



City of West Allis
Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

Table with 3 columns: File Number, Title, Status

R-2008-0115 Resolution In Committee

Resolution preliminarily determining project site to be blighted and declaring intent regarding the issuance of revenue bonds by the Community Development Authority to finance Rogers Memorial Hospital project.

Introduced: 5/6/2008

Controlling Body: Administration & Finance Committee and Safety & Development Committee

Sponsor(s): Administration & Finance Committee

COMMITTEE RECOMMENDATION adopt

Table for committee recommendation with columns: MOVER, SECONDER, AYE, NO, PRESENT, EXCUSED and rows for committee members.

SIGNATURE OF COMMITTEE MEMBER

Chair: Kurt Kopplin, Vice-Chair, Member

COMMON COUNCIL ACTION adopt

Table for common council action with columns: MOVER, SECONDER, AYE, NO, PRESENT, EXCUSED and rows for council members.



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2008-0115**

**Final Action:**

**Sponsor(s):** Administration & Finance Committee

**MAY 20 2008**

Resolution preliminarily determining project site to be blighted and declaring intent regarding the issuance of revenue bonds by the Community Development Authority to finance Rogers Memorial Hospital project.

WHEREAS, the Common Council of the City of West Allis (the "City") adopted and organized under Ordinance #5655 the creation of the Community Development Authority of the City of West Allis; and,

WHEREAS, the Community Development Authority of the City of West Allis, Wisconsin (the "Authority") is authorized by Sections 66.1335 and 66.1333 of the Wisconsin Statutes, as amended (hereinafter sometimes referred to as the "Act") to prepare redevelopment plans and urban renewal plans and undertake and carry out redevelopment and urban renewal projects within the corporate limits of the City, including but not limited to:

- (a) to acquire property necessary or incidental to an urban renewal program and to lease, sell or otherwise transfer such property to a public body or private party for use in accordance with a redevelopment plan and to assist private acquisition, expansion, improvement and development of blighted property for the purpose of eliminating its status as blighted property;
- (b) to enter into contracts determined to be necessary to effectuate the purposes of the Act; and
- (c) to issue revenue bonds to finance its activities; and,

WHEREAS, the City and the Authority have been provided with a blight report (the "Blight Report"), attached hereto as Exhibit A, with respect to a project site located at 11101 W. Lincoln Avenue in the City of West Allis, Wisconsin (the "Property") owned by Rogers Memorial Hospital Incorporated, a Wisconsin nonstock corporation (the "Hospital"); and,

WHEREAS, the Hospital desires to finance a project on the Property, consisting of (i) certain improvements to the Hospital's mental health hospital facility including, but not limited to, roof repairs, remediation and removal of foundry sand, reconfiguration of entry and exits for adequate ingress and egress, (ii) additional parking and landscaping (collectively, the "Project") and (iii) payment of professional and financing fees; and,

WHEREAS, the Authority has made a preliminary determination that the Property is a blighted

property in need of rehabilitation and blight elimination in accordance with Section 66.1333 of the Wisconsin Statutes; and,

WHEREAS, the Authority will hold a public hearing in accordance with Section 66. 1333(6)(b)(3) on such date as determined by the Authority to determine if the Property is blighted and will submit its findings to the Common Council; and,

WHEREAS, the Authority has also adopted an initial resolution (the "Initial Resolution") declaring its intent to issue revenue bonds (the "Bonds") to finance the Project, subject to satisfaction of certain conditions; and,

WHEREAS, because the Bonds cannot be issued unless the Common Council of the City makes a determination that the Property is blighted and approves the Project, this Common Council has been asked to make a preliminary determination as to the status of the Property as blighted property and the issuance of the Bonds by the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that:

1. Findings and Determinations.

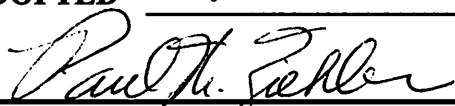
(a) Based on the information provided in the Blight Report, it is preliminarily determined that conditions of blight exist on the Property and that the Project will promote the elimination of the blighted conditions on the Property.


(b) Subject to satisfaction of the conditions on the issuance of the Bonds set forth in Section 2 of the Authority's Initial Resolution, the Common Council supports the issuance of Bonds by the Authority to finance the Project.

2. Effective Date: Conformity. This resolution shall be effective immediately upon its passage and approval. To the extent that any prior resolutions of the City are inconsistent with the provisions hereof, this resolution shall control and such prior resolutions shall be deemed amended to such extent as may be necessary to bring them in conformity with this resolution.

cc: Department of Development  
Paul M. Ziehler, City Administrative Office, Clerk/Treasurer  
Scott E. Post, City Attorney  
Gary Schmid, Manager & Comptroller, Finance Division

DEV-R-503-5-6-08

ADOPTED MAY 20 2008  
  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 5/22/08  
  
Dan Devine, Mayor



CERTIFICATION BY CITY CLERK

I, Paul M. Ziehler, hereby certify that I am the duly qualified and acting City Clerk of the City of West Allis, Wisconsin (the "City"), and as such I have in my possession, or have access to, the complete corporate records of the City and of its Common Council; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of the all the records in relation to the adoption of Resolution No. R-2008-0115 entitled: "Resolution preliminarily determining project site to be blighted and declaring intent regarding the issuance of revenue bonds by the Community Development Authority to finance Rogers Memorial Hospital project."

I hereby further certify as follows:

1. Said Resolution was considered for adoption by the Common Council at a regular meeting held at City Hall, 7525 W. Greenfield Avenue, West Allis, Wisconsin, at 7:00 p.m. on May 20, 2008. Said meeting was a regular meeting of the Common Council and was held in open session.

2. Said Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the City Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the City.

3. Said meeting was called to order by Mayor Dan Devine, who chaired the meeting. Upon roll, I noted and recorded that the following alderpersons were present:

Aldersperson Barczak  
Aldersperson Kopplin  
Aldersperson Narlock  
Aldersperson Sengstock  
Aldersperson Weigel

Aldersperson Czaplewski  
Aldersperson Lajsic  
Aldersperson Roadt  
Aldersperson Vitale

and that the following alderperson were absent:

Aldersperson Reinke

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Resolution, which was introduced, and its adoption was moved by Aldersperson Barczak and seconded by Aldersperson Lajsic. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

Alderson Barczak  
Alderson Kopplin  
Alderson Narlock  
Alderson Sengstock  
Alderson Weigel

Alderson Czaplewski  
Alderson Lajsic  
Alderson Roadt  
Alderson Vitale

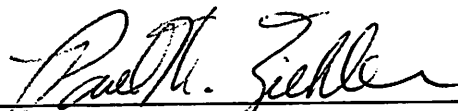
NAY: None.

ABSTAINED: None.

Whereupon the Mayor declared said Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the City hereto on this 20<sup>th</sup> day of May, 2008.

[SEAL]

  
\_\_\_\_\_  
Paul M. Ziehler, City Administrative Officer  
Clerk/Treasurer

cc: Development Department

DEV-R-503-Certify-5-6-08

## EXHIBIT A

### [BLIGHT REPORT OF PROPERTY LOCATED AT 11101 W. LINCOLN AVENUE]

#### Statutory Definitions of "Blight"

Section 66.1333 (2m)(bm) of the Wisconsin Statutes provides a definition of "blight" and cites certain examples of conditions of blight. Both the broad statutory definition and the blight finding which have been made by municipalities throughout the State are much broader than the classic dictionary definition of blight. Essentially the Statute provides three (3) separate routes to identify blight:

1. Property which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions of ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare; or

2. Property which by reason of faulty lot layout in relation to size, adequacy, accessibility of usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; or

3. Property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements or otherwise, substantially impairs or arrests the sound growth of the community.

#### Narrative Description of Blight Conditions at the Property

The following conditions of blight located at 11101 West Lincoln Avenue in the City of West Allis, Wisconsin owned by Rogers Memorial Hospital Incorporated, a Wisconsin nonstock corporation (the "Hospital") have been or will be corrected with completion of the Project:

1. The original facility was constructed on an old farm site and the existence of foundry sand indicates that prior to 1985 there was likely illegal dumping of materials leading to this condition. Additions and improvements to the site required disturbance of the underlying soil. Such foundry sand and landfill material must be managed as solid waste. Based upon information in the Phase I Environmental Report, the site contains foundry sand and 8 of 10 borings disclosed landfill material. (See applicable data from Phase I attached). Remediation and removal of foundry sand and landfill material was necessary to allow further improvement of the site and remediation of this environmental problem. The size and scope of the project includes the remediation of this condition of blight. (See additional evidence of disposal of this material attached).

2. The existing facility has several areas where there is roof leakage and resulting interior damage. To maintain the appearance, value, health, and safety of the facility, these conditions will be corrected. The size and scope of the project includes the remediation of this condition of blight.

3. The existing entrance to the Hospital is not designed to provide optimal security for patients entering and exiting the building and does not allow for adequate control by the staff of patient ingress and egress. The project includes remodeling and reconfiguring the entry and upon completion will provide optimal security for the health and safety of patients, staff and the community.

4. Prior to the project improvements, the wooded area around the Hospital contained scrub, dead and dying trees, invasive vegetation and created an unsafe condition allowing potential for loitering and lurking to go undetected. The overgrowth also created obstruction to visibility on public sidewalks and was an impediment to potential development and access to a park under consideration for development on a neighboring property. The project includes landscaping to remove scrub, dead and dying trees, invasive vegetation and improvement of each of these conditions of blight.



COPY

AQ-ENV REPORT-00067

WI-MILWAUKEE/CH



U00008581



**LAW**

ENGINEERING AND ENVIRONMENTAL SERVICES, INC.

**REPORT OF  
PHASE I ENVIRONMENTAL SITE ASSESSMENT**

**CHARTER MILWAUKEE BEHAVIORAL HEALTH SYSTEM, INC.**

11101 West Lincoln Avenue

West Allis, WI 53227

Prepared for:

**CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP**

777 Main Street, Suite 2100

Fort Worth, Texas 76102

**MAGELLAN HEALTH SERVICES, INC.**

3414 Peachtree Road NE, Suite 1400

Atlanta, GA 30326

Prepared by:

**LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC.**

111 East Wisconsin Avenue, Suite 1540

Milwaukee, Wisconsin 53202

**LAW PROJECT 60345-7-5913-9103-101**

May 28, 1997

#### 4.0 HISTORICAL SITE INFORMATION

LAW performed interviews and reviewed the following available information in order to ascertain the historical uses of the site and immediately adjacent properties to evaluate the presence of activity of potential environmental concern.

Aerial Photographs	•	Aerial photographs, dated 1954, 1970, 1985, and 1990, viewed at City of West Allis Engineering Department, Wisconsin
City Directories:	•	Wright City Directories, viewed at the City of West Allis Public Library, dated 1932, 1945, 1960, 1970, 1980, 1989, 1991, and 1995
Interviews	•	Interview with Mr. Bob Kwach, CEO of the West Allis Charter Behavioral Health System, Inc.
	•	Interview with Mr. Pat Crawford, Maintenance Staff for the facility
Other	•	United States Geological Survey (USGS) 7.5 minute series quadrangle topographic maps; Wauwatosa, Wisconsin (dated 1958, revised 1994), and Hales Corners, Wisconsin (dated 1959, revised 1994)

#### 4.1 AERIAL PHOTOGRAPHS

Aerial photographs of the site and surrounding areas were reviewed for indications of industrial use at the subject property or adjacent properties, and for indications of the presence of landfills, excavations or other areas of potential environmental concern. Aerial photographs were obtained and reviewed for the years 1954, 1970, 1985, and 1990 from the source listed above. A photocopy of the 1990 aerial photograph is provided in the Appendix I.

The subject property appears as agricultural land in the 1954, 1970, and 1985 aerial photographs. The 1990 aerial photo shows the subject property developed with the subject property's building. The area surrounding the subject property also appeared as agricultural land in the 1954 aerial photograph. Multiple buildings were observed in the area east of the subject on the 1970, 1985, and 1990 aerial photographs reviewed by LAW. An area of disturbed land was observed west of the subject property on the 1990 aerial photograph.

- The subject site appears on the UST list. The UST at the subject property is further described in the table below, and in the applicable sections of the site reconnaissance section of this report.
- Seven other facilities located within a one-quarter (0.25) mile radius of the subject property appear on the UST list. These facilities are summarized in the table below.

**Table 3. UST Facilities Located Within a One-Quarter Mile Radius of the Subject Property**

Facility Name and Location	Distance and Direction	Estimated Hydraulic Position	Number of Tanks
Charter Behavioral Health 11101 West Lincoln Avenue	On-site	NA	One 1,000-gallon steel diesel UST. Installed in 1988, active.
Cardinal Transport Inc. 11016 West Lincoln Avenue	~0.20 mile NE	Upgradient	One 10,000-gallon diesel UST. Installed in 1967, removed 6/91.
Motor Vehicle Repair Center 2406 South 111th Street	~0.20 mile South	Crossgradient	One 10,000-gallon double-wall, Fiberglass gasoline UST. Installed in 1988, active.
Mr. Bud Jost 11327 West Lincoln Avenue	~0.25 mile West	Crossgradient	One 1,000-gallon gasoline steel UST. Installed in 1961, removed 1991.
One Hour Martinizing 2262 South 108th Street	~0.25 mile East	Crossgradient	Thirteen USTs (Three 500-gallon UST's, removed in 1981; Two 550-gallon steel waste oil UST's, removed in 1992 and 1993; Two 2,000-gallon steel gasoline UST's, removed in 1993; Two 3,000-gallon steel gasoline UST's, removed 1992; Two 4,000-gallon steel gasoline UST's, removed 1992; Two 6,000-gallon steel gasoline UST's, removed 1992).
Clark Service Station #1286 2203 South 108th Street	~0.25 mile NE	Upgradient	Six USTs (Two 12,000-gallon double wall fiberglass gasoline USTs, active. Two 4,000-gallon steel gasoline USTs, removed 1993; Two 3,000-gallon steel gasoline USTs, removed 1993).
Badger Freight Service, Inc. 11139 West Becher Street	~0.30 mile North	Crossgradient	One 1,000-gallon steel waste oil UST. Installed 1982, active.

Note: All distances are estimated from the subject property. Hydraulic position is based on surface topography.

Two UST sites that are upgradient and within one-quarter mile of the subject property are Cardinal Transport Inc., and Clark Service Station. However, because the two sites are more than 1000 feet up/crossgradient, the potential for environmental impact to the subject property is low. The remainder of the registered UST sites are not considered an environmental concern due to the distances and/or their apparent hydraulic relationships with the subject property.

Based on that information, it appears that elevated levels of radon at the subject property could be a concern. Therefore, a limited radon survey consisting of 4 samples within the facility was performed. The four samples were found to range from 0.14 to 0.24 pCi/L. This concentration of radon does not appear to be a significant environmental concern for the subject property, since it is below the EPA action level of 4.0 pCi/L.

### 8.0 FORMER ENVIRONMENTAL REPORT REVIEW

LAW reviewed a previous Phase I Environmental Site Assessment which had been performed for the subject property. The assessment included a subsurface investigation by Warzyn Engineering, Inc., and excerpts from other reports for the adjacent landfill. The report and the excerpts from other reports are listed below:

- *Phase I Environmental Audit for Charter Hospital of Milwaukee, 11101 West Lincoln Avenue, West Allis, Wisconsin*, prepared by Jordan, Jones & Goulding for the Charter Medical Corporation, dated May 31, 1992
- *Subsurface Investigation, Charter Hospital, West Allis, Wisconsin*, prepared by Warzyn Engineering Inc., for Charter Medical Corporation, Macon, Georgia, dated April, 1988.
- Excerpts from *Environmental Assessment of Property at 11241 West Lincoln Avenue, West Allis, Wisconsin*, prepared by Graef, Anhalt, Schloemer & Associates, Inc., for the City of West Allis, dated January, 1991
- Excerpts from *Phase III Environmental Assessment of Property at 11241 West Lincoln Avenue, West Allis, Wisconsin*, prepared by Graef, Anhalt, Schloemer & Associates, Inc., for the City of West Allis, dated July, 1991

The Phase I Environmental Audit by Jordan, Jones & Goulding (JJG) stated that the 1,000 gallon underground storage tank associated with the emergency generator, was not registered with the State of Wisconsin. Separate correspondence was provided to document that the tank was later registered with the State of Wisconsin. The JJG report included concerns regarding Charter's unregistered UST, the fill materials present in the subsurface on the subject property, the adjacent City of West Allis landfill, "numerous" off-site LUST and spill sites north and west of the subject property and a CERCLIS site (more than 1/2 mile east). JJG's recommendation included registering the UST, perform an on-site soils investigation, install borings and monitoring wells to

the north and west of the subject property, and to monitor the WDNR records for additional information on the CERCLIS site.

The Warzyn subsurface assessment report described the installation of ten soil borings performed or provide recommendations for foundation design prior to construction the subject property. Eight borings were drilled to a total depth of 20 feet and two borings were drilled 10 feet deep. Foundry sand was identified in the near surface soils in eight of the ten soil borings (B-1, B-2, B-3, B-4, B-5, B-6, B-8, and B-10) and ranged in thickness from two to eight feet. Foundry sand was not encountered in soil borings B-7 nor B-9. These two borings are located on the northwest side of the subject property (the side nearest the former landfill). None of the borings encountered landfill materials except for a trace amount of brick and wood rubble in borings B-1, B-2, B-3, B-4, B-6, B-7, B-8, and B-10. The Warzyn report recommended constructing the footings on the native soils present below the fill materials identified during the Warzyn investigation or by overexcavating the surficial fill materials and reestablishing the construction grade with an engineered fill.

The WDNR does not require removal of foundry sands from areas previously filled with this material. However, if the foundry sands are encountered and are removed during development activities, then the WDNR requires that this material is handled as a solid waste and properly disposed.

# **NEW BERLIN GRADING, INC.**

W220 N1600 JERICO COURT WAUKESHA, WI 53186

PHONE: 262-542-1772  
FAX: 262-542-2894

May 6, 2008

**VJS Services**  
**W233 N2847 Roundy Circle West**  
**Pewaukee, WI 53072**

**ATTN: Julie**

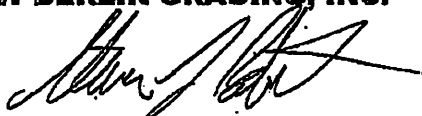
**RE: Rogers Memorial West Allis**

Julie:

Copies of tickets to Waste Management.  
Total from the tickets I have is 750 ton.

If you should have any further questions please call me.

Sincerely,  
**NEW BERLIN GRADING, INC.**



**Steve Roberts**  
Project Manager

SR

*"Excavating and Earth Moving"*

*"Since 1960"*



Orchard Ridge SPECIAL WASTE MANIFEST DISPOSAL TICKET 0956465

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] Date: 9/26/07

DRIVERS SIGNATURE: [Signature] Date: 9/26/07

TRUCK NO. 12 TONS/YARDS

1101 West Lincoln Avenue  
West Allis



1857

WHITE & YELLOW - GENERATOR COPY / PINK - DISPOSAL SITE COPY / GOLD - TRANSPORTER COPY

DCE-600-995

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0996462

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] Date: 9/26/07

DRIVERS SIGNATURE: [Signature] Date: 9/26/07

TRUCK NO. 71

TONS/YARDS



A Waste Management Company

1101 West Lincoln Avenue  
West Allis

89  
1968

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986461

BILL TO: New Berlin Grading



TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

1101 West Lincoln Avenue  
West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ Date \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: Anaola Kellman 9/26/07  
Date

DRIVERS SIGNATURE: [Signature] 9/26/07  
Date

TRUCK NO. 71

TONS/YARDS

2133

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936462

BILL TO: New Berlin Grading

7024  
1500



A Waste Management Company

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

11101 West Lincoln Avenue  
West Allis

GENERATORS SIGNATURE: \_\_\_\_\_  
Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] 9/2/07  
Date

DRIVERS SIGNATURE: [Signature] 9/20/07  
Date

TRUCK NO. 71 \_\_\_\_\_ TONS/YARDS

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0988461

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WT

ACCEPTED BY: \_\_\_\_\_

*Angela Kalman* 9/26/07

DRIVERS SIGNATURE: \_\_\_\_\_

*[Signature]* 9/26/07

TRUCK NO. 71

TONS/YARDS



A Waste Management Company

11101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986400

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

WASTE DESCRIPTION: \_\_\_\_\_

PROFILE # \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_

DRIVERS SIGNATURE: \_\_\_\_\_



A Waste Management Company

1101 West Lincoln Avenue  
West Allis

Foundry Sand

AWW101023WT

*[Signature]*

Date

9/26/07

Date

9/26/07

TRUCK NO.

12

TONS/YARDS



Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936463

7024

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: [Signature] 5/1/08  
Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] 5/1/08  
Date

DRIVERS SIGNATURE: [Signature] 5/1/08  
Date

TRUCK NO. 208 TONS/YARDS



11101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0916466

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* Date: 5, 2, 88

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WT

ACCEPTED BY: *[Signature]* Date: 5, 2, 88

DRIVERS SIGNATURE: *[Signature]* TRUCK NO. 175511 TONS/YARDS



A Waste Management Company

1101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST: DISPOSAL TICKET

0986467

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Roger's Memorial Hospital West Allis

GENERATOR'S SIGNATURE: *[Signature]* Date: 2.7.08

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW1Q1023WT

ACCEPTED BY: *[Signature]* Date: 2.2.08

DRIVERS SIGNATURE: *[Signature]* Date: 2.2.08 TRUCK NO. 5554



A Waste Management Company

1101 West Lincoln Avenue  
West Allis

TONS/YARDS

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986463

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* Date: 5/1/08

WASTE DESCRIPTION: Foundry Sand Date: 5/1/08

PROFILE # MM101023WI

ACCEPTED BY: *[Signature]* Date: 5/2/08

DRIVERS SIGNATURE: *[Signature]* Date: 5/2/08

TRUCK NO. 12

TONS/YARDS



Waste Management Company

1101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936470

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *Gay Williams* 5.2.08

WASTE DESCRIPTION: Foundry Sand

PROFILE #: MW101023WT

ACCEPTED BY: *SS* 5.2.08

DRIVERS SIGNATURE: *[Signature]* 5.2.08

TRUCK NO. 135 TONS/YARDS



1101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986471

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: [Signature] Date 5.2.08

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] Date 5.2.08

DRIVERS SIGNATURE: [Signature] Date 5.2.08



1101 West Lincoln Avenue  
West Allis

TRUCK NO. Shoos #11 TONS/YARDS



Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* Date: 5, 2, 08

WASTE DESCRIPTION: Foundry Sand Date: 5, 2, 08

PROFILE # MW101023WI

ACCEPTED BY: *[Signature]* Date: 5, 2, 08

DRIVERS SIGNATURE: *[Signature]* Date: 5, 2, 08



1101 West Lincoln Avenue  
West Allis

0986472

TRUCK NO. *[Signature]* TONS/STARDS

WHITE & YELLOW - GENERATOR COPY / PINK - DRIVER COPY

Orchard

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936473

BILL TO: King

TRANSPORTER: New England King

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: [Signature]

WASTE DESCRIPTION: Laundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature]

DRIVERS SIGNATURE: [Signature]

Date 5/2/08

TRUCK NO. 5556

TONS/YARDS



1101 West Lincoln Avenue  
West Allis

WHITE & YELLOW - GENERATOR COPY / PINK - DRIVER COPY

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936474

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *Carol M...* Date: 5, 2, 88

WASTE DESCRIPTION: Foundry Sand Date: \_\_\_\_\_

PROFILE #: MMW101023WT

ACCEPTED BY: *[Signature]* Date: 5, 2, 88

DRIVERS SIGNATURE: *[Signature]* Date: 5, 2, 88

TRUCK NO. 135 TONS YARDS



1101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986475

BILL TO: New Berlin Erading

TRANSPORTER: New Berlin Erading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* 5, 2, 88

WASTE DESCRIPTION: Foundry Sand

PROFILE # AMW101023WT

ACCEPTED BY: *[Signature]*

DRIVERS SIGNATURE: *[Signature]*

Date

51108

Date

TRUCK NO:

gross # 11

TONS/YARDS



A Waste Management Company

1101 West Lincoln Avenue  
West Allis

WHITE & YELLOW - GENERATOR COPY / PINK - DISPOSAL SITE COPY / BLUE -

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986476

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Roger's Memorial Hospital West Allis

GENERATORS SIGNATURE: [Signature] Date 5.2.08

WASTE DESCRIPTION: Foundry Sand Date 5.2.08

PROFILE # MMW101023W/T

ACCEPTED BY: [Signature] Date 5.2.08

DRIVERS SIGNATURE: [Signature] Date 5.2.08

TRUCK NO. 12

TONS/VARDS



Waste Management Company

1101 West Lincoln Avenue  
West Allis

WHITE & YELLOW - GENERATOR COPY / DUPLICATE

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986477

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: [Signature] Date: 5, 2, 08

WASTE DESCRIPTION: Foundry Sand Date: 5, 2, 08

PROFILE #: MW101023WT

ACCEPTED BY: [Signature] Date: 5, 2, 08

DRIVERS SIGNATURE: [Signature] Date: 5, 2, 08

TRUCK NO. 5556

TONS/YARDS



Waste Management Company

1101 West Lincoln Avenue  
West Allis



Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: [Signature] Date 5, 2, 08

WASTE DESCRIPTION: Foundry Sand Date

PROFILE # MW101023WT

ACCEPTED BY: [Signature] Date 5, 2, 08

DRIVERS SIGNATURE: [Signature] Date 5, 2, 08

TRUCK NO. ET-2

TONS/YARDS



A Waste Management Company

1101 West Lincoln Avenue  
West Allis

0936478

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936479

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* 5.2.08  
Date

WASTE DESCRIPTION: Foundry Sand  
Date

PROFILE # MMW101023WT

ACCEPTED BY: *[Signature]* 5.2.08  
Date

DRIVERS SIGNATURE: *[Signature]* 5.2.08  
Date

TRUCK NO. *[Signature]*

TONS/YARDS



1101 West Lincoln Avenue  
West Allis

*[Large Signature]*

WHITE & YELLOW - GENERATOR COPY / PINK - DISPOSAL SITE COPY / GOLD - TRANSPORTER COPY

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986480

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* Date: 5, 2, 08

WASTE DESCRIPTION: Fourday Sand Date: \_\_\_\_\_

PROFILE # MW101023WT

ACCEPTED BY: *[Signature]* Date: 5, 2, 08

DRIVERS SIGNATURE: *[Signature]* Date: 5, 2, 08

TRUCK NO. 67655

TONS/YARDS

**WMA** Waste Management Company

11101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* Date: 5/2/08

WASTE DESCRIPTION: Foundry Sand Date: 5/2/08

PROFILE # AMW101023WT

ACCEPTED BY: *[Signature]* Date: 5/2/08

DRIVERS SIGNATURE: *[Signature]* Date: 5/2/08

TRUCK NO. *[Signature]*

093048



Waste Management Company

1101 West Lincoln Avenue  
West Allis

WHITE & YELLOW - GENERATOR COPY / PINK - DISPOSAL SITE

TONS/YARDS

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986496

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: *[Signature]* 5, 2, 08  
Date

WASTE DESCRIPTION: Foundry Sand  
Date

PROFILE # AMW101023WT

ACCEPTED BY: *[Signature]* 5, 2, 08  
Date

DRIVERS SIGNATURE: *[Signature]* 5, 2, 08  
Date

TRUCK NO. 12

1101 West Lincoln Avenue  
West Allis



Wisconsin Waste Management Association

5465

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986459

*DONS Y. GY*

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: *[Signature]* 9.7.07  
Date

DRIVERS SIGNATURE: *[Signature]* 9.7.07  
Date



A Waste Management Company

11101 West Lincoln Avenue  
West Allis

TRUCK NO. 49 TONS/YARDS

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986460

*Davis*



Waste Management Company

1101 West Lincoln Avenue  
West Allis

*11/20/07*

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: *[Signature]*

DRIVERS SIGNATURE: *[Signature]*

Date 9.2.07

TRUCK NO. 419

TONS/YARDS

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936458

BILL TO: New Berlin Grading

*Dons Duff*

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

11101 West Lincoln Avenue  
West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WT

ACCEPTED BY: *[Signature]*

9700

Date

DRIVERS SIGNATURE: *[Signature]*

9.7.87

Date

TRUCK NO. 49

TONS/YARDS



Wisconsin Waste Management Company



Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986457

*Don, Grady*

BILL TO: New Berlin Grading



A Waste Management Company

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

11101 West Lincoln Avenue  
West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ Date \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: *JR* 9.7.07  
Date

DRIVERS SIGNATURE: *Grady* 9.7.07  
Date

TRUCK NO. 49 TONS/YARDS

A-35

Orchard Ridge SPECIAL WASTE MANIFEST DISPOSAL TICKET 0986452

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] 8.30.07  
Date

DRIVERS SIGNATURE: [Signature] 8-30-07  
Date

**WMA** Waste Management Company  
1101 West Lincoln Avenue  
West Allis

1059

TRUCK NO. 33 TONS/YARDS

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0906453

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ / \_\_\_\_\_  
Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: [Signature] 8,300  
Date

DRIVERS SIGNATURE: [Signature] 8,30,97  
Date

TRUCK NO. 91

TONS/YARDS



1101 West Lincoln Avenue  
West Allis, WI

[Handwritten Signature]

A-37

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986448

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

Date

WASTE DESCRIPTION: Foundry Sand

PROFILE #

MM101023WT

ACCEPTED BY:

Joseph J. Johnson 83007

Date

DRIVERS SIGNATURE: \_\_\_\_\_

Date

TRUCK NO. 19

19

TONS/VARDS



A Waste Management Company

11101 West Lincoln Avenue  
West Allis

Johnson

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986455

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # MW101023WI

ACCEPTED BY: Shonda Kellman 8/30/97  
Date

DRIVERS SIGNATURE: Dale R. Klinker Aug 30 1997  
Date

TRUCK NO. 1999

TONS/YARDS



11101 West Lincoln Avenue  
West Allis

Handwritten signature and initials

A-39

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

10955419

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

Date

WASTE DESCRIPTION: Foundry Sand

PROFILE # \_\_\_\_\_

AMW101023MI

ACCEPTED BY: \_\_\_\_\_

[Signature]

Date

DRIVERS SIGNATURE: \_\_\_\_\_

[Signature]

Date

TRUCK NO.

69

TONS/WARDS



1101 West Lincoln Avenue  
West Allis

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0986451

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital West Allis

GENERATORS SIGNATURE: \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand

PROFILE # MMW101023W1

ACCEPTED BY: \_\_\_\_\_

Doretha Kellman

Date

8/30/07

DRIVERS SIGNATURE: \_\_\_\_\_

[Signature]

Date

8/30/07

TRUCK NO. \_\_\_\_\_

33

TONS/YARDS

MMW Waste Management Company

1101 West Lincoln Avenue  
West Allis, WI 53227

[Signature]

Orchard Ridge

SPECIAL WASTE MANIFEST DISPOSAL TICKET

0936454

BILL TO: New Berlin Grading

TRANSPORTER: New Berlin Grading

GENERATOR: Rogers Memorial Hospital - West Allis

GENERATORS SIGNATURE: \_\_\_\_\_ Date: \_\_\_\_\_

WASTE DESCRIPTION: Foundry Sand Date: \_\_\_\_\_

PROFILE # AMM101023WT

ACCEPTED BY: [Signature] Date: 8/30/07

DRIVERS SIGNATURE: [Signature] Date: 8/30/07

TRUCK NO

91

TONS/YARDS

[Signature]



1101 West Lincoln Avenue  
West Allis, WI



**EXHIBIT A**

**[BLIGHT REPORT OF PROPERTY LOCATED AT 11101 W. LINCOLN AVENUE]**

**Statutory Definitions of "Blight"**

Section 66.1333 (2m)(bm) of the Wisconsin Statutes provides a definition of "blight" and cites certain examples of conditions of blight. Both the broad statutory definition and the blight finding which have been made by municipalities throughout the State are much broader than the classic dictionary definition of blight. Essentially the Statute provides three (3) separate routes to identify blight:

1. Property which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions of ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare; or

2. Property which by reason of faulty lot layout in relation to size, adequacy, accessibility of usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; or

3. Property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements or otherwise, substantially impairs or arrests the sound growth of the community.

**Narrative Description of Blight Conditions at the Property**

The following conditions of blight located at 11101 West Lincoln Avenue in the City of West Allis, Wisconsin owned by Rogers Memorial Hospital Incorporated, a Wisconsin nonstock corporation (the "Hospital") have been or will be corrected with completion of the Project:

1. The original facility was constructed on an old farm site and the existence of foundry sand indicates that prior to 1985 there was likely illegal dumping of materials leading to this condition. Additions and improvements to the site required disturbance of the underlying soil. Such foundry sand and landfill material must be managed as solid waste. Based upon information in the Phase I Environmental Report, the site contains foundry sand and 8 of 10 borings disclosed landfill material. (See applicable data from Phase I attached). Remediation and removal of foundry sand and landfill material was necessary to allow further improvement of the site and remediation of this environmental problem. The size and scope of the project includes the remediation of this condition of blight. (See additional evidence of disposal of this material attached).

2. The existing facility has several areas where there is roof leakage and resulting interior damage. To maintain the appearance, value, health, and safety of the facility, these conditions will be corrected. The size and scope of the project includes the remediation of this condition of blight.

3. The existing entrance to the Hospital is not designed to provide optimal security for patients entering and exiting the building and does not allow for adequate control by the staff of patient ingress and egress. The project includes remodeling and reconfiguring the entry and upon completion will provide optimal security for the health and safety of patients, staff and the community.

4. Prior to the project improvements, the wooded area around the Hospital contained scrub, dead and dying trees, invasive vegetation and created an unsafe condition allowing potential for loitering and lurking to go undetected. The overgrowth also created obstruction to visibility on public sidewalks and was an impediment to potential development and access to a park under consideration for development on a neighboring property. The project includes landscaping to remove scrub, dead and dying trees, invasive vegetation and improvement of each of these conditions of blight.

COPY

AG-ENV REPORT-00067

WI-MILWAUKEE/CH



U00008581



**LAW**

ENGINEERING AND ENVIRONMENTAL SERVICES, INC.

**REPORT OF  
PHASE I ENVIRONMENTAL SITE ASSESSMENT**

**CHARTER MILWAUKEE BEHAVIORAL HEALTH SYSTEM, INC.**

11101 West Lincoln Avenue

West Allis, WI 53227

Prepared for:

**CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP**

777 Main Street, Suite 2100

Fort Worth, Texas 76102

**MAGELLAN HEALTH SERVICES, INC.**

3414 Peachtree Road NE, Suite 1400

Atlanta, GA 30326

Prepared by:

**LAW ENGINEERING AND ENVIRONMENTAL SERVICES, INC.**

111 East Wisconsin Avenue, Suite 1540

Milwaukee, Wisconsin 53202

**LAW PROJECT 60345-7-5913-9103-101**

May 28, 1997

#### 4.0 HISTORICAL SITE INFORMATION

LAW performed interviews and reviewed the following available information in order to ascertain the historical uses of the site and immediately adjacent properties to evaluate the presence of activity of potential environmental concern.

Aerial Photographs	•	Aerial photographs, dated 1954, 1970, 1985, and 1990, viewed at City of West Allis Engineering Department, Wisconsin
City Directories:	•	Wright City Directories, viewed at the City of West Allis Public Library, dated 1932, 1945, 1960, 1970, 1980, 1989, 1991, and 1995
Interviews	•	Interview with Mr. Bob Kwach, CEO of the West Allis Charter Behavioral Health System, Inc.
	•	Interview with Mr. Pat Crawford, Maintenance Staff for the facility
Other	•	United States Geological Survey (USGS) 7.5 minute series quadrangle topographic maps; Wauwatosa, Wisconsin (dated 1958, revised 1994), and Hales Corners, Wisconsin (dated 1959, revised 1994)

#### 4.1 AERIAL PHOTOGRAPHS

Aerial photographs of the site and surrounding areas were reviewed for indications of industrial use at the subject property or adjacent properties, and for indications of the presence of landfills, excavations or other areas of potential environmental concern. Aerial photographs were obtained and reviewed for the years 1954, 1970, 1985, and 1990 from the source listed above. A photocopy of the 1990 aerial photograph is provided in the Appendix I.

The subject property appears as agricultural land in the 1954, 1970, and 1985 aerial photographs. The 1990 aerial photo shows the subject property developed with the subject property's building. The area surrounding the subject property also appeared as agricultural land in the 1954 aerial photograph. Multiple buildings were observed in the area east of the subject on the 1970, 1985, and 1990 aerial photographs reviewed by LAW. An area of disturbed land was observed west of the subject property on the 1990 aerial photograph.

- The subject site appears on the UST list. The UST at the subject property is further described in the table below and in the applicable sections of the site reconnaissance section of this report.
- Seven other facilities located within a one-quarter (0.25) mile radius of the subject property appear on the UST list. These facilities are summarized in the table below.

**Table 3. UST Facilities Located Within a One-Quarter Mile Radius of the Subject Property**

Facility Name and Location	Distance and Direction	Estimated Hydraulic Position	Number of Tanks
Charter Behavioral Health 11101 West Lincoln Avenue	On-site	NA	One 1,000-gallon steel diesel UST. Installed in 1988, active.
Cardinal Transport Inc. 11016 West Lincoln Avenue	~0.20 mile NE	Upgradient	One 10,000-gallon diesel UST. Installed in 1967, removed 6/91.
Motor Vehicle Repair Center 2406 South 111th Street	~0.20 mile South	Crossgradient	One 10,000-gallon double-wall, Fiberglass gasoline UST. Installed in 1988, active.
Mr. Bud Jost 11327 West Lincoln Avenue	~0.25 mile West	Crossgradient	One 1,000-gallon gasoline steel UST Installed in 1961, removed 1991.
One Hour Martinizing 2262 South 108th Street	~0.25 mile East	Crossgradient	Thirteen USTs (Three 500-gallon UST's, removed in 1981; Two 550-gallon steel waste oil UST's, removed in 1992 and 1993; Two 2,000-gallon steel gasoline UST's, removed in 1993; Two 3,000-gallon steel gasoline UST's, removed 1992; Two 4,000-gallon steel gasoline UST's, removed 1992; Two 6,000-gallon steel gasoline UST's, removed 1992).
Clark Service Station #1286 2203 South 108th Street	~0.25 mile NE	Upgradient	Six USTs (Two 12,000-gallon double wall fiberglass gasoline USTs, active. Two 4,000-gallon steel gasoline USTs, removed 1993; Two 3,000-gallon steel gasoline USTs, removed 1993).
Badger Freight Service, Inc. 11139 West Becher Street	~0.30 mile North	Crossgradient	One 1,000-gallon steel waste oil UST. Installed 1982, active.

Note: All distances are estimated from the subject property. Hydraulic position is based on surface topography.

Two UST sites that are upgradient and within one-quarter mile of the subject property are Cardinal Transport Inc., and Clark Service Station. However, because the two sites are more than 1000 feet up/crossgradient, the potential for environmental impact to the subject property is low. The remainder of the registered UST sites are not considered an environmental concern due to the distances and/or their apparent hydraulic relationships with the subject property.

Based on that information, it appears that elevated levels of radon at the subject property could be a concern. Therefore, a limited radon survey consisting of 4 samples within the facility was performed. The four samples were found to range from 0.14 to 0.24 pCi/L. This concentration of radon does not appear to be a significant environmental concern for the subject property, since it is below the EPA action level of 4.0 pCi/L.

### 8.0 FORMER ENVIRONMENTAL REPORT REVIEW

LAW reviewed a previous Phase I Environmental Site Assessment which had been performed for the subject property. The assessment included a subsurface investigation by Warzyn Engineering, Inc., and excerpts from other reports for the adjacent landfill. The report and the excerpts from other reports are listed below:

- *Phase I Environmental Audit for Charter Hospital of Milwaukee, 11101 West Lincoln Avenue, West Allis, Wisconsin*, prepared by Jordan, Jones & Goulding for the Charter Medical Corporation, dated May 31, 1992
- *Subsurface Investigation, Charter Hospital, West Allis, Wisconsin*, prepared by Warzyn Engineering Inc., for Charter Medical Corporation, Macon, Georgia, dated April, 1988.
- Excerpts from *Environmental Assessment of Property at 11241 West Lincoln Avenue, West Allis, Wisconsin*, prepared by Graef, Anhalt, Schloemer & Associates, Inc., for the City of West Allis, dated January, 1991
- Excerpts from *Phase III Environmental Assessment of Property at 11241 West Lincoln Avenue, West Allis, Wisconsin*, prepared by Graef, Anhalt, Schloemer & Associates, Inc., for the City of West Allis, dated July, 1991

The Phase I Environmental Audit by Jordan, Jones & Goulding (JJG) stated that the 1,000 gallon underground storage tank associated with the emergency generator, was not registered with the State of Wisconsin. Separate correspondence was provided to document that the tank was later registered with the State of Wisconsin. The JJG report included concerns regarding Charter's unregistered UST, the fill materials present in the subsurface on the subject property, the adjacent City of West Allis landfill, "numerous" off-site LUST and spill sites north and west of the subject property and a CERCLIS site (more than 1/2 mile east). JJG's recommendation included registering the UST, perform an on-site soils investigation, install borings and monitoring wells to

the north and west of the subject property, and to monitor the WDNR records for additional information on the CERCLIS site.

The Warzyn subsurface assessment report described the installation of ten soil borings performed or provide recommendations for foundation design prior to construction the subject property. Eight borings were drilled to a total depth of 20 feet and two borings were drilled 10 feet deep. Foundry sand was identified in the near surface soils in eight of the ten soil borings (B-1, B-2, B-3, B-4, B-5, B-6, B-8, and B-10) and ranged in thickness from two to eight feet. Foundry sand was not encountered in soil borings B-7 nor B-9. These two borings are located on the northwest side of the subject property (the side nearest the former landfill). None of the borings encountered landfill materials except for a trace amount of brick and wood rubble in borings B-1, B-2, B-3, B-4, B-6, B-7, B-8, and B-10. The Warzyn report recommended constructing the footings on the native soils present below the fill materials identified during the Warzyn investigation or by overexcavating the surficial fill materials and reestablishing the construction grade with an engineered fill.

The WDNR does not require removal of foundry sands from areas previously filled with this material. However, if the foundry sands are encountered and are removed during development activities, then the WDNR requires that this material is handled as a solid waste and properly disposed.

The excerpts from the Graef, Anhalt, Schloemer & Associates, Inc., (GAS) report dated January, 1991, included the following:

- a partial copy of Figure 7, "Site Survey", dated October 29, 1990, an 11-inch by 17-inch figure which was folded to fit in an 8.5-inch by 11-inch report format and had been copied in the folded position;
- three paragraphs of Section 10.2.3, Field Screening;
- Table 4, OVA and OVM Soil Sample Field Screening Results;
- Table 5, total Metal Levels in Soils;
- Table 6, TCLP Levels in Soils, (for metals); and
- Table 7, Chemical Parameters in Groundwater.

These data which were supplied by GAS indicated that elevated field screening readings were detected in seven of nine soil borings SB-1, SB-2, SB-3, SB-4, SB-5, SB-6, and SB-7. The soils

## **EXHIBIT A**

### **[BLIGHT REPORT OF PROPERTY LOCATED AT 11101 W. LINCOLN AVENUE]**

#### **Statutory Definitions of "Blight"**

Section 66.1333 (2m)(bm) of the Wisconsin Statutes provides a definition of "blight" and cites certain examples of conditions of blight. Both the broad statutory definition and the blight finding which have been made by municipalities throughout the State are much broader than the classic dictionary definition of blight. Essentially the Statute provides three (3) separate routes to identify blight:

1. Property which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions of ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare; or
2. Property which by reason of faulty lot layout in relation to size, adequacy, accessibility of usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; or
3. Property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements or otherwise, substantially impairs or arrests the sound growth of the community.

#### **Narrative Description of Blight Conditions at the Property**

The following conditions of blight located at 11101 West Lincoln Avenue in the City of West Allis, Wisconsin owned by Rogers Memorial Hospital Incorporated, a Wisconsin nonstock corporation (the "Hospital") have been or will be corrected with completion of the Project:

1. The original facility was constructed on an old foundry site and additions and improvements to the site require disturbance of the underlying soil. Remediation and removal of foundry sand issues is necessary to allow further improvement of the site and remediation of this environmental problem. The size and scope of the project includes the remediation of this condition of blight.
2. The existing facility has several areas where there is roof leakage and resulting interior damage. To maintain the appearance, value, health, and safety of the facility, these conditions will be corrected. The size and scope of the project includes the remediation of this condition of blight.



3. The existing entrance to the Hospital is not designed to provide optimal security for patients and staff entering and exiting the building and does not allow for adequate control by the staff of patient ingress and egress. The project includes remodeling and reconfiguring the entry and upon completion will provide optimal security for the health and safety of patients, staff and the community.

4. The facility has inadequate parking which contributes to traffic flow issues. The project includes providing additional parking and improvement of traffic flow which will eliminate the current problem.

5. Prior to the project improvements, the wooded area around the Hospital contained scrub, dead and dying trees, invasive vegetation and created an unsafe condition allowing potential for loitering and lurking to go undetected. The overgrowth also created obstruction to visibility on public sidewalks and was an impediment to potential development and access to a park under consideration for development on a neighboring property. The project includes landscaping to remove scrub, dead and dying trees, invasive vegetation and improvement of each of these conditions of blight.

DEV-R-503-Exhibit A-5-6-08