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PREPARED BY:

4588/0166 26 001 Page 1 of 10
2003-01-16 15:33:57
Cook County Recorder 42.00

Name: Mr. David Schmidt
Illinois Institute of Technology

Address: 100 W. 33rd Street, Room 100
Chicago, IL 60616



RETURN TO:

Name: Mr. David Schmidt
Illinois Institute of Technology

Address: 100 W. 33rd Street, Room 100
Chicago, IL 60616

THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316345022

Illinois Institute of Technology, the Remediation Applicant, whose address is 100 W. 33rd Street, Room 100, Chicago, IL 60616 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: Lots 10, 11, 13 to 22. South 6 inches of Lot 27, Lots 29, 30, 31, 34 to 39, 41 to 50. Also Lots 1, 2 and 3 in the subdivision of Lots 23, 26 and 27 (Except the South 6 inches of Lot 27), all in Block 1 in Charles Walker's Subdivision of that part North of the South 60 acres of the West 1/2 of the Northwest 1/4 of Section 34, Township 39 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois. And also, all those portions of the alley lying between the lots herein described which are hereinafter vacated by the city and acquired by lessor.
2. Common Address: 32nd Street and Indiana Avenue, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 17-34-102-002, 17-34-102-003, 17-34-102-004, 17-34-102-005, 17-34-102-006, 17-34-102-042, 17-34-102-043, 17-34-102-044, 17-34-102-008, 17-34-102-009, 17-34-102-010, 17-34-102-011, 17-34-102-012, 17-34-102-013, 17-34-102-014, 17-34-102-015, 17-34-102-040, 17-34-102-018, 17-34-102-041, 17-34-102-028, 17-34-102-029, 17-34-102-030, 17-34-102-032, 17-34-102-033, 17-34-102-035, 17-34-102-036, 17-34-102-037, 17-34-102-038, 17-34-102-039.
4. Remediation Site Owner: Illinois Institute of Technology
5. Land Use: Residential

(Illinois EPA Site Remediation Program Environmental Notice)

RETURN TO BOX 408 Page 1

ATTN: Pat Ullman

6. Site Investigation: Focused

See NFR letter for other terms.

Property of Cook County Clerk's Office



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

0030080003

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

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601

GEORGE H. RYAN, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

December 4, 2002

CERTIFIED MAIL

7002 2030 0001 1873 6626

Illinois Institute of Technology
Attn: Mr. David Schmidt
100 W. 33rd Street, Room 100
Chicago, IL 60616

Re: 0316345022/Cook County
Chicago/Illinois Institute of Technology
Site Remediation Program/Technical Reports

Dear Mr. Schmidt:

The *Focused Site Investigation Report* (March 30, 2000/Log No.00-1290), as prepared by K Plus Environmental, Inc. for the Illinois Institute of Technology property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the *Focused Site Investigation Report* shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 3 acres, is located at the northwest corner of East 32nd Street and South Indiana Avenue, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (March 30, 2000/Log No.00-1290), is the Illinois Institute of Technology.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7404 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4073
ELGIN - 595 South State, Elgin 60123 - (847) 608-3131 • PEORIA - 5414 N. University St., Peoria, IL 61614 - (309) 693-5462
CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 333-6907 • SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892
COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120 • MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

Conditions and Terms of Approval**Level of Remediation and Land Use Limitations**

- 1) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
 - a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.
- 2) The Remediation Site is approved for Residential or Industrial/Commercial land use.
- 3) The land use 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) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Engineering Controls:

- 5) The asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) A synthetic barrier located under all of the landscaped areas, which are shown in the attached Site Base Map, must remain over the contaminated soils. This synthetic barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 7) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 8) The buildings, as shown in the attached Site Base Map, must remain over the contaminated soils. These buildings must be properly maintained as engineered barriers to inhibit ingestion of the contaminated media.

Other Terms

9) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.

10) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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

11) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:

- a) Any violation of institutional controls or the designated 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 Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
- d) The failure to comply with the recording requirements for this Letter;
- e) Obtaining the Letter by fraud or misrepresentation;
- 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;
- g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
- h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.

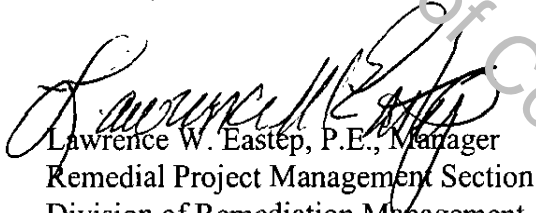
- 12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Illinois Institute of Technology;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
 - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Remediation Site;
 - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
 - i) Any heir or devisee of the owner of the Remediation Site;
 - j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
 - k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 13) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Illinois Institute of Technology property.
- 14) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

15) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Rhett M. Rossi at 217-782-9283.

Sincerely,


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments(4): Illinois EPA Site Remediation Program Environmental Notice
Table A
Site Base Map
Property Owner Certification of No Further Remediation Letter under the
Site Remediation Program Form

cc: K Plus Environmental, Inc.
Attn: Mr. Daniel M. Caplice
600 W. Van Buren, Suite 1000
Chicago, IL 60607

bcc: Records Unit
Bob O'Hara
Ginger Miller

SITE REMEDIATION PROGRAM

**TABLE A: REGULATED SUBSTANCES OF CONCERN
0316345022 – ILLINOIS INSTITUTE OF TECHNOLOGY**

Semivolatile Organic Compounds

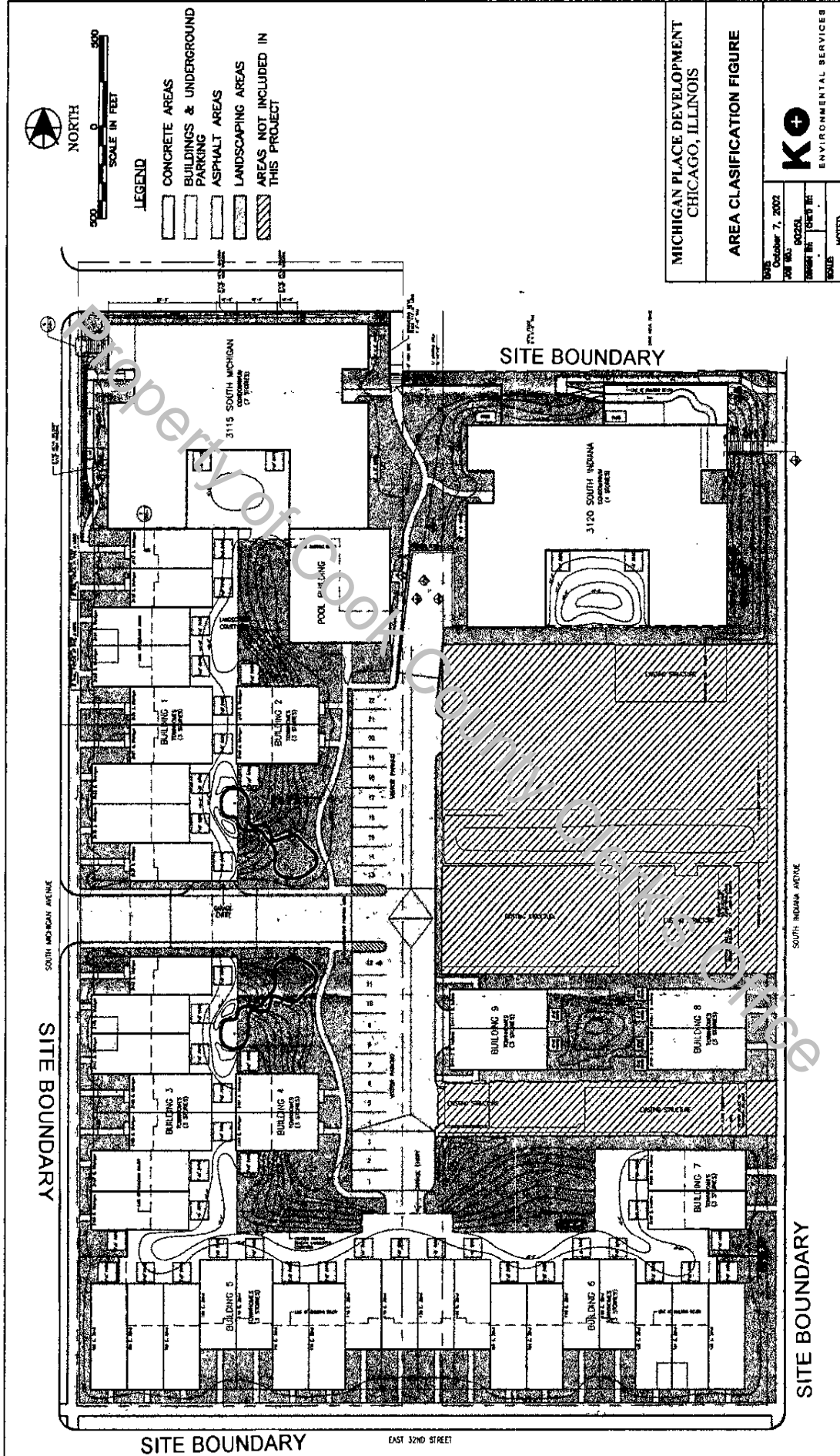
<u>CAS No.</u>	<u>Compound Name</u>
91-20-3	Naphthalene
208-96-8	Acenaphthylene
83-32-9	Acenaphthene
86-73-7	Fluorene
85-01-8	Phenanthrene
120-12-7	Anthracene
206-44-0	Fluoranthene
129-00-0	Pyrene
56-55-3	Benzo(a)anthracene
218-01-9	Chrysene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
50-32-8	Benzo(a)pyrene
193-39-5	Indeno(1,2,3-cd)pyrene
53-70-3	Dibenzo(a,h)anthracene
191-24-2	Benzo(g,h,i)perylene

BTEX Indicator Contaminants

<u>CAS No.</u>	<u>Compound Name</u>
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

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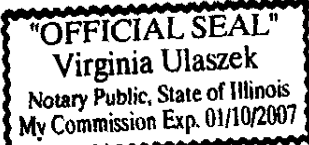
PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

If the Remediation Application is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number. The property owners(s), or the duly authorized agent of the owners(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Owner's Name: <u>Mary Anne Smith</u> Title: <u>Vice President and General Counsel</u> Company: <u>Illinois Institute of Technology</u> Street Address: <u>10 W. 33rd Street</u> City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60616</u> County: <u>Cook</u>
Site Name: <u>Michigan Place</u> Site Address: <u>NW Corner of E. 32nd St. and S. Indiana Ave.</u> City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60616</u> County: <u>Cook</u> Illinois inventory identification number: <u>0316345022</u> Real Estate Tax Index/Parcel Index No. <u>17-34-102-002 -- 006, 17-34-102-042 -- 044, 17-34-102-008 -- 015, 17-34-102-040, 17-34-102-018, 17-34-102-041, 17-34-102-028 -- 030, 17-34-102-032 -- 033, 17-34-102-035 -- 039</u>
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter. Owner's Signature: <u><i>Mary Anne Smith</i></u>
SUBSCRIBED AND SWORN TO BEFORE ME This <u>15TH</u> day of January, 2003 <u><i>Virginia Ulaszek</i></u> Notary Public


The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.