#### PREPARED BY:

Name:

Joseph E. Curci

1355 East 93rd Street LLC

Address:

2011 N. Southport Avenue

Chicago, IL 60614



Doc#: 0801534000 Fee: \$68.00

Eugene "Gene" Moore

Cook County Recorder of Deeds

Date: 01/15/2008 08:20 AM Pg: 1 of 23

#### RETURN TO:

Name:

Joseph E. Curci

1355 Rost 93rd Street LLC

Address:

2011 N. Southout Avenue

Chicago, IL 60014

### 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: 0316005236

1355 East 93rd Street LLC, a wholly owned subsidiary of A. Firkl & Sons Co., the Remediation Applicant, whose address is 2011 N. Southport Avenue, Chicago, IL 60614 Lar, requested a corrected No Further Remediation letter for the remediation site depicted on the attached Site Base Map and identified by the

Legal description or Reference to a Plat Showing the Boundaries: 1. Parcels "A", "C", and "G":

That part of the southeast 1/4 of Section 2, Township 37 North, Range 14 East of the Third Principal

Beginning at a point in the South Line of 93rd Street and in a line, that is 550.00 feet south resterly of (by right angle measurement) the centerline of the original main track of the New York, Chicago and St. Louis Railroad, said point also being the Northwest corner of a parcel of land conveyed by deed recorded March 12, 1947 as document 14011929; thence North 22 degrees 51 minutes West along said parallel line, 165.15 feet; thence North 00 degrees, 09 minutes East 179.82 feet; thence South 89 degrees, 58 minutes, 30 seconds East, 75.00 feet; thence North 00 degrees, 09 minutes East, 626.26 feet; thence North 22 degrees, 51 minutes West, 402.10 feet to a point in the South line of 91st Street; being 33.00 feet South of the North line of said Southeast 1/4; thence North 89 degrees 58 minutes East along said line, 264.73 feet to a point in a line, that is 97.00 feet Southwesterly of (by right angle measurement) the North Easterly line of said railroad; thence South 22 degrees 51 minutes East along said line, 1366.67 feet to a point in the North line of said 93<sup>rd</sup> Street; thence South 89 degrees 47 minutes West along said North line of 93<sup>rd</sup> Street, 131.10 feet to the Southwesterly line of the New York, Chicago and St. Louis Railroad right of way (being 218.00 feet wide); thence South 22 degrees 51 minutes East, 1018.18 feet along said right of way line to a point in a line, that is 425.00 feet North (by

(Illinois EPA Site Remediation Program Environmental Notice) Page 1

0801534000 Page: 2 of 23

# **UNOFFICIAL C**

## 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

(217) 782-6761

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

Corrected Date: December 13, 2007 Issue Date: May 3, 2006

CERTIFIED MAIL 7007 0220 0000 0148 2977

Joseph E. Curri 1355 East 93" Street LLC 2011 N. Southrort Avenue Chicago, IL 60614

Re:

0316005236 - Cook County

Chicago/Verson Alisteel Press Co.

Site Remediation Program/ l'achnical Reports

No Further Remediation Letter

Dear Mr. Curci:

The Comprehensive Site Investigation Report/Remedial Objectives Report (July 23, 2003/03-3175) and the Response to Comments letter (January 29, 2004/04-18716), as prepared by Environmental Group Services, Ltd. for the Verson Allstee! Press Co. property, have been reviewed by the Illinois Environmental Protection Agency ("Ill nois EPA") and demonstrate that the remedial action was completed in accordance with 35 Illinois Acroinistrative Code Parts 740

The Remediation Site, consisting of 33 acres, is located at 1355 East 93rd Street Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("450") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted vader the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (November 7, 2007/07-35786), is 1355 East 93rd Street LLC, a wholly owned subsidiary of A. Finkl & Sons Co.

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.

### 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.

#### Preventive Controls:

4) 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 two (2) 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.

### **Engineering Controls:**

- 5) 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 ingestion of the contaminated media.
- 6) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier ingestion of the contaminated media.

### Institutional Controls:

7) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

#### Other Terms

- 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 any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 9) 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

- 10) 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 shell provide notice to the current title holder and to the Remediation Applicant at the last knew 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 enginearing 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.

- 11) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
  - a) 1355 East 93rd Street LLC, a wholly owned subsidiary of A. Finkl & Sons Co.;
  - 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;
  - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocacle, 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 Remeasion Site;
- j) Any financial institution, as that term is defined in Section? of the Illinois Banking Act and to include the Illinois Housing Development Authority. Inat 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.
- 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 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 Verson Allsteel Press Co.
- 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:

# **UNOFFICIAL C**

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

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.

If you have any quartions regarding this correspondence, you may contact Rick Lucas at

Sincerely

Joyce L. Munic, 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

cc: Carmen Yung

V3 Companies of Illinois

7325 Janes Avenue

Woodridge, IL 60517

right angle measurement) of and parallel with the South line of said Southeast ¼ of Section 2, (said parallel line being the North line of East 94th Street Diversion as established by the City of Chicago by ordinance dated July 11, 1910); thence Westerly and Northwesterly along said Northerly line of "94th" Street Diversion", 525.70 feet; thence North 34 degrees, 28 minutes West, 101.33 feet; thence North 24 degrees, 27 minutes West, 146.35 feet; thence South 39 degrees, 47 minutes West, 55.46 feet; thence North 22 degrees, 51 minutes West, 612.85 feet to the point of beginning (except from the above described premises said 93rd Street, being 66.00 feet wide);

#### Parcels "B" and "F":

Lots 24 to 30, both inclusive, in Goodrich subdivision of that part of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 2, Township 37 North, Range 14 East of the Third Principal Meridian, lying west of the west line of the New York, Chicago, St. Louis Railroad Company's right of way, also;

All of east/west 16 foot vacated alley, lying south of and adjoining Lots 27, 28, and 29 in Goodrich subdivision aforestid and lying north of and adjoining Lots 24, 25, and 26 in Goodrich Subdivision

### Parcels "D" and "E"

Lots 1, 2, 3 and 4 and Lots 46 to 69 both inclusive, in Stewart Subdivision of that part of the East 1/2 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 2, Township 37 North, Range 14, East of the Third Princip. Meridian, lying North of the South 595,00 feet thereof and West of the West line of the New York, Chicago and St. Louis Railroad Company's right of way:

#### Parcels "H":

A parcel of land situated in the town of Hyde Park, City of Chicago, County of Cook, State of Illinois, and being a part of the South ½ of the Southeast ¼ of Section 2, Township 37 North, Range 14 East of the Third Principal Meridian, being more particularly bounded and Jescribed as follows:

Commencing at a point in the South line of East 93rd Street, 66.00 feet in width as now established at this location in said City of Chicago, said point being the Northwest corner of a parcel of land conveyed by the New York, Chicago and St. Louis Railroad Company to David C. Verson, and Others, By Limited Warranty deed dated December 18, 1946, recorded in Volume 42021, Page )23 of Cook County Deed Records; thence North 89 degrees, 47 minutes East, a distance of 549.09 feet along the South line of East 93rd Street to a point in the Northeast corner of a parcel of land conveyed by the recov York, Chicago and St. Louis Railroad Company to Verson Allsteel Press Company by quit Claim Deed dated February 26, 1953 recorded under Document 15560104 of Cook County deed records, said point being the principal point of beginning; thence continuing North 89 degrees, 47 minutes East along the South line of East 93rd Street, a distance of 121.76 feet to a point; thence South 15.00 degrees, 41 minutes East, a distance of 246.67 feet to a point; thence South 67 degrees, 07 minutes, 30 seconds West, a distance of 24.60 feet to a point; thence South 22 degrees, 52 minutes, 30 seconds East, a distance of 67.75 feet to a point of tangency with a curve to the right; thence a distance of 117.98 feet along the arc of said curve having a radius of 946.48 feet and a chord 117.89 feet in length bearing South 19 degrees, 18 minutes, 15 seconds East to a point of tangency; thence South 15 degrees, 44 minutes, 00 second East, a distance of 102.87 feet to a point of tangency with a curve to the left; thence a distance of 102.14 feet along the arc of said curve, having a radius of 753.50 feet and a chord 102.07 feet in length bearing South 19 degrees, 37 minutes East to a point of common tangency with a curve to the right; thence a distance of 32.41 feet along the arc of said curve, having a radius of 258.18 feet and a chord 32.39 feet in length

(Illinois EPA Site Remediation Program Environmental Notice)

chord 32.39 feet in length bearing South 19 degrees, 45 minutes, 15 seconds to a point of common tangency with a curve to the left; thence a distance of 114.80 feet along the arc of said curve, having a radius of 1303.21 feet and a chord 114.76 feet in length bearing South 18 degrees, 49 minutes, 55 seconds East to a point of tangency; thence South 21 degrees, 21 minutes, 20 seconds East, a distance of 126.54 feet to a point in the Northerly line of East 94th Street Diversion, as established by the Chicago City Council by ordinance dated July 11, 1910; thence South 89 degrees, 57 minutes West along the aforesaid Northerly line of 94th Street Diversion, a distance of 19.79 feet to a point in the Southeasterly corner of the aforesaid parcel conveyed to Verson Allsteel Press Company by quit claim deed dated February 26, 1953; thence North 22 degrees, 51 minutes West along and contiguous with principal point of beginning;

#### Parcels "I":

A tract of land in the West ½ of the Northeast ¼ of Section 2, Township 37 North, Range 14 East of the Third Principal Meridian, described as follows:

Commencing at the point of the intersection of the South line of East 91st Street extended Easterly 66.00 feet wide and the Northeasterly line of a parcel of land conveyed to the Burnside Street Foundry Company by deed dated Jarue v. 29, 1942 as recorded in Volume 37427 page 21 as Document 1281607; thence Easterly along the South line of East 91st Street extended Easterly, a distance of 20.13 feet to the true point of beginning of the tract of land herein described; thence continue Easterly along the South line of East 91st street extended Easterly, a distance of 244.67 feet to a point in a line, that is 97.00 feet Westerly of (by right angle measurement), and parallel with the Northeasterly right of way line of the Norfolk and Western Railway Company (formerly New York, Chicago, St. Louis Railroad Company), said point being also the Northeasterly corner of parcel of land conveyed to Verson Allsteel Press Company by deed dated May 14, 1964 and recorded as Document 19128409; thence Northwesterly on said parallel line, 720.89 feet to a point in the South line of East 90th Street, being 66.00 feet wide extended Westerly; thence Westerly along the South line of said East 90th Street extended Westerly, a distance of 244.67 feet to a point; thence Southeasterly in a straigh line, a distance of 720.89 feet to the

#### Parcel "L":

That part of East 93rd Street in the Southeast Quarter of Section 2, Township 3 / North, Range 14, East of the Third Principal Meridian, described as follows:

Beginning at a point in the South line of 93rd Street and in a line that is 550 feet South esterly of (by right angle measurement) the center line of the original main track of the New York, Chicago and St. Louis Railroad, said point being also the Northwest corner of a parcel of land conveyed by deed recorded March 12, 1947 as document 14011929; thence North 22°50'21" West 71.57 feet, to the North line of 93rd Street; thence North 89°54'20" East along said North line 680.37 feet to a line that is 97 feet Southwesterly of (by right angle measurement) the Northeasterly line of said railroad; thence, South 15°32'34" East 68.47 feet to the South line of 93rd Street; thence South 89°54'20" West along said South line 670.94 feet to the point of beginning, in Cook County, Illinois.

- 2. Common Address: 1355 East 93rd Street, Chicago, IL
- 3. Real Estate Tax Index/Parcel Index Number: 25-02-200-015-0000, 25-02-200-020-0000, 25-02-200-020-0000, 25-02-200-020-0000, 25-02-200-020-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-401-006-0000, 25-02-401-00

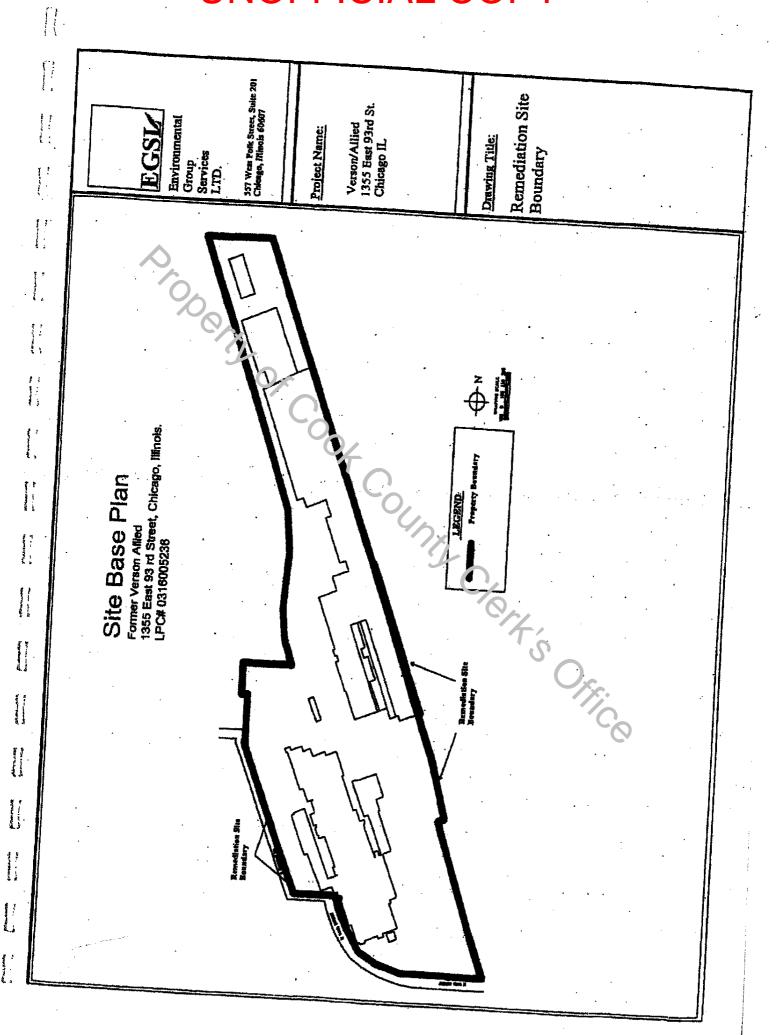
(Illinois EPA Site Remediation Program Environmental Notice)
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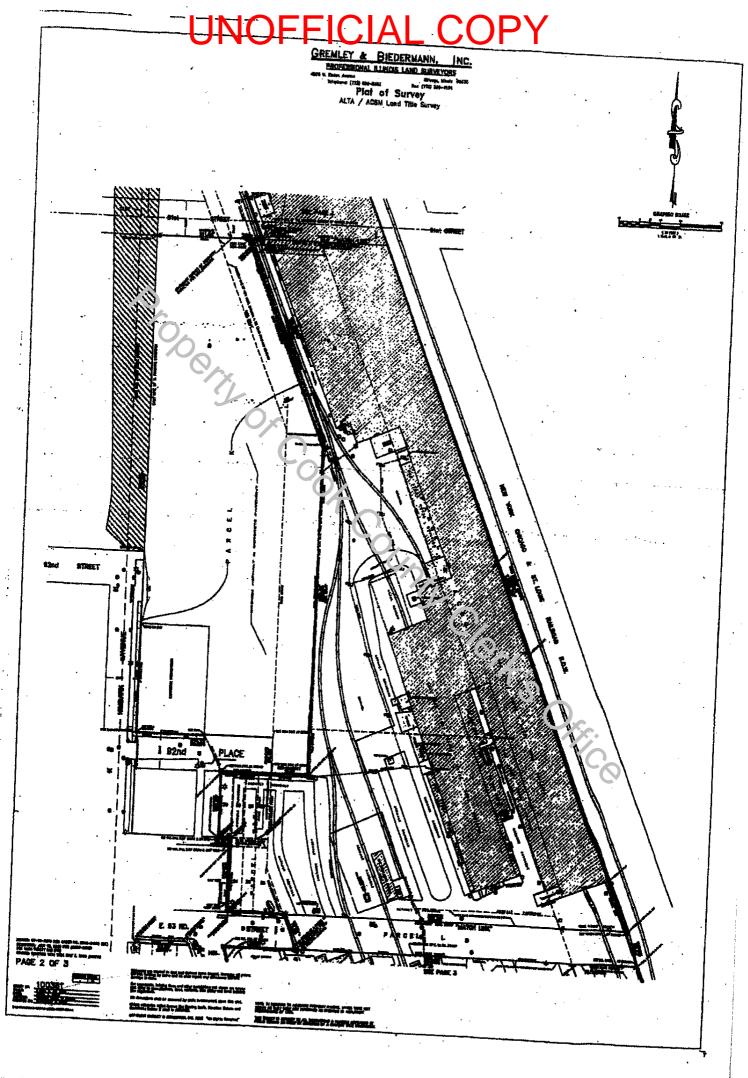
- Remediation Site Owner: 1355 East 93rd Street LLC, a wholly owned subsidiary of A. Finkl & Sons Co. 4.
- 5. Land Use: Industrial/Commercial
- 6. Site Investigation: Comprehensive

See NFR letter for other terms. Soft County Clark's Office

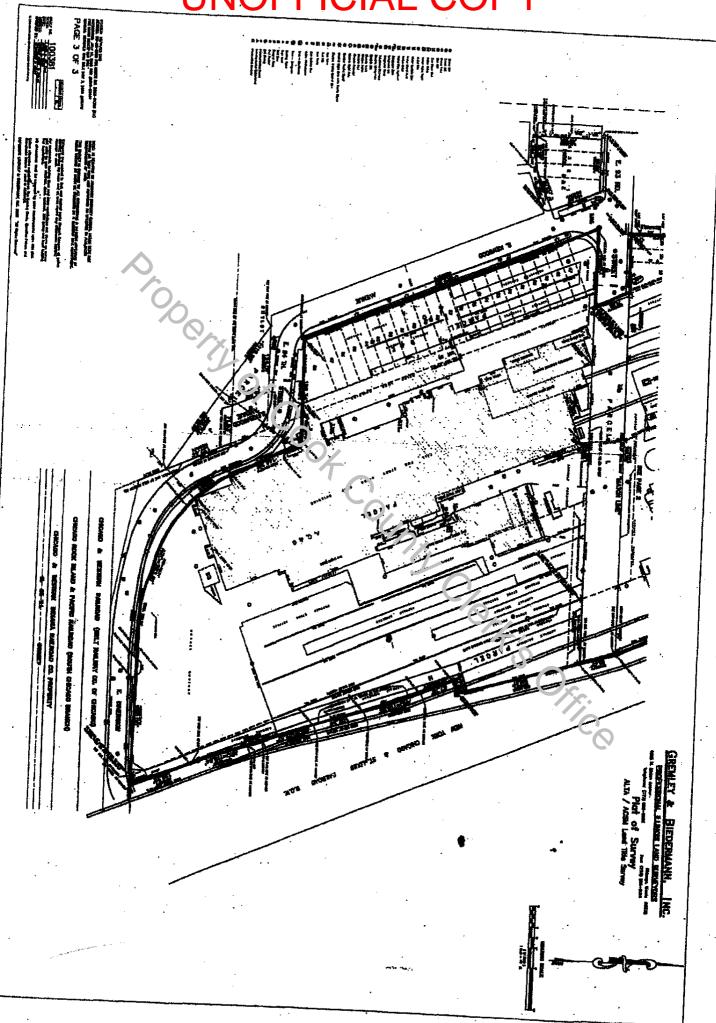
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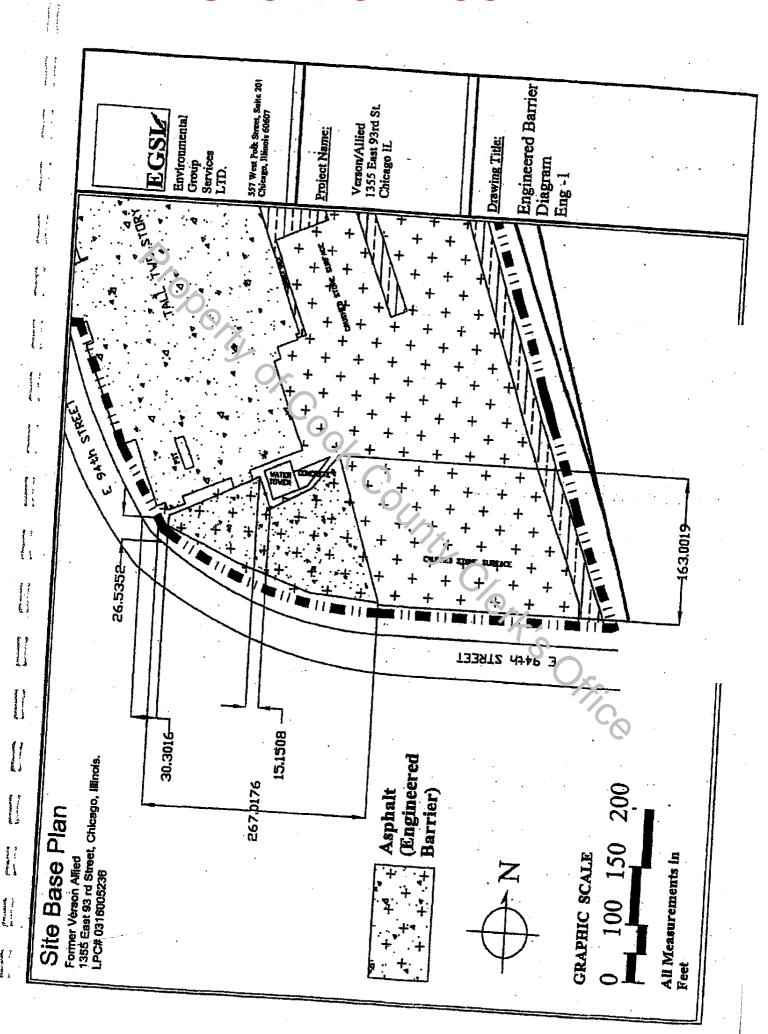


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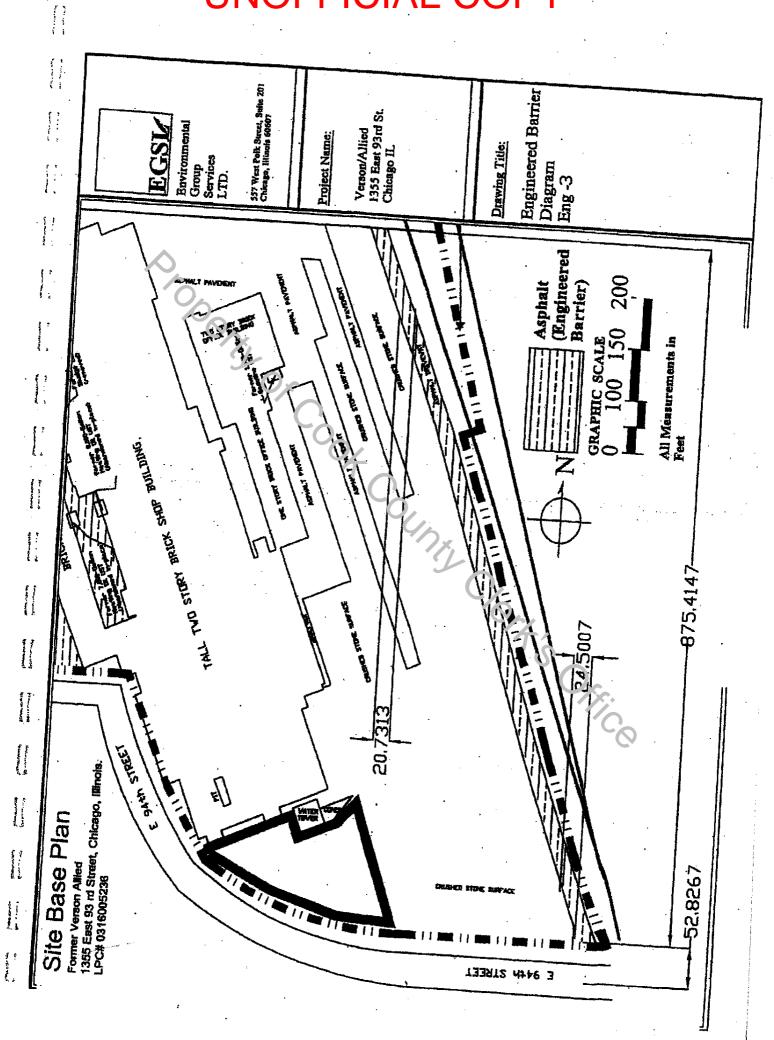


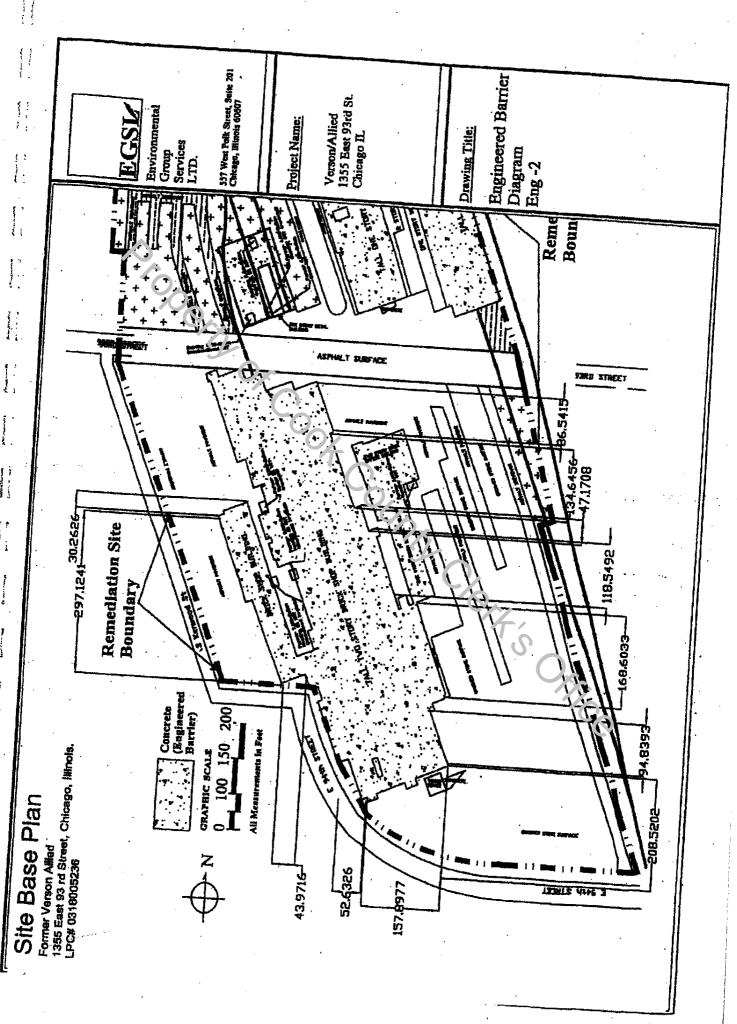
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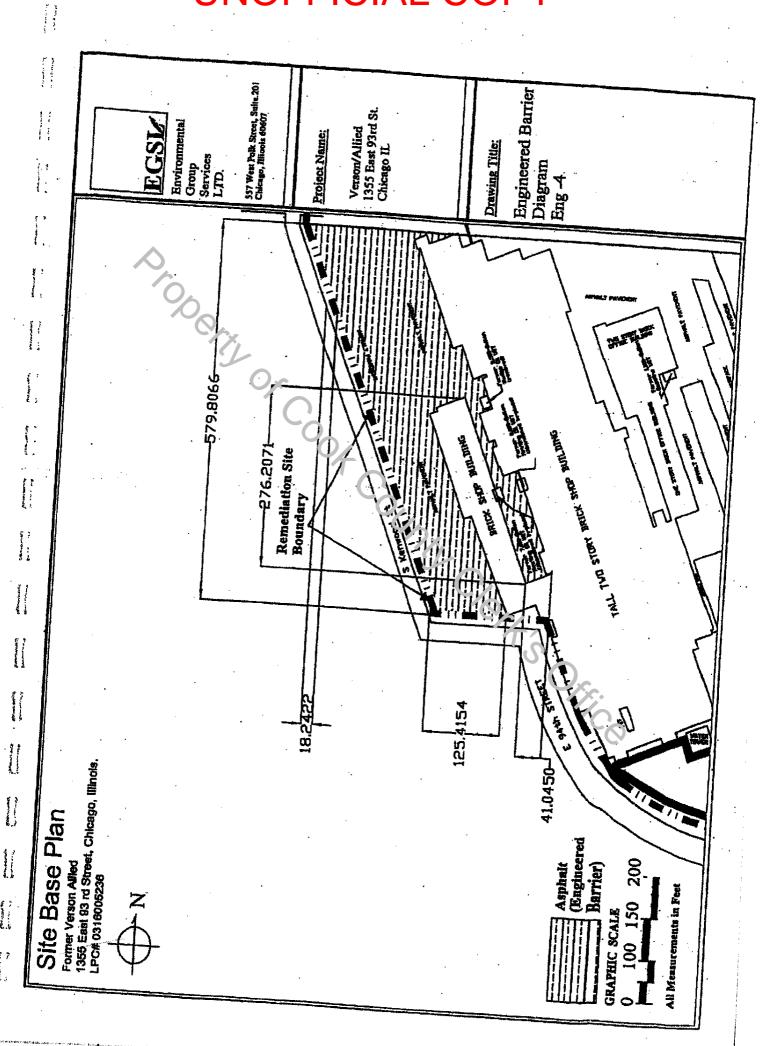


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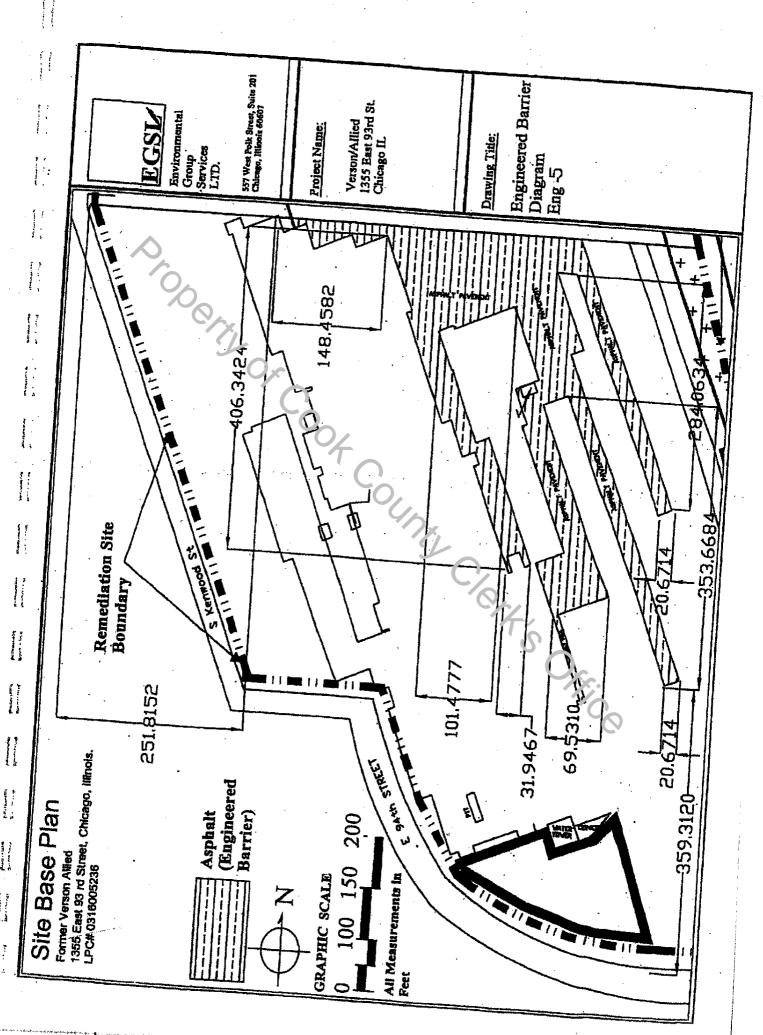
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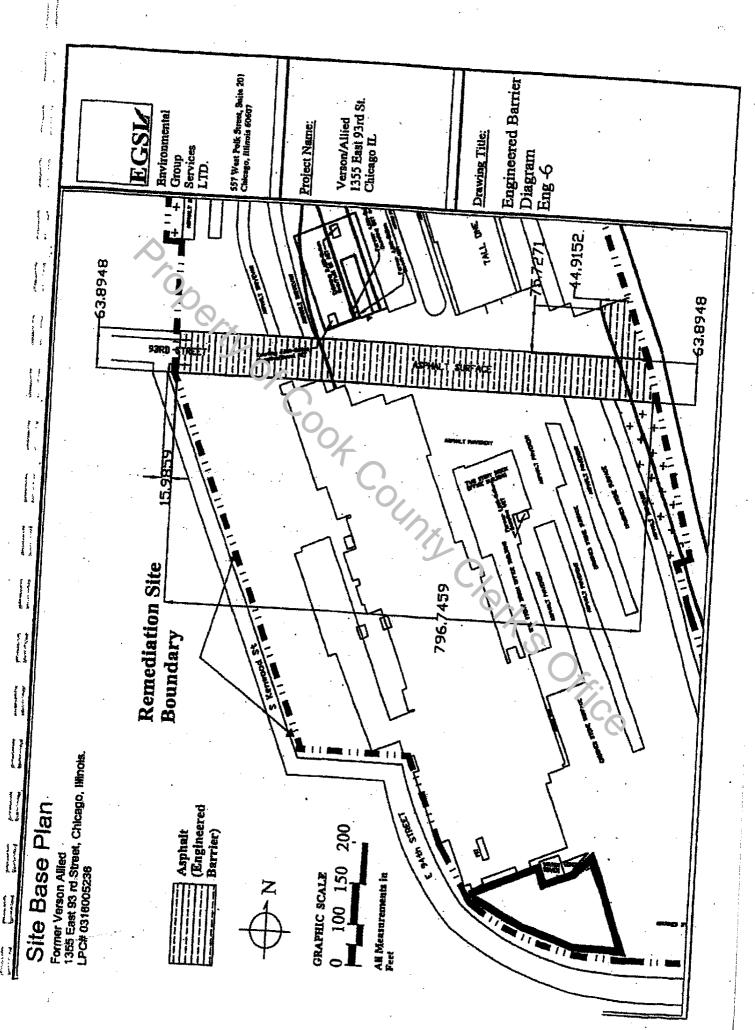
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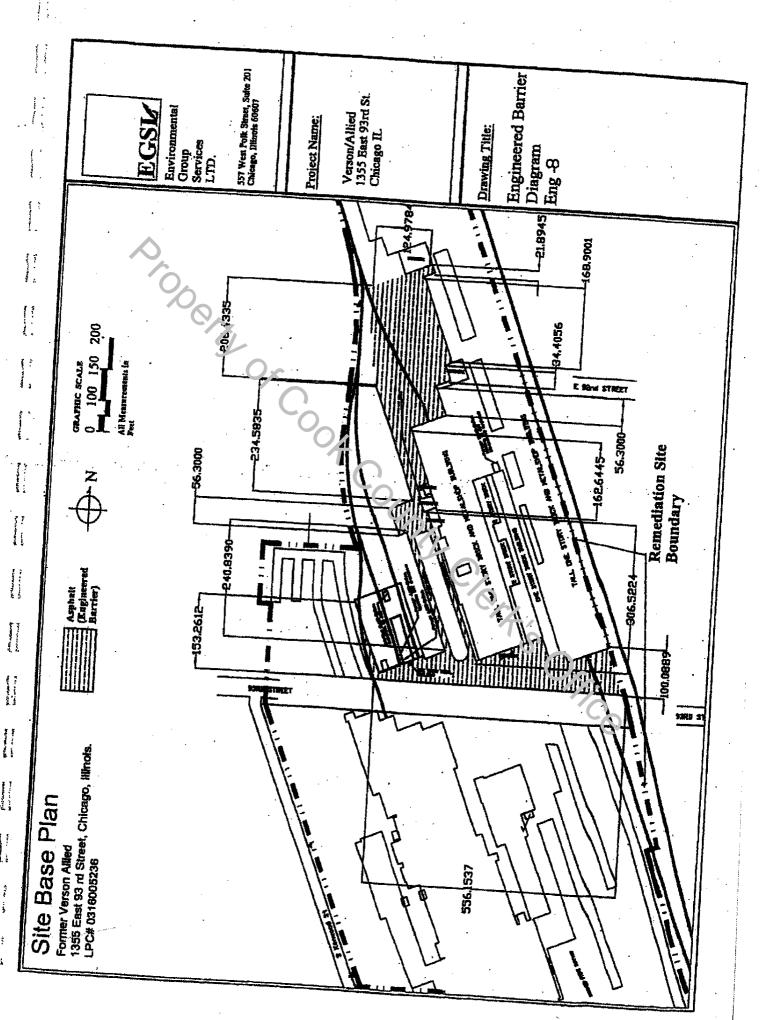
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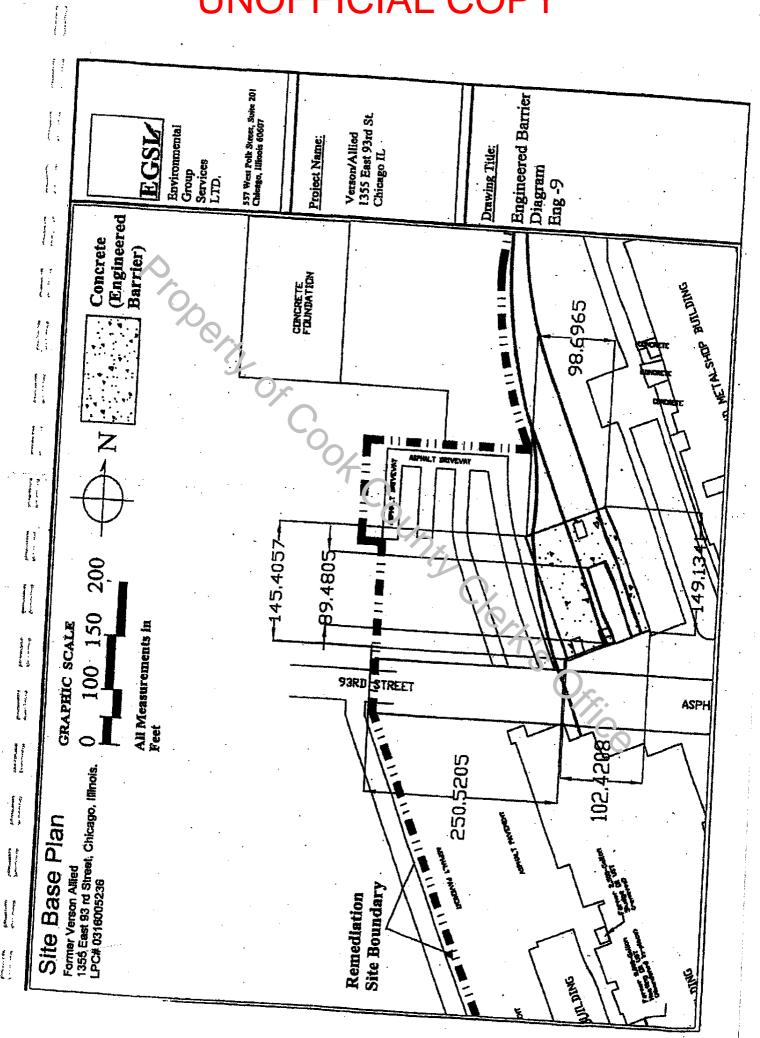
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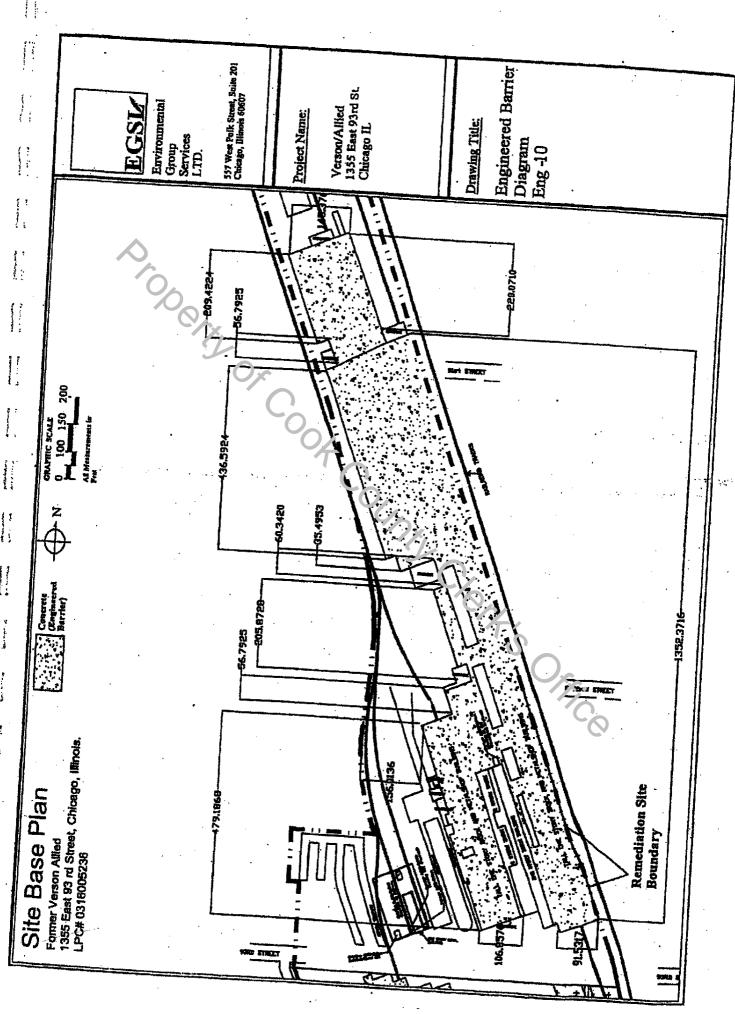


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Figure 27





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