



0911403072

PREPARED BY:

Doc#: 0911403072 Fee: \$74.25
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 04/24/2009 03:45 PM Pg: 1 of 19

Name: Harold Lamboley, Vice President
Emerson

Address: 8000 West Florissant Avenue
St. Louis, MO 63136-8505

RETURN TO:

Name: Harold Lamboley, Vice President
Emerson

Address: 8000 West Florissant Avenue
St. Louis, MO 63136-8505

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: 0311145027

Emerson, the Remediation Applicant, whose address is 8000 West Florissant Avenue, St. Louis, MO 63136-8505 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.

THE SOUTH HALF OF LOT 8 AND THE NORTH 112.00 FEET OF LOT 9 IN KLEFSTAD'S INDUSTRIAL ADDITION TO HARWOOD HEIGHTS, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. Common Address: 4700 North Oketo Avenue, Harwood Heights, IL
3. Real Estate Tax Index/Parcel Index Number: 12-13-209-013-0000
4. Remediation Site Owner: Montrose, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

Handwritten initials and signatures in the bottom right corner.

UNOFFICIAL COPY**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

(217) 782-6761

DOUGLAS P. SCOTT, DIRECTOR

March 24, 2009

CERTIFIED MAIL**7007 2560 0003 2087 5978**

Harold Lambole
 Emerson
 8000 West Florissant Avenue
 St. Louis, MO 63136-8505

Re: 0311145027/Cook County
 Harwood Heights/Harwood Heights, Village of
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Lambole:

The *Remediation Objectives Report* (May 30, 2008/Log Number 08-37868) and the *Revised Calculations and Additional Supporting Information for Remediation Objectives Report* (October 9, 2008/Log Number 08-39247), as prepared by WSP Environment & Energy for the above referenced Remediation Site, have 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 Remediation Objectives Report and the Revised Calculations and Additional Supporting Information for Remediation Objectives Report shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 2.3 acres, is located at 4700 North Oketo Avenue, Harwood Heights, 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 May 30, 2008 is Emerson.

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 restricted to Industrial/Commercial land use.

Institutional Controls:

- 3) Ordinance Number 99-35 adopted November 23, 1999 by the Village of Harwood Heights effectively prohibits the installation and use of potable water supply wells in the Village of Harwood Heights. This ordinance provides an acceptable institutional control under the following conditions:
 - a) Where a groundwater ordinance is used to assure long-term protection of human health the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
 - b) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
 - i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
 - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
 - c) The Remediation Applicant shall provide written notification to the Village of Harwood Heights and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
 - i) The name and address of the local unit of government;
 - ii) The citation of the ordinance used as an institutional control in this Letter;
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;

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- v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- vi) A statement as to where more information may be obtained regarding the ordinance.
- d) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded 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

- e) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
 - i) Modification of the referenced ordinance to allow potable uses of groundwater;
 - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
 - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the Village of Harwood Heights and affected property owner(s) of the intent to use Ordinance Number 99-35 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 4) 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.
- 5) 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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Page 4

- 6) 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.
- 7) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Emerson;
 - 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;

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Page 5

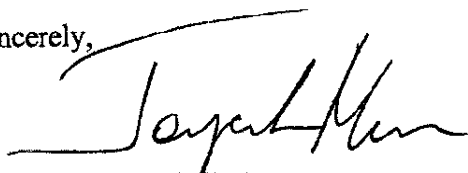
- h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the Remediation Site;
- j) Any financial 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.
- 8) 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.
- 9) 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
- 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 billing statement.

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If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Andrew Catlin at (217) 524-3290.

Sincerely,



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

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

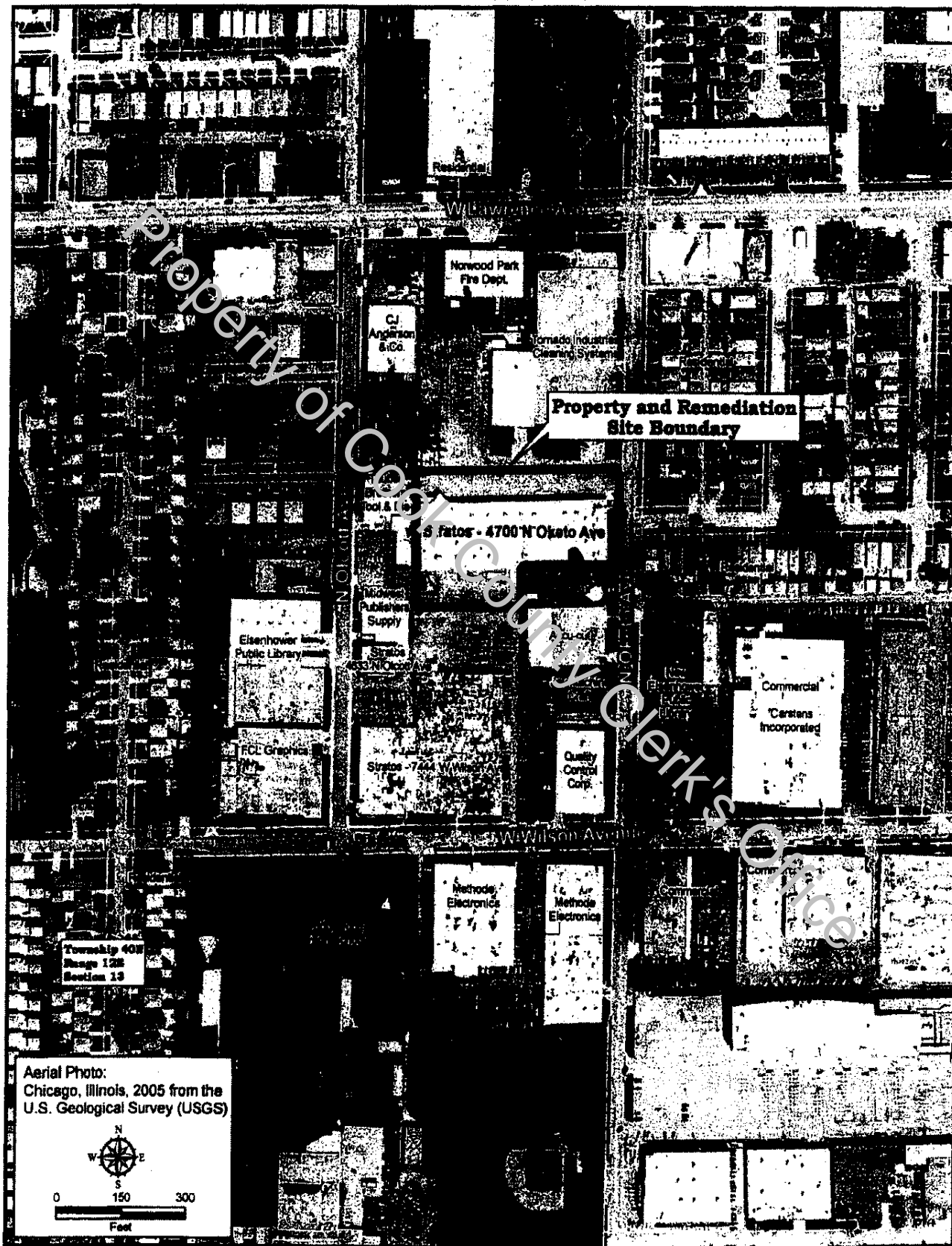
cc: Montrose, LLC
Mr. David Tarson
7300 West Montrose Avenue
Norridge, IL 60706

Paula M. Berger
WSP Environment & Energy
123 North Third Street
Suite 808
Minneapolis, MN 55401

Property of Cook County Clerk's Office

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Site Base Map 0311145027/Cook Harwood Heights/Harwood Heights, Village of Site Remediation Program



Aerial Photo:
Chicago, Illinois, 2005 from the
U.S. Geological Survey (USGS)

WSP 123 NORTH THIRD STREET SUITE 808
MINNEAPOLIS, MINNESOTA 55401
(612) 343-0510

Area Map - 4700 N Oketo Ave
Harwood Heights, Illinois

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

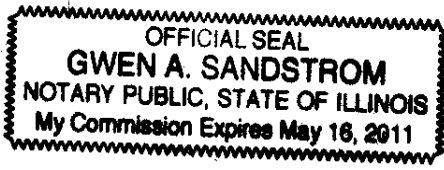
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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.

Property Owner Information	
Owner's Name: <u>Montrose LLC, c/o Elliott Faison</u>	
Title: <u>Managing Partner</u>	
Company: _____	
Street Address: <u>840 N. Lake Shore Drive #1301</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60611</u> Phone: <u>312 337-5783</u>	
Site Information	
Site Name: <u>Harwood Heights/Harwood Heights, Village of</u>	
Site Address: <u>4700 North Oketo Avenue</u>	
City: <u>Harwood Heights</u> State: <u>IL</u> Zip Code: <u>60706</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0311145027</u>	
Real Estate Tax Index/Parcel Index No. <u>12-13-203-013-0000</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: <u>[Signature]</u>	Date: <u>3/30/09</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>30th</u> day of <u>March</u> 20 <u>09</u>	
<u>[Signature]</u> Notary Public	

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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RECEIVED
JUL 24 2002

**THE VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE
NUMBER 99-35

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY
IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS**

**RAY WILLAS, Mayor
EUGENE BRUTTO, Clerk**

**LARRY BILEK
J. EDWARD DAVIS
MARGARET FULLER
DONALD McCORMICK
MICHAEL McGOUGH
JOSEPH SCOTT**

Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Harwood Heights on -99
ODELSON & STERK, LTD. - Village Attorneys - 3316 West 86th Street - Evergreen Park, Illinois 60806

UNOFFICIAL COPY

ORDINANCE NO. 99-35

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY
IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS**

WHEREAS, it has come to the attention of the Mayor and the Board of Trustees that certain properties in the Village of Harwood Heights, Illinois have been used over a period of time for commercial and/or industrial purposes; and

WHEREAS, because of such use, concentrations of certain chemical constituents in the groundwater beneath the Village may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620, or Tier I residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Harwood Heights desires to limit potential threats to the health, safety and welfare of its citizens from groundwater contamination, while facilitating the redevelopment and future productive use of the properties that are the source of said contaminants;

NOW WHEREFORE, Be it ordained by the President and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois in the exercise of Harwood Heights' home rule powers, as follows:

SECTION 1: VILLAGE CODE AMENDED: Chapter 52 Amended. That Chapter 52 of the Village Code shall be amended to include a new Subsection 52.50 et seq., as provided herein:

UNOFFICIAL COPY

52.50 Definitions:

1. **Person** "Person" is an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.
2. **Potable Water.** "Potable Water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

52.51 Use of groundwater as potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use groundwater as a potable water supply within the village of Harwood Heights by the installation or drilling of wells, or by any other means is prohibited. Said prohibition shall apply to the Village of Harwood Heights as well as private entities and any other public entities.

52.52 Penalties. Any person (including, but not limited to an individual, partnership, corporation, firm, company, association, estate, legal subdivision, or any other legal entity, or their legal representatives, agents or assigns,) violating the provisions of this ordinance shall be subject to a fine of not less than \$100.00 per day, and each day shall constitute a separate violation.

SECTION 2: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not effect any of the other provisions of this ordinance.

SECTION 3: All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

UNOFFICIAL COPY

ADOPTED this 23rd of November, 1999, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Bilek	X			X
Davis	X			X
Fuller	X			X
McCormick	X			X
McCough	X			X
Scott	X			X
(Mayor Willas)				
TOTAL	6	0	0	6

APPROVED by the Mayor on November 23, 1999.

ordinance 99-35


Ray Willas
MAYOR

ATTEST:


Eugene Bruno
VILLAGE CLERK

dmw.munic/barwood/ord/wvcr.1

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STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Dianne H. Larson, do hereby certify that I am the duly appointed and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.


I do further certify that the foregoing Ordinance 99-35 titled
An Ordinance Prohibiting the Use of Groundwater as a Portable
Water Supply in the Village of Harwood Heights, Cook County, IL

Is a true and correct copy of
Ordinance 99-35
 adopted by the Board of Trustees of the Village of Harwood Heights.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am the keeper of the same.

I do further certify that I am the keeper of the records, ordinances and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this
17th day of July, 2002.


 Dianne H. Larson
 Village Clerk

Corporate Seal

11/18/99 13:18 FAX 420/831

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COPY

RECEIVED
JUL 24 2002

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COOK COUNTY, ILLINOIS**

ORDINANCE

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UNOFFICIAL COPY

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	YES	NO	ABSENT	PRESENT
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Davis	X			X
Fuller	X			X
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(Mayor Willas)				
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APPROVED by the Mayor on November 23, 1999.

ordinance 99-35


Ray Willas
MAYOR

ATTEST:


Eugene Bruno
VILLAGE CLERK

dbm/w/taunic/earwood/ord/water.1

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STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

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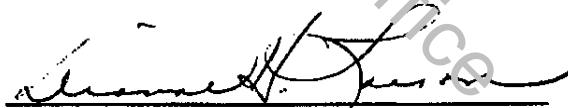
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Is a true and correct copy of Ordinance 99-35 adopted by the Board of Trustees of the Village of Harwood Heights.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am the keeper of the same.

I do further certify that I am the keeper of the records, ordinances and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 17th day of July, 2002.



Dianne H. Larson
Village Clerk

Corporate Seal