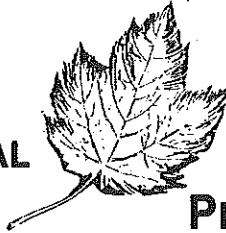


→ Gina Keenan HQ  
Please file

FID # 241174010

ERR LUST

ENVIRONMENTAL



PROFESSIONALS LTD.<sup>SM</sup>

June 2, 1997

John Fenney  
State of Wisconsin  
Department of Natural Resources  
Southeast District Annex  
4041 North Richards Street, Box 12436  
Milwaukee, Wisconsin 53212-0436

Re: Case Closure Request, Hopkins Dry Cleaners, 4700 North Hopkins Street, Milwaukee,  
FID#241174010 RR-LUST

Dear Mr. Feeney:

Enclosed is a notarized copy of the deed restriction, including the county filing information, for the above named property. The declaration describes the locations of contaminated soils and states the soil must be properly disposed if subsurface work occurs in those soils or if the structures that impede excavation of the soils are removed.

Thank you for your quick response, If you have any questions you can reach me at (414) 475-2511.

Sincerely,

Jeff J. Schure

Senior Hydrogeologist



Declaration of Restrictions and Covenants

Return to  
Environmental Professionals  
1126 S 70th St Suite 5415A  
West Allis, WI 53214

REGISTER'S OFFICE }  
Milwaukee County, WI } ss

RECORDED AT \_\_\_\_\_ 2:55 PM

APR 16 1997  
REEL 4033 IMAGE 1546

*Walter B. Buehl* REGISTER OF DEEDS

In Re: North Milwaukee Sub-D No 1 In NW 1/4 Section 1-7-21 Block 2 Lot 26.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

WHEREAS, Hopkins Dry Cleaners is the owner of the above described property; and

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:

One or more solvent discharges have occurred at this property. Structural impediments existing at the time of cleanup make complete remediation of the contamination impracticable. Solvent contaminated soil may remain on this property at the following locations: Adjacent the south wall of the Dry Cleaners building under the former locations of the two solvent tanks adjacent to the building. Pursuant to the requirements of s 144.76, Stats., any future subsurface work on this property which removes the structural impediments which currently exist shall provide for an investigation of the degree and extent of solvent 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 treated or disposed of in accordance with applicable laws.

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 issued 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.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions and Covenants, this 29th day of March, 1997.

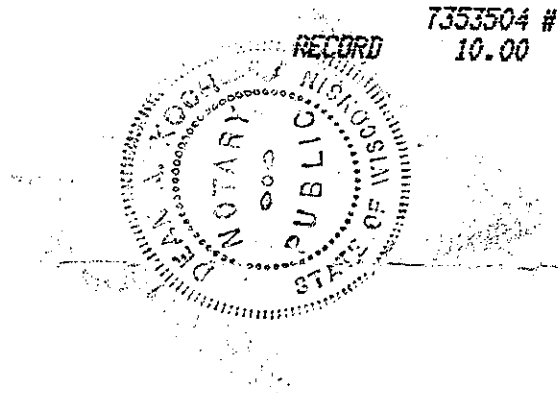
Signature: *Ervin R Koch* -owner

Printed Name: ERVIN R. KOCH

Subscribed and sworn to before me this 29th day of March, 1997.

*Dean A. Koch*  
Notary Public, State of Wisconsin

Exp. 6-28-98  
My commission



This document was drafted by the Wisconsin Department of Natural Resources.

1000

March 10, 1997

Erv Hopkins  
Hopkins' Dry Cleaners  
4700 North Hopkins Street  
Milwaukee, WI 53207

Dear Mr. Hopkins:

Subject: Case closure request for Hopkins' Dry  
Cleaners, 4700 North Hopkins Street,  
Milwaukee, file reference FID #241174010 RR-  
LUST

I have reviewed your case for closure based on the investigation report submitted by your consultant, Environmental Professionals, Ltd. I understand that the worst of the contaminated soil is not accessible for remediation.

I can close the case at this time if you place a declaration of restriction on the deed of the property that describes the nature, extent, and location of the contamination and states that the contaminated soil must be remediated when surface impediments are removed. Alternately, you may obtain closure if your consultant can show that the remaining soil contamination does not pose a threat to the groundwater under normal rainwater infiltration conditions under the authority of Wisconsin Administrative Code NR720.19.

If you have any questions about this letter, call me at 414-229-0850.

Sincerely,

John Feeney  
Hydrogeologist

cc: Environmental Professionals, Inc.  
SED File