

UNOFFICIAL COPY

PREPARED BY:

Name: DiMucci Development Corporation
Attn: Mr. Anthony DiMucci

Address: 100 West Dundee Road
Palatine, IL 60067



Doc#: 0610746001 Fee: \$46.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 04/17/2008 09:07 AM Pg: 1 of 12

RETURN TO:

Name: DiMucci Development Corporation
Attn: Mr. Anthony DiMucci

Address: 100 West Dundee Road
Palatine, IL 60067

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: 0310515377

DiMucci Development Corporation, the Remediation Applicant, whose address is 100 West Dundee Road, Palatine, IL 60067 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: **Parcel 2:** The East 263.45 feet of the West 296.45 feet of the North 100 feet of the South Half of the Southwest Quarter of the Southwest Quarter of Section 27, Township 39 North, Range 13 East of the Third Principal Meridian, excepting therefrom that part taken for widening of Cicero Avenue in Case No. 87 L 50944, in Cook County, Illinois. **Parcel 15:** The South 200 feet of the North 300 feet of the West 308 feet of the South Half of the Southwest Quarter of the Southwest Quarter of Section 27, Township 39 North Range 13 East of the Third Principal Meridian, except the following Parcel described as follows: That part of the South 200 feet of the North 300 feet of the West 308 feet of the South Half of the Southwest Quarter of the Southwest Quarter of Section 27, Township 39 North Range 13 East of the Third Principal Meridian, bounded and described as follows: commencing at the Southwest corner of Section 27, Township 39 North, Range 13 East of the Third Principal Meridian; thence on an assumed bearing of North 00 degrees 34 minutes 56 seconds West in the West line of said Section 27, a distance of 366.61 feet, to the South line of the North 300 feet of the South Half of the Southwest Quarter of the Southwest Quarter of said Section 27 to the point of beginning; thence North 89 degrees 57 minutes 00 seconds East on the last described line 55.49 feet; thence North 03 degrees 27 minutes 12 seconds West 200.35 feet to a point on the North line of the South 200 feet of the North 300 feet of the South Half of the Southwest Quarter of the Southwest Quarter of said Section 27, said point being distant 45.45 feet East of the West line of said Southwest Quarter; thence South 89 degrees 57 minutes 00 seconds West in the North line of the South 200 feet of the North 300 feet of the South Half of the Southwest Quarter of the Southwest Quarter of said Section 27, a distance of 45.45 feet to the West line of said Southwest Quarter; thence

(Illinois EPA Site Remediation Program Environmental Notice)

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South 00 degrees 34 minutes 56 seconds East of the West line of said Southwest Quarter 200.01 feet to the point of beginning, in Cook County, Illinois (being that portion acquired in Case 87L 50593, the Department of Transportation of the State of Illinois v. Drovers Bank of Chicago, as Trustee under Trust Number 1061, etal.)

2. Common Address: 31st Street and South Cicero Avenue, Cicero, IL
3. Real Estate Tax Index/Parcel Index Number: **Parcel 2:** 16-27-306-031; 16-27-306-022. **Parcel 15:** 16-27-306-023; 16-27-306-024.
4. Remediation Site Owner: DiMucci Development Corporation
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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

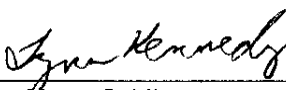
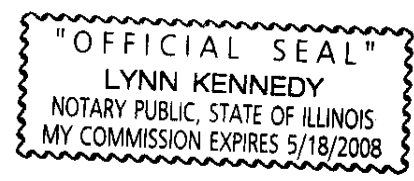
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

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.

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:	<u>Anthony DiMucci</u>
Title:	<u>Owner</u>
Company:	<u>DiMucci Development Corp.</u>
Street Address:	<u>285 W. Dundee Rd</u>
City:	<u>Palatine</u> State: <u>IL</u> Zip Code: <u>60067</u> Phone: <u>847-991-4400</u>
Site Information	
Site Name:	<u>Cicero Market Place</u>
Site Address:	<u>31st S. Cicero Ave</u>
City:	<u>Cicero</u> State: <u>IL</u> Zip Code: _____ County: <u>Cook</u>
Illinois inventory identification number:	_____
Real Estate Tax Index/Parcel Index No.	<u>16-27-306-031</u> <u>16-27-306-023</u> <u>16-27-306-022</u> <u>16-27-306-024</u>
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept its terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature:	<u>Anthony DiMucci</u> Date: <u>4/13/06</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>13</u> day of <u>April</u> , 20 <u>06</u>	
 _____ Notary Public	
	

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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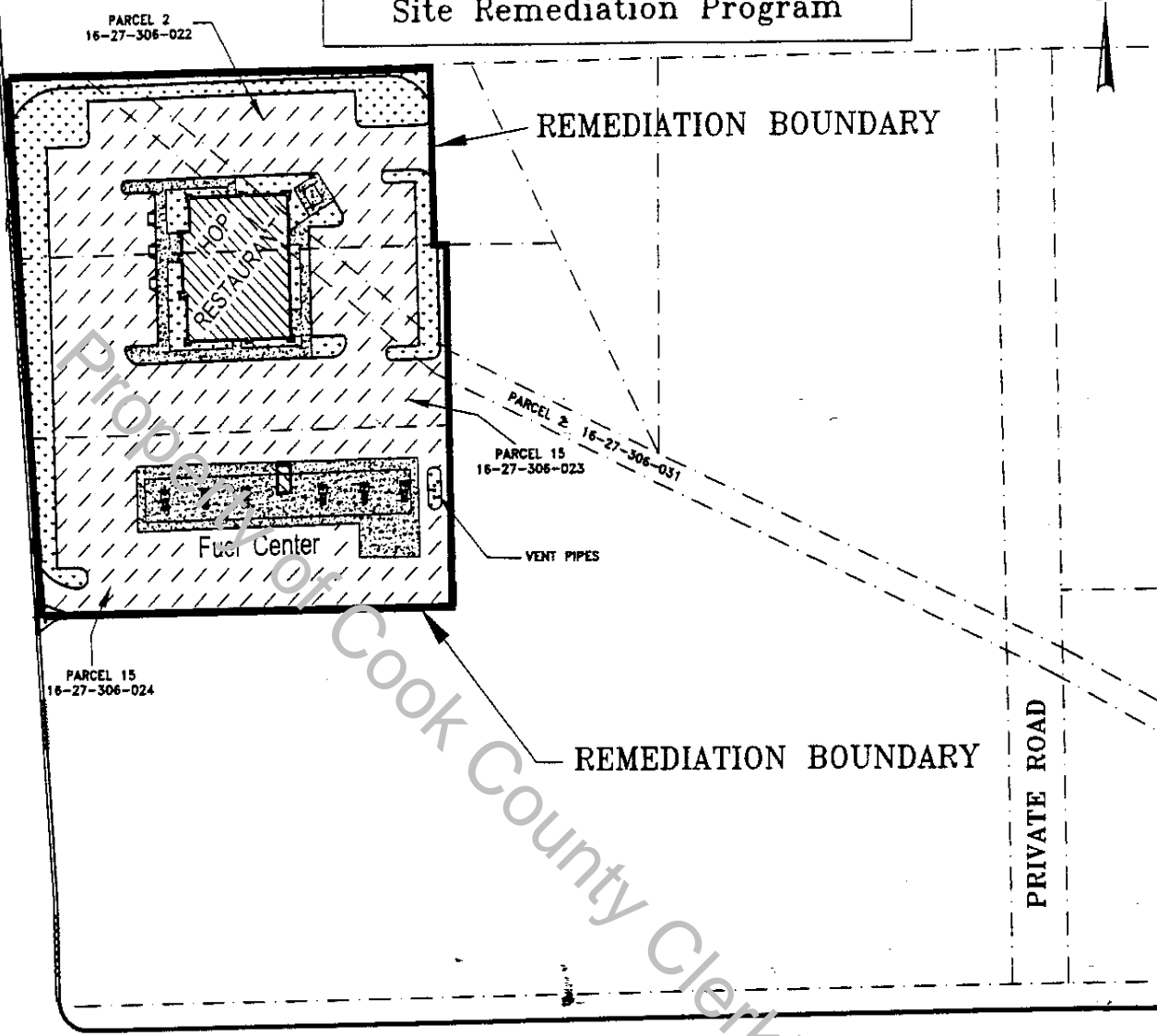
LPC # 0310515377/Cook County
Cicero/DiMucci Development
31st Street and Cicero Avenue
Site Remediation Program



AVENUE

CICERO

WEST LINE OF SOUTHWEST
QUARTER OF SECTION 27-39-13



SOUTH LINE OF SOUTHWEST
QUARTER OF SECTION 27-39-13

31 st

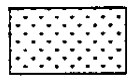
STREET

LEGEND

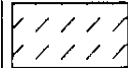
ENGINEERED BARRIERS



CONCRETE AREA



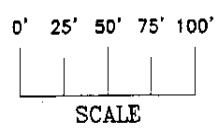
LANDSCAPING AREA
(3 FEET CLEAN SOIL)



ASPHALT AREA



BUILDING



ENVIRONMENTAL PROTECTION INDUSTRIES 16650 SOUTH CANAL, SOUTH HOLLAND, IL 60473					JOB LOC. CICERO MARKET PLACE 31ST AND CICERO AVENUE, CICERO, ILLINOIS	
DATE 02/22/08 DESIGNED F.S. CAD F.S. CHECKED J.B. APP'D R.M.					TITLE: SITE BASE MAP	
DWG NO. 021143NFR		JOB NO. 021143		SCALE: 1"=100'		FIG. 1

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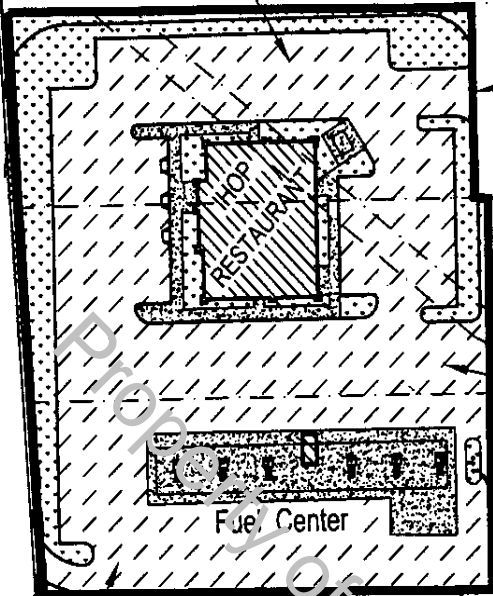
LPC # 0810515377 / Cook County
 Cicero/DiMucci Development
 31st Street and Cicero Avenue
 Site Remediation Program



CICERO AVENUE

CICERO AVENUE

WEST LINE OF SOUTHWEST QUARTER OF SECTION 27-39-13



PARCEL 2
16-27-308-022

REMEDIATION BOUNDARY

PARCEL 2
16-27-308-031

PARCEL 15
16-27-308-023

VENT PIPES

PARCEL 15
16-27-308-024

REMEDIATION BOUNDARY

PRIVATE ROAD

SOUTH LINE OF SOUTHWEST QUARTER OF SECTION 27-39-13

31 st

STREET

LEGEND

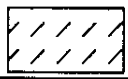
ENGINEERED BARRIERS



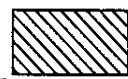
CONCRETE AREA



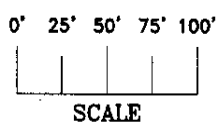
LANDSCAPING AREA
(3 FEET CLEAN SOIL)



ASPHALT AREA



BUILDING



ENVIRONMENTAL PROTECTION INDUSTRIES 16650 SOUTH CANAL, SOUTH HOLLAND, IL 60473					JOB LOC. CICERO MARKET PLACE 31ST AND CICERO AVENUE, CICERO, ILLINOIS			
DATE	DESIGNED	CAD	CHECKED	APP'D	TITLE: SITE BASE MAP			
02/22/08	F.S.	F.S.	J.B.	R.M.	DWG NO. 021143NFR	JOB NO. 021143	SCALE: 1'-100'	FIG. 1

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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

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

February 24, 2006

CERTIFIED MAIL

7004 2510 0001 8591 7675

DiMucci Development Corporation
 Attn: Mr. Anthony DiMucci
 100 West Dundee Road
 Palatine, IL 60067

Re: 0310515377/Cook County
 Cicero/DiMucci Development
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

RECEIVED
 ST ALLIANCE 3/3

Dear Mr. DiMucci:

The *Remedial Action Completion Report* (August 12, 2005/Log No. 05/26017), as prepared by Environmental Protection Industries for the DiMucci Development 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* (November 16, 2003/Log No. 03/17612).

The Remediation Site, consisting of .75 acres, is located at the Northeast corner of 31st Street and South Cicero Avenue, Cicero, 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 27, 2003/Log No. 03/17612), is DiMucci 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 Remediation Site is restricted to Industrial/Commercial land use.
- 2) The land use 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 Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering and Institutional Controls

- 3) 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:

- 4) 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 3 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:

- 5) 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 inhalation and ingestion of the contaminated media.
- 6) 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 inhalation and ingestion of the contaminated media.
- 7) 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 inhalation and ingestion of the contaminated media.
- 8) 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 inhalation and ingestion of the contaminated media.

UNOFFICIAL COPYInstitutional Controls:

- 9) Ordinance #140-97 adopted October 28, 1997 by the Village of Cicero effectively prohibits the installation and use of potable water supply wells in the Village of Cicero. This ordinance provides an acceptable institutional control under the following conditions:
- a) The current owner or successor in interest of this Remediation 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) The Remediation Applicant shall provide written notification to the Village of Cicero and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
 - i) The name and address of the local unit of government;
 - ii) The citation of Ordinance #140-97;
 - iii) A description of the property for which the owner is 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 has been 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.
 - c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date of this Letter 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

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- d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date of this Letter of written notification to the Village of Cicero and affected property owner(s) of the intent to use Ordinance #140-97 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 10) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 9 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 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) DiMucci 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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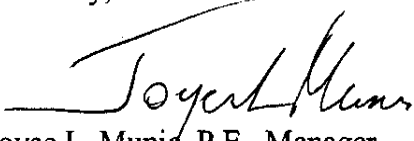
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest 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 DiMucci Development 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 the DiMucci Development property, you may contact the Illinois EPA project manager, Rhett M. Rossi at 217-782-6761.

Sincerely,


 Joyce L. Munig, P.E., Manager
 Remedial Project Management Section
 Division of Remediation Management
 Bureau of Land

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Attachments: 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: Environmental Protection Industries
Attn: Mr. Robert L. Mankowski
16650 South Canal
South Holland, IL 60473

Property of Cook County Clerk's Office