

UNOFFICIAL COPY



0336431076

PREPARED BY:

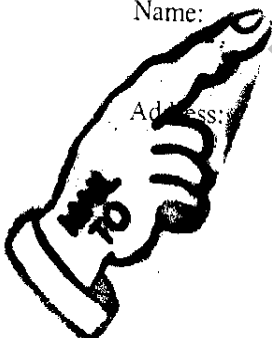
Name: Mr. Karl Hetzel
FKKH Partnership

Address: 2600 W. 50th Street
Chicago, IL 60632

Doc#: 0336431076
Eugene "Gene" Moore Fee: \$48.50
Cook County Recorder of Deeds
Date: 12/30/2003 11:55 AM Pg: 1 of 13

RETURN TO:

Name: Mr. Karl Hetzel
FKKH Partnership
Address: 2600 W. 50th Street
Chicago, IL 60632



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: 0316005502

Mr. Karl Hetzel, the Remediation Applicant, whose address is 2600 W. 50th Street, Chicago, Illinois 60632 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:

That part of Lot "A" of the resubdivision of Block 5 of W. D. Kerfoot and Company's 51st Street Addition, being a subdivision of the Southwest $\frac{1}{4}$ (except the North 13 feet thereof) of the Northeast $\frac{1}{4}$ of Section 12, Township 38 North, Range 13 East of the Third Principal Meridian in Cook County, Illinois, bounded and described as follows:

Beginning at the Southeast corner of said Lot "A"; running thence North along the East line of said Lot "A" (being the west line of S. Rockwell Street), a distance of 478.19 feet to a point 20 feet South of the North line of said Lot "A"; thence West along a line drawn parallel with said North line, a distance of 286.29 feet to a point of curve; thence Southwesterly along a curve line convexed to the Northwest having a radius of 683.03 feet and being tangent to last described line, an Arc distance of 80.47 feet to a point of compound curve; thence Southwesterly along said curve line convexed Northwest having a radius of 877.63 feet and having a common tangent with last described curved line, a point of tangency with a straight line; thence Southwesterly along said straight line, a distance of 52.96 feet to a point of curve; thence Southwesterly along a curved line convexed to the Northwest having a radius of 60 feet and tangent to last described straight line, an Arc distance of 41.09 feet to a point on a line drawn parallel with the 66 feet South of the North line of said Lot "A"; thence West along said parallel line, a distance of 38.58 feet; thence Southwesterly on a straight line forming an angle of 6 degrees 22 minutes

(Illinois EPA Site Remediation Program Environmental Notice)

UNOFFICIAL COPY

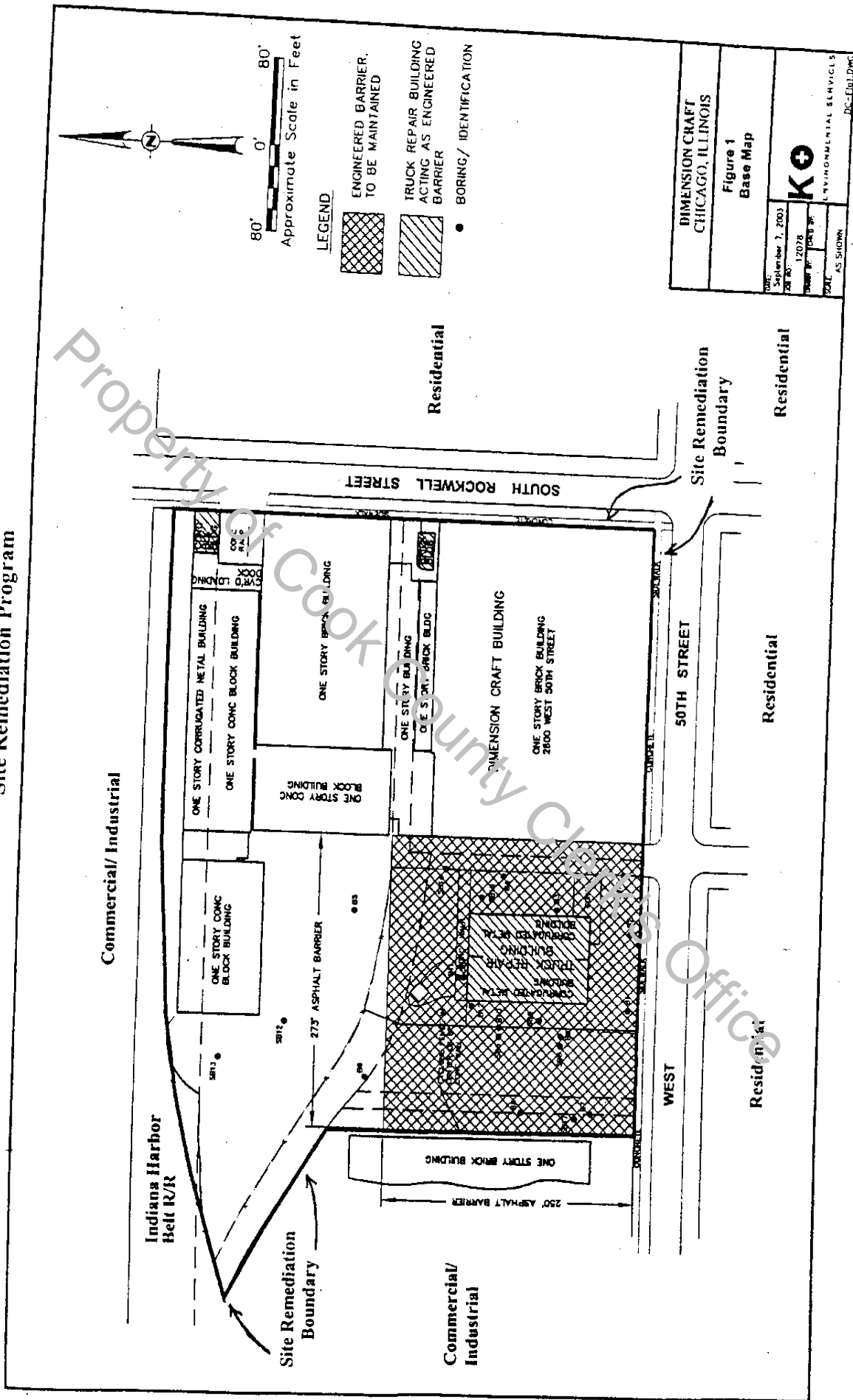
with last described parallel line, a distance of 25.02 feet; thence Southwesterly on a curved line convexed Northwesterly tangent to last described straight line having a radius of 309.62 feet, an Arc distance of 105.93 feet; thence Southwesterly on a straight line tangent to last described curved line, a distance of 25.76 feet; thence Southeasterly on a straight line forming an angle of 42 degrees 40 minutes 14 seconds from Northeast to South with last described course, a distance of 13.95 feet; thence Southeasterly on a curved line convexed Northeasterly tangent to last described straight line and having a radius of 448.68 feet, an Arc distance of 63.95 feet; thence Southeasterly on a straight line tangent to last described curved line, a distance of 82.10 feet; thence Southeasterly on a curved line convexed Northeasterly tangent to last described straight line and having a radius of 448.67 feet, an Arc distance of 21.84 feet to a point on a line drawn parallel with and 540 feet West of the aforesaid East line of Lot "A"; thence South along said parallel line, a distance of 318.03 feet to the south line of aforesaid Lot "A", (being the North line of W. 50th Street); thence East along said South line, a distance of 540 feet to the point of beginning.

2. Common Address: 2600 W. 50th Street, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 19-12-212-003-0000, 19-12-212-007-0000, 19-12-212-009-0000, 19-12-212-016-0000, 19-12-212-022-0000
4. Remediation Site Owner: EKKH Partnership / Mr. Karl Hetzel (owner)
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

UNOFFICIAL COPY

Site Base Map
 0316005502 - Cook County
 Chicago / Bell Electric
 Site Remediation Program



UNOFFICIAL COPY

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

If the Remediation Applicant 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 owner(s), or the duly authorized agent of the owner(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.

Property Owner Information	
Owner's Name: _____	
Title: _____	
Company: _____	
Street Address: _____	
City: _____	State: _____ Zip Code: _____ Phone: _____
Site Information	
Site Name: _____	
Site Address: _____	
City: _____	State: _____ Zip Code: _____ County: _____
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. _____	
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: _____	Date: _____
SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 19__	
_____ 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.

UNOFFICIAL COPY

Notice to Remediation Applicant

Please follow these instructions when filing the NFR letter with the County Recorder's Office

Instructions for Filing the NFR Letter

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
 - B. Attachments to NFR letter
 - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
 - Maps of the site
 - Table A: Regulated Substances of Concern (if applicable.)
 - Property Owner Certification
 - C. A copy of the ordinance, if applicable, used to address groundwater contamination
1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
 2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
 3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
 4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement.
 5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, 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

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 782-6761 and speak with the "project manager on-call" in the Site Remediation Program.

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. BLAGOIEVICH, GOVERNOR

RENÉE CIPRIANO, DIRECTOR

(217) 782-6761

September 22, 2003

CERTIFIED MAIL

7002 3150 0000 1222 9514

Mr. Karl Hetzel
 FKKH Partnership
 2600 W. 50th Street
 Chicago, IL 60632

Re: LPC# 0316005102 / Cook County
 Chicago / Bell Electric
 Site Remediation Program / Technical Reports

Dear Mr. Hetzel:

The *Remedial Action Completion Report* (dated August 23, 2002 / Log No. 02-3394), as prepared by K-Plus Consulting for the Bell Electric 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 *Remedial Action Completion Report - Site Photos of Engineered Barrier* (received August 5, 2003 / Log No. 03-16521) and *Revised Site Base Map* (received September 22, 2003 / Log No. 03-16957) shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of approximately 6.08 acres, is located at 2600 W. 50th Street, 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 (received September 3, 2002 / Log No. 02-3394), is FKKH Partnership / Karl Hetzel (owner).

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) 987-7760 • 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

PRINTED ON RECYCLED PAPER

1-3 - f
 60.10

UNOFFICIAL COPY

Page 2

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 contaminants of concern that remain at the areas described in the attached Site Remediation Program Environmental Notice and as shown on the attached Site Base Map of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Truck Repair Facility	127-18-4	Tetrachloroethene
	79-01-6	Trichloroethene
	75-01-4	Vinyl Chloride
	7440-38-2	Arsenic

- 3) The Remediation Site is restricted to Industrial/Commercial land use.
- 4) 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

- 5) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Preventive Controls:

- 6) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil surrounding the Truck Repair Facility. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below two feet must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

UNOFFICIAL COPY

Page 4

- ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
- iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date of this Letter of written notification to the City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 10) 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.
- 11) 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
- 12) 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 avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance of the Letter under Sections 58.10(c)(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;

UNOFFICIAL COPY

Page 5

- 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.
- 13) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons.
- a) FKKH Partnership / Karl Hetzel (owner);
 - 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.

UNOFFICIAL COPY

Page 6

14) 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 Bell Electric property.

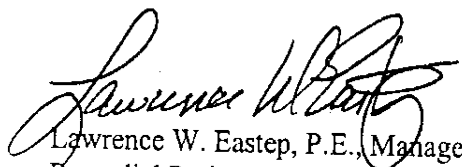
15) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

16) 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, James L. Baldwin at 217-524-7207.

Sincerely,


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

Attachments(3): Illinois EPA Site Remediation Program Environmental Notice
 Site Base Map
 Property Owner Certification of No Further Remediation Letter under the
 Site Remediation Program Form

cc: Jack Caplice
 K-Plus Consulting
 600 West Van Buren Street
 Chicago, IL. 60607

UNOFFICIAL COPY

Page 7

Commissioner
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575

Property of Cook County Clerk's Office

A large, stylized handwritten signature in black ink is written over the diagonal watermark text. The signature is highly cursive and loops around the text.

UNOFFICIAL COPY

SITE REMEDIATION PROGRAM
TABLE A: REGULATED SUBSTANCES OF CONCERN
 0316005502 – BELL ELECTRIC / CHICAGO

Volatile Organic Compounds

CAS No.	Compound Name
71-55-6	1,1,1-Trichloroethane
79-34-5	1,1,2,2-Tetrachloroethane
79-00-5	1,1,2-Trichloroethane
75-34-3	1,1-Dichloroethane
75-35-4	1,1-Dichloroethene
107-06-2	1,2-Dichloroethane
78-87-5	1,2-Dichloropropane
78-93-3	2-Butanone
591-78-6	2-Hexanone
103-10-1	4-Methyl-2-Pentanone
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
73-32-9	Chlorodibromomethane
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
159-59-2	cis-1,2-dichloroethene
10061-01-5	cis-1,3-Dichloropropene
124-48-1	Dibromochloromethane
100-41-4	Ethylbenzene
75-09-2	Methylene Chloride
73-30-1	m-Xylene
73-26-0	o-Xylene
73-28-6	p-Xylene
100-42-5	Styrene
127-18-4	Tetrachloroethene
108-88-3	Toluene
156-60-5	trans-1,2-Dichloroethene
10061-02-6	trans-1,3-Dichloropropene
79-01-6	Trichloroethene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

UNOFFICIAL COPY

Semivolatile Organic Compounds

CAS No.	Compound Name
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene
108-05-4	Vinyl Acetate

Metals

CAS No.	Compound Name
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium
7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver