

In re: Exhibit A
Wisconsin Transverse Mercator coordinates 686854,294588

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

WHEREAS, the City of Milwaukee is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property, and as of January 15, 1995, when soil samples were collected on this property, petroleum volatile organic compound (PVOC) and polynuclear aromatic hydrocarbon (PAH)-contaminated soil remained on this property in the vicinity of the existing, former tar wells, which are indicated on the attached Figure 8.

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:

The asphaltic concrete surface cover that existed on the above-described property on the date that this restriction was signed forms a barrier that must be maintained in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. This structure is also required 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 asphaltic concrete surface shall be maintained on the above-described property in the location shown on the attached map, labeled "Figure 8. Soil Analytical Results" unless another barrier, with an infiltration rate of 10⁻⁷ cm/sec or less, is installed and maintained in its place. The existing structure, and any replacement barrier with an infiltration rate of 10⁻⁷ cm/sec or less, shall be maintained on the above-described property in compliance with the "Cap Maintenance Plan" dated March 11, 2004, that was submitted to the Wisconsin Department of Natural Resources by the City of Milwaukee, as required by section NR 724.13(2), Wis. Admin. Code (1999), unless another barrier, with an infiltration rate of 10⁻⁷ cm/sec or less, is installed and maintained in its place.

In addition, the following activities are prohibited on any portion of the above-described property where an impervious cap has been placed or where impervious surfaces exist (Figure 8), unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on capped areas and areas with impervious surfaces; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or impervious surface.

Recording Area

Name and Return Address

Milwaukee Water Works
Water Engineering Section
809 North Broadway, 4th Floor
Milwaukee, WI 53202

207-0746-112-9

Parcel Identification Number (PIN)

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.

IN WITNESS WHEREOF, the said City of Milwaukee, has executed this Declaration of Restrictions and caused these presents to be signed by Tom Barrett, its Mayor and Ronald D. Leonhardt, its City Clerk and countersigned by W. Martin Morics, Comptroller, at Milwaukee, Wisconsin, and its corporate seal to be affixed this ____ day of _____ A.D., 20____.

Signed and sealed in presence of:

CITY OF MILWAUKEE

By: _____
Tom Barrett, Mayor

Ronald D. Leonhardt, City Clerk

COUNTERSIGNED

W. Martin Morics, City Comptroller

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 20____,
Tom Barrett, Mayor of the City of Milwaukee, to me known to be the person who executed
the foregoing instrument and to me known to be such Mayor of the City of Milwaukee and acknowledged
that he executed the foregoing instrument as such officer as the deed of the City of Milwaukee, by its
authority, and pursuant to Resolution File Number _____ adopted by its Common Council on
_____.

Notary Public, State of Wisconsin
My Commission Expires_____

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 20____, the above-
named Ronald D. Leonhardt, to me known to be the City Clerk of the City of Milwaukee, who by its
authority and on its behalf executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires_____

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 20____, the above-named W.
Martin Morics, to me known to be the Comptroller of the City of Milwaukee, who by its authority and on
its behalf executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires_____

This document was drafted by Giles Engineering Associates, Inc. and the City of Milwaukee.

Approved as to Contents

SUPERINTENDENT, MILWAUKEE WATER WORKS

Date:

Approved as to form and
Execution

ASSISTANT CITY ATTORNEY

Date: