

UNOFFICIAL COPY

DISCLOSURE DOCUMENT

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY



09024089

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

For Use by County Recorder's Office
County _____
Date _____
Doc. No. _____
Vol. _____
Page _____
Rec'd by: _____

4074.
DZ AEM
7778301

Seller: Chicago Sun-Times

Buyer: Smithfield Properties IV, L.L.C.

Document No.: _____

I. PROPERTY IDENTIFICATION

A. Address of property:

09024089

Street 222 South Racine Avenue

8724/0038 04 001 Page 1 of 9

1999-11-01 09:19:01

City or Village Chicago, Illinois

Cook County Recorder

71.00

Township _____

Permanent Real Estate Index No.: 17-17-113-027-0000; 17-17-113-029-0000;
17-17-113-028-0000; 17-17-113-030-0000

B. Legal Description:

Section: 17

Township: 39 N

Range: 14

Enter or attach current legal description in this area:

see attached

Prepared by: Name Janine M. Landow-Esser

Company Holleb & Coff

Address 55 East Monroe Street, Suite 4000

City Chicago

State/Zip Illinois 60603

Return to: same

BOX 333-CTI

09024089

III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of a 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 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 a person at a facility there is a release or substantial threat of a release of such hazardous substance; 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 a release of petroleum from an underground 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 disclosures statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

IV. ENVIRONMENTAL INFORMATION

09024089

A. 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 clearing operations on the property.

Yes No

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

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?

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 waste, hazardous substances or petroleum?

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

UNOFFICIAL COPY DISCLOSURE DOCUMENT

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 discharge of wastewater to waters of the State.

Yes _____ No X

b. Permits for emissions to the atmosphere.

Yes X No _____

09024089

c. Permits for any waste storage, waste treatment or waste disposal operation.

Yes _____ No X

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes X 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 X

b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.

Yes X No _____

c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.

Yes _____ No X

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 X

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 X

09024089

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 X

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 X

b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

Yes _____ No X

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?

_____ 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

09024089

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

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: The Chicago Daily News

Type of business/

or property usage

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 |
|--------------------------------|-------------------------------------|-------------------------------------|
| Landfill | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Surface Impoundment | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Land Treatment | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Waste Pile | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Incinerator | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Storage Tank (Above Ground) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Storage Tank (Underground) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Container Storage Area | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Injection Wells | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Wastewater Treatment Units | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Septic Tanks | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Transfer Stations | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Waste Recycling Operations | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Waste Treatment Detoxification | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other Land Disposal Area | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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.

Mark S. Kipnis 09024089
Signature(s)

Mark S. Kipnis
type or print name

TRANSFEROR OR TRANSFERORS
(or on behalf of Transferor)

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

October 27 1999

Lawrence M. Gritton
Signature(s)
LAWRENCE M. GRITTON

type or print name

TRANSFeree OR TRANSFEREES
(or on behalf of Transferee)

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

October 27 1999

Alan O. Pearlman
Signature(s)

Alan O. Pearlman
type or print name

Manufacturers Bank
LENDOR

LENDOR REPRESENTATIVE

TITLE

UNOFFICIAL COPY

EXHIBIT A

LEGAL DESCRIPTION

09024089

PARCEL 1:

LOTS 25, 26, 27, 28, AND 29 IN REES AND RUCKER'S SUBDIVISION OF BLOCK 16 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN JUNGE'S SUBDIVISION OF LOT 60 IN REES AND RUCKER'S SUBDIVISION OF BLOCK 16 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

LOTS 54, 55, 56, 57, 58 AND 59 IN REES AND RUCKER'S SUBDIVISION OF BLOCK 16 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

A STRIP OF LAND, FORMERLY A PRIVATE ALLEY WEST OF AND ADJOINING LOTS 1 AND 2, AND EAST OF AND ADJOINING LOTS 3, 4, 5, 6, 7 AND 8 ALL IN JUNGE'S SUBDIVISION OF LOT 60 IN REES AND RUCKER'S SUBDIVISION OF BLOCK 16 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS.