

# UNOFFICIAL COPY



08153048



## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property Transfer Act of 1988

For Use By County

Seller: The Equitable Life Assurance Society of the United States

Recorder's Office

Buyer: Solano Associates

County

Document No.: \_\_\_\_\_

Date

Doc. No.

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Rec'd by: \_\_\_\_\_

7781520288

### I. PROPERTY IDENTIFICATION:

A. Address of property: 120 South Riverside Plaza, Chicago Street City or Village Township

Permanent Real Estate Index No.: 17-16-104-007-6002  
17-16-104-008-6002

### B. Legal Description:

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Enter or attach current legal description in this area:

N.S.F.

See Legal Description attached hereto as Exhibit A

08153048

8512/0205 04 001 Page 1 of 8  
1998-12-18 12:54:54  
Cook County Recorder 67.00

Prepared by: Richard P. Blessen  
500 West Madison, Suite 3700  
Chicago, Illinois 60661  
address

Return to: \_\_\_\_\_ name  
\_\_\_\_\_ address

### LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

### C. Property Characteristics:

Lot Size 91,247 square feet Acreage 2.09 acres

Check all types of improvement and uses that pertain to the property:

- |  |   |
|--|---|
| <input type="checkbox"/> Apartment building (6 units or less)          | <input type="checkbox"/> Industrial building  |
| <input type="checkbox"/> Commercial apartment (over 6 units)           | <input type="checkbox"/> Farm, with buildings |
| <input checked="" type="checkbox"/> Store, office, commercial building | <input type="checkbox"/> Other, specify _____ |

**BOX 333-CTI**

### II. NATURE OF TRANSFER:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance?                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (4) A mortgage or collateral assignment of beneficial interest?                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

B. (1) Identify Transferor:

The Equitable Life Assurance Society of the United States  
Name and Current Address of Transferor

1290 Avenue of the Americas, New York, NY 10104

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.

Trust No.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Donna Kline, LaSalle Partners, Property Manager, 120 S. Riverside Plaza, Ste. 310  
Name, Position (if any), and address

Chicago, IL

Telephone No.

Solano Associates, 500 West Madison, Suite 3650

(312) 930-9890

C. Identify Transferee: Solano Associates, 500 West Madison, Suite 3650  
Name and Current Address of Transferee Chicago, Illinois 60661

### III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;

(2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

2. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

3. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

4. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule of law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank."

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

### IV. ENVIRONMENTAL INFORMATION

#### Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances", as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes \_\_\_\_\_ No X

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes \_\_\_\_\_ No X

3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes", as defined by the federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act? Some full floor asbestos abatement  
Yes  No

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO		YES	NO
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wastewater Treatment Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Waste Treatment Detoxification	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other Land Disposal Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Container Storage Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

If there are "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever held any of the following in regard to this real property?  
a. Permits for discharges of wastewater to waters of the State. Yes  No   
b. Permits for emissions to the atmosphere. Yes  No   
c. Permits for any waste storage, waste treatment or waste disposal operation. Yes  No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? Yes  No

7. Has the transferor taken any of the following actions relative to this property?  
a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. Yes  No

b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes  No

c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes  No

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental actions?

a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes  No

b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. Yes  No

c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes  No

### 9. Environmental Releases During Transferor's Ownership

a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws? Yes  No

b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes  No

c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property? Not Applicable

- Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- Designation, by the IEPA or the IESDA, of the release as "significant" under the Illinois Chemical Safety Act
- Sampling and analysis of soils
- Temporary or more long-term monitoring of groundwater at or near the site
- Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- Coping with fumes from subsurface storm drains or inside basements, etc.
- Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board? Yes  No

11. Is there any explanation needed for clarification of any of the above answers or responses? \_\_\_\_\_

5.a -- Chicago River water is used and discharged in connection with the operation of the Building's cooling plant.

## B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

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

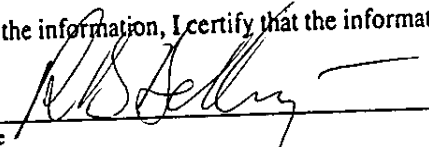
Type of business/ or property usage: Office/Commercial

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:


	YES	NO		YES	NO
Landfill	_____	X	Injection Wells	_____	X
Surface Impoundment	_____	X	Wastewater Treatment Units	_____	X
Land Treatment	_____	X	Septic Tanks	_____	X
Waste Pile	_____	X	Transfer Stations	_____	X
Incinerator	_____	X	Waste Recycling Operations	_____	X
Storage Tank (Above Ground)	_____	X	Waste Treatment Detoxification	_____	X
Storage Tank (Underground)	_____	X	Other Land Disposal Area	_____	X
Container Storage Area	X	_____			

## V. CERTIFICATION

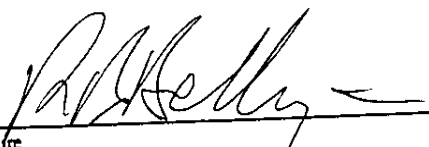
A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

  
 \_\_\_\_\_  
 signature  
The Equitable Life Assurance Society of the  
 type or print name United States  
 TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on  
 December 9 1998

  
 \_\_\_\_\_  
 signature  
Solano Associates  
 type or print name  
 TRANSFEREE OR TRANSFEREES (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on  
 December 9 1998

  
 \_\_\_\_\_  
 signature  
The Equitable Life Assurance Society  
 type or print name of the United States  
 LENDER

(Ch. 30, par. 906)

## EXHIBIT A

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### Legal Description

TWO CERTAIN PARCELS OF LAND IN THE COUNTY OF COOK, TOGETHER WITH THE BUILDINGS AND IMPROVEMENTS THEREON, INCLUDING THE COLUMNS, FOUNDATIONS, GUSSETS AND SUPPORTS THEREOF BOUNDED AND DESCRIBED AS FOLLOWS:

#### PARCEL 1:

A PART OF LOTS 3 AND 4 IN RAILROAD CO'S RESUBDIVISION OF BLOCKS 62 TO 76 BOTH INCLUSIVE, 78, PARTS OF 63 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, A SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF RESUBDIVISION RECORDED AS DOCUMENT 8339751; SAID PART OF LOTS 3 AND 4 BEING BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 AND RUNNING THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 AND OF SAID LOT 3 A DISTANCE OF 242.50 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH LINE OF LOT 3 WITH THE EAST LINE OF THE WEST 20 FEET OF SAID LOT 3; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 20 FEET OF LOT 3 A DISTANCE OF 397.635 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 33 FEET OF SAID LOT 3; THENCE EAST ALONG THE SOUTH LINE OF THE NORTH 33 FEET OF SAID LOTS 3 AND 4 A DISTANCE OF 216.50 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID LOT 4 AND THENCE SOUTHWARDLY ALONG THE EASTERLY LINE OF SAID LOT 4 A DISTANCE OF 398.60 FEET TO THE POINT OF BEGINNING, (EXCEPTING HOWEVER FROM THE PARCEL OF LAND ABOVE DESCRIBED, THE RESPECTIVE PORTIONS THEREOF LYING VERTICALLY BELOW THE FOLLOWING HORIZONTAL PLANES;

A) A HORIZONTAL PLANE 20.5 FEET ABOVE CHICAGO CITY DATUM, THE PERIMETER OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL AND RUNNING THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 168 FEET; THENCE SOUTHWARDLY TO A POINT ON THE SOUTH LINE OF SAID PARCEL 168 FEET FROM THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY A DISTANCE OF 168 FEET ALONG SAID SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF SAID HORIZONTAL PLANE, A DISTANCE OF 397.64 FEET, MORE OR LESS, ALSO

B) A HORIZONTAL PLANE 22.5 FEET ABOVE CHICAGO CITY DATUM OVER THE REMAINDER OF SAID PARCEL WHICH IS NOT VERTICALLY BELOW THE HORIZONTAL PLANE DESCRIBED IN CLAUSE (A) ABOVE.

#### PARCEL 2:

ALL LAND AND SPACES BELOW THE HORIZONTAL PLANE DESCRIBED IN PARCEL 1 ABOVE WHICH ARE OCCUPIED BY THE COLUMNS, CAISSONS, FOUNDATIONS, GUSSETS AND ALL OTHER SUPPORTING STRUCTURES, IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES AND EQUIPMENT

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## EXHIBIT A

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PRESENTLY LOCATED IN THE EXCEPTED SPACE IN CONNECTION WITH THE BUILDING AND IMPROVEMENTS CONSTRUCTED IN PARCEL 1, PURSUANT TO THE LEASE DESCRIBED ABOVE, AND ALL OTHER IMPROVEMENTS, PLENUMS, MECHANICAL AND ELECTRICAL EQUIPMENT, PIPES, WIRES, CONDUITS, UTILITIES AND OTHER STRUCTURES LOCATED BELOW SAID HORIZONTAL PLANES IN CONNECTION WITH SAID BUILDING AND IMPROVEMENTS; AND

### PARCEL 3:

EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY INSTRUMENT RECORDED AS DOCUMENT 20370303 TO CONSTRUCT, USE, MAINTAIN, REPAIR, REPLACE OR RENEW COLUMNS, CAISSONS, FOUNDATIONS AND TOWER SUPPORTS BELOW THE EASEMENT FOR STREET PURPOSES GRANTED BY THE CITY OF CHICAGO BY DEED RECORDED AS DOCUMENT 5499205 AND THE GRADE ELEVATION WHICH IS SET FORTH IN THE ORDINANCE PASSED MARCH 24, 1914 AND RECORDED AS DOCUMENT 5507199 PURSUANT TO WHICH SAID DEED WAS GIVEN, OVER AND ACROSS THE FOLLOWING DESCRIBED PREMISES:

THE WEST 20 FEET OF LOT 3 (EXCEPT THE NORTH 33 FEET THEREOF) IN RAILROAD COMPANIES RESUBDIVISION OF BLOCKS 62 TO 76 INCLUSIVE, 78, PARTS OF 61 AND 77 AND CERTAIN VACATED STREETS AND ALLEYS IN SCHOOL SECTION ADDITION TO CHICAGO, AFORESAID, IN COOK COUNTY, ILLINOIS

### PARCEL 4:

A NONEXCLUSIVE APPURTENANT EASEMENT IN FAVOR OF THE LEASEHOLD INTEREST IN PARCELS 1 AND 2 AS CREATED BY DEED OF EASEMENT RECORDED JANUARY 31, 1990 AS DOCUMENT 90047309 FOR THE USE OF 1,100 PUBLIC PARKING SPACES IN THE GARAGE, AS DEFINED THEREIN, WITH RIGHTS OF INGRESS AND EGRESS AND AN EASEMENT FOR THE PURPOSE OF CONSTRUCTION OF SUCH REPAIRS OR RESTORATION FOR A PERIOD REQUIRED TO COMPLETE SUCH REPAIRS OR RESTORATION ON, OVER AND ACROSS THE FOLLOWING DESCRIBED LEGAL DESCRIPTION:

LOTS 5, 6, 7 AND 8 (EXCEPT FROM SAID LOTS THAT PART FALLING IN ALLEY) IN BLOCK 49 IN SCHOOL SECTION ADDITION TO CHICAGO IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS AMENDED BY FIRST AMENDMENT TO DEED OF EASEMENT RECORDED OCTOBER 9, 1990 AS DOCUMENT 90491486.

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## EXHIBIT A

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### Legal Description

Two certain parcels of land in the County of Cook, State of Illinois, bounded and described as follows:

#### PARCEL 1

That part of Lot 3 in Railroad Companies' Resubdivision of Blocks 62 to 76, both inclusive, 78, parts of 61 and 77 and certain vacated streets and alleys in School Section Addition to Chicago, a Subdivision of Section 16, Township 39 North, Range 14 East of the Third Principal Meridian, according to the Plat of said Resubdivision recorded in the Recorder's Office of Cook County, Illinois on March 29, 1924, in Book 188 of Plats at Page 16, as Document No. 8339751; falling within a tract of land comprised of part of Lots 3 and 4 in said Railroad Companies' Resubdivision which is bounded and described as follows:

beginning at the Southeast Corner of said Lot 4 and running thence west along the South line of said Lot 4 and of said Lot 3 a distance of 242.50 feet to the point of intersection of said South line of Lot 3 with the East line of the West 20 feet of said Lot 3;

thence north along said East line of the West 20 feet of Lot 3 a distance of 397.635 feet to an intersection with the South line of the North 33.0 feet of said Lot 3;

thence east along the South line of the North 33 feet of said Lots 3 and 4 a distance of 216.50 feet to an intersection with the Easterly line of said Lot 4; and

thence southwardly along the Easterly line of said Lot 4 a distance of 398.60 feet to the point of beginning,

excepting, however, from the parcel of land above-described the respective portions thereof lying vertically below the following horizontal planes:

- (a) a horizontal plane 20.5 feet above Chicago City Datum, the perimeter of which is described as follows: beginning at the northwest corner of said parcel and running thence easterly along the north line of said parcel a distance of 168 feet; thence southwardly to a point on the south line of said parcel 168 feet from the southwest corner thereof; thence westerly a distance of 168 feet along said south line of said parcel to the southwest corner thereof; thence northerly along the west line of said parcel to the point of beginning of said horizontal plane, a distance of 397.64 feet, more or less; also
- (b) a horizontal plane 22.5 feet above Chicago City Datum over the remainder of said parcel which is not vertically below the

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## EXHIBIT A

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horizontal plane described in clause (a) above.

### PARCEL 2

All land and spaces below the horizontal planes described in Parcel 1 above which are occupied by the columns, caissons, foundations, gussets, and all other supporting structures for the building and improvements constructed in Parcel 1, and by all other improvements, plenums, mechanical and electrical equipment, pipes, wires, conduits, utilities and other structures located below said horizontal planes in connection with said building and improvements, including, but not limited to, the space occupied by the improvements and structures shown on the plat of survey prepared and certified by Chicago Guarantee Survey Company dated January 3, 1968 (consisting of five sheets identified as Order Nos. 6501003 AA Sheets 1-5) which was recorded as part of Document No. 20370303.

### PARCEL 3

An easement appurtenant to Parcels 1 and 2 over and across the west 20 feet of Lot 3 in said Railroad Companies' Resubdivision to construct, use, maintain, repair, replace or renew from time to time such columns, gussets, trusses, horizontal structural members, caissons, foundations and other supports as may be reasonably necessary or appropriate to maintain and support the plaza and other improvements contemplated by the Lease, including, without limitation, the columns (designated "DD") and the caissons, foundations and related structures shown on the plat of survey referred to in Parcel 2 above.

Permanent Index Nos: 17-16-104-007-6002  
17-16-104-008-6002

Street Address: 120 South Riverside Plaza  
Chicago, Illinois

This Instrument Prepared by:

Kelley Drye & Warren LLP  
101 Park Avenue  
New York, NY 10178