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Doc#: 0510518037
Eugene "Gene" Moore Fee: \$46.50
Cook County Recorder of Deeds
Date: 04/15/2005 08:52 AM Pg: 1 of 12

PREPARED BY:

Name: Larry Quinn
Midwest Suburban Publishing, Inc. &
ARIC/PrairieLand 3, LLC

Address: 5944 South Harlem Avenue
Summit, IL 60501

RETURN TO:

Name: Larry Quinn
Midwest Suburban Publishing, Inc. &
ARIC/PrairieLand 3, LLC

Address: 2937 Old Rochester Road
Springfield, IL 62703

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0310065032

LUST Incident No.: 892655

Larry Quinn, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 2937 Old Rochester Road, Springfield, Illinois 62703 has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

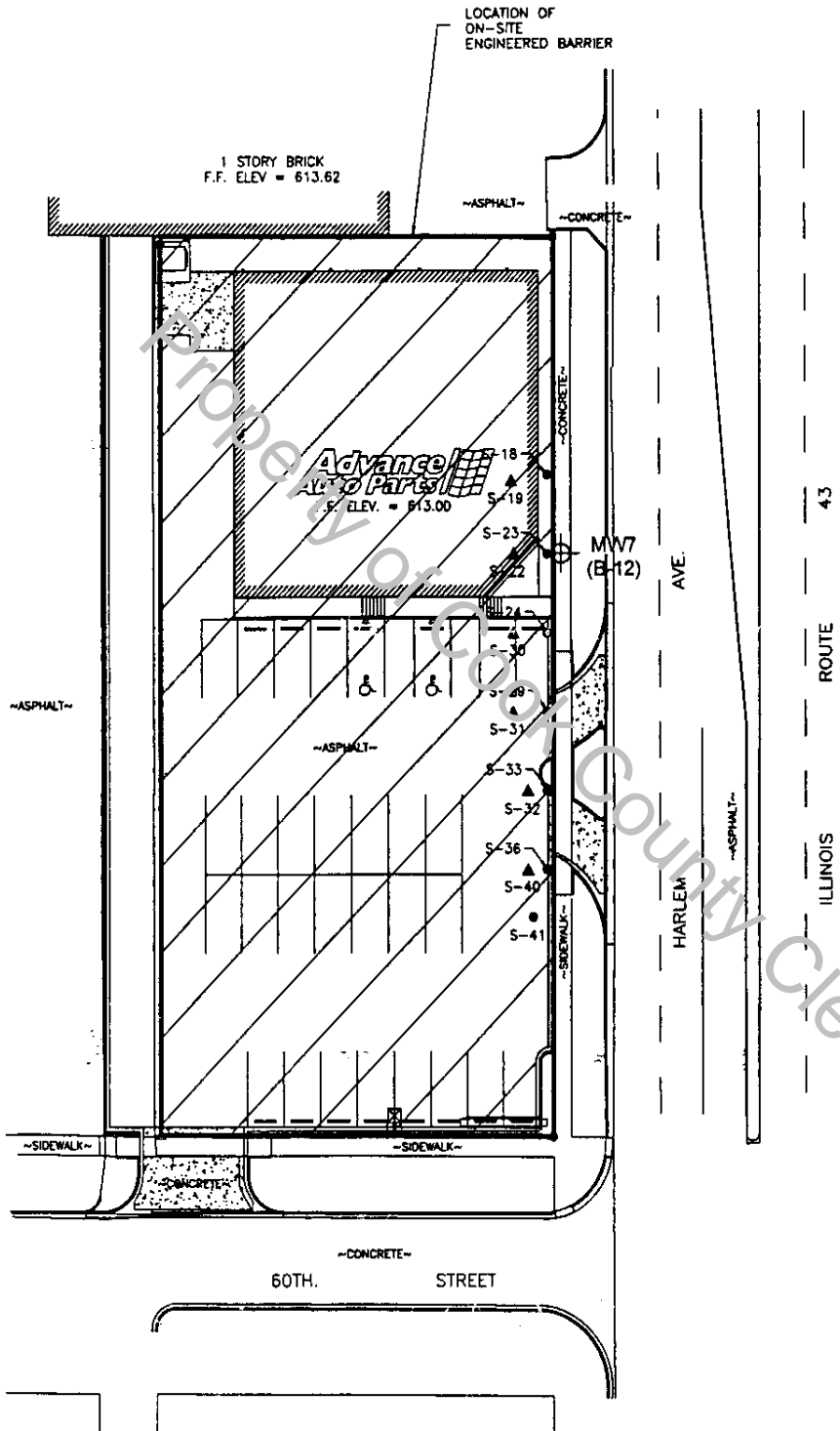
1. Legal Description or Reference to a Plat Showing the Boundaries: Parcel 1 The East 125.00 feet of Lot 22(Except the North 83.00 feet thereof and Except the East 17.00 feet thereof) in Frederick H. Bartlett's Argo Park Subdivision the East 1/2 of the Southeast 1/4 (except railroad) of Section 13, Township 38 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.






Parcel 2 The North 83.00 feet of the East 125.00 feet of Lot 22 (Except the East 17.00 feet thereof) in Frederick H. Bartlett's Argo Park Subdivision of the East 1/2 of the Southeast 1/4(except railroad) of Section 13, Township 38 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

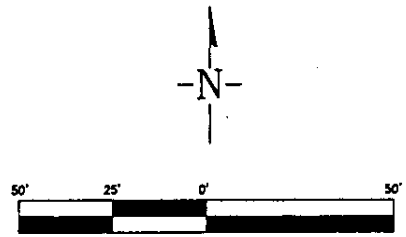
2. Common Address: 5944 South Harlem Avenue, Summit, Illinois 60501
3. Real Estate Tax Index/Parcel Index Number: 18-13-408-004-0000, 18-13-408-005-0000
4. Owner: Larry Quinn
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

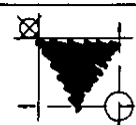
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- LEGEND**
-  BOUNDARY LINE OF PROPERTY
 -  EXCAVATION WALL SOIL SAMPLE LOCATION (SEPT. 2004)
 -  EXCAVATION FLOOR SOIL SAMPLE LOCATION (SEPT. 2004)
 -  SOIL BORING & MONITORING WELL LOCATION (7/20/04)
 -  ON-SITE ENGINEERED BARRIER (ASPHALT AND CONCRETE PAVING, AND NEW SITE STRUCTURE)



SHEET TITLE		SURVEYED	
ENGINEERED BARRIER		DESIGNED	C.W.
		DRAWN	K.M.
PROJECT		CHECKED	S.C.
60TH STREET AND HARLEM SUMMIT, ILLINOIS		APPROVED	R.F.
		DATE	4/23/04
 vasconcelles engineering corporation 2417 west white oaks drive springfield, il 62704 phone (217)698-3114		REVISIONS	
		NO. 1	BY L.D.
		2	ISDK 8/7
		3	ISDK 8/7
		4	ISDK 8/7
5	RFI 13/2		

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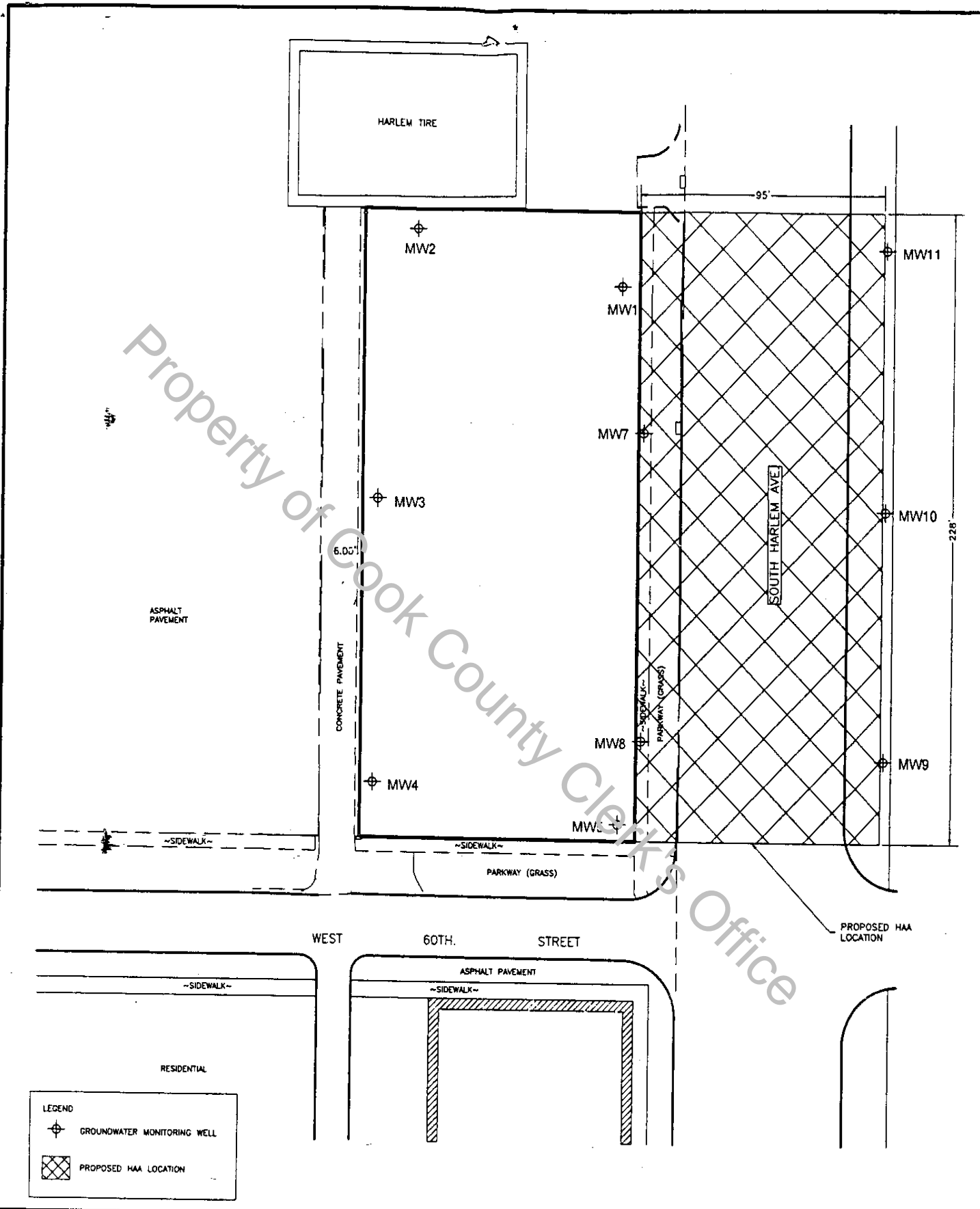


FIGURE 3

PROPOSED HIGHWAY AUTHORITY AGREEMENT LOCATION



Ketchum & Eves, Inc.

FORMER PULITZER COMMUNITY NEWSPAPERS, INC

SCALE 1" = 50'

5944 SOUTH HARLEM
SUMMIT, IL

IEMA #892655

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VILLAGE OF SUMMIT
COOK COUNTY, ILLINOIS

ORDINANCE NO. 97-0- 17

**AN ORDINANCE ENACTING CHAPTER 3 OF
TITLE IX OF THE VILLAGE CODE, BEING AN
"ORDINANCE PROHIBITING THE USE OF WELL WATER"**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SUMMIT, COOK COUNTY, ILLINOIS, as follows:

Section One

Section 9-3-1 of Title IX, Chapter 3, is hereby enacted as follows:

9-3-1. Well Water Prohibited.

- A. No person (including the village and any other unit of government) shall install any potable water supply well or use any well for the purpose of obtaining a potable water supply in the Village.
- B. No person shall drill a well in order to obtain a potable water supply for use in or outside of the Village.

Section Two

The penalty provisions for this ordinance shall be Sec. 1-4-1 of the Municipal Code of the Village of Summit.

Section Three

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Section Four

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

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Section Five

This Ordinance shall be immediately in full force and effect after passage, approval, and publication. This Ordinance is authorized to be published in pamphlet form.

This Ordinance was passed and deposited in the office of the Village Clerk of the Village of Summit this 7th day of OCTOBER, 1997.


AYES: 5 NAYS: _____ ABSENT: _____



Village Clerk

APPROVED BY ME

This 7th day of OCTOBER, 1997.



Village President

(SEAL)

C:\WP00CS\RS\ASUMMIT\ORDIWELL

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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

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA *will* take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

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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

217/782-6762

CERTIFIED MAIL

7002 3150 0000 1110 1095

MAR 23 2005

Midwest Suburban Publishing Co. &
ARIC/PrairieLand 3, LLC
Attn: Larry Quinn
2937 Old Rochester Road
Springfield, IL 62703

Re: LPC #03100065032 - Cook County
Summit/Former Pulitzer Community Newspapers
5944 South Harlem Avenue
LUST Incident No. 892655
LUST Technical File

Dear Mr. Quinn:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated February 15, 2005 and was received by the Illinois EPA on February 15, 2005. Citations in this letter are from 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Ill. Adm. Code 731 indicate remediation has been successfully completed.

Based upon the certification by William Eves, a Licensed Professional Engineer, and based upon other information in the Illinois EPA's possession, your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. This Letter shall apply in favor of the following parties:

1. Larry Quinn, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.

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4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. In addition, the Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.
2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.
3. The land use limitation 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 No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

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PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: Prior to commencement of any future excavation and/or construction in or near the contaminated zone of the remediation site, a safety plan for this remediation site is required that is consistent with National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; Occupational Safety and Health Administration regulations, particularly in 29 CFR 1910 and 1926; state and local regulations; and other U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

Engineering: A concrete/asphalt barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Groundwater Use Ordinance

Ordinance 97-0-17 adopted by the Village of Summit effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

- a. The current owner or successor-in-interest of this site who relies on this ordinance as an institutional control shall:
 - 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. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the Village of Summit must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

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- i. The name and address of the unit of local government;
- ii. The citation of the ordinance used as an institutional control in this Letter;
- iii. A description of the property 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 was 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.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the referenced ordinance to allow potable uses of groundwater.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.
- c. Violation of the terms of a recorded institutional control.

Highway Authority Agreement

Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soil to remain beneath its highway right-of-way adjacent to the site located at 59.64 South Harlem Avenue. Specifically, as shown on the attached map, contamination will remain in the right-of-way for South Harlem Avenue (Illinois Route 43), as indicated in the Highway Authority Agreement (HAA 846). The Highway Authority agrees to limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this Letter. Questions regarding the Highway Authority Agreement should be directed to:

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Illinois Department of Transportation
 Attn: Assistant Chief Counsel
 2300 South Dirksen Parkway, Room 311
 Springfield, Illinois 62764

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan may, if applicable, result in avoidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
 Attention: Freedom of Information Act Officer
 Bureau of Land - #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

8. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or

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- 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.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Steve Kasa, at 217-557-7048.

Sincerely,



Hernando A. Albarracin
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:SK\

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Highway Authority Agreement Map
Ordinance 97-0-17

c: Ketchum & Eves, Inc.
Division File