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Doc#: 0530818065 Fee: \$56.50
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 11/04/2005 03:07 PM Pg: 1 of 17

PREPARED BY:

Name: Former Manufacturing Site
Address: 1900-2100 S. 54th Street
Cicero, Illinois 60650

Doc#: 0530145037 Fee: \$44.50
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 10/28/2005 09:33 AM Pg: 1 of 11

RETURN TO:

Name: American National Bank & Trust Co. (124234-06)
Attention: Mr. Andres Schcolnik
Address: 2035 W. Giddings St.
Chicago, Illinois 60625

(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: 0310515269
LUST Incident Nos.: 992714, 20040465, and 20040489
American National Bank & Trust Co. (124234-06), the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 2035 W. Giddings St, Chicago, Illinois 60625, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: attached
2. Common Address: 1900-2100 S. 54th Street, Cicero, Illinois 60650
3. Real Estate Tax Index/Parcel Index Number: 16-21-306-031-0000 / 16-21-306-034-0000
4. Site Owner: American National Bank & Trust Co. (124234-06)
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

mh

** This Document is being re-recorded to attach the NFR Letter to correct proper disclosure.

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Parcel 1:

That part of Blocks 6 and 18 described as follows:

Beginning at the Southeast corner of said Block 6, being also the intersection of the West line of South 54th Avenue and a line 311 feet North of the South line of Section 21; thence West on a line parallel to the South line of said Section 21, 333.81 feet to a point 50 feet West of the angle-corner of Block 6; thence Northwesterly along a line drawn to a point 130 feet North of the South line of Block 18 and 50 feet West of the East line of Block 18, a distance of 141.42 feet; thence North along a line 50 feet West of and parallel to the East line of Block 18, a distance of 725 feet to the North line of Block 18, being also the South line of West 19th Street extended East; thence East on the North line of Block 18, 21.06 feet; thence North on a line 412.75 feet West of and parallel to the East line of Block 6, a distance of 56.08 feet; thence Northeasterly 149.7 feet along the Western line of a 20 foot easement strip granted to the Baltimore and Ohio Chicago Terminal Railroad company; thence Southeasterly at right angles to the Western line of said easement strip 20 feet to the Easterly line of said easement strip; thence Southerly on a straight line deflection to the East from said Southeasterly line of said easement strip 4 degrees 55 minutes 1-1/2 seconds, a distance of 70 feet; thence South on a line at right angles to the South line of West 19th Street extended East 50.36 feet to a line 50 feet North of and parallel to the South line of West 19th Street extended East; thence East on said line 50 feet North and parallel to the South line of West 19th Street extended East; thence East on said line 50 feet North and parallel to the South line of West 19th Street extended East, a distance of 19.39 feet; thence South parallel to the East line of Block 6, a distance of 50 feet to the South line of West 19th Street extended East; thence East along the South line of West 19th Street extended East, a distance of 354 feet to the West line of South 54th Avenue; thence South on the West line of South 54th Avenue, a distance of 824.88 feet to the Southeast corner of Block 6 and the place of beginning,

All of the above described property being in Grant Land Association Resubdivision of Section 21, Township 39 North, Range 13, East of the Third Principal Meridian,

(Excepting therefrom the following described 4 parcels of land:

Excepted Parcel A:

A strip of land 16 feet in width bounded and described as follows:

Beginning at the Southeast corner of said Block 6, also being the intersection of the West line of South 54th Avenue and a line 311 feet North from and parallel with the South line of said Section 21, and running thence West along said South line of Block 6 and along a Westward extension of said line, said South line being parallel with said South line of Section 21, a distance of 333.81 feet to a point 50.00 feet West of the angle corner of said Block 6; thence Northwesterly along a line drawn to a point 130.0 feet North of the South line of Block 18 and 50.00 feet West of the East line of said Block 18, a distance of 22.65 feet to a point 16 feet (measured perpendicularly) North from the aforeaid Westward extension of South line of said Block 6; thence East along a line parallel with herein first described line, a distance of 349.81 feet to an intersection with aforesaid West line of South 54th Avenue, and thence South along said West line of South 54th Avenue, a distance of 16.00 feet to the Point of Beginning, in Cook County, Illinois.

Excepted Parcel B:

That part of Block 6 bounded and described as follows:

Beginning at a point of the intersection of the West line of South 54th Avenue with the South line of 19th Street extended East; thence West along said extended line 354 feet; thence North parallel with said West line 50 feet; thence West 16.39

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feet; thence Southeasterly to a point on a line 69.98 feet South of the South line of 19th Street extended East, said point being 353.8 feet West of the West line of South 54th Avenue as measured along said parallel line; thence East along said parallel line 80.54 feet; thence North parallel with said West line 60.98 feet; thence East parallel with said extended line 273.26 feet to a point on the West line of South 54th Avenue; thence North along said West line 9 feet to the Point of Beginning;

Excepted Parcel C:

That part lying North of the South line of West 19th Street extended East.

Excepted Parcel D:

That part of the East 50 feet of Block 18 lying North of the South line of Block 6 extended West,

all in Cook County, Illinois.

Parcel 2:

That part of Block 18 commencing at the intersection of the North line of the South 30 feet of Block 18 with the West line of South 54th Avenue, said Northerly line being 311 feet North of the South line of Section 21; thence West on said North line of the South 30 feet of Block 18, 333.81 feet to a point 50 feet West of the angle corner of said Block 18, thence Northwesterly on a line making an angle to the left 44 degrees 56 minutes 10 seconds with the North line of the South 30 feet of said Block 18 extended West, 20.63 feet, more or less, to a point 14.5 feet North measured at right angles to the North line of the South 30 feet of Block 18 extended West, said point being the Point of Beginning of the Real Estate to be described; thence West parallel with said North line of the South 30 feet of Block 18, 43.47 feet, more or less, to a point 42 feet East of a line 50 feet West of and parallel with the East line of said Block 18 extended South; thence North on a line 8 feet West of and parallel with the East line of said Block 18 extended south 43.41 feet to a point 61.43 feet, more or less, Northwesterly from the Point of Beginning; thence Southeasterly on a line making an angle to the right with last described course at last described point of 44 degrees 56 minutes 10 seconds 61.43 feet more or less to the Point of Beginning.

(Except that part lying West of the West line of Block 6 extended South),

all in Grant Land Association Resubdivision of Section 21, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 3:

Beginning at the Southeast corner of Block 6 in Grant Land Association Resubdivision of Section 21, Township 39 North, Range 13, East of the Third Principal Meridian, being also the intersection of the West line of South 54th Avenue and a line 311 feet North of the South line of Section 21; thence West on a line parallel to the South line of said Section 21, 333.81 feet to a point 50 feet West of the angle corner of Block 6; thence Northerly along a line drawn to a point 130 feet North of the South line of Block 18 and 50 feet West of the East line of Block 18, a distance of 141.42 feet to the Point of Beginning; thence North along a line 50 feet West of and parallel to the East line of Block 18, a distance of 725 feet to the North line of said Block 18, being also the South line of 19th Street extended East; thence East along the North line of Block 18, 50 feet; thence South 725 feet; thence West on a line parallel to the South line of Section 21, a distance of 50 feet to the Point of Beginning, in Cook County, Illinois.

Parcel 4:

Beginning at the Southeast corner of Block 6 in Grant Land Association Resubdivision of Section 21, Township 39 North, Range 13, East of the Third Principal Meridian, being also the intersection of the West line of South 54th Avenue and a line 311 feet North of the South line of Section 21; thence West on a line parallel to the South line of said Section 21, 333.81 feet to a point 50 feet West of the angle corner of Block 6; thence Northwesterly along a line drawn to a point 130 feet North of the South line of Block 18 and 50 feet West of the East line of Block 18, a distance of 141.42 feet; thence North along a line 50 feet West of and parallel to the East line of Block 18, a distance of 725 feet to the North line of said Block 18, being also the South line of 19th Street extended East; thence East along the North line of Block 18, 21.06 feet to the Point of Beginning; thence North on a line 412.75 feet West of and parallel to the East line of Block 6, a distance of

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56.08 feet; thence Northeasterly 149.7 feet along the Westerly line of a 20 foot easement strip granted to the Baltimore and Ohio Chicago Terminal Railroad Company; thence Southeasterly at right angles to the Westerly line of said easement strip 20 feet to the Easterly line of said easement strip; thence Southerly on a straight line deflection to the East from said Southeasterly line of said easement strip 4 degrees 55 minutes 1.5 seconds, a distance of 70 feet; thence South on a line at right angles to the South line of West 19th Street extended East, 80.36 feet to a line 50 feet North of and parallel to the South line of West 19th Street extended East; thence East on said line 50 feet North and parallel to the South line of West 19th Street extended East, a distance of 3.00 feet; thence Southeasterly 50.43 feet along a line that is 20.33 feet East of the East line of Block 18 to the South line of West 19th Street extended; thence West along said line a distance of 70.33 feet to the Point of Beginning,

all in Cook County, Illinois.

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MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF CICERO
AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING
THE
USE OF A LOCAL GROUNDWATER OR WATER WELL ORDINANCE AS AN
ENVIRONMENTAL INSTITUTIONAL CONTROL

I. PURPOSE AND INTENT

A. This Memorandum of Understanding (“MOU”) between The Town of Cicero and the Illinois Environmental Protection Agency (“Illinois EPA”) is entered into for the purpose of satisfying the requirements of 35 ILL. Adm. Code 742.1015 for the use of groundwater or water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater or water well ordinance of The Town of Cicero (Attache A) and determined that the ordinance prohibits the use of groundwater for potable purposes and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the unit of local government may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.

B. The intent of this Memorandum of Understanding is to specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOU as set forth at 35 Ill. ADM. Code 742-1015(I).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

In order to endure the long-term integrity of the groundwater or water well ordinance as an environmental institutional control and that risk to human health and environment from contamination left in place in reliance on the groundwater or water well ordinance is effectively managed, The Town of Cicero hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742-1015(I):

A. The Town of Cicero will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(I)(4));

B. The Town of Cicero will maintain a registry of all sites within its corporate limits that have received “No Further Remediation” determinations from the Illinois EPA (35 Ill. Adm. Code 742.1015(I)(5));

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C. The Town of Cicero will review the registry of sites established under Paragraph II.B, prior to siting public potable water supply wells within the area covered by the ordinance (35 Ill. ADM. Code 742.1015(I)(6)(A);

D. The Town of Cicero will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II,B. and C. (35 Ill. Adm. Code 742.1015(I)(6)(B); and

E. The Town of Cicero will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1014(I)(6)(C).

NOTE: Notification under paragraph II. A. above or other communications concerning this MOU should be directed to:

Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
P. O. Box 19276
Springfield, IL 62734-9276

III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(I) and is attached to this MOU:

A. Attachment A - A copy of the groundwater or water well ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(I)(3);

B. Attachment B - Identification of the legal boundaries within which the ordinance is applicable (certification by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city or village, legal description and map of area showing sufficient detail to determine where ordinance is applicable) (35 Ill. Adm. Code 742.1014(I)(2);

C. Attachment C - A statement of the authority of the unit of local government to enter into the MOU (council resolution, code of ordinances, inherent powers of mayor or other official signing MOU .. attach copies)(35 Ill. Adm. Code 742.1015(I)(1).

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IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU to be signed as follows:

Date: 11-3-97

Betty Loren-Maltese
Betty Loren-Maltese, President - Town of Cicero

Date: 12/17/97

Gary P. King
(name and title of signatory)
For: Illinois Environmental Protection Agency
Manager, Division of Remediation
Management

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THE TOWN OF CICERO

STATE OF ILLINOIS
4937 WEST 25th STREET
CICERO, ILLINOIS 60804

MARYLIN COLPO
OFFICE OF THE TOWN CLERK

(708) 656-3600, Ext. 200
FAX: (708) 656-5901

CERTIFICATION

I, Marilyn Colpo, duly elected Town Clerk of the Town of Cicero, hereby certify that the attached Ordinance # 140-97, entitled Prohibiting the use of Ground Water as a Potable Water Supply by the Installation or use of Potable Water Supply Wells or by any other Method is a true & correct copy, passed at a meeting of the President and Board of Trustees of the Town of Cicero held October 28, 1997.

Marilyn Colpo
MARYLIN COLPO, TOWN CLERK

PREVIOUSLY IMAGED

RELEASEABLE

OCT 24 2000

REVIEWER MD

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AN AMENDED ORDINANCE PROHIBITING THE USE OF GROUND WATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the Town of Cicero, Illinois, have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentration of certain chemical constituents in the groundwater beneath the Town may exceed Class I groundwater quality standards for potable resource ground water as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Town of Cicero desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productivity of properties that are the source of said chemical constituents.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE TOWN OF CICERO, ILLINOIS:

Section One. Use of groundwater as a potable water supply prohibited.

Except as otherwise provided in this Code of Ordinances, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the Town of Cicero by the installation or drilling of wells or by any other method is hereby prohibited. This provision shall not apply to use of groundwater by the Town of Cicero.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each violation.

Section Three. Definitions.

"Person is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking.

PREVIOUSLY IMAGED

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This ordinance is applicable everywhere within the corporate limits of the Town of Cicero.

Section Four. Effective Date.

This ordinance shall take effect upon its passage and approval.

Betty Loren - Maltese
Betty Loren-Maltese, President - Town of Cicero

ATTEST:

Marilyn Colpo
Marilyn Colpo, Town Clerk

Date of Passage: 10-28-97

Date of Publication: _____

Copy: Bulletin Bd
Water
Mun Code
Legal

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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

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7004 2510 0001 8649 4250

OCT 04 2005

American National Bank & Trust Co. 124234-06

Attention: Mr. Andres Schcolnik

2035 W. Giddings

Chicago, Illinois 60625

Re: LPC #0310515269 – Cook County
 Cicero / American National Bank & Trust #124234-06
 1900-2100 S. 54th Ave.
 LUST Incident No. 992714, 20040465, and 20040489
 LUST Technical File

Dear Mr. Schcolnik:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the High Priority Corrective Action Completion Report submitted for the above-referenced incident. This information is dated January 12, 2005 and was received by the Illinois EPA on January 14, 2005. Citations in this letter are from the Environmental Protection Act (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(c)(1)(E) of the Act and 35 Ill. Adm. Code 732.409(a)(2) have been satisfied. Based upon the certification by Mr. Thomas A. Brecheisen, 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:

ROCKFORD – 4302 North Main Street, Rockford, IL 61103 – (815) 987-7760 • DES PLAINES – 9511 W. Harrison St., Des Plaines, IL 60016 – (847) 294-4000
 ELGIN – 595 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) 278-5800
 SPRINGFIELD – 4500 S. Sixth Street Rd., Springfield, IL 62706 – (217) 786-6892 • COLLINSVILLE – 2009 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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1. American National Bank & Trust Co. (124234-06), 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.
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.

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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.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None
- Engineering: None
- 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 140-97 of the Town of Cicero 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:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the Town of Cicero 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:

- a. The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Letter;

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- c. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f. 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.

As a part of its corrective action, the leaking underground storage tank site has relied upon Ordinance 140-97 of the Town of Cicero that prohibits potable uses of groundwater as defined therein.

- 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.
- 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:

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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 35 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, Michael A. Heaton, at 217/524-3312.

Sincerely,



Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:mh\040465f2.doc

Attachments: Leaking Underground Storage Tank Environmental Notice
Facility Legal Description
Town of Cicero Groundwater Ordinance

cc: Mr. Thomas A. Brecheisen, PE – Kowaleko & Bilotti, Inc. (Highland Park, Illinois)
Division File

Property of Cook County Clerk's Office

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Doc#: 0530818065 Fee: \$58.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 11/04/2005 03:05 PM Pg: 1 of 18

OVERSIZE

**EXHIBIT
FORWARD
TO BASEMENT
FOR
SCANNING**

Property of Cook County Clerk's Office

RECORDED DATE _____

CASHIER # / NAME _____