

ILLINOIS RESPONSIBLE PARTY TRANSFER ACT, STATUTORY DISCLOSURE FORM



09180453

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

For use by County Recorder's Office:

Seller: Shell Oil Company
Buyer: Equilon Enterprises, L.L.C.

County: COOK
Date: _____
Doc No.: _____
Vol.: _____
Page: _____
Rec'd by: _____
Document No.: _____

I. PROPERTY IDENTIFICATION:

A. Address of property 517 Mall Dr, Schaumburg
Street City or Village Township
Permanent Real Estate Index No.: 07-13-400-012

B. Legal Description: Section _____ Township _____ Range _____
Enter or attach current legal description in this area: **SEE EXHIBIT A ATTACHED**

Prepared by: Lisa Schoedel
Shell Oil Products Company
As agent for Shell Oil Company
1415 W 22nd Street
Oak Brook, IL 60523-2045
Return to: ~~Equilon Enterprises, L.L.C.~~
CHICAGO TITLE INSURANCE CO.
171 N. CLARK ST.-MLC: 04SP
CHICAGO, IL 60601
ATTN: ROCHELLE DEMOSS

LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

C. Property Characteristics: Lot Size _____ Acreage _____

Check all types of improvement and uses that pertain to the property:

- Apartment building (6 units or less)
- Commercial apartment (over 6 units)
- Store, office, commercial building
- Farm, with buildings
- Other (specify): Gasoline service station

BOX 333-CTI

S241 DN

10/ae

UNOFFICIAL COPY

II. NATURE OF TRANSFER:

Yes No

- A. (1) Is this a transfer by deed or other instrument of conveyance? XX
- (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? XX
- (3) A lease exceeding a term of 40 years? XX
- (4) A mortgage or collateral assignment of beneficial interest? XX

- B. (1) Identify Transferor: Shell Oil Company, 777 Walker, TSP 1100,
Houston, TX 77002

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust. Trust No.

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Lisa Schoedel, Environmental Engr (630) 572-5874
Shell Oil Company Telephone No.
1415 W 22nd Street
Oak Brook, IL 60523-2045

- C. Identify Transferee: Equilon Enterprises, L.L.C.
777 Walker, TSP 1100
Houston, TX 77002

III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of 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 a 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;

09180453

UNOFFICIAL COPY

(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 person at a facility there is a release or substantial threat of a release of such hazardous substances; 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(c) 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 or 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 release of petroleum from an underground storage tank."

09180453

UNOFFICIAL COPY

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 disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

IV. ENVIRONMENTAL INFORMATION

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 cleaning 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 wastes, hazardous substances or petroleum?

	YES	NO
Landfill	X
Surface Impoundment	X
Land Treatment	X
Waste Pile	X
Incinerator	X

09180453

UNOFFICIAL COPY

- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes
No XX

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 XX
- 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 XX
- 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 XX

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 XX

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

Yes
No XX

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

UNOFFICIAL COPY

- materials including soils, pavement or other surficial materials
 - Designation, by the IEPA or the IEMA, 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 XX
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: UNKNOWN

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:

UNKNOWN

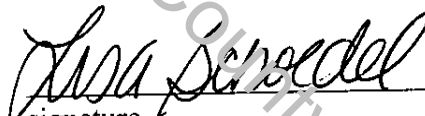
09180453

UNOFFICIAL COPY

	YES	NO
Landfill
Surface Impoundment
Land Treatment
Waste Pile
Incinerator
Storage Tank (Above Ground)
Storage Tank (Underground)
Container Storage Area
Injection Wells
Wastewater Treatment Units
Septic Tanks
Transfer Stations
Waste Recycling Operations
Waste Treatment Detoxification
Other Land Disposal Area

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.


signature

Lisa Schoedel, Environmental Engineer
Shell Oil Products Company
As agent for Shell Oil Company

B. This form was delivered to me with all elements completed on July 1, 1998.


signature

R. J. Dold
Asset Management
On behalf of Equilon Enterprises, L.L.C.

09180453

UNOFFICIAL COPY

C. This form was delivered to me with all elements completed on 19...

N/A

signature

type or print name

LENDER

Property of Cook County Clerk's Office

09180453

UNOFFICIAL COPY

EXHIBIT "A" COOK COUNTY, ILLINOIS

Tract 154. - 517 Mall Dr, Schaumburg, COOK, WIC 212-7065-0407
Tax Parcel # 07-13-400-012

All that part of the West 1/2 of the South East 1/4 of Section 13-41-10 East of the Third Principal Meridian, East of the East line of Mall Drive as dedicated per Document No. 21076004, lying North of the North line of Higgins Road as monumented and occupied, lying South of a line drawn perpendicularly to the East line of the aforesaid West 1/2 of the South East 1/4 through a point on said East line said point being 1500.29 feet (as measured along the aforesaid East line South of the South Line of Woodfield Road as dedicated per Document No. 20944554 lying West of a line drawn 200.0 feet (as measured along the aforesaid perpendicular line East of and parallel with the aforesaid East line of Mall Drive in Cook County, Illinois.

A-167

09180453