UNOFFICIAL COP

PREPARED BY:

Name:

Mr. Carl Byrd

Chicago Housing Authority

Address:

626 West Jackson Boulevard

Chicago, IL 60620

Doc#: 0706110097 Fee: \$50.00

Eugene "Gene" Moore

Cook County Recorder of Deeds

Date: 03/02/2007 12:49 PM Pg: 1 of 14

RETURN TO:

Name:

Mr. Carl Byrd

Chicago Housing Authority

Address:

626 West Jackson Boulevard

Chicago, 1), 69620

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: 0316315269

Chicago Housing Authority, the Remediation Applicant, whose address is 626 West Jackson Boulevard, Chicago, IL 60620 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

Legal description or Reference to a Plat Showing the Boundaries of the following properties: 1.

1209 – 1227 West Grenshaw Street

Lots 1 through 11 (both inclusive) in the Resubdivision of part of reat? of Roosevelt Square Subdivision, being a Resubdivision of Lots 29 and 30 in Plat 1 of Roosevelt Square Subdivision, a resubdivision of Buckley's Subdivision, part of Macalister's Subdivision, and Subdivision of Block 14 of Vernon Park Addition to Chicago, part of the East Half of the Southwest Quarter of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian, County of Cook, State of Illinois, according to Plat 1 of said Roosevelt Square Subdivision recorded May 27, 2004 recorded as Document Number 0414831142.

1210 - 1224 West Grenshaw Street

Lots 1 through 9 (both inclusive) in the Resubdivision of part of Plat 1 of Roosevelt Square Subdivision, being a Resubdivision of Lots 27 and 28 in Plat 1 of Roosevelt Square Subdivision, a resubdivision of Buckley's Subdivision, part of Macalister's Subdivision, and Subdivision of Block 14 of Vernon Park Addition to Chicago, part of the East Half of the Southwest Quarter of Section 17, Township 39 North, Range 14 East of the Third Principal

0706110097 Page: 2 of 14

JOFFICIAL C

Meridian, City of Chicago, County of Cook, State of Illinois, according to Plat 1 of said Roosevelt Square Subdivision recorded May 27, 2004 as Document Number 0414831142.

1075 West Roosevelt Road

Parcel 1A - the Leasehold Estate created by that certain ground lease executed by Chicago housing Authority, as Lessor, and RS Pointe, LLC, as Lessee, dated may 1, 2005, which lease was recorded June 6, 2005 as document No. 051527115, and re-recorded June 16, 2005 as Document No. 0516745099, which lease demises the following described land for a term of years beginning May 1, 2005 and ending April 30, 2104.

Parcel 1B - ownership of the buildings and improvements located on the following described Lot 36, of Plat 2 Roosevelt Square Subdivision, a Resubdivision of Blocks 6, 7, and part or 8 of Henry Waller's Subdivision, part of the West Half of the Northeast Quarter of Section 20 Township 39 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded May 27, 2004 as Document Number 0414831143.

Parcel 2 – easement for ingress and egress for the benefit of Lot 36 aforesaid over and across Lot 37 as shown on Plat 2 of Roosevelt Square Subdivision recorded as Document No. 0414831143.

925 - 927 South Lytle Street / 1225 West Taylor Street

Lot 9 in Plat 1 of Roosevelt Square Subdivision, a Resubdivision of Buckley's Subdivision, part of Macalister's Subdivision, and Subdivision of Block 14 of Vernon Park Addition to Chicago, part of the East Half of the Southwest Quarter of Section 17, Township 39 North, Range 14 East of the Third Principal Meridian, City of Chicago, County of Cook, State of Illinois, according to the Plat thereof recorded May 27, 2004 as Document Number 0414831142.

- 2. Common Address: 1200 West Roosevelt Road, Chicago, IL
- 3. Real Estate Tax Index/Parcel Index Number:

10/4'S OFFICO 1209 - 1227 West Grenshaw Street: 17-17-334-013, 17-17-334-016 1210 – 1224 West Grenshaw Street: 17-17-334-012, 17-17-334-017

1075 West Roosevelt Road: 17-20-200-068

925 South Lytle Street / 1228 West Taylor Street: 17-17-323-010

4. Remediation Site Owner: Chicago Housing Authority

5. Land Use: Residential

6. Site Investigation: Comprehensive

0706110097 Page: 3 of 14

UNOFFICIAL COPY

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 corr orations, 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.

| Owner's Name: RS Homes LUC, Title: Company: | L. St., Ste 300 | 312 595 7400 | |
|--|--|-------------------------------|------------|
| | Star F. C. | | |
| Site Name: Roosevelt Square Ph | Site Information | | |
| Site Address: 1209 - 1227 W. George hou | 1 1210 - 17.74 H. Genusia and 1875 | Rosent H 925 -9275 | |
| Site Address: 1209 - 1227 W. Geens has City: Chicago State: | Zip Code: 20601 Lalle 02 County | COOK 128-12/3/47(| ر ارز 8 |
| Illinois inventory identification number: 0 | 316316269 | | |
| Real Estate Tax Index/Parcel Index No.11-11-20-200-014, 17-20-200- | 17-334-013, 17-17-334-016, 1 | 7-17-356-012,17-17-33A-01 | 7 |
| 17-20-200-014, 17-20-200- | 063, 17-17-323-010. | | • |
| I hereby certify that I have reviewed the att. | ached No Further Remediation Letter and | d that I accept the terms and | |
| conditions and any land use limitations set | forth in the letter. | - I | |
| RS Hones I LIC A | Date: | 11/07 | |
| Owner's Signature: | Date: | | |
| SUBSCRIBED AND SWORN TO BEFORE ME | in agent for | | |
| this 12 day of March, 2007 | Owners | | |
| | | , | |
| J 4. 1 | OFFICIAL SEAL | | |
| Jama Mende | LAURA GREENLEE NOTARY PUBLIC, STATE OF ILLINOIS | | |
| Notary Public | MY COMMISSION EXPIRES 11-7-2009 | | |

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.

0706110097 Page: 4 of 14



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) 782-6761

February 14, 2007

CERTIFIED MAIL

7004 2510 0001 8588 9804

91-20-07 PE :37

Mr. Carl By d Chicago Housing Authority 626 West Jackson Eculevard Chicago, IL 60620

Re:

0316315269 / Cook County

Chicago / ABLA Phase I Red velopment – Zones 21, 23, and 29

Site Remediation Program/ Technical Reports

No Further Remediation Letter

Dear Mr. Byrd:

The Remedial Action Completion Report for Zones 21, 23, and 29 (received October 27, 2006 / Log Number 06-31520), as prepared by Environmental Design International, Inc. for the ABLA Phase 1 Redevelopment property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with the Remedial Action Plan (received February 14, 2005 / Log No 04-18841)

The Remediation Site, consisting of 16 acres, is located at 1200 West Rootevelt Road, 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 gran ed 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 October 15, 2003 is Chicago Housing Authority.

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.

0706110097 Page: 5 of 14

UNOFFICIAL COPY

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 land use.

Engineering Controls:

- 3) 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. Maps, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 4) The concrete paving barrier, as shown in the attached Site Base Maps, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 5) The building concrete slabs, as shown in the attached Site Fase Maps, must remain over the contaminated soils. These buildings must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

Institutional Controls:

- 6) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is an acceptable institutional control under the following conditions:
 - a) Where a groundwater ordinance is used to assure long-term protection of human health, the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by the City of Chicago along with this Letter.
 - b) The Remediation Applicant shall provide written notification to the City of Chicago 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:

0706110097 Page: 6 of 14

UNOFFICIAL COPY

- i) The name and address of the local unit of government;
- ii) The citation of Section 11-8-390
- 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. P'Hara
Illinois Environn ental Protection Agency
Bureau of Land/RPMS
1021 North Grand Avenue East
Post Office Box 1927o
Springfield, IL 62794-92/6

- 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 City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter.

0706110097 Page: 7 of 14

UNOFFICIAL COPY

Other Terms

- 7) 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.
- 8) Where the Remediation Applicant is <u>not</u> 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 ary portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 9) Further information regarding this Pemediation 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

- 10) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), si ould 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 10 nited 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;

0706110097 Page: 8 of 14

UNOFFICIAL COPY

- 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 leiture 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.
- 11) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
 - a) Chicago Housing Authority;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the cowner 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 intervivos 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;

UNOFFICIAL COPY

- 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-ininterest 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.
- 12) 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 Illino's 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.
- 13) 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 Fratection Agency
Bureau of Land/RPMS
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

14) 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.

0706110097 Page: 10 of 14

UNOFFICIAL COP

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. James Baldwin at (217) 524-7207.

Sincerely,

Joyce Munie, V.E., Manager

Remedia 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:

Zachary Clayton Environmental Design International, Inc. 200 South Michigan Avenue, Suite 700 JUNIL CLOPA'S OFFICO Chicago, IL 60604

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

Diane Martin CHA – Office of Development 626 West Jackson Boulevard Chicago, IL 60620

0706110097 Page: 11 of 14







