for (i) ingress, egress and access for the benefit of Parcel A on, over and across the land located within the cross-access easement areas shown in that Declaration of Covenants, Easements and Restrictions dated June 8, 2010 and recorded on June 11, 2010, as Document No. 9883323 ("Declaration"), as created by said Declaration; (ii) storm sewer utilities and facilities for the benefit of Parcel A on, through, across and under those portions of land as shown on the Storm Sewer Easement Exhibit C of the Declaration, as created by the Declaration and (iii) installation, maintenance, repair, removal and replacement of the Identification Signs and/or the individual panels placed thereon on, over, across and under that portion of Lot 5 on which Identification Signs are or will be located shown in the Declaration, as created by said Declaration.

Property Address: 2070 Miller Park Way

Tax -No.: 457-1006-007 (2010 Tax Year) Part of Tax Key No.: 457-1006-004 (2009 Tax Year)

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Only the portion of the Utility Easement recorded as Document No. 48817697 which has not been released by the Partial Release of Easement recorded as Document No. 9746012 as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin.
2. Updated and Amended Comprehensive Redevelopment Plan for 43rd Street Corridor Project Area of the Village of West Milwaukee, Wisconsin, recorded as Document No. 7892665, as amended by Second Amendment recorded as Document No. 9577664 and Third Amendment recorded as Document No. 9578271 as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin.
3. Unrecorded Conditional Use Development Overlay by and between Miller Park Way Limited Partnership and the Village of West Milwaukee.
4. Gas Easement recorded as Document No. 9694784 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin.
5. Terms and Conditions of Declaration of Covenants, Easements and Restrictions and other matters recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on June 11, 2010, as Document No. 9883323, as amended.
6. General Taxes for 2010, not yet due and payable.

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 2 OF CSM #7874 LOCATED IN THE NW. 1/4 AND SW. 1/4 OF THE SW. 1/4 OF SECTION 1, T.6N., R.21E., VILLAGE OF WEST MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

- LEGEND**
- ◻ - CONC. MON. W/ BRASS CAP FND.
 - - 1" IRON PIPE FOUND
 - - 1" DIA. IRON PIPE SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.

SURVEYOR:
 BRYCE KACZOR, RLS 2803
 YAGGY COLBY ASSOCIATES
 PO BOX 180500
 DELAFIELD, WI 53018
 (262) 646-6855

SURVEY FOR:
 MILLER PARKWAY
 LIMITED PARTNERSHIP
 309 N. WATER STREET, SUITE 315
 MILWAUKEE, WI 53202

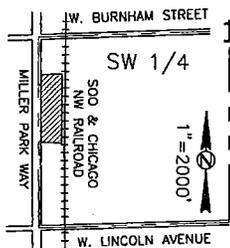
NOTES

- DOC. 3031673 - FURNISHING WATER AGREEMENT FOR THE BENEFIT FOR LOT 1 OF BLOCK 4 OF ASSESSOR'S PLAT #296 (NOW A PART OF LOT 2 OF CSM #7874).
- CROSS ACCESS EASEMENTS TO BE GRANTED TO LOTS 1-4 FROM LOTS 1-4 BY SEPARATE DOCUMENT
- PARKING EASEMENT TO BE GRANTED TO LOT 2 BY SEPARATE DOCUMENT

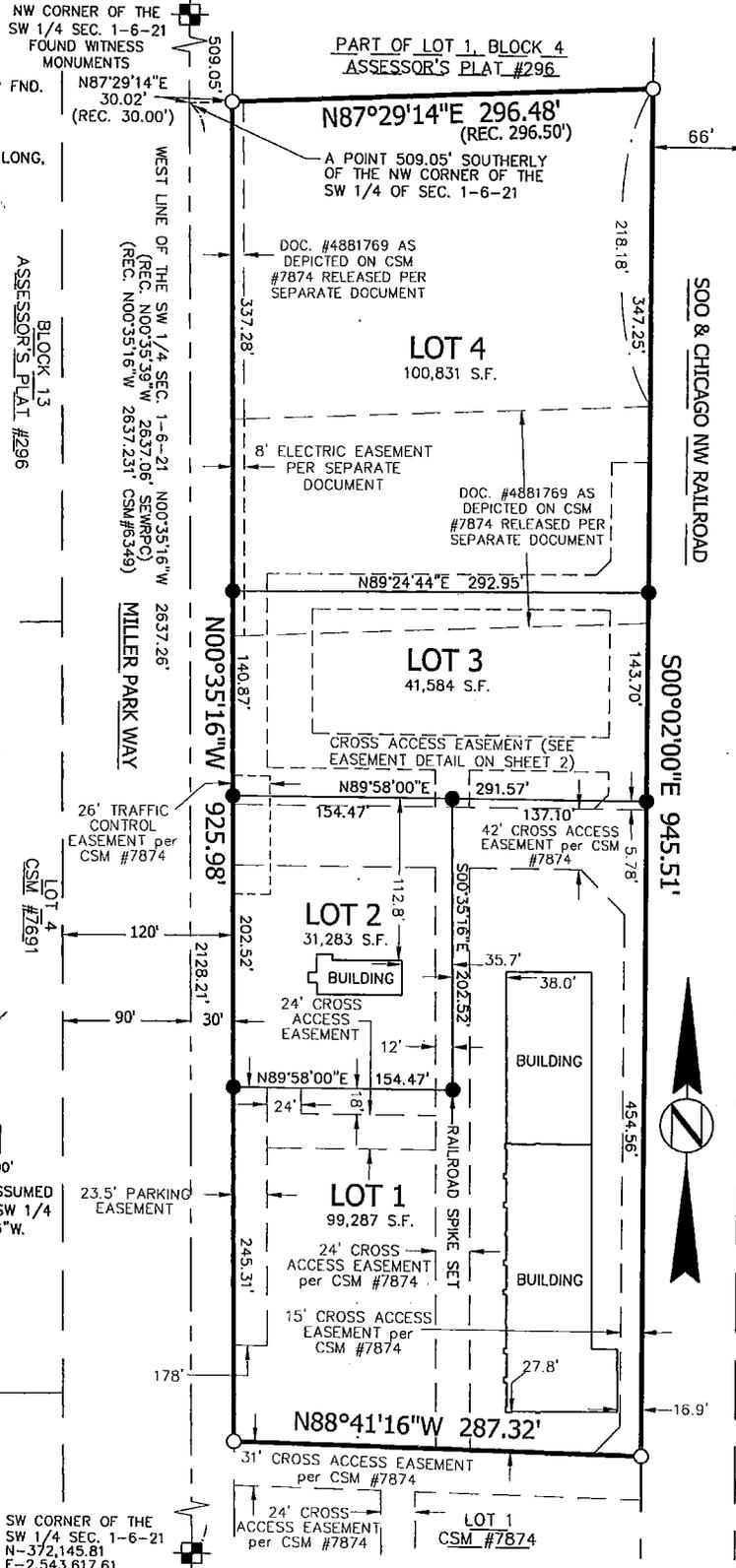
WISCONSIN
 BRYCE D. KACZOR
 2803 WAUKESHA, WI
 LAND SURVEYOR
 5-12-09
 SCALE: 1" = 100'

BEARINGS ARE REFERENCED TO AN ASSUMED BEARING ON THE WEST LINE OF THE SW 1/4 OF SECTION 1-6-21 AS N.00°35'16"W.

LOCATION MAP



SW. 1/4 SEC. 1-6-21 T6N-R21E



SW CORNER OF THE SW 1/4 SEC. 1-6-21 N-372,145.81 E--2,543,617.61



Stock No. 26273

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 2 OF CSM #7874 LOCATED IN THE NW. 1/4 AND SW. 1/4 OF THE SW. 1/4 OF SECTION 1, T.6N., R.21E., VILLAGE OF WEST MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, Bryce Kaczor, Registered Land Surveyor hereby certify that I have surveyed, divided and mapped all of Lot 2 of Certified Survey Map #7874 located in the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 1, T.6N., R.21E., Village of West Milwaukee, Milwaukee County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of the Southwest 1/4 of said Section 1; thence North 00° 35' 16" West, along the West line of said 1/4 section, 2128.21 feet to a point 509.05' southerly of the Northwest corner of said 1/4 Section; thence North 87° 29' 14" East 30.02 feet to the point of beginning of hereinafter described lands; thence continue North 87° 29' 14" East 296.48 feet to the westerly right-of-way of the SOO & Chicago Railroad; thence South 00° 02' 00" East, along the easterly line of Lot 1 of Block 4 of Assessor's Plat #296 and said westerly railroad right-of-way, 945.51 feet; thence North 88° 41' 16" West, along the southerly line of Lot 2 of said Certified Survey Map, 287.32 feet to the easterly right-of-way of Miller Parkway; thence North 00° 35' 16" West, along said easterly right-of-way, 925.98 feet to the point of beginning. Said lands contain 272,985 square feet (6.27 Acres.)

That I have made such Certified Survey Map, land division and plat by the direction of MILLER PARKWAY LIMITED PARTNERSHIP, owner of said lands.

That such Certified Survey Map is a correct representation of all the exterior boundaries of the lands surveyed and the division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the Village of West Milwaukee in surveying, dividing and mapping the same.

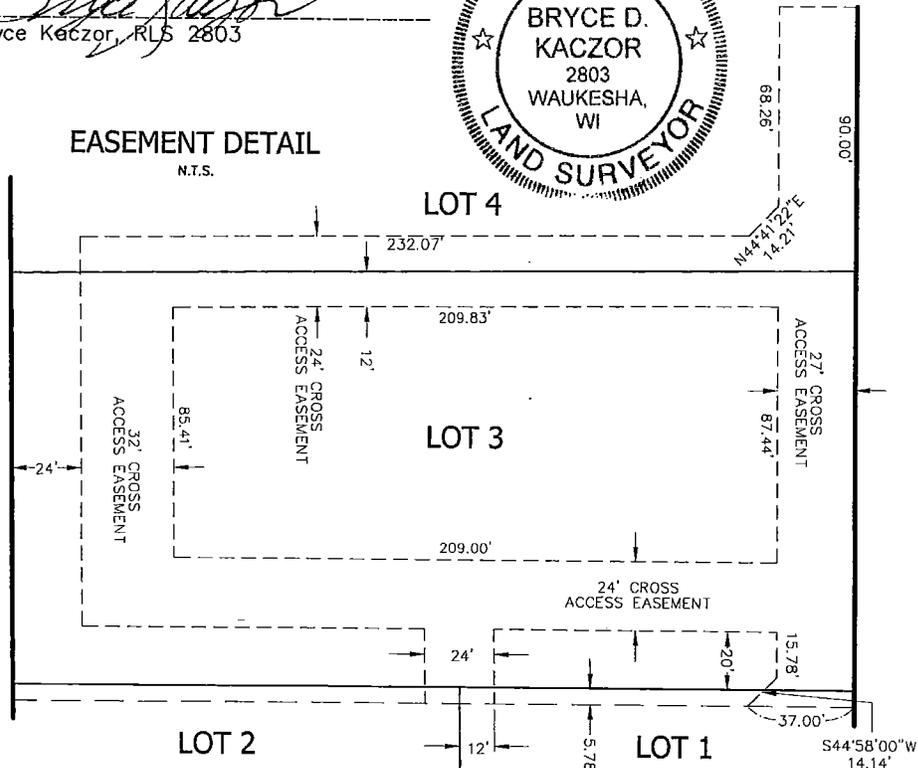
Dated this 12TH day of May, 2009

Bryce Kaczor
Bryce Kaczor, RLS 2803



EASEMENT DETAIL

N.T.S.



STATEMENT OF RESPONSIBLE PARTY

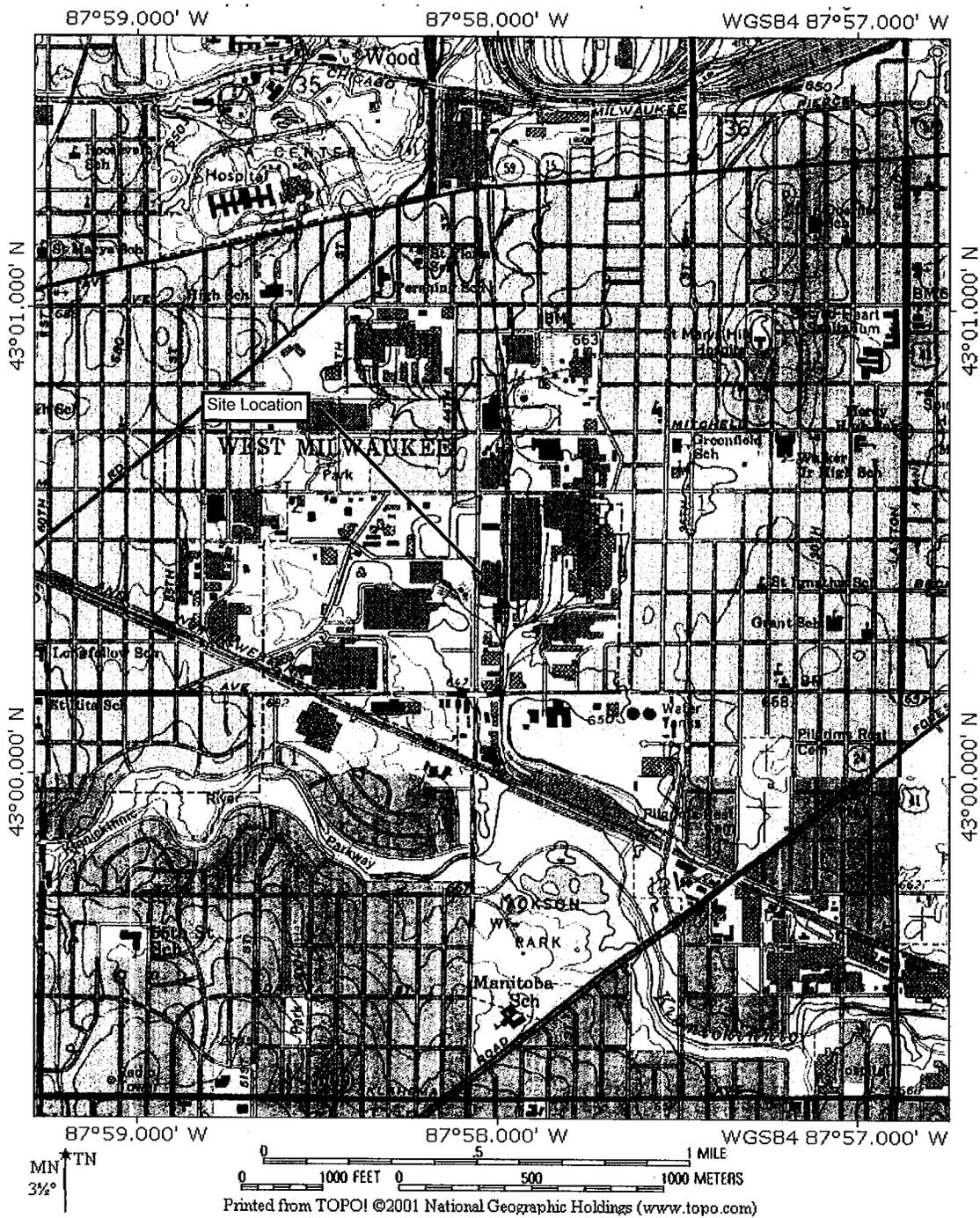
N3RI 268 Miller West Milwaukee WI, LLC is the Responsible Party, as defined in NR 726.03(2), for the Wisconsin Department of Natural Resources Remediation Tracking System #02-41-555682, which is located at 2070 Miller Park Way, in the Village of West Milwaukee, Milwaukee County, Wisconsin (the Site). To the best of N3RI 268 Miller West Milwaukee WI, LLC's knowledge, the legal description for all the property, within or partially within the contaminated site's boundaries that have soil contamination exceeding generic enforcement standards determined under NR 720, has been submitted to an agency or administrative authority for the Site, as an attachment which is part of the GIS Registry Checklist attachment to the case close out report, and that this legal description is complete and accurate.

William W. McGuire
Print Name

11-17-10
Date

William W. McGuire
Signature

Manager
Title



SITE VICINITY MAP

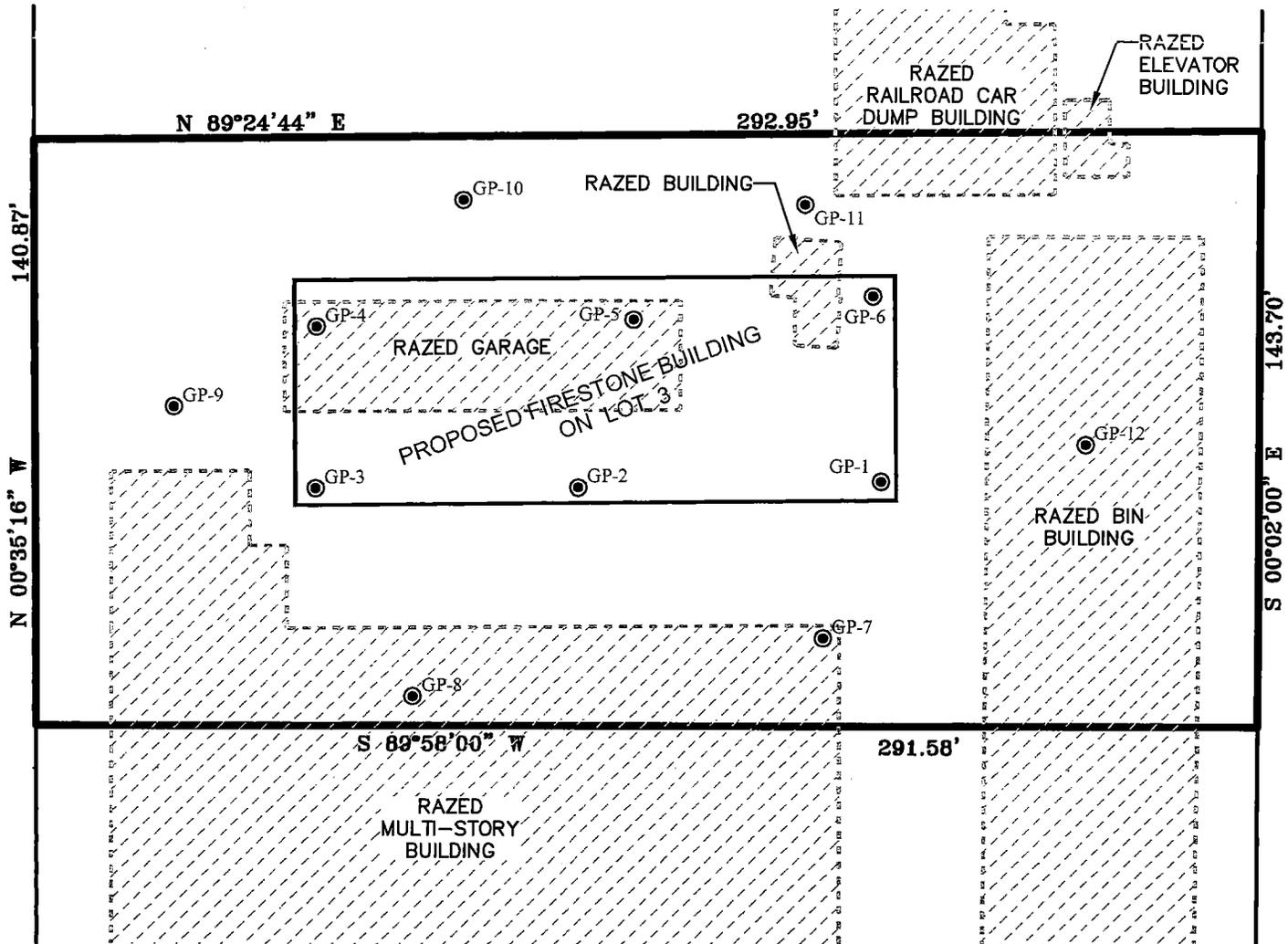
PROPOSED FIRESTONE COMPLETE AUTO CARE
 2070 MILLER PARK WAY
 WEST MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

FILE: 22.75315.0008 FIGURE: 1



1929 County Road C2 West
 Roseville, Minnesota 55113
 Phone (651) 635-9050 Fax: (651) 635-9080

MILLER PARKWAY

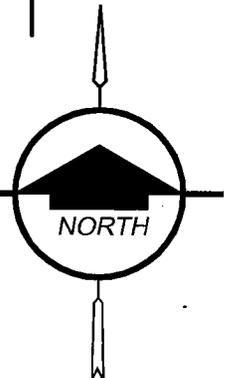


* EXISTING IMPROVEMENTS FROM PLAT OF SURVEY/ ALTA SURVEY PREPARED BY AMERICAN SURVEYING COMPANY, INC., DATED JULY 16, 2005.

● GP-9 - INDICATES GEOPROBE BORING LOCATION

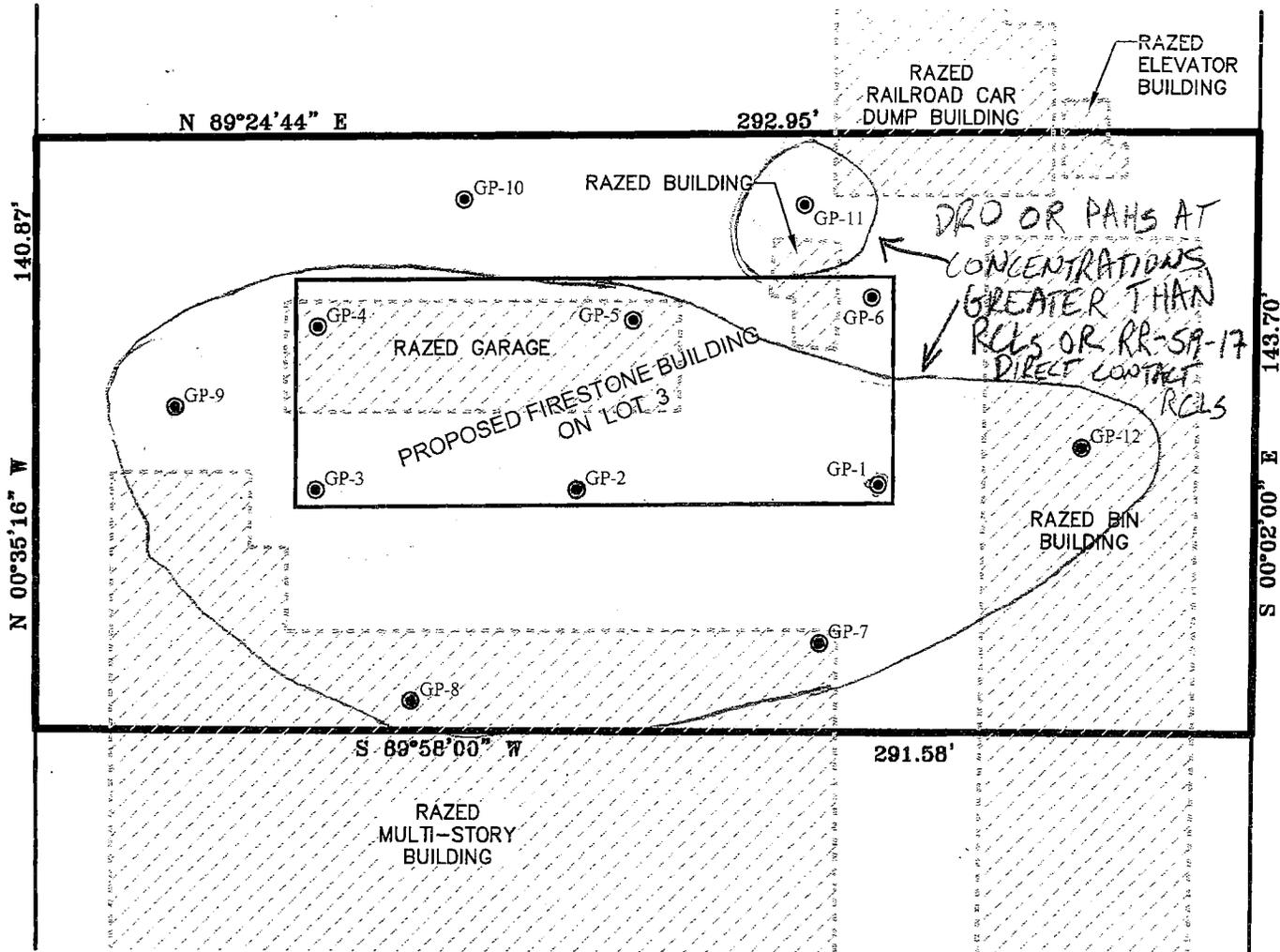
SOIL BORING EXHIBIT

1" = 40'-0"



November 9, 2010

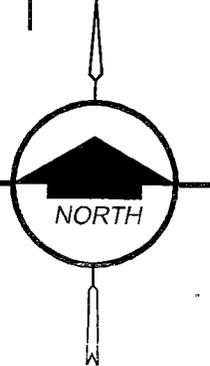
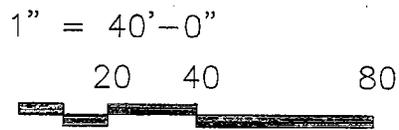
MILLER PARKWAY



* EXISTING IMPROVEMENTS FROM PLAT OF SURVEY/ ALTA SURVEY PREPARED BY AMERICAN SURVEYING COMPANY, INC., DATED JULY 16, 2005.

● GP-9 - INDICATES GEOPROBE BORING LOCATION

SOIL BORING EXHIBIT



November 9, 2010

Table 1
Soil Analytical Results (in µg/kg)
Vacant Lot - Proposed Firestone
2100 Miller Parkway
West Milwaukee, Wisconsin

WDNR NR720 Cleanup Levels	Total Petroleum Hydrocarbons (TPH Method 8015B)	GP-1 (1-4')	GP-2 (1-4')	GP-3 (5-8')	GP-4 (5-8')	GP-5 (1-4')	GP-6 (5-8')	GP-7 (1-4')	GP-8 (1-4')	GP-9 (1-4')	GP-10 (5-8')	GP-11 (1-4')	GP-12 (1-4')
100,000	DRO (TPH Diesel C10-C28)	120,000	280,000	27,800	72,700	300,000	23,800	559,000	223,000	3,430,000	8,200	24,100	182,000
100,000	GRO (TPH GRO C6-C10)	3,700J	3,400J	<3,300	3,200J	<2,900	<3,200	3,600J	<3,100	<3,000	<3,000	<2,900	3,100J
WDNR RR519 Cleanup Levels	PAHs (Method 8270)												
60,000,000	Acenaphthene	86.5	320J	58.3J	98.1	63.1J	6.0J	167J	649	28,400	6.6J	91.4	365J
360,000	Acenaphthylene	51.7J	93.2J	74.0J	113	65.0J	5.2J	78.4J	314J	20,300	<3.7	39.2J	193J
300,000,000	Anthracene	332	1,410	406	458	221	27.9	928	2,990	144,000	29.3	315	1,810
3,900	Benzo(a)anthracene	553	2,730	936	948	660	61.6	1,450	4,340	208,000	53.6	521	2,690
390	Benzo(a)pyrene	485	2,240	856	1,090	821	56.7	1,000	3,420	180,000	51.7	494	2,200
3,900	Benzo(b)fluoranthene	514	2,230	710	1,230	782	52.8	1,160	3,120	197,000	53.2	521	1,830
39,000	Benzo(g,h,i)perylene	187	986	468	486	577	35.6	482	1,610	64,100	34.2	206	1,110
39,000	Benzo(k)fluoranthene	380	1,550	731	861	742	42.4	793	2,500	107,000	39.8	337	1,620
390,000	Chrysene	522	2,660	879	1,060	803	61.2	1,290	4,030	202,000	52.2	523	2,570
390	Dibenz(a,b)anthracene	83.1	437	176	223	200	12.6J	205J	697	28,300	12.7J	89	429
40,000,000	Fluoranthene	1,190	5,930	2,090	2,290	1,470	112	3,250	10,600	533,000	112	1,190	6,340
40,000,000	Fluorene	129	484	79.8J	154	53.5J	9.4J	267J	1,150	51,700	11.8J	115	521
3,900	Indeno(1,2,3-cd)pyrene	182	970	444	473	512	29.6	457	1,550	66,800	29.7	181	1,030
70,000,000	1-Methylnaphthalene	133	389J	23.3J	121	27.2J	8.3J	183J	589	9,010J	4.7J	49.4J	180J
40,000,000	2-Methylnaphthalene	156	339J	27.6J	137	39.3J	10.1J	204J	605	5,810J	4.7J	46.9J	208J
110,000	Naphthalene	137	318J	47.4J	175	<60.8	12.2J	236J	993	<7,490	<9.5	57.6J	320J
390,000	Phenanthrene	1,150	4,630	1,030	1,440	634	86	3,230	10,600	422,000	90	956	4,740
30,000,000	Pyrene	1,130	5,250	1,960	1,910	1,260	108	2,890	9,250	445,000	97.4	1,060	5,340
WDNR NR746 Cleanup Levels	VOCs (Method 8260)												
83,000	1,2,4-Trimethylbenzene	<25.0	<25.0	<25.0	<30.1	<25.0	<25.0	<27.8	<32.1	<25.8	<27.2	79.5	<26.6
2,700	Naphthalene	165	106	84.6	244	53.3J	62.0J	345	250	214	65.7J	373	219
NS	Styrene	<25.0	<25.0	<25.0	67.0J	<25.0	61.9J	59.6J	<32.1	<25.8	<27.2	82.1	<26.6
12300*	Tetrachloroethene	<25.0	<25.0	<25.0	<30.1	<25.0	<25.0	<27.8	<32.1	445	<27.2	74.1	<26.6
NS	Trichlorofluoromethane	<25.0	<25.0	<25.0	570	<25.0	<25.0	125	247	<25.8	<27.2	66.2J	91.3

Notes:

* - Site specific calculated cleanup level from GASAI RAP, not WDNR NR745 Cleanup Level.

J - Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit.

1. Concentrations are in micrograms per kilogram (µg/kg), which is approximately equal to parts per billion (ppb).

2. NS - No Standard available.

3. **Bold** indicates a detection of the compound above the method detection limits.

4. Shading indicates a concentration that exceeds a standard/action level and standard/action level that is exceeded.

5. The standards were obtained from the Wisconsin Department of Natural Resources (WDNR) NR720, NR 746, and RR519.