



Doc#: 0329332029
Eugene "Gene" Moore Fee: \$46.50
Cook County Recorder of Deeds
Date: 10/20/2003 10:36 AM Pg: 1 of 12

PREPARED BY:

Name: Michael Wolfe
Address: 222 N. LaSalle Street, Suite 1900
Chicago, Illinois 60601

RETURN TO:

Name: Michael Wolfe
Address: 222 N. LaSalle Street, Suite 1900
Chicago, Illinois 60601

THE ABOVE SPACE FOR RECORDER'S OFFICE

Model Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 22nd day of August 2003, by MB Financial Bank, N.A. as Successor Trustee under a Trust Agreement dated November 21, 1996 and known as Trust No. 96162 ("Property Owner") of the real property located at the common address 5010 N. Rose Street, Schiller Park, Illinois ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated soil or groundwater, or both, that may be present on the property as a result of LUST activities. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g., engineered barriers, monitoring wells, caps, etc.).

WHEREAS, Marlin Environmental, Inc., intends to request risk-based, site specific soil and groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of Land as 031285515 , utilizing an ELUC.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of Cook State of Illinois and further described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for soil or groundwater or both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required

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under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in Cook County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that any contaminated groundwater or soil that is removed, excavated, or disturbed from the Property described in Exhibit A herein must be handled in accordance with all applicable laws and regulations.

Section Four. This ELUC is binding on the Property Owner, its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s); and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the [10-digit LPC or identification number 031285515] listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

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Exhibit A

The subject property is located in the City of Schiller Park, Cook County, State of Illinois, commonly known as 5010 N. Rose Street, Schiller Park, Illinois and more particularly described as:

LEGAL DESCRIPTION: THE NORTH 125 FEET OF THE SOUTH 159.65 FEET OF THE WEST 200 FEET OF LOT 4 IN O'HARE INDUSTRIAL CENTER FIRST ADDITION, BEING A SUBDIVISION OF PART OF THE NORTH ½ OF ROBINSON'S RESERVATION IN TOWNSHIP 40 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

REAL ESTATE TAX INDEX OR PARCEL # 12-10-300-045-0000

(PURSUANT TO 742.1010(D)(2))

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PIN NO. 12-10-300-045-0000

Exhibit B

IN ACCORDANCE WITH SECTION 742.1010(D)(8)(A)-(D), PROVIDE ALL THE FOLLOWING ELEMENTS. ATTACH SEPARATE SHEETS, LABELED AS EXHIBIT B, WHERE NECESSARY.

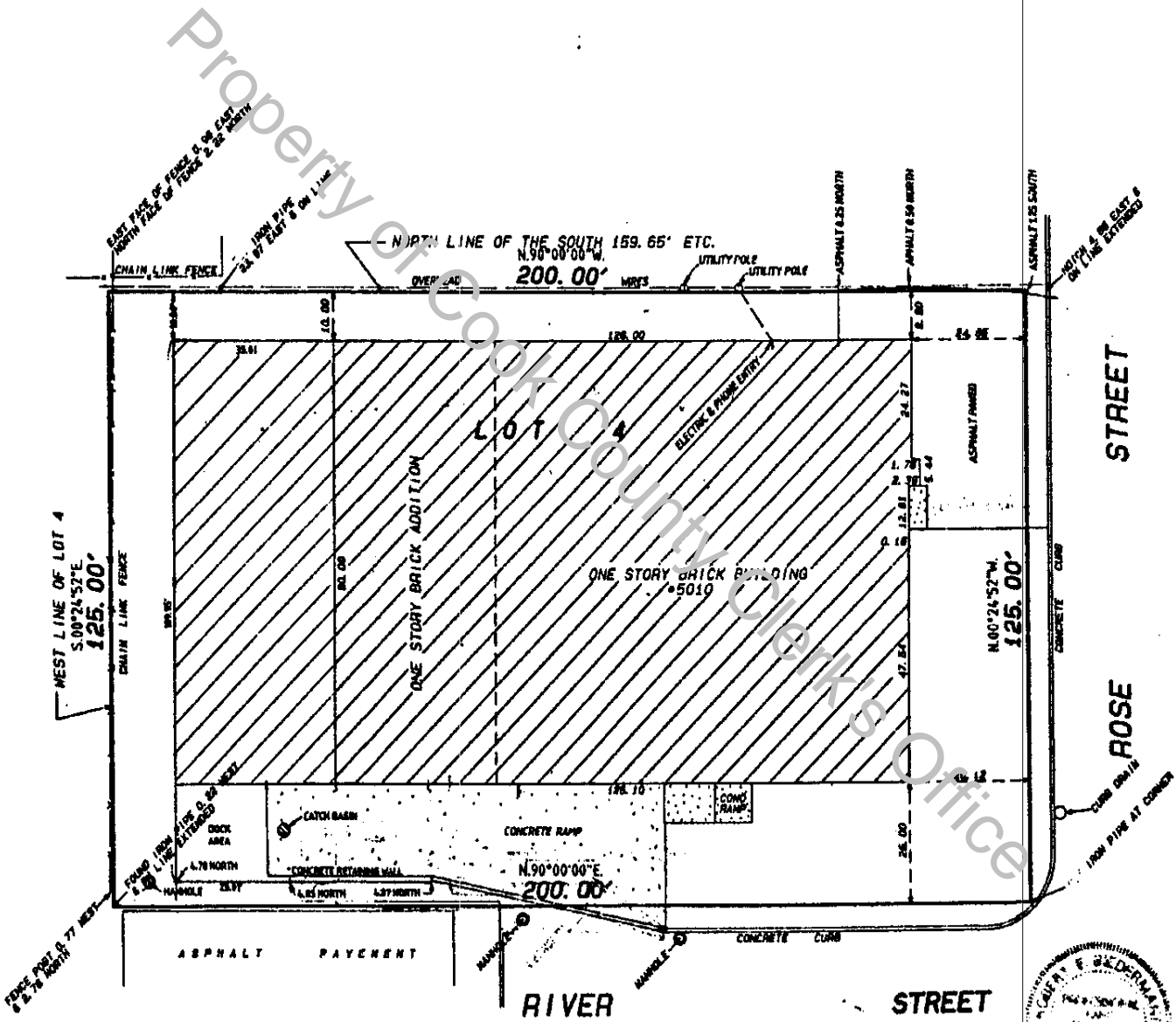
- (A) A scaled map showing the legal boundary of the property to which the ELUC applies.
- (B) Scaled maps showing the horizontal and vertical extent of contaminants of concern above the applicable remediation objectives for soil and groundwater to which the ELUC applies.
- (C) Scaled maps showing the physical features to which an ELUC applies (e.g., engineered barriers, monitoring wells, caps, etc.).
- (D) Scaled maps showing the nature, location of the source, and direction of movement of the contaminants of concern.

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4805 N. ELSTON AVENUE
CHICAGO, ILLINOIS 60630
PHONE: AC 312/888-8102
FAX # 312/286-4184

PLAT OF SURVEY GREMLEY & BIEDERMANN INC.

The North 125 feet of the South 159.65 feet of the West 200 feet of Lot 4 in O'Hare Industrial Center First Resubdivision being a subdivision of part of the North Half of Robinson's Reservation in Township 40 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.



THIS SURVEY IS SUBJECT TO ALL RESTRICTIONS & MATTERS APPEARING OF PUBLIC RECORD AS MIGHT BE DISCLOSED BY A CURRENT TITLE COMMITMENT.

RECERTIFIED FOR VYSE GELATIN CO.
6/26/99 NO. 99992

Order No. **962055**
Scale 1 inch = 20 feet
Date **AUGUST 12, 1996**
Owner _____
Ordered by **VYSE GELATIN CO.**

DRAWN	CHECKED
RL	BS

DISTANCES ARE MARKED IN FEET AND DECIMAL PARTS THEREOF. COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCES BEFORE DAMAGE IS DONE. FOR EASEMENTS, BUILDING LINES AND OTHER RESTRICTIONS NOT SHOWN ON SURVEY PLAT REFER TO YOUR ABSTRACT, DEED, CONTRACT, TITLE POLICY AND LOCAL BUILDING LINE REGULATIONS. NO DIMENSIONS SHALL BE ASSUMED BY SCALE MEASUREMENT UPON THIS PLAT.

© GREMLEY & BIEDERMANN, INC 1996 "ALL RIGHTS RESERVED"

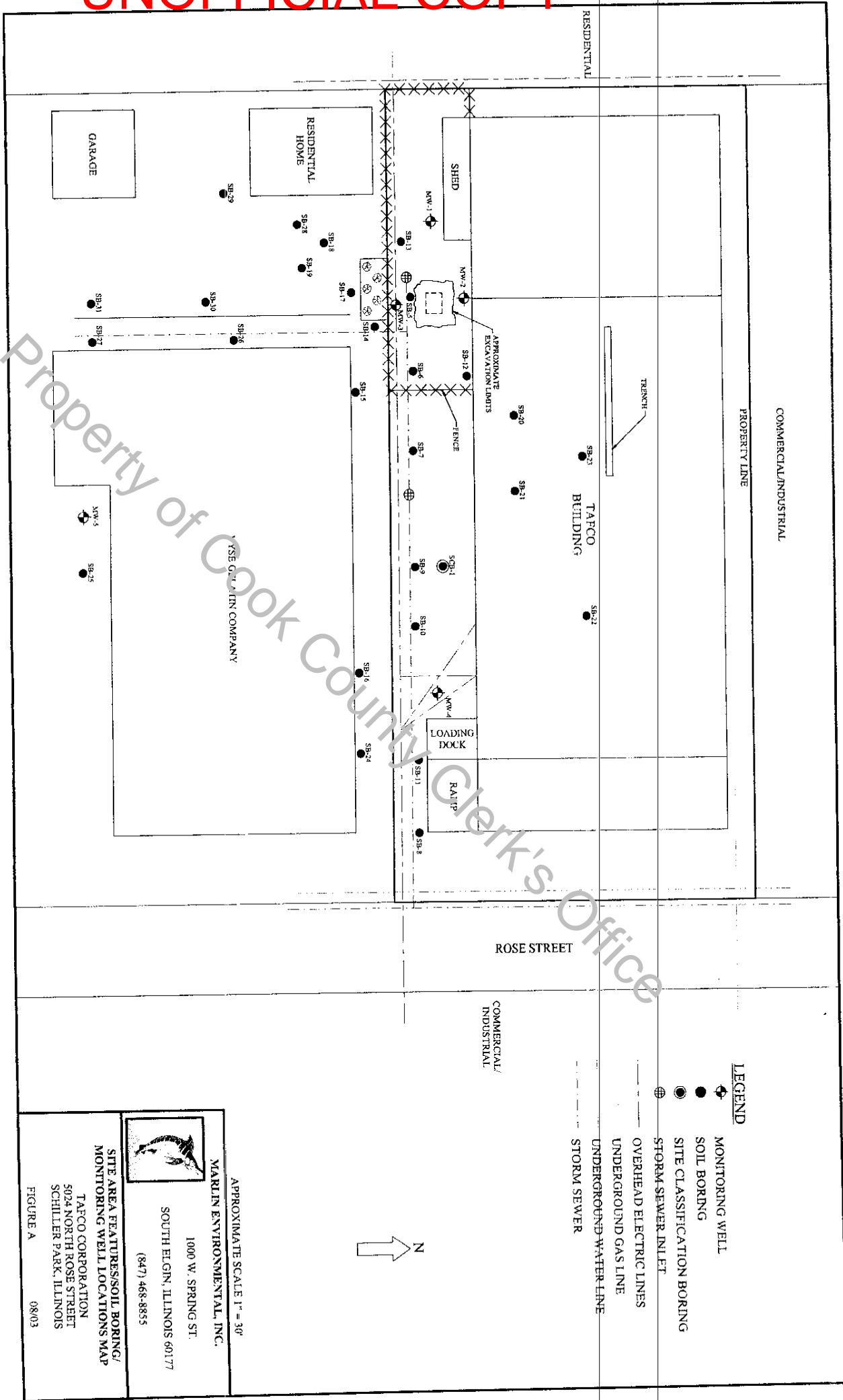
State of Illinois
County of Cook

We, GREMLEY & BIEDERMANN, INC. hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey corrected to a temperature of 68° F.

[Signature]
Professional Illinois Land Surveyor



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COMMERCIAL/INDUSTRIAL

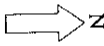
RESIDENTIAL

ROSE STREET

COMMERCIAL/INDUSTRIAL

LEGEND

- MONITORING WELL
- SOIL BORING
- SITE CLASSIFICATION BORING
- ⊕ STORM SEWER INLET
- OVERHEAD ELECTRIC LINES
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- - - STORM SEWER



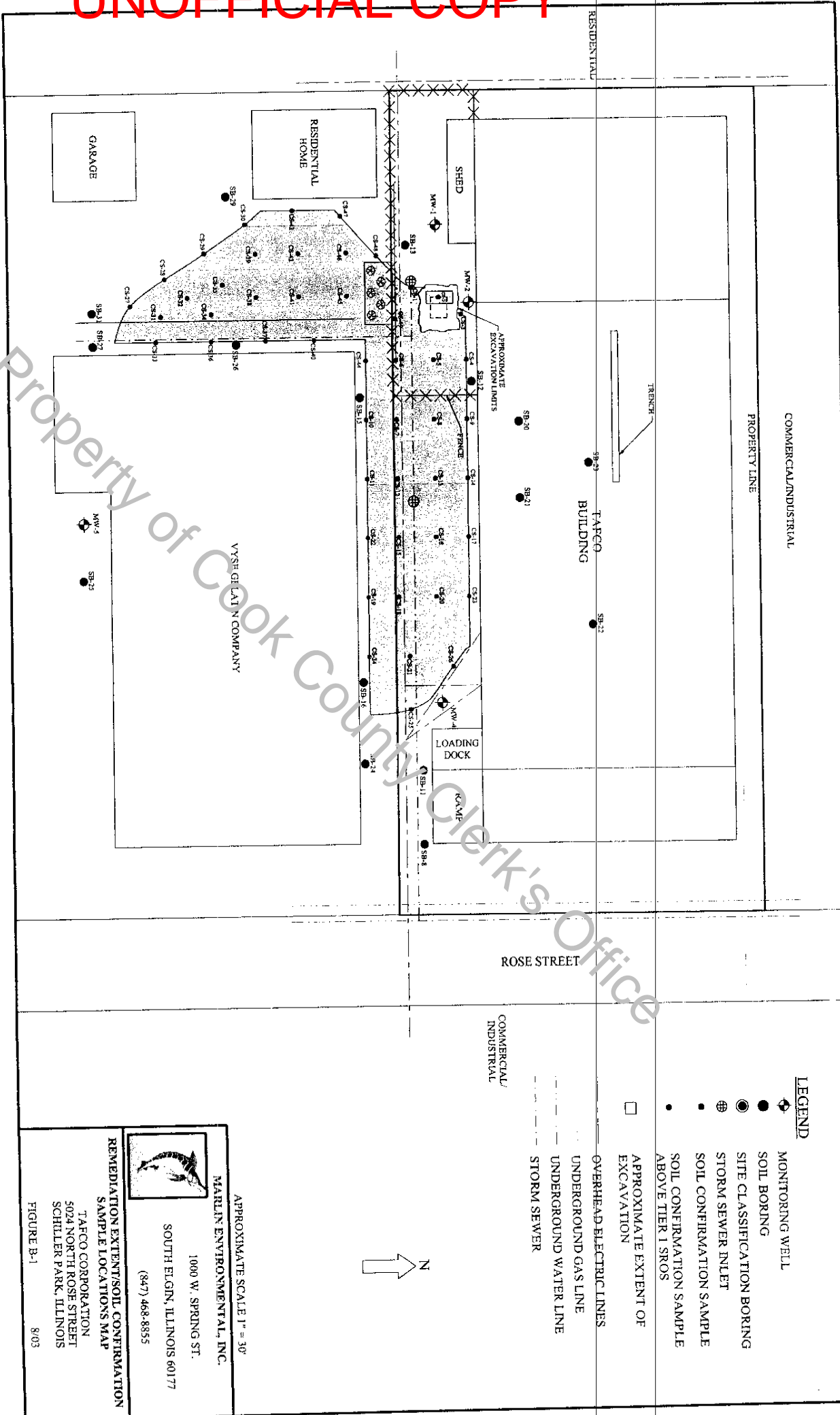
APPROXIMATE SCALE 1" = 30'



MARLIN ENVIRONMENTAL, INC.
 1000 W. SPRING ST.
 SOUTH ELGIN, ILLINOIS 60177
 (847) 468-8855

**SITE AREA FEATURES/SOIL BORING/
 MONITORING WELL LOCATIONS MAP**
 TAFCO CORPORATION
 5024 NORTH ROSE STREET
 SCHILLER PARK, ILLINOIS
 FIGURE A 08/03

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COMMERCIAL/INDUSTRIAL

PROPERTY LINE

TRENCH

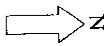
TAPCO BUILDING

ROSE STREET

COMMERCIAL/INDUSTRIAL

LEGEND

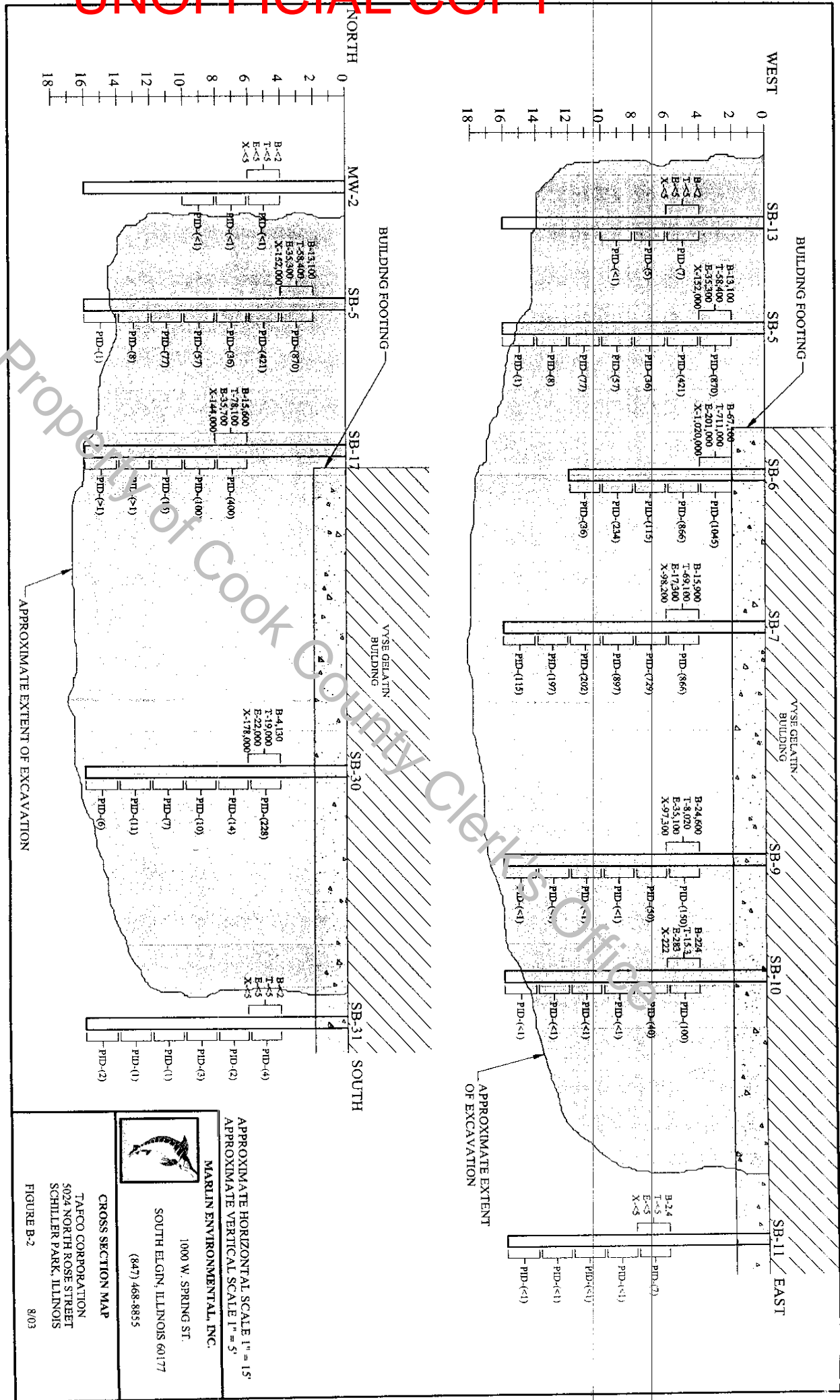
- MONITORING WELL
- SOIL BORING
- SITE CLASSIFICATION BORING
- STORM SEWER INLET
- SOIL CONFIRMATION SAMPLE
- SOIL CONFIRMATION SAMPLE ABOVE TIER 1 SROS
- APPROXIMATE EXTENT OF EXCAVATION
- OVERHEAD ELECTRIC LINES
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- STORM SEWER



APPROXIMATE SCALE 1" = 30'
 MARLIN ENVIRONMENTAL, INC.
 1000 W. SPRING ST.
 SOUTH ELGIN, ILLINOIS 60177
 (847) 468-8855

REMEDIATION EXTENT/SOIL CONFIRMATION
 SAMPLE LOCATIONS MAP
 TAPCO CORPORATION
 5024 NORTH ROSE STREET
 SCHILLER PARK, ILLINOIS
 FIGURE B-1 8/03

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APPROXIMATE EXTENT OF EXCAVATION

APPROXIMATE EXTENT OF EXCAVATION

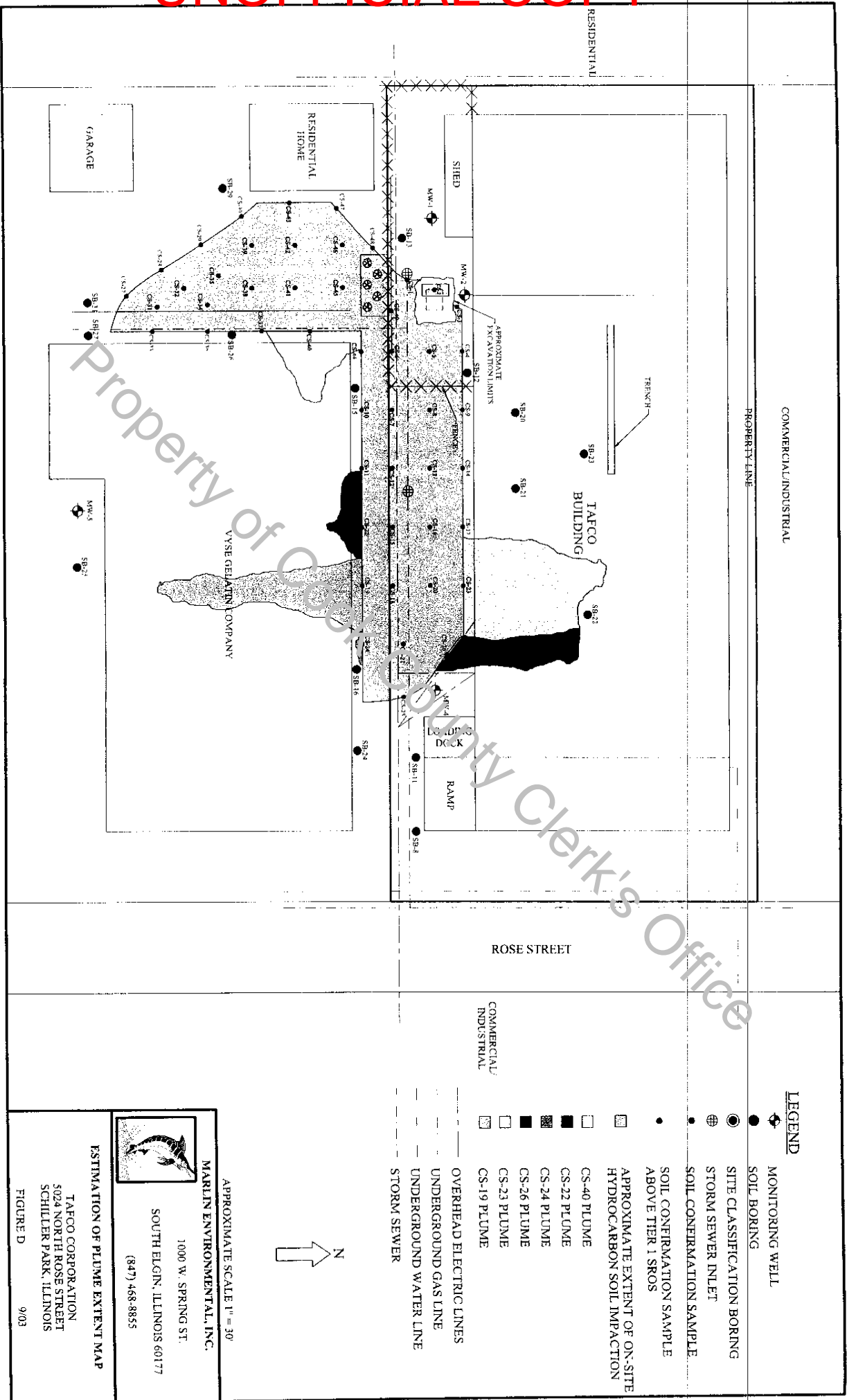


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 1000 W. SPRING ST.
 SOUTH ELGIN, ILLINOIS 60177
 (847) 468-8855

CROSS SECTION MAP
 TAFCO CORPORATION
 5024 NORTH ROSE STREET
 SCHILLER PARK, ILLINOIS
 FIGURE B-2 8/03

APPROXIMATE HORIZONTAL SCALE 1" = 15'
 APPROXIMATE VERTICAL SCALE 1" = 5'

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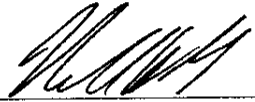


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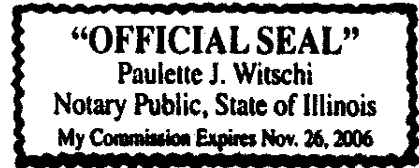
STATEMENT BY GRANTOR AND GRANTEE

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated 8/22/03

Signature 
Grantor or Agent

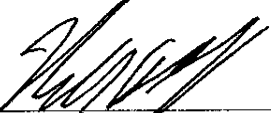
SUBSCRIBED AND SWORN TO BEFORE
ME BY THE SAID Grantor
THIS ~~22nd~~ DAY OF AUGUST,
2003 8/22/03



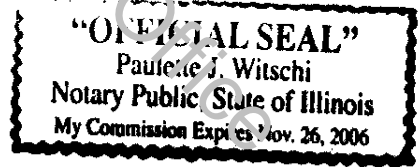
NOTARY PUBLIC Paulette J. Witschi

The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated 8/22/03

Signature 
Grantee or Agent

SUBSCRIBED AND SWORN TO BEFORE
ME BY THE SAID Grantee
THIS 22nd DAY OF AUGUST,
2003



NOTARY PUBLIC Paulette J. Witschi

Note: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

[Attach to deed or ABI to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.]