

UNOFFICIAL COPY

0010335177

ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY

1727/0197 89 001 Page 1 of 8
2001-04-24 15:50:30
Cook County Recorder 35.30

12

The following information is provided pursuant to the Responsible Property Recorder's Office



Transferor Vencor, Inc. / Vencor Operating, Inc.
Buyer _____
Document No.: _____

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

DEC CC200752 JR

I. PROPERTY IDENTIFICATION:

A. Address of property: **6130 N. Sheridan Road, Chicago, Illinois 60660**

Street	City or Village	Township
Permanent Real Estate Index No.:	14-05-210-004-0000	
	14-05-210-005-0000	
	14-05-210-006-0000	
	14-05-210-008-0000	
	14-05-210-015-0000	
	14-05-210-016-0000	
	14-05-210-022-0000	

B. Legal Description:

Section . . . **5** . . . Township . . . **40N** . . . Range **14E** . . .

Enter or attach current legal description in this area

8

Attached

Prepared by: Chris Bucovic

name	<u>FIRST AMERICAN Title</u>	name	
address	<u>633 Third Ave. New York, NY 10017</u>	address	

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 _____ Acreage 1.9704

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

- | | |
|--|---|
| Apartment building (6 units or less) | Industrial building |
| Commercial apartment (over 6 units) | Farm, with buildings |
| Store, office, commercial building | XOther (specify) <u>Hospital</u> |

II. NATURE OF TRANSFER:

- A. (1) Is this a transfer by deed or other instrument of conveyance? Yes No
..... ..
- (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?
- (3) A lease exceeding a term of 40 years?
- (4) A mortgage or collateral assignment of beneficial interest?
...X.....

B. (1) Identify Transferor: **Vencor, Inc. / Vencor Operating, Inc.**

Name and Current Address of Transferor **680 S. Fourth Avenue, Louisville, Kentucky 40202**

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:

**Leo Hauber, Director of Corporate Facilities
680 S. Fourth Avenue, Louisville, Kentucky 40202**

**(502) 596-6288
Telephone No.**

Name, Position (if any), and address

C. Identify Transferee: *Morgan Guaranty Trust Company of New York, as collateral agent under the Second Priority Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement and Financing Statement, dated as of April 6, 2001, 500 Stanton Christiana Road, Newark, DE 19713*

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 damages 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

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 X 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 X No

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

Yes X 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
Landfill X ..
Surface Impoundment X ..
Land Treatment X ..
Waste Pile X ..
Incinerator
Storage Tank (Above Ground) X ..
Storage Tank (Underground)	.. X ..	.....
Container Storage Area X ..
Injection Wells X ..
Wastewater Treatment Units X ..

- Septic Tanks X....
- Transfer Stations X....
- Waste Recycling Operations X....
- Waste Treatment Detoxification X....
- Other Land Disposal 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 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 .. X....
- b. Permits for emissions to the atmosphere. Yes
No .. X....
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes
No .. X....

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

- 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. Yes
No .. X....
- 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 .. X....
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes
No .. 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. Yes
No .. 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. Yes
No .. X....
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still Yes
No

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" of any hazardous substances or petroleum as required under State or federal laws?

Yes
No .. X

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

Yes
No .. 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 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 .. X

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

No.

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: **Ventas Realty, Limited Partnership**
Type of Business/ **Real Estate Investment Trust**
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 X
Surface Impoundment X
Land Treatment X

UNOFFICIAL COPY

0010335177 Page 6 of 8

Waste Pile	.....	..X....
Incinerator	.....	..X....
Storage Tank (Above Ground)	.....	..X....
Storage Tank (Underground)	..X....	.....
Container Storage Area	.....	..X....
Injection Wells	.....	..X....
Wastewater Treatment Units	.....	..X....
Septic Tanks	.....	..X....
Transfer Stations	.....	..X....
Waste Recycling Operations	.....	..X....
Waste Treatment Detoxification	.....	..X....
Other Land Disposal Area	.....	..X....

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.

Vencor, Inc. / Vencor Operating, Inc.

signature

By

Leo T. Hauber
type or print name **Leo Hauber, Director of Corporate Facilities**
TRANSFEROR OR TRANSFERORS
(or on behalf of Transferee)

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

..... 200...

signature

type or print name
TRANSFEREE OR TRANSFEREES
(or on behalf of Transferee)

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

March 30, 200*1*.

signature

type or print name
LENDER

*Morgan Guaranty Trust Company
of New York, as Collateral Agent*

X. [Signature]

ACKNOWLEDGMENT

Commonwealth of Kentucky)
) SS:
County of Jefferson)

Before me the undersigned, a Notary Public in and for Jefferson
County, Commonwealth of Kentucky, personally appeared Leo Hauber, Director of Corporate
Facilities for Vencor, Inc. and Vencor Operating, Inc. and
acknowledged the execution of the foregoing instrument this 29 day of March, 2001.

Belinda G. Adanick
Notary Public

Belinda G. Adanick
Printed

My Commission Expires:

3-24-03

My County of Residence is:

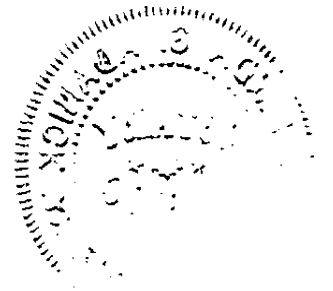
Jefferson



Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office



UNOFFICIAL COPY

0010335177

Page 8 of 8

FIRST AMERICAN TITLE INSURANCE COMPANY
30 North La Salle, Suite 310, Chicago, IL 60602

ALTA Commitment
Schedule C

File No.: CC124579

LEGAL DESCRIPTION:

PARCEL 1:

LOTS 21, 23, 24 AND 25 IN BLOCK 10 OF COCHRAN'S SECOND ADDITION TO EDGEWATER IN THE EAST FRACTIONAL 1/2 OF SECTION 5, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

LOTS 4, 5, 6, 7, 8, 9, 10 AND THE NORTH 22 FEET OF LOT 11 IN BLOCK 10 IN COCHRAN'S SECOND ADDITION TO EDGEWATER IN THE EAST FRACTIONAL 1/2 OF SECTION 5, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

Return to Hope Harrell
First American Title Insurance
633 Third Avenue
New York, NY 10017