

UNOFFICIAL COPY

0010341579

1/13/02 56 45 001 Page 1 of 9
2001-04-26 11:45:51
Cook County Recorder 37.00



0010341579

Return to:

Douglas L. Noren
Katten Muchin Zavis
525 West Monroe Street
Suite 1600
Chicago IL 60661

7900832 3084 D1 M. Drummer

ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY

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

9
D

Seller: See Exhibit A attached hereto
Buyer: One North Arlington, LLC
Document No.: _____

I. PROPERTY IDENTIFICATION

A. Address of property: 1500 West Shure Drive Arlington Heights Wheeling
Street City or Village Township
Permanent Real Estate Index No.: 03-07-102-013, 03-07-102-008

B. Legal Description:

Section 7 Township 42N Range 11E

Enter or attach **current** legal description in this area:

See Exhibit B attached hereto

Prepared by: Benjamin D. Levin Return to: Douglas L. Noren
name name
Foley & Lardner, 777 E. Wisconsin Avenue, Katten Muchin Zavis, 525 W. Monroe Street,
address address
Milwaukee, WI 53202 Chicago, IL 60661

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.

BOX 333-CT1

UNOFFICIAL COPY

C. Property Characteristics:

Lot Size 315,622 square feet Acreage 7.246 acres
Check all type of improvement and uses that pertain to the property:

- | | |
|--|---|
| <input type="checkbox"/> Apartment building (6 units or less) | <input type="checkbox"/> Industrial building |
| <input type="checkbox"/> Commercial apartment (over 6 units) | <input type="checkbox"/> Farm, with buildings |
| <input checked="" type="checkbox"/> Store, office, commercial building | <input type="checkbox"/> 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:

See Exhibit A attached hereto

Name and Current Address of Transferor
N/A

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

Trustee

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

Robert A. Kohl, agent and attorney-in-fact, 875 N. Michigan Ave., Suite 3245, Chicago, IL 60611
Name, Position (if any), and address (312) 337-1177 Telephone No.

- C. Identify Transferee: One North Arlington, LLC, c/o Lend Lease Real Estate Investments, Inc.,
Name and Current Address of Transferee
455 City Front Plaza Drive, Suite 3200, Chicago, IL 60611

III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to 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 release of 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 or 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 was a release or substantial threat of a release of such hazardous substances; and

UNOFFICIAL COPY

(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 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(f) of the Act states:

"If any person who is liable for a release or a 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 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 a 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 in subsection (b), the owner, 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

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 X See Item 11 below.

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 X No _____ See Item 11 below.

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 X See Item 11 below.

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?

UNOFFICIAL COPY

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

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 statement.

5. Has the transferor ever held any of the following in regard to this real property? YES NO
- a. Permits for discharges of wastewater to waters of the State. _____ X _____
 - b. Permits for emissions to the atmosphere. _____ X _____
 - c. Permits for any waste storage, waste treatment or waste disposal operation. _____ X _____
6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? See Item 11 below. YES NO
 _____ X _____
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. _____ X _____
 - b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. _____ X _____
 - c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. _____ X _____
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. _____ X _____
 - b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. _____ X _____
 - 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. _____ _____
9. Environmental Releases During Transferor's Ownership
- a. Has any situation occurred at this site which resulted in a reportable "release" on any hazardous substances or petroleum as required under State or Federal laws? _____ X _____
 - b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? _____ X _____
 - 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

UNOFFICIAL COPY

- _____ 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
_____ X
11. Is there any explanation needed for clarification of any of the above answers or responses? _____
Questions 1, 2 and 3 - Property contains a 250 gallon underground tank and a 15 gallon above ground tank, both used for storage of diesel fuel (off-road #2 grade). Site plan is attached. Question 3 - Refrigerant oil has been removed and disposed of (test results and disposal records are available). Question 6 - Noncontact cooling water regularly blown down.

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: Northridge Company, Southridge Company

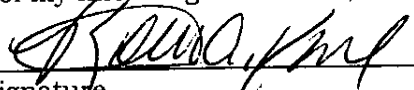
Type of business/ office building
or property usage _____

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		YES	NO
Landfill	_____	<u>X</u>	Injection Wells	_____	<u>X</u>
Surface Impoundment	_____	<u>X</u>	Wastewater Treatment Units	_____	<u>X</u>
Land Treatment	_____	<u>X</u>	Septic Tanks	_____	<u>X</u>
Waste Pile	_____	<u>X</u>	Transfer Stations	_____	<u>X</u>
Incinerator	_____	<u>X</u>	Waste Recycling Operations	_____	<u>X</u>
Storage Tank (Above Ground)	<u>X</u>	_____	Waste Treatment Detoxification	_____	<u>X</u>
Storage Tank (Underground)	<u>X</u>	_____	Other Land Disposal Area	_____	<u>X</u>
Container Storage Area	_____	<u>X</u>			

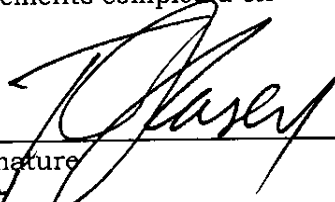
V. CERTIFICATION

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
Robert A. Kohl, as agent and attorney-in-fact
type or print name
TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

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

April 16 2001


signature
TIMOTHY J. CASEY
type or print name

UNOFFICIAL COPY

TRANSFeree OR TRANFereES (or on behalf of Transferee)

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

_____ 20 _____

N/A

signature

N/A

type or print name

LENDER

Property of Cook County Clerk's Office

UNOFFICIAL COPY

**EXHIBIT A
To
ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY**

Sellers / Transferors

Robert A. Kohl, as Successor Trustee under the Sidney A. Kohl 1985 Trust

James S. Levin, as Successor Trustee under the Robert Kohl Family Trust and as Successor Trustee under the Lawrence Kohl Family Trust

DLK Limited Partnership, a Florida limited partnership

SK 2000 Limited Partnership, a Florida limited partnership

Address of Sellers / Transferors

340 Royal Poinciana Way
Suite 305
Palm Beach, FL 33480

UNOFFICIAL COPY

EXHIBIT B
To
ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

Legal Description

PARCEL 1

Lot 2 in Bill Knapp's Resubdivision according to the Plat thereof recorded July 12, 1983 as Document 26683318, being a Resubdivision of Lot 4 in Arlington Industrial and Research Center Unit 12, being a Subdivision in part of the Northwest $\frac{1}{4}$ of Section 7, Township 42 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded July 13, 1978 as Document 24533497 in Cook County, Illinois.

PARCEL 2

Lot 3 in Arlington Industrial and Research Center Unit 12, being a Subdivision in part of the Northwest $\frac{1}{4}$ of Section 7, Township 42 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded July 13, 1978 as Document No. 24533497, in Cook County, Illinois.

PARCEL 3

Easement for ingress and egress over the South 17.5 feet of the West 170 feet of Lot 1 (as measured along the South line of Lot 1) in Bill Knapp's Resubdivision according to the Plat thereof recorded July 12, 1983 as Document 26683318, in the Northwest $\frac{1}{4}$ of Section 7, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent Tax Numbers: 03-07-102-013

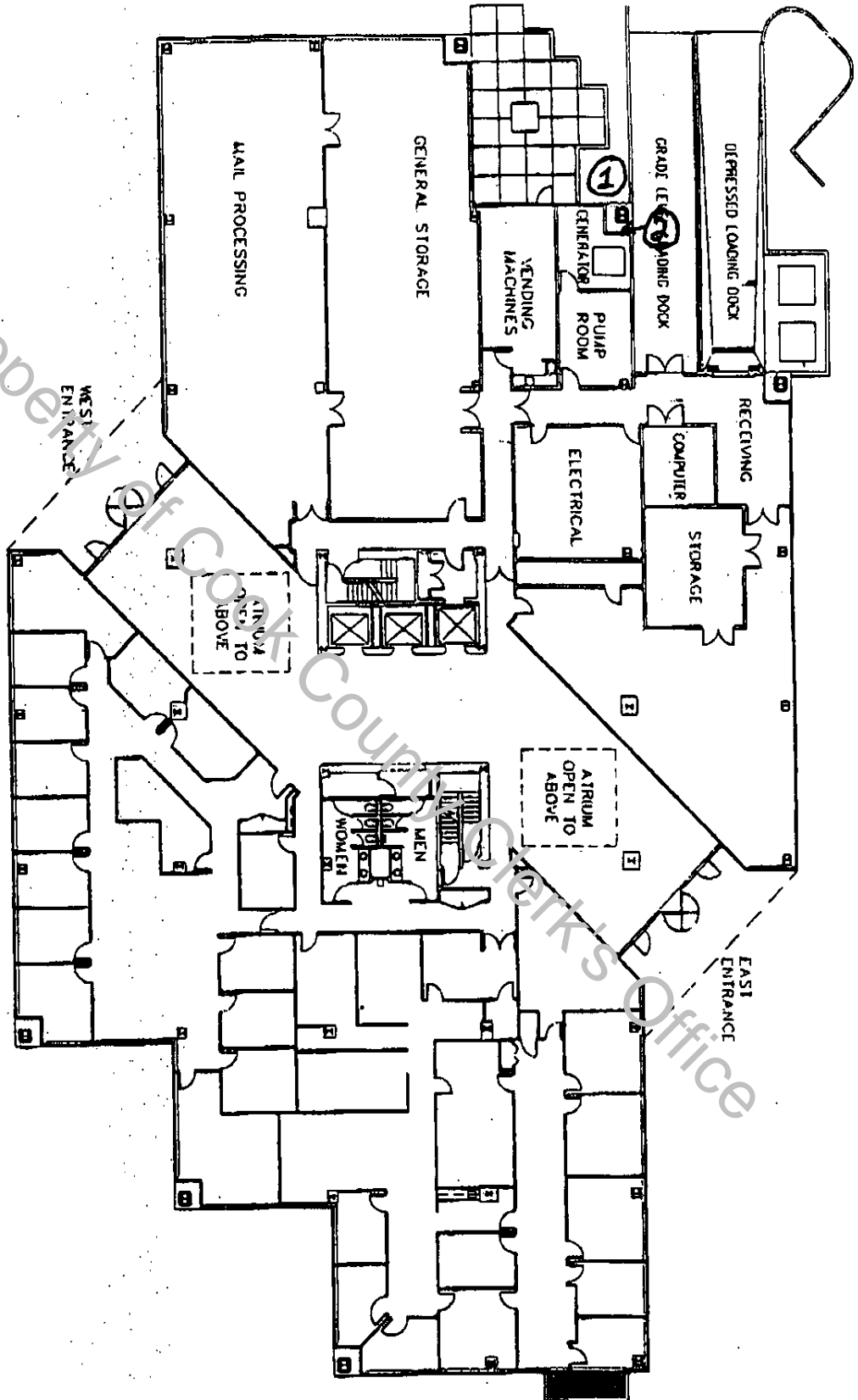
Volume: 231

(Affects Parcel 1)

03-07-102-008

(Affects Parcel 2)

UNOFFICIAL COPY



18,281 RSF

ONE NORTH ARLINGTON
ARLINGTON HEIGHTS, ILLINOIS



0' 8' 16' 32'

URBAN DESIGN GROUP INC.
FIRST FLOOR PLAN

- ① 250-GAL U.S.T.
- ② 15-GAL ABOVE-GR. ST.

10341579