

# UNOFFICIAL COPY



Doc#: 0608144023 Fee: \$54.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 03/22/2008 11:38 AM Pg: 1 of 16

PREPARED BY:

Name: Daniel Fox  
2040 North 15<sup>th</sup> Avenue, LCC

Address: 2040 North 15<sup>th</sup> Avenue  
Melrose Park, IL 60160

RETURN TO:

Name: Daniel Fox  
2040 North 15<sup>th</sup> Avenue, LCC

Address: 2040 North 15<sup>th</sup> Avenue  
Melrose Park, IL 60160

(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: 0311865768

LUST Incident No.: 20050717

2040 North 15<sup>th</sup> Avenue, LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 2040 North 15<sup>th</sup> Avenue, Melrose Park, IL 60160, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: The North 152.66 feet of that part of Lot 4 and the South 35.44 feet of that part of Lot 3 of Black 2 in Franklin Farms, being a subdivision of the north half of the southeast quarter, and the west half of the southwest quarter of the northeast quarter and the northwest quarter of Section 34, Township 40 North, Range 12, east of the Third Principal Meridian, lying South of the Indian Boundary Line, except that part taken for railroad; lying west of the west line of 15<sup>th</sup> Avenue (being a line 33 feet west of and parallel with the east line of said Lot 4) and lying east of a line east of and parallel with the north and south center line of the west half or the west half of the southeast quarter of said Section 34, all in Cook County, Illinois.
2. Common Address: 2040 North 15<sup>th</sup> Avenue, Melrose Park, IL 60160

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3. Real Estate Tax Index/Parcel Index Number: 12-34-40-015-0000
4. Site Owner: 2040 North 15<sup>th</sup> Avenue, LLC
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

Property of Cook County Clerk's Office

**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 8591 6067

**MAR 06 2006**

2040 North 15<sup>th</sup> Avenue, LLC  
 Attention: Daniel Fox  
 2040 North 15<sup>th</sup> Avenue  
 Melrose Park, IL 60160

Re: LPC # 0311865768 -- Cook County  
 Melrose Park / 2040 North 15<sup>th</sup> Avenue, LLC  
 2040 North 15<sup>th</sup> Avenue  
 LUST Incident No. 20050717  
 LUST Technical File

Dear Mr. Fox:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Reports submitted for the above-referenced incident. This information was dated Sept 28, 2005 and February 6, 2006 and was received by the Illinois EPA on November 30, 2005 and February 16, 2006. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to Section 57.6 of the Act indicate the remediation objectives have been met.

Based upon the certification by James G. Frycek, 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. 2040 North 15<sup>th</sup> Avenue, LLC, 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

Village of Melrose Park Ordinance No. 321 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 Village of Melrose Park 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 avoidance of the ordinance as an institutional control and this Letter:

- a. Modification of the reference 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 Village of Melrose Park Ordinance No. 321 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 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:

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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, Carol Hawbaker, at 217/782-5713.

Sincerely,



Harry A. Chopel, P.E.  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAC:CLH

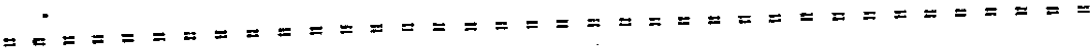
Attachments: Leaking Underground Storage Tank Environmental Notice  
Village of Melrose Park Ordinance No. 321

c: Inland-Frycek  
Division File

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VILLAGE OF MELROSE PARK  
COOK COUNTY, ILLINOIS

ORDINANCE NO. 321

AN ORDINANCE PROHIBITING THE USE OF  
GROUNDWATER AS A POTABLE WATER SUPPLY  
BY THE INSTALLATION OR USE OF POTABLE WATER  
SUPPLY WELLS OR BY ANY OTHER METHOD, FOR THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK,  
STATE OF ILLINOIS.

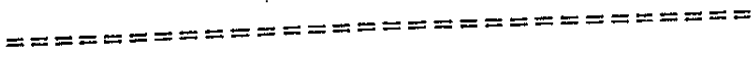
ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MELROSE PARK

THIS 24<sup>TH</sup> DAY OF NOVEMBER, 1997

RONALD M. SERPICO, Village President  
BARBARA JASINSKI, Village Clerk

Board Of Trustees

- CARLOTTA "LOLLIE" ARIOLA
- JOHN S. CONTEDEUCA
- CATHLEEN ITALIA
- FRED LAMB
- RUBEN LOMELI
- JOSEPH McMILLAN



Published by authority of the  
President and Board of Trustees  
Of the Village of Melrose Park,  
Cook County, Illinois on  
This 24<sup>TH</sup> day of November, 1997.

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## ORDINANCE NO. 321

AN ORDINANCE PROHIBITING THE USE OF  
GROUNDWATER AS A POTABLE WATER SUPPLY  
BY THE INSTALLATION OR USE OF POTABLE WATER  
SUPPLY WELLS OR BY ANY OTHER METHOD, FOR THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF  
ILLINOIS .

\* \* \* \* \*

**Article I. In General, Sections 01-09**

- Section 01. Incorporation Clause.
- Section 02. Purpose.
- Section 03. Invocation of Authority.
- Section 04. State Law Adopted.
- Section 05-09. Reserved.

**Article II. Ground Water As A Potable Water Supply.**

- Section 10. Use of Groundwater As a Potable Water Supply Prohibited.
- Section 11. Exception(s).
- Section 12. Penalties.
- Section 13. Definitions.

**Article III. Savings Clauses, Publication, Effective Date.**

- Section 14. Headings.
- Section 15. Severability.
- Section 16. Superseder.
- Section 17. Publication.
- Section 18. Effective Date.

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## ORDINANCE NO. 321

**AN ORDINANCE PROHIBITING THE USE OF  
GROUNDWATER AS A POTABLE WATER SUPPLY  
BY THE INSTALLATION OR USE OF POTABLE WATER  
SUPPLY WELLS OR BY ANY OTHER METHOD, FOR THE  
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF  
ILLINOIS.**

\* \* \* \* \*

WHEREAS, the Village of Melrose Park, Cook County, State of Illinois (the "Village") is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village.

WHEREAS, The President and the Board of Trustees (the "Corporate Authorities") of the Village of Melrose Park, County of Cook, State of Illinois, have determined that it is advisable, necessary and in the best interest of the Village to prohibit the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method.

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, Cook County Illinois:

### ARTICLE I. IN GENERAL

#### Section 01. Incorporation Clause.

The parties agree that the above information, contained in the preamble, is hereby incorporated into this ordinance by reference.

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## Section 02. Purpose.

The purpose of this ordinance is to prohibit the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method.

## Section 03. Invocation of authority.

This ordinance is enacted pursuant to the authority granted to this Village by Constitution of the State of Illinois and the Illinois Compiled Statutes.

## Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this ordinance are hereby incorporated herein by reference.

## Sections 05-09. Reserved.

## ARTICLE II. GROUND WATER AS A POTABLE WATER SUPPLY

### Section 10. Use of Groundwater as a Potable Water Supply Prohibited.

The use or attempt to use as a potable water supply groundwater from within the corporate limits of the Village of Melrose Park by the installation or drilling of wells or by any other method is hereby prohibited.

### Section 11. Exception(s).

After a determination by the Village President, the Village of Melrose Park may use as a potable water supply groundwater from within the corporate limits of the Village of Melrose Park by the installation or drilling of wells or by any other method. This exception only applies for uses that are determined, by the Village President, to be in the best interest of the citizens of the Village of Melrose Park.

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## Section 12. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$ 1,000.00, for each violation.

## Section 13. Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, 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, bathing, washing dishes, or preparing foods.

## ARTICLE III. SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

## Section 14. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this ordinance are inserted solely for the convenience of reference and form no substantive part of this ordinance nor should they be used in any interpretation or construction of any substantive provisions of this ordinance.

## Section 15. Severability.

The provisions of this ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative,

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unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

**Section 16. Superseder.**

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

**Section 17. Publication.**

A full, true and complete copy of this ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

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Section 18. Effective date

This ordinance shall be in full force and effect upon passage, approval and ten (10) days after the publication hereof, as provided by law.

On The Individual Poll And Voice Vote Of The Board Of Trustees:

AYE VOTES: 5

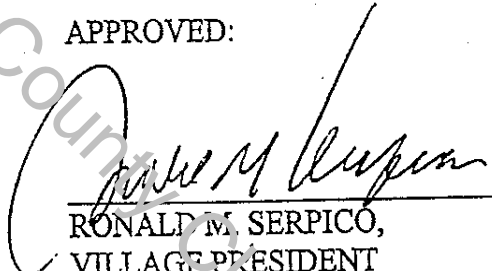
NAY VOTES: 0

ABSTAIN: 0

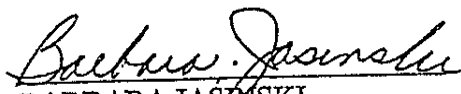
ABSENT: 1

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS 24<sup>th</sup> DAY OF NOVEMBER, 1997 A.D.

APPROVED:

  
RONALD M. SERPICO,  
VILLAGE PRESIDENT

ATTEST:

  
BARBARA JASINSKI,  
VILLAGE CLERK



Recorded in the Municipal Records: November 24, 1997

Published in pamphlet form on November 25, 1997

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STATE OF ILLINOIS )  
  ) SS  
COUNTY OF COOK    )

CERTIFICATION OF ORDINANCE #509

I, Barbara Jasinski, the undersigned, do hereby certify that I am duly elected and qualified Village Clerk of the Village of Melrose Park, County of Cook, State of Illinois (the "Village"), and as such official I am the keeper of the records and files of the Village and of the President and Board of Trustees thereof (the "Village Board").

I do further certify that Ordinance #509 was adopted by the President and Board of Trustees of the Village of Melrose Park at a public meeting of the Village Board held April 24, 2000, at the hour of 7:30 p.m., in the First Floor meeting Room of the Police Department, One North Broadway Avenue (Broadway & Main Street), Melrose Park, Illinois 60160.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village, this 27th day of April 2000.

  
Barbara Jasinski, Village Clerk

