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PREPARED BY:

Name: Donald Mills, Vice President
KDC -- Cermak Investments, LP

Address: 8115 Preston Road, Suite 700
Dallas, Texas 75225



Doc#: 0721139254 Fee: \$40.50
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 07/30/2007 11:17 AM Pg: 1 of 9

RETURN TO:

Name: Donald Mills, Vice President
KDC -- Cermak Investments, LP

Address: 8115 Preston Road, Suite 700
Dallas, Texas 75225

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: 0316315194.

KDC -- Cermak Investments, LP, the Remediation Applicant, whose address is 8115 Preston Road, Suite 700, Dallas, Texas 75225 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: LOTS 49 THROUGH 53, BOTH INCLUSIVE, AND THOSE PARTS OF LOTS 45 THROUGH 48, BOTH INCLUSIVE IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO, BEING A SUBDIVISION IN THE NORTH FRACTIONAL PART OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO LOTS 1 THROUGH 8, BOTH INCLUSIVE IN BLOCK 3 AND THAT PORTION OF BLOCK 4 IN MCCORD'S SUBDIVISION OF THE WEST 2.56 ACRES OF THE EAST 16.72 ACRES OF THE FRACTIONAL NORTHEAST QUARTER OF SAID SECTION 29, TOGETHER WITH THAT PART OF VACATED SOUTH LUMBER STREET, AND ALSO TOGETHER WITH A PORTION OF JOY'S CANAL (NOW FILLED), ALL TAKEN AS ONE TRACT, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID BLOCK 4 IN MCCORD'S SUBDIVISION, SAID NORTHWESTERLY CORNER BEING A POINT ON THE EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION AFORESAID AND RUNNING;

THENCE NORTH 69 DEGREES 21 MINUTES 23 SECONDS EAST (THE BASIS OF BEARING ASSUMED) ALONG THE NORTHERLY LINE OF SAID BLOCK 4, SAID NORTHERLY LINE BEING HERE ALSO THE SOUTHERLY LINE OF SOUTH LUMBER STREET, A DISTANCE OF 92.54 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 4 IN SAID MCCORD'S

(Illinois EPA Site Remediation Program Environmental Notice)

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SUBDIVISION;

THENCE SOUTH 01 DEGREE 35 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF 237.74 FEET TO THE NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER, AS IMPROVED;

THENCE SOUTH 68 DEGREES 37 MINUTES 14 SECONDS WEST ALONG SAID NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER AS IMPROVED, A DISTANCE OF 216.00 FEET TO AN ANGLE POINT IN SAID NORTHERLY LINE;

THENCE SOUTH 74 DEGREES 32 MINUTES 48 SECONDS WEST ALONG SAID NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER, AS IMPROVED, A DISTANCE OF 142.58 FEET TO AN ANGLE POINT IN SAID NORTHERLY LINE;

THENCE SOUTH 82 DEGREES 12 MINUTES 29 SECONDS WEST ALONG SAID NORTHERLY LINE OF THE SOUTH BRANCH OF THE CHICAGO RIVER, AS IMPROVED, A DISTANCE OF 132.85 FEET TO A POINT; THENCE 01 DEGREE 38 MINUTES 56 SECONDS WEST, ALONG A STRAIGHT LINE, A DISTANCE OF 767.48 FEET TO A POINT;

THENCE NORTH 88 DEGREES 21 MINUTES 04 SECONDS EAST, A DISTANCE OF 386.43 FEET TO THE EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION AFORESAID;

THENCE SOUTH 01 DEGREE 40 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION, A DISTANCE OF 39.80 FEET TO A POINT ON THE SOUTH LINE OF WEST 23RD STREET, SAID POINT BEING ALSO THE NORTHWEST CORNER OF LOT 4 IN BLOCK 3 AFORESAID;

THENCE NORTH 88 DEGREES 24 MINUTES 10 SECONDS EAST ALONG SAID SOUTH LINE OF WEST 23RD STREET, THE SOUTH LINE OF WEST 23RD STREET BEING ALSO THE NORTH LINE OF LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN BLOCK 3 IN SAID MCCORD'S SUBDIVISION, A DISTANCE OF 87.97 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 01 DEGREE 35 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, THE EAST LINE OF LOT 1 BEING ALSO THE EAST LINE OF BLOCK 3 IN SAID MCCORD'S SUBDIVISION, A DISTANCE OF 122.22 FEET TO THE NORTH LINE OF THE 20 FEET WIDE EAST-WEST ALLEY IN SAID BLOCK 3;

THENCE SOUTH 88 DEGREES 24 MINUTES 10 SECONDS WEST ALONG SAID NORTH LINE OF THE 20 FOOT WIDE EAST-WEST ALLEY IN BLOCK 3, THE NORTH LINE OF THE 20 FOOT WIDE ALLEY BEING HERE THE SOUTH LINE OF LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN SAID BLOCK 3, A DISTANCE OF 87.82 FEET TO THE WEST LINE OF MCCORD'S SUBDIVISION AFORESAID;

THENCE SOUTH 01 DEGREE 40 MINUTES 09 SECONDS EAST ALONG THE WEST LINE OF MCCORD'S SUBDIVISION, THE WEST LINE OF MCCORD'S SUBDIVISION BEING ALSO A PORTION OF THE EAST LINE OF LOTS 51 AND 52 IN GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AFOREMENTIONED, A DISTANCE OF 20.00 FEET TO THE SOUTH

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LINE OF SAID 20.00 FOOT WIDE EAST-WEST ALLEY IN BLOCK 3;

THENCE NORTH 88 DEGREES 24 MINUTES 10 SECONDS EAST ALONG SAID SOUTH LINE OF THE 20.00 FOOT WIDE EAST-WEST ALLEY IN BLOCK 3 IN MCCORD'S SUBDIVISION, THE SOUTH LINE OF THE 20.00 WIDE EAST-WEST ALLEY BEING HERE THE NORTH LINE OF LOTS 5 THROUGH 8, BOTH INCLUSIVE, IN BLOCK 3 IN SAID MCCORD'S SUBDIVISION, A DISTANCE OF 87.79 FEET TO THE NORTHEAST CORNER OF SAID LOT 8;

THENCE SOUTH 01 DEGREE 35 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 8, SAID EAST LINE OF LOT 8 BEING ALSO THE EAST LINE OF BLOCK 3 IN MCCORD'S SUBDIVISION AFORESAID, A DISTANCE OF 156.66 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 8, THE SOUTHEAST CORNER OF LOT 8 BEING ON THE NORTHERLY LINE OF SOUTH LUMBER STREET;

THENCE SOUTH 69 DEGREES 21 MINUTES 23 SECONDS WEST ALONG SAID NORTHERLY LINE OF SOUTH LUMBER STREET, THE NORTHERLY LINE OF SOUTH LUMBER STREET BEING ALSO THE SOUTHERLY LINE OF LOTS 5 THROUGH 8 BOTH INCLUSIVE IN BLOCK 3 AFORESAID, A DISTANCE OF 92.63 FEET TO THE EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION AFOREMENTIONED;

THENCE SOUTH 01 DEGREE 40 MINUTES 09 SECONDS EAST ALONG SAID EAST LINE OF GREENE'S SOUTH BRANCH ADDITION TO CHICAGO AND THE WEST LINE OF MCCORD'S SUBDIVISION, A DISTANCE OF 69.75 FEET TO THE POINT OF BEGINNING, EXCEPTING ANY PORTION OF THE LAND, IF ANY, LYING WITHIN THE SOUTH BRANCH OF CHICAGO RIVER, AS CONVEYED TO THE SANITARY DISTRICT OF CHICAGO BY DEED RECORDED APRIL 21, 1903 IN BOOK 7791, PAGES 84, 85 AND 86, IN COOK COUNTY, ILLINOIS.

2. Engineered Barrier Description: FROM A POINT PARALLEL TO THE SOUTH CURB LINE OF CERMAK ROAD AND THE WEST CURB LINE OF THE 955 CERMAK ENTRANCE ROAD, SOUTH 650 FEET SOUTH TO POINT OF ORIGIN: FROM POINT OF ORIGIN (NORTHWEST CORNER OF ENGINEERED BARRIER) EAST 294.39 FEET TO NORTHEAST CORNER OF ENGINEERED BARRIER. SOUTH 690.86 FEET TO SOUTHEAST CORNER OF ENGINEERED BARRIER. SOUTHWEST 300.09 FEET ALONG NORTH EDGE OF THE SOUTH BRANCH OF THE CHICAGO RIVER TO SOUTHWEST CORNER OF ENGINEERED BARRIER. NORTH 747.69 FEET TO POINT OF ORIGIN.
3. Common Address: 955 West Cermak Road, Chicago, IL.
4. Parcel Index Number: 17-29-200-037-0000 and 17-29-200-038-0000.
5. Remediation Site Owner: KDC -- Cermak Investments, LP.
6. Land Use: Industrial/Commercial.
7. Site Investigation: Comprehensive.

See NFR letter for other terms.

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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 20, 2007

CERTIFIED MAIL7004 2510 0001 8623 4146Reissued: June 26, 2007

Donald Mills, Vice President
 KDC -- Cermak Investments, LP
 8115 Preston Road, Suite 700
 Dallas, Texas 75225

Re: 0316315194/Cook County
 Chicago/Repro Development, Inc.
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Mills:

The *Amended Remedial Action Completion Report* (April 18, 2007/Log No. 07-33402), as prepared by Testing Service Corporation for the Repco Development, Inc., 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 7.57 acres, is located at 955 West Cermak 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 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 18, 2006/Log No. 06-31036), is KDC -- Cermak Investments, LP.

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.

Engineering Controls:

- 4) 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.
- 5) The geotextile barrier with a minimum of 1.0 foot of clean soil covering the barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This geotextile and clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) 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.

Other Terms

- 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.
- 8) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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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 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) KDC -- Cermak Investments, LP;
 - 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;

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- 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 Repco Development, Inc., property.
- 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 the Repco Development, Inc., property, you may contact the Illinois EPA project manager, Marc Cummings at (217) 782-9079.

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
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form

cc: Bruce R. Poynor, Vice President
Testing Service Corporation
360 S. Main Place
Carol Stream, Illinois 60168-2404

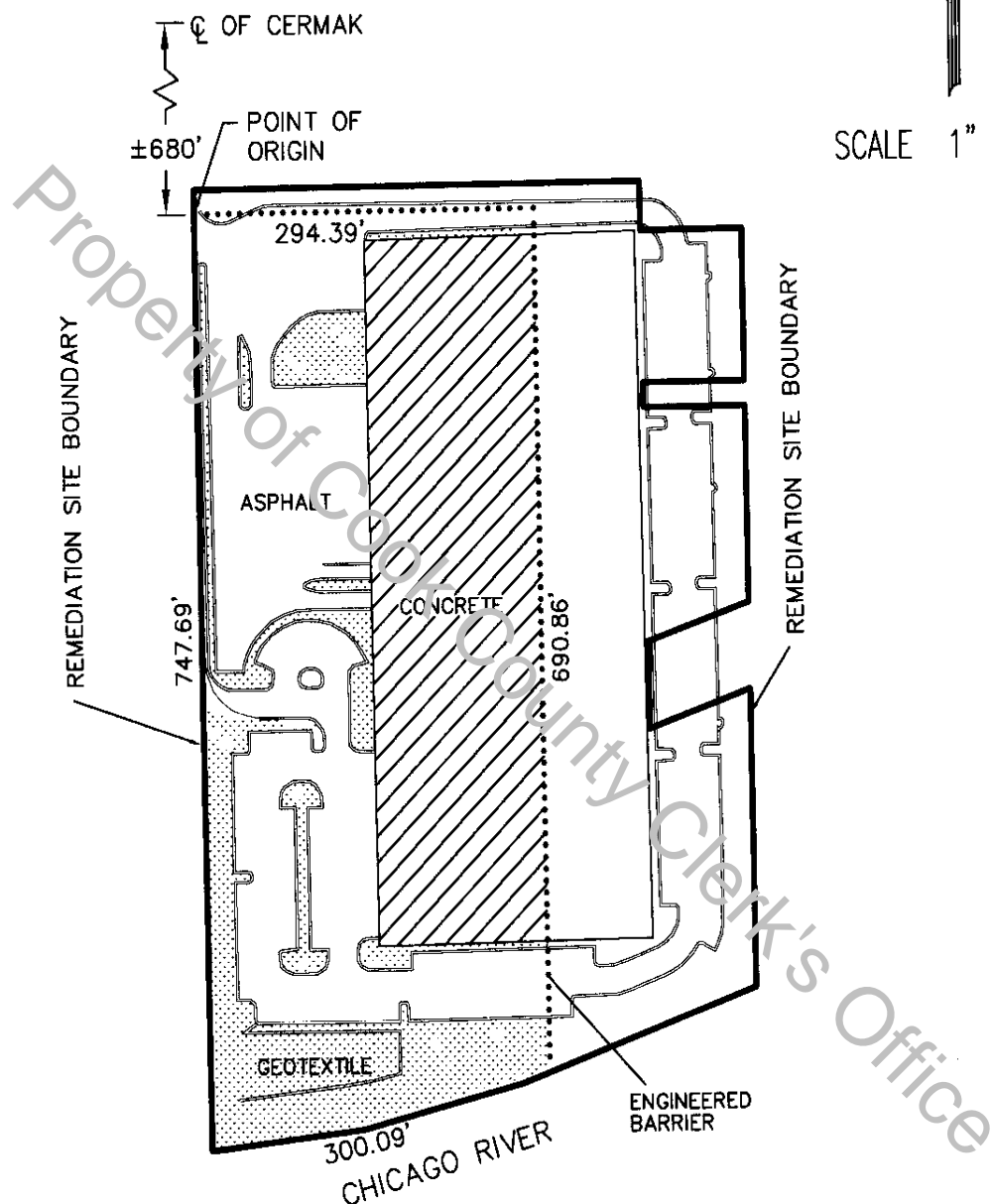
PROPERTY OF COOK COUNTY CLERK'S OFFICE

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SITE BASE MAP
 0316315194-COOK COUNTY
 CHICAGO/REPCO DEVELOPMENT, INC.
 SITE REMEDIATION PROGRAM



SCALE 1" = 150'



LEGEND:

- ASPHALT-3.5" THICK
- CONCRETE-8" THICK
- GEOTEXTILE-2.1mm THICK

TESTING SERVICE CORPORATION 457 EAST GUNDERSEN DRIVE CAROL STREAM, ILLINOIS 60188	DRAWN BY: WFA	PAGE NO. 1 OF 1
	CHECKED BY:	
	JOB NO. : L-64,857	
	DATE: 6/18/07	