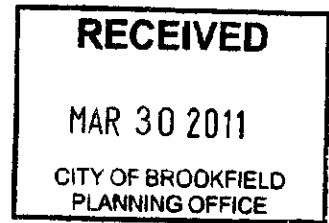


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March 30, 2011

HAND DELIVERED

Mr. Daniel F. Ertl  
Director of Community Development  
City of Brookfield  
2000 N. Calhoun Road  
Brookfield, WI 53005

Re: The Shire Outlots

Dear Dan:

Thank you for your email dated February 14, 2011 forwarding a copy of your email to Lynn Morgan regarding the City's requirements to process the Moratorium Committee's review of The Shire Outlots. Just as a reminder, I have enclosed a copy of your email to me dated February 20, 2007 where the City acknowledged that I should be copied on all communications regarding The Shire development.

Following receipt of your email, I discussed the content with Jack Dowden of WMWI and followed up with a phone call to you advising that WMWI was not the developer and therefore would not make any undertakings under Bullet Points 1 and 3 of the joint state agencies' letter dated December 22, 2010 (herein "State Outlot Report"). Based on our phone conference, I understand that the City will require the following as a condition precedent to processing the Moratorium Committee's review of the State Outlot Report:

1. NFI Properties, LLC ("NFI"), as the developer, will commit to perform the items at Bullet Points 1 and 3 of the State Outlot Report;
2. WMWI will provide the City with a statement that it will undertake the NR500 Plan Modification steps upon the City's approval of the Preliminary Plat for the development of the Outlots and provide the City with the protocol and timing for the same for Bullet Point 2.
3. Bullet Points 4 and 5 are passive and merely a statement of WMWI's ongoing legal responsibility, and, accordingly, no response is required.

With respect to NFI's undertakings to the City, we submit the following:

Bullet Point 1 provides:

"Each home built in the remaining Outlots of the Shire subdivision would be required to have an active methane gas mitigation system (similar to commercially available radon mitigation systems). Common to commercially available radon mitigation systems it will be required that the system be installed sub-slab, with a vapor barrier liner and piping embedded in a gravel filter; the methane

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mitigation system will require perforated piping under the foundation of the structure, which will be connected to a sealed sump area of the basement; a mitigation system (fan) failure alarm will be installed in each home and would activate in the event of the fan shutting down. This gas mitigation system will also effectively address any pre-existing radon issues and any potential VOC soil vapor releases from groundwater or landfill gas. The installation, continued operation and maintenance of the mitigation system and fan failure alarm would be the responsibility of the homeowner and would be required in a deed restriction on the property.”

I have discussed the mitigation system with Mr. Jim Delwiche of the DNR and he has stated that upon presentation of a vendor’s particular mitigation system during the Moratorium Committee review process, the DNR will advise us whether or not that vendor system complies with their specifications at this Bullet Point. To avoid any confusion, the State Agencies and the Moratorium Committee should sign off that the system proposed meets the specifications.

The Deed Restrictions for The Shire provide as follows:

“3.30 Active Sub-slab Depressurization Gas Control System. Each dwelling in The Shire shall be designed and constructed to incorporate an active sub-slab depressurization gas control system as specified by the ACC. The Owner shall be responsible to have the gas depressurization system tested after installation and such test results documented and filed with the ACC prior to occupancy.”

The current Deed Restrictions will be applicable to Phase 2.

Bullet Point 3 provides:

“The proposal put forth by Waste Management of Wisconsin (WMWI) to install both a gas trench and retaining wall in the southwest corner of the facility (to address the methane gas levels detected in GP 106) will be completed. Additional sampling will be necessary to confirm that the levels detected in GP106 remain at or below 5.0% volume.”

Again, based on my discussions with Mr. Delwiche, during the Moratorium Committee process, NFI will submit a site specific drawing of the gas trench and retaining wall to be

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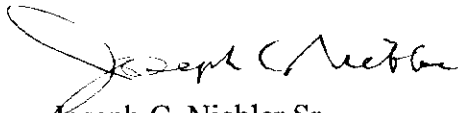
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constructed for the DNR's and Moratorium Committee's approval, and upon approval, NFI will construct the retaining wall after approval of the Preliminary Plat.

We are also in receipt of your request for an update on our purchase contract with WMWI which we will be submitting under separate cover. We understand that this submission, the submission on the contract, and the submission by WMWI as to Bullet Point 2, will meet your requirements. If I am mistaken, please advise.

Very truly yours,



Joseph C. Niebler Sr.  
President

cc. Mr. Jack Dowden

