

# UNOFFICIAL COPY



0415522114

PREPARED BY:

Name: Canadian Pacific Railway  
Attn: Mr. David S. Drach

Doc#: 0415522114  
Eugene "Gene" Moore Fee: \$48.50  
Cook County Recorder of Deeds  
Date: 06/03/2004 12:49 PM Pg: 1 of 13

Address: 501 Marquette Avenue, Suite 804  
Minneapolis, Minnesota 55402

RETURN TO:

Name: Canadian Pacific Railway  
Attn: Mr. David S. Drach

Address: 501 Marquette Avenue, Suite 804  
Minneapolis, Minnesota 55402

## 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 and DuPage Counties.

Illinois State EPA Number: 0310965393

Soo Line Railroad Company (dba-Canadian Pacific Railway), the Remediation Applicant, whose address is 501 Marquette Avenue, Suite 804, Minneapolis, Minnesota 55402, 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: Legal description-

### Cook County Parcel

A portion of the SW  $\frac{1}{4}$  of Fractional Section 18, Township 40 North, Range 12 East of the 3<sup>rd</sup> Principal Meridian, Cook County, Illinois and more particularly described as follows;

Commencing at the intersection of the east line of the west fractional  $\frac{1}{2}$  of Section 18, Township 40 North, Range 12 East of the 3<sup>rd</sup> Principal Meridian, and the original north right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co.; thence, westerly along said north right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co. to a point, said point being the intersection of the aforesaid north right-of-way line and the centerline of the overhead easterly Union Pacific Railroad track (formerly, Des Plaines Valley Ry. Co.) and Point of Beginning; thence, southerly along the centerline of the overhead Union Pacific Railroad track to its intersection with the south right-of-way line of the Chicago, Milwaukee & St. Paul Ry., Co., said right-of-way being 100 ft. in width; thence westerly along said south right-of-way line to the original west right-of-way line of the Des Plaines Valley Ry. Co.; thence, southerly along said west right-of-way line to the south line of Fractional Section 18, Township 40 North, Range 12 East of the 3<sup>rd</sup> Principal Meridian; thence, west along the south line of Fractional Section 18 to the intersection with a line 300 ft. south of and parallel with the original south right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co.; thence, west

S-Y  
P-13  
M-Y  
DP

(Illinois EPA Site Remediation Program Environmental Notice)

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along said parallel line to the west line of said Fractional Section 18; thence, north along the west line of said Fractional Section 18 to the intersection with the southerly right-of-way line of Metra, said right-of-way line being 8.5 ft. south of and parallel with the centerline of the Metra No. 2 Main (East Bound Track); thence, easterly along the Metra south right-of-way line to the original west right-of-way line of the Des Plaines Valley Ry. Co.; said westerly right-of-way line being 275 ft. west of and parallel with the centerline between tracks of the Union Pacific Ry. Co. (formerly the Des Plaines Valley Ry. Co.); thence southerly along the said west right-of-way line to a point, said point being 152 ft. from the centerline of the Metra No. 2 Main (East Bound Main) and measured along said west right-of-way line; thence, easterly on a line to a point, said point being on a line 267 ft. west of and parallel with the east line of the fractional west half of said Section 18, and 263 ft. north of the original north right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co.; said line also being the west right-of-way line of the Des Plaines Valley Ry. Co. and measured along said west right-of-way line; thence, southerly on said west right-of-way line to the original north right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co.; thence, easterly along said north right-of-way line to the point of beginning.

## DuPage County Parcel

A portion of the South  $\frac{1}{2}$  of Section 13, Township 40 North, Range 11 East of the 3<sup>rd</sup> Principal Meridian, DuPage County, Illinois and more particularly described as follows;

Beginning at the intersection of the east line of Section 13, Township 40 North, Range 11 East of the 3<sup>rd</sup> Principal Meridian and a line 300 ft. southerly of and parallel with the original south right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co.; thence, westerly along said parallel line to the west line of Division St.; thence south along the west line of Division St. to a point being 487 ft. north of the intersection of the west line of Division St. and the south line of said Section 13, said point also being on the northerly line of a parcel described in Deed Document #R80-19545; thence, westerly along said northerly line, said line also being 100 ft. southerly of and parallel with the centerline of the tangent portion of a track, running in a westerly direction, and known as the Inbound Engine Track, to a point being 100 ft. north of the north line of Green St.; thence, southwest to the centerline of Green St.; thence, westerly along the centerline of Green St. to the southerly extension of the east line of Block 7 of Bettermann's Addition to Bensenville; thence, northerly along the said southerly extension of the east line to the southeast corner of Block 7; thence, westerly along the south line of Block 7, to the southwest corner of Block 7; thence, northerly along the west line of Block 7, a distance of 60 ft.; thence, easterly on a line perpendicular to the westerly line of Block 7, a distance of 30 ft.; thence, northerly on a line 30 ft. east of and parallel with the west line of Block 7, a distance of 150 ft.; thence, westerly on a line perpendicular to the last described line a distance of 30 ft. to the west line of said Block 7; thence, northerly along the west line of said Block 7 to a point 263.7 ft. south of the southerly right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co. as measured along said west line of Block 7; thence, northwesterly on a line to a point, said point being 76.5 ft. westerly of the west line of said Block 7 and on a line running westerly from the west line of said Block 7 and being 180 ft. southerly of the south right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co. as measured along said west line of Block 7 and intersecting the west line of Block 6 of Bettermann's Addition to Bensenville, 198.6 ft. southerly of the south right-of-way of the Chicago, Milwaukee & St. Paul Ry. Co., as measured along the west line of said Block 6; thence, westerly along the above described line to the intersection with the west line of Block 6; thence, north along the west line of Block 6 to a point 170 ft. south of the southerly right-of-way of the Chicago, Milwaukee & St. Paul Ry. Co.

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and measured along the west line of block 6; thence, northwesterly along a line to a point on the west line of Block 5 of Bettermann's Addition to Bensenville, said point being 34 ft. south of the southerly right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co. measured along the west line of Block 5; said west line also being the West line of the E ½ of the NW ¼ of the SW ¼ of Section 13; thence, north along the west line of Block 5 to line 8.5 ft. south of and parallel with the centerline of the Metra Main Track #2 (East Bound Main); thence, easterly along said parallel line to the intersection with the west line of said Section 13; thence, south along the west line of said Section 13 to the point of beginning.

## LESS THE FOLLOWING\*

A portion of the South ½ of Section 13, Township 40 North, Range 11 East of the 3<sup>rd</sup> Principal Meridian, DuPage County, Illinois and more particularly described as follows;

Commencing at the intersection of the east line of Section 13 and a line 300 feet south of and parallel with the original south right-of-way line of the Chicago, Milwaukee & St. Paul Ry. Co.; thence, westerly along said parallel line to an intersection with a line parallel with and 528.00 feet west of the east line of Section 13; thence, south along the last described parallel line to a point 487.19 feet north of the intersection of aforesaid parallel line and the south line of Section 13, said point being on the northerly line of parcels described in Deed Documents #R80-19545 and #R82-48793; thence, southwestwardly along said northerly line 1,749.24 feet to an intersection with the north line of Green Street, said Street being 66.0 feet in width; thence, west along the north line of Green Street, said line on an assumed bearing N 67° 49' 51" W, 186.45 feet to the Point of Beginning; thence, N 22° 09' 42" E, 329.95 feet to a point; thence, N 17° 50' 21" W, 379.83 feet to a point; thence, N 71° 52' 05" W, 168.78 feet to a point; thence, S 55° 39' 03" W, 607.86 feet to a point; thence, S 22° 09' 16" W, 102.00 feet to point in the north line of Green Street; thence, S 67° 49' 51" E, 747.91 feet and to the Point of Beginning and containing 7.78 Acres.

## \*Diesel Fuel-Impacted Area

2. Common Address: 11306 West Franklin Avenue, Franklin Park, Illinois
3. Real Estate Tax Index/Parcel Index Numbers:  
Cook County ..... 12-18-501-001  
DuPage County ..... 031 3509003
4. Remediation Site Owner: Soo Line Railroad Company (dba-Canadian Pacific Railway)
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

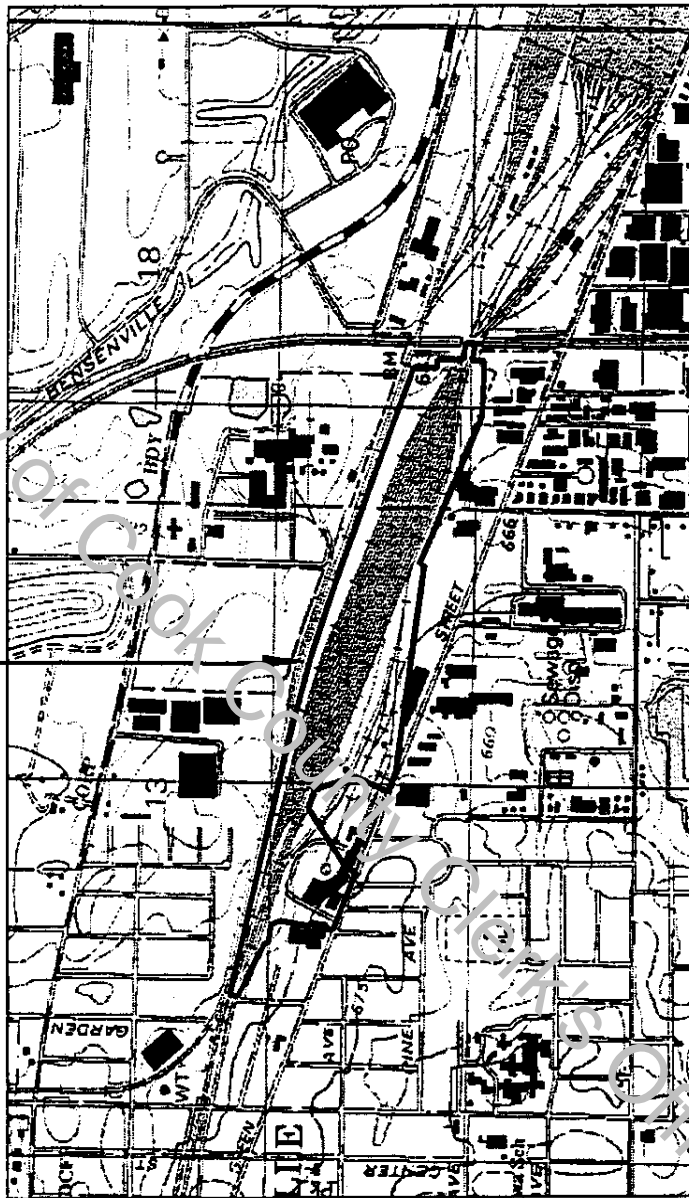
See NFR letter for other terms.

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SITE BASE MAP 1  
 0310965393-COOK COUNTY  
 FRANKLIN PARK/SOO LINE RAILROAD COMPANY  
 SITE REMEDIATION PROGRAM



REMEDIATION SITE BOUNDARY



REVISION	DATE	DESCRIPTION

SITE EXHIBIT  
 CANADIAN PACIFIC RAILWAY  
 BENSENVILLE WEST YARD  
 BENSENVILLE, ILLINOIS

DATE: 11/03  
 DRAWN BY: DMW/UCM  
 CHECKED BY: RWS  
 SHEET 1 OF 4

alfred benesch & company  
 CONSULTING ENGINEERS  
 100 WEST WASHINGTON STREET, SUITE 1000, CHICAGO, IL 60601





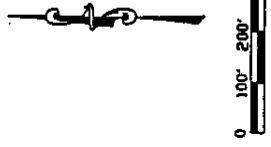
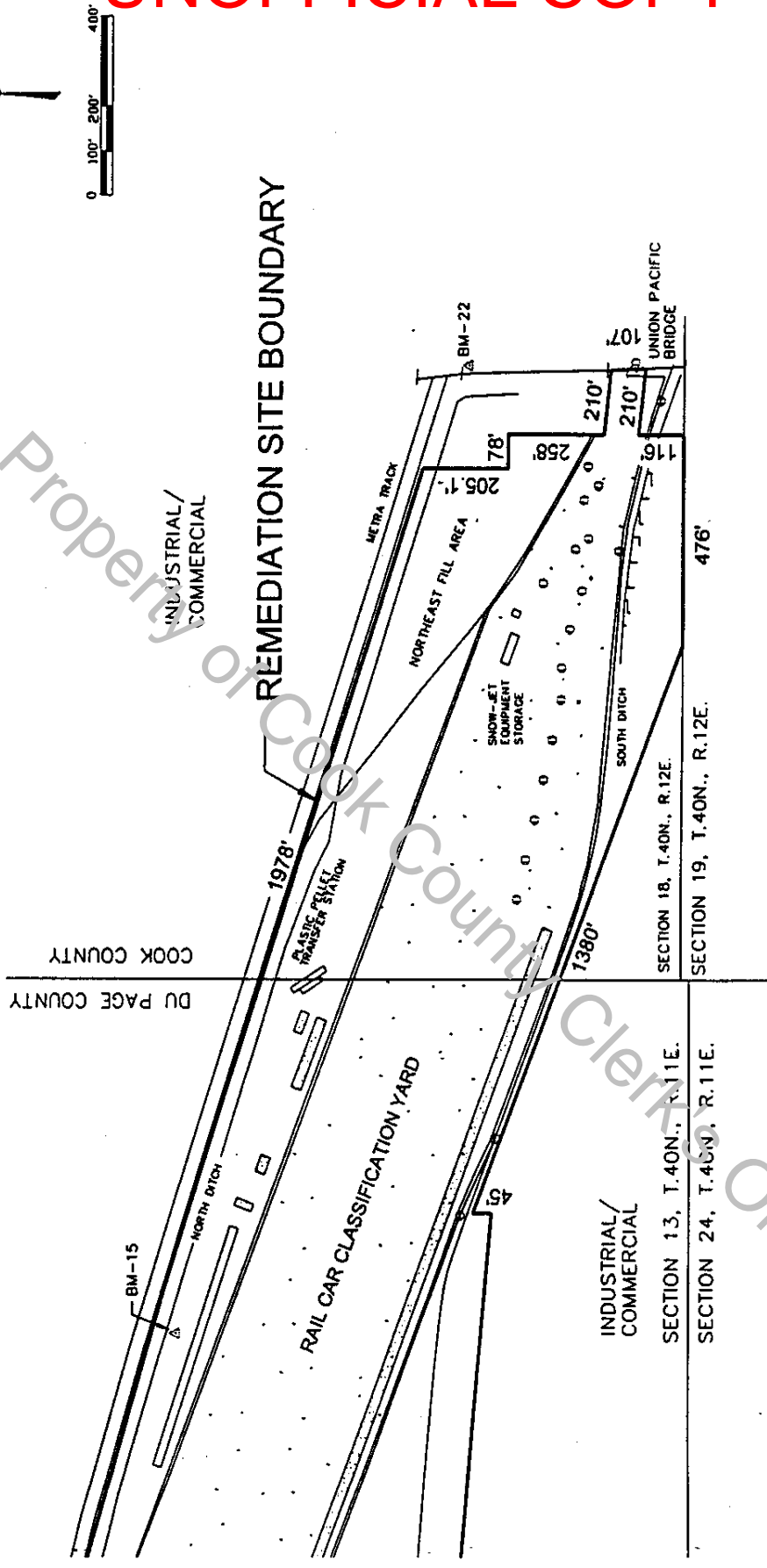




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DETAIL "B"

SITE BASE MAP 4  
 0310965393-COOK COUNTY  
 FRANKLIN PARK/SOO LINE RAILROAD COMPANY  
 SITE REMEDIATION PROGRAM



REVISION	DATE	DESCRIPTION
1	1-28-93	LEONIS
2	1-28-93	SIMPLEY

**SITE EXHIBIT**  
 CANADIAN PACIFIC RAILWAY  
 BENSENVILLE WEST YARD  
 BENSENVILLE, ILLINOIS

DATE: 1-17-93  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 SCALE: 1" = 400' SHEET 4 OF 4

alfred benesch & company  
 CONSULTING ENGINEERS  
 200 WEST WASHINGTON STREET, CHICAGO, ILLINOIS 60601



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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276, 217-782-3397  
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601, 312-814-6026

ROD R. BLAGOJEVICH, GOVERNOR

RENEE CIPRIANO, DIRECTOR

(217) 782-6761

November 3, 2003

CERTIFIED MAIL

7002 3150 0000 1225 6664

Canadian Pacific Railway  
 Attn: Mr. David S. Drach  
 501 Marquette Avenue, Suite 804  
 Minneapolis, Minnesota 55402

Re: 0310965393/Cook County  
 Franklin Park/Soo Line Railroad Company  
 11306 West Franklin Avenue  
 Site Remediation Program/Technical Reports

Dear Mr. Drach:

The *Remedial Action Completion Report* (March 21, 2003/Log No. 03-1100), as prepared by Weaver, Boos & Gordon, Inc., for the Soo Line Railroad Company property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 90.22 acres, is located at 11306 West Franklin Avenue, Franklin Park, 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 (April 18, 2001/Log No. 01-1474), is Soo Line Railroad Company (dba-Canadian Pacific Railway).

This comprehensive 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 and does not require further remediation under the Act if 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



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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The Remediation Site is restricted to Industrial/Commercial land use.
- 2) 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

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

### Institutional Controls:

- 4) No person shall construct, install, maintain, or operate a water system or well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

### Other Terms

- 5) 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.
- 6) 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

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- 7) 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 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.
- 8) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Soo Line Railroad Company (dba-Canadian Pacific Railway);
  - 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;

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- 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 in aeto; 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.
- 9) 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 DuPage and Cook Counties. 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 DuPage and Cook Counties in accordance with Illinois law so that it forms a permanent part of the chain of title for the Soo Line Railroad Company property.
- 10) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of DuPage and Cook Counties, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

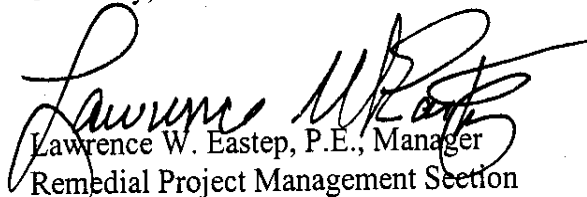
Robert E. O'Hara  
 Illinois Environmental Protection Agency  
 Bureau of Land/RPMS  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, IL 62794-9276

- 11) 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.

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If you have any questions regarding the Soo Line Railroad Company site, you may contact the Illinois EPA project manager, Russell H. Irwin at (217) 524-2084.

Sincerely,



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

Attachments (5): Illinois EPA Site Remediation Program Environmental Notice  
Site Base Maps (4)  
Property Owner Certification of No Further Remediation Letter under the  
Site Remediation Program Form

cc: Mr. Peter Cangialosi, Canadian Pacific Railway  
Mr. Steve Stanford; Weaver, Boos & Gordon, Inc.

Property of Cook County Clerk's Office

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

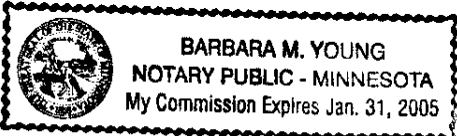
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

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.

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: <u>Soo Line Railroad Company</u>			
Title: <u>By David S. Drach, Director, Real Estate Marketing, U.S.</u>			
Company: _____			
Street Address: <u>501 Marquette Avenue South, Suite 804</u>			
City: <u>Minneapolis</u>	State: <u>MN</u>	Zip Code: <u>55402</u>	Phone: <u>612-904-6139</u>
Site Information			
Site Name: <u>Bensenville - West Rail Yard</u>			
Site Address: <u>11306 West Franklin Avenue</u>			
City: <u>Franklin Park</u>	State: <u>IL</u>	Zip Code: _____	County: <u>Cook</u>
Illinois inventory identification number: <u>0310965393</u>			
Real Estate Tax Index/Parcel Index No. <u>12-18-501-001</u>			
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: <u><i>David S. Drach</i></u>			Date: <u>May 28, 2004</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>28th</u> day of <u>May</u> , 20 <u>04</u>			
<u><i>Barbara M. Young</i></u> 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.