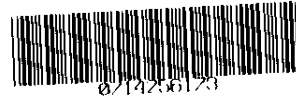


# UNOFFICIAL COPY

PREPARED BY:

Name: Albany Bank & Trust Company, Trust #11-6131  
Attn: John Majic

Address: 2513-2519 West Peterson Avenue  
Chicago, Illinois 60659



Doc#: 0714256173 Fee: \$38.50  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 05/22/2007 11:05 AM Pg: 1 of 8

RETURN TO:

Name: Albany Bank & Trust Company, Trust #11-6131  
Attn: John Majic

Address: 3750 Oakton Street  
Skokie, Illinois 60076

(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: 0316135128

Leaking UST Incident No.: 20070027

Albany Bank & Trust Company, Trust #11-6131, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 3750 Oakton Street, Skokie, Illinois 60076, has performed investigative and/or remedial activities for the site identified as follows

1. Legal Description or Reference to a Plat Showing the Boundaries: See Attachment
2. Common Address: 2513-2519 West Peterson Avenue
3. Real Estate Tax Index/Parcel Index Number: 13-01-405-002-0000, 13-01-405-003-0000, 13-01-405-004-0000, 13-01-405-005-0000
4. Site Owner: Albany Bank & Trust Company, Trust #11-6131
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

MRT

# 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**

**MAY 18 2007**

7004 2510 0001 8616 4023

Albany Bank & Trust Company, Trust #11-6131  
 Attn: John Majic  
 3750 Oakton Street  
 Skokie, Illinois 60076

Re: LPC # 0316135128 -- Cook County  
 Chicago/Albany Bank & Trust Company, Trust #11-6131  
 2513-2519 West Peterson Avenue  
 Leaking UST Incident No 20070027  
 Leaking UST Technical File

Dear Mr. Majic:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Early Action Tier 1 Remediation Objective Compliance Report submitted for the above-referenced incident. This information was dated March 22, 2007 and was received by the Illinois EPA on April 23, 2007. 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 Early Action Tier 1 Remediation Objectives Compliance Report and the Licensed Professional Engineer Certification submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.135(d) indicate the remediation objectives have been met.

Based upon the certification by Minghua Wan, 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:

1. Albany Bank & Trust Company, Trust #11-6131, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

# UNOFFICIAL COPY

Page 2

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. 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.
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.

# UNOFFICIAL COPY

Page 3

## 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.
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:
- 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 734.720, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide Notice of Avoidance 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 avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance 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;

# UNOFFICIAL COPY

Page 4

- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Michael Thorsen, at 217.558.0194.

Sincerely,



Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH:MRT:mrt\

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Land Trust Beneficial Interest Disclosure/Designation of Authority

c: Joe C. Zhou, Hydrodynamics Consultant, Inc.  
BOL File

**UNOFFICIAL COPY**

**Site Address:** 2513-2519 West Peterson Avenue, Chicago, Illinois 60659

**Parcel Index Numbers (PINs):**

13-01-405-002-0000, 13-01-405-003-0000, 13-01-405-004-0000, and  
13-01-405-005-0000.

**Legal Description:**

**Parcel 1:**

Lots 4, 5 and 6 in Block 3 in W.F. Kaiser and Company's Arcadia Terrace, being a subdivision of the North Half of the Southeast Quarter (except the west 33 feet thereof) and the Southeast Quarter of the Southeast Quarter of Section 1, Township 40 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

**Parcel 2:**

Lot 7 in Block 3 in W.F. Kaiser and Company's Arcadia Terrace Subdivision in the Southeast Quarter of Section 1, Township 40 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois

Property of Cook County Clerk's Office

UNOFFICIAL COPY

The Agency is authorized to require this information under Section 4 and Title XVI of the Environmental Protection Act (415 ILCS 5/4, 5/57 - 57.17). Failure to disclose this information may result in a civil penalty of not to exceed \$50,000.00 for the violation and an additional civil penalty of not to exceed \$10,000.00 for each day during which the violation continues (415 ILCS 5/42). Any person who knowingly makes a false material statement or representation in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57.17). This form has been approved by the Forms Management Center.

**Illinois Environmental Protection Agency  
Leaking Underground Storage Tank Program  
Land Trust Beneficial Interest Disclosure/Designation of Signature Authority**

**A. Site Identification**

IEMA Incident # (6- or 8-digit): 20070027 IEPA LPC# (10-digit): 0316135128

Site Name: Albany Bank & Trust Comapny, Trust #11-6131

Site Address (not a P.O. Box): 2513-2519 West Peterson Avenue

City: Chicago

County: Chicago

Zip Code: 60659

Leaking UST Technical File

**B. Land Trust Disclosure**

This form must be completed if the owner or operator performing corrective action is a land trust. The disclosure of beneficial interests in the land trust is required under the Land Trust Beneficial Interest Disclosure Act [765 ILCS 405]. A new disclosure form must be submitted if there is a change in any of the information provided.

Name of Land Trust: Albany Bank & Trust Company, Trust #11-6131

Trustee Name and Address: John Mailo 3750 Oakton Street, Skokie, IL 60076

**Beneficiaries' Names, Addresses, and Interests in the Land Trust:**

Each beneficiary must be disclosed, regardless of the beneficiary's interest in the land trust. Identified beneficiaries cannot be nominees for other individuals or entities. 765 ILCS 405/2.

1. JOHN MAILO  
3750 W. OAKTON ST.  
SKOKIE, IL 60076

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. SLOBODAN ERIC  
8313 N. OAKTON AVE  
MILES, IL. 60714

4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. KRIS OSTOJIC  
3750 W. OAKTON ST.  
SKOKIE ILL. 60076

6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach additional sheets as necessary.

# UNOFFICIAL COPY

### C. Designation of Signature Authority

If there is more than one beneficiary, the following one is hereby appointed as the representative to act on behalf of all beneficiaries with respect to the Leaking Underground Storage Tank Program, including, but not limited to, signature authority for all documents requiring owner or operator signature. The appointed representative is a beneficiary of the land trust with sufficient beneficial interest to meet the definition of "owner" or "operator" as defined by 35 Illinois Administrative Code 734, 732, or 731.

Representative Beneficiary Name and Address: John Majic  
3750 W. OAKTON STREET  
SKOKIE, IL 60076

### D. Certification

I certify under penalty of law that the information provided in this disclosure form and in any addendum attached hereto is a complete disclosure of all holders of a beneficial interest in the land trust identified above, and that to the best of my knowledge and belief, the information presented is accurate and complete. I also certify the appointment of the above-named beneficiary as my representative with respect to the Leaking Underground Storage Tank Program. I am aware there are significant penalties for submitting false statements or representations to the Illinois EPA including, but not limited to, fines, imprisonment, or both as provided in Sections 44 and 57.17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17] and in Section 3 of the Land Trust Beneficial Interest Disclosure Act [765 ILCS 405/3].

Beneficiary Name: JOHN MAJIC

Beneficiary Signature: [Signature] Date: 5-10-07

Beneficiary Name: SLOBODAN ERIC

Beneficiary Signature: [Signature] Date: 5-10-07

Beneficiary Name: Kris Ostojic

Beneficiary Signature: [Signature] Date: 5-10-07

Beneficiary Name: \_\_\_\_\_

Beneficiary Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Beneficiary Name: \_\_\_\_\_

Beneficiary Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Beneficiary Name: \_\_\_\_\_

Beneficiary Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Attach additional sheets as necessary.