

# UNOFFICIAL COPY

PREPARED BY:



Name: Daniel Cooper  
Chicago Park District

Address: 541 North Fairbanks Court  
Chicago, IL 60611

Doc#: 0905029102 Fee: \$54.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 02/19/2009 05:14 PM Pg: 1 of 10

RETURN TO:

Name: Doreen O'Donnell  
Chicago Park District  
Department of Planning

Address: 541 North Fairbanks Court  
Chicago, IL 60611

## THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316085727

Chicago Park District, the Remediation Applicant, whose address is 541 North Fairbanks Court, Chicago, IL 60611 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:

PIN 17-09-126-001

That part of Lots 1 and 2 North of the established Dock Line in Block 80, Russell, Mather and Robert's Second Addition to Chicago, being in Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, more particularly described as follows: beginning at a point 20 feet West of the East line of said Lot 2; thence West along the North line of said Lots 1 and 2 (said line being the South line of Erie Street) about 37.5 feet to the intersection with the present Dock Line, thence Southeasterly along said Dock Line 20 feet; thence Northeasterly to the point of beginning, situated in the City of Chicago, Cook County, Illinois.

PIN 17-09-500-006

All that part of the North 109 feet of Block 2 of Assessor's Division Northeasterly of a curved line described as beginning at a point on the North line of said Block 2, 85.13 feet West of the Northeast Corner of said Block 2, as measured along said North line of Block 2; thence Southeasterly on said curved line, convex to the Southwest, having a radius of 1684 feet, a distance of 136.77 feet to a point on the South line of said North 109 feet of Block 2, 2.78 feet West of the Southeast corner of said North

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109 feet of Block 2, as measured along said South line of said North 109 feet of Block 2, said Assessor's Division being of that part South of Erie Street and East of the Chicago River of the East ½ of the Northwest ¼ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

PINs 17-09-126-002, 17-09-126-003, 17-09-126-004

Parcel 1:

All that part of the North 109 feet in width of Block 2 in Assessor's Division South of Erie Street and East of the Chicago River of the East ½ of the Northwest ¼ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, in the City of Chicago, Cook County, Illinois according to the map of the Recorder of said County, lying Westerly of the following described curved line:

Beginning at a point in the North side line of said Block 2 of said Assessor's Division 85.13 feet West of the Northeast corner of said Block 2 as measured on the North side line thereof; thence Southeasterly convex to the Southwest of a radius of 1684 feet a distance of 136.77 feet to a point in the South side line of said North 109 feet of said Block 2, 2.78 feet West of the Southeast corner of the said North 109 feet of said Block 2 of Assessor's Division being a portion of the land heretofore conveyed by Charles Brewster to Jason C. Easton by certain warranty Deed dated October 1, 1884 and recorded November 12, 1884 in Book 1586 of Deeds at Page 87 in the Office of the Recorder of Cook County and subsequently conveyed by said Jason C. Easton and Sarah K. Easton, his wife, to the Chicago and Evanston Railroad Company by certain Deed dated October 30, 1885 and recorded November 10, 1885 in Book 1714 of Deeds on Page 313 in the Office of the Recorder of said County, in Cook County, Illinois.

Pins 17-09-126-008 and 17-09-126-009

Parcel 2:

Block 2 (except the North 109 feet) in Assessor's Division of that part South of Erie Street and East of the North Branch of the Chicago River in the East ½ of the Northwest ¼ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, also Lots 1 and 2 (except that part conveyed to the City of Chicago by Document Number 4294754 and except that part taken for improvement of the North Branch of the Chicago River) also Lots 3 and 4 (except that part taken for improvement of the North Branch of the Chicago River), all in Block 80 in Russell, Mather and Robert's Second Addition to Chicago in Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, and being the same land conveyed by Ernest U. Schroeter to John G McCullough, Trustee, by Deed dated June 2, 1913 and Recorded June 11, 1913 as Document Number 5204823 in Book 12432, Page 127 in the Recorder's Office of Cook County, Illinois.

Also known as:

That part of Block 2 in Assessor's Division South of Erie Street and East of the Chicago River of the East ½ of the Northwest ¼ of Section 9, Township 39 North, Range 14 East of the Third Principal Meridian, described and follows:

Beginning at a point in the North line of Said Block 2, 85.13 feet West of the Northeast corner of said Block 2, thence Southeasterly along an arc of a circle convex Southwest and having a radius of 1684 feet, a distance of 136.77 feet to a point in the South line of the North 109 feet of said Block 2, said

**(Illinois EPA Site Remediation Program Environmental Notice)**

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point being 2.78 feet West of the West line of N. Kingsbury Street; thence South 90° 00' 00" East, a distance of 2.78 feet to a point in the West line of N. Kingsbury Street; thence South 00° 03' 40" East along the West line of N. Kingsbury Street, a distance of 30.92 feet; thence South 31° 13' 24" East along the Southwesterly line of N. Kingsbury Street, a distance of 131.22 feet to a point 3.0 feet North of the Center line of W. Ontario Street extended West; thence North 90° 00' 00" West along the last described line, a distance of 163.0 feet; thence South 53° 38' 37" West, a distance of 77.49 feet to a point in the East Dock Line of the Chicago River; thence North 41° 09' 01" West along said Dock Line, a distance of 238.24 feet; thence South 81° 36' 32" East along said Dock Line, a distance of 8.90 feet; thence North 19° 50' 22" East along said Dock Line, a distance of 13.45 feet; thence North 24° 57' 00" West along said Dock Line, a distance of 34.0 feet; thence North 71° 29' 48" West along said Dock Line, a distance of 133.07 feet; thence North 46° 25' 11" West along said Dock Line, a distance of 32.26 feet; thence North 59° 35' 26" East, a distance of 23.86 feet to a point in the North Line of said Block 2; thence South 90° 00' 00" East along the North Line of said Block 2, a distance of 358.75 feet to the point of beginning, all in Cook County, Illinois.

2. Common Address: 551 West Erie Street, Chicago, IL

3. Real Estate Tax Index/Parcel Index Number:

17-09-126-001, 17-09-126-002, 17-09-126-003, 17-09-126-004, 17-09-126-008, 17-09-126-009  
17-09-500-006

4. Remediation Site Owner: Chicago Park District

5. Land Use: Residential

6. Site Investigation: Comprehensive

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

February 3, 2009

CERTIFIED MAIL7007 2560 0003 2088 9210

Mr. Michael Kelly  
Chicago Park District  
541 North Fairbanks Court  
Chicago, IL 60611

Re: 0316085727 / Cook County  
Chicago / Chicago Park District  
Site Remediation Program / Technical Reports  
No Further Remediation Letter

Dear Mr. Kelly:

The *Additional Investigation Results* (received December 15, 2008 / Log Number Log No 08-39858), and *Draft NFR Approval* (received January 20, 2009 / Log No 09-40188) as prepared by Chicago Park District 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 *Additional Investigation Results* shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 2.0 acres, is located at 511 West Erie 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 received April 17, 2006 is Chicago Park District.

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 and conditions of this Letter.

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) 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.
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is approved for Residential land use.

### Preventive Controls

- 3) 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. 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 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:

- 4) The concrete barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

### 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:

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

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- 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 titleholder 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;
  - 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.
- 8) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Chicago Park District;
  - 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;

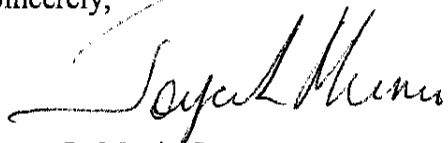
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- g) Any successor-in-interest of the owner of the Remediation Site;
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of 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.
- 9) 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 Remediation Site.
- 10) 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
- 11) 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.

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If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. James Baldwin at (217) 524-7207.

Sincerely,




Joyce L. Munie, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

Attachments (2): Property Owner Certification of No Further Remediation Letter under the  
Site Remediation Program Form  
Notice to Remediation Applicant

cc:

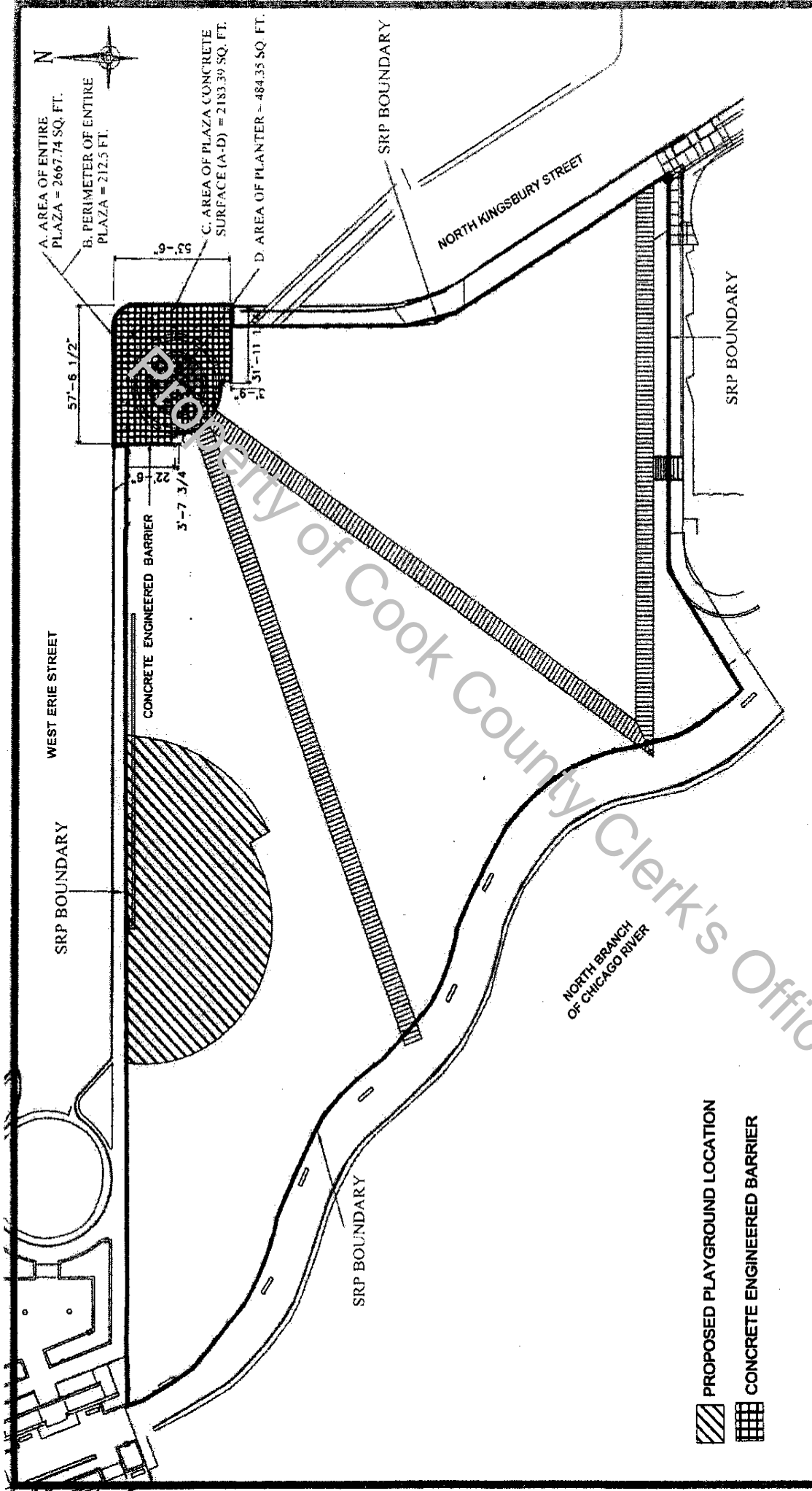
Commissioner  
Chicago Department of Environment  
25<sup>th</sup> Floor  
30 North LaSalle Street  
Chicago, Illinois 60602-2575

  
Chicago Park District  
541 North Fairbanks  
Chicago, IL 60611

Brendan Daley  
Chicago Park District  
541 North Fairbanks  
Chicago, IL 60611



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 PROPOSED PLAYGROUND LOCATION  
 CONCRETE ENGINEERED BARRIER

**Chicago Park District**

541 N Fairbanks  
PHONE (312)742-7529

Chicago, IL 60611

SITE BASE MAP  
 0316085727/COOK COUNTY  
 CHICAGO/CHICAGO PARK DISTRICT  
 SITE REMEDIATION PROGRAM

PARK 511 - ERIE PARK  
 551 WEST ERIE STREET  
 CHICAGO, ILLINOIS

DRAWN BY :  
 CHECKED BY :

DATE : January 2009  
 SCALE : 1" = 60'

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

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

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.

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.

<b>Property Owner Information</b>	
Owner's Name: _____	
Title: _____	
Company: _____	
Street Address: _____	
City: _____ State: _____ Zip Code: _____	Phone: _____
<b>Site Information</b>	
Site Name: _____	
Site Address: _____	
City: _____ State: _____ Zip Code: _____	County: _____
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. _____	
<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: _____ Date: _____</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__</p> <p>_____ Notary Public</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.