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PREPARED BY:

Name: Shell Oil Products US
Address: 603 Diehl Road, Suite 103
Naperville, Illinois 60563



RETURN TO:

Name: Shell Oil Products US
Address: 603 Diehl Road, Suite 103
Naperville, Illinois 60563

Doc#: 0434519067
Eugene "Gene" Moore Fee: \$40.50
Cook County Recorder of Deeds
Date: 12/10/2004 11:08 AM Pg: 1 of 9

THE ABOVE SPACE FOR RECORDER'S OFFICE

Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 2nd day of December, 2004, by McKeone's Tobacco Road, Inc., ("Property Owner") of the real property located at the corner on address 10240 South Kedzie Avenue, Evergreen Park, Illinois, located adjacent to the Shell Service Station at 10258 S. Kedzie/103rd, Evergreen Park, Illinois.

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 and/or groundwater that may be present on the property as a result of a petroleum release from the Underground Storage Tanks (USTs) operating on the property of the Shell Service Station located at 10258 S. Kedzie/103rd, Evergreen Park, Illinois. 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, Shell Oil Products US 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 LPC #0310845022, 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:

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Section One. Property Owner does hereby establish an ELUC on that portion of the real estate identified as PIN# 2411416048,-049, 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 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 under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants she 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 herself, and her 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 the groundwater under the Property shall not be used as a potable supply of water, a construction worker caution statement will be utilized, and any contaminated soil and/or groundwater that is removed, excavated, or disturbed from the area described in Exhibit B3 herein must be handled in accordance with all applicable laws and regulations.

Section Four. This ELUC is binding on the Property Owner, her 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 there under by providing the IEPA with the 10-digit LPC 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.

WITNESS the following signatures:

Property Owner

By: Carol Ann McKeone

Its: PRESIDENT

Date: 12/02/04

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State of Illinois)
) SS:
County of Cook)

I, MICHELLE SARGIS the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that Carol McKeone, as representative of McKeone's Tobacco Road, Inc., personally known to me to be the Property Owner of 10240 South Kedzie Avenue, Evergreen Park, Illinois, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that in said capacities she signed and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 2nd day of December, 2004

Michelle Sargis
Notary Public



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Exhibit A

The subject property is located in Illinois, Cook County, State of Illinois, commonly known as 10240 South Kedzie Avenue, Evergreen Park, Cook County, Illinois and more particularly described as:

COMMON ADDRESS:

10240 South Kedzie Avenue, Evergreen Park, Cook County, Illinois

LEGAL DESCRIPTION:

Lots 15 through 18 both inclusive, in Block 1 in Hanford's Addition to Washington Heights, a subdivision of the South ½ of the South East ¼ of the South East ¼ of Section 11, Township 37 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

ELUC APPLIES ONLY TO REAL ESTATE TAX INDEX OR PARCEL #

PIN NO. # 24-11-416-048
24-11-416-049

(PURSUANT TO 742. 1010(D)(2))

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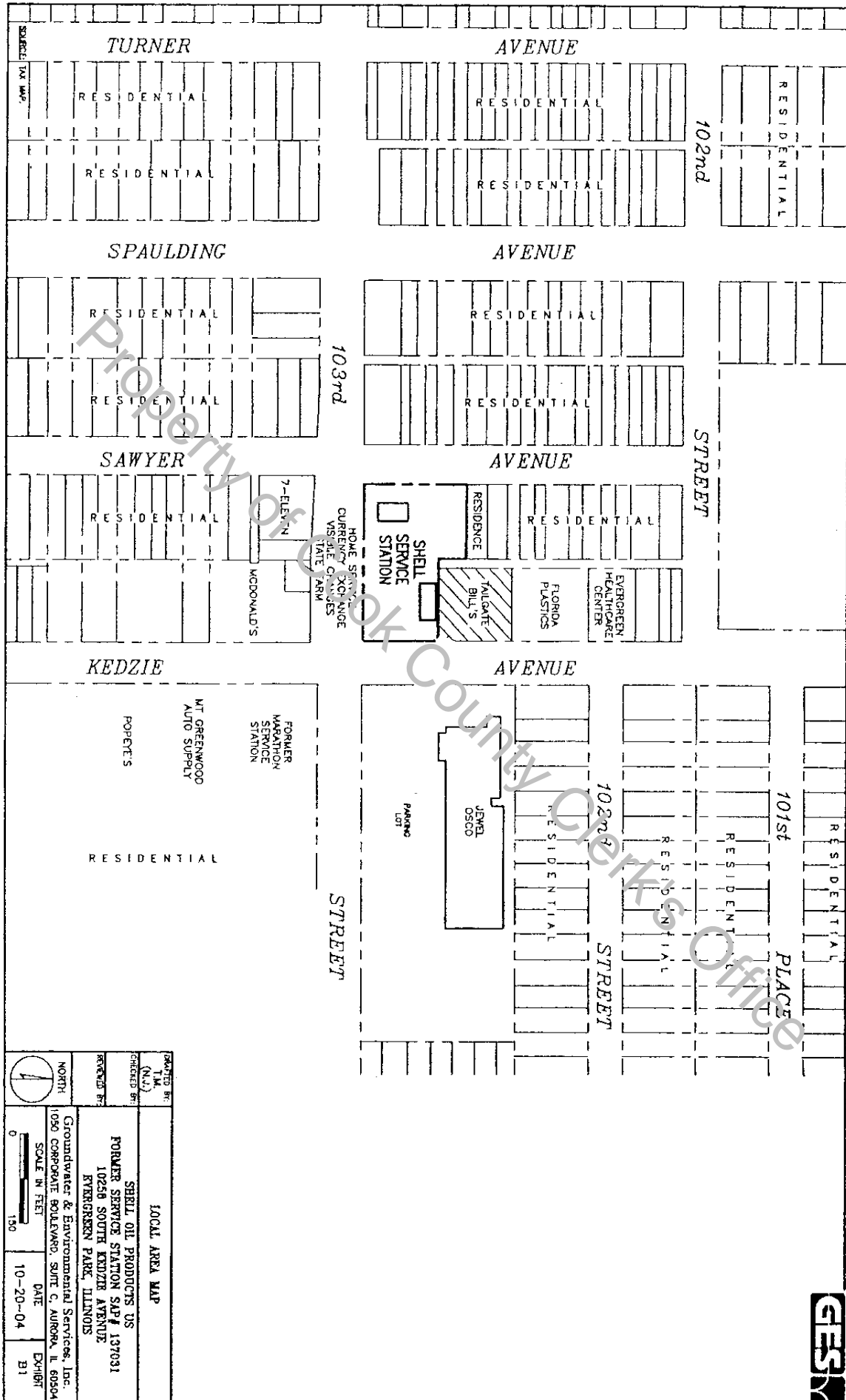
Exhibit B


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

- (B1) A scaled map showing the local area containing the subject property.
- (B2a) Scaled map showing the horizontal and vertical extent of contaminants of concern above the applicable remediation objectives for soil to which the ELUC applies.
- (B2b) Scaled map showing the nature, location of the source, and direction of movement of the groundwater contaminants of concern.
- (B3) Scaled map showing the physical features to which the ELUC applies (e.g., engineered barriers, monitoring wells, caps, etc.).

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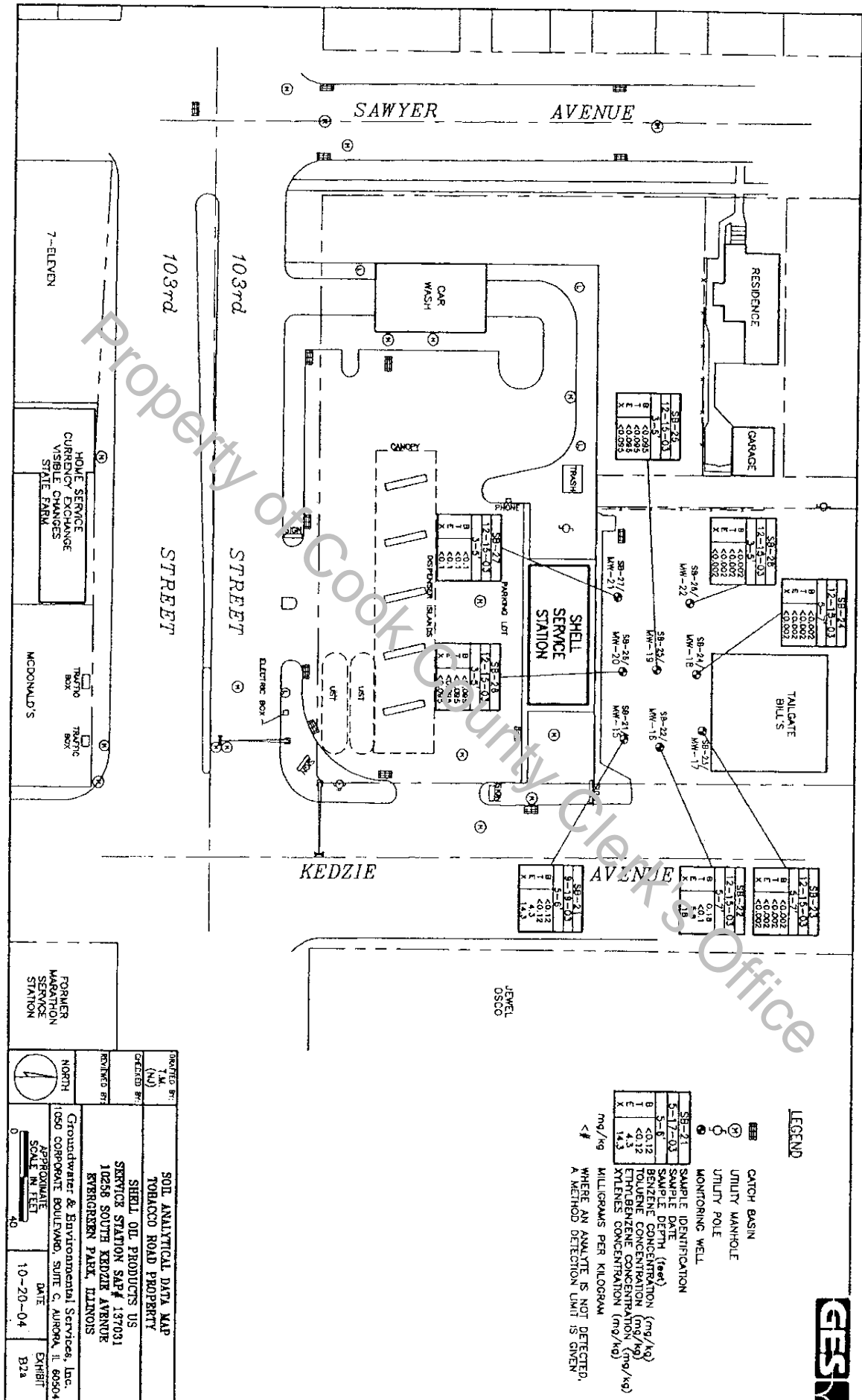
N:\GIS\proj\1400-Chicago\Shell\137031-Evergreen Park\137031-Evergreen park LAM.dwg, 8/10/2004 2:47:49 PM, TWL/whk



<p>  NORTH </p>	<p> Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60504 </p>
<p> DRAWN BY: [Blank] CHECKED BY: [Blank] REVIEWED BY: [Blank] </p>	<p> LOCAL AREA MAP SHELL OIL PRODUCTS US FORMER SERVICE STATION SAP# 137031 10250 SOUTH KEDZIE AVENUE EVERGREEN PARK, ILLINOIS </p>
<p> SCALE IN FEET 0 150 </p>	<p> DATE 10-20-04 EXHIBIT B1 </p>

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MicroStation 1400-CharacterSet137031 Evergreen Park137031 Evergreen park SW.dwg, Model: 10/20/04 2:06:10 PM
T:\MicroStn



DRAWN BY:	NORTH	Groundwater & Environmental Services, Inc.	DATE	EXHIBIT
DATE:	10-20-04	1050 CORPORATE BLDG., SUITE C, AURORA, IL 60504		B2a
PROJECT:	SOIL ANALYTICAL DATA MAP TOBACCO ROAD PROPERTY SHELL OIL PRODUCTS US SERVICE STATION S&P # 137031 10258 SOUTH KEDZIE AVENUE EVERGREEN PARK, ILLINOIS			
SCALE:	APPROXIMATE SCALE IN FEET 0 10			

LEGEND

- ▣ CATCH BASIN
- ⊕ UTILITY MANHOLE
- ⊙ UTILITY POLE
- ⊖ MONITORING WELL

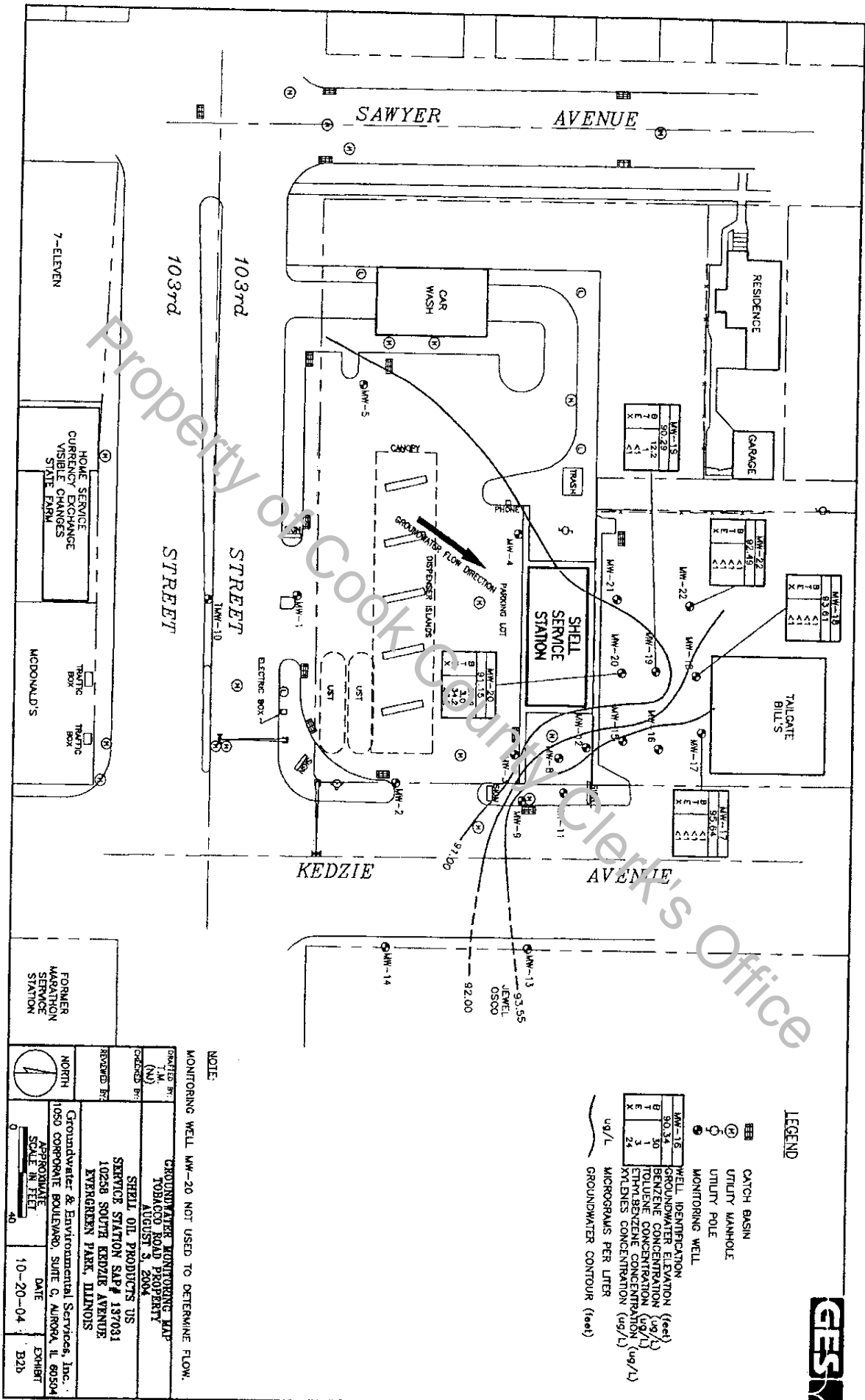
SB-21	SAMPLE IDENTIFICATION	DEPTH (feet)	CONCENTRATION (mg/kg)
5-17-03	5-17-03	4.3	4.3
B	BENZENE CONCENTRATION (mg/kg)	14.3	14.3
E	ETHYLBENZENE CONCENTRATION (mg/kg)		
X	XYLENES CONCENTRATION (mg/kg)		

mg/kg MILLIGRAMS PER KILOGRAM
<# WHERE AN ANALYTE IS NOT DETECTED, A METHOD DETECTION LIMIT IS GIVEN.



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M:\Gp\Map1400-Chicago\Shell127031 Evergreen Park\127031 Evergreen Park SMDwg, Model: 10/20/2004 3:07:08 PM, T:\Misc\dwg



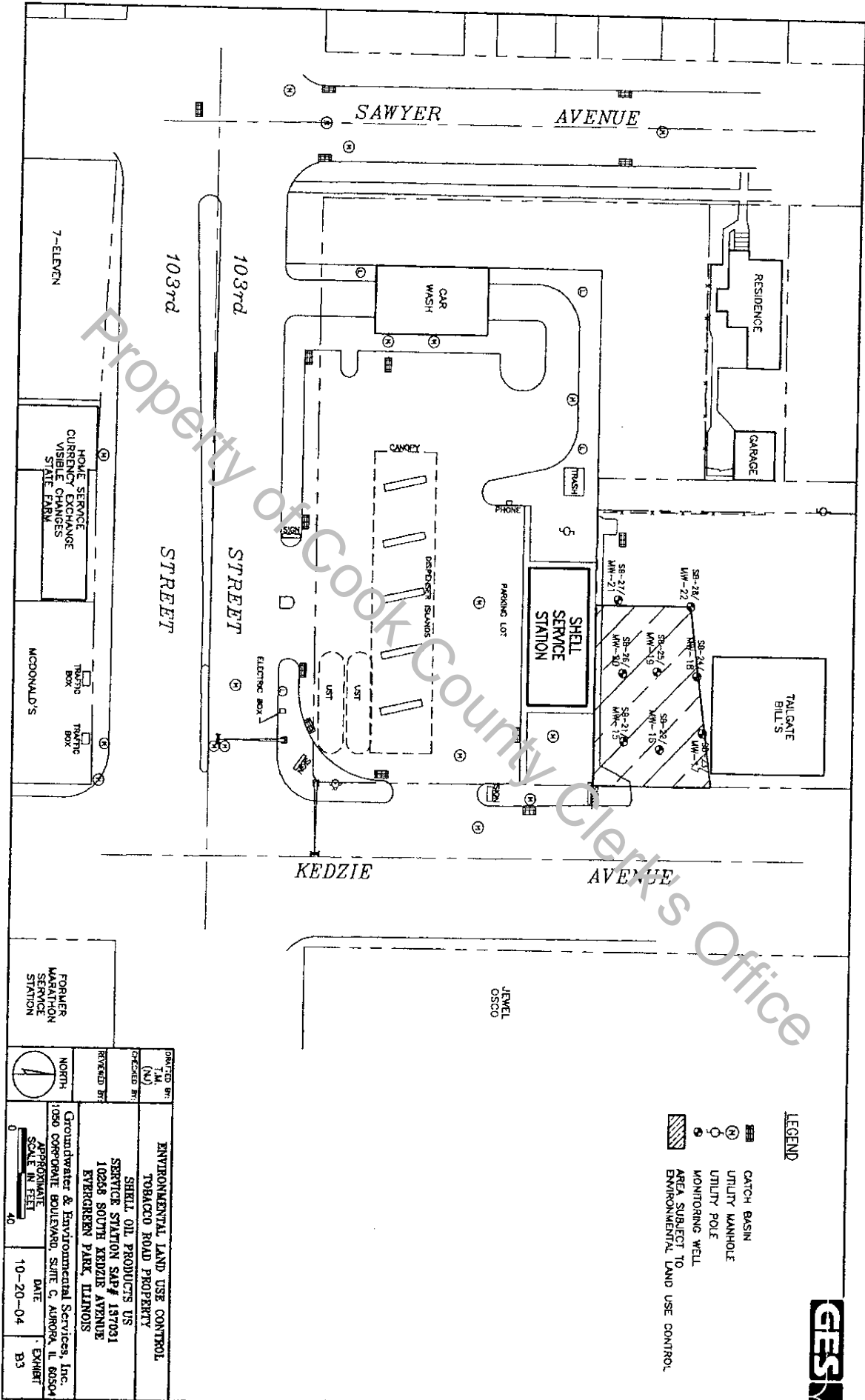
NOTE:
MONITORING WELL MW-20 NOT USED TO DETERMINE FLOW.

<p>DATE: 10-20-04</p> <p>SCALE: 1" = 40'</p> <p>APPROXIMATE</p>	<p>DATE: 10-20-04</p> <p>EXHIBIT: B2b</p>
<p>REVIEWED BY: [Signature]</p> <p>DESIGNED BY: [Signature]</p> <p>DRAWN BY: [Signature]</p>	<p>PROJECT: SHELL OIL PRODUCTS US SERVICE STATION SAP# 187031 10258 SOUTH KEDZIE AVENUE EVERGREEN PARK, ILLINOIS</p> <p>CLIENT: Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60504</p>



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M:\GIS\1400-Cook\GIS\197031 Evergreen Park\197031 evergreen park_BM.dwg, Model: 10/29/2004 3:08:48 PM, T:\GIS\1400



	PREPARED BY: T.M. (M) DATE: 10-20-04	ENVIRONMENTAL LAND USE CONTROL TOBACCO ROAD PROPERTY SHELL OIL PRODUCTS US SERVICE STATION S# 197031 10258 SOUTH KEDZIE AVENUE EVERGREEN PARK, ILLINOIS
NORTH	REVIEWED BY: DATE: 10-20-04	Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60504 APPROXIMATE SCALE IN FEET: 1" = 40' DATE: 10-20-04 EXHIBIT: B3

- LEGEND**
- CATCH BASIN
 - UTILITY MANHOLE
 - UTILITY POLE
 - MONITORING WELL
 - AREA SUBJECT TO ENVIRONMENTAL LAND USE CONTROL

