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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

Doc#: 0329332029

Eugene "Gene" Moore Fee: \$46.50 Cook County Recorder of Deeds

Date: 10/20/2003 10:36 AM Pg: 1 of 12

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. Role Street, Schiller Park, Illinois ("Property")

WHEREAS, 415 ILCS 5/58.17 and 35 III. 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 ocalth 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 III. 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 Foir. This ELUC is binding on the Property Owner, its heirs, grantees, successors, assigns, cansferees 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 and a release or modification of the land use limitation or requirement is filed on the chain or litle for the Property.

Section Five. Information regarding the remediation performed on the Property may be btained from the 12.1 and rules promulgated thereunuch number 031285515] listed above.

Section Six. The effective date of this ELUC shall be and unce in the chain of title for the Property to which the ELUC applies. 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

Section Six. The effective date of this ELUC shall be inc date that it is officially recorded

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This document is executed by MB Financial Bank, N.A. as successor to The Mid-City Nat'l Bank under Illinois Corp. Fiduciary Act Sec. 205 ILCS 620/3-3.

WITNESS the following signatures:

Property Owner(s):

MB Financial Bank, N.A. not personally but solely as Trustee aforesaid

This document is executed by The Mid-City Nat'l Bank as rensteree/successor to First Nat'l Bank as viortor. Frove under Illinois Corp. Fiduciary Act Sec. 205 ILCS 620/3-3.

By: Ruhand Dital

Date: August 22, 2003

STATE OF ILLINOIS

) SS

COUNTY OF COOK

This instrument is executed by MB Financial Bank, N.A., not personally but solely as trustee, as aforesaid, in the exercise of the power and authority conferred upon and vested in it as such Trustee. All terms, provisions, stipulations, covenants and conditions to be performed by MB Financial Bank, N.A. are undertaken by it solely as trustee, as aforesaid, and not individually and all statements herein made belief and are to be construed accordingly, and no personal liability shall be asserted or be enforceable against MB Financial Bank, N.A. by reason of any of the terms, provisions, stipulations, covenants and/or statements contained in this instrument.

I, the undersigned, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that the above named _______, of MB Financial Bank, N.A., as Trustee, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as such Officer, appeared before me this day in person and acknowledged that he or she signed and delivered the said instrument as his or her own free and voluntary act and as the free and voluntary act of said company for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal this 22nd day of August, 2003.

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Commission expires 03/28, 2006.

Official Seal Janice A Knock Notary Public State of Illinois My Commission Expires 03/28/06

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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, LANGE 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_1610(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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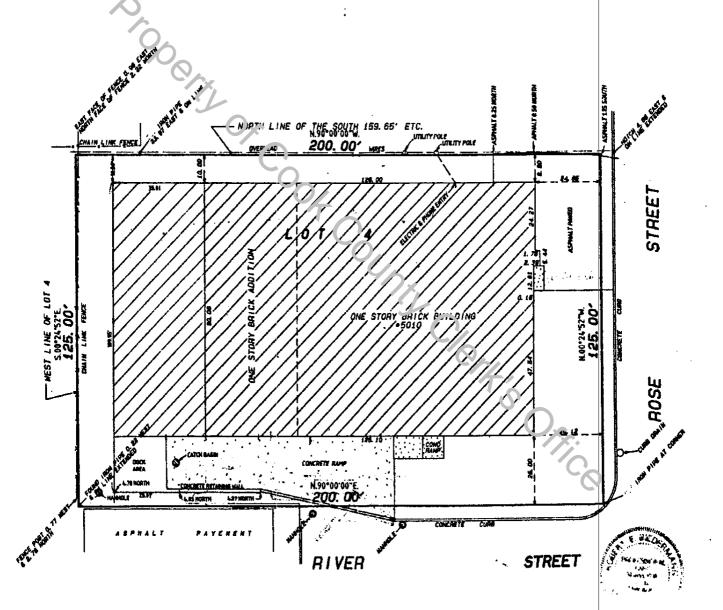
UNOFFICIAL COPY

4505 N. ELSTON AVENUE CHICAGO, ILLINOIS 60630 PHONE: AC 312/688-8102 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 Morth 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.

Ordered by

47 (07 77 110.	,,,, <u>,</u>			
Order No	962055		RL	CHACAGO
	20	feet		
_	AUGUST 12, 1996			

VYSE GELATIN CO.

DAMAGE IS DONE.
POR SASSIMENTS, SUILDING LINES AND OTHER RESTRICTIONS NOT SHOWN ON SURVEY PLAT REPER TO YOUR ASTROCT, DRED, CONTRACT, TILE POLICY AND LOCAL SUILDING LINE REQULATIONS.
NO DIMENSIONS SHALL BE ASSUMED BY SCALE NEADUREMENT UPON THIS PLAT.

O GREWLEY & BEDERMANN, INC. 1998 "ALL RIGHTS RESERVED"

State of Winois County of Conk	
County of Cook	

GREALEY & SIEDERMANN, INC. hereby certify that we

0329332029 Page: 7 of 12 **UNOFFICIA** RESIDENTIAL RESIDENTIAL HOME GARAGE SHED **⊕**29 8 8 8 8 YYSE G.I. ALIN COMPANY COMMERCIAL/INDUSTRIAL TAFCO BUILDING ROSE STREET COMMERCIAL/ INDUSTRIAL LEGEND STORM SEWER OVERHEAD ELECTRIC LINES STORM SEWER INLET SITE CLASSIFICATION BORING SOIL BORING UNDERGROUND WATER LINE MONITORING WELL UNDERGROUND GAS LINE SITE AREA FEATURES/SOIL BORING/ MONITORING WELL LOCATIONS MAP MARLIN ENVIRONMENTAL, INC. APPROXIMATE SCALE I" = 30' TAFCO CORPORATION 5024 NORTH ROSE STREET SCHILLER PARK, ILLINOIS FIGURE A SOUTH ELGIN, ILLINOIS 60177 1000 W. SPRING ST. (847) 468-8855

0329332029 Page: 9 of 12 i = iUNOFFICI NORTH WEST 16 14 12+ 10 6 18 14+ 10 18-16 12 œ 9 X 5 3 3 3 MW-2 \$**\$**\$\$ BUILDING FOOTING BUILDING FOOTING -₽ID-(7) (A) (S)-Clid. B-13,100 T-58,400 E-35,300 X-132,000 SB-5 ⊢PD-(8) -PD (421) (1)-CD4--PID-(77) -PID-(57) -PID-(36) PID-(870) PID-(77) T PID-(57) - PID-(8) PID-(421) PID-(1) PID-(870) 1-711,000 -PID-(36) B-15,600 T-78,100 B-35,700 X-1,020,000 SB-1 SB-6 PID-(400) -PD-(>1) -PID-(1 5) -PID-(100) (1<) The - PID-(36) - PID-(1045) -PID-(234) - PID-(866) . PID-(115) B-15,900 T-69,100 E-17,300 X-98,200 ۵, APPROXIMATE EXTENT OF EXCAVATION , BNITDING AASE GELATIN - PID-(197) - PID-(866) -PED-(115) PID-(202) PID-(897) ۵ B-4,130 T-19,000 E-22,000 X-178,000 WYSE GELATIN -PID-(11) T PID-(7) - PID-(228) - PID-(6) - PID-(10) PID-(14) B-24,600 T-8,020 E-35,100 X-97,300 /SB-9/ PID-(150)T-15.3 E-283 X-222 TPB-7 - PID (-) (<1)± *PID-(<1) SB-10 - PID-(100) - PED-(<1) -PID-(<1) PID-(<1) PD(<1) SB-31 SOUTH (44) - P(1)-(1) - PID-(1) PID-(4) -- PJD-(2) - PID-(3) - PID-(2) ٨ OF EXCAVATION APPROXIMATE HORIZONTAL SCALE 1" = 15'
APPROXIMATE VERTICAL SCALE 1" = 5' MARLIN ENVIRONMENTAL, INC. TAFCO CORPORATION 5024 NORTH ROSE STREET SCHILLER PARK, ILLINOIS FIGURE B-2 CROSS SECTION MAP X E 4.5.2.4 SOUTH ELGIN, ILLINOIS 60177 SB-11 1000 W. SPRING ST. PID-(<1) (847) 468-8855 - PID-(2) - PID-(<1) - PID-(<1) - PID-(<1) EAST 8/03

0329332029 Page: 10 of 12 **JNOFFICIA** RESIDENTIAL RESIDENTIAL HOME GARAGE SHED WW-1 ğ. COMMERCIAL/INDUSTRIAL PROPERTY LINE VYSE GI LATIN COMPANY • TAFCO BUILDING • LOADING DOCK ROSE STREET COMMERCIAL/ INDUSTRIAL LEGEND ENVIRONMENTAL LAND USAGE CONTROL/ ASPHALT EXTENT MAP MONITORING WELL UNDERGROUND WATER LINE SITE CLASSIFICATION BORING SOIL BORING STORM SEWER STORM SEWER INLET OVERHEAD ELECTRIC LINES SOIL CONFIRMATION SAMPLE ABOVE TIER 1 SROS SOIL CONFIRMATION SAMPLE ASPHALT UNDERGROUND GAS LINE APPROXIMATE SCALE I" = 30'
MARLIN ENVIRONMENTAL, INC. TAFCO CORPORATION 5024 NORTH ROSE STREET SCHILLER PARK, ILLINOIS FIGURE C SOUTH ELGIN, ILLINOIS 60177 1000 W. SPRING ST. (847) 468-8855

0329332029 Page: 11 of 12 JNOFFICIAL RESIDENTIAL HOME GARAGE SHED COMMERCIAL/INDUSTRIAL **♦** § ●N COMPANY LC .or.c DC.ck \$88-11 RAMP SB-8 ROSE STREET COMMERCIAL/ INDUSTRIAL LEGEND ESTIMATION OF PLUME EXTENT MAP MARLIN ENVIRONMENTAL, INC. UNDERGROUND GAS LINE MONITORING WELL SOIL BORING SITE CLASSIFICATION BORING UNDERGROUND WATER LINE OVERHEAD ELECTRIC LINES SOIL CONFIRMATION SAMPLE ABOVE TIER 1 SROS STORM SEWER INLET STORM SEWER CS-22 PLUME APPROXIMATE EXTENT OF ON-SITE HYDROCARBON SOIL IMPACTION SOIL CONFIRMATION SAMPLE CS-19 PLUME CS-23 PLUME CS-26 PLUME CS-24 PLUME CS-40 PLUME APPROXIMATE SCALE I" = 30' TAFCO CORPORATION 5024 NORTH ROSE STREET SCHILLER PARK, ILLINOIS FIGURE D SOUTH ELGIN, ILLINOIS 60177 1000 W. SPRING ST. (847) 468-8855 9/03

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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 5/22/03	Signature	MM
SUBSCRIBED AND SWORN TO BEFORE		Grantor or Agent
ME BY THE SAID Grantor THIS DAY OF August,	Na My	"OFFICIAL SEAL" Paulette J. Witschi stary Public, State of Illinois Commission Expires Nov. 26, 2006
NOTARY PUBLIC Parente J. W.+	peki	
The grantee or his agent affirms and verifies that the natheneficial interest in a land trust is either a natural personauthorized to do business or acquire and hold time to rebusiness or acquire and hold title to real estate in Ill'inouto do business or acquire and hold title to real estate unit	on, an Illinois corpo al estate in Illinois, s, or other entity re	ration or foreign corporation a partnership authorized to do cognized as a person and authorized
Dated 8/32/03	Signature	Grantes or Agent
SUBSCRIBED AND SWORN TO BEFORE	6	Grantes of Agent
ME BY THE SAID Grantee THIS JAM DAY OF JULIET, 2003	}	"OFFICIAL SEAL"
NOTARY PUBLIC Parente T.W.	tpaki .	Paulette J. Witschi Notary Public State of Illinois My Commission Expires 2 tov. 26, 2006

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.]