

**GIS REGISTRY**  
**Cover Sheet**

March 2010  
(RR-5367)

**Source Property Information**

**BRRTS #:** 02-41-556910  
**ACTIVITY NAME:** Tomich Riverfront Properties, LLC  
**PROPERTY ADDRESS:** 1887 N. Water St.  
**MUNICIPALITY:** Milwaukee  
**PARCEL ID #:** 3540913110

**CLOSURE DATE:** Jun 13, 2011  
**FID #:** 241224170  
**DATCP #:**  
**COMM #:**

**\*WTM COORDINATES:**

X: 690988 Y: 289210

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

**WTM COORDINATES REPRESENT:**

- Approximate Center Of Contaminant Source  
 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" form)*
- Soil Contamination > \*RCL or \*\*SSRCL (232)  
 Contamination in ROW  
 Off-Source Contamination  
*(note: for list of off-source properties see "Impacted Off-Source Property" form)*

**Land Use Controls:**

- N/A (Not Applicable)  
 Soil: maintain industrial zoning (220)  
*(note: soil contamination concentrations between non-industrial 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 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*

RECEIVED  
MAY 21 2011  
BY VS

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 #:  (No Dashes)      PARCEL ID #:

ACTIVITY NAME:       WTM COORDINATES: X:  Y:

**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:**
- 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: 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 #: Figure 2                      Title: Soil Boring and Cross Section Location Map**
  - Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: Figure 4                      Title: Extent of NR 720 RCL Exceedances in Soil**

BRRTS #: 02-41-556910

ACTIVITY NAME: Tomich Riverfront Properties

**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 #: 3 Title: Subsurface Cross Section**

**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 #: 1 Title: Summary of 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 #: 02-41-556910

ACTIVITY NAME: Tomich Riverfront Properties

**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: 0**

- 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: 0**



June 13, 2011

Mr. Carl Tomich  
Tomich Riverfront Properties, LLC.  
N8 W22520 – L Johnson Drive  
Waukesha, WI 53186

SUBJECT: Final Case Closure with Continuing Obligations  
Petroleum soil/fill contamination at the Tomich Riverfront Properties, LLC  
1887 N. Water St., Milwaukee, WI  
**WDNR BRRTS Activity #: 02-41-556910 FID#241224170**

Dear Mr. Tomich:

On June 6, 2011, the Wisconsin Department of Natural Resources (Department) Southeast Regional Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. The Department reviewed the case closure request regarding the petroleum contamination in soil/fill at this site. Based on the correspondence and data provided, it appears that this 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

This site will be listed on the Remediation and Redevelopment Program's internet accessible GIS Registry, to provide notice of residual contamination, and of any continuing obligations. The continuing obligations for this site are summarized below:

- Residual soil/fill contamination exists that must be properly managed should it be excavated or removed
- Pavement and the building foundation must be maintained over contaminated soil/fill and the state must approve any changes to this barrier

All site information is also on file at the Southeast Regional DNR office, at 2300 N. Dr. Martin Luther King, Jr. Dr., Milwaukee. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry, in a PDF attachment. 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 the 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 at <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. You must pass on both the information about these continuing obligations and the maintenance plan to the next property owner or owners. 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. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter including compliance with the **attached maintenance plan** are met.

### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement and building that currently exists in the locations shown on the attached map shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil/fill contamination that might otherwise pose a threat to human health.

Soil/fill contaminated with benzene and other petroleum compounds remains at locations as shown on the **attached map** and in the information submitted to the Department of Natural Resources. If soil/fill in the specific locations shown on the attached map is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil/fill 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 is 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/fill 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.

### Prohibited Activities

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

Upon Department approval to replace the existing barrier, the replacement barrier must be one of similar permeability, until contaminant levels no longer exceed the applicable standards.

### Vapor Migration

In addition, depending on site-specific conditions, construction over contaminated materials may result in vapor migration of contaminants into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and means of mitigation should be

evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

#### Historic Fill Site

Fill material including brick, wood, rubble and foundry sand is present at this property at depths up to thirty feet. Because of the presence of waste fill, this site is considered to be an historic fill site and must abide by any conditions required by the NR 500 rule series as long as any waste materials remain in place. Any future redevelopment of this property must take into consideration the presence of waste materials and will require that the Department issue an exemption to s. NR 506.085 Wis. Adm. Code to allow building on an abandoned landfill prior to the start of any construction. Please refer to the following Building on Abandoned Landfill Guidances for further information. They can be found on the internet at:

<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR685.pdf>  
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR684.pdf>  
<http://dnr.wi.gov/org/aw/rr/archives/pubs/RR683.pdf>

This closure relates only to the petroleum-contaminated soil/fill detected at locations GP-1, GP-4, GP-5, GP-6 and GP-7. Additional characterization of the fill may be necessary to meet requirements of an exemption approval.

#### Post-Closure Notification Requirements

In accordance with ss, 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Disturbance, construction on, change or removal in whole or part of pavement, an engineered cover or a soil barrier that must be maintained over contaminated soil

Please send written notifications in accordance with the above requirements to the Remediation and Redevelopment Environmental Program Associate at the letterhead address.

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

The 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 Nancy Ryan at (414) 263-8533.

Sincerely,



James A. Schmidt, Team Supervisor  
Southeast Remediation & Redevelopment Program

Attachment – Cap Maintenance Plan

cc: SER case file  
Timothy Wimmer, Sigma – electronic copy only

## **CAP MAINTENANCE PLAN**

May 23, 2011

### Property Located at:

1887 North Water Street, Milwaukee, Wisconsin  
FID # 241224170, WDNR BRRTS # 02-41-556910  
TAX IDENTIFICATION # 3540913110

### **Introduction**

This document is the Maintenance Plan for a building and pavement cap at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing building and pavement occupying the area over the contaminated soil on-site.

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

- The case file in the 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/imfApplyTheme.jsp?index=1>
- The DNR project manager for Milwaukee County.

### **Description of Contamination**

Soil contaminated by petroleum hydrocarbons is located at a depth of 10 to 24 feet in the northern portion of the site. The extent of the soil contamination is shown on the attached *Figure*.

### **Description of the Caps to be maintained**

The caps consists of a building foundation and surrounding asphalt pavement of conventional design. They are located as shown on the attached *Figure* included as **Exhibit A**.

### **Cap Purpose**

The building and pavement cap over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. These caps also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination 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 building and pavement overlying the contaminated soil and as depicted on the attached **Figure** 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 additional infiltration into or 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 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 and is included as **Exhibit B**, Cap Inspection Log. 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 log. A copy of the inspection log will be kept at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources ("WDNR") 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 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 ascertain if contamination remains. 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 building and pavement overlying the contaminated soil are removed or replaced, the replacement barrier must be equally impervious. 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 caps, will maintain a copy of this 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 a Cover or Cap**

The following activities are prohibited on any portion of the property where pavement or a building foundation 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.

**Amendment or Withdrawal of Maintenance Plan**

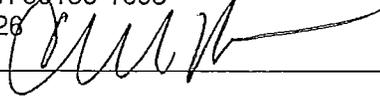
This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of WDNR.

**Contact Information**

May 23, 2011

Site Owner and Operator: Tomich Riverfront Properties, LLC  
N8W22520 Johnson Drive, Suite L  
Waukesha, WI 53186-1668  
(262) 547-0328

Signature: \_\_\_\_\_



Property Owner:  
(SAME)

Consultant: Timothy E. Wimmer, P.G.  
Sigma Environmental Services, Inc.  
1300 W. Canal St., Milwaukee, WI 53233  
(414) 643-4200

WDNR: Nancy Ryan  
Wisconsin Department of Natural Resources  
2300 North Martin Luther King Drive, Milwaukee, WI 53212  
(414) 263-8533

Date: 05/24/2011

Created By: ERS

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Directory: FIGURES

Project: 12569

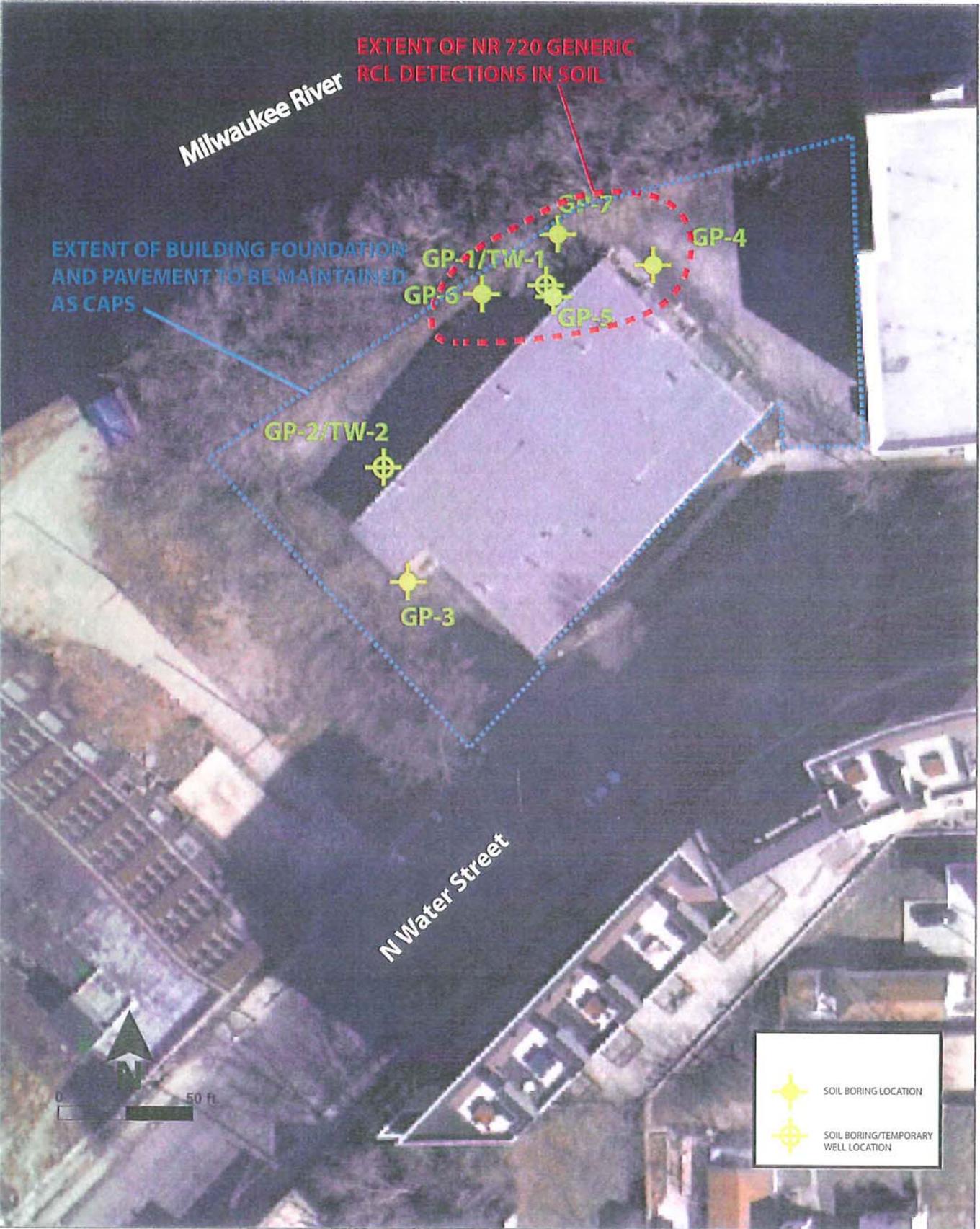


Exhibit B  
**Barrier INSPECTION and MAINTENANCE LOG**

Inspection Date	Inspector	Condition of Cap	Recommendations	Has recommended maintenance from previous inspection been implemented?

STATE BAR OF WISCONSIN FORM 2 - 1998  
**WARRANTY DEED**

8230583

Document Number

REGISTER'S OFFICE 1 SS  
Milwaukee County, WI  
RECORDED AT 8:23 AM  
02-25-2002

This Deed, made between Riverfront Holdings, LLC

Grantor, and Tomich Riverfront Properties, LLC

WALTER R. BARCZAK  
REGISTER OF DEEDS

AMOUNT 11.00

Grantee.  
Grantor, for a valuable consideration, conveys and warrants to  
Grantee the following described real estate in Milwaukee  
County, State of Wisconsin:

Recording Area

Name and Return Address

R. RAKITA  
700 N WATER LT 1500  
Milwaukee WI 53202

TRANSFER  
\$1,650.00  
FEE

354-0913-110-5

Parcel Identification Number (PIN)

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

Water Lots Ten (10), Eleven (11), Twelve (12) and Thirteen (13) in Hubbard and Pearson's Addition to Milwaukee in the  
Northwest One-quarter (1/4) of Section Twenty-one (21), Township Seven (7) North, Range Twenty-two (22) East, in the City  
of Milwaukee, County of Milwaukee, State of Wisconsin, and any and all riparian rights  
incidental and appurtenant to the lands KAB ds.

Exceptions to warranties: municipal and zoning ordinances and agreements entered under them, recorded easements for  
the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes  
levied in the year of closing.

Dated this 21 day of February, 2002

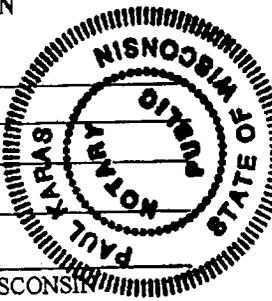
Kurtis A. Boos  
\* Kurtis A. Boos, Member

David A. Dec  
\* David A. Dec, Member

**AUTHENTICATION**

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

authenticated this \_\_\_\_\_ day of \_\_\_\_\_



TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY  
Attorney Paul Karas

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

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
) ss.  
Milwaukee County )

Personally came before me this 21 day of  
February, 2002 the above named  
Kurtis A. Boos and David A. Dec

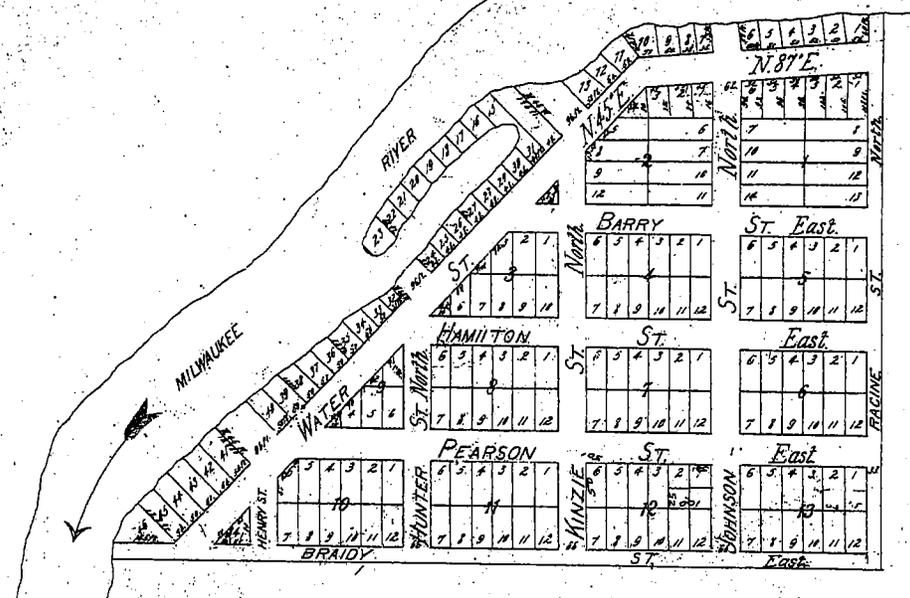
to me known to be the person(s) who executed the foregoing  
instrument and acknowledge the same.

\* Paul Karas

Notary Public, State of Wisconsin  
My Commission is permanent. (If not, state expiration date: \_\_\_\_\_)

\*Names of persons signing in any capacity should be typed or printed below their signatures

REEL 5271  
IMAGE 1327



State of Illinois } This day before me Christopher Hubbard and Abram Pearson to me personally  
 Cook County } having and action being the proprietors of Hubbard and Pearson  
 the same into Block and lots given under my hand and seal this 16th day of June A.D. 1836  
 Isaac Hammon J.P.

State of Illinois } I Richard S. Hamilton Clerk of Cook County Commissioners Court in the State  
 Cook County } do hereby certify that Isaac Hammon Esq. who is subscribed to  
 the Certificate of action is a true and correct copy of the original Town Plat, and the same written, as and was  
 at the time of taking such action, and in full and entire justice of the Peace in and for said County  
 duly commissioned and sworn, and that I will take the same, and that full faith and credit shall  
 be given to all his official acts as such Justice.  
 Done at the County of Illinois, this 16th day of June, A.D. 1836  
 Richard S. Hamilton Clerk.

Hubbard and Pearson, fiduciaries to Milwaukee, located on lot five (5) Section twenty one (21) Township  
 seven (7) North of Range twenty two (22) East Wisconsin Territory. On the plat of the above addition  
 the course and length of the streets are given, full lots five feet wide and one hundred  
 feet long, lots four feet wide and one hundred feet long, lots three feet wide and one hundred  
 feet long, lots two feet wide and one hundred feet long, lots one foot wide and one hundred  
 feet long. The dimensions of the streets are given as follows: Water street is marked on the front of the plat  
 and in some instances the length of the same is marked thereon. The street from which future surveys are to be made is placed on  
 the South East Corner of Block 12, bearing from the same to the North East, South sixty degrees  
 west thirty two feet, bearing to Block 12, South twenty two degrees East twenty five feet.  
 Hubbard and Pearson's addition to Milwaukee, and please the  
 streets from which future surveys are to be made. I do hereby certify that the return and Plat  
 Milwaukee County Dec 7th 1838  
 Geo. S. Wood Jt. Clerk of M. Co.

Received for Record July 1st 1836 & Recorded December 27th A.D. 1836

- PT Lts. 7+8, BK 12, N/A .GSM. 6551. Row 4374 Image 229. R-4421 R-579.
- PT Lts. 5, 6, 7, 8, BK 12, N/A .GSM. 6584
- Lts. 4 Then 10 + PT LT 10, BK 7, Now Western Leather Lofts Condo, R 4507, I. 1407
- Lts 5 & 6 BK 11, Now RIVER EAST Condo Doc# 8522581 # 822582-5-7-03
- Lts 1-4, Now RIVER EDGE Condo Doc# 856435, Rec 6-17-03
- Lt 9, BK 8, Now SKY Condo Doc 8833922 7-30-04 Box 3 Pg. 197-198
- Lts 3+4, BK 12, Now PEARSON BOWEN CONDOS Doc# 9006483, Dec# 9006482, ON 5/1/005, Box 5 Pg 106
- LT 10, BK 8, Now SKY CONDOS II, PLAN DOC# 919839, Dec# 919838, ON 10/25/005, Box 6 Pg 93
- Lts 5-9, BK 3, Now Gallun Tannery, Rows 1818, A Condo, PLAN DOC# 918077, Dec# 918076, ON 2/6/2006, Box 7 Pg 45

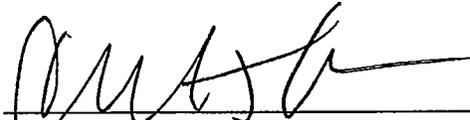
Water Date 9/33

NOT TO BE

**GIS Registry Package**  
**1887 N. Water Street Property, Milwaukee, Wisconsin**

**STATEMENT BY RESPONSIBLE PARTY**

Tomich Riverfront Properties LLC, the responsible party for the 1887 North Water Street property in the City of Milwaukee, Milwaukee County, Wisconsin, states that the legal description provided to the Wisconsin Department of Natural Resources (and attached to this statement) for subject property is complete and accurate to the best of our knowledge.

  
\_\_\_\_\_  
Signature of Representative for Responsible Party

5/24/11  
\_\_\_\_\_  
Date



**SUBJECT PROPERTY**

Date: 01/25/2011

Created By: MET

Filename: Fig1\_SLMai

Directory: Figures

Project: 12569



Scale 1 : 24,000  
1 inch = 2,000 feet

Located in the Northwest 1/4 of Section 21, T7N, R22E  
USGS Milwaukee Quadrangle (1971, photorevised 1958)  
7.5 minute, 1 : 24,000 Topographic Map Collection



**SITE LOCATION MAP**

1887 NORTH WATER STREET  
MILWAUKEE, WISCONSIN

FIGURE

**1**

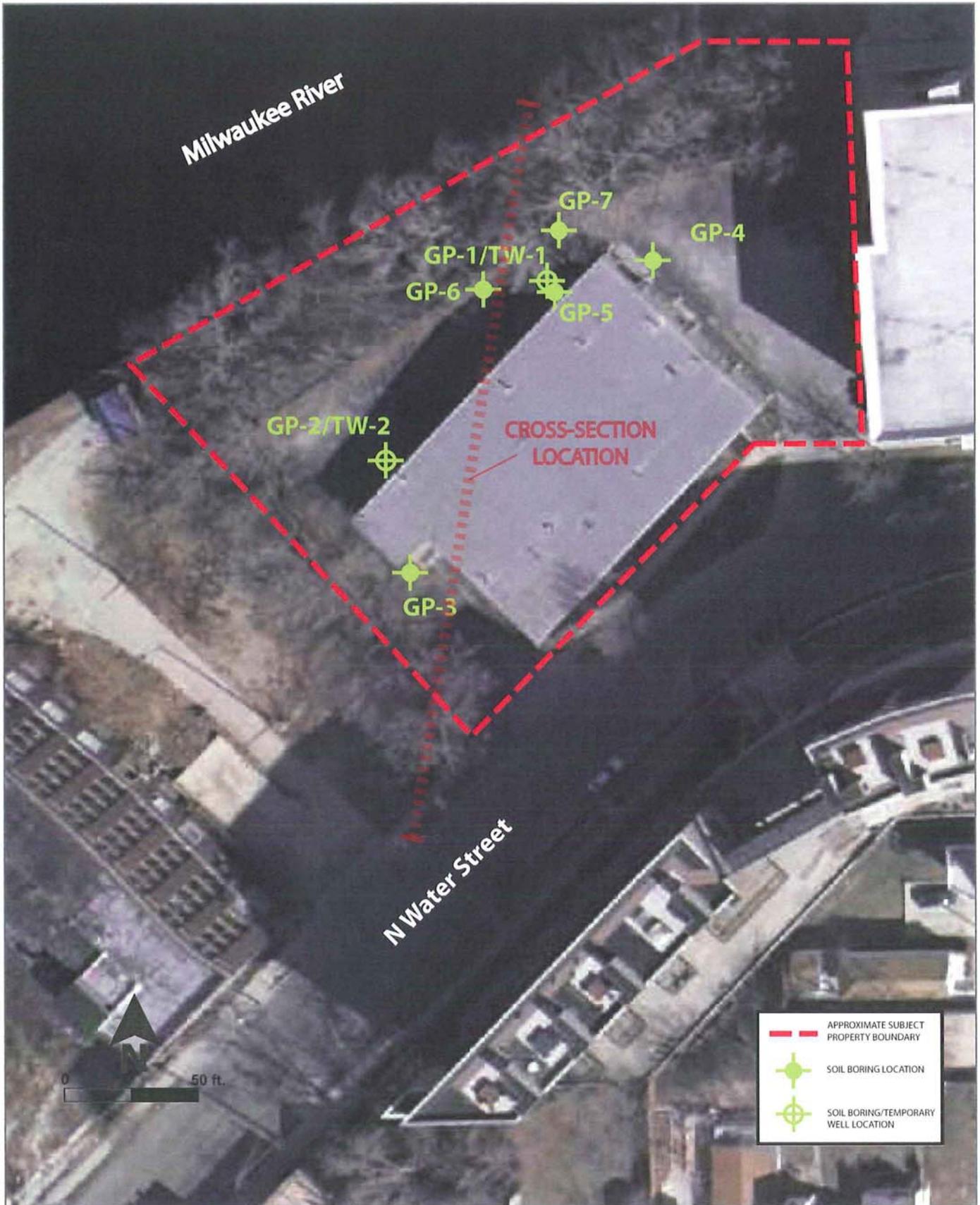
Date: 05/04/2011

Created By: MET

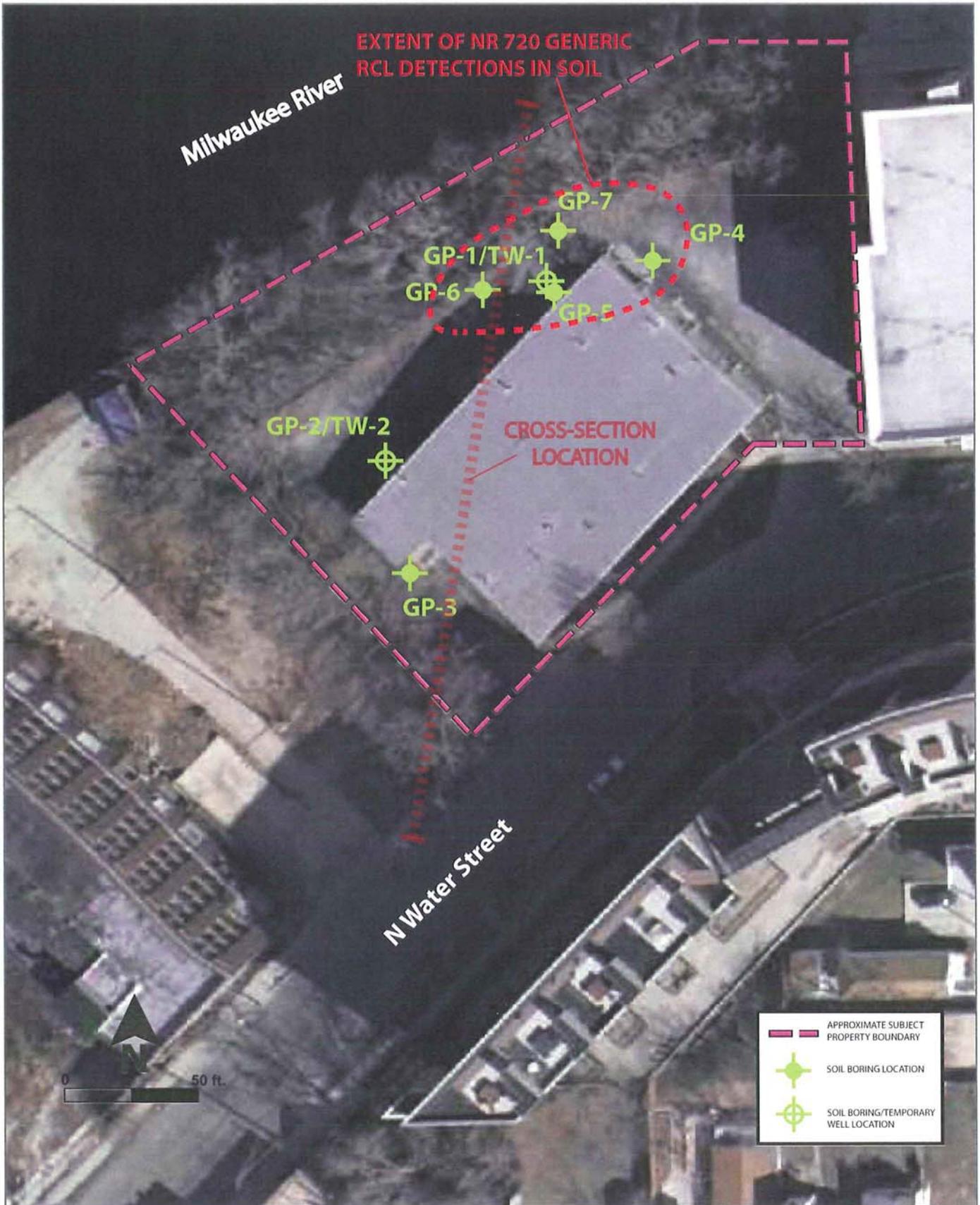
Filename: FIG1\_SBLM.ai

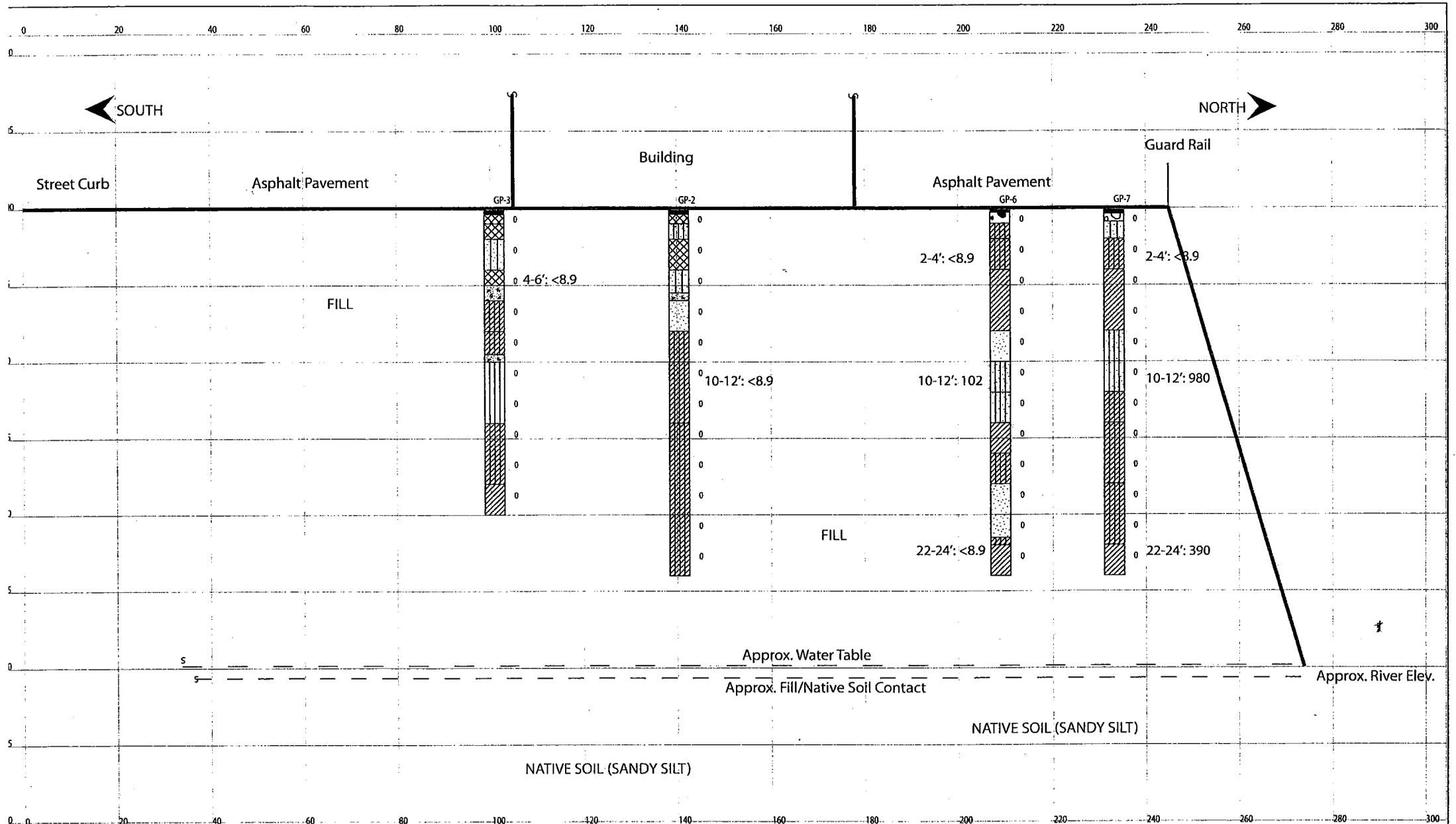
Directory: PHASE/FIGURES

Project: 12569



	APPROXIMATE SUBJECT PROPERTY BOUNDARY
	SOIL BORING LOCATION
	SOIL BORING/TEMPORARY WELL LOCATION





LEGEND

4-6': <8.9 = LAB SOIL SAMPLE INTERVAL AND BENZENE RESULT (UNITS PPB)

VERTICAL EXAGGERATION IS 3.3x

HORIZONTAL SCALE: 1" = 20'

ASPHALT

USCS Silty Sand

USCS Low Plasticity Silty Clay

USCS Wellgraded Gravel

FILL (made ground)

Concrete

USCS Silt

USCS Low Plasticity Sandy Clay

USCS Sandy Silt

USCS Poorly-graded Sand

USCS Low Plasticity Clay

USCS Poorly-graded Gravel

Distance Along Baseline (ft)



**SUBSURFACE CROSS SECTION**

1887 North Water Street Property  
1887 North Water Street, Milwaukee, Wisconsin

FIGURE

**3**

NOTATIONS ARE RELATIVE TO AN ARBITRARY SITE DATUM WITH 100' EQUIVALENT TO THE GROUND SURFACE IN THE SOIL BORING AREA OF THE SITE.

**TABLE 1**  
**SUMMARY OF SOIL ANALYTICAL RESULTS**  
**VOLATILE ORGANIC COMPOUNDS**  
**1887 North Water Street**  
**Milwaukee, Wisconsin**  
**Project Reference #12569**

Soil Boring Identification:		GP-1	GP-2	GP-3	GP-4	GP-5		GP-6		GP-7							
Sample Depth (ft):		14-16	10-12	4-6	10-12	2-4	22-24	2-4	10-12	22-24	2-4	10-12	22-24				
Parameter	Unit	NR 720			Collection Date												
		(1) RCL	NR 746		03/03/11	03/03/11	03/03/11	03/03/11	04/29/11	04/29/11	04/29/11	04/29/11	04/29/11	04/29/11	04/29/11		
		(2) Table 1	(3) Table 2														
Benzene	µg/kg	5.5	8,500	1,100	<b>(1) 98</b>	<8.9	<8.9	<b>(1) 20.5<sup>J</sup></b>	<8.9	<b>(1) 126</b>	<8.9	<b>(1) 102</b>	<8.9	<8.9	<b>(1) 980</b>	<b>(1) 390</b>	
Bromobenzene	µg/kg	NS	NS	NS	<14	<14	<14	<14	<14	<14	<14	<14	<14	<14	<14	<14	
Bromodichloromethane	µg/kg	NS	NS	NS	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	
Bromoform	µg/kg	NS	NS	NS	<20	<20	<20	<20	<20	<20	<20	<20	<20	<20	<20	<20	
tert-Butylbenzene	µg/kg	NS	NS	NS	<54 <sup>7</sup>	<54 <sup>7</sup>	<54 <sup>7</sup>	<54 <sup>7</sup>	<54	<54	<54	<54	<54	<54	<54	<54	
sec-Butylbenzene	µg/kg	NS	NS	NS	<51	<51	<51	<51	<51	<51	<51	<51	<51	<51	<51	<51	
n-Butylbenzene	µg/kg	NS	NS	NS	<48	<48	<48	<48	<48	<48	<48	<48	<48	<48	<48	<48	
Carbon tetrachloride	µg/kg	NS	NS	NS	<12 <sup>7</sup>	<12 <sup>7</sup>	<12 <sup>7</sup>	<12 <sup>7</sup>	<12	<12	<12	<12	<12	<12	<12	<12	
Chlorobenzene	µg/kg	NS	NS	NS	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	<9.4	
Chloroethane	µg/kg	NS	NS	NS	<142	<142	<142	<142	<142	<142	<142	<142	<142	<142	<142	<142	
Chloroform	µg/kg	NS	NS	NS	<46	<46	<46	<46	<46	<46	<46	<46	<46	<46	<46	<46	
Chloromethane	µg/kg	NS	NS	NS	<207	<207	<207	<207	<207	<207	<207	<207	<207	<207	<207	<207	
2-Chlorotoluene	µg/kg	NS	NS	NS	<84	<84	<84	<84	<84	<84	<84	<84	<84	<84	<84	<84	
4-Chlorotoluene	µg/kg	NS	NS	NS	<76	<76	<76	<76	<76	<76	<76	<76	<76	<76	<76	<76	
1,2-Dibromo-3-chloropropane	µg/kg	NS	NS	NS	<77	<77	<77	<77	<77	<77	<77	<77	<77	<77	<77	<77	
Dibromochloromethane	µg/kg	NS	NS	NS	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	<9.5	
1,4-Dichlorobenzene	µg/kg	NS	NS	NS	<52	<52	<52	<52	<52	<52	<52	<52	<52	<52	<52	<52	
1,3-Dichlorobenzene	µg/kg	NS	NS	NS	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	
1,2-Dichlorobenzene	µg/kg	NS	NS	NS	<51	<51	<51	<51	<51	<51	<51	<51	<51	<51	<51	<51	
Dichlorodifluoromethane	µg/kg	NS	NS	NS	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	
1,2-Dichloroethane	µg/kg	4.9	600	540	<13	<13	<13	<13	<13	<13	<13	<13	<13	<13	<13	<13	
1,1-Dichloroethane	µg/kg	NS	NS	NS	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	
1,1-Dichloroethene	µg/kg	NS	NS	NS	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	
cis-1,2-Dichloroethene	µg/kg	NS	NS	NS	<14	<14	<14	<14	<14	<14	<14	<14	<14	<14	<14	<14	
trans-1,2-Dichloroethene	µg/kg	NS	NS	NS	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	
1,2-Dichloropropane	µg/kg	NS	NS	NS	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	
2,2-Dichloropropane	µg/kg	NS	NS	NS	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	<33 <sup>8</sup>	
1,3-Dichloropropane	µg/kg	NS	NS	NS	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	<11	
Di-isopropyl ether	µg/kg	NS	NS	NS	<47	<47	<47	<47	<47	<47	<47	<47	<47	<47	<47	<47	
EDB (1,2-Dibromoethane)	µg/kg	NS	NS	NS	<17	<17	<17	<17	<17	<17	<17	<17	<17	<17	<17	<17	
Ethylbenzene	µg/kg	2,900	4,800	NS	<55	<55	<55	<55	<55	<55	<55	<55	<55	<55	<b>83<sup>J</sup></b>	<55	
Hexachlorobutadiene	µg/kg	NS	NS	NS	<95	<95	<95	<95	<95	<95	<95	<95	<95	<95	<95	<95	
Isopropylbenzene	µg/kg	NS	NS	NS	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	
p-Isopropyltoluene	µg/kg	NS	NS	NS	<45	<45	<45	<45	<45	<45	<45	<45	<45	<45	<45	<45	
Methylene chloride	µg/kg	NS	NS	NS	<119	<119	<119	<119	<119	<119	<119	<119	<119	<119	<119	<119	
Methyl-tert-butyl-ether	µg/kg	NS	NS	NS	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	
Naphthalene	µg/kg	NS	2,700	NS	<b>163<sup>J</sup></b>	<107	<107	<b>119<sup>J</sup></b>	<107	<107	<107	<107	<107	<107	<107	<107	
n-Propylbenzene	µg/kg	NS	NS	NS	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	<53	
1,1,2,2-Tetrachloroethane	µg/kg	NS	NS	NS	<20	<20	<20	<20	<20	<20	<20	<20	<20	<20	<20	<20	
1,1,1,2-Tetrachloroethane	µg/kg	NS	NS	NS	<41	<41	<41	<41	<41	<41	<41	<41	<41	<41	<41	<41	
Tetrachloroethene	µg/kg	NS	NS	NS	<24	<24	<24	<24	<24	<24	<24	<24	<24	<24	<24	<24	
Toluene	µg/kg	1,500	38,000	NS	<b>50<sup>J</sup></b>	<50	<50	<50	<50	<50	<50	<50	<50	<50	<50	<b>160</b>	<b>164</b>
1,2,4-Trichlorobenzene	µg/kg	NS	NS	NS	<74	<74	<74	<74	<74	<74	<74	<74	<74	<74	<74	<74	
1,2,3-Trichlorobenzene	µg/kg	NS	NS	NS	<129	<129	<129	<129	<129	<129	<129	<129	<129	<129	<129	<129	
1,1,1-Trichloroethane	µg/kg	NS	NS	NS	<11 <sup>7</sup>	<11 <sup>7</sup>	<11 <sup>7</sup>	<11 <sup>7</sup>	<11	<11	<11	<11	<11	<11	<11	<11	
1,1,2-Trichloroethane	µg/kg	NS	NS	NS	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	
Trichloroethene	µg/kg	NS	NS	NS	<17	<17	<17	<17	<17	<17	<17	<17	<17	<17	<17	<17	
Trichlorofluoromethane	µg/kg	NS	NS	NS	<43 <sup>8</sup>	<43	<43	<43	<43	<43	<43	<43	<43	<43	<43	<43	
1,2,4-Trimethylbenzene	µg/kg	NS	83,000	NS	<80	<80	<80	<80	<80	<80	<80	<80	<80	<80	<80	<80	
1,3,5-Trimethylbenzene	µg/kg	NS	11,000	NS	<48	<48	<48	<48	<48	<48	<48	<48	<48	<48	<48	<48	
Vinyl chloride	µg/kg	NS	NS	NS	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	
Total Xylenes	µg/kg	4,100	42,000	NS	<86	<86	<86	<86	<86	<86	<86	<86	<86	<86	<86	<b>98<sup>J</sup></b>	

Notes:

7 = LCS not within established limits

8 = closing calibration standard not within established limits

J = analyte detected between Limit of Detection and Limit of Quantitation

µg/kg = micrograms per kilogram (equivalent to parts per billion)

NA = Not Analyzed

NS = No Standard

NR 720 RCL = Wisconsin Administrative Code, Chapter NR 720 generic Residual Contaminant Level (Industrial land)

NR 746 Table 1 = Wisconsin Administrative Code, Chapter NR 746, Table 1 soil screening level: Indicators of Residual

NR 746 Table 2 = Wisconsin Administrative Code, Chapter NR 746, Table 2: Protection of Human Health from Direct

**BOLD = detected compound**

(1) = concentration exceeds suggested NR 720 Generic RCLs for VOC Compounds in Soil

(2) = concentration exceeds suggested NR 746 Indicators of Residual Petroleum Product in Soil Pores (Table 1)

(3) = concentration exceeds suggested NR 746 Protection of Human Health from Direct Contact with Contaminated Soil (Table 2)