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05/27/12 30 001 Page 1 of 8
2000-10-06 15:39:57
Cook County Recorder 35.50



00786908

PREPARED BY:

Name: MTN Bldg. Enterprise
Attention: Martin Hozjan

Address: 4246 West 47th Street
Chicago, Illinois 60632

RETURN TO:

Name: MTN Bldg. Enterprise
Attention: Martin Hozjan

Address: 3301 South Central Avenue
Cicero, Illinois 60804

THE ABOVE SPACE FOR RECORDER'S OFFICE

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0316005877

LUST Incident No.: 2000-1126

Martin Hozjan, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 3301 South Central Avenue, Cicero, Illinois, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal description or Reference to a Plat Showing the Boundaries: **PARCEL 1:** THAT PART OF LOT 'B' IN THE CIRCUIT COURT PARTITION OF THE SOUTH ½ AND THAT PART OF THE NORTH WEST ¼ LYING SOUTH OF THE ILLINOIS AND MICHIGAN CANAL RESERVE OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID CIRCUIT COURT PARTITION RECORDED ON APRIL 29, 1897 IN THE OFFICE OF THE RECORDER OF DEEDS IN BOOK 67 OF PLATS PAGE 44 AS DOCUMENT 2530529, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN A LINE 33 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION 3 WHICH IS 942.93 FEET EAST OF THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 3, THENCE WESTERLY ALONG SAID LINE WHICH IS 33 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 3 A DISTANCE OF 132 FEET TO ITS INTERSECTION WITH A LINE WHICH IS 810.93 FEET EAST OF AND PARALLEL TO THE SAID NORTH AND SOUTH CENTER LINE OF SAID SECTION 3, THENCE NORTHERLY ALONG LAST DESCRIBED LINE

Leaking Underground Storage Tank Environmental Notice

A DISTANCE OF 314.74 FEET MORE OR LESS TO ITS INTERSECTION WITH A LINE WHICH IS 2319.05 FEET SOUTH OF AND PARALLEL TO THE EAST AND WEST CENTER LINE OF SAID SECTION 3, THENCE EASTERLY ALONG LAST DESCRIBED LINE A DISTANCE OF 132 FEET TO ITS INTERSECTION WITH A LINE WHICH IS 942.93 FEET EAST OF AND PARALLEL WITH THE SAID NORTH AND SOUTH CENTER LINE OF SECTION 3, THENCE SOUTHERLY ALONG LAST DESCRIBED PARALLEL LINE A DISTANCE OF 314.95 FEET MORE OR LESS TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 19-03-400-036-0000

PARCEL 2: THAT PART OF LOT 'B' IN THE CIRCUIT COURT PARTITION OF THE SOUTH ½ AND THAT PART OF THE NORTH WEST ¼ LYING SOUTH OF THE ILLINOIS AND MICHIGAN CANAL RESERVE OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDERS OFFICE OF COOK COUNTY, ILLINOIS IN BOOK 67 OF PLATS PAGE 44, ON APRIL 29, 1897 AS DOCUMENT 2539529 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF A LINE PARALLEL WITH AND 2153.8 FEET SOUTH FROM THE EAST AND WEST CENTER LINE OF SAID SECTION 3 WITH THE EAST LINE OF SOUTH TRIPP AVENUE (A PRIVATE STREET) SAID EAST LINE BEING 1008.93 FEET EAST FROM AND PARALLEL WITH THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 3, THENCE EAST ALONG FIRST DESCRIBED PARALLEL LINE A DISTANCE OF 193.1 FEET MORE OR LESS TO THE EAST LINE OF SAID LOT 'B' IN THE CIRCUIT COURT PARTITION, THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 'B' A DISTANCE OF 50 FEET TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL WITH AND 2203.8 FEET SOUTH FROM THE EAST AND WEST CENTER LINE OF SAID SECTION 3, THENCE WEST ALONG LAST DESCRIBED PARALLEL LINE A DISTANCE OF 193.2 FEET MORE OR LESS TO THE EAST LINE OF SOUTH TRIPP AVENUE AFOREMENTIONED, THENCE NORTHERLY ALONG THE EAST LINE OF SOUTH TRIPP AVENUE A DISTANCE OF 50 FEET TO THE PLACE OF BEGINNING

THE FOREGOING DESCRIPTION IS BASED UPON THE FOLLOWING DEFINITIONS:

THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 3 IS DEFINED AS A STRAIGHT LINE DRAWN FROM A POINT ON THE NORTH LINE OF SAID SECTION 3 MEASURED 2648.14 FEET WEST FROM THE NORTH EAST CORNER OF SAID SECTION 3 AND MEASURED 2642.84 FEET EAST FROM THE NORTH WEST CORNER OF SAID SECTION 3 TO A POINT ON THE SOUTH LINE OF SAID SECTION 3 MEASURED 2669.37 FEET WEST FROM THE SOUTH EAST CORNER OF SAID SECTION 3 AND MEASURED 2668.04 FEET EAST FROM THE SOUTH WEST CORNER OF SAID SECTION 3;

THE EAST AND WEST CENTER LINE OF SAID SECTION 3 IS DEFINED AS A STRAIGHT LINE DRAWN FROM A POINT ON THE EAST LINE OF SAID SECTION 3 MEASURED 2597.19 FEET SOUTH FROM THE NORTH EAST CORNER OF SAID SECTION 3 AND MEASURED 2669.84 FEET NORTH FROM THE SOUTH EAST CORNER OF SAID SECTION 3 TO A POINT ON THE WEST LINE OF SAID SECTION 3 MEASURED 2598.77 FEET SOUTH FROM THE NORTH WEST CORNER OF SAID SECTION 3 AND

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Page 3

MEASURED 2661.19 FEET NORTH FROM THE SOUTH WEST CORNER OF SAID SECTION ALL IN
COOK COUNTY, ILLINOIS

PIN: 19-03-400-109-000 AND 19-03-400-113-0000

2. Common Address: 4246 West 47th Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 19-03-400-036-0000, 19-03-400-109-0000, and 19-03-400-113-0000
4. Site Owner: Martin Hozjan
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

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Leaking Underground Storage Tank Environmental Notice

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

217/782-6762

CERTIFIED MAIL

0001 1274 4410

SEP 22 2000

MTN Bldg. Enterprise
Attention: Martin Hozjan
3301 South Central Avenue
Cicero, Illinois 60804

00786908

Re: LPC #0316005577 -- Cook County
Chicago/MTN Bldg. Enterprise
4246 West 47th Street
LUST Incident No. 20001126
LUST Technical File

Dear Mr. Hozjan:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the 45-Day/Corrective Action Completion Report submitted for the above-referenced incident. This information is dated July 25, 2000; was received by the Illinois EPA July 28, 2000; and was prepared by Environmental Group Services, LTD. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC").

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 IAC Section 732.300(b)(1) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 732.408 have been met.

Based upon the certification by Peter A. Loquercio, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), 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. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

1. MTN Bldg. Enterprise;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);

GEORGE H. RYAN, GOVERNOR

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Property of Cook County Clerk's Office

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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;
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, and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, 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.

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 it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, 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 of 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 for the above-referenced site, more particularly 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 (35 IAC Part 742) rules.
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the above-referenced site, more particularly 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: There are no land use limitations.
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: None.
Engineering: None.
Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this letter.
- 5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan may result in avoidance of this Letter.

OTHER TERMS

- 6. Any contaminated soil or groundwater removed, or excavated from, or disturbed at the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations.
- 7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:
 - Illinois Environmental Protection Agency
 - Attention: Freedom of Information Act Officer
 - Bureau of Land - #24
 - 1021 North Grand Avenue East
 - Post Office Box 19276
 - Springfield, IL 62794-9276
- 8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. 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.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board ("Board") to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

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, Mohammed Zillur Rahman at 217/782-6762.

Sincerely,



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

EEP:MZR:jk0010119.doc

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Environmental Group Services, LTD.
Division File



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois EPA's Bureau of Land (BOL) issues a No Further Remediation (NFR) Letter at the completion of site remediation activities under the LUST Program and the SRP. The letter signifies that 1) the person conducting remediation has satisfied the respective BOL laws and regulations, and 2) that no further remediation is necessary to protect human health and the environment for the property described in the letter, so long as the site is used in accordance with the terms of the NFR letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined in the Illinois Environmental Protection Act for the program in question. (See 415 ILCS 5/57.10(d) and 58.10(d)). However, if not properly recorded, the NFR Letter *holds no legal significance for anyone*. Furthermore, if not properly recorded, the Illinois EPA will take steps to void the NFR letter in accordance with the regulations pertaining to the program under which the remediation was performed.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the letter and environmental notice to the Office of the Recorder or the Registrar of Titles of the county where the site is located *within 45 days after receipt of the letter*. You must record both the NFR Letter and the Environmental Notice. Both must be recorded in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions of the institutional controls. A certified copy of the letter and environmental notice as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter and environmental notice in accordance with the regulations will make the letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on our Agency's website directly at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

GEORGE H. RYAN, GOVERNOR