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## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY



The following information is provided pursuant to the Responsible  
Property Transfer Act of 1988

For Use By County  
Recorder's Office

Seller: O'HARE PARTNERS LIMITED PARTNERSHIP, an Illinois limited liability company	County Date
Buyer: OLD RIVER LLC, an Illinois limited liability company	Doc. No. Vol. Page
Document No.: _____	Rec'd by:

### I. PROPERTY IDENTIFICATION:

A. Address of Property: 3702-3720 North River Road, Franklin Park, Illinois  
Street

Permanent Real Estate Index No.: 12-22-100-162 and  
12-22-100-027

### B. Legal Description:

Section 22 Township 40 North Range 12

Enter or attach current legal description in this area:

**See Exhibit A attached hereto and made a part hereof.**

Prepared by: Leo P. Dombrowski  
Wildman Harrold Allen & Dixon  
225 West Wacker Drive  
Chicago, Illinois 60606

Return to: Bruce D. Loring  
Piper Marbury Rudnick & Wolfe  
203 North LaSalle Street  
Chicago, Illinois 60601



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## LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems association with the property.

### C. Property Characteristics:

Lot Size: 1,137,754 Sq. Ft.                      Acreage:    26.11923 Acres

Check all types of improvement and uses that pertain to the property:

- Apartment building (6 units or less)
- Commercial apartment (over 6 units)
- Store, office, commercial building
- Industrial building
- Farm, with buildings
- Other (specify) \_\_\_\_\_

## II. NATURE OF TRANSFER:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance?                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (4) A mortgage or collateral assignment of beneficial interest?                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### B. (1) Identify Transferor:

Name and Current Address of Transferor:

O'Hare Partners Limited Partnership  
c/o Mansur & Co.  
875 North Michigan Avenue Suite 3620  
Chicago, IL 60611

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust: N/A

- (2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Leo P. Dombrowski  
Wildman Harrold Allen & Dixon  
225 W. Wacker Drive  
Chicago, IL 60606  
(312) 201-2562

C. Identify Transferee:

Old River, L.L.C.  
180 North Wacker Drive, Suite 500  
Chicago, IL 60606

### III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act states:

“Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

- (1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;
- (2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;
- (3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and
- (4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance.”

2. Section 4(q) of the Act states:

“The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action.”

3. Section 22.2(k) of the Act states:

“If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law.”

4. Section 22.18(a) of the Act states:

“Notwithstanding any other provision or rule or law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank.”

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

## IV. ENVIRONMENTAL INFORMATION

### A. Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of “hazardous substances,” as defined by the Illinois Environmental Protection Act? This question does not apply to consumer goods stored or handled by a retailer in the same form and approximate amount, concentration, and manner as they are sold to consumers, unless the retailer has engaged in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes     No

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes     No

3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes," as defined by the Federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes     No

4. Are there any of the following specific units (operating or closed) at the property which are used or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	Yes	No
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Container Storage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Treatment Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If there are "YES" answers to any of the above items and the transfer of property is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property?

(A) Permits for discharges of wastewater to waters of the State.

Yes     No

(B) Permits for emissions to the atmosphere.

Yes  No

(C) Permits for any waste storage, waste treatment or waste disposal operation.

Yes  No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes  No

7. Has the transferor taken any of the following actions relative to this property?

(A) Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act.

Yes  No

(B) Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.

Yes  No

(C) Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.

Yes  No

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or Federal governmental actions?

(A) Written notification regarding known, suspected or alleged contamination on or emanating from the property.

Yes  No

(B) Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered.

Yes  No

(C) If item (B) was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property.

Yes  No

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9. Environmental Releases During Transferor's Ownership.

(A) Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws?

Yes  No

(B) Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

Yes  No

(C) If the answers to questions (A) and (B) are Yes, have any of the following actions or events been associated with a release on the property?

- Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials.
- Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials.
- Sampling and analysis of soils.
- Temporary or more long term monitoring of groundwater at or near the site.
- Impaired usage of an on-site or nearby water well because of offensive characteristics of the water.
- Coping with fumes from subsurface storm drains or inside basements.
- Signs of substances leaching out of the ground along the base of slopes or at other low points on or at other low points on or immediately adjacent to the site.

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board?

Yes  No

11. Is there any explanation needed for clarification of any of the above answers or responses?

No.

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## B. Site Information Under Other Ownership or Operation

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to otherwise contracted with for the management of the site or the property:

Name: (Prior owner) Duo-Fast Corporation

Type of business/  
or property usage: Pneumatic stapler manufacturing.

The following is a list of current tenants:

Name: Arcor, Inc.

Type of business/  
or property usage: Metal products manufacturing.

Name: Dean Foods Company

Type of business/  
or property usage: Office.

Name: Dulin Metals Company

Type of business/  
or property usage: Scrap metal recycling.

Name: Har Technologies

Type of business/  
or property usage: Metal component manufacturing.

Name: Gabby's Bagels

Type of business/  
or property usage: Bagel shop.

Name: Enline, Inc.

Type of business/  
or property usage: Packaging and distribution of household items: glasses, dishware, etc.



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2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor or, other contracts for management or use of the facilities or property:

	Yes	No
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Container Storage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Treatment Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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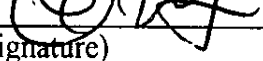
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## V. CERTIFICATION

- A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

O'HARE PARTNERS LIMITED PARTNERSHIP

By: Mansur Interests, Ltd., General Partner

By:   
(Signature)

ERIK MOSKOWITZ  
(Printed Name)

TRANSFEROR OR TRANSFERORS (or  
on behalf of Transferor)

- B. This form was delivered to me with all elements completed on  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

TRANSFEREE OR TRANSFEREES (or  
on behalf of Transferee)

- C. This form was delivered to me with all elements completed on  
\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
LENDER

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## V. CERTIFICATION

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- A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

TRANSFEROR OR TRANSFERORS (or  
on behalf of Transferor)

- B. This form was delivered to me with all elements completed on \_\_\_\_\_, 20\_\_\_\_

*Melissa S. Piolet*  
\_\_\_\_\_  
(Signature)

*Melissa S. Piolet*  
\_\_\_\_\_  
(Printed Name)

TRANSFEEE OR TRANSFEEES (or  
on behalf of Transferee)

- C. This form was delivered to me with all elements completed on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
LENDER

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## V. CERTIFICATION

00868353

A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

TRANSFEROR OR TRANSFERORS (or  
on behalf of Transferor)

B. This form was delivered to me with all elements completed on \_\_\_\_\_, 20\_\_\_\_

Melissa S. Piolet  
(Signature)

Melissa S. Piolet  
(Printed Name)

TRANSFEEE OR TRANSFEEES (or  
on behalf of transferee)

C. This form was delivered to me with all elements completed on October 24, 2000

PRUDENTIAL MORTGAGE CAPITAL COMPANY, LLC  
A Delaware limited liability company

By: Marilyn K. Willems  
(Signature) Marilyn K. Willems  
Principal

\_\_\_\_\_  
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## EXHIBIT A

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### LEGAL DESCRIPTION

#### PARCEL 1:

THAT PART OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST FRACTIONAL 1/4 OF FRACTIONAL SECTION 22, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY LINE OF THE 66 FOOT RIGHT-OF-WAY OF THE MINNEAPOLIS ST. PAUL AND SAULT SAINTE MARIE RAILWAY COMPANY, EAST OF THE THIRD PRINCIPAL MERIDIAN,

TOGETHER WITH THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST FRACTIONAL 1/4 OF FRACTIONAL SECTION 22 AFORESAID, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST FRACTIONAL 1/4 AFORESAID WITH THE WEST LINE OF THE SOUTH SECTION OF ALEXANDER ROBINSON'S RESERVE IN TOWNSHIP 40 NORTH, RANGE 12 EAST AFORESAID; THENCE SOUTH 0 DEGREES 16 MINUTES 53 SECONDS EAST, ALONG SAID WEST LINE, 151.05 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 34 SECONDS WEST, 655.67 FEET; THENCE SOUTH 0 DEGREES 45 MINUTES 26 SECONDS WEST, 21.42 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 34 SECONDS WEST, 416.29 FEET TO THE EASTERLY LINE OF THE 66 FOOT RIGHT-OF-WAY AFORESAID; THENCE NORTH 13 DEGREES 01 MINUTES 00 SECONDS WEST, ALONG SAID EASTERLY LINE, 163.40 FEET TO SAID NORTH LINE; THENCE SOUTH 89 DEGREES 57 MINUTES 12 SECONDS EAST, ALONG SAID NORTH LINE, 1108.21 FEET TO THE POINT OF BEGINNING,

TOGETHER WITH THAT PART OF THE SOUTH SECTION OF ALEXANDER ROBINSON'S RESERVE AFORESAID, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTH SECTION, WHICH IS 4477.44 FEET SOUTH OF THE STONE AT THE NORTHWEST CORNER OF SAID SOUTH SECTION RUNNING THENCE NORTH 89 DEGREES 43 MINUTES 07 SECONDS EAST, ALONG A LINE AT RIGHT ANGLES TO SAID WEST LINE, 915.08 FEET TO THE CENTER LINE OF RIVER ROAD; THENCE SOUTH 14 DEGREES 48 MINUTES 53 SECONDS EAST, ALONG SAID CENTERLINE, 41.32 FEET TO A LINE PARALLEL TO THE AFORESAID LINE AND 40 FEET SOUTH THEREOF; THENCE SOUTH 89 DEGREES 43 MINUTES 07 SECONDS WEST, PARALLEL WITH SAID FIRST LINE, 467.90 FEET TO A POINT 457.55 FEET EAST OF THE WEST LINE OF SAID SOUTH SECTION; THENCE SOUTH 0 DEGREES 16 MINUTES 53 SECONDS EAST, PARALLEL TO SAID WEST LINE OF SAID SOUTH SECTION, 339.45 FEET TO A POINT, 430.98 FEET NORTH OF THE SOUTH LINE OF THE SOUTH SECTION OF ALEXANDER ROBINSON'S RESERVATION; THENCE SOUTH 89 DEGREES 44 MINUTES 14 SECONDS WEST, PARALLEL WITH SAID SOUTH LINE, 457.55 FEET TO THE WEST LINE OF SAID SOUTH SECTION TO A POINT 430.98 FEET NORTH OF THE AFORESAID SOUTH LINE OF SAID SOUTH SECTION; THENCE NORTH 0 DEGREES 16 MINUTES 53 SECONDS WEST ALONG SAID WEST LINE OF SAID SOUTH SECTION, 379.30 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2

EASEMENT FOR THE BENEFIT OF PARCEL 2 AS CREATED BY RECIPROCAL EASEMENT AGREEMENT FROM RIVER ROAD ASSOCIATES LIMITED PARTNERSHIP TO O'HARE PARTNERS LIMITED PARTNERSHIP RECORDED JUNE 3, 1997 AS DOCUMENT 97393584:

- (A) FOR THE MAINTENANCE OF TWO UNDERGROUND WATER LINES OVER PROPERTY DESCRIBED ON EXHIBIT D-1 THERETO;
- (B) TO MAINTAIN THE STORM SEWERS AND DRAINAGE DITCHES OVER PROPERTY DESCRIBED ON EXHIBIT E-1 THERETO;
- (C) FOR THE MAINTENANCE OF SANITARY SEWER LINES UNDER PROPERTY DESCRIBED ON EXHIBIT F-1 THERETO.

Commonly Known As: 3702-3720 River Road, Franklin Park, Illinois

Permanent Index No. 12-22-100-162 and 12-22-100-027