

Within 30 days after the date any real property subject to the provisions of the Responsible Property Transfer Act of 1988 is transferred, this completed document must be filed in the office of the recorder in the county in which such property is located and filed with the Illinois Environmental Protection Agency.

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For Use By County Recorder's Office  
County  
Date  
Doc. No.  
Vol.  
Page  
Rec'd. By



# ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

Seller:.....Klaimont Enterprises, Inc.....  
Buyer:.....9401 West Grand Avenue, LLC.....  
Document No.:.....

00086543

9561/0153 32 001 Page 1 of 7  
2000-02-02 15:54:33  
Cook County Recorder 63.50

## Property Identification:

A. Address of property.....9401 West Grand Avenue\*.....Franklin Park.....Layden.....  
Street City or Village Township

Permanent Real Estate Index No. 12-27-123-028, 12-27-123-091, 12-27-300-051.....

## B. Legal Description:

Section.....27..... Township.....40 N..... Range.....12.....

Enter current legal description in this area:

See attached Exhibit A

\*plus two (2) paved lots across Grand Avenue (the "Paved Lots").

Prepared by: Name.....Louis Pretekin.....  
Company.....Imperial Realty Company.....  
Address.....4747 W. Peterson Ave., Suite 200.....  
City.....Chicago State.....IL..... Zip.....60646.....

Return to: ..Squadron, Ellenoff, Plesent & Sheinfeld.....  
.....551 Fifth Avenue.....  
.....New York, NY 10176.....  
.....Attn: Alan Schacter, Esq.....



1st AMERICAN TITLE order # CC189346

*Handwritten initials and '787 all'*

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



Provided courtesy of The Illinois Chamber  
20 North Wacker Drive  
Chicago, Illinois 60606-3083  
312-372-7373

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## I. Liability Disclosure

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

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### A. Property Characteristics:

Lot Size..... Acreage...5.617....

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

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

## II. Nature of Transfer

A. (1) Is this a transfer by deed or other instrument of conveyance?

Yes..XX No.....

(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?

Yes..... No..XX

(3) A lease exceeding a term of 40 years?

Yes..... No..XX

(4) A mortgage or collateral assignment of beneficial interest?

Yes..... No..XX

B. (1) Identify Transferor:

.....Klairmont Enterprises, Inc., an Illinois corporation.....

Name and Current Address of Transferor:

.....4747 West Peterson Avenue, Suite 200, Chicago, Illinois 60646.....

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

Trust No.

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

.....Alfred M. Klairmont, Vice President, 4747 W. Peterson Ave., Chicago, IL 60646.....

Name, Position (if any) and Address

Telephone No. (773) 736-4100

C. Identify Transferee:

.....9401 West Grand Avenue, LLC..... a Delaware limited liability company.....

Name and Current Address of Transferee:

.....c/o Argent Ventures, L.L.C., 551 Fifth Avenue, New York, NY 10176.....

## 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 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;

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- 1. Any person who accepts by receipt, 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 by receipt, agreement, or otherwise has arranged with another party or entity for transport, storage or treatment of hazardous substances at a facility 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.

V. Environmental Information

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 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..... No.  XX
- 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.  XX
- 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.  XX
- 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?
 

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

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.

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Yes..... No.XX  
Yes..... No.XX  
Yes..... No.XX  
Yes..... No.XX

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- a. Permits for discharges of wastewater to waters of the State. Yes..... No.XX
- b. Permits for emissions to the atmosphere. Yes..... No.XX
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes..... No.XX
- 6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? Yes..... No.XX
- 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.XX
  - 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.XX
  - c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes..... No.XX

- 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.XX
  - 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.XX
  - 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.XX

- 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.XX
  - b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes..... No.XX
  - 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 IESDA, 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.XX

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

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

Name 9401 Grand, L.L.C., c/o Franklin Partners, L.L.C.
Attn: Don Shoemaker, 2000 York Road, S-100, Oak Brook, IL 60523

Type of business or property usage Management: Building at 9401 Grand was vacant. Paved
Lots (hereinabove defined) were used for vehicle parking.

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:

- Landfill Yes..... No.XX
Surface Impoundment Yes.XX. No.....
Land Treatment Yes..... No.XX
Waste Pile Yes..... No.XX
Incinerator Yes.XX. No.....
Storage Tank (Above Ground) Yes.XX. No.....
Storage Tank (Underground) Yes.XX. No.....
Container Storage Area Yes.XX. No.....
Injection Wells Yes..... No.XX
Wastewater Treatment Units Yes..... No.XX
Septic Tanks Yes..... No.XX
Transfer Stations Yes..... No.XX
Waste Recycling Operations Yes..... No.XX
Waste Treatment Detoxification Yes.XX No.....
Other Land Disposal Area Yes.XX No.....

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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.

Signature of Michael Klairmont
SIGNATURE(S)
Klairmont Enterprises, Inc., an Illinois corporation
TRANSFEROR OR TRANSFERORS (PLEASE TYPE)
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on 19.....

SIGNATURE(S)
9401 West Grand Avenue, LLC, a Delaware limited liability company
TRANSFEREE OR TRANSFEREES (PLEASE TYPE)
(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on 19.....

SIGNATURE(S)
LENDER
LENDER REPRESENTATIVE (PLEASE TYPE)
TITLE

B. Site Information Under Other Ownership or Operation

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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 9401 Grand, L.L.C., c/o Franklin Partners, L.L.C.

Attn: Don Shoemaker, 2000 York Road, S-100, Oak Brook, IL 60523

Type of business or property usage Management: Building at 9401 Grand was vacant Paved Lots (hereinabove defined) were used for vehicle parking

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:

Table with 2 columns: Facility Name (Landfill, Surface Impoundment, etc.) and Yes/No status with checkboxes.

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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.

SIGNATURE(S) Klairmont Enterprises, Inc., an Illinois corporation TRANSFEROR OR TRANSFERORS (PLEASE TYPE) (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on February 1, 2000

By: [Signature] SIGNATURE(S) 9401 West Grand Avenue, LLC, a Delaware limited LIABILITY TRANSFEREE OR TRANSFEREES (PLEASE TYPE) company (or on behalf of transferee)

C. This form was delivered to me with all elements completed on 19.....

SIGNATURE(S) LENDER LENDER REPRESENTATIVE (PLEASE TYPE) TITLE

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## EXHIBIT A

### Legal Description

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#### PARCEL 1:

LOT 1 IN WEST GRAND AVENUE SUBDIVISION RECORDED ON JULY 31, 1997 AS DOCUMENT NUMBER 97557554 OF PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY ILLINOIS

#### PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR THE USE OF EXISTING ELECTRICAL SYSTEMS LOCATED ON PROPERTY DESCRIBED IN THE RECIPROCAL EASEMENT, ACCESS, REPAIR AND MAINTENANCE AGREEMENT MADE BY 9401 GRAND L.L.C. DATED JULY 29, 1997 AND RECORDED AUGUST 1, 1997 AS DOCUMENT 97560233

#### PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCEL 1 FOR ACCESS TO AND INGRESS AND EGRESS FOR THE USE, INSPECTION AND REPAIR OF ELECTRIC SYSTEMS, FIRE PROTECTION SYSTEMS, WATER SYSTEMS, TELEPHONE LINES AND HEATING SYSTEMS LOCATED ON THE PROPERTY DESCRIBED IN THE RECIPROCAL EASEMENT, ACCESS, REPAIR AND MAINTENANCE AGREEMENT MADE BY 9401 GRAND L.L.C., DATED JULY 29, 1997 AND RECORDED AUGUST 1, 1997 AS DOCUMENT 97560233.

#### PARCEL 4:

THAT PART OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF GRAND AVENUE (EXCEPT THEREFROM THE EAST 156.8 FEET AND EXCEPT THE THAT PART FALLING IN WASHINGTON STREET) IN COOK COUNTY, ILLINOIS.

#### PARCEL 5:

THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING ON THE SOUTH LINE OF SAID WEST 1/2 AT A POINT 156.8 FEET WEST OF THE SOUTHEAST CORNER OF SAID WEST 1/2; THENCE RUNNING NORTH PARALLEL WITH THE EAST LINE OF SAID HALF 174.65 FEET; THENCE WEST PARALLEL WITH THE SAID SOUTH LINE 498.7 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID WEST 1/2 174.65 FEET TO THE SOUTH LINE; THENCE EAST ON SAID SOUTH LINE 498.7 FEET TO THE POINT OF BEGINNING (EXCEPT THEREFROM THAT PART THEREOF CONVEYED TO THE VILLAGE OF FRANKLIN PARK BY DEED RECORDED JULY 21, 1925 AS DOCUMENT 8981920 OF RECORD AND ALSO EXCEPTING THEREFROM THE NORTH 37 1/2 FEET OF THAT PART OF THE ABOVE DESCRIBED PROPERTY LYING EAST OF WASHINGTON STREET AS EXTENDED AND WEST OF ALLEY IMMEDIATELY EAST AND ADJOINING THERETO AND EXCEPT THAT PART CONVEYED BY DEED RECORDED AS DOCUMENT 12518201) IN COOK COUNTY, ILLINOIS.

Permanent Real Estate Index Nos. 12-27-122-028; 12-27-123-091; 12-27-300-051

Common Address: 9401 West Grand Avenue, Franklin Park, Illinois