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MTC 2058246 (M)



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

ROD R. BLAGOJEVICH, GOVERNOR

RENÉE CIPRIANO, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7002 3150 0000 1224 6948

SEP 23 2003

Robert Grosman  
321 N. Clark Street, Suite 3400  
Chicago, Illinois 60610

Re: LPC #0310815171 -- Cook County  
Evanston/Former Main Steel Facility  
2100 Greenwood Street  
LUST Incident No. 2002-443  
LUST Technical File

Dear Mr. Grosman:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated June 16, 2003 and was received by the Illinois EPA on June 19, 2003. Citations in this letter are from the Environmental Protection Act (Act) and 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 732.300(b) and 732.409(b) indicate the remediation objectives set forth in 35 Ill. Adm. Code 732.408 have been met.

Based upon the certification by David S. Kay, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), 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. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. Robert Grosman, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

ROCKFORD - 4102 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
 ELGIN - 393 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) 778-5800  
 SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62705 - (217) 786-6897 • COLLINGSVILLE - 2809 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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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.
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. 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 have been established in accordance with an industrial/commercial land use limitation. 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: The land use

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shall be industrial/commercial. The groundwater under the site shall not be used as a potable water supply.

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.

## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain, or utilize a potable water supply well. In accordance with Section 3.65 of the Act, "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

Engineering: A building 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 building 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.

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

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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. Pursuant to 55 Ill. Adm. Code 732.704, 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 system(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 voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance 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
- 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

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Dawn Ingold, at 217/785-8378.

Sincerely



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

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Site Base Map

c: American Environmental Consultants, Inc.  
Division File

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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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## LOCATION AND LEGAL DESCRIPTION

The Site's mailing address is listed as 2100 Greenwood Avenue, Evanston, Illinois 60201. The Site is located at approximately 41.7024 north latitude and 87.0426496 degrees east longitude. The Site's tax identification numbers and the Site's legal description:

"That part of the South Half of the Southeast Quarter of the Southwest Quarter (except the North 71.5 feet thereof and except the South 33 feet thereof reserved for street) in Section 13, Township 41 North, Range 13, East of the Third Principal Meridian, (lying Westerly of the right of way of Junction Railway Company) described as follows: commencing at a point in the South line of Greenwood Street, 233 feet East of the center line of Hartrey Avenue; Thence Southerly parallel with the center line of Hartrey Avenue, 287.55 feet to the center line of a switch track; Thence Easterly along the center line of said switch track, 200 feet; Thence North parallel with the center line of Hartrey Avenue to a point 260 feet South of the South line of Greenwood Street; Thence West parallel with the South line of Greenwood Street 10 feet; Thence North parallel with the center line of Hartrey Avenue, 260 feet to the South line of Greenwood Street; Thence West 190 feet along the South line of Greenwood Street to a point of beginning, in Cook County, Illinois.

### ALSO

That part of the South Half of the Southeast Quarter of the Southwest Quarter (except the North 71.5 feet thereof and except the South 33 feet thereof reserved for street) in Section 13, Township 41 North, Range 13, East of the Third Principal Meridian, (lying Westerly of the right of way of Junction Railway Company) described as follows: commencing at a point 433 feet East of the center line of Hartrey Avenue and 263 feet 1/2 Inch South of the South line of Greenwood Street; Thence East 110 feet along a line 22.5 feet North of and parallel to the center line of a switch track; Thence South 22.5 feet to the center line of said switch track; Thence West 110 feet along the center line of said switch track. Thence North 22.5 feet on a line 433 feet East of and parallel to the center line of Hartrey Avenue to the point of beginning, in Cook County, Illinois."

10-13-322-038-0000