





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
FAX 414-263-8606  
Telephone 414-263-8500  
TTY Access via relay - 711

October 12, 2006

Mr. James G. Voelz, Vice President  
MRED-II, Inc.  
W228 N745 Westmound Drive  
Waukesha, WI 53186

**SUBJECT:** Final Case Closure with Conditions  
Former Gronik property, 11270 North Port Washington Road, Mequon, WI  
**WDNR BRRTS Activity #: 02-46-000262 FID#246102010**

Dear Mr. Voelz:

The Wisconsin Department of Natural Resources has reviewed the above-referenced environmental remediation case to determine whether it has met state laws and standards for site closure. The Department previously granted conditional closure to the site in a letter dated August 18, 1995. Based on the correspondence and data provided to the Department, it appears that the conditions of closure have now been met and this site meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter are met.

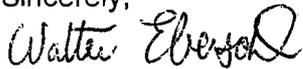
Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious caps that currently exist in the locations shown on the attached map shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. The cap will also prevent direct contact with residual soil/fill contamination that might otherwise pose a threat to human health. If soil/fill/solid waste is excavated at this site in the future, the property owner at the time of excavation must sample and analyze the excavated material to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil/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.

This site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted to meet closure requirements will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

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 (920) 892-8756 ext. 3025.

Sincerely,



Walter Ebersohl

Southeast Region Remediation & Redevelopment Team Supervisor

cc: SER site file  
Mandel/Mequon MarketPlace LLC, c/o Michael Flanagan, Foley & Lardner LLP

Attachments

**COVER SYSTEM MAINTENANCE PLAN  
MRED-II, INC.**

**October 2006**

**11270 North Port Washington Road  
Mequon, Ozaukee County, Wisconsin 53092**

**WDNR FID # 246102010, WDNR BRRTS # 02-46-000262**

Parcel 3 and Outlet 1 of Certified Survey Map No. 2969, being a redivision of Certified Survey Map No. 2431 and lands being a part of the Southwest 1/4 of the Southwest 1/4 of Section 20, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, recorded May 30, 1997, in the office of the Register of Deeds in Volume 21 of Certified Survey Maps, on Pages 132, 133, 134 and 135, as Document No. 577928.

Parcel No.: 15-052-01-02-001

**Introduction**

The purpose of this document is to present a Cover System Maintenance Plan ("Maintenance Plan") for the existing cover system (building foundation and asphalt parking lot) or any replacement cover system at the above-referenced property per the requirements of NR 724.13(2) of the Wisconsin Administrative Code. The maintenance activities relate to the existing slab on grade building and other paved surfaces covering approximately 46 percent of the above-described property. Fill exists on the property and certain volatile organic compounds ("VOCs") and Resource Conservation & Recovery Act ("RCRA") metals have been detected in groundwater on the property. The amount of paved surfaces and/or buildings to be maintained in accordance with this Maintenance Plan shall not be less than 45 percent of the property's surface area, and the current layout of the barrier is identified in the map attached as Exhibit A.

**Cover and Building Barrier Purpose**

The paved surfaces and the building foundation function or act as a partial infiltration barrier to minimize future soil-to-groundwater migration that may violate the groundwater standards in NR 140, Wis. Admin. Code.

**Annual Inspection**

The paved surfaces and building foundation on the property will be inspected once a year for cracks and other potential problems that can cause additional infiltration of surface water into underlying soils. The inspections will be performed to evaluate damage to the floor due to exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the

inspections will be maintained by the property owner or its designated representative and is included as Exhibit B, *Cap Inspection Form*. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log.

### **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. Maintenance activities can include patching and filling operations or they can include larger resurfacing or construction operations. The property owner or its designated representative must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. Any contaminated soil must be treated, stored and disposed of by the property owner or its designated representative in accordance with applicable local, state and federal law.

In the event the paved surfaces and/or the building on the property 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 Wisconsin Department of Natural Resources (“WDNR”) or its successor. In addition, the paved surface and/or building area may be reconfigured so long as not less than 45 percent of the surface of the property is covered with such a barrier. In the event of a reconfiguration of the 45 percent barrier, the property owner will notify WDNR of the reconfiguration and provide documentation confirming the 45 percent barrier.

The property owner or its designated representative, in order to maintain the integrity of the Maintenance Plan, 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.

### **Amendment or Withdrawal of Maintenance Plan**

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

### **Contact Information**

**Site Owner and Operator:** MRED-II, Inc.  
c/o James G. Voelz, Vice President  
W228 N745 Westmound Drive  
Waukesha, WI 53186  
262-896-8720  
262-549-1725 (facsimile)

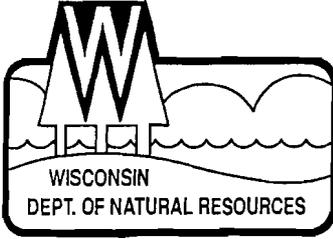
WDNR:

Victoria Stovall  
WDNR – Southeast Region Headquarters  
2300 North Martin Luther King Jr. Drive  
Milwaukee, WI 53212  
414-263-8500









## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
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Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
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October 12, 2006

Mandel/Mequon MarketPlace LLC  
c/o Michael D. Flanagan  
Foley & Lardner LLP  
777 E. Wisconsin Ave.  
Milwaukee, WI 53202

SUBJECT: Final Case Closure with Conditions  
Former Gronik property, 11300 North Port Washington Road, Mequon, WI  
WDNR BRRTS Activity #: 02-46-000262 FID#246102010

Dear Mr. Flanagan:

The Wisconsin Department of Natural Resources has reviewed the above-referenced environmental remediation case to determine whether it has met state laws and standards for site closure. The Department previously granted conditional closure to the site in a letter dated August 18, 1995. Based on the correspondence and data provided to the Department, it appears that the conditions of closure have now been met and this site meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter are met.

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious caps that currently exist 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 additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. The cap will also prevent direct contact with residual soil/fill contamination that might otherwise pose a threat to human health. If soil/fill/solid waste is excavated at this site in the future, the property owner at the time of excavation must sample and analyze the excavated material to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of

the contaminated soil/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.

This site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted to meet closure requirements will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

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 (920) 892-8756 ext. 3025.

Sincerely,



Walter Ebersohl

Southeast Region Remediation & Redevelopment Team Supervisor

cc: SER site file

Attachments

**COVER SYSTEM MAINTENANCE PLAN  
MEQUON MARKETPLACE**

**October 2006**

**Portion of the Property Located at:  
11300 N. Port Washington Rd.  
Mequon, Ozaukee County, Wisconsin  
WDNR FID # 246102010, WDNR BRRTS # 02-46-000262**

**Parcel I:**

PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2969, BEING A REDIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2431 AND LANDS BEING A PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 22 EAST, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN, RECORDED MAY 30, 1997 IN THE OFFICE OF THE REGISTER OF DEEDS IN VOLUME 21 OF CERTIFIED SURVEY MAPS, PAGES 132 THROUGH 135 INCLUSIVE, AS DOCUMENT NUMBER 577928.

**PARCEL NO.: 150201100700**

*Introduction*

The purpose of this document is to present a Maintenance Plan for the existing cover system (building foundation, asphalt parking lot, and clay lined storm water retention basin) or any replacement cover system at the above-referenced property per the requirements of NR 724.13(2) of the Wisconsin Administrative Code. The maintenance activities relate to the existing slab on grade building and other paved surfaces covering approximately 58% of the above described property. Fill exists on the property and certain volatile organic compounds (“VOCs”) and RCRA metals have been detected in groundwater on the property. The amount of paved surfaces and/or buildings to be maintained in accordance with this Maintenance Plan shall not be less than 50% of the property’s surface area, and the current layout of the barrier is identified in the attached map, Exhibit A.

*Cover and Building Barrier Purpose*

The paved surfaces and the building foundation function or act as a partial infiltration barrier to minimize future soil-to-groundwater migration that may violate the groundwater standards in NR 140, Wis. Admin. Code.

### Annual Inspection

The paved surfaces and building foundation on the property will be inspected once a year for cracks and other potential problems that can cause additional infiltration of surface water into underlying soils. The inspections will be performed to evaluate damage to the floor due to exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections will be maintained by the property owner or its designated representative and is included as Exhibit B, *Cap Inspection Form*. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log.

### 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. Maintenance activities can include patching and filling operations or they can include larger resurfacing or construction operations. The property owner or its designated representative must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. Any contaminated soil must be treated, stored and disposed of by the property owner or its designated representative in accordance with applicable local, state and federal law.

In the event the paved surfaces and/or the building on the property 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 Wisconsin Department of Natural Resources ("WDNR") or its successor. In addition, the paved surface and/or building area may be reconfigured so long as not less than 50% of the surface of the property is covered with such a barrier. In the event of a reconfiguration of the 50% barrier, the property owner will notify WDNR of the reconfiguration and provide documentation confirming the 50% barrier.

The property owner or its designated representative, in order to maintain the integrity of the Cover System Maintenance Plan, 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.

### 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

Site Owner and Operator: Mandel/Mequon MarketPlace LLC  
c/o Michael D. Flanagan  
Foley & Lardner LLP  
777 E. Wisconsin Ave  
Milwaukee, WI 53202  
Phone: (414) 297-5834  
Fax: (414) 297-4900

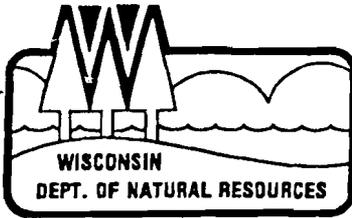
Consultant: David Barndt  
PSI, Inc.  
18601 West Dakota Street  
New Berlin, WI 53151  
Phone: (414) 641-0911  
Fax: (414) 641-0918

WDNR: Victoria Stovall  
WDNR – Southeast Region Headquarters  
2300 N. Martin Luther King Jr. Drive  
Milwaukee, WI 53212  
Phone: (414) 263-8500









George E. Meyer  
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District  
P.O. Box 12436  
4041 North Richards Street  
Milwaukee, Wisconsin 53212  
TELEPHONE 414-229-0800  
TELEFAX 414-229-0810

August 18, 1995

*File Ref:* Ozaukee Co.  
ERR/ERP  
FID#246102010

Mr. Andrew Gronik  
10218 N. Port Washington Rd.  
Mequon, WI 53092

Dear Mr. Gronik:

RE: Property located near the northeast corner of N. Port Washington Rd. and Mequon Rd.

The Department has reviewed the data and correspondence relative to the above mentioned property. Based on all of the documentation provided, including soils analysis and groundwater monitoring, the Department considers this case "closed", having determined that no further action is necessary at the site at this time with the exception of the comments below. However, the case may be reopened pursuant to s. NR726.09, 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 the environment.

The following are comments on the October 13, 1994 submittal from Giles Engineering Associates, Inc. regarding construction and site development issues. In addition to their proposal the following should also be included:

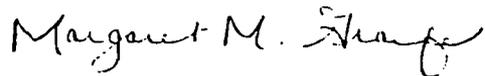
1. The proposal for monitoring of excavated materials and segregation of impacted materials for proper treatment and/or disposal ( 6. "Hot Spots"), should include analysis of confirmation samples for other potential contaminants in addition to the RCRA metals, based on the fill type or contaminants found.
2. Results should be compared to current NR720 standards and procedures.
3. Specific attention should be given to the areas where previous investigation may have indicated impacts. This may include but not be limited to areas around Test Pits 2, 3, 5, 8, and 9, and MW4G.
4. Based on the low level groundwater impacts, a plan for one round of perimeter groundwater monitoring after site development should be proposed to determine if development activities have impacted groundwater conditions. This monitoring could include existing wells on-site if they will not be impacted by the development.

- 4a. As an alternative to the proposed monitoring above, continued semi-annual monitoring including an additional down gradient well(s) should be performed until construction is started. Also, a minimum of 50% impervious surface area will be required to be in place and maintained after development takes place.
5. Any wells that will not be used for future monitoring should be abandoned per NR141.

Please be aware that this letter does not represent Department "certification" that any response actions taken at your property, such as a site investigation, remedial action, or case closure under the ch. NR700 series, are "approved by the Department," as those terms are used in the "remediated property/purchaser liability" section of the hazardous substance discharge law, s. 144.765 Stats.

If you have any questions or comments please contact me at the above address or at (414)229-0860.

Sincerely,



Margaret M. Graefe  
Hydrogeologist, Environmental Repair Program

cc: Jim Schmidt/Frank Schultz - SED  
Don Gallo/Mark Treter - Michael Best & Friedrich

577929

STATE BAR OF WISCONSIN FORM 1 - 1982  
WARRANTY DEED

VOL. 1032 PAGE 167

RECORDED

DOCUMENT NO.

1997 MAY 30 AM 10:15

*Ronald H. Vajz*  
REGISTER OF DEEDS  
OSHAUKEE COUNTY, WI

TRANSFER  
\$ 2520.00

THIS SPACE RESERVED FOR RECORDING DATA

This Deed, made between David S. Gronik, Jr.

\_\_\_\_\_, Grantor,  
and \_\_\_\_\_

Mandel/Mequon MarketPlace LLC, a Wisconsin Limited  
Liability Company, Grantee.

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Ozaukee  
County, State of Wisconsin:

NAME AND RETURN ADDRESS

Sarah Q. Jelencic  
Foley & Lardner  
777 East Wisconsin Avenue  
Milwaukee, WI 53202

114

See attached Exhibit A which is incorporated herein  
by this reference.

Part of 15-052-01-02-001\*

PARCEL IDENTIFICATION NUMBER

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

Together with all and singular the hereditaments and appurtenances thereunto belonging:  
And Grantor

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except items set forth on the  
attached Exhibit B which is incorporated herein by this reference.

and will warrant and defend the same.

Dated this 15th day of May, 1997

\_\_\_\_\_, (SEAL) *[Signature]* (SEAL)

• \_\_\_\_\_ • David S. Gronik, Jr.

\_\_\_\_\_, (SEAL) \_\_\_\_\_ (SEAL)

• \_\_\_\_\_ • \_\_\_\_\_

AUTHENTICATION

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

authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by 8706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY  
Paul R. Seifert, Esq.

Michael, Best & Friedrich

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

ACKNOWLEDGMENT

State of Wisconsin,

Milwaukee County, ss.

Personally came before me this 15th day of

May, 1997, the above named

David S. Gronik, Jr.

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

*[Signature]*  
Paul R. Seifert

Notary Public, \_\_\_\_\_ County, Wis.

My commission is permanent. (If not, state expiration date:  
\_\_\_\_\_, 19\_\_\_\_.)

## EXHIBIT A

Parcel 2 of Certified Survey Map No. 2969 being a redivision of Certified Survey Map No. 2431 and lands being a part of the Southwest 1/4 of the Southwest 1/4 of Section 20, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin, recorded MAY 30 1997 in the office of the Register of Deeds in Volume 21 of Certified Survey Maps, on Pages 132, 133, 134 and 135, as Document No. 571928

EXHIBIT B

1. Taxes for the year 1997 and subsequent years, not now due or payable.
2. Easement granted to Wisconsin Telephone Company by an instrument recorded on October 10, 1935, in Volume 8 of Miscellaneous, Page 554, as Document No. 109914.
3. Award of Damages executed by the County Highway Committee of Ozaukee County to Ozaukee Development Corporation by instrument recorded on July 22, 1965, in Volume 168 of Deeds, Pages 136-137, as Document No. 205772.
4. Grant of Easement to the City of Mequon by an instrument recorded on February 12, 1974, in Volume 337 of Records, Pages 601-603, as Document No. 262002.
5. Easement agreement between David S. Gronik Jr. and McDonald's Corporation by an instrument recorded on June 11, 1992, in Volume 755 of Records, Pages 825-832, as Document No. 466220.
6. Restrictive Covenant executed by David S. Gronik, Jr., a married man, by an instrument recorded on June 11, 1992, in Volume 755 of Records, Pages 833-836, as Document No. 466221.
7. Municipal and zoning ordinances and agreements entered under them.
8. Recorded easements for the distribution of utility and municipal services.
9. Recorded building and use restrictions and covenants.

**I. GRANTOR:**  
 1. Name David S. Gronk, Jr.  
 2. Address - New address if property transferred was primary residence  
10218 North Port Washington Road  
Mequon, WI 53092  
 3. Grantor is  Individual  Partnership  Corporation  Other

**II. GRANTEE:** Handel/Mequon Services LLC, a  
 4. Name Wisconsin Limited Liability Company  
 5. Address 111 East Wisconsin Ave.  
Suite 1700  
Milwaukee, WI 53202  
 6. Grantor/grantee related:  None  Corp/Shareholder/Subsidiary  Partnership  
 Financial  Family or Other; explain \_\_\_\_\_  
 7. Send tax bill to: Name and address \_\_\_\_\_

**V. PHYSICAL DESCRIPTION AND PRIMARY USE BY GRANTEE**

15. Kind of property  
 Land only  
 Land and buildings  
 Other (explain) \_\_\_\_\_

16. Primary use  
 a.  Residential:  
 Primary Residence for Lottery Credit  
 Single Family/condominium  
 Multi-family - # units \_\_\_\_\_  
 Time share unit \_\_\_\_\_  
 b.  Commercial Retail  
 Manufacturing business use  
 c.  Manufacturing business use  
 d.  Agricultural business use  
 adjoining land within 3 miles?  Yes  No  
 e.  Miscellaneous (explain) \_\_\_\_\_

**III. ENERGY** 8. Is this property subject to the Rental Weatherization Standards, ILHR677?  
 Yes  No Exclusion code W-7 If W-11, explain \_\_\_\_\_

**VI. TRANSFER**

18. Type of transfer:  Sale  Gift  Exchange  Other (explain) \_\_\_\_\_

19. Ownership interest transferred:  Full  Partial (explain) \_\_\_\_\_

20. Does the grantor retain any of the following rights?  Life estate  Easement

21.  Deed in satisfaction of original land contract? Dated? \_\_\_\_\_

22. Points (prepaid interest) paid by seller \$ \_\_\_\_\_

23. Value of personal property transferred but excluded from (25) \$ \_\_\_\_\_

24. Value of property exempt from local property tax included on (25) \$ \_\_\_\_\_

**IV. PROPERTY TRANSFERRED**

9.  City  Village  Town Mequon  
 County Ozaukee  
 10. Street address approx. 11300 North Port Washington Rd.  
 11. Tax parcel number 15-052-01-02-001  
 12. Lot no.(s) \_\_\_\_\_ Blk. no.(s) \_\_\_\_\_  
 Plat name \_\_\_\_\_  
 13. Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
 14. Legal Description metas and bounds: (attach 2 copies if necessary)

**VII. COMPUTATION OF FEE OR STATEMENT OF EXEMPTION**

25. Total value of REAL ESTATE transferred \$ 1,614,920 \$840,000  
 26. Transfer fee due (line 25 times .003) \$ 4,844.76 2,520  
 27. TRANSFER EXEMPTION NUMBER, sec. 77.25 \_\_\_\_\_  
 28. Grantee's financing obtained from a.  Seller  
 b.  Assumed existing financing  
 c.  Financial institution / Other 3rd party  
 Financing Terms \_\_\_\_\_  
 d.  No financing involved

See attached Exhibit A which is incorporated herein by this reference.

**VIII. FINANCING TERMS (FOR SELLER/ASSUMED FINANCED TRANSACTIONS ONLY)**

29. Total down payment \$ \_\_\_\_\_ (Line 29 = Line 25 minus Lines 30a and b excluding payments for personal property)

30. Amount of mortgage/land contract at purchase	31. Interest rate (stated)	32. Principal and interest paid per payment	33. Frequency of pymts	34. Length of contract	35. Date of any lump sum (balloon) payments	36. Amount of lump sum
a. \$ _____ % \$ _____						\$ _____
b. \$ _____ % \$ _____						\$ _____

37. If the dollar amount paid per payment (32) is scheduled to change (not as a result of a change in the interest rate), fill in the line letter from above \_\_\_\_\_  
 Enter the date of change \_\_\_\_\_ and the amount it will change to \$ \_\_\_\_\_

**IX. CERTIFICATION** We declare under penalty of law, that this return has been examined by us and to the best of our knowledge and belief it is true, correct and complete.

SIGN HERE	Grantor or agent	Date	Grantor's telephone number
	Grantee or agent	Date	Grantee's telephone number
Print name and address of grantor's agent			Agent's telephone number

Document number	Vol./Jac.	Page/Im.	Date recorded	Date and kind of conveyance	Conv. code
<u>11111</u>	<u>1111</u>	<u>101</u>	<u>11/11/97</u>	<u>11/11/97</u>	<u>1 2 3 4</u>
FOR ASSESSOR'S USE ONLY	Parcel number	Assmt. year 19 _____	County _____	<input type="checkbox"/> Field	Sales number
	Parcel classification	L _____	Tax dist _____	<input type="checkbox"/> Use	
	RES COM MFG AGR SW FOR	i _____	Assmt. dist. _____	<input type="checkbox"/> Reject	

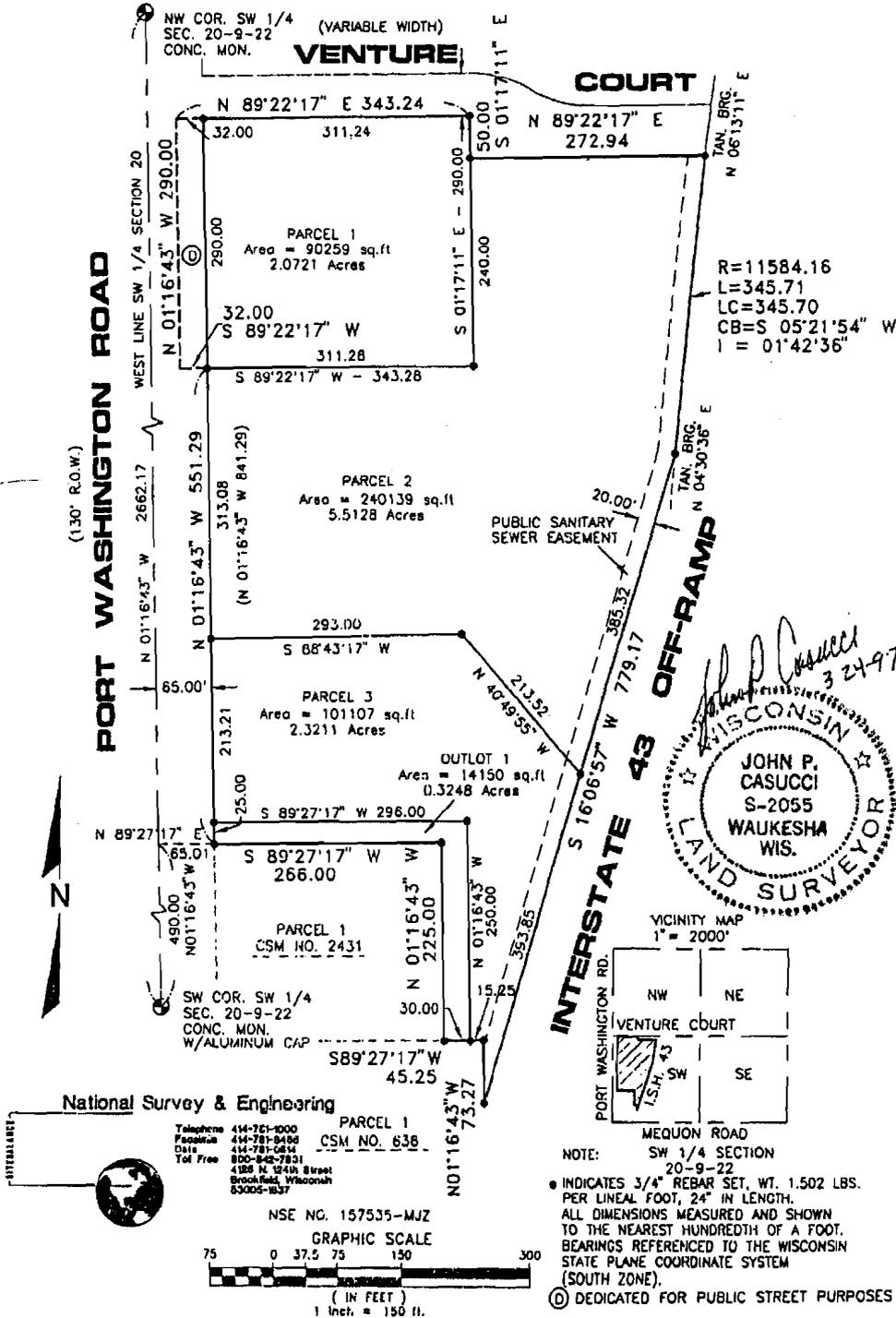
5/30/97

Vol 21 P. 132-135

# 577928

# CERTIFIED SURVEY MAP NO. 636

Parcel 2 of  
BEING A REDIVISION OF A CERTIFIED SURVEY MAP NO. 2431 AND LANDS  
BEING A PART OF THE SW1/4 OF THE SW1/4 OF SECTION 20, T 9 N,  
R 22 E, IN THE CITY OF MEQUON, OZAUKEE COUNTY, WISCONSIN.



577930

VOL 1032 PAGE 170  
RECORDED

STATE BAR OF WISCONSIN FORM 1 - 1982  
WARRANTY DEED

DOCUMENT NO.

1997 MAY 30 AM 10:15

This Deed, made between David S. Gronik, Jr.

\_\_\_\_\_, Grantor,  
and \_\_\_\_\_

MRED II, Inc., a Wisconsin Corporation

\_\_\_\_\_, Grantee,

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Ozaukee  
County, State of Wisconsin:

See attached Exhibit A which is incorporated herein by this reference.

*Ronald H. Wajnt*  
REGISTER OF DEEDS  
AURIE COUNTY, WI

TRANSFER  
\$ 2,520.00  
SEE

THIS SPACE RESERVED FOR RECORDING DATA  
NAME AND RETURN ADDRESS  
Miles Goodwin  
O'Neil, Cannon & Hollman  
111 E. Wisconsin Ave., #1400  
Milwaukee, WI 53202  
\$14

Part of 15-052-01-02-001  
PARCEL IDENTIFICATION NUMBER

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

Together with all and singular the hereditaments and appurtenances thereunto belonging:  
And Grantor

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except items set forth on the attached Exhibit B which is incorporated herein by this reference.

and will warrant and defend the same.

Dated this 15th day of May, 1997

\_\_\_\_\_  
(SEAL) *[Signature]* (SEAL)  
• David S. Gronik, Jr.  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)  
• \_\_\_\_\_

AUTHENTICATION

Signature(s) \_\_\_\_\_  
authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY  
Paul R. Seifert, Esq.

Michale, Best & Friedrich

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

ACKNOWLEDGMENT

State of Wisconsin, \_\_\_\_\_ } ss.  
Milwaukee County }  
Personally came before me this 15th day of  
May 1997, the above named  
David S. Gronik, Jr.

to me known to be the person \_\_\_\_\_ who executed the foregoing instrument and acknowledge the same.

*[Signature]*  
Paul R. Seifert  
Notary Public, Milwaukee County, Wis.  
My commission is permanent. (If not, state expiration date: \_\_\_\_\_ 19\_\_\_\_)

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

## EXHIBIT A

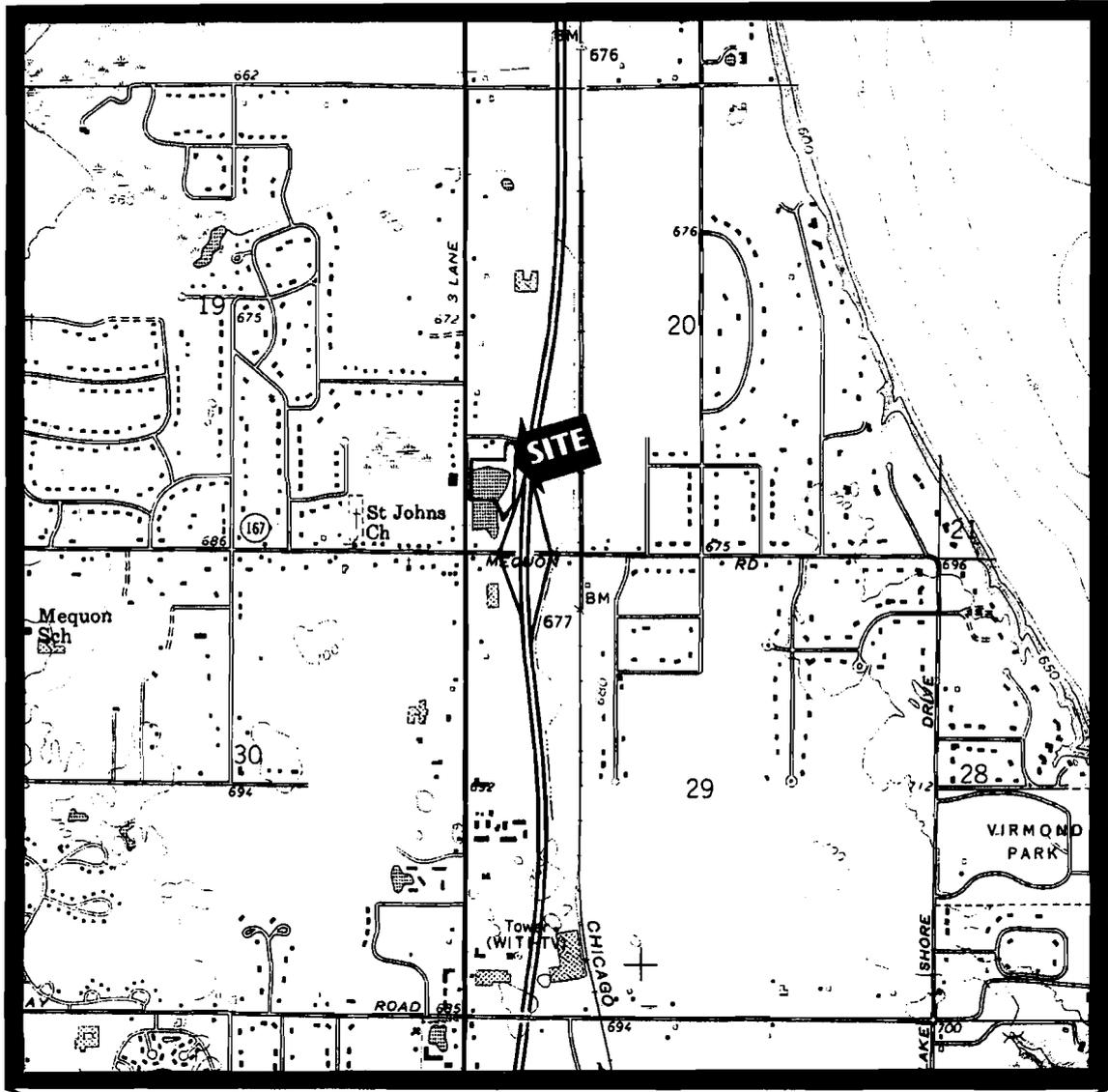
and Outlot 1  
Parcel 3A of Certified Survey Map No. 2969 being a redivision of  
Certified Survey Map No. 2431 and lands being a part of the  
Southwest 1/4 of the Southwest 1/4 of Section 20, Township 9 North,  
Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin,  
recorded MAY 30 1997 in the office of the Register of Deeds in  
Volume 21 of Certified Survey Maps, on Pages 32, 133, 134 and  
135, as Document No. 511928

**EXHIBIT B**

1. Taxes for the year 1997 and subsequent years, not now due or payable.
2. Easement granted to Wisconsin Telephone Company by an instrument recorded on October 10, 1935, in Volume 8 of Miscellaneous, Page 554, as Document No. 109914.
3. Award of Damages executed by the County Highway Committee of Ozaukee County to Ozaukee Development Corporation by instrument recorded on July 22, 1965, in Volume 168 of Deeds, Pages 136-137, as Document No. 205772.
4. Grant of Easement to the City of Mequon by an instrument recorded on February 12, 1974, in Volume 337 of Records, Pages 601-603, as Document No. 262002.
5. Restrictive covenant executed by David S. Gronik, Jr., a married man, by an instrument recorded on June 11, 1992, in Volume 755 of Records, Pages 833-836, as Document No. 466221.
6. Municipal and zoning ordinances and agreements entered under them.
7. Recorded easements for the distribution of utility and municipal services.
8. Recorded building and use restrictions and covenants.
9. Easement Agreement between David S. Gronik, Jr. and McDonald's Corporation by an instrument recorded on June 11, 1992, in Volume 755 of Records, Pages 825-832, as Document No. 466220.



SOURCE:  
 U.S. GEOLOGICAL SURVEY  
 THIENSVILLE, WISCONSIN QUADRANGLE  
 7.5 MINUTE SERIES (TOPOGRAPHIC), 1958  
 PHOTOREVISED 1971 & 1976



0 1000 2000  
 SCALE IN FEET



Prepared/Date: JWL 5-7-98  
 Checked/Date: JLW 5-8-98

FILENAME: C:\DWORKING\52030\1998\30-81548

Mequon Marketplace  
 11300 N. Port Washington Road  
 Mequon, Wisconsin 53092



**LAW**  
 ENGINEERING AND ENVIRONMENTAL SERVICES, INC.

111 E. WISCONSIN AVENUE, SUITE 1280  
 MILWAUKEE, WI 53202  
 (414)785-8133 FAX (414)785-0213

Site Location and  
 Topographic Map

Project 52030-8-1548

Figure 1

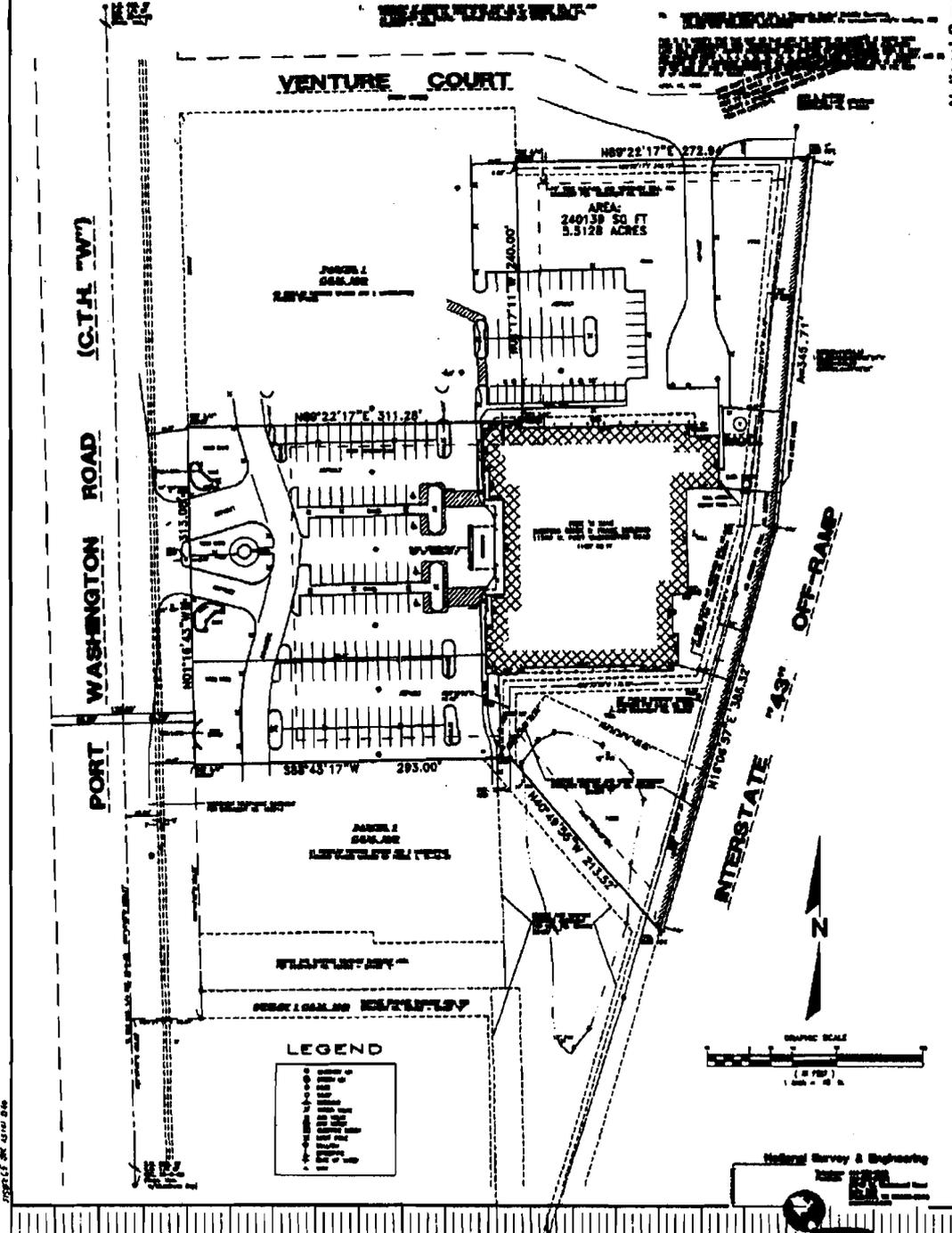
# ALTA/ACSM LAND TITLE SURVEY

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE  
 REQUIREMENTS OF THE ALTA/ACSM SURVEYING  
 PRACTICE ACT, CHAPTER 100, SECTION 100.01,  
 F.L.S. 2002, AND THE ALTA/ACSM SURVEYING  
 PRACTICE ACT, CHAPTER 100, SECTION 100.02,  
 F.L.S. 2002.

THE SURVEY WAS MADE BY THE  
 SURVEYOR GENERAL OF THE STATE OF  
 FLORIDA, AND THE SURVEYOR GENERAL  
 HAS REVIEWED THE SURVEY AND  
 HAS DETERMINED THAT THE SURVEY  
 WAS MADE IN ACCORDANCE WITH THE  
 REQUIREMENTS OF THE ALTA/ACSM  
 SURVEYING PRACTICE ACT, CHAPTER 100,  
 SECTION 100.01, F.L.S. 2002, AND THE  
 ALTA/ACSM SURVEYING PRACTICE ACT,  
 CHAPTER 100, SECTION 100.02, F.L.S. 2002.

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 SECTION 100.01, F.L.S. 2002, AND THE  
 ALTA/ACSM SURVEYING PRACTICE ACT,  
 CHAPTER 100, SECTION 100.02, F.L.S. 2002.

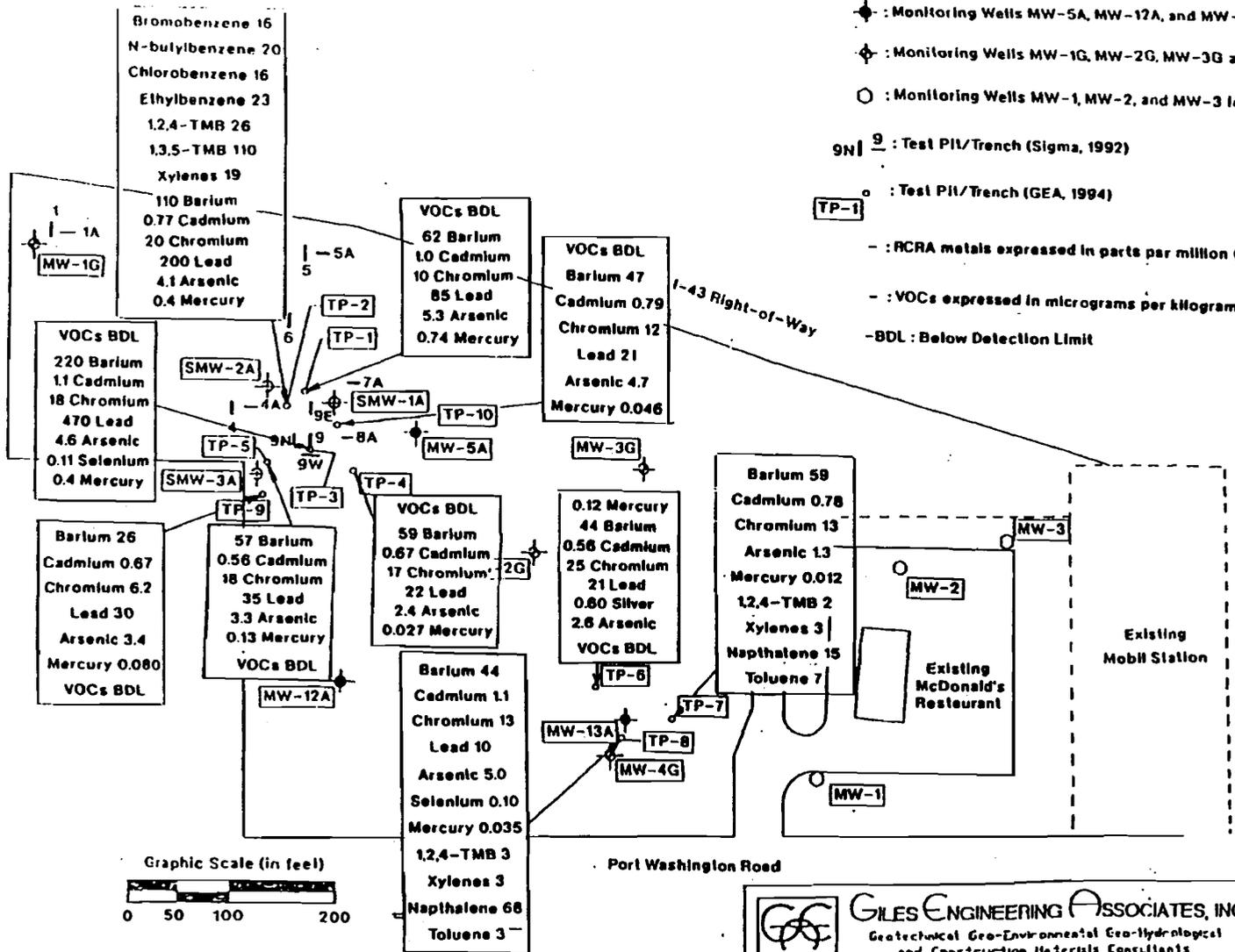
National Survey & Engineering



PROJECT NO. 15100 240

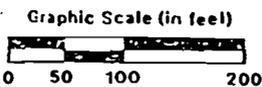
National Survey & Engineering  
 Surveyor General  
 State of Florida

VENTURE COURT



PRELIMINARY

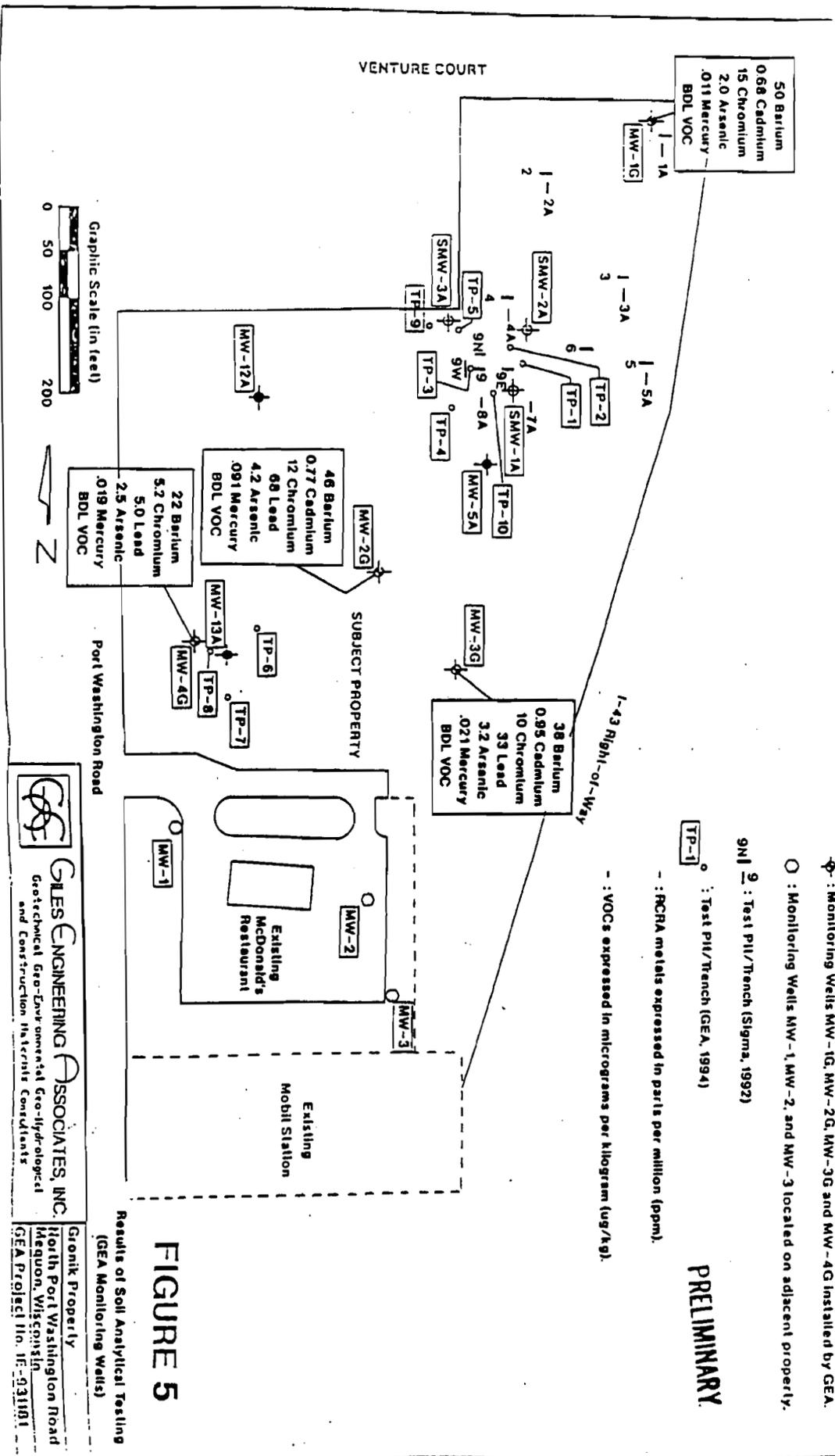
FIGURE 6



Results of Soil Analytical Testing (GEA Test Pits)

**GILES ENGINEERING ASSOCIATES, INC.**  
 Geotechnical Geo-Environmental Geo-Hydrological and Construction Materials Consultants

Gronk Property  
 North Port Washington Road  
 Mequon, Wisconsin  
 GEA Project No. 1E-931101



**FIGURE 5**

Results of Soil Analytical Testing  
(GEA Monitoring Wells)

**GILES ENGINEERING ASSOCIATES, INC.**  
 Geotechnical Geo-Environmental Geo-Hydrological  
 and Construction Methods Consultants

**Geonik Property**  
 North Port Washington Road  
 Mequon, Wisconsin  
 GEA Project No. 1E-931191

Smith Realty Company, Inc.  
September 22, 1992  
Page 2

Benzene exceeding the WDNR Preventive Action Limit (PAL) have been identified in MW-5A during previous investigative activities performed by STS Consultants, Ltd. and Sigma. BTEX analysis was selected for remaining samples to act as an indicator to identify potential soil impacts. Laboratory results for soil analysis are presented in Table 1.

TABLE 1 SOIL QUALITY DETECTED COMPOUNDS AND BTEX RESULTS					
Boring	B-1	B-2	B-3	B-4	B-5
Sample Depth	7 - 8.5'	9.5 - 11'	7 - 8.5'	7 - 8.5'	4.5 - 6'
PID Value	ND	ND	1.2	ND	0.7
Methylene Chloride	.063	—	—	.015	—
Trichlorofluoromethane	.022 <sup>1</sup> (.003)	—	—	<0.0061	—
Barium	56	—	—	37	—
Cadmium	1.3	—	—	.30	—
Chromium	17	—	—	12	—
Lead	13	—	—	20	—
Arsenic	2.2	—	—	1.3	—
Selenium	0.47	—	—	0.26	—
Mercury	0.0045	—	—	0.049	—
Benzene	<0.0078	<0.0013	<0.0012	<0.0061	<0.0013
Toluene	<0.0078	<0.0013	.0012	<0.0061	<0.0013
Ethylbenzene	<0.0078	<0.0013	<0.0012	<0.0061	<0.0013
Xylene	<0.0078	.0025 (.003)	.0049 (.003)	<.0061	.0038 (.003)

All results expressed in parts per million (ppm)  
 — = Parameter not analyzed for  
<sup>1</sup> = Concentration may be high due to dilution factor  
 () = Blank concentration  
 ND = None Detected

TABLE 6A

RESULTS OF SOIL ANALYTICAL TESTING  
 DETECTED VOLATILE ORGANIC COMPOUNDS\*  
 (GEA TEST PITS/TEST TRENCHES)

Gronik Property  
 North of Mequon Road on Port Washington Road  
 Mequon, Wisconsin  
 GEA Project No. 1E-931181

Test Pit/Trench	TP2	TP7	TP8	Proposed NR 720 Standards
Depth (feet)				
<b>Detected VOC's</b>				
Bromobenzene	16	BDL	BDL	--
N-Butylbenzene	20	BDL	BDL	--
Chlorobenzene	16	BDL	BDL	--
Ethylbenzene	23	BDL	BDL	2900
1,2,4-TMB	26	2	BDL	--
1,3,5-TMB	110	BDL	BDL	--
Total Xylenes	19	3	3	4100
Naphthalene	BDL	15	68	--
Toluene	BDL	7	3	1500

NOTES:

- (a) : All RCRA metals expressed in parts per million (ppm), equivalent to milligrams per kilogram (mg/kg).
- (b) : VOCs expressed in micrograms per kilogram (ug/kg), equivalent to parts per billion (ppb).
- (c) : From "The Soil Chemistry of Hazardous Materials" (James Dragun, 1988), expressed in mg/kg.
- (d) : EPA Toxicity Characteristic Constituent and Regulatory Levels, expressed in mg/L.
- TCLP : Toxicity Characteristic Leaching Procedure.
- \* : See Appendix 7 for complete analytical results.
- : No proposed standard.
- TMB : Trimethylbenzene

PRELIMINARY

**Statement of Responsible Party in Compliance with NR 726.05(3)(b)(4)(f)**

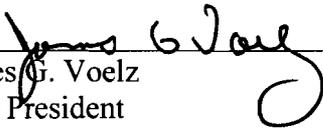
It is my understanding that a legal description for each property owned by Mandel/Mequon Marketplace, LLC, that is within, or partially within, the contaminated site boundary has been provided to the Wisconsin Department of Natural Resources as part of the GIS package for the Mandel/Mequon Marketplace LLC Property. The property description provided to the Wisconsin Department of Natural Resources is correct and applicable to the property to which the restriction applies.

A handwritten signature in black ink, appearing to read "Barry Mandel", written over a horizontal line.

Mandel/Mequon Marketplace LLC  
By Barry Mandel, Member *BM*

**Statement of Responsible Party in Compliance with NR 726.05(3)(b)(4)(f)**

It is my understanding that a legal description for each property owned by MRED-II, Inc. that is within or partially within the contaminated site boundary has been provided to the Wisconsin Department of Natural Resources as part of the GIS package for the MRED-II property. The property description provided to the Wisconsin Department of Natural Resources is correct and applicable to the property to which the restriction applies.

  
\_\_\_\_\_  
James G. Voelz  
Vice President  
MRED-II, Inc.