

UNOFFICIAL COPY

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

For Use By County Recorder's Office

The following information is provided pursuant to the Responsible Property Transfer Act of 1988 Seller: Buyer: Document No:

County Date Doc. No. Vol Page Rec'd by:



00048695

78 23 66 7 02 2 K

8 5 2

I. PROPERTY IDENTIFICATION:

A. Address of property: 4300 South Hermitage Chicago Permanent Real Estate Index No.: 20-06-200-071-0000

B. Legal Description: Section Township Range Enter or attach current legal description in this area:

Prepared by: Return to: name address name address

THAT PART OF LOTS 1 TO 5 INCLUSIVE IN THE PARTITION BETWEEN THE HEIRS OF THE BEERS ESTATE OF THE WEST 110 ACRES OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:: BEGINNING AT A POINT OF INTERSECTION OF THE WEST LINE OF THE EAST 1030.50 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 6 WITH THE NORTH LINE OF WEST 43RD STREET (WHICH POINT IS 33 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4) AND RUNNING THENCE NORTH ALONG SAID WEST LINE OF THE EAST 1030.50 FEET, A DISTANCE OF 619 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF THE SOUTH 652 FEET OF SAID NORTHEAST 1/4; THENCE WEST ON SAID NORTH LINE OF THE SOUTH 652 FEET A DISTANCE OF 1122.30 FEET; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 522.66 FEET TO A POINT WHICH IS 902 FEET NORTH OF THE SOUTH LINE AND 1692.80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST 1/4; THENCE NORTH EASTWARDLY IN A STRAIGHT LINE A DISTANCE OF 92.79 FEET TO A POINT WHICH IS 971.05 FEET NORTH OF SAID SOUTH LINE AND 1630.54 FEET WEST OF SAID EAST LINE OF SAID NORTHEAST 1/4; THENCE NORTH EASTWARDLY IN A STRAIGHT LINE, DISTANCE OF 673.74 FEET TO A POINT WHICH IS 1284.32 FEET NORTH OF SAID SOUTH LINE AND 1032.80 FEET WEST OF SAID EAST LINE OF SAID NORTHEAST 1/4; THENCE NORTH EASTWARDLY ALONG THE ARC OF A CIRCLE, CONVEX NORTHERLY AND HAVING A RADIUS OF 528.05 FEET, A DISTANCE OF 53.90 FEET TO THE NORTHWEST CORNER OF LOT 2 IN 'THE SULZBERGER AND SONS CO'S BLOCK 'C', BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SAID SECTION 6, THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 2 AND SAID LINE EXTENDED SOUTH TO NORTH LINE OF 43RD STREET (BEING THE WEST LINE OF THE EAST 167 FEET OF LOT 1 IN SAID PARTITION) A DISTANCE OF 1271.60 FEET TO SOUTH WEST CORNER OF THE SULZBERGER AND SONS COMPANY BLOCK 'B' BEING A CONSOLIDATION OF LOTS 16 TO 24 INCLUSIVE IN BEERS SUBDIVISION OF THE SOUTH 667.75 FEET OF 167 FEET WEST OF AND ADJOINING EAST 50 ACRES OF THE NORTHEAST 1/4 OF SAID SECTION 6, AND SAID NORTH LINE OF WEST 43RD STREET, AND THENCE WEST ALONG SAID NORTH STREET LINE, A DISTANCE OF 47.70 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

0079 Cook County Recorder 2000-01-20 09:23:38

00048695

BOX 333

UNOFFICIAL COPY

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 associated with the property.

- C. Property Characteristics:
 - Lot Size 4.21, 222 sq. ft. acreage 9.6699
 - 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 |
|--|---|---|
| 1. (1) Is this a transfer by deed or other instrument of conveyance? | | <input checked="" type="checkbox"/> |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? | | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years? | | <input checked="" type="checkbox"/> |
| (4) A mortgage or collateral assignment of beneficial interest? | <input checked="" type="checkbox"/> | |

B. (1) Identify Transferor:
 ... *Index Chemical Company*
 Name and Current Address of Transferor
 ... *Jackson & Swanson Sts. Philadelphia, PA 19148*

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:
 ... *Tom Pilato, Director of Manufacturing, Index Chemical*
Jackson & Swanson St. Philadelphia, PA 19148 Telephone No. *215-271-0800*

C. Identify Transferee:

 Name and Current Address of Transferee

III. NOTIFICATION

Under the Illinois Environmental Protection Act,¹ owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act² 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:

00048695

UNOFFICIAL COPY

(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."

Section 4(q) of the Act³ 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(a) 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 Act⁴ 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

Regulatory Information During Current Ownership

00048695

UNOFFICIAL COPY

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 shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes ...Y.....

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 ...Y.....

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 ...Y.....

No

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

	YES	NO
LandfillY...
Surface ImpoundmentY...
Land TreatmentY...
Waste PileY...
IncineratorY...
Storage Tank (Above Ground)Y...
Storage Tank (Underground)Y...
Container Storage AreaY...
Injection WellsY...
Wastewater Treatment UnitsY...
Septic TanksY...
Transfer StationsY...
Waste Recycling OperationsY...
Waste Treatment DetoxificationY...
Other Land Disposal AreaY...

If there are "YES" answers to any of the above items and the transfer 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?

00048895

UNOFFICIAL COPY

- 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 Act⁴. Yes ..✓..
No
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986.⁷ 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

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?

00048695

UNOFFICIAL COPY

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
- Designation, by the IEPA or the IEMA, of the release as "significant" under the Illinois Chemical Safety Act
- 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, etc.
- Signs of substances leaching out of the ground along the base of slopes 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?

.....
.....
.....
.....

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 or otherwise contracted with for the management of the site or real property:

Name: ...American Can Company (New Travelers Corporation).....

Type of business/
or property usage

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

	YES	NO
Landfill
Surface Impoundment
Land Treatment

G0048695

UNOFFICIAL COPY

	YES	NO
Waste Pile
Incinerator
Storage Tank (Above Ground)
Storage Tank (Underground)
Container Storage Area
Injection Wells
Wastewater Treatment Units
Septic Tanks
Transfer Stations
Waste Recycling Operations
Waste Treatment Detoxification
Other Land Disposal Area

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. Inolex Chemical Company, as Borrower

By: *Robert E. Paganelli*
signature
Robert E. Paganelli
type or print name
TRANSFEROR OR TRANSFERORS
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on June 30, 1999

.....
signature
.....
type or print name
TRANSFEEE OR TRANSFEEES
(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on June 30, 1999 General Electric Capital Corporation, as Agent and Lender

Michael Hustader
signature
Michael Hustader
type or print name
LENDER

00048695

UNOFFICIAL COPY

ILLINOIS RESPONSIBLE PROPERTY TRANSFER ACT WAIVER

Pursuant to Section 4(b) of the Illinois Responsible Property Transfer Act ("IRPTA"), 765 ILCS 90/4(b), the parties to this Transfer of Real Property, as such terms are defined in IRPTA, hereby waive the time periods specified in 765 ILCS 90/4(a) for the delivery of the disclosure document. The parties understand that the disclosure document must be delivered to all parties to the Real Property Transfer on or before the date of Transfer of the Real Property.

DATED JUNE 30, 1999

INOLEX Chemical Company, as Borrower

By: *Robert E. Paganelli*
Name: *Robert E. Paganelli*
Title: *President*

General Electric Capital Corporation,
as Agent and Lender

By: *Michael Lusk*
Name: *Michael Lusk*
Title: *Deputy Attorney General*

00048695

Mail to:
Paul, Hastings, Jarosky
1055 Washington Blvd
Stamford, Connecticut
06901-2217