



0020384957

PREPARED BY:

Name: South Boulevard Development, LLC
Attention: Jon Kozuch, Manager

Address: 315 South Boulevard
Oak Park, Illinois 60302

RETURN TO:

Name: South Boulevard Development, LLC
Attention: Jon Kozuch, Manager

Address: 1910 West North Avenue
Chicago, Illinois 60622

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0312255169

LUST Incident No.: 20010792

South Boulevard Development, LLC, the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 1910 West North Avenue, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: Lot 4 in Block 45 in the Village of Ridgeland, being a subdivision of the east 1/4 of Section 7 and the Northwest 1/4 and the west 1/4 of the southwest 1/4 of Section 8, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois
2. Common Address: 315 South Boulevard, Oak Park, Illinois
3. Real Estate Tax Index/Parcel Index Number: 16-08-300-004
4. Site Owner: South Boulevard Development, LLC
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

Attachment: Site Base Map

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1. South Boulevard Development, LLC.
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county where the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 IAC Part 742) rules.
2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached

Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.

- 3. The land use limitation specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

- 4. Preventive: None.
 Engineering: None.
 Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.
- 5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

OTHER TERMS

- 6. Any contaminated soil or groundwater removed, excavated from, or disturbed at the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations.
- 7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
 Attention: Freedom of Information Act Officer
 Bureau of Land - #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

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8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a) Any violation of institutional controls or industrial/commercial land use restrictions;
 - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c) The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;
 - d) The failure to comply with the recording requirements for the Letter;
 - e) Obtaining the Letter by fraud or misrepresentation; or
 - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice from the owner or operator and the Illinois EPA provided to the Board within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

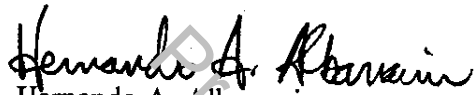
Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

UNOFFICIAL COPY

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If you have any questions or need further assistance, please contact Pat Layman of my staff at 217/524-4653.

Sincerely,



Hernando A. Albarracin

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

HAA:PL

Attachment: Leaking Underground Storage Tank Environmental Notice

c: Thomas A. Brecheisen, Pioneer Engineering & Environmental Services, Inc.
Division File

PROPERTY OF COOK COUNTY CLERK'S OFFICE

UNOFFICIAL COPY



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

217/782-6762

MAR 21 2002

CERTIFIED MAIL

7099-3400-0014-9529-9634

South Boulevard Development, LLC
Attention: Jon Kozuch, Manager
1910 West North Avenue
Chicago, Illinois 60622

Re: LPC #0312255169 -- Cook County
Oak Park/South Blvd. Development, LLC
315 South Boulevard
LUST Incident No. 20010792
LUST Technical File

Dear Mr. Kozuch:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day Report/Corrective Action Completion Report submitted for the above-referenced incident. This information, dated December 14, 2001, was prepared by Pioneer Engineering & Environmental Services, Inc. and was received by the Illinois EPA on December 17, 2001. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 IAC).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 IAC Section 732.300(b) and Section 732.409(b) indicate the remediation objectives set forth in 35 IAC Section 732.408 have been met.

Based upon the certification by Jeffrey T. McClelland, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

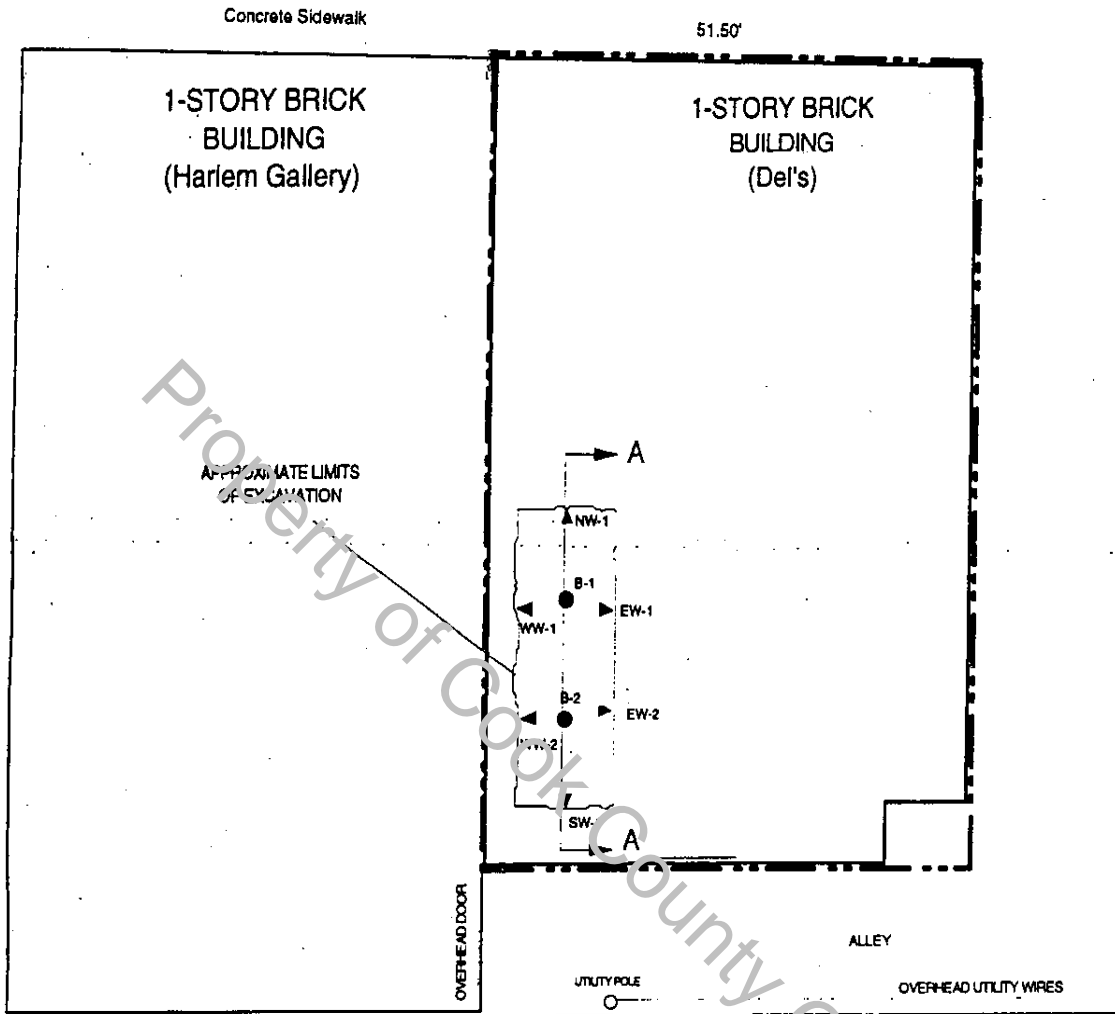
Issuance of this No Further Remediation Letter (Letter), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

UNOFFICIAL COPY

SOUTH BOULEVARD

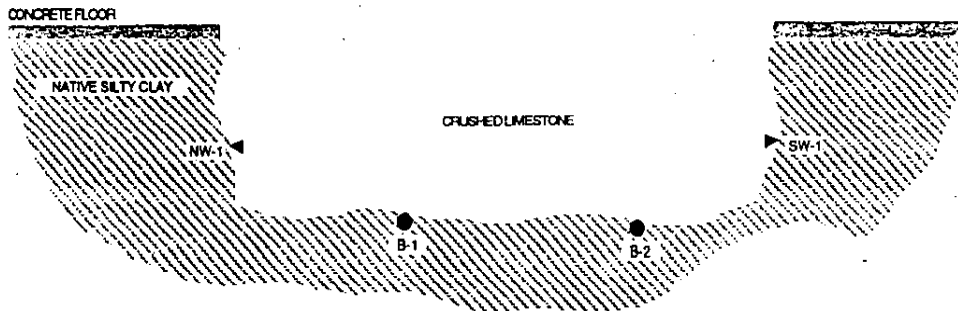


North



CROSS SECTION A-A'

1" = 10'



Legend:

- ▼ Excavation Wall Sample
- Excavation Base Sample

Scale: 1" = 20' Date: November 2001

Drawn by: T. Brecheisen Checked by: W. Smith

Job No.: 01438D

Figure 3

Excavation Sample Locations
315 South Boulevard
Oak Park, Illinois



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

RENEE CIPRIANO, DIRECTOR

**RECORDING REQUIREMENTS FOR
NO FURTHER REMEDIATION LETTERS****Introduction**

The Illinois EPA's Bureau of Land (BOL) issues a No Further Remediation (NFR) Letter at the completion of site remediation activities under the LUST Program and the SRP. The letter signifies that 1) the person conducting remediation has satisfied the respective BOL laws and regulations, and 2) that no further remediation is necessary to protect human health and the environment for the property described in the letter, so long as the site is used in accordance with the terms of the NFR letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined in the Illinois Environmental Protection Act for the program in question. (See 415 ILCS 5/57.10(d) and 58.10(d).) However, if not properly recorded, the NFR Letter *holds no legal significance for anyone*. Furthermore, if not properly recorded, the Illinois EPA will take steps to void the NFR letter in accordance with the regulations pertaining to the program under which the remediation was performed.

Duty to Record

The duty to record the NFR Letter is mandatory. You must submit the letter and Environmental Notice to the Office of the Recorder or the Registrar of Titles of the county where the site is located within 45 days after receipt of the letter. You must record both the NFR Letter and the Environmental Notice. Both must be recorded in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions of the institutional controls. A certified copy of the letter and Environmental Notice as recorded must be sent to the Illinois EPA. Failure to record the NFR Letter and the Environmental Notice in accordance with the regulations will make the letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on our Agency's website directly at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

GEORGE H. RYAN, GOVERNOR

LEGAL DESCRIPTION

PARCEL 1:

LOT 5 IN BLOCK 45 IN THE VILLAGE OF RIDGELAND AND ALSO THAT STRIP OF PARCEL OF GROUND IN SAID BLOCK 45 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE RUNNING SOUTH ON A LINE WITH THE EAST LINE OF SAID LOT 5 PROJECTED TO THE NORTH LINE OF SAID LOT 8 IN SAID BLOCK 45; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 8, 51.88 FEET; THENCE TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 5, 51.88 FEET TO THE POINT OF BEGINNING IN VILLAGE OF RIDGELAND AFORESAID, SAID VILLAGE OF RIDGELAND BEING A SUBDIVISION OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

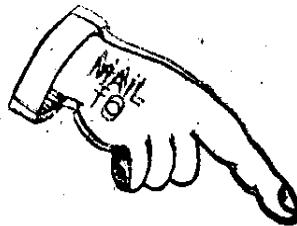
PARCEL 2:

LOTS 4, 6 AND 7 IN BLOCK 45 IN THE VILLAGE OF RIDGELAND, BEING A SUBDIVISION OF THE EAST 1/4 OF SECTION 7 AND THE NORTHWEST 1/4 AND THE WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

ALL OF THE EAST AND WEST 15 FOOT VACATED ALLEY LYING SOUTH OF AND ADJOINING LOTS 6 AND 7 IN BLOCK 45 IN THE VILLAGE OF RIDGELAND, BEING A SUBDIVISION OF THE EAST 1/4 OF SECTION 7 AND THE NORTHWEST 1/4 OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

- P.I.N.: 16-08-300-001-0000
- 16-08-300-002-0000
- 16-08-300-003-0000
- 16-08-300-004-0000
- 16-08-300-010-0000



Frank W. Jaffe
Jaffe & Berlin
111 W. Washington #1401
Chicago, IL 60602