

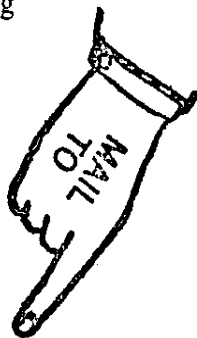
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PREPARED BY:

Name: Howard J. Brody for Long
Drive Investors, LLC



Address: 900 N. Michigan Ave.,
Suite 1900
Chicago, Illinois 60077



09012938

8626/0279 27 001 Page 1 of 10
1999-10-27 15:29:03
Cook County Recorder 39.50

RETURN TO:

Name: Howard J. Brody for Long
Drive Investors, LLC

Address: 900 N. Michigan Ave.,
Suite 1900
Chicago, Illinois 60077

ELICOR TITLE INSURANCE

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 Registrar of Titles of Cook County.

Illinois State EPA Number: 0312885365

Howard J. Brody for Long Drive Investors I South, LLC, the Remediation Applicant, whose address is 900 North Michigan Ave.-Suite 1900, Chicago, Illinois, 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: That part lying east of the west 2 acres and westerly of the westerly line of the premises condemned for highway purposes by proceedings had in Case No. 48C13630, Circuit Court of Cook County, Illinois of the following described tract of land: That part of the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 9, Township 41N, Range 13E of the Third Principal Meridian, described as follows:
Commencing at a point on the east line of said $\frac{1}{4}$ Section, 8.10 chains north of the southeast corner thereof and running thence west parallel to the south line of said $\frac{1}{4}$ section 20.02 chains; thence north 5.93 chains; thence east 20.01 chains; thence south 5.95 chains to the point of beginning, in Cook County, Illinois.
2. Common Address: intersection of Old Orchard Road and Woods Drive, IL
3. Real Estate Tax Index/Parcel Index Number: 10-09-312-012-0000

(Illinois EPA Site Remediation Program Environmental Notice)

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4. Remediation Site Owner: Long Drive Investors I South, LLC
5. Land Use Limitation: residential or industrial/commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

Property of Cook County Clerk's Office

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-6761

THOMAS V. SKINNER, DIRECTOR

August 9, 1999

Certified # 416 152 725

Mr. Howard J. Brody
Long Drive Investors I South, LLC
c/o Walton Street Capital
900 North Michigan Avenue, Suite 1900
Chicago, Illinois 60077

Refer to: 0312885365--Cook County
Old Orchard Woods Borrow Pit/Skokie
SRP/Technical Reports

Dear Mr. Brody:

The Comprehensive Site Investigation Report, Remediation Objectives Report, and Remedial Action Completion Report (Log No. 99-750) as prepared by Montgomery Watson for the 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 Codes 740 and 742.

The remediation site, consisting of 1.5 acre(s), is located at intersection of Old Orchard Road and Woods Drive, Skokie, Illinois. Pursuant to Section 58.10 of the Illinois Environment 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 DRM-1 Form (Log No. 99-750) is Mr. Howard J. Brody for Long Drive Investors I South, 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 and 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 recognized environmental conditions, as characterized by the comprehensive site investigation, consist of the following:
 - a) Regulated substances of concern that have been successfully addressed are detailed in the Comprehensive Site Investigation Report, Remediation Objectives Report, and Remedial Action Completion Report (Log No. 99-750).
2. The remediation site is suitable for residential or industrial/commercial uses.
3. 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

4. No preventive or engineering controls are required.

OTHER TERMS

5. 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.
6. 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
P.O. Box 19276
Springfield, IL 62794-9276

7. 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 this 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) If applicable, 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 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 45 days after receiving a request for payment from the Illinois EPA.
8. Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

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- a) Howard J. Brody for Long Drive Investors I South, 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 of the owner of the remediation site;
- 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.

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9. This Letter, including all attachments, must be recorded as a single instrument within 45 days of receipt with the Registrar of Titles 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 Registrar of Titles of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Old Orchard Woods

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Borrow Pit property.


Within 30 days of this Letter being recorded by the Registrar of Titles of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Mr. Robert E. O'Hara
Illinois Environmental Protection Agency
Bureau of Land/RPMS Section
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, IL 62794-9276

10. 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 final billing statement.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Todd Gross at 217/524-4862.

Sincerely,


Lawrence W. Eastep, 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

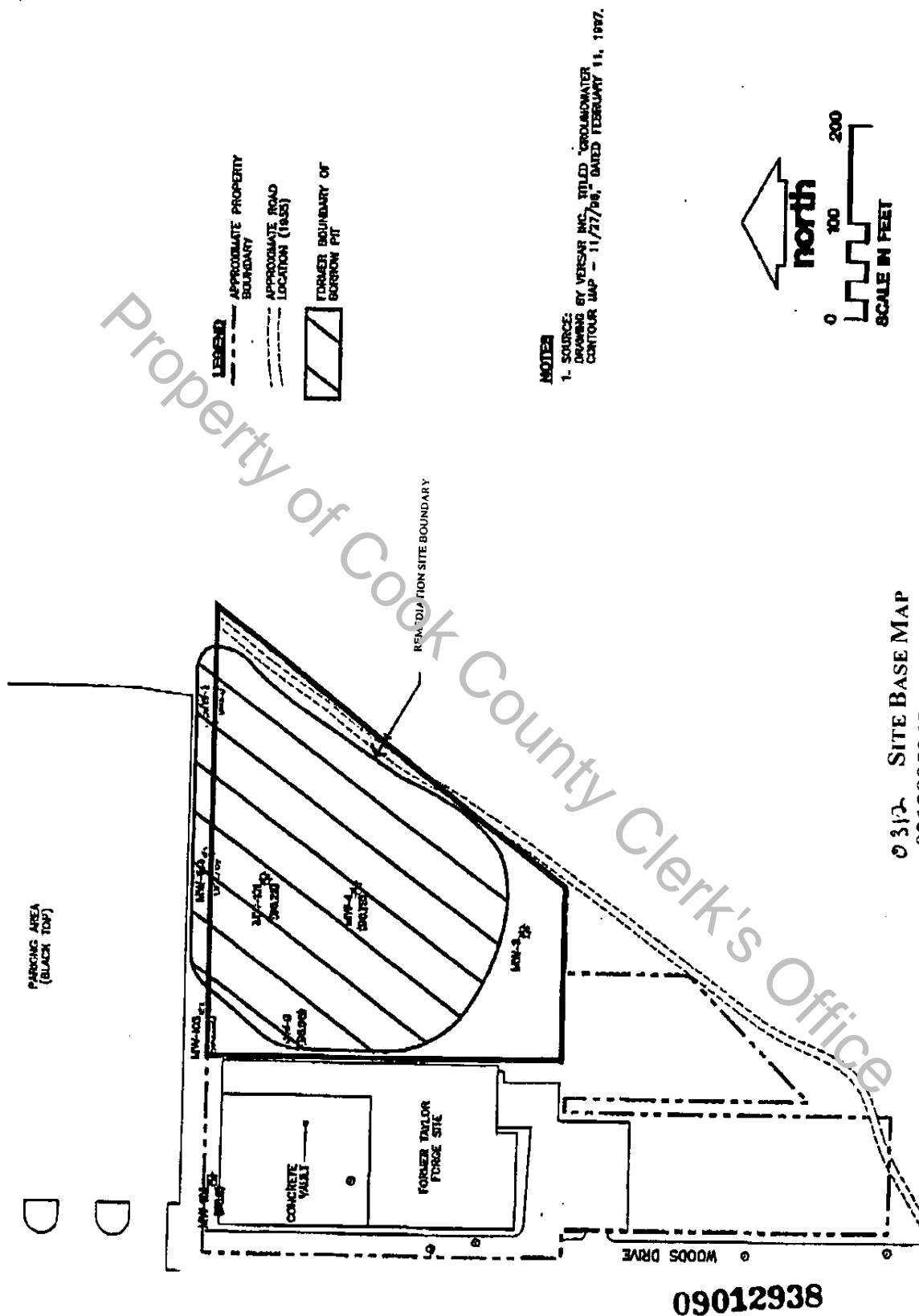
cc: R. Damon Lee, CHMM, REA
Principal Environmental Scientist
Montgomery Watson
2100 Corporate Drive
Addison, Illinois 60101

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Project Number	125337	310101
Location of Former Borrow Pit	OLD ORCHARD WOODS BORROW PIT	
Developed By	DPL	
Drawn By	CCO	
Date	11/27/98	
Scale	1"=200'	

FIGURE 1



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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

If the Remediation Applicant is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

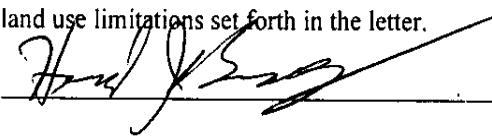
1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.


Property Owner Information	
Owner's Name:	<u>LONG DRIVE INVESTORS I SOUTH, L.L.C.</u>
Title:	_____
Company:	_____
Street Address:	<u>900 NORTH MICHIGAN AVENUE, SUITE 1900</u>
City:	<u>CHICAGO</u>
State:	<u>IL</u>
Zip Code:	<u>60611</u>
Phone:	<u>312-915-2346</u>

Site Information	
Site Name:	<u>OLD ORCHARD WOODS</u>
Site Address:	<u>INTERSECTION OF OLD ORCHARD ROAD AND WOODS DRIVE</u>
City:	<u>SKOKIE</u>
State:	<u>IL</u>
Zip Code:	<u>60077</u>
County:	<u>COOK</u>
Illinois inventory identification number:	_____
Real Estate Tax Index/Parcel Index No.	<u>10-09-312-012-0000</u>

I hereby certify that I have reviewed the attached No Further Remediation Letter, and that I accept the terms and conditions and any land use limitations set forth in the letter.

Owner's Signature:  Date: 10/26/99

SUBSCRIBED AND SWORN TO BEFORE ME
this 26 day of Oct, 1999


Notary Public

OFFICIAL SEAL
LAURA A. KLENSKE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-26-2003

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

If the Remediation Applicant is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name:	<u>LONG DRIVE INVESTORS L.L.C.</u>
Title:	_____
Company:	_____
Street Address:	<u>900 NORTH MICHIGAN AVENUE, SUITE 1200</u>
City:	<u>CHICAGO</u> State: <u>IL</u> Zip Code: <u>60611</u> Phone: <u>312-915-2346</u>

Site Information	
Site Name:	<u>OLD ORCHARD WOODS</u>
Site Address:	<u>INTERSECTION OF OLD ORCHARD ROAD AND WOODS DRIVE</u>
City:	<u>SKOKIE</u> State: <u>IL</u> Zip Code: <u>60077</u> County: <u>COOK</u>
Illinois inventory identification number:	_____
Real Estate Tax Index/Parcel Index No.	<u>10-09-312-014</u>

I hereby certify that I have reviewed the attached No Further Remediation Letter, and that I accept the terms and conditions and any land use limitations set forth in the letter.

Owner's Signature: *Harold J. Brody* Date: 10-26-99

SUBSCRIBED AND SWORN TO BEFORE ME
this 26 day of Oct., 1999

Laura A. Klenke
Notary Public

OFFICIAL SEAL
LAURA A. KLENSKE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-26-2003

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