

GIS REGISTRY
Cover Sheet

March 2010
(RR-5367)

Source Property Information

BRRTS #: 03-41-557084
ACTIVITY NAME: Mykonos Restaurant - Former
PROPERTY ADDRESS: 8201 W. Greenfield Avenue
MUNICIPALITY: City of West Allis
PARCEL ID #: 451-0644-005

CLOSURE DATE: 7/1/2011
FID #: 341154220
DATCP #:
COMM #:

***WTM COORDINATES:**

X: 681809 Y: 284516

** 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

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 #: 03-41-557084

PARCEL ID #: ~~341154220~~ 451-0644-005

ACTIVITY NAME: Mykonos Restaurant - Former

WTM COORDINATES: X: 681809 Y: 284516

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:

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 #: 1 Title: Soil Boring 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 #: Title:

BRRTS #: 03-41-557084

ACTIVITY NAME: Mykonos Restaurant - Former

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 #: 2 Title: **Groundwater Sampling Results**

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 #: 03-41-557084

ACTIVITY NAME: Mykonos Restaurant - Former

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: NA
- 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: NA

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
John Hammen, Acting Regional Director
Telephone 414-263-8500
FAX 414-263-8606
TTY Access via relay - 711



July 1, 2011

Patrick Schloss
Community Development Manager
City of West Allis
7525 West Greenfield Avenue
West Allis WI 53214

Subject: Final Case Closure for former Mykonos Restaurant,
8201 West Greenfield Avenue, West Allis
FID# 341154220, BRRTS# 03-41-557084

Dear Mr. Schloss:

On June 24, 2011, the Department of Natural Resources ("the Department") reviewed your request for closure of the case described above. The Department 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.

GIS Registry

The conditions of case closure set out below in this letter require that this 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.

This letter and 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/tr/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) (v), 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.

Residual Soil Contamination

Residual soil contamination remains in the immediate area surrounding two heating oil underground storage tanks (USTs) formerly located on the eastern portion of the subject site, as shown on the attached map and in the information submitted to the Department of Natural Resources. The residual soil contamination, characterized as diesel range organics (DRO) at detected concentrations ranging to 400 mg/kg (see attached soil results table), may

be attributed to minor heating oil releases, or it could be associated with historic fill containing foundry sand. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Chapter NR 140, Wis. Adm. Code Exemption

Recent groundwater monitoring data at this site indicates that for Naphthalene near GP-14/26, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES) (see attached groundwater results table). The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that these criteria have been or will be met because the suspected source of the contamination – the two former heating oil USTs – were removed from the eastern portion of the subject property. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for Naphthalene near GP-14/26 (the area of the former heating oil USTs). Please keep this letter, because it serves as your exemption.

Historic Fill

Historic fill containing waste foundry sand was observed in soil borings advanced and sampled across the subject property to reported depths of up to 4.5 feet below ground surface. Attributed to the foundry sand were elevated concentrations of lead (to 110 mg/kg) and possibly arsenic (to 7.0 mg/kg). The Department will not require actions to address the historic fill at this time. However, if future plans for the property entail disturbing the historic fill (e.g., excavating, grading, building upon, etc.), submittal of a "Development at Historic Fill Site or Licensed Landfill Exemption Application" (Forms 4400-226 and 4400-226A) to the Department for approval will be required. Additional information can be obtained at: http://dnr.wi.gov/org/aw/rr/rbrownfields/historic_fill.htm.

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 or concerns regarding this letter, please contact me at (414) 263-8631 or by email at StephenD.Mueller@Wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Mueller", with a long horizontal flourish extending to the right.

Stephen D. Mueller
Project Manager/Hydrogeologist
Bureau for Remediation & Redevelopment

Enclosures: Soil Boring Location Map (Figure 2)
 Soil Analytical results (Table 1)
 Ground Water Sampling results (Table 2)

cc: Geoffrey Parish, GRAEF



DOC.# 09927210

RECORDED 10/15/2010 02:39PM
JOHN LA FAVE
REGISTER OF DEEDS
Milwaukee County, WI
AMOUNT: 30.00
FEE EXEMPT#:

NOTICE OF LIS PENDENS

Ch. 32 Wis. Stats

State of Wisconsin, County of Milwaukee

In the Matter of Acquisition of Real Property of:

165 Main Street, LLC, c/o Richard D. Herr

By: The Community Development Authority of the City of West Allis, Wisconsin

7525 West Greenfield Avenue

West Allis, WI 53214

This space is reserved for recording data

Return to

City Attorney's Office
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Parcel Identification Number/Tax Key Number

451-0644-005

You are notified that the Community Development Authority of the City of West Allis, Wisconsin, has caused to be served upon or mailed to:

Owner: 165 Main Street LLC
c/o Richard D. Herr
39131 Sunset Drive
Oconomowoc, WI 53066

Federal Tax Lien: Internal Revenue Service
c/o Tracy Smith
1111 South Park Drive
Greenwood, IN 46143

Tax Warrants: WI Department of Revenue
Office of General Counsel
c/o Jim Harnett
Chief Collection Attorney
Mail Stop 6-173
2135 Rimrock Road
Madison, WI 53713

as provided in s.32.05(4) Wis. Stats., a Jurisdictional Offer, a copy of which is attached and incorporated by reference. The premises affected by the Jurisdictional Offer and by the operation of s.32.05(4) Wis. Stats., are described in the attached and incorporated offer.

The Community Development Authority of the City of West Allis, Wisconsin
(Acquiring Agency)

John F. Stibal
(Signature)

John F. Stibal
(Print Name)

Executive Director
(Title)

10-11-10
(Date)

This instrument was drafted by:
Scott E. Post, City Attorney
City of West Allis, Wisconsin

RECEIVED

Project ID S. 84th Street & West Greenfield Avenue Redevelopment Project Area
L/Del/Notice of Lis Pendens-165 Main Street LLC

NOV 01 2010

Parcel No. 1

WEST ALLIS
CITY ATTORNEY

NOTICE OF LIS PENDENS

Ch. 32 Wis. Stats

State of Wisconsin, County of Milwaukee

In the Matter of Acquisition of Real Property of:

165 Main Street, LLC, c/o Richard D. Herr

By: The Community Development Authority of the City of West Allis, Wisconsin

7525 West Greenfield Avenue

West Allis, WI 53214

This space is reserved for recording data

Return to

City Attorney's Office
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Parcel Identification Number/Tax Key Number

451-0644-005

You are notified that the Community Development Authority of the City of West Allis, Wisconsin, has caused to be served upon or mailed to:

Owner: 165 Main Street LLC
c/o Richard D. Herr
39131 Sunset Drive
Oconomowoc, WI 53066

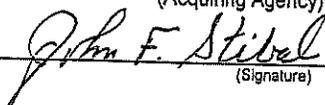
Federal Tax Lien: Internal Revenue Service
c/o Tracy Smith
1111 South Park Drive
Greenwood, IN 46143

Tax Warrants: WI Department of Revenue
Office of General Counsel
c/o Jim Harnett
Chief Collection Attorney
Mail Stop 6-173
2135 Rimrock Road
Madison, WI 53713

as provided in s.32.05(4) Wis. Stats., a Jurisdictional Offer, a copy of which is attached and incorporated by reference. The premises affected by the Jurisdictional Offer and by the operation of s.32.05(4) Wis. Stats., are described in the attached and incorporated offer.

The Community Development Authority of the City of West Allis, Wisconsin

(Acquiring Agency)


(Signature)

John F. Stibal
(Print Name)

Executive Director
(Title)

10-11-10

(Date)

RECEIVED

JAN 24 2011

WEST ALLIS
CITY ATTORNEY

This instrument was drafted by:
Scott E. Post, City Attorney
City of West Allis, Wisconsin

Project ID: S. 84th Street & West Greenfield Avenue Redevelopment Project Area
L/Del/Notice of Lis Pendens-165 Main Street LLC

Parcel No. 1

JURISDICTIONAL OFFER
s.32.05 Wisconsin Statutes

Date: September 30, 2010

To: Owner:	Federal Tax Lien*:	Tax Warrants*:
165 Main Street, LLC	Internal Revenue Service	WI Department of Revenue
C/o Richard D. Herr	C/o Tracy Smith	Office of General Counsel
39131 Sunset Drive	1111 South Park Drive	C/o Jim Harnett, Chief Collection Attorney
Oconomowoc, WI 53066	Greenwood, IN 46143	Mail Stop 6-173
		2135 Rimrock Road
		Madison, WI 53713

(Hereinafter referred to as "Owner", whether one or more)

* See "Exhibit A", attached hereto and made a part hereof for additional information.

Date of Relocation Order	Relocation Order Filed with County Clerk of	Public Purpose for Property
September 22 nd , 2009	Milwaukee on October 7 th , 2009	S. 84 th Street & West Greenfield Ave. Redevelopment Project

Please take notice that this is the Jurisdictional Offer of the Community Development Authority of the City of West Allis in accordance with subsection 32.05(3), Wisconsin Statutes. The Community Development Authority of the City of West Allis, hereinafter referred to as Purchaser, offers to purchase a fee simple interest in the following described parcel of real estate:

Lot 3 of Certified Survey Map No. 6510 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on April 29, 1998 in Reel 4297, at Image 1581, as Document No. 7524884, being part of the Northwest ¼ of the Northeast ¼ of Section 4, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Tax Key No. 451-0644-005

Address: 8201 West Greenfield Avenue

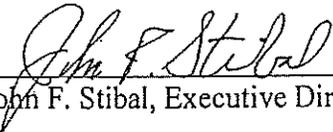
in which you own an interest in said land, including improvements, agrees to pay the sum of One Million, Four Hundred Eighty Thousand and NO/100 Dollars (\$1,480,000.00) within 60 days from the acceptance of this offer under the following terms and conditions:

- A. The said property and the interest described are required by the Purchaser for the public purpose stated above, as more fully described in the Relocation Order, the date and place of filing specified above. The Purchaser in good faith intends to use the above-described property for such public purpose.
- B. The Purchaser proposes to occupy and the Owner will vacate the premises on November 30th, 2010.
- C. Compensation for additional items of damage listed in s.32.19 and s.32.195 of the Wis. Stats. has not been included in this Offer. If any such items are shown to exist the Owner may file claims as provided in s.32.20 of the Wis. Stats.

- D. The purchase price is based upon an appraisal of the Owner's property of which a copy of the appraisal report has been provided to the Owner. The appraisal is also available for inspection and copying in the Office of the City Attorney, 7525 West Greenfield Avenue, West Allis, Wisconsin 53214 by persons having an interest in the property sought to be acquired.
- E. Owner has 20 days from the date of personal service of this Offer, if personally served, or 20 days from the date of postmark of the certified mail envelope transmitting this Offer, if transmitted by mail, or 20 days from the date of publication of this Offer, if published, in which to accept this Offer, unless such time is extended by mutual written consent of Owner and Purchaser. Acceptance shall be as follows: Owner must execute the acceptance clause at the end of this Offer on or prior to October 20th, 2010, and the Offer and acceptance must be delivered to Purchaser at City Attorney's Office, 7525 West Greenfield Avenue, West Allis, WI 53214 not later than regular office closing time on October 20th, 2010, or mailed to Purchaser at the last above stated address in an addressed, postage prepaid envelope bearing postmark of not later than 11:59 P.M., October 20th, 2010.
- F. If the Owner does not accept this offer as set forth herein; Owner has 40 days from the date of service, postmark or publication of this offer to commence a court action to contest the right of condemnation as provided in s.32.05 (5) of the Wis. Stats. provided that the acceptance and retention of any compensation resulting from an award made prior to the commencement of such an action shall be an absolute bar to such action.
- G. If Owner agrees to accept the Jurisdictional Offer, it is considered a negotiated purchase, therefore the condemnor must record the conveyance with the Register of Deeds in the county where the land is located. Also, all Owners of record should receive by certified mail a copy of the conveyance and a notice of their right to appeal within 6 months after the date of the recording of the conveyance. Such an appeal would challenge the amount of compensation received by the property owner from an accepted Jurisdictional Offer.
- H. Owner has 2 years from the date of the recording of an award, as described in s.32.05 (7) of the Wis. Stats., in the office of the Register of Deeds in which to appeal for greater compensation without prejudice to Owner's right to use the compensation given to Owner by the award. Owner's right of appeal is subject to the provisions of s.32.05 (9)(a) and (11), Wis. Stats. In the case of an appeal under s.32.05 (9)(a), Wis. Stats., the parties having an interest in the property who are taking the appeal may initiate such appeal by filing with the Purchaser a letter requesting that the issue of the amount of such compensation be determined by the Condemnation Commission of Milwaukee County.
- I. The law provides for the payment of certain litigation expenses by the condemnor and these costs are defined in Ch.814 of the Wisconsin Statutes.
- J. If this offer is accepted by Owner, the transfer of title shall be accomplished within 60 days after acceptance including the payment to Owner of said purchase price, provided however, that notwithstanding any provision herein to the contrary, said 60-day period may, at the request of the Owner, be extended by mutual written agreement of the Owner and Purchaser.
- K. This offer may be withdrawn by Purchaser at any time prior to its acceptance by Owner.
- L. Real estate taxes for the current year shall be prorated as of the date of proposed occupancy set forth, said proration to be based upon the latest available tax assessment.

- M. Purchaser will prepare necessary instruments to accomplish said transfer. Transfer shall be Warranty Deed unless a lesser conveyance is accepted by Purchaser. Transfer shall be free of defects and encumbrances but subject to ordinances and restrictions of record.
- N. If all persons or entities designated as Owner do not accept this offer within the time specified, this offer will be deemed to have been rejected by all such persons or entities notwithstanding the acceptance by one or more of such persons or entities.
- O. Included in the purchase price is payment in full for all buildings, structures and other improvements (including removable building equipment and trade fixtures), which are considered to be part of the real estate, except those fixtures owned by a tenant. There are no trade fixtures included in the purchase price. Personal property on the premises is not considered part of the real estate and is not included in this Offer.
- P. This offer, if accepted by Owner, shall constitute a binding contract.

**COMMUNITY DEVELOPMENT AUTHORITY
OF THE CITY OF WEST ALLIS**

By: 
John F. Stibal, Executive Director

() Accepted () Rejected

165 Main Street, LLC

By: _____
Richard D. Herr (Registered Agent) (Date)

By: _____

Return to:
City Attorney's Office
7525 West Greenfield Avenue
West Allis, WI 53214

H/Scot/CDA/Jurisdictional Offer-165 Main Street LLC

EXHIBIT A

For Jurisdictional Offer to 165 Main Street, LLC

Judgment, Lien, and Tax Warrants on the Property at 8201 West Greenfield Avenue, West Allis, Wisconsin, AKA Tax Key # 451-0644-005

Judgment in favor of 165 Main Street, LLC, filed against Thomas A. Miller and Robert A. Logan, in Milwaukee County on December 4, 2008 in the sum of \$900,000.00, Case # 2007CV007742.

Federal Tax Lien, filed by District Director of Internal Revenue at Milwaukee, WI. on May 3, 2007, as Doc. # 9426721 in favor of the United States vs. Tom Miller in the amount of \$63,939.85.

Tax Warrant # 235401 for Delinquent Workers Compensation filed by Wisconsin Department of Revenue and docketed against Robert Logan, on September 20, 1996, in the sum of \$21,208.52.

Tax Warrant # 432776 for Delinquent State Tax filed by the Wisconsin Department of Revenue and docketed against Robert A. Logan, on November 7, 2000, in the sum of \$14,037.50.

Tax Warrant # 433557 for Delinquent State Tax filed by the Wisconsin Department of Revenue and docketed against Robert A. Logan, on December 7, 2000, in the sum of \$14,022.50.

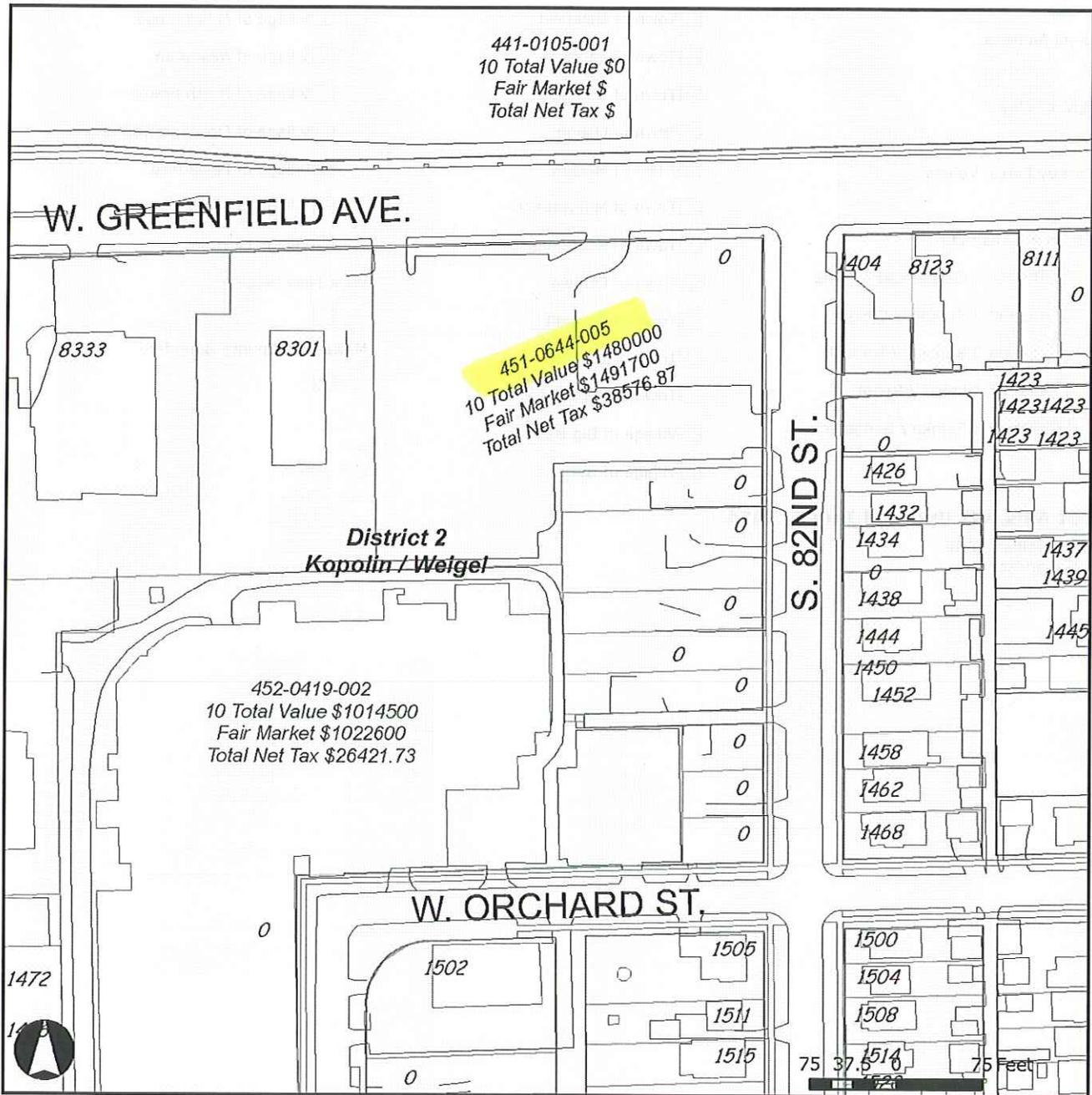
Copy of this Jurisdictional Offer sent to the following:

165 Main Street, LLC, C/o Richard D. Herr, 39131 Sunset Drive, Oconomowoc, WI. 53066. For judgment of record noted above.

Internal Revenue Service, C/o Tracy Smith, 1111 South Park Drive, Greenwood, Indiana, 46143. For the Federal Tax Lien noted above.

Wisconsin Department of Revenue, Office of General Counsel, C/o Mr. Jim Harnett, Chief Collection Attorney, Mail Stop 6-173, 2135 Rimrock Road, Madison, WI. 53713. For three Tax Warrants noted above.

Print Map



Curbs



Walks



Drives



City Structures



Structures

Waukesha Civil Divisions

City of Brookfield

City of Delafield

City of Milwaukee

City of Muskego

City of New Berlin

City of Oconomowoc

City of Pewaukee

Waukesha Civil Divisions (continued)

Village of Chenequa

Village of Dousman

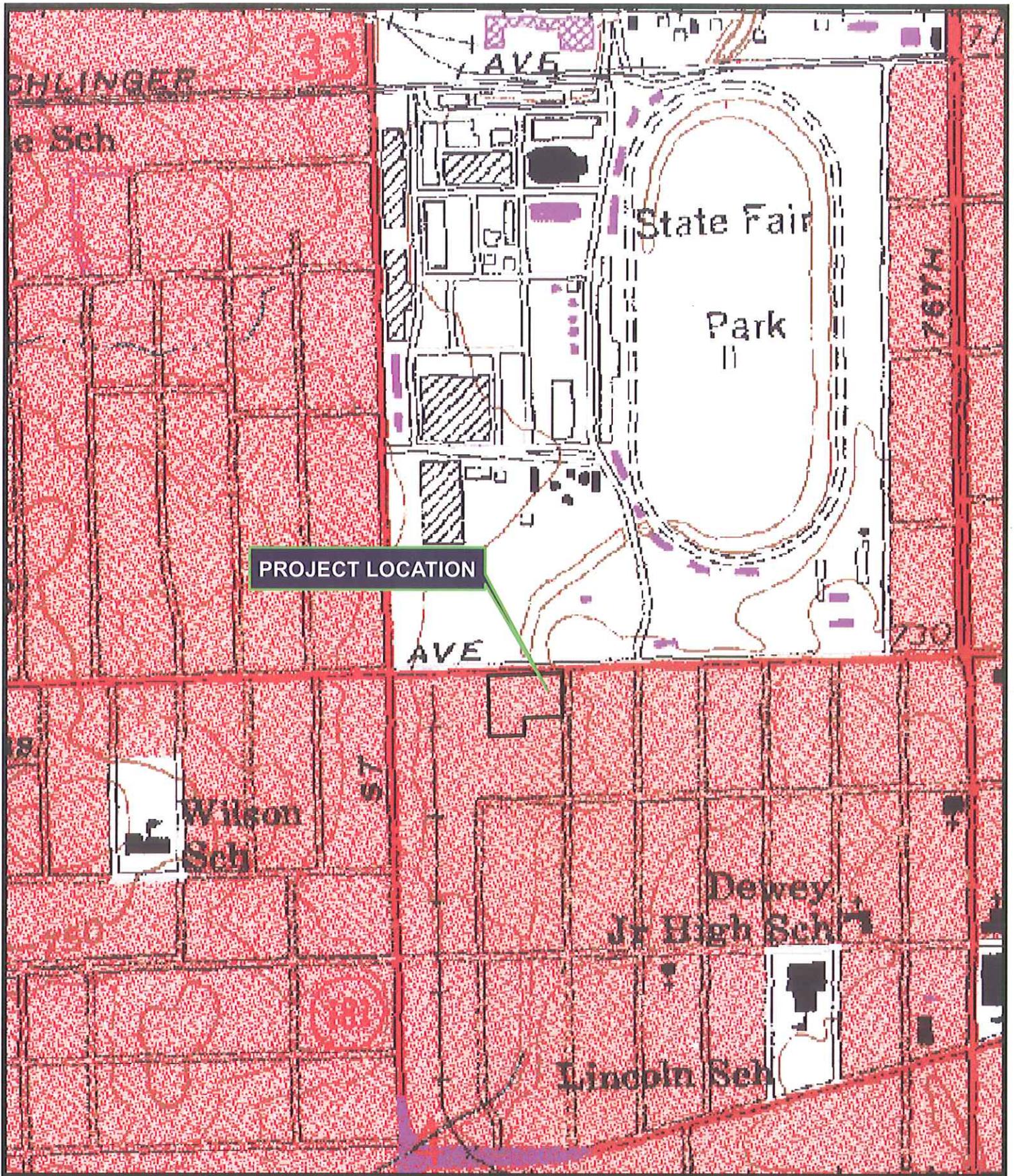
Village of Eagle

Village of Elm Grove

Village of Hartland

Village of Lac La Belle

Village of Lannon



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PROJ. NUMBER: 2009-0357.00
 DATE: 12-08-2009
 PROJECT MGR: EGD
 DRAWN BY: CMV

SITE LOCATION MAP
 PARCEL 1
 MYKONOS
 8201 W. GREENFIELD AVENUE
 CITY OF WEST ALLIS
 MILWAUKEE COUNTY, WISCONSIN

FIGURE 1



 Geo-Probe Location
 Drawing not to scale

Mykonos Site
West Allis, Wisconsin
Soil Boring Location Map

Figure 2



GRaEF



Foundry Sand Fill Area



Area of Petroleum Impacts
Above 250 ppm DRO

Exhibit A
Impacted Soils Map

TABLE 1
Soil Analytical Results
Former Mykonos Restaurant
8201 West Greenfield Avenue
West Allis, Wisconsin
12/20/2010 Through 5/19/2011.

PARAMETER	NR 700	GP-1	GP-2	GP-2	GP-3	GP-3	GP-3	GP-4	GP-5	GP-5	GP-8	GP-10	GP-11	GP-13	GP-14	GP-14
		12/20/2010 6.0-8.0'	12/20/2010 4.0-6.0'	12/20/2010 8.0-10.0'	12/20/2010 2.0-4.0'	12/20/2010 4.0-6.0'	12/20/2010 10.0-12.0'	12/20/2010 6.0-8.0'	12/20/2010 6.0-8.0'	12/20/2010 10.0-12.0'	12/20/2010 6.0-8.0'	12/22/2010 6.0-8.0'	12/22/2010 6.0-8.0'	12/22/2010 6.0-8.0'	12/22/2010 6.0-8.0'	12/22/2010 2.0-4.0'
Benzene (ug/kg)	5.5	<30	170	<30		77	<30	<32	<33	<30	<30	<27	<30	<30	<28	<31
n-Butylbenzene		<30	95	<30		300	<30	<32	74	<30	<30	<27	<30	<30		
sec-Butylbenzene		<30	45	<30		100	<30	<32	190	<30	<30	<27	<30	<30		
Ethylbenzene (ug/kg)	2900	<30	260	<30		390	<30	<32	<33	<30	<30	<27	<30	<30	<28	<31
Isopropylbenzene		<30	190	<30		230	<30	<32	68	<30	<30	<27	<30	<30		
p-Isopropyltoluene		<30	<32	<30		50	<30	<32	<33	<30	<30	<27	<30	<30		
Methyl tert-Butyl Ether (ug/kg)		<30	<32	<30		<30	<30	<32	<33	<30	<30	<27	<30	<30	<28	<31
Naphthalene	2700	<60	310	<60		430	<59	<63	<66	<59	<61	<54	<60	<60		
n-Propylbenzene		<30	740	<30		1000	<30	<32	92	<30	<30	<27	<30	<30		
Toluene (ug/kg)	1500	<30	<32	<30		42	<30	<32	<33	<30	<30	<27	<30	<30	<28	<31
1,2,4-Trimethylbenzene (ug/kg)		<30	380	<30		660	<30	<32	<33	<30	<30	<27	<30	<30	<28	40
1,3,5-Trimethylbenzene (ug/kg)		<30	54	<30		230	<30	<32	<33	<30	<30	<27	<30	<30	<28	<31
Xylenes, total (ug/kg)	4100	<100	640	<100		600	<100	<110	<110	<100	<100	<92	<100	<100	<84	<93
DRO (mg/kg)	100/250	<5.2	50	<6.0		98	<5.0	<5.2	9.7	<4.9	<4.9	<4.5	<4.9	<4.8	400	30
GRO (mg/kg)	100/250	NA	<5.5	<5.0		33	<5.9	<6.3	NA	NA	NA	NA	<6.0	<6.0	<5.6	16
Arsenic (mg/kg)	0.039/1.6	<3.0	<3.1			3.2										
Barium (mg/kg)		51	97			370										
Cadmium (mg/kg)	8/510	0.17	0.97			0.65										
Chromium (mg/kg)		19	21			18										
Lead (mg/kg)	50/500	10	14			65										
Mercury (mg/kg)		<0.012	0.045			0.02										
Selenium (mg/kg)		8.1	<4.9			4.6										
Silver (mg/kg)		0.14	<0.14			<0.13										
PID (ppm)		1.9	191.7	14.6	3.4	350.0	18.9	0.4	26.5	1.6	1.6	0.0	0.0	0.0	5.7	30.6

TABLE 1
Soil Analytical Results
Former Mykonos Restaurant
8201 West Greenfield Avenue
West Allis, Wisconsin
12/20/2010 Through 5/19/2011.

PARAMETER	NR 700	GP-15	GP-16	GP-16	GP-17	GP-18	GP-19	GP-20	GP-20	GP-21	GP-22	GP-22	GP-23	GP-23	GP-24	GP-25	GP-25	GP-28	GP-28	GP-29
		12/22/2010 10.0-12.0'	12/22/2010 2.0-4.0'	12/22/2010 10.0-12.0'	1/26/2011 4.0-6.0'	1/26/2011 6.0-8.0'	1/26/2011 4.0-6.0'	1/26/2011 0.0-2.0'	1/26/2011 6.0-8.0'	1/26/2011 0.0-2.0'	1/26/2011 2.0-4.0'	1/26/2011 6.0-6.0'	1/26/2011 0.0-2.0'	1/26/2011 8.0-10.0'	1/26/2011 4.0-6.0'	1/26/2011 2.0-4.0'	1/26/2011 8.0-10.0'	5/18/2011 6.0-8.0'	5/18/2011 10.0-12.0'	5/18/2011 2.0-4.0'
Benzene (ug/kg)	5.5	<30	<28	<30	<31	<30	210	<29	<30	<29	NA	<32	<27	<31	<31	<28	<29	<29	<29	<28
n-Butylbenzene					<31						NA									
sec-Butylbenzene					<31						NA									
Ethylbenzene (ug/kg)	2900	<30	<28	<30	<31	<30	110	<29	<30	<29	NA	<32	45	<31	<31	<28	<29	<29	<29	<28
Isopropylbenzene					<31						NA									
p-Isopropyltoluene					<31						NA									
Methyl tert-Butyl Ether (ug/kg)	2700	<30	<28	<30	<31	<30	<31	<29	<30	<29	NA	<32	<27	<31	<31	<28	<29	<29	<29	<28
Naphthalene					<63						NA									
n-Propylbenzene					<31						NA									
Toluene (ug/kg)	1500	<30	<28	<30	<31	<30	<31	41	<30	<29	NA	<32	<27	<31	<31	<28	<29	<29	<29	<28
1,2,4-Trimethylbenzene (ug/kg)	150	<28	<28	47	<31	<30	<31	42	<30	55	NA	<32	<27	<31	<31	<28	<29	35	<29	<28
1,3,5-Trimethylbenzene (ug/kg)	59	<28	<28	<30	<31	<30	<31	<29	<30	<29	NA	<32	42	<31	36	<28	<29	<29	<29	<28
Xylenes, total (ug/kg)	4100	<91	<83	<91	<110	<89	180	110	<89	94	NA	<95	<82	<92	110	<84	<87	<86	<87	<85
DRO (mg/kg)	100/250	73	130	86	NA	NA	NA	270	<4.9	170	NA	<5.8	150	<5.2	220	74	<5.2	3.5	27	2.9
GRO (mg/kg)	100/250	60	<5.5	16	NA	60	61	NA	NA	NA	NA	NA	NA	NA						
Arsenic (mg/kg)	0.039/1.6										7.0					6.2				
Barium (mg/kg)											57					35				
Cadmium (mg/kg)	8/510										1.5					3.5				
Chromium (mg/kg)											25					24				
Lead (mg/kg)	50/500										100					110				
Mercury (mg/kg)											0.36					0.098				
Selenium (mg/kg)											<4.7					<4.2				
Silver (mg/kg)											0.4					<0.12				
PID (ppm)		101.8	1.5	46.9	6.2	279.0	482.0	11.1	0.0	5.4	0.0	0.1	254.7	0.0	6.4	21.5	4.7	90.9	1.7	0.5

Table 2
Ground Water Sampling Results
8201 West Greenfield Avenue
West Allis, Wisconsin

Parameters	PAL	ES	GP-14	GP-14/26	GP-16/27	GP-29
			12/22/2010	5/19/2011	5/19/2011	5/19/2011
			(ppb)	(ppb)	(ppb)	(ppb)
Benzene	0.5	5	<0.25	0.91 J	0.25 J	<0.25
Ethylbenzene	140	700	<0.22	0.95 J	0.24 J	<0.22
MTBE	12	60	0.33	<0.23	0.62 J	<0.23
Toluene	200	1,000	<0.25	0.28 J	0.35 J	<0.25
1,2,4-Trimethylbenzene	480	96	0.56	23	3.1	0.71 J
1,3,5-Trimethylbenzene	Totaled	Totaled	0.47	23	1.2	<0.19
Xylenes	1,000	10,000	<0.39	12	0.71 J	<0.39
Naphthalene	10	100	NT	13	3.4	<0.50

J - Laboratory results are between the method detection limit and the limit of quantification.

Italic results exceed the PAL

NT not tested

GP-14 was a grab sample from a borehole

GP-14/26 and GP-16/27 were screened temporary well points with built-on gravel packs.