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PREPARED BY:



Name: National 95th Street Associates, L.L.C.
Mr. Harry Major

Doc#: 043422232
Eugene "Gene" Moore Fee: \$40.50
Cook County Recorder of Deeds
Date: 12/07/2004 02:11 PM Pg: 1 of 9

Address: 155 N. Michigan Ave. Suite 500
Chicago, IL 60601

RETURN TO:

Name: National 95th Street Associates, L.L.C.
Mr. Harry Major



Address: 155 N. Michigan Ave., Suite 500
Chicago, IL 60601

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: 0312225183

National 95th Street Associates, L.L.C., the Remediation Applicant, whose address is 155 N. Michigan Ave., Suite 500, Chicago, IL 60601 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. **Parcel 1:** Lot 7 (except the South 16.0 feet thereof) in Block 1 in the subdivision of the South half of the East half of the East half of the West half of the Southeast quarter of Section 4, Township 37 North, Range 13 East of the Third Principal Meridian, (excepting therefrom the right-of-way of the Wabash, St. Louis and Pacific Railroad) as shown on the Plat registered in the Registrar's office as Document Number 246086, in Cook County, Illinois. **Parcel 2:** That part of the vacated 50th Avenue, 33 feet in width lying North of the North line of 95th Street and extending North to the South right-of-way of the Wabash, St. Louis and Pacific Railroad and lying East of and adjoining Lot 7 in Block 1, in the subdivision of the South half of the East half of the East half of the West half of the Southeast quarter of Section 4, Township 37 North, Range 13 East of the Third Principal Meridian, (Excepting therefrom the right-of-way of the Wabash, St. Louis and Pacific Railroad) as shown on the Plat registered in the Registrar's office as Document number 246086, (excepting from said portion of vacated 50th Avenue, the South 16.00 feet thereof), in Cook County, Illinois. **Parcel 3:** The South 27.92 feet (Except the South 17.00 feet thereof and except that portion falling within the Wabash, St. Louis and Pacific Railroad, now know as the Norfolk and Western railroad, right-of-way) of Lot 7 in Block 1 in Marr's subdivision of the South half of the West half of the East half of the West half of the Southeast quarter of Section 4, Township 37 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

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2. Common Address: 5020 West 95th Street, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 24-04-419-001-0000; 24-04-421-002-0000; 24-04-421-004-0000; 24-04-421-005-0000.
4. Remediation Site Owner: National 95th Street Associates, L.L.C.
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

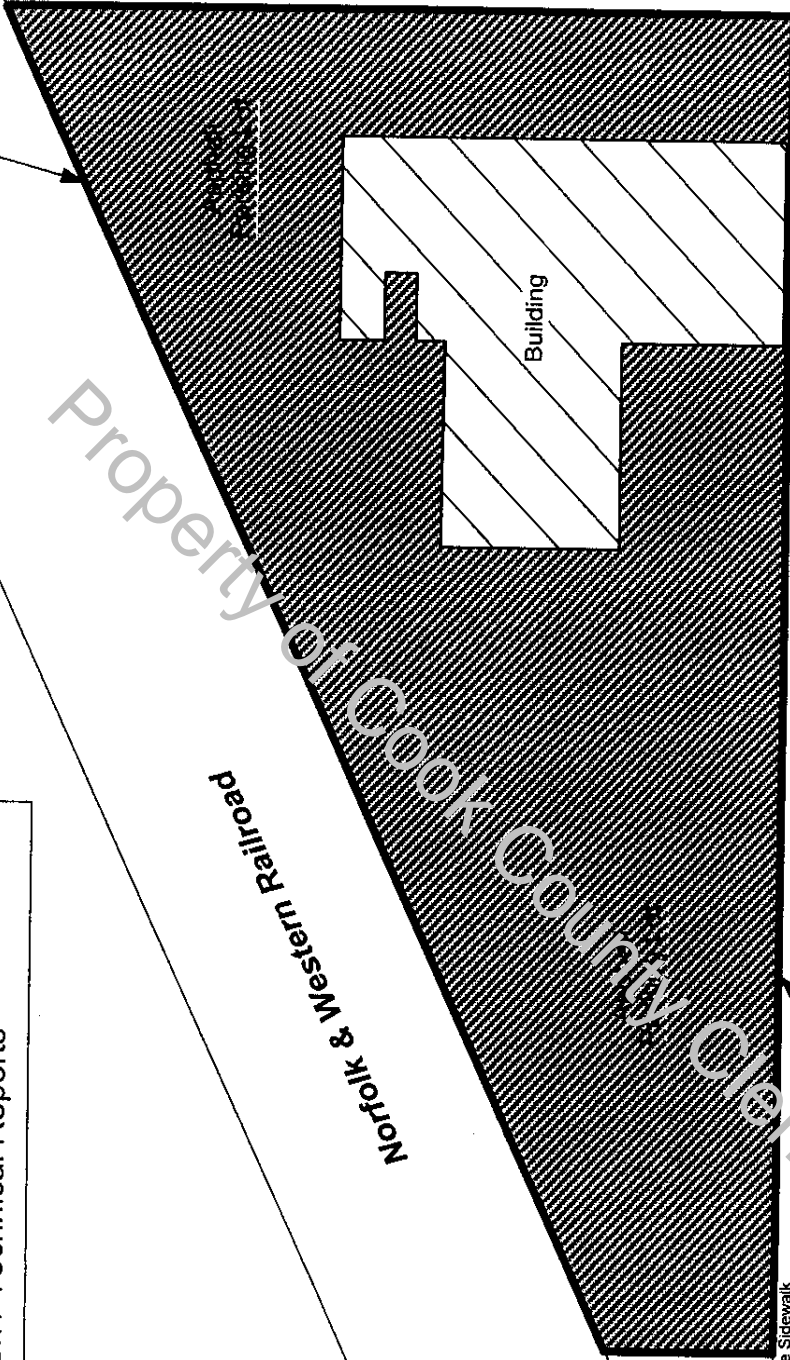
Property of Cook County Clerk's Office

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SITE BASE MAP
 ILD # 0312225183 / Cook County
 Oak Lawn / National 95th Street Associates, L.L.C.
 Site Remediation / Technical Reports

REMEDIAATION
 SITE BOUNDARY

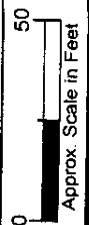


KEY
 = Engineered Barrier (4-Inch Asphalt)

West 95th Street

REMEDIAATION
 SITE BOUNDARY

**SITE BASE
 MAP**



Environmental Consulting Group, Inc.
 411 S. Wells Street, Suite 700
 Chicago, Illinois 60607
 www.ecgmidwest.com

**5020 West 95th Street
 Oak Lawn, Illinois**

PROJECT NO. E04109-007
 DRAWN BY: BJB

DATE: 9/3/04
 REVIEWED BY: DSO

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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 8, 2004

CERTIFIED MAIL

7002 3150 0000 1111 6754

National 95th Street Association, L.L.C.
 Attn: Mr. Harry Major
 155 N. Michigan Avenue, Suite 500
 Chicago, IL 60601

Re: 0312225183/Cook County
 Oak Lawn/National 95th Street Assoc. L.L.C.
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Major:

The *Remedial Objectives Report/Remedial Action Plan/Remedial Action Completion Report* (June 2, 2004/Log No.04/20337), as prepared by Environmental Consulting Group, Inc. for the National 95th Street Associates, L.L.C. 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 report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.69 acres, is located at 5020 West 95th Street, Oak Lawn, 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 (September 8, 2003/Log No.03/16874), is National 95th Street Associates, L.L.C..

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.

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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.

Preventive Controls:

- 4) 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. 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.

Engineering Controls:

- 5) The asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.
- 6) The building, as shown in the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

- 7) Ordinance 97-9-37 adopted on May 5, 1997 by the Village of Oak Lawn effectively prohibits the installation and use of potable water supply wells in the Village of Oak Lawn. This ordinance provides an acceptable institutional control under the following conditions:
 - a) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:

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- i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
 - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
- b) The Remediation Applicant shall provide written notification to the Village of Oak Lawn and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
- i) The name and address of the local unit of government;
 - ii) The citation of Ordinance 97-9-37 ;
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
- c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date of this Letter 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

- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - 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 Village of Oak Lawn and affected property owner(s) of the intent to use Ordinance 97-9-37 as an institutional control at the Remediation Site; and

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iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 8) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 7 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 9) 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.
- 10) 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
- 11) 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;

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- 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.

12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) National 95th Street Associates, L.L.C.;
- 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.

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13) 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 National 95th Street Associates, L.L.C. property.

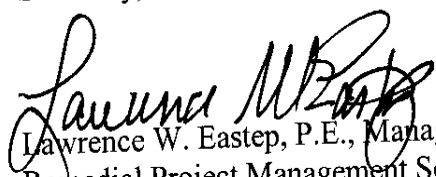
14) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

15) 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 the National 95th Street Associates, L.L.C. property, you may contact the Illinois EPA project manager, Rhett M. Rossi at 217-782-6761.

Sincerely,


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

Attachments: 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: Environmental Consulting Group, Inc.
 Attn: Mr. Brian Bartkowiak
 901 West Jackson Blvd., Suite 203
 Chicago, IL 60607