

GIS REGISTRY INFORMATION

SITE NAME: Former Marcus Westtown Cinema
 BRRTS #: 02-68-549428 FID # (if appropriate): 268596130
 COMMERCE # (if appropriate): _____
 CLOSURE DATE: 6-23-08
 STREET ADDRESS: 2440 E. Moreland Blvd.
 CITY: Waukesha
 SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 1068644 Y= 286235

CONTAMINATED MEDIA: Groundwater Soil Both
 OFF-SOURCE GW CONTAMINATION >ES: Yes No

IF YES, STREET ADDRESS 1: _____
 GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL): Yes No

IF YES, STREET ADDRESS 1: _____
 GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

CONTAMINATION IN RIGHT OF WAY: Yes No

DOCUMENTS NEEDED:

- Closure Letter, and any conditional closure letter or denial letter issued
- Copy of any maintenance plan referenced in the final closure letter.
- Copy of (soil or land use) deed notice *if any required as a condition of closure*
- Copy of most recent deed, including legal description, for all affected properties
- Certified survey map or relevant portion of the recorded plat map (*if referenced in the legal description*) for all affected properties
- County Parcel ID number, *if used for county*, for all affected properties
- 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.
- 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 ES and soil contamination exceeding ch. NR 720 generic or SSRCLs.
- Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)
- Tables of Latest Soil Analytical Results (no shading or cross-hatching)
- 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.
- GW: Table of water level elevations, with sampling dates, and free product noted if present
- GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)
- SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour
- Geologic cross-sections, *if required for SI*. (8.5x14" if paper copy)
- RP certified statement that legal descriptions are complete and accurate
- Copies of off-source notification letters (if applicable)
- Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)

✓
✓
NA
✓
✓
✓
✓
NA
✓
NA
NA
NA
✓
NA
✓
NA
NA



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Waukesha Service Center
141 NW Barstow St.
Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2117

June 23, 2008

Mr. Randy Rauwerdink
KTJ Limited Partnership 143
5125 County Rd. 101, Suite 100
Minnetonka, MN 55345

FID# 268596130
BRRTS# 02-68-549428

Subject: Final Case Closure with Land Use Controls or Limitations for the Former Marcus Westtown Cinema, 2440 East Moreland Blvd., Waukesha

Dear Mr. Rauwerdink:

The Wisconsin Department of Natural Resources (Department) notified you on March 7, 2008 that the Closure Committee had granted conditional closure to this case. On June 12, 2008, the Department received correspondence indicating that you have complied with the requirement of closure, which was the receipt of a cap maintenance plan. Based on the correspondence and data provided, it appears that your case 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.

Closure Conditions

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

Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the building and parking lot that currently exist in the location 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, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners

and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Prohibited Activities

The following activities are prohibited on any portion of the property where pavement or building foundation is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

GIS Registry

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites for the following reasons:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

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 Brenda Boyce at (262) 574-2140.

Sincerely,



Frances Koonce
Remediation & Redevelopment Sub Team Supervisor

c: Kirk Hackbarth – Braun Intertec Corp.

Impervious Surface Maintenance Plan
June 4, 2008
Former Marcus Cinema - Westtown Theater
2440 East Moreland Boulevard
Waukesha, Wisconsin
BRRTS # 02-68-549428

Introduction

This document is the Impervious Surface Maintenance Plan for the building floor slab and parking lot structures at the above referenced property in accordance with the requirements of Wisconsin Administrative Code NR 726.05(8). As required, this document is to be included with the site registry on the Wisconsin Department of Natural Resources (WDNR) soil geographic information system (GIS) database. Laboratory analytical results of soil samples collected at the site indicate that low concentrations of residual polychlorinated biphenyl (PCB) impacted soil is present beneath the site in areas north and east of the existing building. The location of the existing building and parking lot structures as well as the previous soil concentration results are provided in Exhibit A.

Impervious Surface Inspection and Maintenance

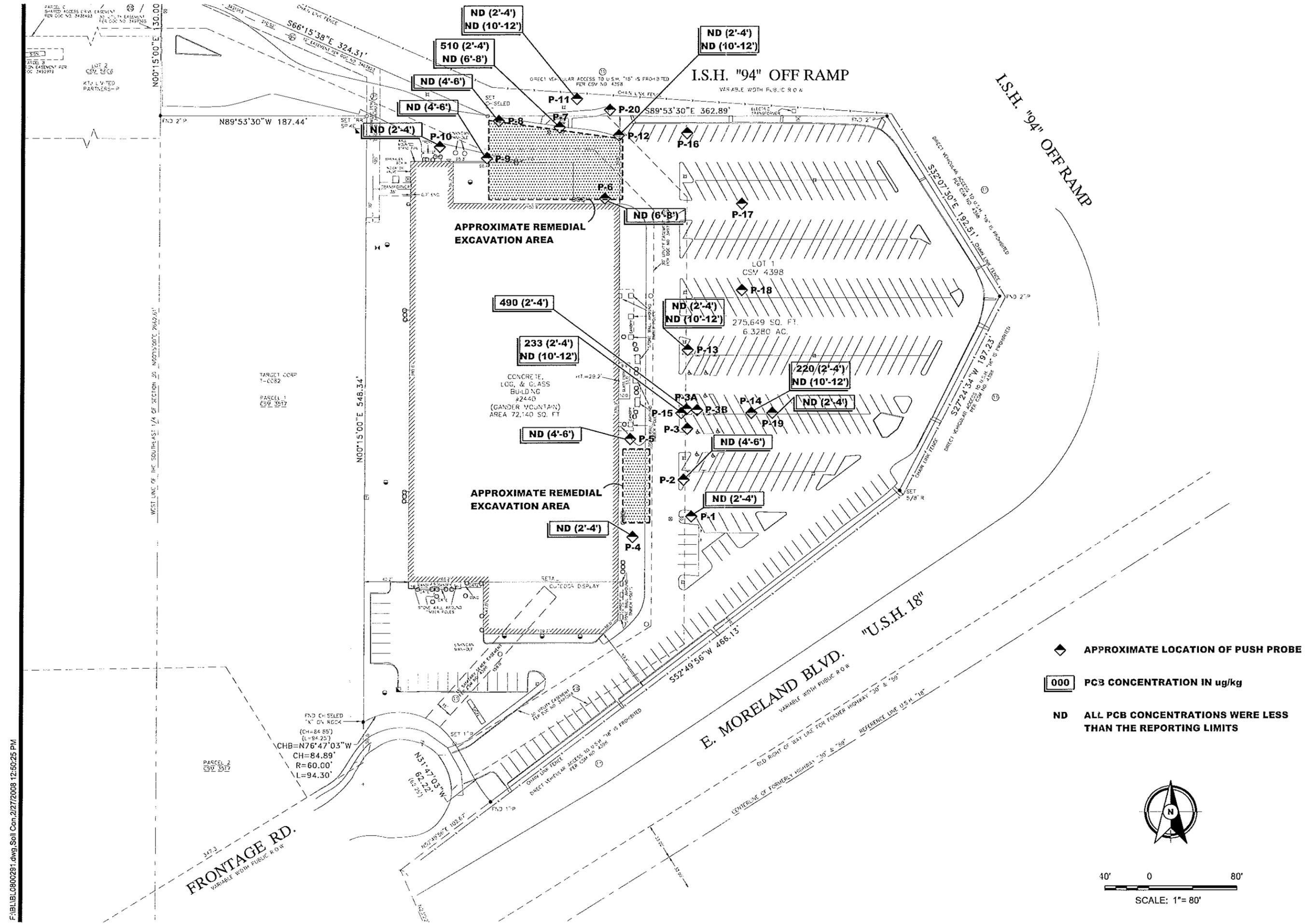
The purpose of the inspection and maintenance requirements for the existing building floor slab and parking lot structures are to minimize potential human exposure due to direct contact of residual PCB impacted soil beneath the site. The inspection and maintenance of these impervious surfaces must be managed as follows:

- At a minimum, annual inspections of the building floor slab and parking lot structures will be completed. The inspections will include observing the condition of the impervious surfaces and noting all holes, cracks or other defects.
- The impervious surfaces will be repaired as soon as reasonably possible upon the discovery of any holes, cracks or other defects in the above referenced areas.
- Records shall be retained of the annual inspections and any necessary repairs of the impervious surfaces in the above referenced areas.

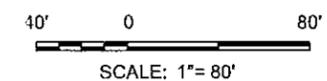
Future Development of the Site

The WDNR must be notified prior to any future development of the site, which would involve the disturbance of and/or removal of the impervious surfaces or soil beneath the site. Additional testing and remedial activities may be required in order to minimize potential human exposure due to direct contact of residual PCB impacted soil. Additionally, any soil that is disturbed and/or removed from the site must be stored, transported and disposed of in accordance with applicable local, state and federal regulations.

Exhibit A



- APPROXIMATE LOCATION OF PUSH PROBE
- PCB CONCENTRATION IN ug/kg
- ND** ALL PCB CONCENTRATIONS WERE LESS THAN THE REPORTING LIMITS



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Project No:	BL0800291
Drawing No:	BL0800291
Scale:	1" = 80'
Drawn By:	JAG
Date Drawn:	2/22/08
Checked By:	JAF
Last Modified:	2/27/08
Sheet:	Fig:
of	



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
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Waukesha Service Center
141 NW Barstow St.
Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2117

March 7, 2008

Mr. Randy Rauwerdink
KTJ Limited Partnership 143
5125 County Rd. 101, Suite 100
Minnetonka, MN 55345

FID# 268596130
BRRTS# 02-68-549428

Subject: Conditional Closure for the Former Marcus Westown Cinema, 2440 East Moreland Blvd., Waukesha

Dear Mr. Rauwerdink:

The Wisconsin Department of Natural Resources (Department) received your request for closure of the above-referenced site on March 4, 2008. The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Southeast Region Closure Committee has determined that the polychlorinated biphenyl (PCB) contamination on the site from the historic fill material appears to have been investigated and remediated to the extent practicable under site conditions. Your case meets the requirements of ch. NR 726, Wis. Adm. Code and will be closed if the following condition is satisfied.

Due to the pervasive nature of the fill material across the site and the possibility that other pockets of impacted fill material may be present with concentrations higher than what has been investigated and reported, the Department is requiring that the building and parking lot structures be maintained as an engineered barrier to prevent direct contact with the contaminated fill material. Please submit a cap maintenance plan to the Department for review and inclusion on the GIS registry.

When the above condition has been satisfied, please submit a letter to let me know that applicable condition has been met, and your case will be closed. The Department appreciates the actions you have taken to protect and restore the environment. If you have any questions, you may contact me at (262) 574-2140.

Sincerely,

Brenda H. Boyce, PG
Hydrogeologist
Bureau for Remediation & Redevelopment

c: Kirk Hackbarth – Braun Intertec Corp.

000061 NOV 28 06



WC3438492-003

Document Number

State Bar of Wisconsin Form 6-2003
SPECIAL WARRANTY DEED

Document Name

3438492

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

11-28-2006 8:20 AM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 8.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE: 5310.00
TRAN. FEE-STAT: 21240.0
PAGES: 3

THIS DEED, made between
B & G REALTY, LLC, a Wisconsin limited liability company
F/K/A B & G REALTY, INC., a Wisconsin corporation

("Grantor," whether one or more), and
KTJ LIMITED PARTNERSHIP ONE HUNDRED FORTY-THREE, a
Minnesota limited partnership

("Grantee," whether one or more)
Grantor, for a valuable consideration, conveys to Grantee the following described real
estate, together with the rents, profits, fixtures and other appurtenant interests, in
WAUKESHA County, State of Wisconsin ("Property") (If more space is
needed, please attach addendum):

Recording Area

Name and Return Address

KATHLEEN S. MARA
FABYANSKI, WESTRA, HART & THOMSON
800 LASALLE AVENUE, SUITE 1900
MINNEAPOLIS MN 55402

1513

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

SEE ATTACHED

Parcel Identification Number (PIN)

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

TRANSFER

26,550.00
FEE

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances arising by, through, or under
Grantor, except:
municipal and zoning ordinances, and the permitted encumbrances listed on attached Exhibit "B".

Dated November 27, 2006

[Signature]
BY: THOMAS F. KISSINGER, VP (SEAL)

(SEAL)

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s) _____
authenticated on _____

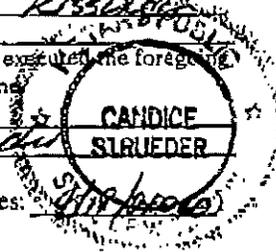
ACKNOWLEDGMENT

STATE OF WISCONSIN
Waukesha COUNTY } ss.

Personally came before me on November 17, 2006
the above named THOMAS F. KISSINGER

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

[Signature]
Notary Public, State of Wisconsin
My commission (~~is permanent~~) (expires: 11/17/2008)



TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. S706.06)

THIS INSTRUMENT DRAFTED BY:
JACK FILACHEK

Chernov, Stern & Krings, S.C.

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

SPECIAL WARRANTY DEED
Type name below signatures

2003 STATE BAR OF WISCONSIN

FORM NO. 6-2003

enrdsn 9/06

0001162 NOV 28 08

EXHIBIT "A"
to
Special Warranty Deed

Legal Description

PARCEL A

Lot 1 of Certified Survey Map No. 4398, recorded September 7, 1983, in Volume 35 of Certified Survey Maps on Pages 84 to 86 as Document No. 1228360, part of the Southwest ¼ of the Southeast ¼ of Section 30, Town 7 North, Range 20 East, in the City of Waukesha, County of Waukesha, State of Wisconsin.

[Tax Parcel No. WAKC 1128.001]

PARCEL B

Lot 2, Certified Survey Map No. 5608, being a part of the Southeast ¼ of the Southwest ¼ of Section 30, Town 7 North, Range 20 East, and recorded on September 8, 1988 in Volume 45 of Certified Survey Maps at Pages 270 to 272 inclusive, as Document No. 1499483, in the City of Waukesha, County of Waukesha, State of Wisconsin.

[Tax Parcel No. WAKC 1127.017]

000063 NOV 28 2008Exhibit "B" to Special Warranty DeedPERMITTED ENCUMBRANCES - PARCEL A

1. General taxes, a lien but not yet due and payable.
2. Covenants, conditions and restrictions (but omitting any such covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin, unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code, or (b) relates to handicap but does not discriminate against handicapped persons) set forth in Quit Claim Deed recorded as Document No. 1169329, providing for no forfeiture or reversion of title in case of violation.
3. Easements and Restrictions shown on the Plat of Certified Survey Map No. 4398, recorded as Document No. 1228360.
4. Easement recorded as Document No. 1230363.
5. Easement recorded as Document No. 3083905.
6. Apparent unrecorded utility easement running along the westerly line of the subject property as indicated by the presence of telephone lines and gas mains as shown on a survey of the Land and existing improvements prepared by National Survey & Engineering, dated May 15, 2006, as Survey No. 163054.
7. Encroachment to the maximum extent of 5.9 feet upon the premises adjoining the subject property on the North by a parking lot located principally on the subject property, as shown on a survey of the Land and existing improvements prepared by National Survey & Engineering, dated May 15, 2006, as Survey No. 163054.
8. Apparent unrecorded utility easement affecting the subject property as indicated by the presence of electric lines as shown on a survey of the Land and existing improvements prepared by National Survey & Engineering, dated May 15, 2006, as Survey No. 163054.

PERMITTED ENCUMBRANCES - PARCEL B

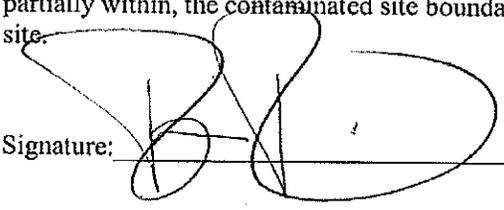
1. General taxes, a lien but not yet due and payable.
2. Easements and restrictions as set forth on the Plat of Certified Survey Map No. 5608, recorded as Document No. 1499483.
3. Terms and conditions of Use Restrictions Agreement recorded as Document No. 1499780.

Re: Geographic Information System Registry for the former Marcus Cinema – Westown Theater site, 2440 East Moreland Boulevard, Waukesha, Wisconsin, WDNR BRRTS # 02-68-549428

Regulatory file closure has been requested for the above referenced site. Residual polychlorinated biphenyl (PCB) impacted soil is likely present beneath the site. Therefore, pursuant to WDNR ch. NR 726, the required Geographic Information System (GIS) registry information must include legal descriptions and/or plat maps. Legal descriptions and/or plat maps must be included for all properties (within or partially within the site's boundaries). Additionally, the GIS registry information must include a statement signed by the responsible party, which states that he or she believes that the legal description has been attached for each property that is within, or partially within, the contaminated site boundary. (The purpose of this requirement is that a legal description for each of the contaminated properties has been submitted. The responsible party is not required to attest to the accuracy of the attached legal descriptions.) Therefore, the following statement has been included:

I, Randy Rauwerdink, representing KTJ Limited Partnership One Hundred Forty-Three, certify that to the best of my knowledge the legal description has been attached for each property that is within, or partially within, the contaminated site boundary for the former Marcus Cinema – Westown Theater site.

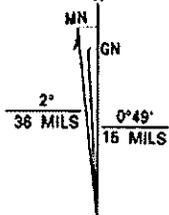
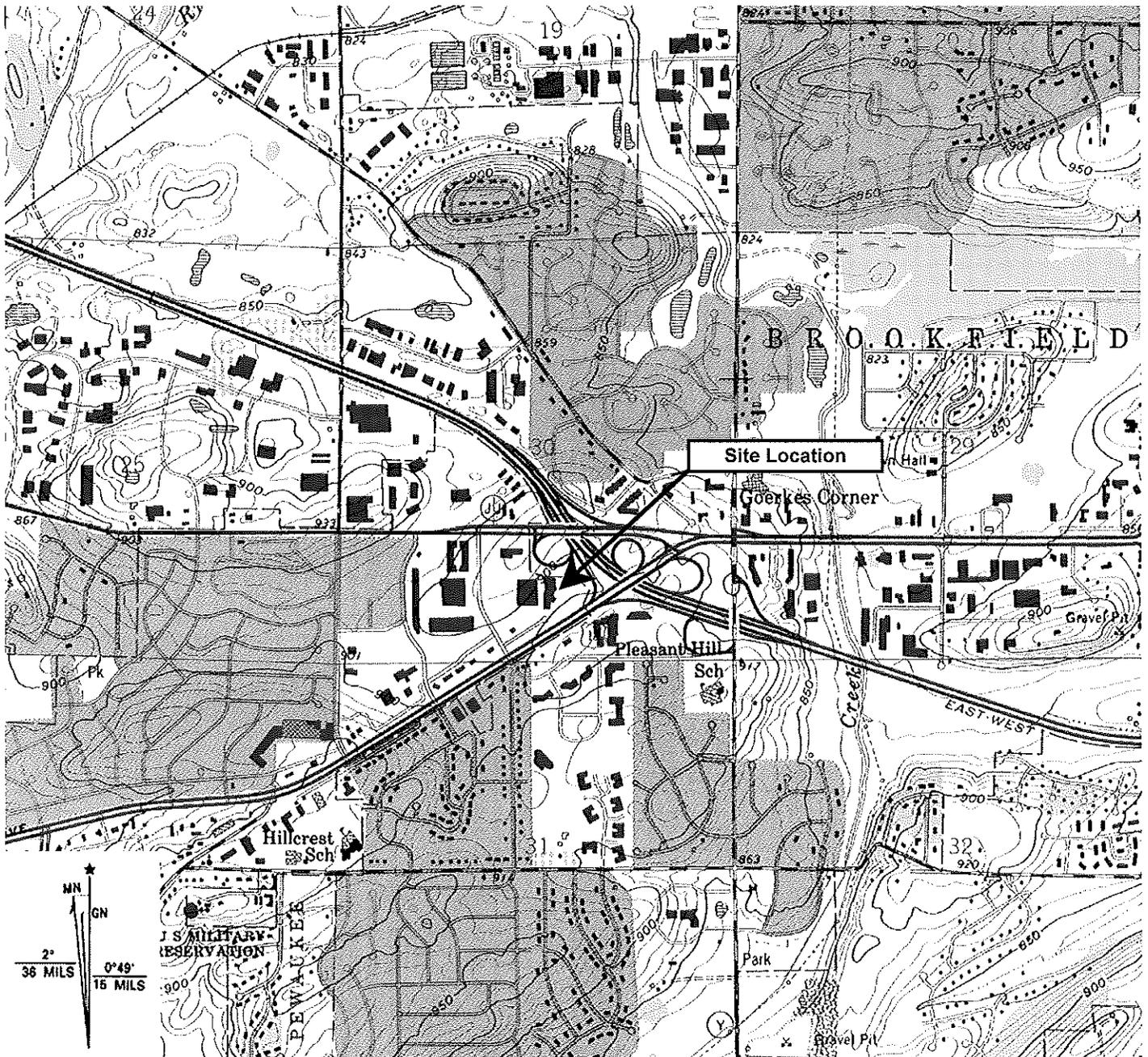
Signature: _____



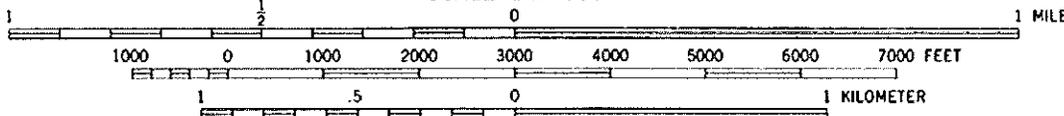
Date: 2.21.08

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

WAUKESHA QUADRANGLE
WISCONSIN - WAUKESHA CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET



QUADRANGLE LOCATION

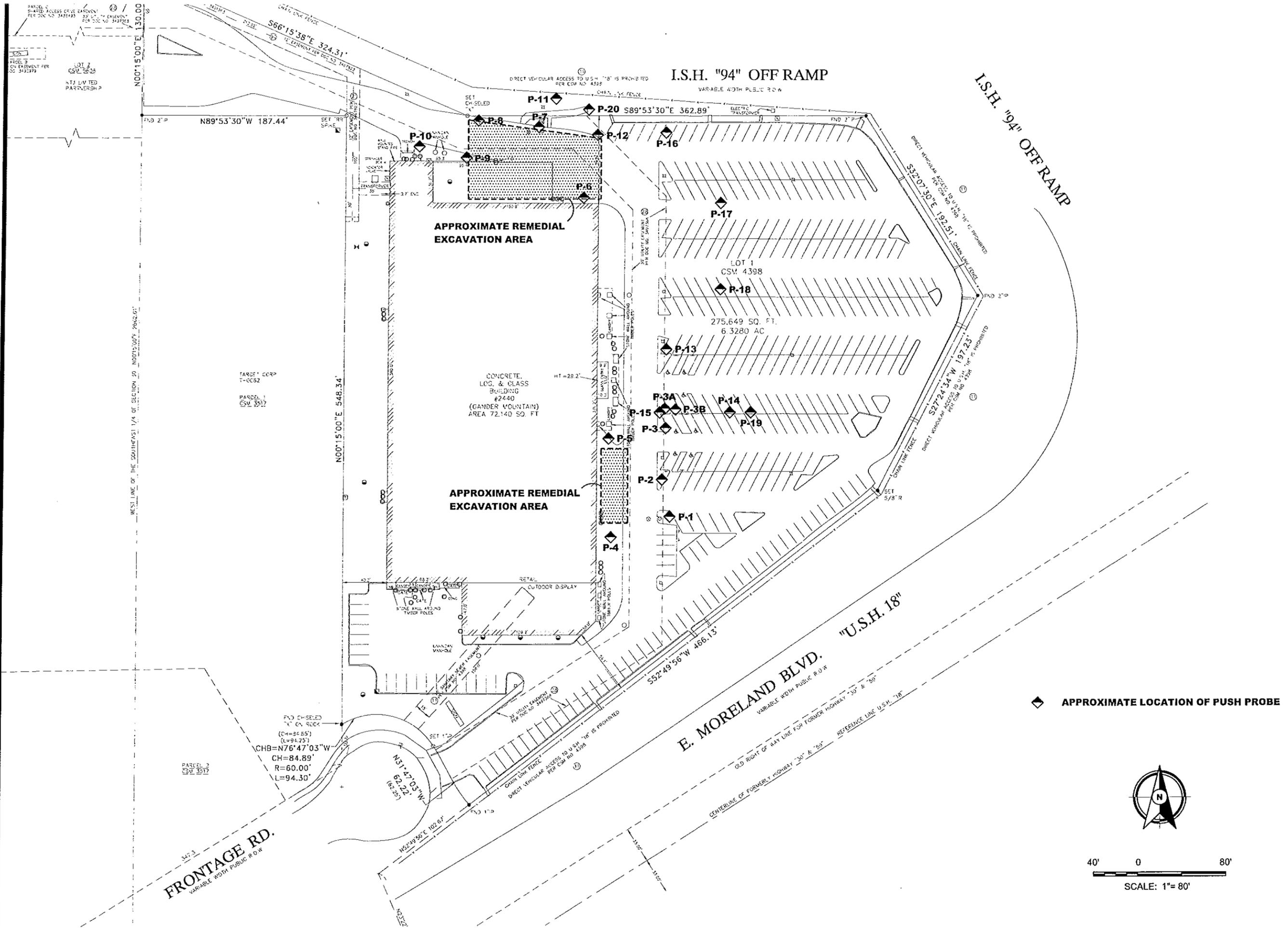
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of	Drawing No:	BL-08-00291
	Scale:	None
	Drawn By:	KLH
	Date Drawn:	2/14/08
	Checked By:	MLG
Fig. 1	Last Modified:	2/14/08

SITE LOCATION MAP
FORMER MARCUS CINEMA - WESTTOWN THEATER
2440 EAST MORELAND BOULEVARD
WAUKESHA, WISCONSIN

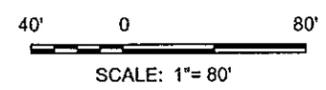
BRAUN
INTERTEC

2831 Larson Street
La Crosse, WI 54603
PH. (608) 781-7277
FAX. (608) 781-7279

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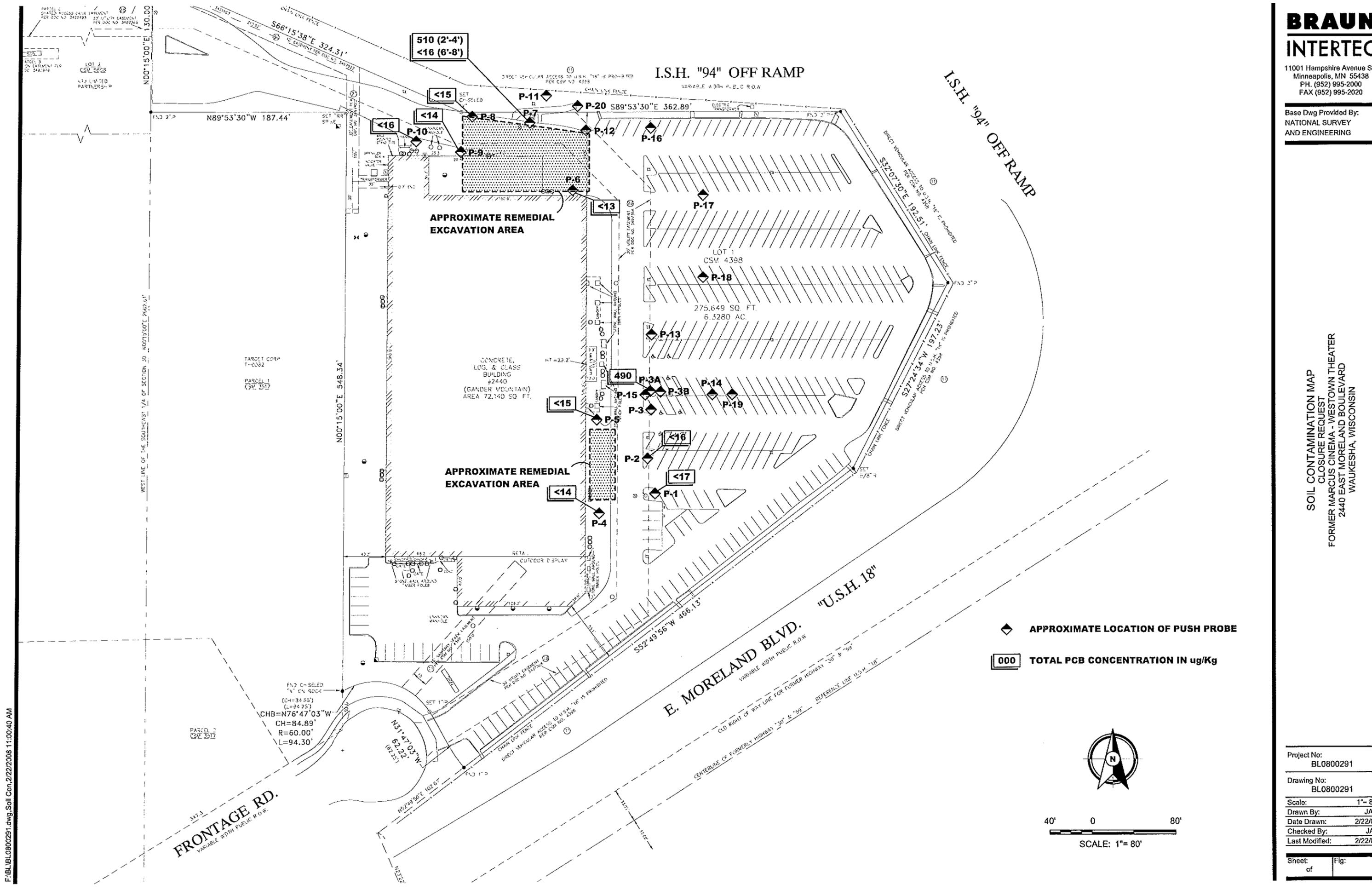


◆ APPROXIMATE LOCATION OF PUSH PROBE



Project No:	BL0800291
Drawing No:	BL0800291
Scale:	1" = 80'
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Date Drawn:	2/22/08
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Last Modified:	2/22/08
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SOIL CONTAMINATION MAP
CLOSURE REQUEST
FORMER MARCUS CINEMA - WESTOWN THEATER
2440 EAST MORELAND BOULEVARD
WAUKESHA, WISCONSIN



◆ APPROXIMATE LOCATION OF PUSH PROBE
 [000] TOTAL PCB CONCENTRATION IN ug/Kg



40' 0 80'

SCALE: 1"= 80'

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Drawing No:	BL0800291
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