

GIS REGISTRY INFORMATION

SITE NAME:	Newhall Investments								
BRRTS #:	03-41-260171								
COMMERCE # (if appropriate):	53213-1938-17								FID # (if appropriate):
CLOSURE DATE:	August 3, 2005								
STREET ADDRESS:	6817 W North Ave								
CITY:	Wauwatosa								
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):		X =	683037		Y =	289478			
CONTAMINATED MEDIA:	Groundwater	<input type="checkbox"/>	Soil	<input checked="" type="checkbox"/>	Both	<input type="checkbox"/>			
OFF-SOURCE GW CONTAMINATION >ES:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					
• IF YES, STREET ADDRESS:									
• GPS COORDINATES (meters in WTM91 projection):									
	X =				Y =				
OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					
• IF YES, STREET ADDRESS 1:									
• GPS COORDINATES (meters in WTM91 projection):									
	X =				Y =				
CONTAMINATION IN RIGHT OF WAY:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>					
<u>DOCUMENTS NEEDED</u>									
Closure Letter, and any conditional closure letter issued									<input checked="" type="checkbox"/>
Copy of most recent deed, including legal description, for all affected properties									<input checked="" type="checkbox"/>
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties									<input checked="" type="checkbox"/>
County Parcel ID number, if used for county, for all affected properties									<input checked="" type="checkbox"/>
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.									<input checked="" type="checkbox"/>
Detailed Site Map(s) for all affected properties , showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.									<input checked="" type="checkbox"/>
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)									<input type="checkbox"/>
Tables of Latest Soil Analytical Results (no shading or cross-hatching)									<input checked="" type="checkbox"/>
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.									<input type="checkbox"/>
GW: Table of water level elevations, with sampling dates, and free product noted if present									<input type="checkbox"/>
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)									<input type="checkbox"/>
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour									<input checked="" type="checkbox"/>
Geologic cross-sections, if required for SI. (8.5x14" if paper copy)									<input checked="" type="checkbox"/>
RP certified statement that legal descriptions are complete and accurate.									<input checked="" type="checkbox"/>
Copies of off-source notification letters (if applicable)									<input type="checkbox"/>
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)									<input type="checkbox"/>
Copy of (soil or land use) deed restriction (s) or deed notice if any required as a condition of closure									<input checked="" type="checkbox"/>



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
101 West Pleasant Street, Suite 100A
Milwaukee, Wisconsin 53212-3963
TDD #: (608) 264-8777
Fax #: (414) 220-5374
Jim Doyle, Governor
Mary P. Burke, Secretary

August 3, 2005

Mr. Lou Natenshone
Newhall Investment Co.
271 Hazel Ave.
Highland Park, IL 60035

RE: **Final Closure**

Commerce # 53213-1938-17 WDNR BRRTS # 03-41-260171
Newhall Investments, 6817 W. North Ave., Wauwatosa

Dear Mr. Natenshone:

The Wisconsin Department of Commerce (Commerce) has received all items required as conditions for closure of the site referenced above. This case is now listed as "closed" on the Commerce database and will be included on the Wisconsin Department of Natural Resources (WDNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to document residual soil contamination that remains above state standards. It is in your best interest to keep all documentation related to the environmental activities that were conducted.

If residual contamination is encountered in the future, it must be managed in accordance with all applicable state and federal regulations. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 220-5402.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Mueller", is written over a horizontal line.

Stephen D. Mueller
Hydrogeologist
Site Review Section

cc: Mr. D'Arcy Gravelle, Key Engineering Group, Ltd.
Case File

DEED 3654 580

DOCUMENT NO.

This indenture, Made this 21st day of December A. D. 1956 between L. R. DUBIN and MAY DUBIN, ADOLPH NATENSHON and TILLIE NATENSHON, individually and as husbands and wives,

NEWELL INVESTMENT CO., a Wisconsin corporation,

Witnesseth, That the said part 1st of the first part, for and in consideration of the sum of One (\$1.00)

to them in hand paid by the said part 2nd of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released and quit-claimed, and by these presents do give, grant, bargain, sell, remise, release and obligate unto the said part 3rd of the second part, and to its heirs, assigns forever, the following described real estate, situated in the County of Milwaukee State of Wisconsin, to-wit:

lots Five (5), Four (4), Three (3), and Two (2), except the North Seventy-three (73) feet of the East Sixteen and Thirty-four Hundredths (16.34) feet of said Lot Two (2), all of Lot One (1) except the North Seventy-three (73) feet of said Lot One (1), all in Block Six (6), in the Continuation of Ingewood in the North West One-quarter (1/4) of Section Twenty-two (22), in Township Seven (7) North, Range Twenty and (21) East, in the City of Wauwatosa.

TO Amy

no documentary stamps necessary.

To have and to hold the same, together with all and singular the appurtenances and privileges thereto belonging or in any way thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said part 1st of the first part, either in law or equity, either in possession or expectancy, to the only proper use, benefit and behoof of the said part 3rd of the second part, its heirs, assigns forever.

In Witness Whereof, the said part 1st of the first part in us hereunto set their hands and seals this 21st day of December A. D. 1956

SIGNED AND SEALED IN PRESENCE OF Harry J. Weisfeldt HARRY J. WEISFELDT Robert C. Johnson

L. R. Dubin (SEAL) L. R. Dubin May Dubin (SEAL) May Dubin, Individually and as wife of L. R. Dubin Adolph Natenshon (SEAL) Adolph Natenshon Tillie Natenshon (SEAL) Tillie Natenshon, Individually and as wife of Adolph Natenshon.

STATE OF WISCONSIN MILWAUKEE County Personally came before me, this 21st day of December A. D. 1956 the above named L. R. DUBIN and MAY DUBIN, ADOLPH NATENSHON and TILLIE NATENSHON, individually and as husbands and wives.

In me known to be the person who executed the foregoing instrument and acknowledged the same. Received for Record this day of A. D. 1956 Notary Public Milwaukee County Wis My Commission expires A. D. 1958

No. 3547629

L. R. DUBIL, et al.

NEWBELL INVESTMENT CO. et al.

Wisconsin Corporation

Quit Claim Deed

RECORDING DATA

REGISTERS OFFICE / SS.
Municipal Court, WIS.
RECORDED AT 15 11 AM

DEC 21 1896 in
Vol. 3654 - Deed page 580

E. J. ...

REGISTER OF DEEDS

Return To

Return to Box 230

67

PLAT OF SURVEY

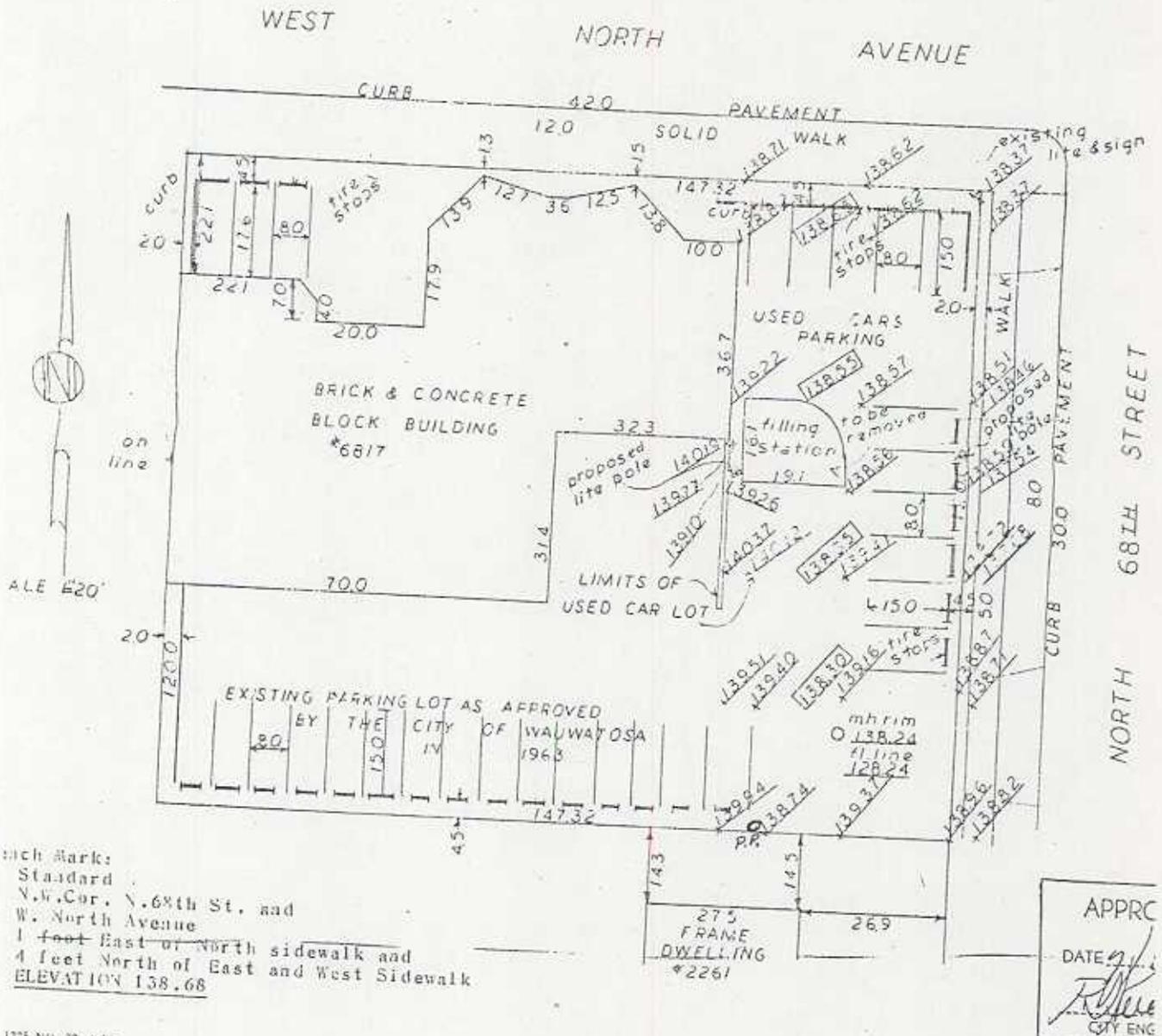
AND
PARKING LOT LAY-OUT

LOTS 1, 2, 3, 4 AND 5, IN BLOCK 6, IN CONTINUATION OF INGLEWOOD, IN THE NORTHWEST 1/4 OF SECTION 22,
TOWNSHIP 7 NORTH, RANGE 21 EAST, IN THE CITY OF WAUWATOSA, MILWAUKEE COUNTY, STATE OF WISCONSIN.

LOCATED AT 6817 WEST NORTH AVENUE

PARKING LOT SPECIFICATIONS:

- (1) Parking Lot shall be constructed of 6" crushed stone and 2" plant mixed asphalt surface.
- (2) Curbs shall be installed 2.5' from the West Line of North 68th Street and 4.5' from the South Line of West North Avenue, except in places of entrances and exists. Curbs shall be precast concrete tire stops in a continuous row.
- (3) Existing Openings on North 68th Street curb remain as is.
- (4) Quartz Lighting - 2 - 500 Watt on Existing Pole at Northeast Corner of Lot
2 - 500 Watt on each of two Rear Standards 20' high.



High Marks:
Standard
N.W. Cor. N. 68th St. and
W. North Avenue
1 foot East of North sidewalk and
4 feet North of East and West Sidewalk
ELEVATION 138.68

1325 No. 72nd St.
1/2 mi North of Main St.
WAUWATOSA, WIS

Surveyed and Drawn by
LAND SURVEYORS

SURVEYED FOR
James Blau
6803 W. North Ave.
Wauwatosa, Wis. 53213

I CERTIFY that I have surveyed the above de-
scribed property and that the above plat is an
accurate survey and a true representation
thereof and correctly shows the exterior bound-
ary lines and the principal lines of buildings
thereon and visible improvements.

Date June 6, 1967. *August Henke*
REGISTERED LAND SURVEYOR NO. 8499 STATE OF WISCONSIN

APPRC
DATE 9/1/67
August Henke
CITY ENG

PHONE
258-1338



No. 344-12895



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SEARCH BY:
Property Address

Search for one or more properties by address.

SEARCH BY:
Parcel Number

Search for a single property by its Parcel Number

SEARCH FOR:
Recent Sales

Search for properties that have recently sold.

SEARCH WITHIN:
All Parcels

Search the property database for properties by a combination of location and style information

PROPERTY INFORMATION

PARCEL NUMBER 344-0118-00
PROPERTY ADDRESS 6817 W NORTH AVE
PROPERTY TYPE COMMERCIAL

ASSESSMENT INFORMATION

ASSESSED LAND VALUE	██████████	ESTIMATED FAIR MARKET VALUE	██████████
ASSESSED IMPROVEMENT VALUE	██████████	ASSESSMENT RATIO	87.91
TOTAL ASSESSED VALUE	██████████		

WHERE DO I VOTE?

ALDERMANIC DISTRICT	1	ALDERMANIC WARD	2
VOTING LOCATION	Washington School 2177 N. 67th St. (67th & Garfield)		

COMMERCIAL BUILDINGS

BUILDING 1: TYPE	RETAIL-STORE	YEAR BUILT	1951
BUILDING 2: TYPE	RETAIL-STORE	YEAR BUILT	1951

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LAND INFORMATION

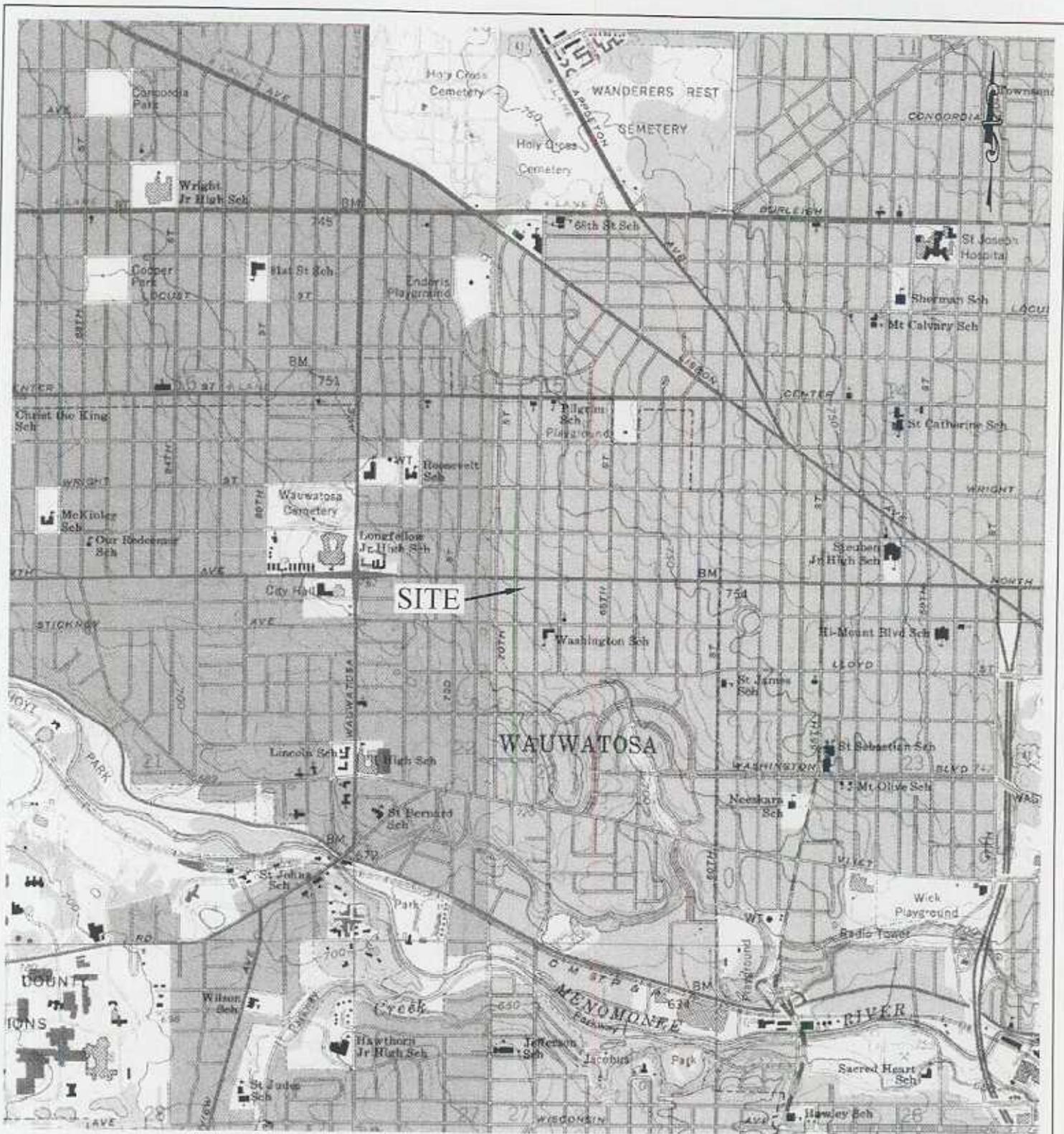
LAND SQUARE FEET	14393	TOTAL ACRES	.33
EFFECTIVE FRONTAGE		EFFECTIVE DEPTH	

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ADDITIONAL PROPERTY INFORMATION

NEIGHBORHOOD	903	BUSINESS DISTRICT	NO
ZONING	AA BUSINESS	TIF DISTRICT	
PLANNING AREA	NORTH AVE EAST		
CENSUS BLOCK	207	FLOOD PLAIN	NO
CENSUS TRACT	909	CORNER LOT	NO
GPS NUMBER			
LEGAL DESCRIPTION	CONT OF INGLEWOOD S 47 FT OF LOT 1 & ALL EXC THE THE E 16.34 FT OF LOT 2 & ALL OF LOTS 3 4 & 5 BLK 6 NV		

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SCALE IN FEET



0 2000'

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SOURCE: USGS Milwaukee, Wisconsin Quadrangle Map
Topographic Map 1958
Photorevised 1971

DESIGNED BY DPH	DATE 09/20/02
DRAWN BY CS	PROJECT 1111013
APPROVED BY GLJ	SHEET NO. 1
CAD FILE G:\ACAD\1111013\11110131.dwg	
XREF LMAX	

FIGURE 1
SITE LOCATION MAP
SITE INVESTIGATION
NEWHALL INVESTMENTS
6817 WEST NORTH AVENUE
WAUWATOSA, WISCONSIN



NORTH AVENUE

ROSEBUD CINEMA

SANITARY SEWER MANHOLE

SUBWAY RESTAURANT

CITY OF WAUWATOSA PARKING AREA

68TH STREET

BUILDING

EXISTING FIRE HYDRANT

APPROXIMATE PROPERTY BOUNDARY

FORMER USTs

OVERHEAD GARAGE DOOR

ASPHALT

AREA OF GRAVEL FILL

ASPHALT

OVERHEAD WRES (TYP.)

STORM SEWER MANHOLE

UTILITY POLE

EXISTING MONITORING WELL

UTILITY POLE UNDERGROUND ELECTRIC LINE

RESIDENCE (2261 N 68TH)

SANITARY SEWER MANHOLE

LEGEND

- ⊕ SOIL BORING LOCATION
- ⊕ SOIL BORING/MONITORING WELL LOCATION
- ▨ CATCH BASIN



DESIGNED BY	DATE
TEM	02/02/04
DRAWN BY	PROJECT
CTM	11110132
APPROVED BY	SHEET NO.
DJO	2
CAPL & VICKO/VHRS/UT/HS/SL/MS	
LDM/ JH	

FIGURE 2
SITE LAYOUT WITH SOIL BORINGS AND MONITORING WELL LOCATIONS
NEWHALL INVESTMENTS
6817 WEST NORTH AVENUE
WAUWATOSA, WISCONSIN

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TABLE 1

SUMMARY OF SITE INVESTIGATION SOIL SAMPLE ANALYTICAL RESULTS

NEWHALL INVESTMENTS
6817 West North Avenue
Wauwatosa, Wisconsin

PARAMETERS	SAMPLE IDENTIFICATION						GENERIC RCLs	
	B-1	B-2		B-3		B-4	PROTECTION OF GROUNDWATER	DIRECT CONTACT (NON-INDUSTRIAL)
Date Collected	1/22/03	1/22/03	1/22/03	1/22/03	1/22/03	1/22/03	---	---
Depth (feet bgs)	6-8	3.5-5.5	6-8	1-3	6-8	3.5-5.5	---	---
DRO (mg/kg)	<5.7	<5.8	11	8.9	66	<6.1	100/250 (1)	---
Total Cadmium (mg/kg)	<1.1	<1.2	<1.1	<1.2	<1.1	<1.2	8 (1)	---
Total Lead (mg/kg)	16	16	34	16	23	21	50 (1)	---
Detected VOCs (µg/kg)								
Naphthalene	<29	<29	<28	<29	67	<30	2,700 (4)	---
Detected PAHs (µg/kg)								
Acenaphthene	<57	<58	<57	<59	<56	<61	38,000 (2)	900,000 (2)
Anthracene	<5.7	<5.8	<5.7	7.8	<5.6	<6.1	3,000,000 (2)	5,000,000 (2)
Benzo(a)anthracene	<5.7	<5.8	<5.7	6.1	11	<6.1	17,000 (2)	88 (2)
Benzo(a)pyrene	11	13	14	14	7.7	26	48,000 (2)	8.8 (2)
Benzo(b)fluoranthene	19	24	11	8.5	16	15	360,000 (2)	88 (2)
Benzo(g,h,i)perylene	17	18	17	21	10	32	6,800,000 (2)	1,800 (2)
Benzo(k)fluoranthene	9.0	7.5	11	11	<5.6	13	870,000 (2)	880
Chrysene	6.0	<5.8	7.2	8.8	10	15	37,000 (2)	8,800
Dibenzo(a,h)anthracene	<8.6	<8.7	8.8	9.0	<8.4	11	38,000 (2)	8.8
Fluoranthene	19	25	23	29	28	30	500,000 (2)	600,000 (2)
Fluorene	<11	15	<11	<12	<11	<12	100,000 (2)	600,000
Indeno(1,2,3-cd)pyrene	7.6	9.7	8.8	6.5	<5.6	11	680,000 (2)	88 (2)
Naphthalene	<34	<35	<34	<35	<34	256	400 (2)/2,700 (4)	20,000 (2)
Phenanthrene	15	15	6.7	16	19	15	1,800 (2)	18,000 (2)
Pyrene	18	33	23	29	12	15	8,700,000 (2)	500,000 (2)

Notes:

Bold values exceed NR 746 Table 1 values or the WDNR Interim Guidance (2) protection of groundwater values

Boxed values exceed NR 746 Table 2 values or the WDNR Interim Guidance (2) direct-contact values

--- - not analyzed or no standard established

(1) - NR 720 GRCLS

(2) - From Soil Cleanup Levels for PAHs Interim Guidance, WDNR, PUBL-RR-519-97, April 1997, Corrected.

(3) - NR 746, Table 2 protection of human health from direct contact with contaminated soil (0-4 feet)

(4) - NR 746, Table 1 indicators of residual petroleum product in soil pores.

bgs - below ground surface

DRO - diesel range organics

GRO - gasoline range organics

mg/kg - milligrams per kilogram

mg/l - milligrams per liter

PAHs - polynuclear aromatic hydrocarbons

Q - analyte detected between limit of detection and limit of quantitation

RCL - residual contaminant level

µg/kg - micrograms per kilogram

VOCs - volatile organic compounds

NORTH AVENUE

- NOTES:**
 DNO DIESEL RANGE ORGANICS, mg/kg
 Cd TOTAL CADMIUM, mg/kg
 Pb TOTAL LEAD, mg/kg
 VOC VOLATILE ORGANIC COMPOUNDS, ug/kg
 PAHs POLYNUCLEAR AROMATIC HYDROCARBONS, ug/kg
 ANTH ANTHRACENE, ug/kg
 B(a)A BENZO(a)ANTHRACENE, ug/kg
 B(a)P BENZO(a)PYRENE, ug/kg
 B(b)F BENZO(b)FLUORANTHENE, ug/kg
 B(k)F BENZO(k)FLUORANTHENE, ug/kg
 B(a)P BENZO(a)FLUORANTHENE, ug/kg
 CHRY CHRYSENE, ug/kg
 D(a)A DIBENZO(a,h)ANTHRACENE, ug/kg
 FLUA FLUORANTHENE, ug/kg
 FLUD FLUORENE, ug/kg
 I(123-ed)P INDEN(123-ed)PYRENE, ug/kg
 PHEN PHENANTHRENE, ug/kg
 PYRENE, ug/kg
 Napht NAPHTHALENE, ug/kg
 ug/kg MICROGRAMS PER KILOGRAM
 mg/kg MILLIGRAMS PER KILOGRAM
 < LESS THAN

ROSEBUD
CINEMA

BUILDING

CITY OF WAUWATOSA
PARKING AREA

68TH STREET

SUBWAY
RESTAURANT

EXISTING
FIRE HYDRANT

EXISTING
MONITORING
WELL

B-1		
DATE	1/25/03	
DPTH	3	
API	28.000	

B-3		
DATE	1/22/03	1/28/03
DPTH	1-2	6-8
API	8.9	46
Cd	<1.2	<1.1
Pb	16	24
DETECTED PAHs		
Naph	<2	6.9
UNDETECTED PAHs		
ANTH	7.8	<5.6
B(a)A	5.1	11
B(a)P	6.5	7.8
B(b)F	21	10
B(k)F	11	<5.6
B(a)P	6.4	10
CHRY	2.4	<4.1
D(a)A	2.5	20
FLUA	6.3	<5.2
FLUD	16	10
PYRE	2.9	1.9

FORMER USTs
 OVERHEAD GARAGE DOOR
 ASPHALT
 AREA OF GRAVEL FILL

APPROXIMATE
PROPERTY
BOUNDARY

ASPHALT

B-1		
DATE	1/22/03	
DPTH	6-8	
API	<5.7	
Cd	<1.1	
Pb	16	
VOCs	20	
DETECTED PAHs		
Naph	11	
B(a)P	1.8	
B(a)P	1.7	
B(b)F	2.0	
B(k)F	6.9	
FLUA	1.8	
FLUD	7.8	
PYRE	1.5	
PT	1.8	

B-2		
DATE	1/22/03	1/28/03
DPTH	2.5-3.3	8-9
Cd	<0.8	1.1
Pb	<1.2	<1.1
Pb	16	24
VOCs	20	20
DETECTED PAHs		
Naph	14	14
B(a)P	24	11
B(b)F	7.8	1.7
B(k)F	5.5	1.1
CHRY	<5.6	7.2
D(a)A	<8.7	8.8
FLUA	2.5	2.1
FLUD	1.5	<1.1
IND(123-ed)P	8.5	0.1
PYRE	1.3	0.9
PT	3.2	2.1

B-4		
DATE	1/22/03	
DPTH	5.5-5.5	
Cd	<1.1	
Pb	<1.2	
Pb	20	
VOCs	20	
DETECTED PAHs		
Naph	1.8	
B(a)P	1.8	
B(b)F	1.2	
B(k)F	1.3	
CHRY	1.4	
D(a)A	1.2	
FLUA	1.8	
FLUD	1.7	
IND(123-ed)P	1.1	
Naph	2.9	
PYRE	1.5	
PT	1.5	

RESIDENCE
(2261 N 68TH)

LEGEND

- ⊕ SOIL BORING LOCATION
- ⊕ SOIL BORING/MONITORING WELL LOCATION
- GRAB SAMPLE LOCATION
- EXCEEDS NR 746 TABLE 2 VALUES OR THE WDNR INTERIM GUIDANCE (2) DIRECT-CONTACT VALUES



FIGURE 3
 SUMMARY OF SITE INVESTIGATION SOIL SAMPLE ANALYTICAL RESULTS
 NEWHALL INVESTMENTS
 6817 WEST NORTH AVENUE
 WAUWATOSA, WISCONSIN

DESIGNED BY	DATE
TEM	02/02/04
DRAWN BY	PROJECT
CDM	1111013
APPROVED BY	SHEET NO.
DJG	3
SCALE & VARIATION FROM PLANS	
1"=20'	

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Statement of Legal Description Accuracy

Newhall Investment Company is the owner and responsible party for the observed petroleum release at 6817 West North Avenue, Wauwatosa, Wisconsin (WDNR BRRTS # 03-41-260171). As the Manager, I hereby state that the attached legal description is accurate and complete.

Sincerely,
Newhall Investment Company



Louis Natenshon
Manager

DEED RESTRICTION

DOCUMENT NO:

Legal Description of the Property:

Lots Five (5), Four (4), Three (3), and Two (2), except the North Seventy-three (73) feet of the East Sixteen and Thirty-four Hundredths (16.34) feet of said Lot Two (2), all of Lot One (1) except the North Seventy-three (73) feet of said Lot One (1), all in Block Six (6), in the Continuation of Inglewood in the North West One-quarter (1/4) of Section Twenty-two (22), in Township Seven (7) North, Range Twenty-one (21) East, in the City of Wauwatosa.

Address: 6817 West North Avenue, Wauwatosa, Wisconsin 53213-1938

REGISTER OF DEEDS

JOHN LA FAVE

05/09/2005

02:01PM

09007986 RESTRICTIONS \$17.00

0

RECORDING FEE: \$17.00

TOTAL: \$17.00

CHECK: \$17.00

PHONE # 278-4005
35835

Name and Return Address:

UCC DEPARTMENT
DANE COUNTY TITLE
901 S. WHITNEY WAY
MADISON, WI 53711

344-0118-000-0

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Section 1. Newhall Investment, Co. is the owner of the above-described property.

Section 2. One or more petroleum discharges have occurred at this property. Remediation of this site included removal of two underground storage tanks (USTs) and ground-water monitoring to evaluate natural attenuation of residual petroleum contamination. Polynuclear Aromatic Hydrocarbons (PAHs) remain in soil at concentrations above generic residual contaminant levels developed by the Wisconsin Department of Natural Resources for protection of human health from direct contact (non-industrial). Natural attenuation is the approved remedial alternative for residual petroleum contamination on this property. (Case reference numbers: Commerce # 53213-1938-17, WDNR BRRTS # 03-41-260171).

Section 3. It is the desire and intention of the property owner to impose restrictions on the property that will make it unnecessary to conduct additional soil remediation activities on the property at the present time. The owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and/or restrictions.

Residual PAH contaminated soil remains in the area of the former UST basin at the southwest corner of the building, as shown on the attached figure(s) and table(s). The residual contamination occurs at a depth of three

COPY

feet or less below ground surface (bgs). The property owner has selected a soil performance standard (SPS) cover of concrete and/or asphalt as the remedial option to limit potential direct contact with the residual petroleum contaminated soil. In addition, the building that exists on the property may cover residual soil contamination. The surface barrier shall be maintained across this property until: 1) the soil is actively remediated or 2) it can be shown that the soil has naturally degraded to levels shown not to pose a human health risk. If subsurface work is done on the property, all contamination encountered shall be properly managed in accordance with applicable laws. In addition, the property owner must immediately notify the Wisconsin Department of Commerce, or its successor, of any changes to the SPS cover that have the potential to increase the risk of direct contact with the residual petroleum contaminated soil.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Commerce, or its successor, issue a determination that the restrictions set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Department shall determine whether or not the restrictions contained herein can be extinguished. Conditions under which a restriction may be extinguished will be determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this restriction, or portions of this restriction are no longer binding. Any restriction placed upon this property shall not be extinguished without the Department's written determination.

IN WITNESS WHEREOF, the owner of the property has executed this document, this 11th day of April, 2005.

By signing this document, [he/she] acknowledges that [he/she] is duly authorized to sign this document on behalf of NEWHALL INVESTMENT CO.

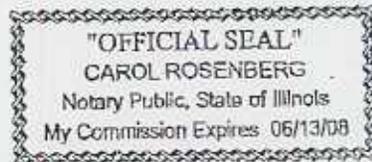
Signature: [Signature]

Printed Name: Louis W. [unclear]

Title: President

Subscribed and sworn to before me this 11 day of April, 2005

[Signature]
Notary Public, State of Illinois
My commission 6-13-08



This document was drafted by David P. Ruetz.