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PREPARED BY:

Name: Canadian Pacific Railway
Attn: Mr. Thomas Parsons

Address: 501 Marquette Avenue South, Suite 804
Minneapolis, Minnesota 55402

Doc#: 0720054056 Fee: \$50.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 07/19/2007 01:30 PM Pg: 1 of 14

RETURN TO:

Name: Canadian Pacific Railway
Attn: Mr. Thomas Parsons

Address: 501 Marquette Avenue South, Suite 804
Minneapolis, Minnesota 55402

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: 0310965393

Canadian Pacific Railway, the Remediation Applicant, whose address is 501 Marquette Avenue South, Suite 804, Minneapolis, Minnesota 55402, 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 Plat of Survey-
A PARCEL OF LAND IN THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 12 EAST, COOK COUNTY ILLINOIS AND DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND ½" IRON ROD AT THE INTERSECTION OF THE EAST LINE OF ACORN AVENUE AS DESCRIBED IN DOCUMENT 25251290, RECORDED NOV. 21, 1979 IN THE RECORDER OF DEEDS AND THE SOUTH LINE OF FRANKLIN AVENUE, THENCE NORTH 03°54'18" EAST (ALL BEARINGS BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM NAD 1983, 1997 ADJUSTMENT), A DISTANCE OF 1346.00 FEET TO A SET ½" IRON ROD AND THE POINT OF BEGINNING; THENCE NORTH 66°25'39" WEST, A DISTANCE OF 80.22 FEET TO A SET ½" IRON ROD; THENCE NORTH 20°27'54" EAST, A DISTANCE OF 42.80 FEET TO A SET ½" IRON ROD; THENCE SOUTH 71°57'14" EAST, A DISTANCE OF 80.45 FEET TO A SET ½" IRON ROD, THENCE SOUTH 20°46'36" WEST, A DISTANCE OF 50.54 FEET TO THE POINT OF BEGINNING, CONTAINING 3,745 SQUARE FEET OF LAND, MORE OR LESS.
2. Common Address: 11306 West Franklin Avenue, Franklin Park, Illinois
3. Real Estate Tax Index/Parcel Index Number: 12-18-400-015-6001

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4. Remediation Site Owner: Canadian Pacific Railway
501 Marquette Avenue South, Suite 804
Minneapolis, Minnesota 55402
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

Property of Cook County Clerk's Office

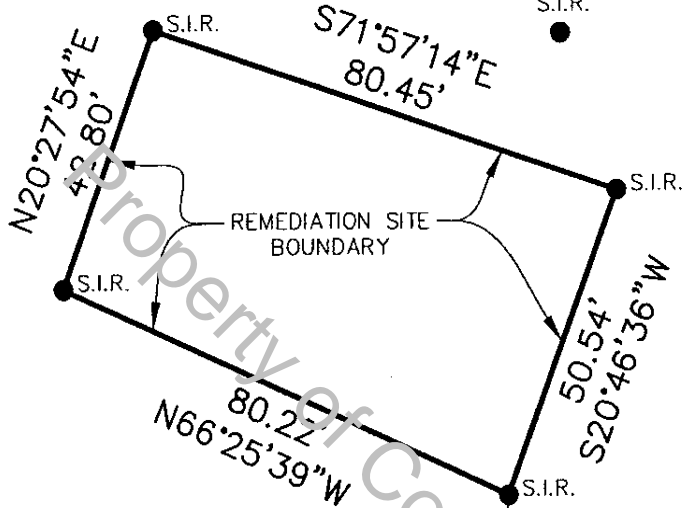
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SITE BASE MAP

BENCHMARK:
 SET "+" CUT AT NORTHWEST CORNER OF CONCRETE DRAINAGE STRUCTURE (16'x30'±)
 WITH A STATE PLANE COORDINATE OF NORTH-1922913.138 & E-1103199.735.
 ELEVATION = 649.39 (NGVD 29 PER USGS).

KEY

- RIGHT-OF-WAY
- REMEDIATION SITE BOUNDARY
- FOUND IRON ROD (1/2")
- SET IRON ROD (1/2")
- IRON ROD (1/2")



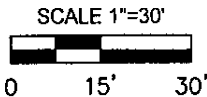
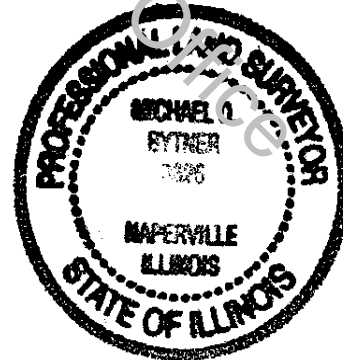
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
 } S.S.
 COUNTY OF DUPAGE }

THIS MAP WAS PREPARED UNDER THE SUPERVISION OF MICHAEL D. BYTNER AN ILLINOIS PROFESSIONAL LAND SURVEYOR. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT NAPERVILLE, ILLINOIS, THIS 29TH DAY OF AUGUST A.D., 2006.

Michael D. Bytner
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3326
 LICENSE EXPIRES NOVEMBER 30, 2006.
 PROFESSIONAL DESIGN FIRM NO. 184002893



THIS SERVICE DOES NOT CONFORM TO THE CURRENT ILLINOIS STANDARDS FOR A BOUNDARY SURVEY.

LOCATION: F:\PROJECTS\1676300\DWG\EM000002.dwg
 LAYOUT: MAP
 DATE/TIME: August 30, 2006 - 10:35am
 PLOTTED BY: cpl/rsn

PREPARED FOR EMR, INCORPORATED	SITE BASE MAP LPC# 0310965393 CPR BENSENVILLE YARD FRANKLIN PARK, ILLINOIS	WEAVER BOOS CONSULTANTS 1813 N. MILL STREET, SUITE A, NAPERVILLE, ILLINOIS 60563 (630) 717-4848 (MAIN) (630) 717-4850 (FAX) NAPERVILLE, IL SPRINGFIELD, IL SOUTH BEND, IN CHICAGO, IL COLUMBUS, OH FORT WORTH, TX GRIFFITH, IN DENVER, CO
DRAWN BY: CPIV	DATE: 08/29/06	FILE: EM000002.DWG
REVIEWED BY: MDB	CAD: 1676300/DWG	FIGURE 1

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SITE REMEDIATION PROGRAM
TABLE A: REGULATED SUBSTANCES OF CONCERN
0310965393 – SOO LINE RAILROAD (CANADIAN PACIFIC RAILWAY)

Volatile Organic Compounds

CAS No.	Compound Name
71-43-2	Benzene
100-41-4	Ethylbenzene
91-20-3	Naphthalene
108-38-3	Toluene
1330-20-7	Xylenes (total)

Semivolatile Organic Compounds

CAS No.	Compound Name
83-32-9	Acenaphthene
208-96-8	Acenaphthylene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
50-32-8	Benzo(a)pyrene
205-99-2	Benzo(b)fluoranthene
191-24-2	Benzo(g,h,i)perylene
207-08-9	Benzo(k)fluoranthene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-57-6	2-Methylnaphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene

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

June 5, 2007

CERTIFIED MAIL

7004 2510 0001 8623 2845

Canadian Pacific Railway
 Attn: Mr. Thomas Parsons
 501 Marquette Avenue South, Suite 804
 Minneapolis, Minnesota 55402

Re: 0310965393/Cook County
 Franklin Park/Soo Line Railroad-Canadian Pacific Railway
 11306 West Franklin Avenue
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Parsons:

The *Focused Site Investigation Report* (June 14, 2006/Log No. 06-29946), as prepared by EMR Incorporated for the Soo Line Railroad (Canadian Pacific Railway) property, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 0.086 acres, is located at 11306 West Franklin Avenue, Franklin Park, 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 (September 27, 2004/Log No. 04-21996), is Canadian Pacific Railway.

This focused 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 for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

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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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions, as characterized by the focused site investigation, consist of the regulated substances of concern successfully addressed that are detailed in the attached Table A.
- 2) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 3) 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

Institutional Controls:

- 4) Ordinance No. 9899 VC-15 adopted October 5, 1998 by the Village of Franklin Park, Illinois effectively prohibits the installation and use of potable water supply wells in the Village of Franklin Park. 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 ground water 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 Franklin Park 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 No. 9899 VC-15;
 - 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;

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- 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 this Letter is recorded 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

- 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 this Letter is recorded of written notification to the Village of Franklin Park and affected property owner(s) of the intent to use Ordinance No. 9899 VC-15 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 5) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 4), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 6) 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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- 7) 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

- 8) 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;
 - 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.
- 9) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Canadian Pacific Railway;
 - b) The owner and operator of the Remediation Site;

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- 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;
 - 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.
- 10) 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 Soo Line Railroad (Canadian Pacific Railway) property.
- 11) 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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12) 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 Soo Line Railroad (Canadian Pacific Railway) property, you may contact the Illinois EPA project manager, Russell H. Irwin, at (217) 524-2084.

Sincerely,



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

Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Table A: Regulated Substances of Concern
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Steven J. Skare; EMR Incorporated

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ORDINANCE NO. 9899 VC 15

**AN ORDINANCE PROHIBITING THE USE OF
GROUNDWATER AS A POTABLE WATER SUPPLY
BY THE INSTALLATION AND/OR USE OF POTABLE
WATER SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties located in the Village of Franklin Park, Cook County, Illinois, have been used from time to time for commercial and/or industrial purposes; and

WHEREAS, because of said use concentrations of certain chemical constituents in the groundwater beneath the Village of Franklin Park may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 Residential Remediation Objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Franklin Park desires to limit potential threats to human health from groundwater contamination while at the same time facilitating the redevelopment and productive use of properties that are the source of said chemical constituents; and

WHEREAS, the corporate authorities of the Village of Franklin Park previously, on December 16, 1996, passed an amendment to the Village of Franklin Park Village Code incorporating Section 7-8A-8 to provide regulations and restrictions on the use of water from wells and known as Ordinance No. 9697 VC 18; and

WHEREAS, the corporate authorities of the Village of Franklin Park, on February 2, 1998, further amended Section 7-8A-8 of the Village Code of the Village of Franklin Park by the passage of Ordinance No. 9798 VC 29 to further define "potable water"; and

WHEREAS, it has become necessary to further amend Section 7-8A-8 of the Village Code in order to satisfy the requirement of the Illinois Environmental Protection Agency with respect to the use of groundwater as potable water supply; and

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WHEREAS, it has been determined and found by the corporate authorities of the Village of Franklin Park that it is in the best interest of the Village and the public that it serves to further amend Section 7-8A-8 of the Village Code of the Village of Franklin Park as suggested by the Illinois Environmental Protection Agency.

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

Section 1. That the foregoing recital clauses to this Ordinance are hereby adopted as the findings of the corporate authorities of the Village of Franklin Park and are incorporated herein by specific reference.

Section 2. That Article A, "Permit for Water Connection and Use", of Chapter 8, "Water Systems", of Title 7, "Public Works", of the Village Code of the Village of Franklin Park as amended is hereby further amended to read as follows:

A) Use of Groundwater as a Potable Water Supply Prohibited. The use or attempted use, by any person, as a potable water supply groundwater from within the Village of Franklin Park, Cook County, Illinois, by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village of Franklin Park.

B) Definitions: As used herein "Person" shall be defined as an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

As used herein "Potable Water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

C) That any person violating the provisions of this section shall be fined in an amount not to exceed Seven Hundred Fifty (\$750.00) Dollars.

Section 3. That any ordinance or portion of any ordinance in conflict with the provisions of this ordinance is hereby repealed solely to the extent of such conflict.

Section 4. Severability. If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of this ordinance as a whole or any portion hereof not adjudged invalid.

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Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner as provided by law.

PASSED this 5th day of October, 1998.

AYES 4 NAYS 0 ABSENT 0

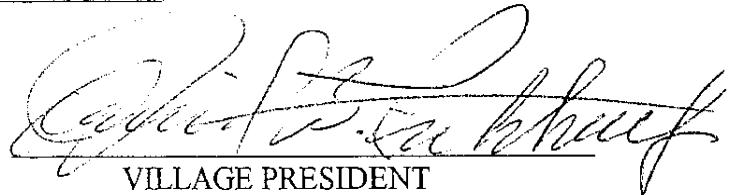
Mr. Rossino

Mr. Ferron

Mr. Neuzil

Mr. Bellendir

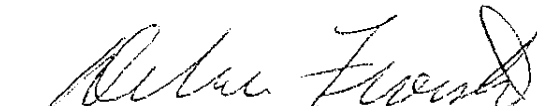
APPROVED by me this 5th day of October, 1998.


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK

Published in Pamphlet form this
5th day of October, 1998,
by Order of the Corporate Authorities
of the Village of Franklin Park.


VILLAGE CLERK

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VILLAGE OF FRANKLIN PARK)

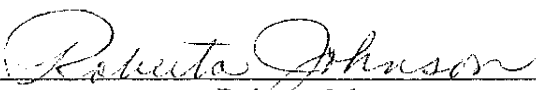
COUNTY OF COOK)

STATE OF ILLINOIS)

CERTIFICATE

I, **ROBERTA JOHNSON**, being the duly appointed and qualified Deputy Village Clerk of the Village of Franklin Park, Cook County, Illinois, do hereby certify that the foregoing Resolution is a true and correct copy of Ordinance No. 9899 VC 15 entitled **“AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION AND/OR USE OF POTABLE WATER SUPPLY WELLS OR BY OTHER METHOD”** passed and approved by the Board of Trustees of the Village of Franklin Park in regular session on the 5th day of October, 1998, and on file in my custody.

WITNESS MY HAND and the corporate seal of said Village of Franklin Park this 19th day of May 2006.



 Roberta Johnson
 Deputy Village Clerk

S E A L