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PREPARED BY:

Name: Mr. Warren Baker  
Baker Development Corporation

Address: 2222 North Elston Avenue  
Chicago, IL 60614

Doc#: 0617026055 Fee: \$42.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 06/19/2006 11:36 AM Pg: 1 of 10

RETURN TO:

Name: Mr. Warren Baker  
Baker Development Corporation

Address: 2222 North Elston Avenue  
Chicago, IL 60614

THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316075238

Baker Development Corporation, the Remediation Applicant, whose address is 2222 North Elston Avenue, Chicago, IL 60614 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 A

That part of various lots: vacated streets and alleys: in various subdivisions in the East Half of the Northeast Quarter of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, described as follows; Beginning at the intersection of the South line of West Webster Avenue with the Southwesterly line of North Elston Avenue; Thence south 44 59' 59" East along said southwesterly line 118.0 feet: Thence South 45 00' 01" West 148.52 feet: Thence North 89 05' 38" West 85.75 feet to the East line of North Wood Street; Thence North 00 54' 22" East along said East line 188.50 feet to the South line of West Webster Avenue, Thence South 89 14' 50" East along said South line 104.35 feet to the point of beginning, in Cook County.

Parcel B

That part of various lots: vacated streets and alleys: in various subdivisions in the East Half of the Northeast Quarter of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, described as follows; Commencing at the intersection of the South line of West Webster Avenue with the Southwesterly line of North Elston Avenue; Thence south 44 59' 59" East along said southwesterly line 118.0 feet to the point of beginning: Thence South 45 00' 01" West 300.76 feet: Thence North 89 05' 38" West 42.21 feet to the East line of North Wood Street; Thence North 00 54' 22" East along said East line 169.79 feet to a point 188.50 feet

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(as measured on said East line) South of the South line of West Webster; Thence South 89 05' 38" East 85.75 feet; Thence North 45 00' 01" East 148.52 feet to the point of beginning in Cook County, Illinois.

2. Common Address: 2180-2196 North Elston Avenue, Chicago, IL

3. Real Estate Tax Index/Parcel Index Number:

14-31-211-024-0000 14-31-211-009-0000 14-31-211-008-0000 14-31-211-007-0000 14-31-211-006-0000  
14-31-211-005-0000 14-31-211-017-0000 14-31-211-016-0000 14-31-211-015-0000 14-31-211-013-0000  
14-31-211-012-0000 14-31-211-011-0000 14-31-211-003-0000 14-31-211-002-0000 14-31-211-001-0000

4. Remediation Site Owner: Baker Development Corporation

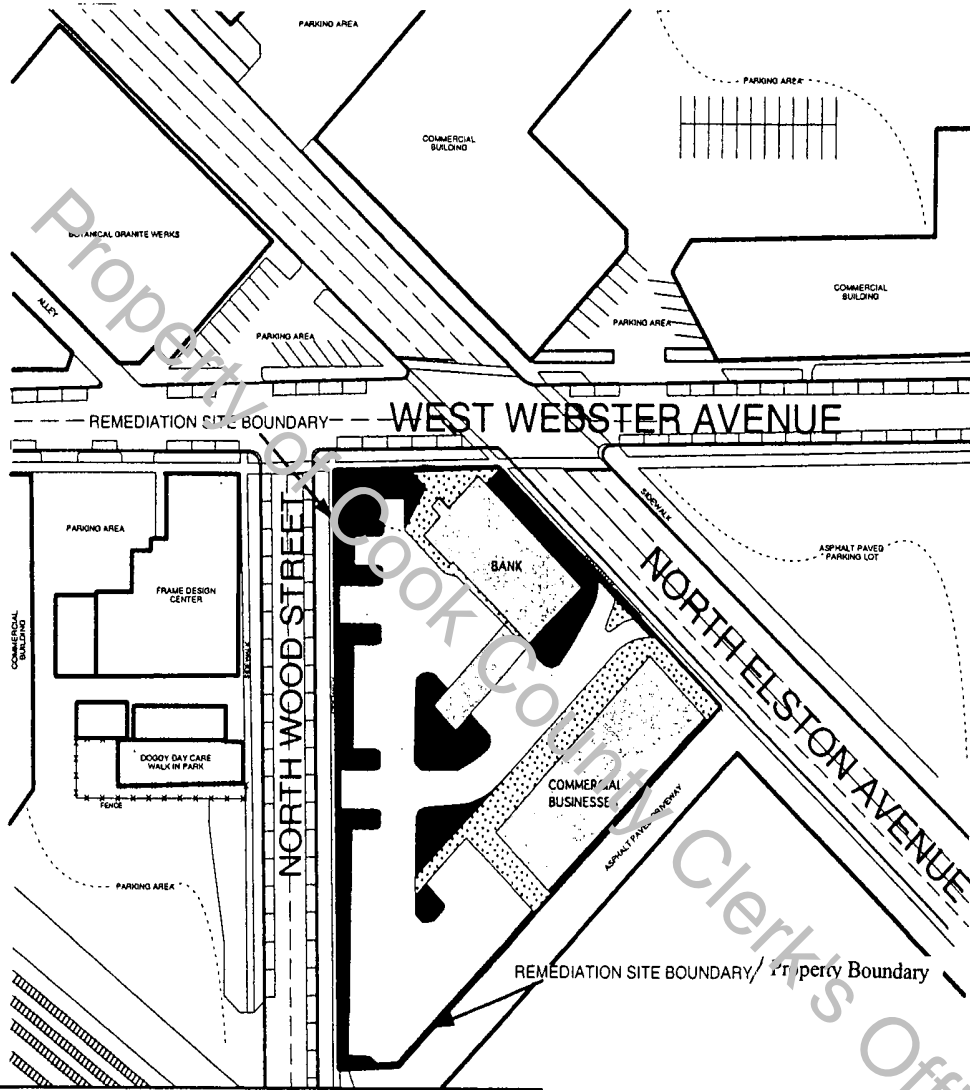
5. Land Use: Residential or Industrial/Commercial

6. Site Investigation: Comprehensive

Property of Cook County Clerk's Office

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Site Base Map  
 0316075238/Cook  
 Chicago/Baker Development Corporation  
 Site Remediation Program



**Property Index Numbers**

14-31-211-024-0000, 14-31-211-009-0000, 14-31-211-008-0000, 14-31-211-007-0000, 14-31-211-006-0000,  
 14-31-211-005-0000, 14-31-211-017-0000, 14-31-211-016-0000, 14-31-211-015-0000, 14-31-211-013-0000,  
 14-31-211-012-0000, 14-31-211-011-0000, 14-31-211-003-0000, 14-31-211-002-0000, 14-31-211-001-0000

**Legal Description**





**Parcel A:** That part of various lots: vacated streets and alleys; in various subdivisions in the East Half of the Northeast Quarter of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, described as follows: Beginning at the intersection of the South line of West Webster Avenue with the Southwesterly line of North Elston Avenue; Thence south 44 59'59" East along said southwesterly line 118.0 feet; Thence South 45 00'01" West 148.52 feet; Thence North 89 05'38" West 85.75 feet to the East line of North Wood Street; Thence North 00 54'22" East along said East line 188.50 feet to the South line of North Webster Avenue; Thence South 89 14'50" East along said South line 104.35 feet to the point of beginning, in Cook County, Illinois.

**Parcel B:** That part of various lots: vacated streets and alleys; in various subdivisions in the East Half of the Northeast Quarter of Section 31, Township 40 North, Range 14, East of the Third Principal Meridian, described as follows: Commencing at the intersection of the South line of West Webster Avenue with the Southwesterly line of North Elston Avenue; Thence south 44 59'59" East along said southwesterly line 118.0 feet to the point of beginning; Thence South 45 00'01" West 300.76 feet; Thence North 89 05'38" West 42.21 feet to the East line of North Wood Street; Thence North 00 54'22" East along said East line 169.79 feet to a point 188.50 feet (as measured on said East line) South of the South line of West Webster Avenue; Thence South 89 05'38" East 85.75 feet; Thence North 45 00'01" East 148.52 feet to the point of beginning, in Cook County, Illinois.

Area of Parcel A = 26,691 sq. feet or 0.61 acres Area of Parcel B = 30,380 sq. feet or 0.70 acres

**Area Requiring Engineered Barrier**

The entire subject property.

-  Concrete Engineer Barrier (Foundations/Floor of Permanent Structure)
-  Concrete Engineered Barrier (Walkway)
-  Asphalt Engineered Barrier (Parking Lot)
-  Greenspace Area With Engineered Barrier (0.5-Feet of Topsoil Overlying 2.5-Feet of Crushed Stone)

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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>Elston Development, LLC, % Baker Development Corporation as Manager</u>
Title:	<u>President - Warren Baker</u>
Company:	<u>Baker Development Corporation - Manager</u>
Street Address:	<u>2222 N. Elston Avenue, Suite 201</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> Phone: <u>773-755-0600</u>
Site Information	
Site Name:	<u>Rent Site - Parcel "A"</u>
Site Address:	<u>210-2196 N. Elston Avenue</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> County: <u>Cook</u>
Illinois inventory identification number:	<u>NTA</u>
Real Estate Tax Index/Parcel Index No.	<u>14-31-211-030-0000, 14-31-211-031-0000, 14-31-211-032-0000</u>
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.	
Owner's Signature:	<u>[Signature]</u> Date: <u>6-8-06</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>8<sup>th</sup></u> day of <u>June</u> , 20 <u>06</u>	
<u>Carol Lynn Whittaker</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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## 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>Elston Development Sign, LLC % Baker Development Corporation</u>
Title:	<u>President - Warren Baker</u> <span style="float: right;">as Manager</span>
Company:	<u>Baker Development Corporation - Manager</u>
Street Address:	<u>2222 N. Elston Avenue, Suite 201</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> Phone: <u>773-755-0600</u>
Site Information	
Site Name:	<u>Retail Strip Center - Parcel "B"</u>
Site Address:	<u>2180 N. Elston Ave</u>
City:	<u>Chicago</u> State: <u>IL</u> Zip Code: <u>60614</u> County: <u>Cook</u>
Illinois inventory identification number:	<u>N/A</u>
Real Estate Tax Index/Parcel Index No.	<u>14-31-211-033-0000, 14-31-211-034-0000, 14-31-211-035-0000, 14-31-211-036-0000, 14-31-211-037-0000, 14-31-211-040-0000, 14-31-211-041-0000, 14-31-211-007-0600, 14-31-211-008-0000</u>
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.	
Owner's Signature:	<u>[Signature]</u> Date: <u>6-8-06</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>8<sup>th</sup></u> day of <u>June</u> , 20 <u>06</u>	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <p><u>Carol Lynn Whittaker</u> Notary Public</p> </div> <div style="border: 1px dashed black; padding: 5px; text-align: center;"> <p>OFFICIAL SEAL <b>CAROL LYNN WHITTAKER</b> NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 6-23-2009</p> </div> </div>	

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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## 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

June 1, 2006

CERTIFIED MAIL

7004 2510 0001 8594 0840

Mr. Warren Baker, President  
 Baker Development Corporation  
 2222 North Elston Avenue  
 Chicago, Illinois 60614

Re: 0316075238 /Cook County  
 Chicago /Baker Development Corporation  
 Site Remediation Program Technical Reports  
 No Further Remediation Letter

Dear Mr. Baker:

The *Remedial Action Completion Report* (Dated May 23, 2006/Log Number 06-29652), as prepared by Pioneer Engineering & Environmental Services, Inc. for the above referenced Remediation Site, 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* (Dated August 31, 2005/Log Number 05-26355).

The Remediation Site, consisting of 0.7 acre, is located at 2180-2196 North Elston Avenue, 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 received August 31, 2005 is Baker 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 and conditions of this Letter.

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) 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.
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is approved for Residential or Industrial/Commercial land use.

### Engineering Controls

- 3) 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 or ingestion exposure to the contaminated media.
- 4) The clean soil barrier, which is comprised of a minimum of three 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 or ingestion exposure to the contaminated media.
- 5) 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 or ingestion exposure to the contaminated media.

### Other Terms

- 6) At a minimum, a safety plan should be developed to address possible worker exposure to lead in the event that any future excavation and construction activities may occur within the lead contaminated soil beneath the engineered barriers. 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 the engineered barriers 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.
- 7) 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.

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- 8) 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

- 9) 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 titleholder 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;
  - 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Baker Development Corporation;
  - b) The owner and operator of the Remediation Site;
  - c) Any parent corporation or subsidiary of the owner of the Remediation Site;



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- 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;
  - 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.
- 11) 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 Remediation Site.
- 12) 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

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13) 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, Mr. Jim Mergen at (217) 524-1659.

Sincerely,



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

Attachments(2): Property Owner Certification of No Further Remediation Letter under the  
Site Remediation Program Form  
Notice to Remediation Applicant

cc: Thomas D. Culig  
Pioneer Engineering & Environmental Services, Inc.  
700 North Sacramento Boulevard, Suite 101  
Chicago, IL 60612

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

PROPERTY OF COOK COUNTY CLERK'S OFFICE