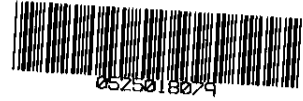


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PREPARED BY:

Name: Elzie Higginbottom
East Lake Management & Development Corporation

Address: 2850 S. Michigan Avenue
Chicago, Illinois 60616



Doc#: 0525018079 Fee: \$44.50
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 09/07/2005 03:01 PM Pg: 1 of 11

RETURN TO:

Name: Elzie Higginbottom
East Lake Management & Development Corporation

Address: 2850 S. Michigan Avenue
Chicago, Illinois 60616

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: 0316275219

East Lake Management & Development Corporation, the Remediation Applicant, whose address is 2850 South Michigan Avenue, Chicago, Illinois 60616 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:

Lots 1 and 2 in Webb's Subdivision of the South Half of Lot 4 and that part of Lots 5 and 6 in Block 1 of Rockwell's Addition to Chicago, in the Northeast Quarter of Section 13, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Lots 1 through 6, the West 9.9 feet of Lot 7, the West 9.9 feet of Lot 10, and Lots 11 through 16, and the vacated East-West Alley lying south of Lots 1 through 6 and the West 9.9 feet of Lot 7 and lying North of the West 9.9 feet of Lot 10 and Lots 11 through 16, in the Subdivision of the West half of Lot 7 and that Part of Lot 6 lying East of a line 792 feet East of the Centre of California Avenue of Block 1 of Rockwell's Addition to Chicago, in the Northeast Quarter of Section 13, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

2. Common Address: 2643 West Madison Street, Chicago, Illinois 60612

3. Real Estate Tax Index/Parcel Index Number: 16-13-201-003, 16-13-201-004, 16-13-201-011, 16-13-201-020, and 16-13-201-022

4. Remediation Site Owner: East Lake Management & Development Corporation

(Illinois EPA Site Remediation Program Environmental Notice)

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- 5. Land Use: Residential
- 6. Site Investigation: Comprehensive

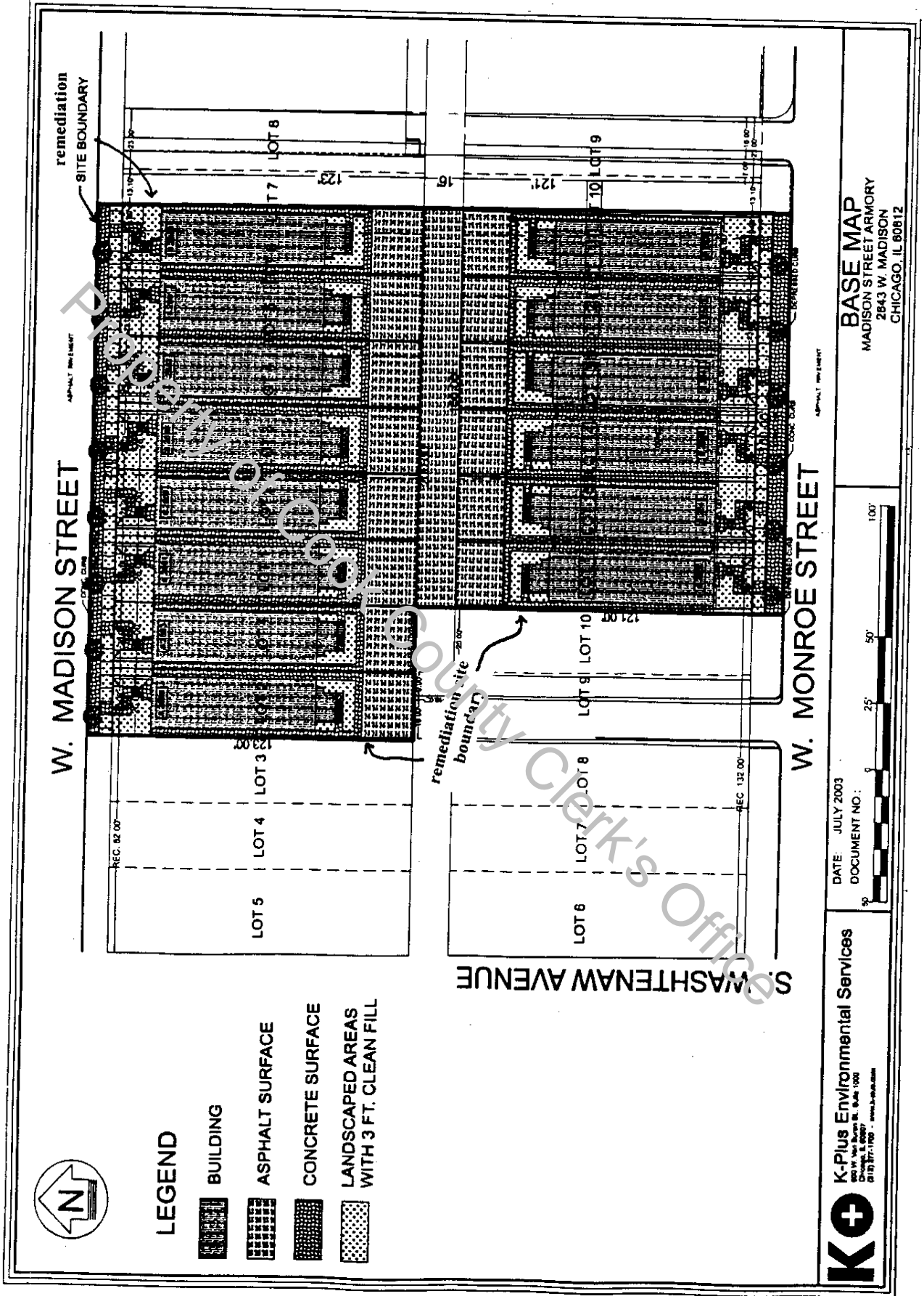
See NFR letter for other terms.

Property of Cook County Clerk's Office

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and flourishes.

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Site Base Map
 0316275219 – Cook County
 Chicago / Madison Street Armory
 Site Remediation Program



BASE MAP
 MADISON STREET ARMORY
 2843 W. MADISON
 CHICAGO, IL 60612

DATE: JULY 2003
 DOCUMENT NO: 90

K-Plus Environmental Services
 800 W. Van Buren St., 8th Fl. 1000
 Chicago, IL 60607
 (312) 377-1100 • www.k-plus.com



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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

If the Remediation Applicant is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name:	_____
Title:	_____
Company:	_____
Street Address:	_____
City:	State: _____ Zip Code: _____ Phone: _____
Site Information	
Site Name:	_____
Site Address:	_____
City:	State: _____ Zip Code: _____ County: _____
Illinois inventory identification number:	_____
Real Estate Tax Index/Parcel Index No.	_____
<p>I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.</p>	
Owner's Signature:	Date: _____
<p>SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 19__</p>	
<p>_____ Notary Public</p>	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

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Notice to Remediation Applicant

Please follow these instructions when filing the NFR letter with the County Recorder's Office

Instructions for Filing the NFR Letter

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
- B. Attachments to NFR letter
 - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
 - Maps of the site
 - Table A. Regulated Substances of Concern (if applicable.)
 - Property Owner Certification
- C. A copy of the ordinance, if applicable, used to address groundwater contamination

1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement.
5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, 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

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 782-6761 and speak with the "project manager on-call" in the Site Remediation Program.

UNOFFICIAL COPY**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

May 25, 2005

CERTIFIED MAIL7004 2510 0001 8652 6159

Mr. Elzie Higginbottom
 East Lake Management & Development Corporation
 2850 S. Michigan Avenue
 Chicago, IL. 60616

Re: LPC# 0316275219 -- Cook County
 Chicago / Madison Street Armory
 Site Remediation / Technical Reports

Dear Mr. Higginbottom:

The *Remedial Action Completion Report* (received December 16, 2004 / Log No 04-23010) and *Remedial Action Completion Report Addendum* (received January 18, 2005 / Log No 05-23404), as prepared by K-Plus Environmental Services for the Madison Street Armory property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (received June 6, 2003 / Log No. 03-2284).

The Remediation Site, consisting of 1 acre (200 ft x 250 ft), is located at 2643 W. Madison Street, Chicago, 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 (May 29, 2003 / Log No. 03-2197), is East Lake Management & Development Corporation.

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 contaminants of concern that remain at the areas described in the attached Site Remediation Program Environmental Notice and as shown on the attached Site Base Map of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Northeast quarter of remediation site	56-55-3	Benzo(a)anthracene
	50-32-8	Benzo(a)pyrene
	205-99-2	Benzo(b)fluoranthene
	53-70-3	Dibenzo(a,h)anthracene
	193-39-5	Indeno(1,2,3-cd)pyrene

- 2) The Remediation Site is approved for Residential land use.
- 3) The land use specified in this Letter may be revised if:
- Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

- 4) 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:

- 5) 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 ground surface 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:

- 6) 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 ingestion of the contaminated media.

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- 7) The clean soil barrier, which is comprised of a minimum of 3 feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 8) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 9) 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 ingestion of the contaminated media.

Institutional Controls:

- 10) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

Other Terms

- 11) 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.
- 12) 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
- 13) 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;

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- 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;
 - 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.
- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) East Lake Management & Development Corporation;
 - 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;

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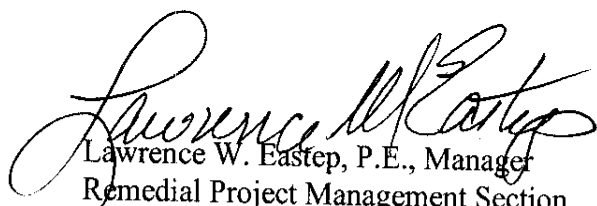
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest 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.
- 15) 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 Madison Street Armory property.
- 16) 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

- 17) 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 this correspondence, you may contact the Illinois EPA project manager, James L. Baldwin at 217-524-7207.

Sincerely,


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

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Attachments(3): 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: Ms. Leigh Peters
Chicago Department of Environment
30 North LaSalle – 25th floor
Chicago, IL. 60602

Mr. Aaron Colin
K-Plus Environmental Services
600 W. Van Buren, Suite 1000
Chicago, IL. 60607

Mr. Dan Caplice
K-Plus Environmental Services
600 W. Van Buren, Suite 1000
Chicago, IL. 60607

Commissioner
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575