

PREPARED BY:

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8771/0007 89 001 Page 1 of 9
1999-11-02 10:35:47
Cook County Recorder 37.50

Name: Jamil Simon, President
American Properties Corporation, Manager of
Maple Properties Company, L.L.C.

Address: 386 Park Avenue South, Suite 1910
New York, New York 10016



RETURN TO:

Name: Jamil Simon, President
American Properties Corporation, Manager of
Maple Properties Company, L.L.C.

Address: 386 Park Avenue South, Suite 1910
New York, New York 10016

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: 0310635015

Maple Properties Company, L.L.C., the Remediation Applicant, whose address is 386 Park Avenue South, Suite 1910, New York, New York, 10016 has performed investigative activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description: LOT 4 AND THE EAST HALF OF LOT 5 IN TOUHY-MANNHEIM INDUSTRIAL SUBDIVISION UNIT #2 BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
2. Common Address: 2070 Maple Street, Des Plaines, IL
3. Parcel Index Number: 09-28-300-010-0000.
4. Remediation Site Owner: Maple Properties Company, L.L.C.
5. Land Use Limitation: Industrial/commercial.
6. Site Investigation: Comprehensive.

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

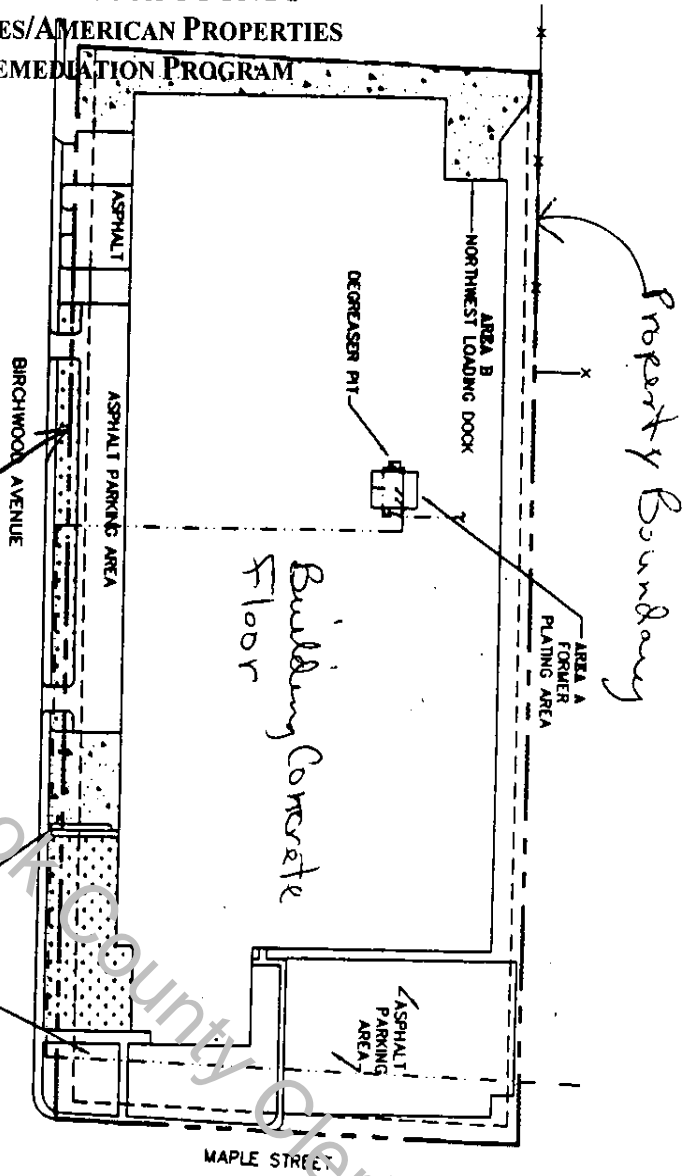


SITE BASE MAP
0310635015 -- COOK COUNTY
DES PLAINES/AMERICAN PROPERTIES
SITE REMEDIATION PROGRAM

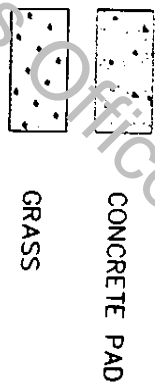


*Notes: Concrete building floor is
engineered barrier for Area A.*

Property Boundary



LEGEND



--- APPROXIMATE PROPERTY BOUNDARY
 * * * * * FENCE

--- UNDERGROUND SEWER LINE

--- UTILITY EASEMENT LINE

LEGAL DESCRIPTION FOR
2070 MAPLE STREET PROPERTY
DES PLAINES, ILLINOIS
 (PIN #09-28-300-010-0000)

LOT 4 AND THE EAST HALF OF LOT 5 IN TOWHY-MANNHEIM INDUSTRIAL SUBDIVISION UNIT #2 BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 28 AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SITE PLAN
AND LEGAL DESCRIPTION

2070 MAPLE STREET
DES PLAINES, ILLINOIS

Weaver Boos & Gordon, Inc.
 GEORGE M. BOOS, CHAIRMAN
 ALBUQUERQUE, NM
 CHICAGO, IL
 SPRINGFIELD, IL

DRAWN BY: JNS DATE: 6/16/99 FILE: 0331-01-04
 REVIEWED BY: DGD CAD: SITE899.DWG



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

217/782-6761

September 17, 1999

Certified # 416 154 912

Jamil Simon, President
American Properties Corporation, Manager of
Maple Properties Company, L.L.C.
386 Park Avenue South, Suite 1910
New York, New York 10016

Re: 0310635015 -- Cook County
Des Plaines/American Properties
Site Remediation/Technical Reports

Dear Mr. Simon:

The April 1999/Log No. 99-603 Site Investigation Report, Remediation Objectives Report, and Remedial Action Completion Report, as prepared by Andrews Environmental Engineering Inc., and the August 23, 1999/Log No. 99-1695 Additional Site Investigation Report prepared by Weaver Boos & Gordon, Inc., for American Properties property, have been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the site are equal to or above the existing levels of regulated substances and the Remediation Objectives Report as prepared by Andrews Environmental Engineering Inc./Log No. 99-603 and the August 23, 1999/Log No. 99-1695 Additional Site Investigation Report prepared by Weaver Boos & Gordon, Inc., shall serve as the approved Remedial Action Completion Report.

The remediation site, consisting of 7.99 acres, is located at 2070 Maple Street, Des Plaines, 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 DRM-1 Form (April 9, 1999), is Maple Properties Company, L.L.C.

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

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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 recognized environmental conditions, as characterized by the comprehensive site investigation, consist of the following:
 - a) Regulated substances of concern successfully addressed are detailed in the April 1999 Remediation Objectives Report (Log No. 99-603) and the August 23, 1999 Additional Site Investigation Report (Log No. 99-1695).
2. The remediation site is restricted to 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. The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this site.

Preventive Controls:

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 in Area A of the site. Any excavation within the contaminated soil in Area A 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 six (6) feet in Area A 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:

The building's concrete floor, as shown in the site base map, must remain over the contaminated soils in Area A. This building's floor in Area A must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

No person shall construct, install, maintain, or operate a water system or 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 including, but not limited to, domestic, commercial, and industrial uses and water for outdoor purposes.

OTHER TERMS

5. Areas B and C outside of the site and portions of the building other than Area A shown in the site base map are not subject to any engineered barrier controls.
6. Where an institutional control is used to assure long-term protection of human health (as identified under 4 of this Letter), the Remediation Applicant must record a copy of this legal mechanism (e.g., restrictive covenant; deed restriction; negative easement; ordinance adopted and administered by a unit of local government; or agreement between a property owner and a highway authority) along with this Letter.
7. 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.
8. 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
P.O. Box 19276
Springfield, IL 62794-9276
9. Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA

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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.
10. Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Maple Properties Company, L.L.C.;
 - 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;

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- 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.
11. This Letter, including all attachments, must be recorded as a single instrument within 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 American Properties property.

Within 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:

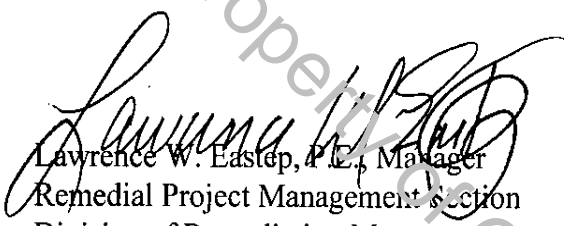
Mr. Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS Section
 1021 North Grand Avenue, East
 P.O. Box 19276
 Springfield, IL 62794-9276

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12. 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, Marc Cummings at (217) 782-9079.

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: Douglas G. Dorgan, Jr., CPG
Senior Project Manager
Weaver Boos & Gordon, Inc.
200 South Michigan Avenue, Suite 900
Chicago, Illinois 60604

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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>Maple Properties Company, L.L.C.</u>	
Title: _____	
Company: _____	
Street Address: <u>386 Park Avenue South Suite 1910</u>	
City: <u>New York</u>	State: <u>NY</u> Zip Code: <u>10016</u> Phone: <u>212-779-8111</u>
Site Information	
Site Name: <u>American Properties (2070 Maple St., Des Plaines)</u>	
Site Address: <u>2070 Maple Street</u>	
City: <u>Des Plaines</u>	State: <u>IL</u> Zip Code: <u>60018</u> County: <u>Cook</u>
Illinois inventory identification number: <u>0310635015</u>	
Real Estate Tax Index/Parcel Index No. <u>09-28-300-010-0000</u>	
<p>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.</p> <p>Owner's Signature: <u><i>Janet Smith</i></u> Date: <u>10/27/99</u></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>27th</u> day of <u>October</u>, 1999</p> <p><u><i>Amy Klein</i></u> Notary Public</p> <p align="right"> AMY KLEIN Notary Public, State of New York No. 01KL5067031 Qualified in Kings County Commission Expires October 7, 2000 </p>	

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 of Cook County Clerk's Office

Commission Expires October 1, 2011
Qualified in Cook County
Notary Public for the State of New York
AMY M. YMA