

Document No.	Deed Restriction
<u>Declaration of Restrictions</u>	
<p>In Re: A parcel of land located in the Northwest 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 26, Township 8 North, Range 10 North, in the City of Madison, Dane County, Wisconsin, as more fully described in Exhibit A of this Declaration of Restrictions. The said Exhibit A, by this reference, is hereby made a part of this Declaration.</p> <p>STATE OF WISCONSIN)   ) ss. COUNTY OF DANE             )</p> <p>WHEREAS the State of Wisconsin (the "Owner") is the owner of the property described in Exhibit A hereof (the "Property"); and</p> <p>WHEREAS, polycyclic aromatic hydrocarbons ("PAHs") have been found and left in place on the Property, within the area more fully described in Exhibit B of this Declaration (the "Remediation Easement Area"). The said Exhibit B, by this reference, is hereby made a part of this Declaration; and</p>	
	<p>Recording Area</p> <hr/> <p>Name and Return Address: Edward D. Main Dept. of Administration 101 E. Wilson St Madison, WI 53707</p> <hr/> <p>Parcel Identification Number (PIN):  251-0809-264-0091-4</p>

WHEREAS, it is the desire and intention of the 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, as more fully described in Exhibit A, is held, and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

An engineered cap or cover has been constructed as a remedial action to address residual soil contamination on the Property. Therefore, the following activities are prohibited on that portion of the Property which is described as the Remediation Easement Area in Exhibit B, 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 the capped area;
- (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 cover.

In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by Section NR 724.13(2), Wisconsin Administrative Code (1997).

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the 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 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, the undersigned asserts that he or she is duly authorized to sign this document on behalf of the Owner.

IN WITNESS WHEREOF, the Owner has executed this Declaration of Restrictions this 28th day of December, 2001.

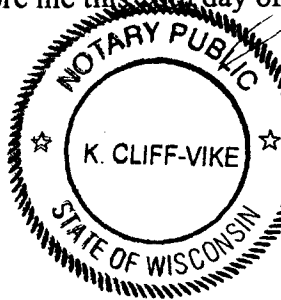
Edward D. Main

Signature

Edward D. Main

Printed Name and Title

Subscribed and sworn to before me this 28th day of December, 2001.



K. Cliff-Vike  
Notary Public, State of Wisconsin  
My Commission 10/19/03

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