341191840
02-41-555706
06-41-555699

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921

Voluntary Party Exemption Application

Form 4400-178 (R 7/00)

Notice: Use this application to apply for the voluntary party liability exemption under s. 292.15, Wis. Stats. Refer to the attached instructions when completing this form. This form is authorized by ss. 227.11(2)(b) and 292.15, Wis. Stats. Participation in the voluntary party liability exemption process is voluntary. However, this form is required by ch. NR 750, Wis. Adm. Code, for persons requesting approval to participate in the program. Personally identifiable information that is submitted to the DNR will become a public record and may be used by the DNR in the administration and enforcement of the hazardous substance spill program in addition to the liability exemption program. If additional information is required, DNR staff may contact the applicant or return incomplete applications.

Property Information (1)

Property Name	Address			
GC/BV1 Grocery, LLC	2201 Miller Park Way (Lot 2 CSM-7692)			
City	**State**	**ZIP Code**	**County**	**Property Size (in acres)**
West Milwaukee	WI	53219	Milwaukee	7.13 acres

Public Land Survey Coordinates

Township	Range	E/W	Section	¼ NE SE NW SW	¼ NE SE NW SW
6 North	21	E	2	SE	

Applicant Information (2) Voluntary Party

Organization / Firm / Person			Title
GC/BV1 Grocery, LLC			Project Manager
Last Name	**First**	**MI**	**Telephone Number (including Area Code)**
Bell	Sharon		414.271.1927
Street Address			**Fax Number (including Area Code)**
311 East Chicago Street, Suite 210			414.271.5387
City	**State**	**ZIP Code**	**E-Mail Address**
Milwaukee	WI	53202	sharonb@boulderventure.com

Ownership Information (3)

Applicant Relationship to Property (check one)

☒ Current Owner ☐ Potential / Future Purchase ☐ Previous Owner ☐ Other: _____

Regulatory Identification (4) Include ID Numbers (if known)

☒ DNR FID	241013410	☐ USEPA ID	
☒ Environmental Repair (ERP	02-41-245955	☐ Hazardous Substance Spil	
☒ Leaking Underground Storage Tank (LUST	03-41-000051	☐ Brownfield Env'l. Asmt, Pilo	
☐ Solid Waste		☐ Municipal Negotiation & Cost Recover	
☐ Hazardous Waste		☐ Superfund Remedial (NPL	
☐ Wastewater-surface water (WPDES		☐ Abandoned Containers	
☐ Wastewater-groundwater (WPDES		☐ Superfund Site Evaluation (CERCLA	
☐ DCOM PECFA Claim Number		☐ Municipal Grants Program	
☐ DATCP Agricultural Contamination		☐ Contaminated Sediments	
☒ Other: VPLE 06-41-297458 OPEN			

For Office Use

Date Received	Application Fee Received	Deposit Received	
7/16/10	☒	☐	☐ Approval to Proceed PMN REDY
BRRTs Activity Number	**BRRTs Activity Name**		☐ Denied (explain) (603)
06-41-555699	GC/BV1 Grocery LLC		☐ Withdrawn (explain) (610)
FID	**Region**		
341191840	SER		

Comments

Reviewed By Victoria Stovall — **Date** 08-30-10

Project Manager

Environmental Consultant Representing Applicant (5)

Organization / Firm			Title
ARCADIS US, Inc.			Project Manager
Last Name	**First**	**MI**	**Telephone Number (including Area Code)**
Verburg	Benjamin		414.276.7742
Street Address			**Fax Number (including Area Code)**
126 North Jefferson St, Suite 400			414.276.7603
City	**State**	**ZIP Code**	**E-Mail Address**
Milwaukee	WI	53202	ben.verburg@arcadis-us.com

Attorney Representing Applicant (If Applicable) (6)

Organization / Firm			Title
Reinhart Boerner VanDeuren, SC			Attorney at Law
Last Name	**First**	**MI**	**Telephone Number (including Area Code)**
Gallo	Don	P.	262.951.4500
Street Address			**Fax Number (including Area Code)**
W233 N2080 Ridgeview Parkway			262.951.4690
City	**State**	**ZIP Code**	**E-Mail Address**
Waukesha	WI	53188	dgallo@reinhartlaw.com

Past Land Uses (7)

- [ ] Service station
- [X] Manufacturing
- [ ] Agricultural co-op
- [ ] Dry cleaner
- [ ] Salvage yard
- [ ] Bulk plant
- [ ] Pipeline
- [ ] Tannery
- [ ] Coal gas manufacturer
- [ ] Unknown
- [ ] Electroplater
- [ ] Landfill
- [ ] Other: _____

Known or Suspected Sources / Wastes (8)

- [ ] Foundry sand
- [ ] Underground pipeline or tank
- [X] Surface spills
- [ ] Above ground pipeline or tank
- [X] Routine industrial operations
- [ ] Contaminated building
- [ ] Pipeline
- [ ] Industrial accident
- [ ] Coal gas manufacturer
- [ ] Lagoons
- [ ] Electroplater
- [ ] Fly ash
- [ ] Other: _____

Regulatory Criteria (9)

Has contamination been detected at the property?	[X] Yes	[ ] No	
If contamination was detected, has it been reported to the state?	[X] Yes	[ ] No	Agency notified: WDNR Date: 2-8-2002
Does it include petroleum from a leaking underground storage tank (LUST)?	[X] Yes	[ ] No	
Are you using the Petroleum Environmental Cleanup Fund (PECFA) to pay for any portion of the remedial actions?	[ ] Yes	[X] No	[ ] Undecided
Does it include non-LUST petroleum or non-petroleum contamination?	[X] Yes	[ ] No	
Is there an enforcement order currently in effect at this property?	[ ] Yes	[X] No	Issuing agency: _____ Date: _____

Attachments and Certification (10)

I have attached: 1) [X] a list of past environmental work;

2) [X] a check or money order for $250 application fee made payable to the Wisconsin DNR;

3) [X] a public survey map showing location of property;

4) [X] a detailed map that clearly indicates the property boundaries; and

5) [X] a copy of the property deed.

I certify that I have read and am familiar with the information on this form and that the information is true, accurate and complete to the best of my knowledge.

I hereby request assistance from DNR in reviewing the environmental response actions that have been or will be taken to obtain protection of limited liability, as provided in s. 292.15, Wis. Stats.

I recognize that to obtain this limited liability exemption that the environmental response actions taken will need to comply with the applicable provisions of the NR 700 rule series, and will require a Phase I and II environmental assessment to be conducted for the property.

I recognize that I will be responsible for paying fees to DNR for assistance provided to me as provided under ch. NR 750, Wis. Adm. Code.

☐ Withhold personal identifiers collected on this form from disclosure on any list of 10 or more individuals that the DNR is requested to provide to another person. [s. 23.45(2) and (3), Wis. Stats.]. Effective date: November 1, 2000.

Applicant's Name (Type or Print)	Title
[illegible]	Agent Owner
Signature	**Date Signed**
[signature]	4.9.10

Line-by-Line VPLE Application Instructions

Section 1: Property Information - Fill in the information requested for the property for which you are seeking a Liability Exemption. Property name usually refers to the name of the last business that operated at the property. Provide the size of the property or estimate it as accurately as possible. The public land survey coordinates of the property should be provided.

Section 2: Applicant Information- Voluntary Party - Provide contact information about the applicant. The applicant is the person or organization seeking Department review and approval of the response actions that will be taken to receive the liability exemption under s.292.15, Stats. Once the application has been processed by the DNR, the applicant will be considered the Voluntary Party for this property. The Voluntary Party is responsible for payment of any fees to the DNR. Unless the DNR is notified to the contrary, all bills and correspondence as part of the VPLE process will be sent to the Voluntary Party. If more than one party is applying for the VPLE for the same property, each party must submit a separate application form and $250 fee.

Section 3: Ownership Information - Answer the question regarding the relationship of the Applicant to the property.

Section 4: Regulatory Identification - Provide readily available regulatory identification. Check any regulatory program(s) involved with the property in the past and provide the corresponding ID number, if known. For superfund property evaluation (CERCLIS), superfund remedial (NPL), and hazardous waste properties, write the USEPA ID in the corresponding space (only one USEPA ID should apply). For hazardous waste properties and solid waste properties, write the license number for the facility in the space next to the program, and provide additional license number if applicable, under "Other" or on a separate sheet.

Section 5: Environmental Consultant - Please provide contact information about the applicant's environmental consultant.

Section 6: Legal Counsel - Provide contact information about the Voluntary Party's attorney, if applicable.

Section 7: Past Land Uses - Indicate any activities or operations that took place on the property in the past, if known (check as many as apply). Include additional land uses not listed in the space provided, if relevant.

Section 8: Known or Suspected Sources - Indicate any known or suspected sources of contamination at the property if known (check as many as apply). Include sources not listed in the space provided.

List of Past Environmental Work

RAOP Implementation Construction Documentation Report. GE Consumer Products – Hotpoint Facility, West Milwaukee, Wisconsin. Prepared by Montgomery Watson Harza, dated February 2002.

Phase I Environmental Site Assessment. GE Appliances Facility, 2205 South 43rd Street, West Milwaukee, Wisconsin. Prepared by Montgomery Watson Harza, dated July 2001.

Phase II Site Investigation Report. GE Consumer Products – Hotpoint Facility, West Milwaukee, Wisconsin. Prepared by Montgomery Watson Harza, dated January 2003.

Phase III Investigation. GE Consumer & Industrial – Hotpoint Facility, West Milwaukee, Wisconsin. Prepared by Montgomery Watson Harza, dated February 2004.

Phase III Addendum Site Investigation. GE Consumer & Industrial – Hotpoint Facility, West Milwaukee, Wisconsin. Prepared by Montgomery Watson Harza, dated September 2004.

Remedial Action Options Report/Remedial Action Plan – GE Hotpoint Facility, West Milwaukee, Wisconsin. Prepared by ARCADIS G&M, Inc. dated September 2005.

Remedial Action Summary Report January 2006 – July 2007 – Centennial Place (Former GE Hotpoint Site), West Milwaukee, Wisconsin. Prepared by ARCADIS US, Inc., dated September 2007.

Project Update – Centennial Place (Former GE Hotpoint Site), West Milwaukee, Wisconsin. Prepared by ARCADIS US, Inc., dated January 2008.

Closure Assessment for Underground Storage Tank – Centennial Place (Former GE Hotpoint Site), West Milwaukee, Wisconsin. Prepared by ARCADIS US, Inc., dated February 2008.

Project Update – Centennial Place (Former GE Hotpoint Site), West Milwaukee, Wisconsin. Prepared by ARCADIS US, Inc., dated July 2008.

Closure Report – Centennial Place (Former GE Hotpoint Site), West Milwaukee, Wisconsin. Prepared by ARCADIS US, Inc., dated March 2010.

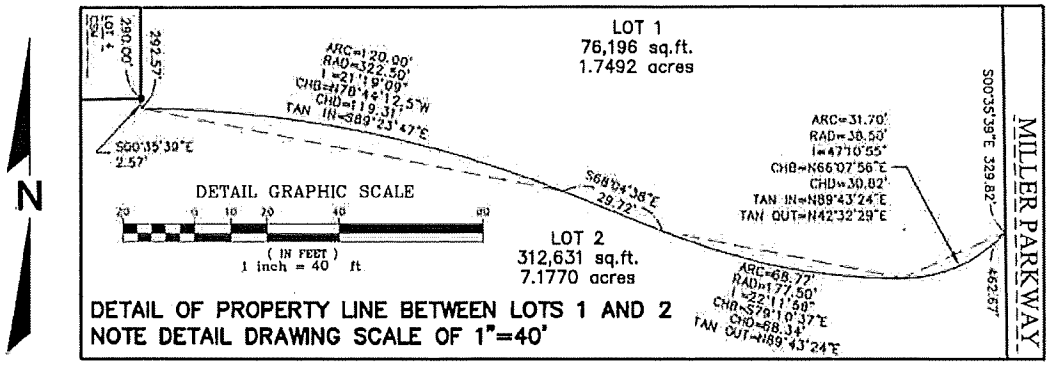
Request for Site Closure and Response to Wisconsin Department of Natural Resources (WDNR) October 14, 2008 Comments - Centennial Place (Former GE Hotpoint Site), West Milwaukee, Wisconsin. Prepared by ARCADIS US, Inc., dated March 2010.

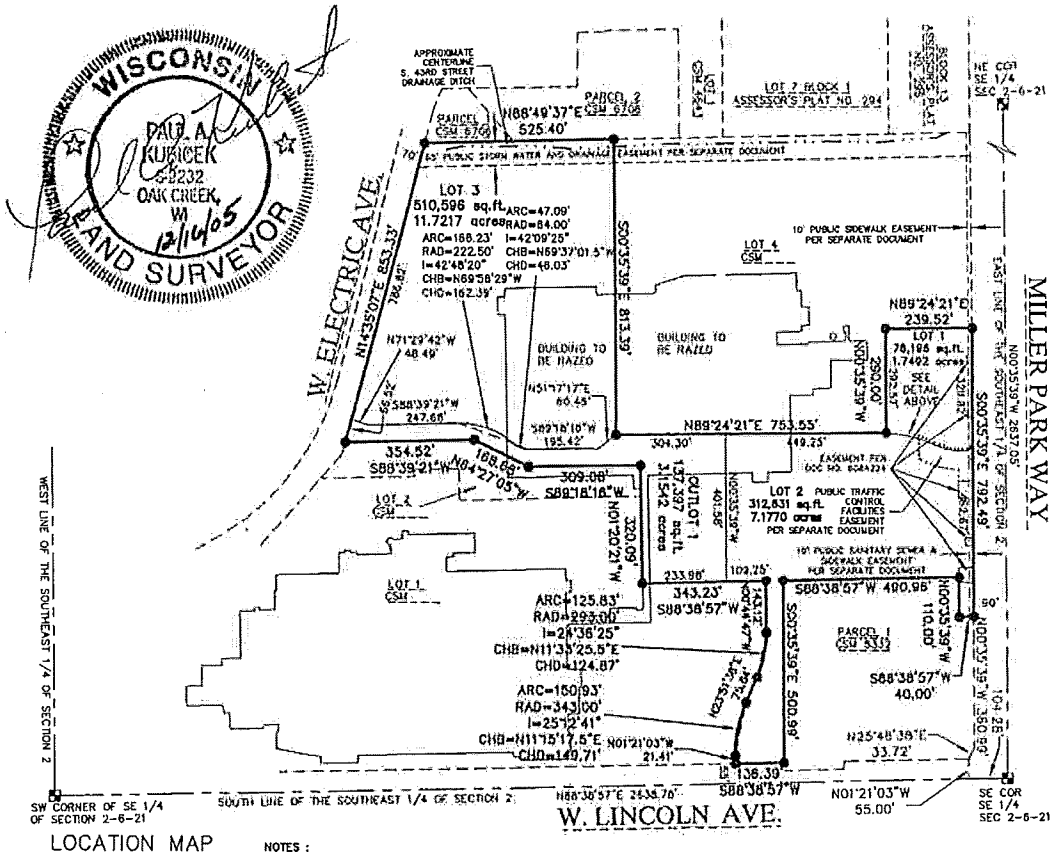
Public survey map showing location of property

CSM 7692

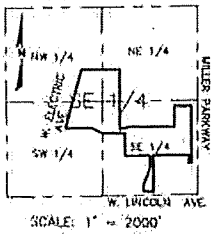
CERTIFIED SURVEY MAP NO. 7692

A division of Lot 3 of Certified Survey Map No. 7691, being part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 2, Town 6 North, Range 21 East, in the Village of West Milwaukee, Milwaukee County, Wisconsin.





LOCATION MAP
SOUTHEAST 1/4
OF SECTION 2, T 6 N, R 21 E



SCALE: 1" = 2000'

NOTES :

● – 1" IRON PIPE FOUND

ALL OTHER LOT CORNERS HAVE 1.315" (OUTSIDE DIAMETER) x 24" IRON PIPES SET, WT. 1.68 LBS. PER LINEAL FOOT

ALL DIMENSIONS ARE SHOWN TO THE NEAREST HUNDREDTH OF A FOOT

BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 2-6-22 WHICH BEARS N00°35'39"W

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 400 ft.

National Survey & Engineering
A Division of R.A Smith & Associates, Inc

262-781-1000
Fax 262-797-7373
16745 W. Bluemound Road
Suite 200
Brookfield, WI 53005-5938
www.nsae.com

S:\5162706\dwg\CS100L.dwg\CS101L4H

CERTIFIED SURVEY MAP NO. 7692

A division of Lot 3 of Certified Survey Map No. 7691, being part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 2, Town 6 North, Range 21 East, in the Village of West Milwaukee, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
:SS
WAUKESHA COUNTY }

I, PAUL A. KUBICEK, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of Lot 3 of Certified Survey Map No. _____, being part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 2, Town 6 North, Range 21 East, in the Village of West Milwaukee, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Southeast corner of said Southeast 1/4 Section; thence South 88°38'57" West along the South line of said 1/4 Section 104.28 feet to a point; thence North 01°21'03" West 55.00 feet to a point on the North line of Lincoln Avenue; thence North 25°48'38" East 33.72 feet to a point on the West line of Miller Park Way; thence North 00°35'39" West along said West line 360.99 feet to the point of beginning of the lands to be described; thence South 88°38'57" West 40.00 feet to a point; thence North 00°35'39" West 110.00 feet to a point; thence South 88°38'57" West 490.96 feet to a point; thence South 00°35'39" East 500.99 feet to a point on the North line of said West Lincoln Avenue; thence South 88°38'57" West along said North line 136.39 feet to a point; thence North 01°21'03" West 21.41 feet to a point of curvature; thence Northeasterly 150.93 feet along the arc of said curve, whose center lies to the East, radius of 343.00 feet, whose long chord bears North 11°15'17.5" East 149.71 feet to a point of tangency; thence North 23°51'38" East 75.84 feet to a point of curvature; thence Northerly 125.83 feet along the arc of said curve, whose center lies to the Northwest, radius of 293.00 feet, whose long chord bears North 11°33'25.5" East 124.87 feet to a point of tangency; thence North 00°44'47" West 143.12 feet to a point; thence South 88°38'57" West 343.23 feet to a point; thence North 01°20'21" West 320.09 feet to a point; thence South 89°18'16" West 309.08 feet to a point; thence North 64°27'05" West 168.68 feet to a point; thence South 88°39'21" West 354.52 feet to a point on the Easterly line of West Electric Avenue; thence North 14°35'07" East along said Easterly line 853.33 feet to a point; thence North 88°49'37" East 525.40 feet to a point; thence South 00°35'39" East 813.39 feet to a point; thence North 89°24'21" East 753.55 feet to a point; thence North 00°35'39" West 290.00 feet to a point; thence North 89°24'21" East 239.52 feet to a point on said West line of said Miller Park Way; thence South 00°35'39" East along said West line 792.49 feet to the point of beginning.

THAT I have made such survey, land division and map by the direction General Electric Company _____, owners.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of West Milwaukee ordinances in surveying, dividing, and mapping of said lands.

December 16, 2005
DATE

WISCONSIN PAUL A. KUBICEK S-2232 SURVEYOR

(SEAL)

PAUL A. KUBICEK,
REGISTERED LAND SURVEYOR S-2232

DOC.# 09156042

REGISTER'S OFFICE } SS
Milwaukee County, WI}

RECORDED 01/03/2006 01:31PM

JOHN LA FAVE
REGISTER OF DEEDS 6853

AMOUNT: 15.00

CERTIFIED SURVEY MAP NO. 7692

A division of Lot 3 of Certified Survey Map No. 7691, being part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 2, Town 6 North, Range 21 East, in the Village of West Milwaukee, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE

General Electric Company, as owners, certify that they caused the land described on this map to the surveyed, divided, and mapped as represented on this map.

General Electric Company do further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: VILLAGE OF WEST MILWAUKEE

WITNESS the hand and seal of Paul J. Kalocsay, Counsel, this 23 day of December, 2005.

PAUL J. KALOCSAY
COUNSEL
GENERAL ELECTRIC COMPANY

STATE OF New York)
:SS
New York COUNTY)

PERSONALLY came before me this 23rd day of December, 2005, Paul Kalocsay of _____ to me known to be the person who executed the foregoing instrument.

KARIM O THOMAS
Notary Public - State of New York
NO. 01TH6136317
Qualified in New York County
My Commission Expires 11/7/09

Karim Thomas (SEAL)
Notary Public, State of New York
My commission expires 11/7/09
My commission is permanent.

VILLAGE BOARD APPROVAL

APPROVED by the Village Board of the Village of West Milwaukee on this 23 day of December, 2005.

Ronald Aldrymond
VILLAGE PRESIDENT

Susan M. Schlapp
Susan M. Schlapp CLERK

WISCONSIN
PAUL A. KUBICEK
S-2232
OAK CREEK, WI
12/16/05
LAND SURVEYOR

THIS INSTRUMENT WAS DRAFTED BY PAUL A. KUBICEK, REGISTERED LAND SURVEYOR S-2232

Detailed map that clearly indicates the property boundary

65' PUBLIC STORM WATER AND DRAINAGE EASEMENT PER DOC. NO. 9269069

W. ELECTRIC AVE.

S. 43rd ST.

S. MILLER PARK WAY

DRUG ENFORCEMENT ADMINISTRATION

LOT 1
CSM 7945

LOT 2
CSM 7945

LOT 4
CSM 7691

MENARDS®

OUTLOT BUILDING MW9

LOT 1
CSM 7692

DEEDED WITH LOT 2 CSM 7945,
65' INGRESS-EGRESS EASEMENT,
FOR THE BENEFIT OF LOT 1
PER SEPARATE DOCUMENT

LOT 2
CSM 7691

GENERAL ELECTRIC HEALTH CARE
LOT 1
CSM 7691

OUTLOT 1
CSM 7692

LOT 2
CSM 7692
Pick 'n Save

SUBJECT PARCEL

POST OFFICE
PARCEL 1
CSM 5332

MW1 MW2 MW4 MW5 MW9 MW10 MW11 MW12 MW13 MW14 MW15 MW16 MW17 MW18 MW19 MW20 MW21 MW22 MW23 MW24 MW25 MW26 MW27 MW27B MW28 MW29 MW30 MW31A MW31B MW32 MW38 MW100R MW101 MW102 MW103 MW104 MW105 MW107 MW108 MW108R MW109 MW109R MW110 MW111 MW112 MW113 MW114 MW115 MW116 MW117

LEGEND:

- MW32 MONITORING WELL LOCATION
- MW32 ABANDONED MONITORING WELL LOCATION
- PARCEL BOUNDARY
- SUBJECT PARCEL
- CSM CERTIFIED SURVEY MAP

NOTES:

1. BASE MAP DEVELOPED FROM A DRAWING BY NATIONAL SURVEY BASE MAP DEVELOPED FROM A DRAWING BY NATIONAL SURVEY & ENGINEERING, DATED JULY 15, 2005. ADDITIONAL INFORMATION FROM A DRAWING BY MWH, DATED FEBRUARY 6, 2004.
2. LOT BOUNDARIES ADAPTED FROM INFORMATION INCLUDED ON CERTIFIED SURVEY MAPS NO. 7691, 7692, 7945. BOUNDARIES ARE APPROXIMATE.
3. LOCATION OF OUTLOT BUILDING IS APPROXIMATED, BASED ON AN AERIAL PHOTOGRAPH TAKEN JULY 31, 2007.
4. LOCATION OF DRUG ENFORCEMENT ADMINISTRATION IS BASED ON A DRAWING EMAILED TO ARCADIS ON JANUARY 2, 2007.

0 60 120
SCALE IN FEET

CENTENNIAL PLACE
(FORMER GE HOTPOINT SITE)
WEST MILWAUKEE, WISCONSIN

SITE PLAN VIEW
LOT 2 CSM 7692

ARCADIS

FIGURE 1

CITY: (MILWAUKEE) SYRACUSE, NY GROUP: ENVCAD DB: IC MCNEOUGH, P. LISTER LD: B. VESBURG PM: B. VESBURG TM: TR: T. SCHOEN LYR: ON*; OFF*REF* (FRZ)
G:\Arcadis\Clients\001108\03\Hotpoint\CAD\CENTENNIAL PLACE\Drawings\Revised\Site Plan 7692 Lot 2.dwg LAYOUT: 11 SAVED: 6/28/2010 6:08 PM ACADVER: 18.0S (LMS TECH) PAGESETUP: — PLOTSTYLETABLE: BLACKGRAY.CTB PLOTTED: 6/28/2010 6:08 PM BY: ROBBIENICOLT, REBECCA
XREFs:
ST_BASE_IMAGES: PROJECTNAME: —
ST_BASE
0906-POINT BASE
NEW DEVELOPMENT 1209
Parcel 008

Copy of the property deed

* 0 9 1 5 7 4 4 5 *

DOC.# 09157445

REGISTER'S OFFICE | SS
Milwaukee County, WI|

RECORDED 01/04/2006 02:34PM

JOHN LA FAVE
REGISTER OF DEEDS

AMOUNT: 13.00

Recording Area

Name and Return Address
William R. Cummings
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, P.O. Box 2965
Milwaukee, Wisconsin 53201-2965

Part of Tax Key No. 473-1008-000-0
Parcel Identification Number (PIN)

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

FEE
77.25 (13)
EXEMPT

Document Number

State Bar of Wisconsin Form 6-2003
SPECIAL WARRANTY DEED

Document Name

THIS DEED, made between General Electric Company, successor by merger with Hotpoint, Inc. ("Grantor," whether one or more), and GC/BV 1 Grocery, LLC ("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 Milwaukee County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Lot Two (2) in Certified Survey Map No. 7692, a division of Lot Three (3) of Certified Survey Map No. 7691, being a part of the Northeast One-Quarter (1/4), Southeast One-quarter (1/4), Southwest One-quarter (1/4) and Northwest One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Two (2), in Township Six (6) North, Range Twenty-one (21) East, in the Village of West Milwaukee, County of Milwaukee, State of Wisconsin and recorded in the Office of the Register of Deeds for Milwaukee County on JAN 3, 2006 as Document No. 9156042.

This conveyance is being made subject to Grantee assuming, by acceptance of this deed, the obligations to comply with and being bound by the restrictive covenants set forth on Exhibit A attached hereto which is incorporated herein (the "Restrictive Covenants").

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: the lien for taxes for 2005; recorded easements, covenants, restrictions, redevelopment plans, agreements and other matters of records; matters disclosed by current survey; and the Restrictive Covenants.

Dated December 29, 2005.

* _____ (SEAL)

AUTHENTICATION

Signature(s) _____

authenticated on _____.

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

THIS INSTRUMENT DRAFTED BY:

Patrick M. Zabrowski of Foley & Lardner LLP

GENERAL ELECTRIC COMPANY

By: _____ (SEAL)
*

ACKNOWLEDGMENT

STATE OF ~~WISCONSIN~~ KENTUCKY)
) ss.
Jefferson COUNTY)

Personally came before me on December 29, 2005
the above-named Jack Fish
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

* Linda S Chesser
Notary Public, State of ~~Wisconsin~~ Kentucky
My Commission (is permanent) (expires: September 30, 2007)

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

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

SPECIAL WARRANTY DEED — STATE BAR OF WISCONSIN FORM NO. 6-2003

* Type name below signatures

MILW_1932053.1

EXHIBIT A TO SPECIAL WARRANTY DEED

Restrictive Covenants

Grantee hereby acknowledges and agrees that as a material inducement to Grantor's agreeing to enter into this Deed the conveyance of the Property shall be subject to the following restrictive covenants set forth herein (collectively "Restrictions"), which Restrictions shall be perpetual, shall run with the land, and shall be binding upon Grantee and all future owners of the Property (collectively "Current Owner"):

(i) Limited Use Only: The Property and any buildings and other improvements to be erected thereon shall be used solely for commercial, industrial, warehouse and retail and wholesale sales only and for no other purpose whatsoever, notwithstanding that other uses may be permitted by the applicable zoning or other ordinances now or in the future affecting the Property. Further, notwithstanding any of the foregoing and even though such may constitute a "commercial" or other permitted use, in no event shall the Property be used for any residential purposes, childcare center, playgrounds, parks or other outdoor recreational activities, school, elder care facility, nursing home or hospital.

(ii) Groundwater Use Restriction: No part of the groundwater shall be used for any use or purpose whatsoever, including, without limitation, industrial, commercial, residential, drinking, or irrigation purposes.

(iii) Remedies for Violation of the Restrictions: If the Current Owner breaches or violates either of these Restrictions, then Grantor or its designee shall have the right to obtain injunctive relief to ensure compliance by the Current Owner with these Restrictions and to pursue all other remedies which may be available to Grantor or its designee at law and in equity, including, but not limited to specific performance and/or and action for money damages. In the event of any action or proceeding to enforce these Restrictions, the prevailing party shall be entitled to recover from the nonprevailing party the prevailing party's reasonable costs and expenses including, without limitation, reasonable attorneys' and consultants' fees, in connection with such action or proceeding.

A cover letter stating how the applicant concluded that the property does not include a waste site or facility that was ever licensed under state solid or hazardous waste laws, and the sources of information used to reach that conclusion.

June 25, 2010

Mr. Binyoti Amungwafor
Wisconsin Department of Natural Resources
Southeast Region Headquarters
2300 North Martin Luther King Drive
Milwaukee, Wisconsin 53212

Re: Parcel Lot 2 CSM 7692, GC/BV1 Grocery, LLC, West Milwaukee, Wisconsin. FID No. 241013410

Dear Mr. Amungwafor:

I certify that, to the best of my knowledge, sine our purchase of the property the above referenced parcel was not used for the operation of the following:

- a solid waste facility or site that was licensed under s. 289.31, Wis. Stats., or s. 144.44, 1993 Wis. Stats.,
- a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property,
- a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property, and that is operated after the date on which the voluntary party acquired the property, or
- any hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility.

If you have any questions, please do not hesitate to contact me at (414) 271-1927.

Sincerely,

Sharon Bell
GC/BV1, LLC