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PREPARED BY:

Name: Joan Radovich
Attorney
Address: Sidley Austin Brown & Wood LLP
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603



Doc#: 0508118007
Eugene "Gene" Moore Fee: \$52.50
Cook County Recorder of Deeds
Date: 03/22/2005 09:41 AM Pg: 1 of 15

RETURN TO:

Name: Joan Radovich
Attorney
Address: Sidley Austin Brown & Wood LLP
Bank One Plaza
10 South Dearborn Street
Chicago, Illinois 60603

THE ABOVE SPACE FOR RECORDER'S OFFICE

Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC") is made this 14 day of December, 2004, by and between Material Service Corp., Owner of the vacant real property in Homewood, Illinois described in Exhibit A ("Property Owner") and generally located near 174th & Halsted in Homewood, Illinois, and BP Products North America Inc., f/k/a Amoco Oil Company, a Maryland corporation ("BP").

WHEREAS, 35 Ill. Admin. Code 742 and 415 ILCS 5/58.17 provide for the use of an ELUC as an institutional control in order to achieve risk-based site specific soil and groundwater remediation objectives to obtain a No Further Remediation determination from the Illinois Environmental Protection Agency. The reason for an ELUC is to ensure protection of human health and the environment by restricting or limiting land uses on property. The restrictions or limitations 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 underground storage tank activities. Under these rules, the use of risk-based site specific remediation objectives of the incident 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, BP intends to request risk-based, site specific soil and groundwater remediation objectives from the Illinois Environmental Protection Agency ("IEPA") under 35 Ill. Admin. Code Part 742 to obtain risk-based closure of Bureau of Land LPC Number 0311355027 utilizing an ELUC.

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NOW, THEREFORE, for the mutual agreements set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, the parties hereto agree as follows:

The recitals set forth above are incorporated by reference as if fully set forth herein.

Property Owner does hereby grant to BP, its parents, subsidiaries, affiliates, successors and assigns 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 applicable remediation objectives for soil and/or groundwater; and the nature, location of the source and direction of movement of contaminants of concern under 35 Ill. Admin. Code Part 742.

Property Owner represents and warrants it is the current fee simple owner of the Property and authorizes BP to record this ELUC in the Office of the Recorder or Registrar of Titles in Cook County, Illinois.

The Property Owner hereby agrees, for itself, and its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or any portion thereof or interest therein, that the groundwater under the Property shall not be used as a potable supply of water, and any contaminated groundwater and/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.

This ELUC is binding on the Property Owner, its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the Property is demonstrated to be suitable for unrestricted use; until there is no longer a need for this ELUC as an institutional control; and until the IEPA issues a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s) and a release or modification of the land use limitation or requirement is filed on the chain of title for the Property pursuant to the procedures outlined in 35 IAC 742.1010 (c)(2).

Any 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 thereunder by providing the IEPA with LPC Number 0311355027 listed above.

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WITNESS the following signatures:

Material Service Corp.

By: Deborah T. Framarin

Printed: DEBORAH T. FRAMARIN

Its: VICE PRESIDENT

Date: DEC. 11, 2001

BP Products North America Inc., f/k/a Amoco Oil Company, a Maryland corporation

By: _____

Attest: _____

Its: _____

Its: _____

Date: _____

Property of Cook County Clerk's Office

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WITNESS the following signatures:

Material Service Corp.

By: _____

Printed: _____

Its: _____

Date: _____

BP Products North America Inc., f/k/a Amoco Oil Company, a Maryland corporation

By: D.A. Richard

Attest: Brandon Cue

Its: Midwest Team Leader

Its: Assistant Secretary

Date: 12-15-04

Property of Cook County Clerk's Office

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S.S. 9791

STATE OF ILLINOIS)
) SS:
COUNTY OF DU PAGE)

I, Voncell Stone the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that DA. Piotrowski and Brandon Cue and SL Wallace personally known to me to be the Environmental Business Manager and (Assistant) Secretary, respectively of **BP Products North America Inc., f/k/a Amoco Oil Company**, a Maryland corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that in said capacities they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 15th day of December, 2004.



Voncell Stone
Notary Public

STATE OF _____)
) SS:
COUNTY OF _____)

I, _____ the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that before me this day in person appeared _____, personally known to me to be the _____ of **Material Service Corp.**, a _____ corporation, and he/she acknowledged that he/she signed and delivered the foregoing instrument in his/her capacity herein set forth, pursuant to authority given under the articles and bylaws of the corporation, as the free and voluntary act of said corporation, and as his/her own free and voluntary act, for the uses and purposes herein set forth.

Given under my hand and official seal, this _____ day of _____, 2004.

Notary Public

UNOFFICIAL COPY

STATE OF ILLINOIS)
) SS:
COUNTY OF DU PAGE)

I, _____ the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that _____ and _____, personally known to me to be the Environmental Business Manager and (Assistant) Secretary, respectively of **BP Products North America Inc., f/k/a Amoco Oil Company**, a Maryland corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that in said capacities they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

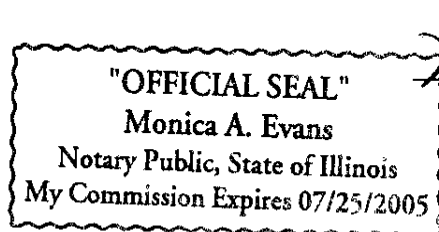
Given under my hand and official seal, this _____ day of _____, 2004.

Notary Public

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, MONICA A. EVANS the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that before me this day in person appeared DEBORAH T. FRAMARIN, personally known to me to be the VICE PRESIDENT of **Material Service Corp.**, a DELAWARE corporation, and he/she acknowledged that he/she signed and delivered the foregoing instrument in his/her capacity herein set forth, pursuant to authority given under the articles and bylaws of the corporation, as the free and voluntary act of said corporation, and as his/her own free and voluntary act, for the uses and purposes herein set forth.

Given under my hand and official seal, this 14th day of DECEMBER, 2004.



Monica A. Evans
Notary Public

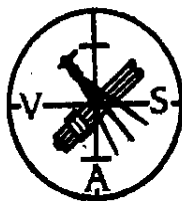
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PIN NOS. 29-28-300-015 & 29-28-300-013

Exhibit A

The subject vacant property, generally located near 174th & Halsted and which does not have a common street address, is located in the City of Homewood, County of Cook, State of Illinois, and is more particularly described as: (see attached)

Property of Cook County Clerk's Office



VEGRZYN, SARVER AND ASSOCIATES, INC.

ENGINEERING • SURVEYING • ARCHITECTURE

218 W. Lafayette St.
Ottawa IL 61350

Ph 815-434-7225
Fx 815-434-2831

www.veg-sarv.com
vsainc@veg-sarv.com

PARCEL NO. 1

PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, THENCE NORTH 0 DEGREES 12 MINUTES 50 SECONDS EAST 363.0 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 72.0 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 12 MINUTES 50 SECONDS EAST 150.0 FEET ALONG A LINE PARALLEL WITH AND 72 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 118.0 FEET TO A POINT, THENCE NORTH 0 DEGREES 12 MINUTES 50 SECONDS EAST 198.22 FEET ALONG A LINE PARALLEL WITH AND 190 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE NORTH 89 DEGREES 47 MINUTES 10 SECONDS WEST 118.0 FEET TO A POINT, THENCE NORTH 33 DEGREES 54 MINUTES 14 SECONDS EAST 122.59 FEET TO A POINT, THENCE NORTH 4 DEGREES 01 MINUTES 42 SECONDS EAST 59.91 FEET TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 19.0 FEET TO A POINT, THENCE SOUTH 4 DEGREES 01 MINUTES 42 SECONDS WEST 45.98 FEET TO A POINT, THENCE SOUTH 33 DEGREES 54 MINUTES 00 SECONDS WEST 115.26 FEET TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 114.0 FEET TO A POINT, THENCE SOUTH 0 DEGREES 12 MINUTES 50 SECONDS WEST 238.22 FEET ALONG A LINE PARALLEL WITH AND 210 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE NORTH 89 DEGREES 47 MINUTES 10 SECONDS WEST 118.0 FEET TO A POINT, THENCE SOUTH 0 DEGREES 12 MINUTES 50 SECONDS WEST 129.99 FEET ALONG A LINE PARALLEL WITH AND 92 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE NORTH 89 DEGREES 47 MINUTES 10 SECONDS WEST 20.0 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN COOK COUNTY, ILLINOIS.

OTTAWA - DWIGHT - CHAMPAIGN

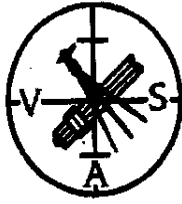
12/09/04

15:47

MAY 15 434 2 31

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ENGINEERING • SURVEYING • ARCHITECTURE

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www.veg-sarv.com
vssinc@veg-sarv.com

PARCEL NO. 2

PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, THENCE NORTH 0 DEGREES 12 MINUTES 50 SECONDS EAST 363.0 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 92.0 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 12 MINUTES 50 SECONDS EAST 129.99 FEET ALONG A LINE PARALLEL WITH AND 92 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 118.0 FEET TO A POINT, THENCE NORTH 0 DEGREES 12 MINUTES 50 SECONDS EAST 238.22 FEET ALONG A LINE PARALLEL WITH AND 210 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE NORTH 89 DEGREES 47 MINUTES 10 SECONDS WEST 114.0 FEET TO A POINT, THENCE NORTH 43 DEGREES 54 MINUTES 0 SECONDS EAST 115.26 FEET TO A POINT, THENCE NORTH 4 DEGREES 01 MINUTES 42 SECONDS EAST 45.98 FEET TO A POINT, THENCE SOUTH 89 DEGREES 47 MINUTES 10 SECONDS EAST 109.01 FEET TO A POINT, THENCE SOUTH 0 DEGREES 12 MINUTES 50 SECONDS WEST 510.0 FEET ALONG A LINE PARALLEL WITH AND 272 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 TO A POINT, THENCE NORTH 89 DEGREES 47 MINUTES 10 SECONDS WEST 180.0 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN COOK COUNTY, ILLINOIS.

OTTAWA - DWIGHT - CHAMPAIGN

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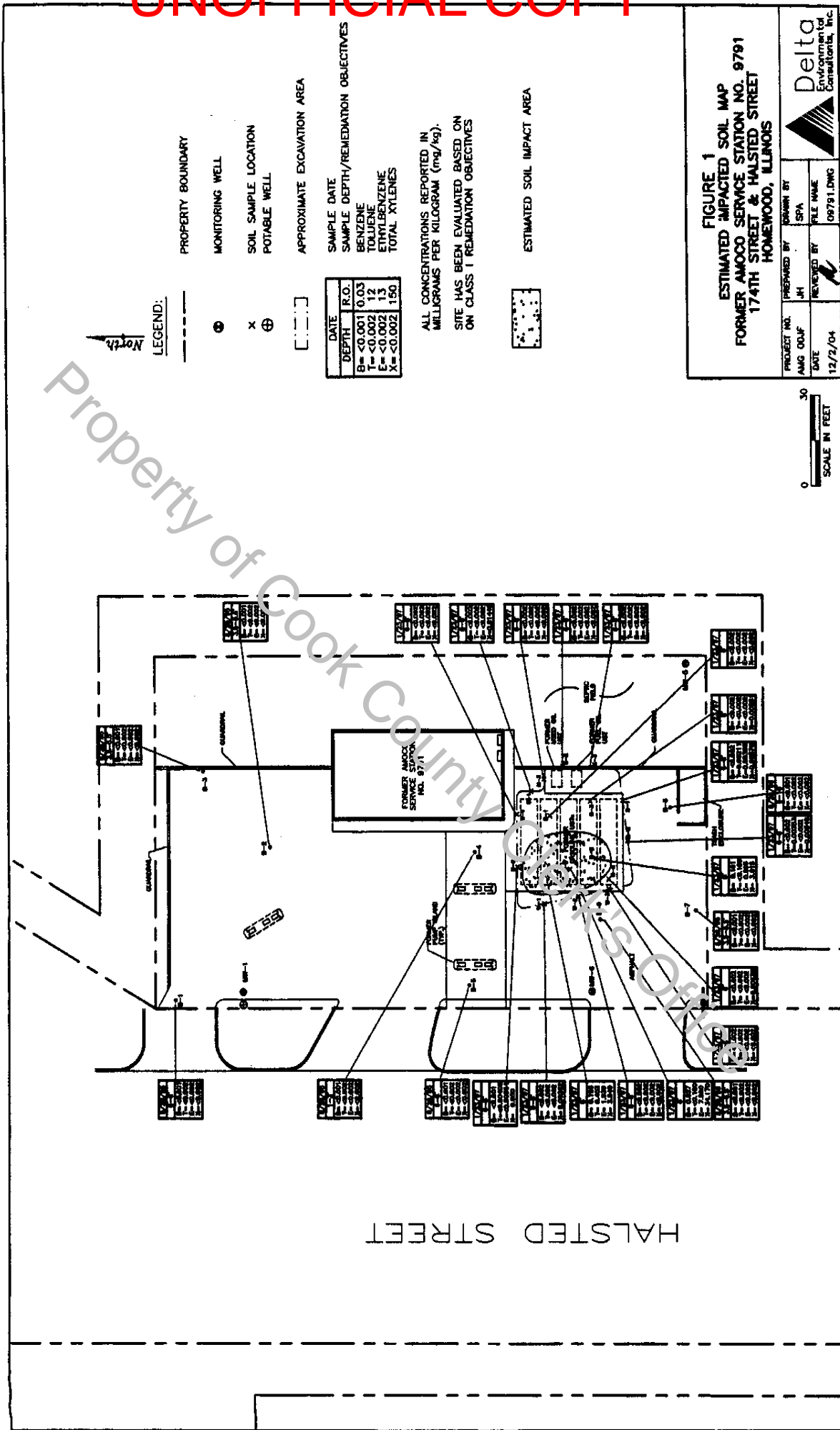
PIN NOS. 29-28-300-015 & 29-28-300-013

Exhibit B

Scaled Maps and tables showing:

- A) The legal boundary of the Property to which the ELUC applies;**
- B) The horizontal and vertical extent of contaminants of concern above applicable remediation objectives for soil and groundwater to which the ELUC applies;**
- C) Any physical features to which the ELUC applies (e.g. engineered barriers, monitoring wells, caps);**
- D) The nature, location of the source, and direction of movement of the contaminants of concern.**

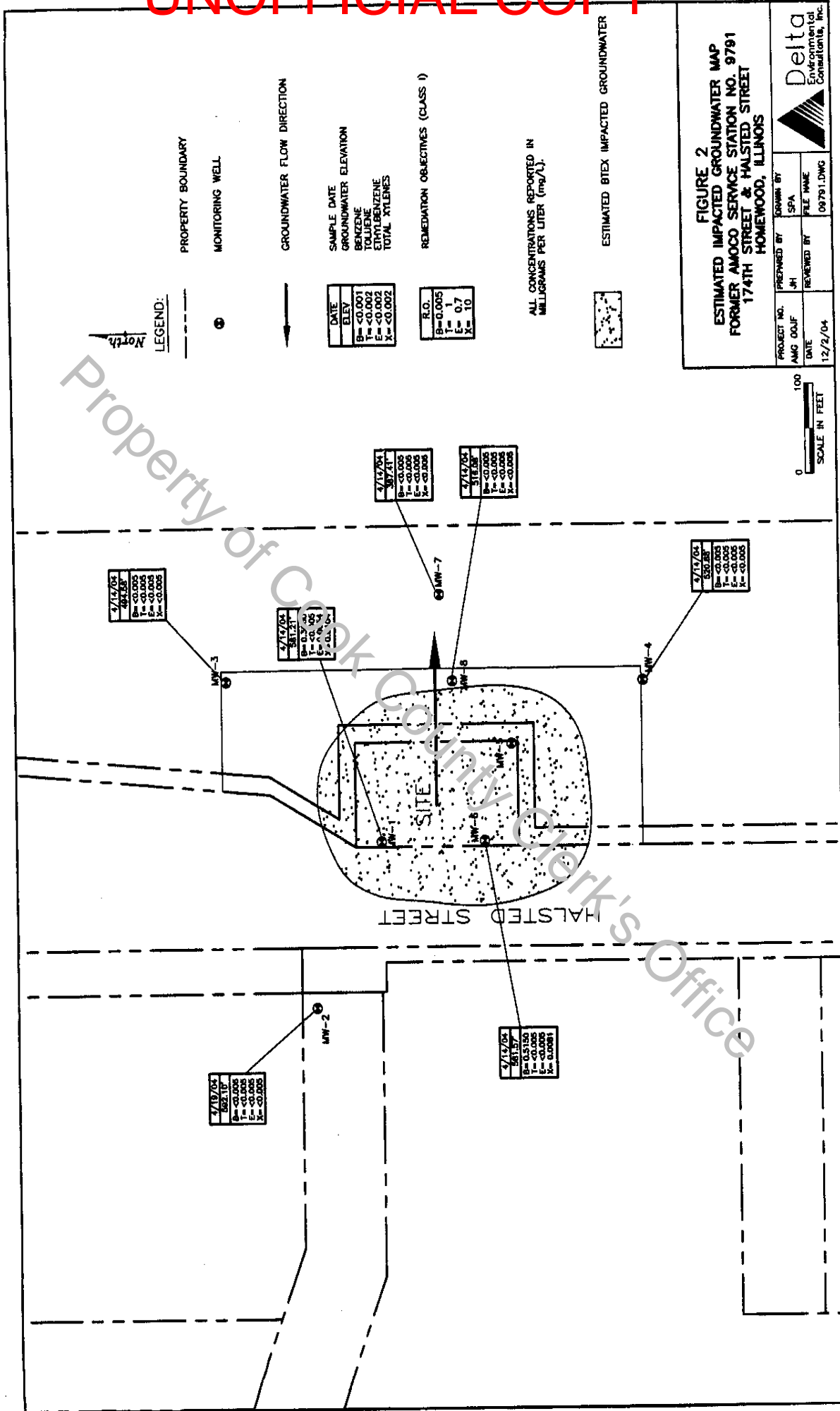
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Property of Cook County

HALSTED STREET

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Property of Cook County Clerk's Office

North

LEGEND:

PROPERTY BOUNDARY

MONITORING WELL

GROUNDWATER FLOW DIRECTION

SAMPLE DATE
GROUNDWATER ELEVATION
BENZENE
TOLUENE
ETHYLBENZENE
TOTAL AROMATICS

DATE	ELEV
B= <0.001	387.21
T= <0.002	
E= <0.002	
K= <0.002	

REMEDIATION OBJECTIVES (CLASS I)

R.O.	B=0.005
	T= 1
	E= 0.7
	K= 10

ALL CONCENTRATIONS REPORTED IN MILLIGRAMS PER LITER (mg/L).

ESTIMATED BTEX IMPACTED GROUNDWATER

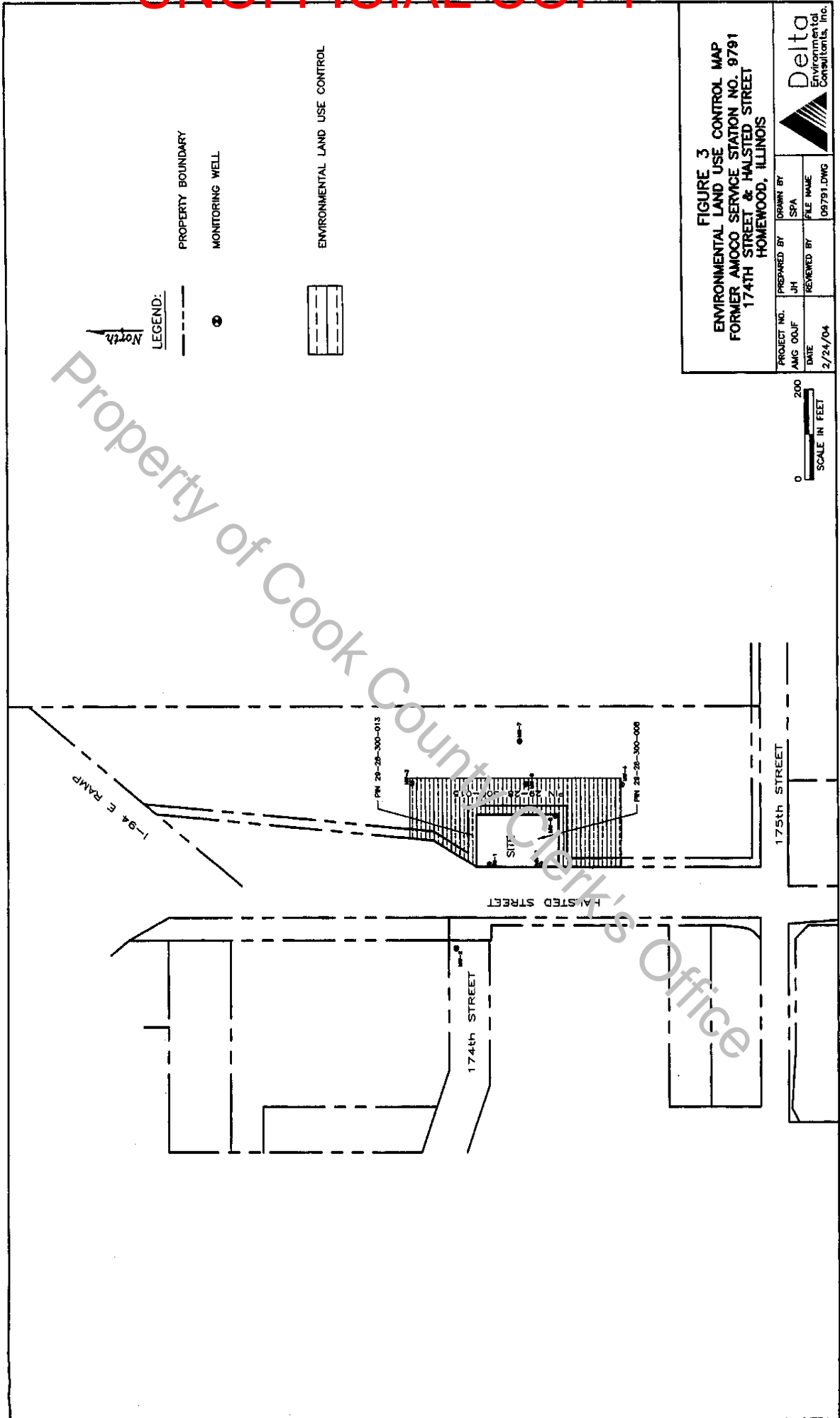
FIGURE 2
ESTIMATED IMPACTED GROUNDWATER MAP
FORMER AMOCO SERVICE STATION NO. 9791
174TH STREET & HALSTED STREET
HOMEWOOD, ILLINOIS

PROJECT NO.	PREPARED BY	DRAWN BY
AMG 004F	JH	SPA
DATE	REVIEWED BY	FILE NAME
12/2/04		09791.DWG



0 100
SCALE IN FEET

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Table 1

Soil BTEX Analytical Data Former Amoco Service Station No. 9791 174th Street and Halsted Street Homewood, Illinois

Sample Identification Number	Date	Depth (feet)	Benzene	Toluene	Ethylbenzene	Total Xylenes
B-1	08/28/95	6-8	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-2	08/28/95	3.5-5.5	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-3	08/28/95	3.5-5.5	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-4	08/28/95	1-3	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-5	08/28/95	6-8	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-6	08/28/95	3.5-5.5	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-7	08/28/95	3.5-5.5	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-8	08/28/95	6-10	< 0.0010	< 0.0020	< 0.0020	< 0.0020
B-1	01/23/97	8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
B-2	01/23/97	8	0.1981 ^{1,2}	0.4030	1.9300	3.9400
B-3	01/23/97	8	< 0.0020	< 0.0020	< 0.0020	0.0025
B-5	01/23/97	8	0.1611 ¹	< 0.1000	0.9950	3.6150
B-6	01/23/97	8	< 0.0020	< 0.0020	< 0.0020	0.0064
B-7	01/23/97	8	0.6271 ^{1,2}	< 0.1000	7.5800	34.1700
N-1	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
N-2	01/23/97	6-8	< 0.0020	< 0.0041	< 0.0056	0.9500
N-3	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
S-1	01/23/97	6-8	< 0.0020	0.0021	0.0037	0.0058
S-2	01/23/97	6-8	< 0.0020	0.0035	< 0.0020	0.0055
E-1	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	0.0145
E-2	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
E-3	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
W-1	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	0.0026
W-2	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
W-3	01/23/97	6-8	< 0.0020	< 0.0020	< 0.0020	< 0.0020
SOIL COMPONENT OF GROUNDWATER INGESTION	CLASS I*	0.03	12	15	150	
	CLASS II	0.17	29	27	150	
INGESTION REMEDIATION OBJECTIVES	RESIDENTIAL	13	16,000	7,800	160,000	
	COMMERCIAL	100	410,000	260,000	1,000,000	
INHALATION REMEDIATION OBJECTIVES	RESIDENTIAL	0.8	650	400	320	
	COMMERCIAL	1.6	650	400	320	
CONSTRUCTION WORKER REMEDIATION OBJECTIVES	INGESTION	2,300	410,000	20,000	410,000	
	INHALATION	2.2	42	58	320	

1-Class I Soil Component to Groundwater Remediation Objective exceeded
 2-Class II Soil Component to Groundwater Remediation Objective exceeded
 3-Residential Ingestion Remediation Objective exceeded
 4-Commercial Ingestion Remediation Objective exceeded
 5-Residential Inhalation Remediation Objective exceeded
 6-Commercial Inhalation Remediation Objective Exceeded

7-Construction Worker Ingestion Remediation Objective exceeded
 8-Construction Worker Inhalation Remediation Objective exceeded
 Results in milligrams per kilogram (mg/kg)
 Analyzed using USEPA Method 8020
 All data reported as dry weight after 8/15/01.
 * This site has been evaluated based on Class I Remediation Objectives

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Table 2

Groundwater BTEX Analytical Data
Former Amoco Service Station No. 9791
174th Street and Halsted Street
Homewood, Illinois

Sample Identification Number	Date	Benzene	Toluene	Ethylbenzene	Total Xylenes
MW-1	12/17/02	0.5380 ^{1,2}	< 0.0050	0.0061	0.0084
	06/16/03	0.7430 ^{1,2}	< 0.0050	< 0.0050	0.0052
	02/04/04	1.3200 ^{1,2}	0.0058	< 0.0050	0.0050
	04/14/04	0.3660 ^{1,2}	< 0.0050	0.0054	0.0104
MW-2	06/16/03	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	02/04/04	0.0123 ¹	< 0.0050	< 0.0050	< 0.0050
	02/17/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	04/14/04	0.0195 ¹	< 0.0050	< 0.0050	< 0.0050
	04/19/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
MW-3	06/16/03	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	02/04/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	04/14/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
MW-4	06/16/03	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	02/04/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	04/14/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
MW-5		dry	dry	dry	dry
MW-6	12/17/02	3.2200 ^{1,2}	0.0076	< 0.0050	< 0.0050
	06/16/03	3.4700 ^{1,2}	0.0108	< 0.0050	< 0.0050
	02/04/04	1.4600 ^{1,2}	0.0060	< 0.0050	< 0.0050
	04/14/04	0.5150 ^{1,2}	< 0.0050	< 0.0050	0.0081
MW-7	06/16/03	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	02/04/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	04/14/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
MW-8	09/08/03	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	02/04/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
	04/14/04	< 0.0050	< 0.0050	< 0.0050	< 0.0050
GROUNDWATER REMEDIATION OBJECTIVES	CLASS I*	0.005	1	0.7	10
	CLASS II	0.025	2.5	1	10

1 = Class I Remediation Objectives exceeded*

2 = Class II Remediation Objectives exceeded

* This site has been evaluated based on Class I Remediation Objectives

NS = Not Sampled

Results in milligrams per liter (mg/l)

Analytical Method: EPA 8260