



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional
Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr.
Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 414-263-8713

July 1, 2002

Allan and Karen Lach
Allan Land Co., LLC
1812 Silvernail Road
Pewaukee, WI 53072

SUBJECT: Final Case Closure By Project Manager with conditions met
Solitaire Jewelers, 1810 Silvernail Road, Pewaukee, WI 53072
WDNR BRRTS #: 03-68-255941 WDNR FID# 368006210

Dear Mr. Lach:

On July 1, 2002, your site as described above was reviewed for closure by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On October 23, 2001, you were notified that conditional closure was granted to this case.

On June 29, 2002, the Department received correspondence indicating that you have complied with the conditions of closure. The Department received a final copy of the deed restriction that was filed with the Waukesha County Register of Deeds. Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Please be aware that this 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 the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8564.

Sincerely,

Michelle Williams
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Pat Patterson, MES, Inc.
SER file



002754381-002

000072 APR 26 8

2794381

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

04-26-2002 8:37 AM

MICHAEL J. HASLINGER
REGISTER OF DEEDS

REC. FEE: 6.00
REC. FEE-CD: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 2

DEED BY CORPORATION

Exempt from fee, s.77 (5)(2r) Wis. Stat.
LPA 3005 (DT 1546) 99

THIS DEED, made by Allen Land Co., LLC, a corporation duly organized and existing under the laws of the State of Wisconsin and duly authorized to transact business in the State of Wisconsin, with its principal place of business at 1510 Silverhall Road, City of Waukesha, County of Waukesha, State of Wisconsin GRANTOR, conveys and warrants the property described below to Waukesha County GRANTEE, for the sum of Nine Thousand and Four Hundred Dollars (\$9,400.00).

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s.32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property:

Legal Description: Attached to and made a part of.

This space is reserved for recording data

Return to

Waukesha County Transportation Department
1323 Pewaukee Road
Waukesha, Wisconsin 53188

Parcel Identification Number/Tax Key Number

FEE

#77,25 (2r)
EXEMPT

Handwritten notes:
done
1/11/02
copy
filed
public

The undersigned certify that this instrument is being executed pursuant to a resolution of the board of directors (or shareholders, if authorized by law) of GRANTOR corporation.

3/18/2002
(Date)

State of Wisconsin)

) ss

County)

On the above date, this instrument was acknowledged before me by the named person(s) or officers.

Allen Land Co., L.L.C.

(Corporation Name)

Allen E. Lach
(Officer Signature)

Allen E. Lach
(Print Name, Title)

(Officer Signature)

(Print Name, Title)

Steven C. Mann
(Signature, Notary Public, State of Wisconsin)

Steven C. Mann
(Print or Type Name, Notary Public, State of Wisconsin)

4/3/2004
(Date Commission Expires)

000023 APR 26 8

Parcel No.: 15
Date: August 27, 2001
Project I.D.: 99-2768(10)
Grantor: Allan Land Company, L.L.C.
Interest Req'd.: FEE, T.L.E.

Fee title in and to all that part of the Northwest one-quarter of Section 28, Town 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin more particularly described as follows:

Beginning at the Southwest corner of Parcel 1 of Certified Survey Map 4010, recorded in Volume 31 of Certified Survey Maps on Pages 155-157 as Document No. 1155261, Waukesha County Records, said point being a point of curve, thence southeasterly along the arc of a 48 07' 47" curve 115.81 feet to a point on the easterly line of said Parcel 1, said curve having a center lying to the northeast, a radius of 1,387.40 feet, and a long chord of 115.78 feet bearing South 848 43' 52" East; thence North 018 23' 08" West along the easterly line of said parcel 4.51 feet to a point of curve; thence northwesterly along the arc of a 48 08' 35" curve 77.44 feet to a point, said curve having a center lying to the northeast, a radius of 1,382.90 feet, and a long chord of 77.43 feet bearing North 858 30' 17" West; thence North 778 49' 19" West 39.07 feet to a point on the westerly line of said Parcel 1, said point being known as Point A; thence South 018 23' 08" East along said westerly line 8.19 feet to the point of beginning.

Said parcel contains 593.6 square feet more or less, exclusive of those lands previously conveyed or dedicated for highway purposes.

Also, a temporary limited easement for the right to construct slopes, including for such purpose the right of ingress and egress as long as required for such public purpose, including the right to operate the necessary equipment thereon, and including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable. Said easement is more particularly described as follows:

Beginning at Point A as described above; thence North 018 23' 08" West along said westerly line 5.05 feet to a point; thence South 788 24' 50" East 39.69 feet to a point; thence South 888 57' 35" East 76.39 feet to a point on the easterly line of said Parcel 1; thence South 018 23' 08" East 10.00 feet to a point on the northerly right of way line of relocated C.T.H. TJ (Silvermail Road) as described above and a point of curve; thence northwesterly along the arc of a 48 08' 35" curve 77.44 feet to a point, said curve having a center lying to the northeast, a radius of 1,382.90 feet, and a long chord of 77.43 feet bearing North 858 30' 17" West; thence North 778 49' 19" West along said northerly right of way line 39.07 feet to Point A and the point of beginning.

Said easement contains 817.9 square feet more or less and is to terminate upon completion of this project or on the day the highway is open to the traveling public, whichever is later.

	DEED RESTRICTION
Document Number	Declaration of Restrictions

In Re: Parcel 1 of Certified Survey Map No. 4010, recorded on April 17, 1981, in Volume 31 of Certified Survey Maps, on Page 155, 156, and 157 as Document No. 1155261, being a part of the Northwest ¼ of Section 28, Town 7 North, Range 19 East, City Of Waukesha, County of Waukesha, State of Wisconsin

STATE OF WISCONSIN ss)
 COUNTY OF WAUKESHA ss)

RETURN TO Allan and Karen Lach Allen Land Company, LLC 1812 Silvernail Road Pewaukee, WI 53072
--

(Tax Parcel No. WAKC 974.003)

WHEREAS, Allan Land Co., LLC, is the owner of the above-described property

WHEREAS, one or more diesel range organics (DRO) discharges have occurred on this property, DRO-contaminated soil remains on this property in the shallow soils (0 to 5 feet) in an area approximately 5 to 10 feet south of existing structures and extending from the southeast corner of the former Solitaire Jewelers store (1810 Silvernail Road) to the west to the western building line of the Lazer Lube facility (1812 Silvernail Road). A map of the subject site and approximate area of the DRO-impacted soil is attached as Figure 1 and hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Structural impediments [the former Solitaire Jewelers store (1810 Silvernail Road) and existing Lazer Lube facility (1812 Silvernail Road)] exist that make complete remediation of the soil contamination on this property impracticable. If the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of DRO contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If the currently-inaccessible contaminated soil that remains on the property is excavated in the future, it will have to be sampled and analyzed and the treatment or disposal of the soil as a solid or hazardous waste may be necessary.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Allan and Karen Lach assert that they are duly authorized to sign this document on behalf of Allan Land Co., LLC.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 26th day of April, 2002.

Allan J. Lach
Allan Lach

Karen Lach
Karen Lach

Subscribed and sworn to before me this 26th day of April, 2002.

Gregory J. Raethke
Notary Public, State of Wisconsin
My Commission expires: 2-29-04



This document drafted by
Patrick J. Patterson, P.E., P.G.
Midwest Engineering services, Inc

deedres2.doc

04-26-2002

TRANSACTION # 125534
DOCUMENT # 2796702
RESTRICTION
CERTIFIED # (S) 0

Recording Fee - County: 8.00
Recording Fee - LIS: 5.00
State Recording Fee LIS: 2.00

TOTAL: 15.00
CHECK: 13.00

THANK YOU
MICHAEL J. HASSLINGER
WAUKESHA COUNTY
REGISTER OF DEEDS

MCDONALDS
RESTAURANT

FAZOLIS
RESTAURANT

DRIVEWAY

LAZER
LUBE

SOLITAIRE
JEWELERS

MOBIL
SERVICE
STATION

SILVERNAIL ROAD



SITE DIAGRAM

LAZER LUBE AND SOLITAIRE JEWELERS
1810 and 1812 Silvernail Road
Waukesha, Wisconsin

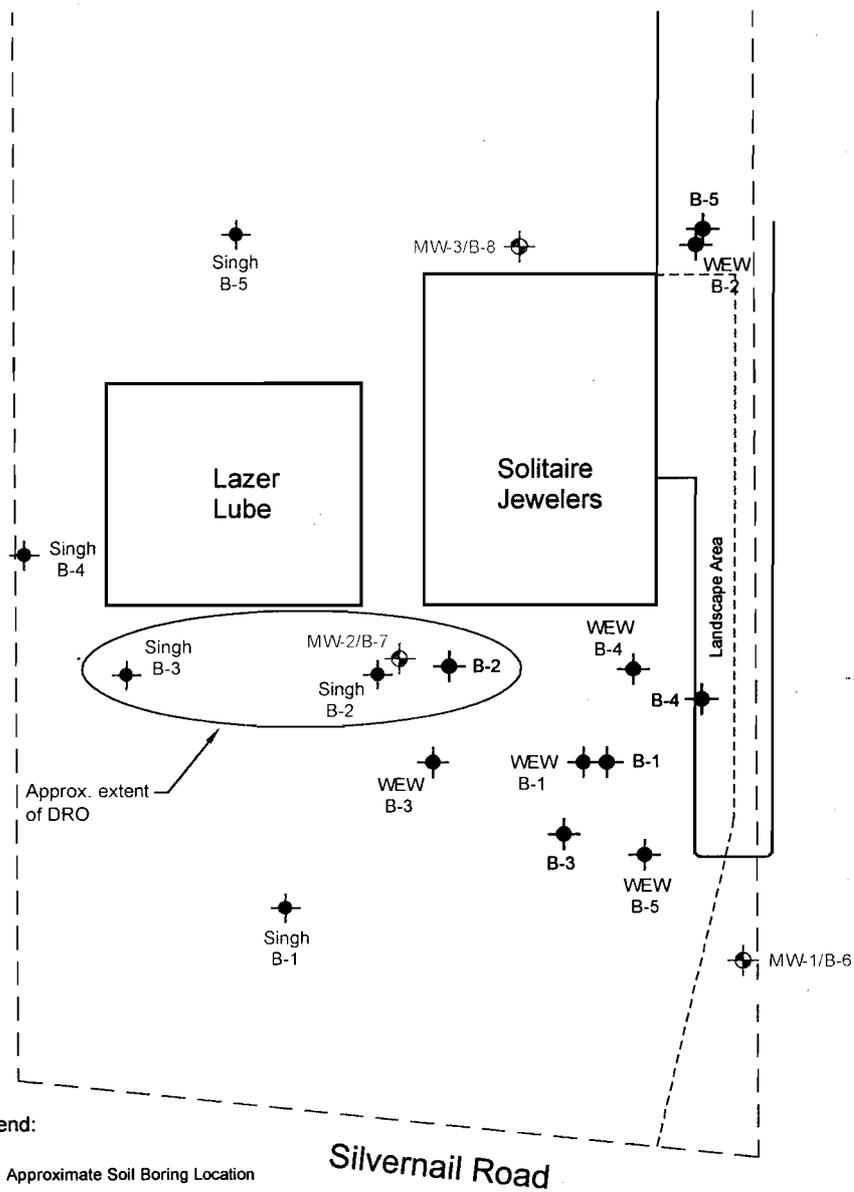
Scale: 1" = 40' +/-

Project Number: 7-01059

Date: 5/5/00

Drawn By: DAT

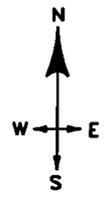
Figure 2



Legend:

- ◆ Approximate Soil Boring Location
- ◆ (with circle) Approximate Soil Boring Location Previously Performed by WEW
- ◆ (with circle and cross) Approximate Groundwater Monitoring Well Location
- ◆ (with circle and dot) Approximate Soil Boring Location Performed by K. Singh & Associates

Silvernail Road



Boring Location Diagram
 Former Solitaire Jewelers and Lazer Lube
 1810-1812 Silvernail Road
 Waukesha, Wisconsin

Scale: 1" = 30' +/-
 Project Number: 7-01059
 Date: 2-20-02
 Drawn By: jlp

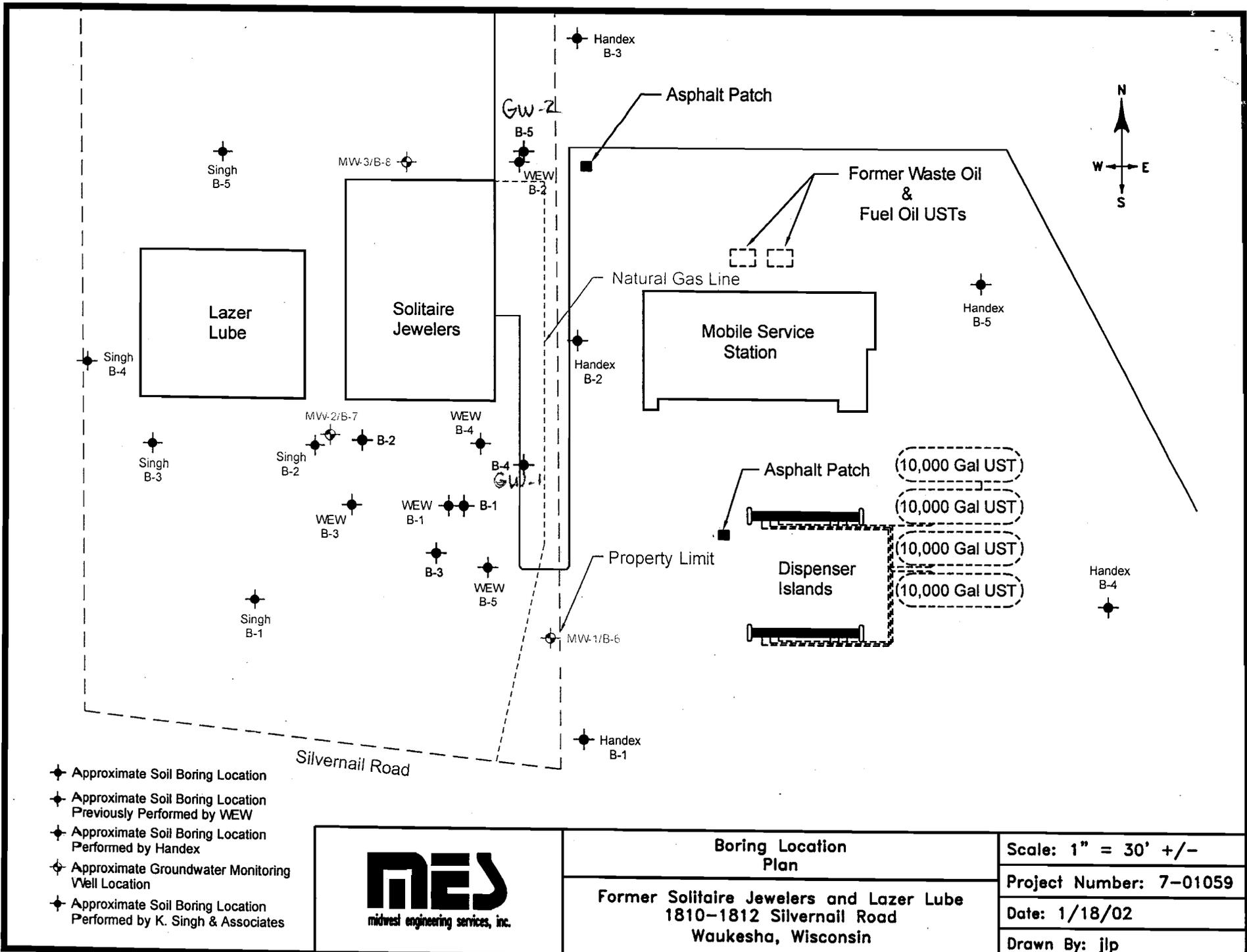


TABLE 1
Solitaire Jewelers
Summary of Soil Boring Sample Analysis Results

Boring	Depth (ft)	Date Collected	PID Instrument Unit	TPH (mg/kg)	DRO (mg/kg)	GRO (mg/kg)	Volatile Organic Compounds (ug/kg)							
							Benzene	1,2-Dichloroethane (DCA)	Ethylbenzene	Ethylene glycol	Methyl tert-butyl ether	Toluene	Total Trimethylbenzenes	Total Xylenes
B-1	5-7	5/12/00	12	-	<6.41	24.7	490	<25.0	46.2	-	182	174	185.3	274
B-2	3-5	5/12/00	ND	-	448	21.2	<25.0	<25.0	30.9	-	<25.0	46.9	887	141
B-3	7-9	5/12/00	ND	-	<5.78	<5.78	<25.0	<25.0	<25.0	-	<25.0	<25.0	<25.0	61.2
B-4	6-8	5/12/00	140	-	8.82	220	1,390	<25.0	2,900	-	804	1,620	1,408	659
B-5	8-10	5/12/00	ND	-	<6.17	<6.19	<25.0	<25.0	<25.0	-	<25.0	<25.0	<25.0	42.2
B-7 (MW-2)	3-5	6/25/01	-	-	1,040	-	<25.0	<25.0	<25.0	-	<25.0	<25.0	<25.0	<25.0
WEW B-1	4	8/9/90	75	12.4	-	-	990	-	1320	-	-	350	-	230
	10	8/9/90	ND	12.7	-	-	450	-	480	-	-	10	-	310
WEW B-3	10	11/14/90	-	-	-	-	<150	<150	<150	220	-	<150	-	300
WEW B-4	5.5	11/14/90	-	-	-	-	<150	<150	200	-	-	<150	-	590
WEW B-5	4	11/14/90	-	-	-	-	<150	<150	<150	330	-	<150	-	300
WDNR NR 720 Generic RCLs				---	100	100	5.5	4.9	2,900	---	---	1,500	---	4,100
WDNR DCLs				---	---	---	1,100	540	---	---	---	---	---	---
WDNR SSLs				---	---	---	8,500	600	4,600	---	---	38,000	94,000	42,000

Notes:

- RCL = Residual Contaminant Level
- DCL = Direct Contact Level (only applies to top 4 feet of soil)
- SSL = Soil Screening Level
- GRO = Gasoline Range Organics
- DRO = Diesel Range Organics
- TPH = Total Petroleum Hydrocarbon
- mg/kg = milligrams per kilogram
- ug/kg = micrograms per kilogram
- ND = Not Detected
- = Not Analyzed
- = No Standard Established

TABLE 2
Solitaire Jewelers
Summary of Groundwater Sample Analysis Results

Groundwater Monitoring Well	Date Collected	Volatile Organic Compounds (ug/l)					
		Benzene	Ethylbenzene	Methyl tert-butyl ether	Naphthalene	Total Trimethylbenzenes	Total Xylenes
GW-1 (B-4)	5/12/00	2,440	991	1,200	-	223	109
GW-2 (B-5)	5/12/00	<0.500	<0.500	<0.200	-	<1.00	<0.500
MW-1 (B-6)	6/25/01	<0.500	<0.500	16.6	<2.00	<1.00	<0.500
MW-2 (B-7)	6/25/01	<0.500	<0.500	6.10	<2.00	<1.00	<0.500
MW-3 (B-8)	6/25/01	<0.500	<0.500	<0.500	3.29	<1.00	<0.500
WDNR Preventive Action Limit (PAL)		0.5	140	12	8	96	1,000
WDNR Enforcement Standard (ES)		5	700	60	40	480	10,000

Notes:

mg/l = milligrams per liter
ug/l = micrograms per liter
- = Not Analyzed
--- = No Standard Established

March 6, 2002

Southeast Region Headquarters
2300 N. Dr. Martin Luther King Jr. Drive
P.O. Box 12436
Milwaukee, Wisconsin 53212-0436

Subject: Existing Pavement Maintenance
Former Solitaire Jewelers/Lazer Lube
1810-1812 Silvernail Road
Pewaukee, WI 53972
WDNR FID #368006210, BRRTS #03-68-255941 and
BRRTS #07-68-256217

To Whom It May Concern:

The asphalt pavement and concrete approaches associated with the subject property at addresses of 1810-1812 Silvernail Road, in the City of Pewaukee, Waukesha County, Wisconsin will be visually inspected on an annual basis. This inspection will consist of monitoring for cracking of the asphalt pavement and concrete approaches and overall deteriorated conditions. If cracks are observed, they will be properly filled with a sealer to eliminate infiltration of water into the contaminated soil zone. If more extensive deteriorated conditions exist, then the damaged areas of pavement will be removed and replaced with a new pavement section.

Sincerely,



Allan Lach