

# UNOFFICIAL COPY

## PREPARED BY:

Name: Joseph E. Curci  
1355 East 93<sup>rd</sup> Street LLC

Address: 2011 N. Southport Avenue  
Chicago, IL 60614



Doc#: 0900618031 Fee: \$56.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 01/06/2009 11:36 AM Pg: 1 of 11

## RETURN TO:

Name: Joseph E. Curci  
1355 East 93<sup>rd</sup> Street LLC

Address: 2011 N. Southport Avenue  
Chicago, IL 60614

## 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 93<sup>rd</sup> Street LLC, the Remediation Applicant, whose address is 2011 N. Southport Avenue, Chicago, IL 60614 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:

Parcels "A", "C", and "G":

That part of the Southeast  $\frac{1}{4}$  of Section 2, Township 37 North, Range 14 East of the Third Principal Meridian, described as follows:

Beginning at a point in the South Line of 93<sup>rd</sup> Street and in a line; that is 550.00 feet Southwesterly of (by right angle measurement) the center line 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 91<sup>st</sup> Street; being 33.00 feet South of the North line of said Southeast  $\frac{1}{4}$ ; 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 Northeasterly 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

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(by right angle measurement) of and parallel with the South line of said Southeast  $\frac{1}{4}$  of Section 2, (said parallel line being the North line of East 94<sup>th</sup> Street Diversion as established by the City of Chicago by ordinance dated July 11, 1910); thence Westerly and Northwesterly along said Northerly line of 94<sup>th</sup> 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 93<sup>rd</sup> 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  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  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 aforesaid and lying North of and adjoining lots 24, 25, and 26 in Goodrich Subdivision aforesaid;

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  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  and the West  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 2, Township 37 North, Range 14, East of the Third Principal 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  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 2, Township 37 North, Range 14, East of the Third Principal Meridian, being more particularly bounded and described as follows:

Commencing at a point in the South line of East 93<sup>rd</sup> 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 123 of Cook County Deed Records; thence North 89 degrees, 47 minutes East, a distance of 549.03 feet along the South line of East 93<sup>rd</sup> Street to a point in the Northeast corner of a parcel of land conveyed by the New 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 93<sup>rd</sup> 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 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

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East, a distance of 126.54 feet to a point in the Northerly line of East 94<sup>th</sup> 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 94<sup>th</sup> 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;

Parcel "I":

A tract of land in the West 1/2 of the Northeast 1/4 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 91<sup>st</sup> 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 January 29, 1942 as recorded in Volume 37427 page 21 as Document 1281607; thence Easterly along the South line of East 91<sup>st</sup> 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 91<sup>st</sup> 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 a 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 90<sup>th</sup> Street, being 66.00 feet wide extended Westerly; thence Westerly along the South line of said East 90<sup>th</sup> Street extended Westerly, a distance of 244.67 feet to a point; thence Southeasterly in a straight line, a distance of 720.89 feet to the point of beginning;

Parcel "K"

That part of the Southeast Quarter of Section 2, Township 37 North, Range 14, East of the Third Principal Meridian, described as follows:

Commencing at a point 33 feet Southerly of the East and West Half Section line of said Section at a point at which the Southerly line of 91<sup>st</sup> Street is intersected by the Westerly property line of the New York, Chicago and St. Louis Railroad Company; Thence Easterly along said Southerly street line a distance, of approximately 69.43 feet to a point which is 64 feet at right angles from said Westerly property line; Thence Southerly along a line parallel to and distant 64 feet at right angles from said Westerly property line a distance of 402.73 feet to a point; Thence Southerly along a line deflecting 23°00'00" to the right and distant 75 feet at right angles from said Westerly property line a distance of approximately 626.79 feet to a point on an extension Easterly of the Southerly line of 92<sup>nd</sup> Place; Thence Westerly along said extension a distance of 75 feet to a point on said Westerly property line; Thence Northerly along said Westerly property line a distance of approximately 639.92 feet to a point at which said Westerly property line deflects 23°00'00" to the left; Thence continuing Northerly along said Westerly property line a distance of approximately 388.48 feet to the place of beginning, in Cook County, Illinois.

Also,

That part of Section 2, Township 37 North, Range 14, East of the Third Principal Meridian, lying North of 92<sup>nd</sup> Place, East of South Kimbark Avenue and the East line of said Avenue extended North and West of the West line of the New York, Chicago and St. Louis Railroad Company right of way, in Cook County, Illinois.

Parcel "L":

(Illinois EPA Site Remediation Program Environmental Notice)

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That part of East 93<sup>rd</sup> Street in the Southeast Quarter of Section 2, Township 37 North, Range 14, East of the Third Principal Meridian, described as follows:

Beginning at a point in the South line of 93<sup>rd</sup> Street and in a line that is 550 feet Southwesterly 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 93<sup>rd</sup> 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 93<sup>rd</sup> 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 93<sup>rd</sup> Street, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 25-02-200-015-0000, 25-02-200-020-0000, 25-02-200-022-0000, 25-02-200-029-0000, 25-02-401-004-0000, 25-02-401-006-0000, 25-02-408-005-0000, 25-02-408-006-0000, 25-02-408-007-0000, 25-02-408-008-0000, 25-02-408-017-0000, 25-02-408-018-0000, 25-02-408-019-0000, 25-02-415-002-0000, 25-02-415-003-0000, 25-02-415-004-0000, 25-02-415-005-0000, 25-02-416-004-0000, 25-02-416-005-0000, 25-02-416-006-0000, 25-02-416-007-0000, 25-02-416-011-0000, 25-02-416-012-0000, 25-02-416-013-0000, 25-02-416-014-0000, 25-02-416-015-0000, 25-02-416-016-0000, 25-02-416-017-0000, 25-02-416-018-0000, 25-02-416-019-0000, 25-02-416-020-0000, 25-02-416-021-0000, 25-02-416-022-0000, 25-02-416-023-0000, 25-02-416-025-0000, 25-02-416-027-0000, 25-02-416-028-0000, 25-02-416-029-0000, 25-02-419-009-0000 and 25-02-419-010-0000.
4. Remediation Site Owner: Same as RA
5. Land Use: Industrial/Commercial
6. 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

December 16, 2008

CERTIFIED MAIL

7007 2560 0003 2088 8824

Joseph E. Curci  
1355 East 93<sup>rd</sup> Street LLC  
2011 N. Southport Avenue  
Chicago, IL 60614

Re: 0316005236 – Cook County  
Chicago/Verson Allsteel Press/Burnside  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Curci:

The *Remedial Action Completion Report* (August 2008/08-38847), as prepared by V3 Companies for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the *Remedial Action Completion Report* shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 40 acres, is located at 1355 East 93<sup>rd</sup> Street, 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 9, 2008/08-38847), is 1355 East 93<sup>rd</sup> Street LLC.

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.

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 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, please see attached Site Base Map for locations. 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 three 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 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 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).

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Other Terms

- 8) 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.
- 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 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;

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- 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 93<sup>rd</sup> Street LLC;
- 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 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.

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/Burnside property.



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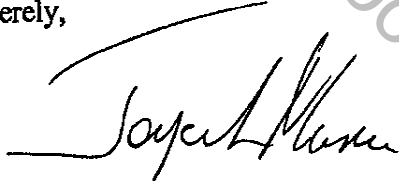
- 13) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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 questions regarding the Verson Allsteel Press/Burnside property, you may contact the Illinois EPA project manager, Tammy S. Smith at 217/785-8410.

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: Keith Oswald  
V3 Companies  
120 North LaSalle Street, Suite 1550  
Chicago, IL 60602



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