



Doc#: 0727509049 Fee: \$38.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/02/2007 12:07 PM Pg: 1 of 8

PREPARED BY AND  
RETURN RECORDED  
COPY TO:

Frank M. Grenard  
317 6<sup>th</sup> Ave., 12<sup>th</sup> Floor  
Des Moines, IA 50309

## THE ABOVE SPACE FOR RECORDER'S OFFICE

### Environmental Land Use Control

17 THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this day of August, 2007, by BFE/1Q Properties L.L.C., ("Property Owner") of the real property located at the common address of 1700 E. Higgins Rd., Schaumburg, IL ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated soil or groundwater, or both, that may be present on the property as a result of retail petroleum service station activities. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g., engineered barriers, monitoring wells, caps, etc.).

WHEREAS, Equilon Enterprises LLC d/b/a Shell Oil Products US intends to request risk-based, site specific soil and groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of Land 0312825221, utilizing an ELUC.

**NOW, THEREFORE**, the recitals set forth above are incorporated by reference as if fully set forth herein and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of Cook, State of Illinois and further described in Exhibit A attached hereto and incorporated herein by reference (the "Property"). Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation

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objectives for soil or groundwater or both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants it is the current owner of the property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in Cook County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that groundwater beneath the Property shall not be used as a potable supply of water, and any contaminated groundwater or soil that is removed, excavated, or disturbed from the Property described in Exhibit A herein must be handled in accordance with all applicable laws and regulations.

Section Four. This ELUC is binding on the Property Owner, its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues to the site that received the no further remediation determination a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s); the new no further remediation determination is filed on the chain of title of the site subject to the no further remediation determination; and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with 0312825221 listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signatures:

Property Owner:

BRE\Q Properties, L.L.C.

By: Mark Choupeh  
 Vice President

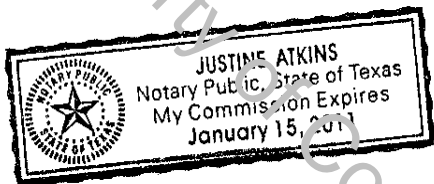
Its: \_\_\_\_\_  
 Date: Aug 13, 2007

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STATE OF TEXAS            )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

I, Justine Atkins the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that ~~Mark Chloped~~ personally known to me to be the V.P. of BRELQ Properties, L.L.C. ("Company"), the Property Owner of 1700 E Higgins Road, and personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged (s)he signed and delivered the said instrument as his/her free and voluntary act and as the free and voluntary act of the Company for the uses and purposes therein set forth by authority of the members and Operating Agreement of said Company.

Given under my hand and official seal, this 17th day of August, 2007.



Justine Atkins  
Notary Public

Property  
Cook County Clerk's Office

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## Exhibit A

**PIN NO. 07-13-408-010-0000**  
**(Parcel Index Number)**

The subject property is located in the Village of Schaumburg, Cook County, State of Illinois, commonly known as 1700 E Higgins Road, Schaumburg, Illinois and more particularly described as:

**1700 E Higgins Road, Schaumburg, Illinois**

Lots 1 and 2 in Judith Johnson Sixth Resubdivision, Being a Resubdivision of Lot 1 in Judith Johnson Fifth Resubdivision in the West 1.2 of the Southeast 1/4 of Section 13 Township 41 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois

**(PURSUANT TO 742.1010(D)(2))**

Property of Cook County Clerk's Office

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## Exhibit B

**IN ACCORDANCE WITH SECTION 742.1010(D)(8)(A)-(D), PROVIDE ALL THE FOLLOWING ELEMENTS. ATTACH SEPARATE SHEETS, LABELED AS EXHIBIT B, WHERE NECESSARY.**

- (A) A scaled map showing the legal boundary of the property to which the ELUC applies.
- (B) Scaled maps showing the horizontal and vertical extent of contaminants of concern above the applicable remediation objectives for soil and groundwater to which the ELUC applies.
- (C) Scaled maps showing the physical features to which an ELUC applies (e.g. engineered barriers, monitoring wells, caps, etc.).
- (D) Scaled maps showing the nature, location of the source, and direction of movement of the contaminants of concern.

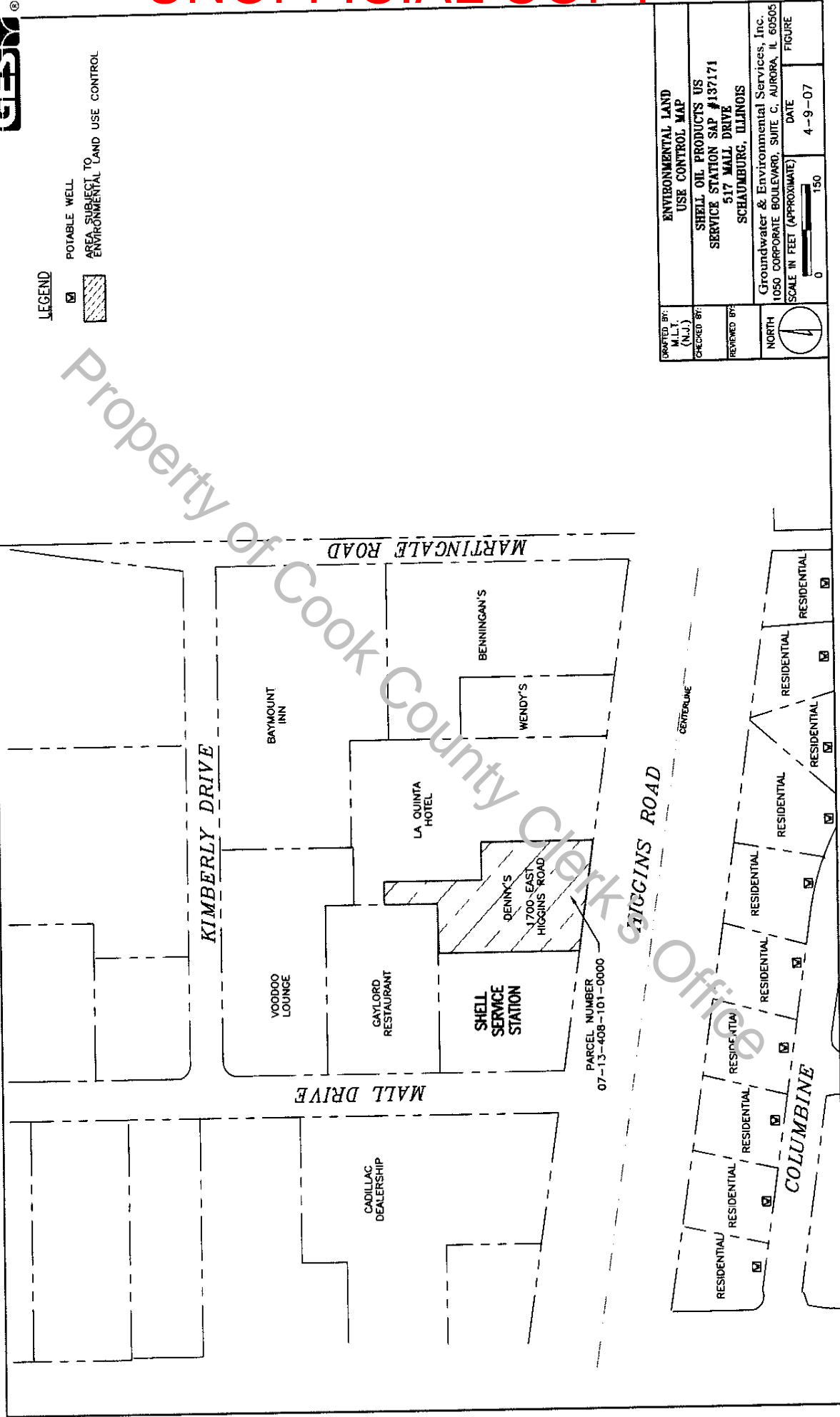
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**LEGEND**

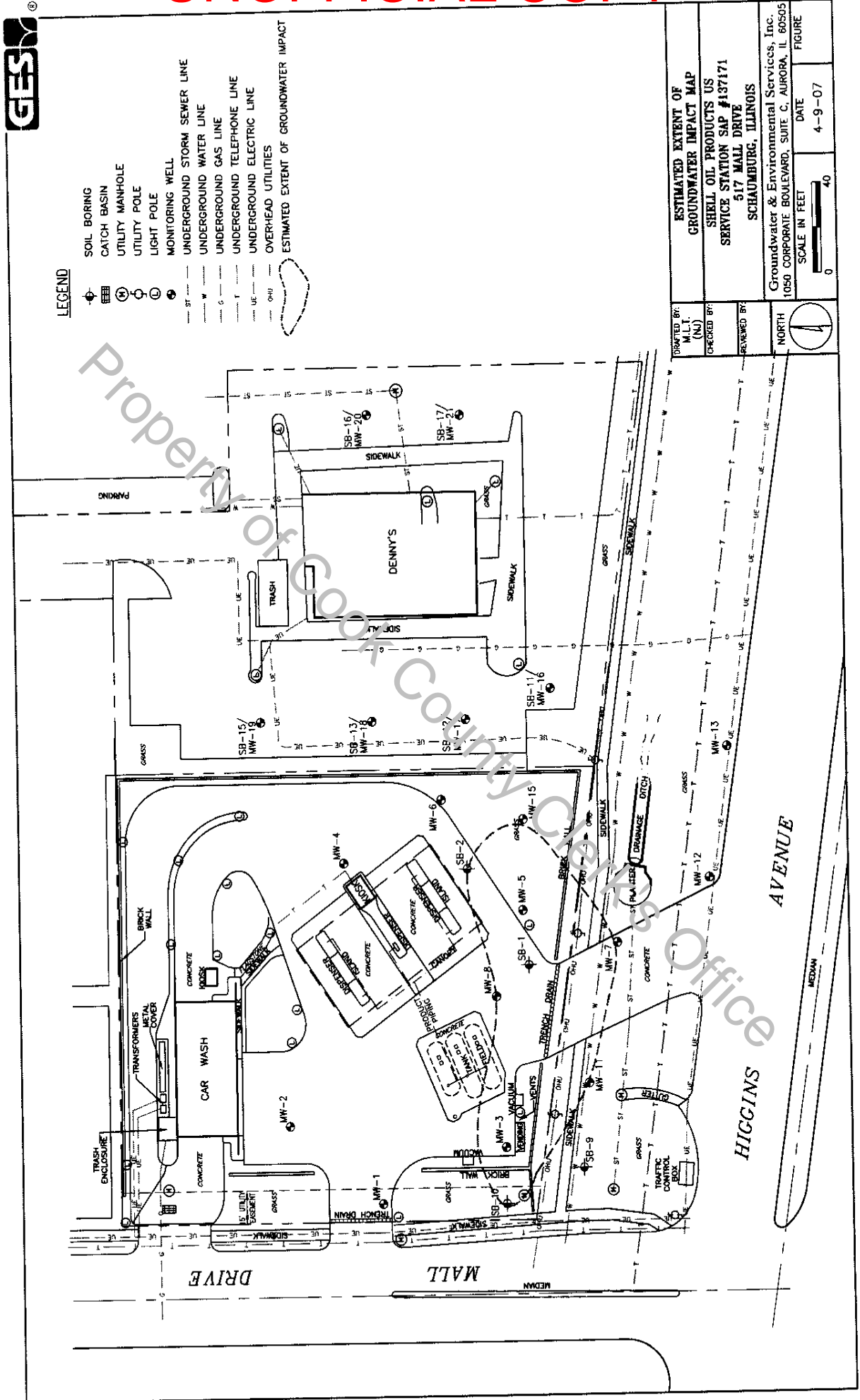
- POTABLE WELL
- AREA SUBJECT TO ENVIRONMENTAL LAND USE CONTROL



PARCEL NUMBER  
07-13-408-101-0000

<b>DESIGNED BY:</b> M.L. (N.L.)	<b>ENVIRONMENTAL LAND USE CONTROL MAP</b>		
<b>CHECKED BY:</b>	SHELL OIL PRODUCTS US SERVICE STATION SAP #137171		
<b>REVIEWED BY:</b>	517 MALL DRIVE SCHAUMBURG, ILLINOIS		
<b>NORTH</b>		<b>DATE</b> 4-9-07	<b>FIGURE</b>
<b>SCALE IN FEET (APPROXIMATE)</b>			
Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505			

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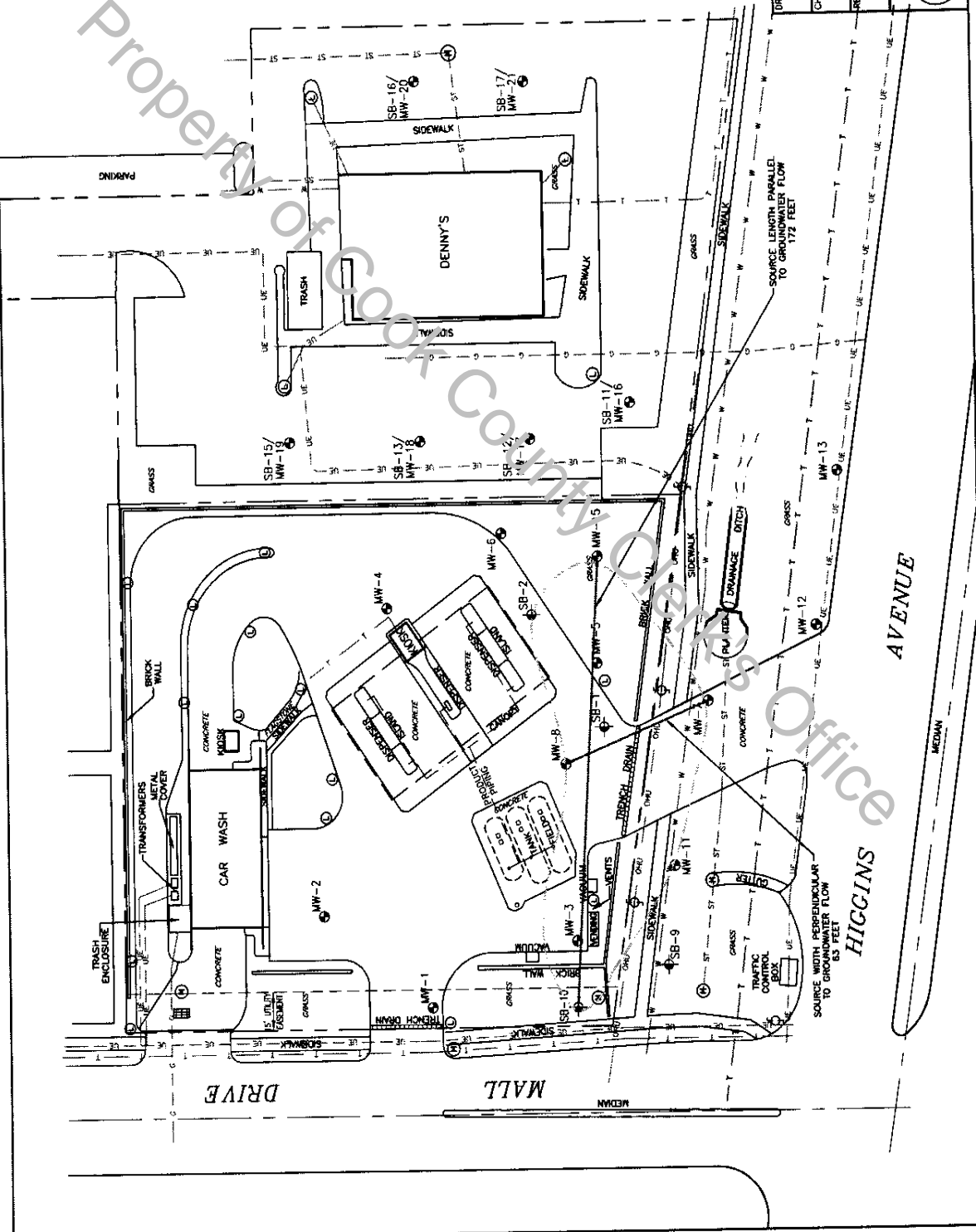
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**LEGEND**

- SOIL BORING
- CATCH BASIN
- UTILITY MANHOLE
- UTILITY POLE
- LIGHT POLE
- MONITORING WELL
- UNDERGROUND STORM SEWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND ELECTRIC LINE
- OVER-HEAD UTILITIES
- EXTENT OF MASS-LIMITING PLUME  
(AREA ~ 0.16 ACRES)



DRAFTED BY: M.L.T. (N.J.) CHECKED BY: REVIEWED BY:	<b>MASS-LIMITING PLUME DIMENSIONS MAP</b>  SHELL OIL PRODUCTS US SERVICE STATION SAP #137171 517 MALL DRIVE SCHMIDT, ILLINOIS
NORTH 	Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505 SCALE IN FEET DATE 3-23-07 FIGURE

Property of Cook County Office