

UNOFFICIAL COPY

0030007698

2/26/0036 30 001 Page 1 of 11

2003-01-03 10:59:28

Cook County Recorder 44.50

PREPARED BY:

Name: Lawrence S. Nora
U-STOR-IT, L.L.C.

Address: 655 Big Timber Road
Elgin, Illinois 60123



0030007698

RETURN TO:

Name: Lawrence S. Nora
U-STOR-IT, L.L.C.

Address: 655 Big Timber Road
Elgin, Illinois 60123

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: 0310515085

U-STOR-IT, L.L.C., the Remediation Applicant, whose address is 655 Big Timber Road, Elgin, Illinois 60123 has performed investigative for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description of the former Simkins Industries, Inc.: PARCEL 1: THE NORTH 1000 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE WEST 227.35 FEET THEREOF AND EXCEPTING ALSO THEREFROM THAT PART THEREOF LYING NORTH OF THE SOUTHERLY LINE OF OGDEN AVENUE AND NORTH OF THE SOUTH LINE OF 31ST STREET), IN COOK COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID NORTHEAST QUARTER WHICH IS 1000 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER THENCE WEST ALONG A LINE DRAWN PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 440.55 FEET, MORE OR LESS, TO A POINT 227.25 FEET EAST OF THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTHEASTERLY AT AN ANGLE OF 29 DEGREES 49-1/2 MINUTES TO THE LAST DESCRIBED COURSE A DISTANCE OF 393.09 FEET; THENCE EASTERLY ALONG A LINE DRAWN PARALLEL TO THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 99.87 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID NORTHEAST QUARTER WHICH IS 1195.50 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH ALONG SAID EAST LINE 195.50 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

(Illinois EPA Site Remediation Program Environmental Notice)

UNOFFICIAL COPY

Remediation Site description in relation to the former Simkins property: BEGINNING AT A POINT LOCATED APPROXIMATELY 120 FEET NORTH AND 10 FEET EAST OF THE SOUTHEAST PROPERTY BOUNDARY, SAID POINT BEING MARKED WITH A SURVEYOR'S NAIL, THEN GOING NORTH APPROXIMATELY 90 FEET, THEN GOING EAST AT A RIGHT ANGLE APPROXIMATELY 160 FEET, THEN GOING SOUTH AT A RIGHT ANGLE APPROXIMATELY 90 FEET, THEN GOING WEST AT A RIGHT ANGLE APPROXIMATELY 90 FEET TO THE POINT OF BEGINNING. THE REMEDIATION SITE ENCOMPASSES APPROXIMATELY 14,400 SQUARE FEET.

2. Common Address: 5701 West Ogden Avenue, Cicero, IL.
3. Parcel Index Number: 16-32-203-018.
4. Remediation Site Owner: U-STOR-IT, L.L.C.
5. Land Use: Residential and/or Industrial/Commercial.
6. Site Investigation: Focused.

See NFR letter for other terms.

UNOFFICIAL COPY

Site Base Map
0310515085 – Cook County
Chicago/Former Simkins Industries, Inc.
Site Remediation Program

WEST 31st STREET

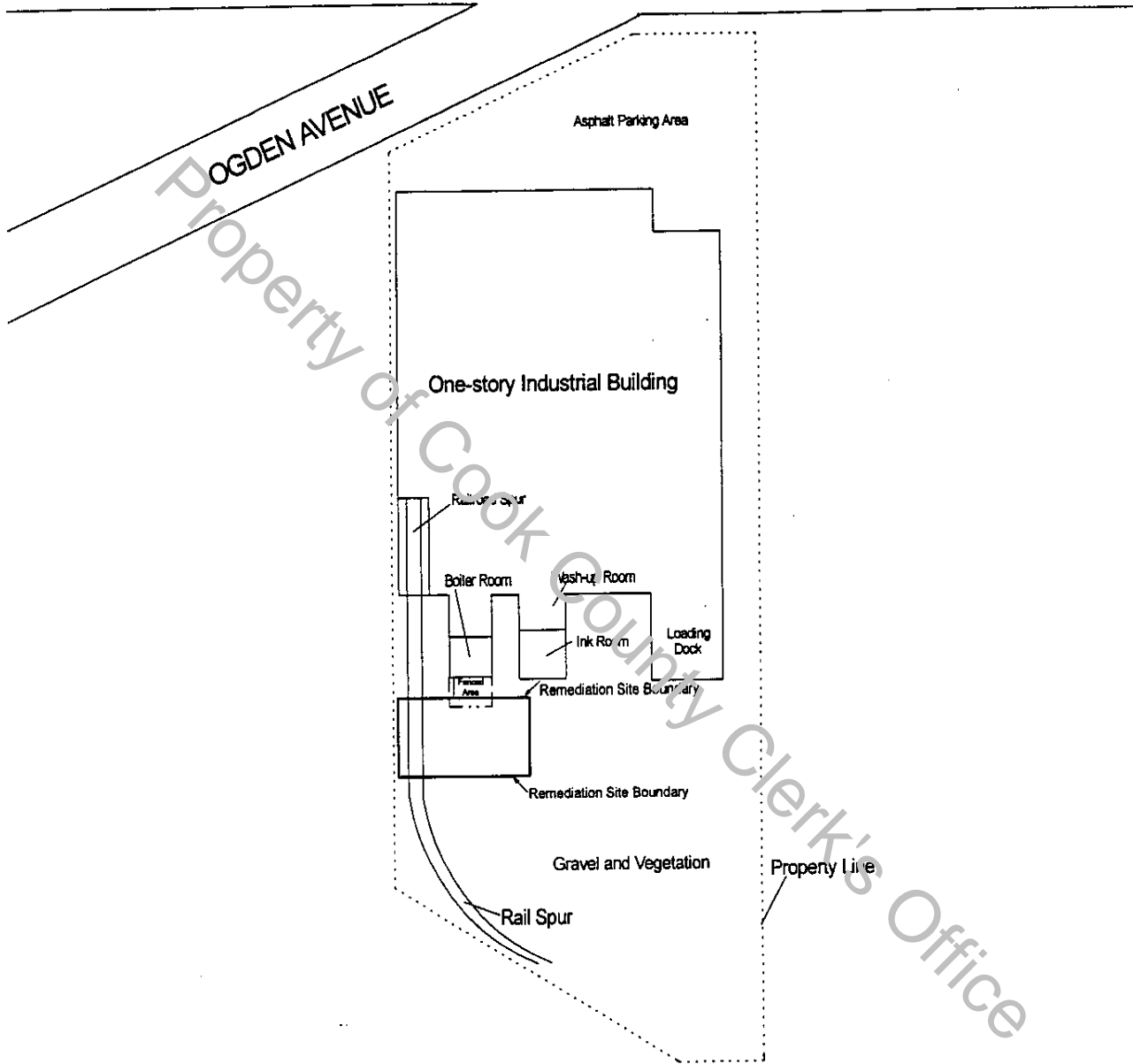


Figure 4 - Amended Remediation Site Boundary Map
 Additional Investigation Report
 5701 Ogden Avenue
 Cicero, Illinois

EPS Environmental Services, Inc.
 7237 West Devon Avenue, Chicago, Illinois 60631

Scale:
 1 inch = 200 feet

0 200'

Date: 5/28/02
 Project #: 3840-0901

North

UNOFFICIAL COPY**SITE REMEDIATION PROGRAM****TABLE A: REGULATED SUBSTANCES OF CONCERN****0310515085 - FORMER SIMKINS INDUSTRIES INC.****Volatile Organic Compounds**

CAS No.	Compound Name
74-87-3	Chloromethane
74-83-9	Bromomethane
75-01-4	Vinyl Chloride
75-00-3	Chloroethane
75-09-2	Methylene Chloride
67-64-1	Acetone
75-15-0	Carbon Disulfide
75-35-4	1,1-Dichloroethene
75-34-3	1,1-Dichloroethane
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
67-66-3	Chloroform
107-06-2	1,2-Dichloroethane
78-93-3	2-Butanone
71-55-6	1,1,1-Trichloroethane
56-23-5	Carbon Tetrachloride
75-27-4	Bromodichloromethane
78-87-5	1,2-Dichloropropane
10061-01-5	cis-1,3-Dichloropropene
79-01-6	Trichloroethene
124-48-1	Dibromochloromethane
79-00-5	1,1,2-Trichloroethane
71-43-2	Benzene
10061-02-6	trans-1,3-Dichloropropene
75-25-2	Bromoform
108-10-1	4-Methyl-2-Pentanone
591-78-6	2-Hexanone
127-18-4	Tetrachloroethene
108-88-3	Toluene
79-34-5	1,1,2,2-Tetrachloroethane
108-90-7	Chlorobenzene
100-41-4	Ethylbenzene
100-42-5	Styrene
1330-20-7	Xylenes (total)
74-97-5	Bromochloromethane
67-63-0	Isopropyl Alcohol
74-95-3	Dibromomethane
75-71-8	Dichlorodifluoromethane
108-05-4	Vinyl Acetate
107-06-2	1,2-Dibromoethane
95-49-8	2-Chlorotoluene

106-43-4	4-Chlorotoluene
96-18-4	1,2,3-Trichloropropane
542-75-6	1,3-Dichloropropane
75-69-4	Trichlorofluoromethane

Semivolatiles Organic Compounds

CAS No.	Compound Name
95-63-6	1,2,4-Trimethylbenzene
96-12-8	1,2-Dibromo-3-chloropropane
108-67-8	1,3,5-Trimethylbenzene
99-87-6	4-Isopropyltoluene
98-82-8	Isopropylbenzene
104-51-8	n-Butylbenzene
103-65-1	n-Propylbenzene
135-98-9	sec-Butylbenzene
98-06-6	tert-Butylbenzene
110-57-6	trans-1,4-Dichloro-2-butene
594-20-7	2,2-Dichloropropane
102-82-1	1,2,4-Trichlorobenzene
563-58-6	1,1-Dichloropropene
108-86-1	Bromobenzene
87-61-6	1,2,3-Trichlorobenzene
120-82-1	1,2,4-Trichlorobenzene
91-20-3	Naphthalene
87-68-3	Hexachlorobutadiene



UNOFFICIAL COPY
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

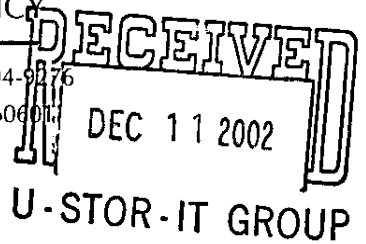
0030007698

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 5, 2002

CERTIFIED MAIL

7002 2030 0001 1873 6060

Lawrence S. Nora
U-STOR-IT, L.L.C.
655 Big Timber Road
Elgin, Illinois 60123

Re: 0310515085/Cook County
Cicero/Simkins Industries, Inc.
Site Remediation Program/Technical Reports

Dear Mr. Nora:

The *Focused Site Investigation Completion Report* (November 29, 2001/Log No. 01-5383) and supporting documents, as prepared by EPS Environmental Services, Inc., for the former Simkins Industries, Inc., 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 Completion Report* and supporting documents shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.33 acres, is located at 5701 West Ogden Avenue, Cicero, 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 (December 3, 2001/Log No. 01-5383), is U-STOR-IT, L.L.C.

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 ApprovalLevel 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 and/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.

Other Terms

- 4) 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.
- 5) 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

- 6) 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 titleholder 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.
- 7) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) U-STOR-IT, L.L.C.;
 - 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;

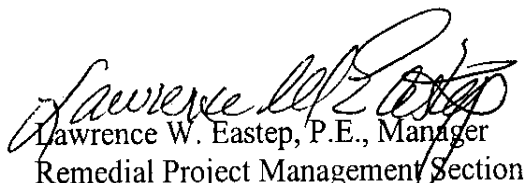
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest 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.
- 8) 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 former Simkins Industries, Inc., property.
- 9) 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

- 10) 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, Marc Cummings at (217) 782-9079.

Sincerely,


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

UNOFFICIAL COPY

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

cc: Nicholas J. Cuzzone, P. E.
EPS Environmental Services, Inc.
7237 West Devon Avenue
Chicago, Illinois 60631

Property of Cook County Clerk's Office

UNOFFICIAL COPY

0030007698

bcc: Bureau of Land Records Unit
Bob O'Hara
Ginger Miller, Financial Management Unit

Property of Cook County Clerk's Office

