

UNOFFICIAL COPY 00470401

1247/0091 49 001 Page 1 of 6
2000-06-26 12:01:31
Cook County Recorder 31.50

PREPARED BY:

Name: Concession Services, Inc.

Address: 4132 South Ashland Avenue
Chicago, Illinois 920698



Name: Ms. Edith Leonian, President
Concession Services, Inc.

Address: 1723 South Michigan Avenue
Chicago, Illinois 60616

THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE OWNER/OPERATOR, WITHIN 45 DAYS OF ITS RECEIPT, TO THE RECORDER OF DEEDS OF COOK COUNTY IN WHICH THE SITE (AS DESCRIBED BELOW) IS LOCATED.

Illinois State EPA Number: 0316155092

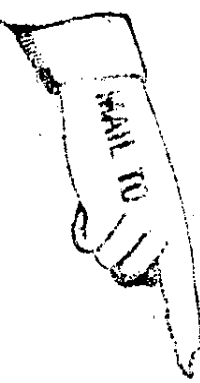
LUST Incident No.: 920698

Concession Services, Inc., the owner and operator, whose address is 1723 South Michigan Avenue, Chicago, Illinois, has performed investigative and/or remedial activities for the site that can be identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:

PARCEL A:

LOT 1 (EXCEPT THE EAST 10 FEET THEREOF) AND ALL OF LOT 2 IN THE SULZDERGER AND SONS COMPANY'S BLOCK "C" BEING A SUBDIVISION OF PART OF THE EAST 50 ACRES OF THE NORTH EAST ¼ OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 26, 1916 AS DOCUMENT 5793693, AND ALSO, (EXCEPTING FROM THE ABOVE THAT PART OF THE LAND DESCRIBED AS FOLLOWS: THE EAST 260.00 FEET OF THE SOUTH 140.0 FEET THEREOF), IN COOK COUNTY, ILLINOIS.



LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

MAIL TO: MICHAEL C. DORF, Adducci, Dorf, Lehner, Mitchell & Blankenship
150 North Michigan Avenue, Suite 2130, Chicago, IL 60601

UNOFFICIAL COPY

00470401

Page 2

PARCEL B:

THAT PART OF THE EAST 50 ACRES (EXCEPT THE EAST 50 FEET THEREOF) OF THE NORTH EAST ¼ OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES NORTH OF THE NORTHERLY LINE OF LOT 1 IN SULZDERGER AND SONS COMPANY'S BLOCK "C" AFORESAID AND WHICH LIES SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT WHICH IS 1400.75 FEET NORTH OF THE SOUTH LINE AND 815.60 FEET WEST OF THE EAST LINE OF SAID NORTH EAST ¼ (BEING THE WEST LINE OF SAID 50 ACRES) AND RUNNING THENCE EASTERLY, A DISTANCE OF 154.70 FEET TO A POINT WHICH IS 1393.57 FEET NORTH OF SAID SOUTH LINE OF THE NORTH EAST ¼; THENCE EASTERLY, A DISTANCE OF 164.20 FEET TO A POINT WHICH IS 1394.27 FEET NORTH OF SAID SOUTH LINE OF THE NORTH EAST ¼; THENCE EASTERLY A DISTANCE OF 157.00 FEET TO A POINT WHICH IS 1399.67 FEET NORTH OF SAID SOUTH LINE OF THE NORTH EAST ¼ AND THENCE EASTERLY A DISTANCE OF 302.20 FEET MORE OR LESS, TO A POINT WHICH IS 1447.20 FEET NORTH OF SAID SOUTH LINE AND 40 FEET WEST OF SAID EAST LINE OF SAID NORTH EAST ¼, IN COOK COUNTY, ILLINOIS.

ALSO

PARCEL C:

THAT PART OF LOT 1 IN THE PARTITION BY THE HEIRS OF THE BEERS ESTATE OF THE WEST 110 ACRES OF THE NORTH EAST ¼ OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE NORTH LINE OF THE SOUTH 12.499 ACRES OF THE EAST 50 ACRES OF THE NORTH EAST ¼ OF SECTION 6, EXTENDED WESTERLY TO THE POINT OF INTERSECTION OF SAID LAST DESCRIBED LINE WITH THE WEST LINE OF LOT 2 IN THE SULZDERGER AND SONS COMPANY'S BLOCK "C" AFORESAID, EXTENDED SOUTH, EAST OF THE WEST LINE OF SAID LOT 2 EXTENDED SOUTH, AND SOUTH OF THE SOUTH LINE OF SAID LOT 2, ALL IN COOK COUNTY, ILLINOIS.

2. Common Address: 4132 South Ashland Avenue
3. Real Estate Tax Index/Parcel Index Number: 200-06-200-014/016/041/067
4. Site Owner: Concession Services, Inc.
5. Land Use Limitation: Industrial/Commercial. The groundwater under the site shall not be used as a potable water supply.
6. See NFR letter for other terms.

EEP:MAH;jk\002288.WPD

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

UNOFFICIAL COPY



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-6762

MAY 30 2000

CERTIFIED MAIL
2108 9076

Concession Services, Inc.
Attention: Ms. Edith Leonian, President
1723 South Michigan Avenue
Chicago, Illinois 60616

Re: LPC #0316155092 -- Cook County
Chicago/Concession Services, Inc.
4132 South Ashland Avenue
LUST Incident No. 920698
LUST Technical File

00470401

Dear Ms. Leonian:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the report entitled "Risk Assessment" submitted for the above-referenced incident. This information was dated May 24 1995; was received by the Illinois EPA January 31, 1996; and was prepared by Mr. Lawrence L. Holish, P.E., then of Versar, Inc. As this report requested that the incident be closed, this report was treated as a Corrective Action Completion Report.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Part 731 indicate that remediation has been successfully completed.

Based upon the certification by Mr. Lawrence Holish, P.E., a Registered Professional Engineer of Illinois, and based upon other information in the Illinois EPA's possession, your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the occurrence has been completed; and (3) no further remediation concerning the occurrence is necessary for the protection of human health, safety and the environment. This Letter shall apply in favor of the following persons:

1. Concession Services, Inc.;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. Any co-owner or co-operator, either by joint-tenancy, right of survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued;

GEORGE H. RYAN, GOVERNOR

5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable;
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest; or
9. Any heir or devisee of such owner or operator.

This Letter, including all attachments, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. In addition, the Groundwater Ordinance must be filed as an attachment of this letter with the Office of the Recorder of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so that it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of the applicable county, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice attached to this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives have been established in accordance with an industrial/commercial land use limitation. The remediation objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (TACO, 35 Illinois Administrative Code Part 742) rules.
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used in a manner inconsistent with the following land use limitation: Industrial/Commercial. The groundwater under the site shall not be used as a potable water supply.
3. The land use limitation specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: A safety plan for this site must be implemented in accordance with the Occupational Safety Health Administration to address possible worker exposure should any further excavation and construction activities occur within the contaminated soil.

The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water.

- Engineering: A building or asphalt/concrete barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media as well as to impede contaminant migration to the groundwater must remain over the contaminated soils. This building or asphalt/concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media as well as impede contaminant migration to the groundwater.

- Institutional: This Letter shall be recorded as a permanent part of the chain of title for the site described in the attached Leaking Underground Storage Tank Environmental Notice.

The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable water supply in accordance with the ordinance adopted and administered by the local unit of government that restricts the present and future use of groundwater in Chicago (Ordinance #097990).

5. Failure to establish, operate, and maintain controls in full compliance with the Environmental Protection Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater that is removed, excavated, or disturbed from the above-referenced site must be handled in accordance with all applicable laws and regulations.
7. Further information regarding this site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

8. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the owner and/or operator at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in

Page 4

support of this cause. Specific acts or omissions that may result in the avoidance of this Letter include, but shall not be limited to:

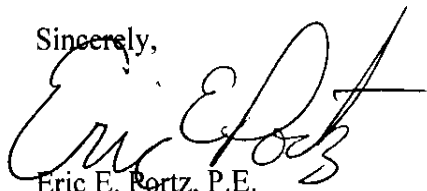
- a) Any violation of institutional controls or industrial/commercial land use restrictions;
- b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
- c) The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;
- d) The failure to comply with the recording requirements for the Letter;
- e) Obtaining the Letter by fraud or misrepresentation; or
- f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

Submit the certified copy of this letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Michael A. Heaton, at 217/524-3312.

Sincerely,



Eric E. Portz, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

EEP:MAH;jk\002287.WPD

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Mr. Lawrence L. Holish, P.E. -- Patrick Engineering Inc.
Mr. Michael C. Dorf -- Anducci, Dorf, Lehner, Mitchell & Blankenship, P.C.
Division File