



Eugene "Gene" Moore Fee: \$42.50  
Cook County Recorder of Deeds  
Date: 04/25/2003 10:41 AM Pg: 1 of 10

PREPARED BY:

Name: SJR Corporation  
Address: 2720 North Paulina Ave.  
Chicago, Illinois 60614

RETURN TO:

Name: SJR Corporation  
Attention: Mr. Steven Berkowitz  
Address: 833 N. Orleans St., Ste. 400  
Chicago, Illinois 60610

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(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: 0316245344  
LUST Incident No.: 20021259

SJR Corporation, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 833 N. Orleans St., Ste. 400, Chicago, Illinois 60610, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: attached
2. Common Address: 2720 North Paulina Ave, Chicago, Illinois 60614
3. Real Estate Tax Index/Parcel Index Number: 14-30-403-064-0000, 14-30-403-061-0000, 14-30-403-062-0000, 14-30-403-063-0000,
4. Site Owner: SJR Corporation
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

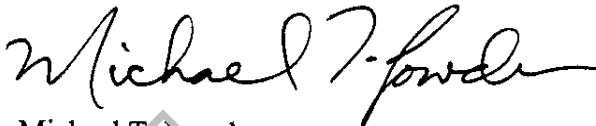
mah

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Michael A. Heaton, at 217/524-3312.

Sincerely,



Michael T. Lowder  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

MTL:mh\021259fi.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site Legal Description

cc: Ms. Stephanie L. Strothoff -- Pioneer Eng. & Env. Services, Inc. (Chicago, Illinois)  
Division File

Property of Cook County Clerk's Office

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8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)) and 35 Ill. Adm. Code 732.704, 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 system(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.

Submit an accurate and official copy of this Letter, as recorded, to:

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

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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 No Further Remediation 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, if applicable, may result in voidance of this Letter.

## OTHER TERMS

6. Any contaminated soil or groundwater removed or 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 under 35 Ill. Adm. Code Subtitle G.
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, IL 62794-9276

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1. SJR Corporation, the owner or operator of the underground storage tank system(s).
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 receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which 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, an accurate and official 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 Ill. Adm. Code 742) rules.
2. As a result of the release from the underground storage tank system(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

**UNOFFICIAL COPY****ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

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

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

**7002 2030 0001 1522 1422**

APR 08 2003

SJR Corporation  
 Attention: Mr. Steven Berkowitz  
 833 N. Orleans St, S.e. 400  
 Chicago Illinois, 60615

Re: LPC #0316245344 -- Cook County  
 Chicago / SJR Corporation  
 2720 North Paulina Avenue  
 LUST Incident No. 20021259  
 LUST Technical File

Dear Mr. Berkowitz:

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 is dated December 20, 2002 and was received by the Illinois EPA on January 2, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

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

Based upon the certification by Mr. Jeffrey McClelland, PE, a Licensed Professional Engineer, 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 Licensed 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 parties:

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
 ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
 BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
 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

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Prepared by and upon recording return to:  
Wayne S. Gilmartin  
55 East Monroe Street  
Suite 1890  
Chicago, Illinois 60603

**COPY**

9-5-02

\$214.50

Property Address (Property 1): 1730 West Wrightwood, Chicago, Illinois 60614  
Permanent Index Number(s) (Property 1): 14-30-403-064-0000

Property Address (Property 2): 1732-1750 West Wrightwood; 2664 North Hermitage,  
Chicago, Illinois 60614  
Permanent Index Number(s) (Property 2): 14-30-403-061-0000  
14-30-403-062-0000  
14-30-403-063-0000

CONSTRUCTION AND EASEMENT AGREEMENT

THIS CONSTRUCTION AND EASEMENT AGREEMENT (this "Agreement") is entered into as of the 30<sup>th</sup> day of August, 2002 by and among LaSalle Bank National Association not individually, but solely as Trustee under that certain Trust Agreement dated May 16, 1986, and known as Trust No. 111099 (such trust being referred to herein as the "TAG Trust" and the trustee thereof being referred to herein as the "TAG Trustee"), SJR Corporation, an Illinois corporation ("SJR"), individually and as agent for the other beneficiaries of the Paulina Trust, and LaSalle Bank National Association, not individually, but solely as trustee under that certain Trust Agreement, dated March 27, 1986, and known as Trust No. 67013 (such trust being referred to herein as the "Paulina Trust" and the trustee thereof being referred to herein as the "Paulina Trustee").

WITNESSETH:

WHEREAS, TAG Trustee is the owner of that certain tract of real property in Cook County, Chicago, Illinois, more particularly described in Exhibit A attached hereto and incorporated herein for all purposes ("Property 1");

WHEREAS, the Paulina Trustee is the owner of that certain tract of real property in Cook County, Chicago, Illinois, more particularly described in Exhibit B attached hereto and incorporated herein for all purposes ("Property 2"), and SJR is the duly appointed agent of the owners of 100% of the beneficial interest in the Paulina Trust and has the power of direction over the Paulina Trust;

WHEREAS, SJR has obtained approval of a Planned Development relating to the redevelopment of a portion of vacated Hermitage Street and the construction on Property 2 of a residential project as well as the infrastructure necessary to support such residential project (collectively, the "Project");

WHEREAS, TAG Trustee has no objection to the Project, including the installation of utilities to serve the Project under and through the Schubert Street Easement (as hereinafter defined), and the use of the Schubert Street Easement for residential vehicular ingress and egress;

WHEREAS, the parties desire to memorialize their understanding and agreement concerning certain easements both temporary and permanent and various construction related matters that are related to the development of the Project and the use and enjoyment of Property 1 and Property 2;

1 of 1  
JL/JP  
NNNN  
HRC17010N

**UNOFFICIAL COPY****EXHIBIT B****Legal Description for Property 2****Parcel 1:**

That part of Lot 3 in the Northwestern Terra Cotta Company's resubdivision of a part of the North East 1/4 of the South East 1/4 of Section 30, Township 40 North, Range 14, East of the Third Principal Meridian, described as follows:

Beginning at a point on the East line of said lot which is 130.92 feet North of the South East corner thereof, said point being at the point North of intersection of said East lot line with the centerline of a 22 inch brick wall and running; thence West a distance of 76.73 feet along said centerline of wall and said centerline extended (said centerline forming an angle, measured in the North West quadrant, of 89 degrees 38 minutes 30 seconds with said East line of Lot 3) to its intersection with an East line of the parcel of land conveyed by deed dated January 24, 1946 and recorded in the Recorder's Office of Cook County, Illinois, as document number 13708497; thence North along said East line of said parcel, so conveyed, which forms an angle, measured in the North East quadrant of 89 degrees 52 minutes with the last described course, a distance of 9.35 feet to a corner of said parcel; thence West a distance of 143.19 feet along a North line of said parcel so conveyed, to a corner of said parcel, which is 140.29 feet North and 219.85 feet West of the South and East, lines, respectively, of said Lot 3; thence Northwardly a distance of 73.25 feet along an East line of said parcel so conveyed, which East line forms an angle, measured in the North East quadrant, of 93 degrees 42 minutes with the last above described course, to another corner of said parcel so conveyed, said corner being a point on a line drawn parallel with and 213.39 feet North of said South line of Lot 3, which point is 223.96 feet West of said East line of Lot 3; thence West along said parallel line a distance of 46.52 feet to its intersection with the Westerly line of said Lot 3; thence Northwardly along said Westerly line of Lot 3, being the arc of a circle having a radius of 5680.65 feet and convex Westerly, a distance of 258.08 feet to its intersection with a line drawn parallel with and 470.18 feet North from said South line of Lot 3; thence Eastwardly along said last described parallel line, a distance of 278.15 feet, to the West line of the East 15.32 feet of said Lot 3; thence South along the West line of the East 15.32 feet aforesaid, a distance of 35.18 feet to the North line of the South 435.00 feet of said Lot 3; thence East along said North line of South 435.00 feet, a distance of 0.3 feet; thence Southeastwardly a distance of 21.29 feet to a point on said East line of Lot 3, which is 430 feet North of said South East corner thereof, and thence South along said East lot line, a distance of 289.08 feet to the point of beginning, in Cook County, Illinois.

**Parcel 2:**

That part of Lot 3 in the Northwestern Terra Cotta Company's resubdivision of a part of the North East 1/4 of the South East 1/4 of Section 30, Township 40 North, Range 14, East of the Third Principal Meridian, included within a parcel of land bounded and described as follows:

Beginning at the South East corner of said Lot or Block 3 and running thence West along the South line thereof a distance of 34.40 feet to the centerline of a 17 inch brick wall; thence North along said centerline of wall, which forms a Northwesterly angle of 90 degrees 01 minute 50 seconds with said South block line, a distance of 99.41 feet to the centerline of another 17 inch brick wall; thence West along said centerline of the last above mentioned brick wall, which forms a Southwesterly angle of 90 degrees 01 minutes 20 seconds with said centerline of the first above mentioned brick wall, a distance of 43.41 feet; thence North along a line perpendicular to the last above described course a distance of 31.36 feet to its intersection with a Westward extension of the centerline of a 22 inch brick wall; thence East along said Westward extension and along said centerline of a 22 inch brick wall, a distance of 76.73 feet to a point on the East line of said Lot or Block 3 which is 130.92 feet North from said South East corner thereof; and thence South along said East line of said Lot or Block 3, a distance of 130.92 feet to the point beginning, in Cook County, Illinois.

**Parcel 3:**

That part of Lot or Block 3 in the Northwestern Terra Cotta Company's resubdivision of a part of the North East 1/4 of Section 30, Township 40 North, Range 14, East of the Third Principal Meridian, bounded and described as follows:



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Commencing on the North line of the South 435 feet of said Lot or Block 3 at a point which is 15.32 feet West from the East line of said Lot or Block 3, thence North along the West line of the said East 15.32 feet a distance of 35.18 feet to a point of beginning of that part of Lot or Block 3 hereinafter described; thence West along a line 470.18 feet North from and parallel with the South line of lot of block 3 a distance of 278.51 feet to its intersection West the Westerly line of said Lot or Block 3, thence Northwardly along said Westerly line of Lot or Block 3, being the arc of a circle, convex Westerly and having a radius of 5680.65 feet, a distance of 158.74 feet to a corner of said Lot or Block 3; thence Westwardly along a line of said Lot or Block 3, a distance of 9.95 feet to another corner of said Lot or Block 3; thence Northwardly along the Westerly line of said Lot or Block 3, being a meandering line, a distance of 304.69 feet to a point which is 933.28 feet North from a Westward extension of the South line of Lot or Block 3; thence Eastwardly along a straight line, a distance of 15.58 feet to a point which is 299.65 feet West of the East line and 931.63 feet North from a Westward extension of the South line of said Lot or Block 3; thence Eastwardly along a straight line, a distance of 95.33 feet to a point which is 204.32 feet West from the East line and 932.38 feet North from the South line of said Lot or Block 3; thence South along the West line of the East 204.32 feet of said Lot or Block 3, a distance of 42.38 feet to its intersection with the North line of the South 890 feet of said Lot or Block 3; thence East along said North line of the South 890 feet of said Lot or Block 3, a distance of 129 feet to the West line of the East 75.32 feet of said Lot or Block 3; thence South along the West line of the East 75.32 feet aforesaid, a distance of 21.04 feet to the North line of the South 868.96 feet of said lot block 3; thence East along the North line of the South 868.96 feet aforesaid, a distance of 60 feet to the West line of the East 15.32 feet of said Lot or Block 3; thence South along the West line of the East 15.32 feet aforesaid, a distance of 30 feet to the North line of the South 838.96 feet of said Lot or Block 3; thence West along the North line of the South 838.96 feet aforesaid, a distance of 60 feet to the West line of the East 75.32 feet of said Lot or Block 3; thence South along the West line of the East 75.32 feet aforesaid, a distance of 329.08 feet to the North line of the South 509.88 feet of said Lot or Block 3; thence East along the North line of the South 509.88 feet aforesaid, a distance of 60 feet to the West line of the East 15.32 feet of said Lot or Block 3, and thence South along the West line of the East 15.32 feet aforesaid, a distance of 39.7 feet to the point of beginning, in Cook County, Illinois.

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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



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

RENEE CIPRIANO, DIRECTOR

### RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

#### Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter 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 so long as the site is used in accordance with the terms and conditions of the NFR Letter.

#### Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA will take steps to void the NFR Letter in accordance with the regulations.

#### Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed 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 and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR 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 the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

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