



Doc#: 0921029044 Fee: \$66.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 07/29/2009 02:44 PM Pg: 1 of 16

**PREPARED BY:**

Name: John Robbins  
Shell Oil Products US

Address: 1201 Chicago Avenue  
Evanston, IL 60201

**RETURN TO:**

Name: Mr. John Robbins  
Shell Oil Products US

Address: 603 Diehl Road, Suite 103  
Naperville, IL 60563

**(THE ABOVE SPACE FOR RECORDER'S OFFICE)**

**LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE**

**THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.**

Illinois EPA Number: 0310815103

LUST Incident No.: 910258, 912029, 912355

Shell Oil Products US, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 603 Diehl Road, Suite 103, Naperville, IL, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: See attached legal description
2. Common Address: 1201 Chicago Avenue, Evanston, Illinois
3. Real Estate Tax Index/Parcel Index Number: 11-19-200-012-000, 11-19-200-013-0000, 11-19-200-027-0000
4. Site Owner: Warren Fellingham
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

## UNOFFICIAL COPY

## PARCEL 1 :

TAT PART OF LOT 13 IN BLOCK 76 OF ORIGINAL VILLAGE (NOW CITY OF EVANSTON) DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 13, THENCE EASTENLY ALONG THE SOUTH LINE OF SAID LOT, 85 FEET 1 INCH; THENCE NORTH 64 FEET 6 1/4 INCHES TO NORTH LINE OF SAID LOT; THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF SAID LOT 93 FEET, 11 7/8 INCHES TO A POINT IN THE WEST LINE OF SAID LOT 50 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG WEST LINE OF SAID LOT 50 FEET TO POINT OF BEGINNING IN SUBDIVISION OF NORTHWESTERN UNIVERSITY OF THE NORTH 1/2 OF THE NORTH 1/2 EAST OF CHICAGO AVENUE (OR GREEN BAY ROAD) (EXCEPT 15 1/2 ACRES IN THE NORTH EAST CORNER OF SAID TRACT) OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

## PARCEL 2 :

LOT 14 IN BLOCK 76 IN NORTHWESTERN UNIVERSITY SUBDIVISION OF THE NORTH 1/2 OF THE NORTH 1/2 EAST OF CHICAGO AVENUE (OR GREEN BAY ROAD) (EXCEPT 15 1/2 ACRES IN THE NORTH EAST CORNER OF SAID TRACT) OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

## PARCEL 3 :

THE SOUTH 25 FEET OF LOT 15 IN NORTHWESTERN UNIVERSITY SUBDIVISION OF THE NORTH 1/2 OF THE NORTH 1/2 EAST OF CHICAGO AVENUE (OR GREEN BAY ROAD) (EXCEPT 15 1/2 ACRES IN THE NORTH EAST CORNER OF SAID TRACT) OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PIN: 11-19-200-012-0000  
 11-19-200-013-0000  
 11-19-200-027-0000

EXHIBIT

tabbier

A

**UNOFFICIAL COPY**

32-O-98

2/27/98

**An Ordinance  
Amending Section 7-12-3  
of the City Waterworks System Ordinance  
Regarding Connection to the Public Water System**

NOW, THEREFORE, Be It Ordained by the City Council of the City of Evanston, Cook County, Evanston, Illinois:

**SECTION 1:** That Section 7-12-3 of the Evanston City Code of 1979, as amended, be and it hereby is, further amended by renumbering existing subsections 7-12-3 (A) through 7-12-3 (C) as 7-12-3 (B) through 7-12-3 (D) respectively, and by adding a new subsection 7-12-3 (A), to read as follows:

7-12-3 (A) **Public Water Main Connection Required:** The water distribution of any building in which plumbing fixtures are installed shall be connected to a public water main. The drilling of wells for use as a potable or non-potable water source, including for irrigation, is prohibited within the City.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 9, 1998

Adopted: March 23, 1998

Approved: March 26, 1998

Lorraine H. Martin  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

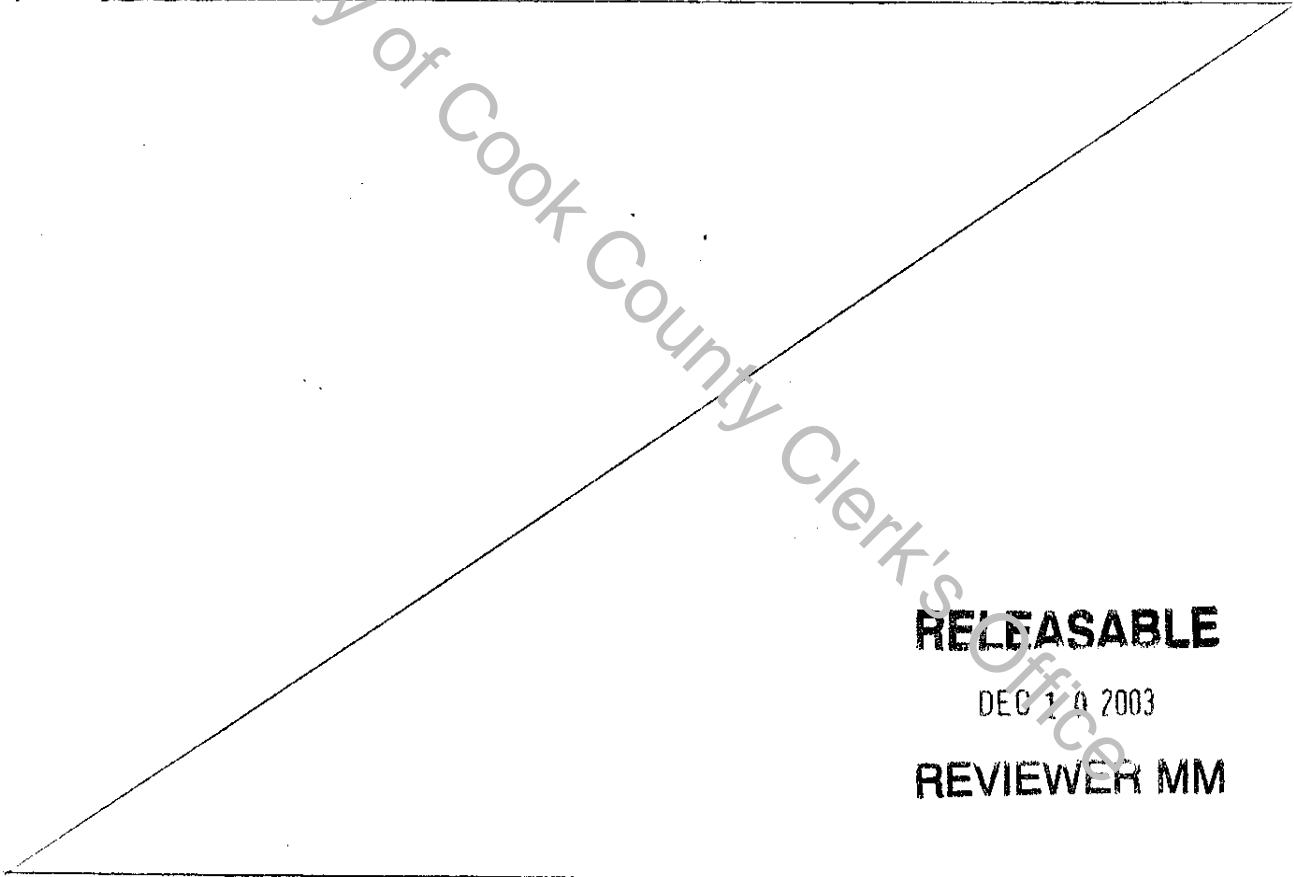
# UNOFFICIAL COPY

Form 145 Clk 1M

## Certificate as Keeper of Records, Files and Seal

STATE OF ILLINOIS }  
COUNTY OF COOK } ss.

I, MARY P. MORRIS, City Clerk of the City of Evanston in the County of Cook and State aforesaid, and Keeper of the Records, Files and Seal of said City, do hereby certify that attached hereto is a true and correct copy of Ordinance 32-0-98, an Ordinance amending section 7-12-3 of the City Waterworks System Ordinance regarding connection to the Public Water System



**RELEASABLE**

DEC 10 2003

**REVIEWER MM**

all of which appears from the records and files in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Evanston this 11th day of June 1998

Mary P. Morris  
City Clerk

**UNOFFICIAL COPY**

32-O-98

2/27/98

**An Ordinance  
Amending Section 7-12-3  
of the City Waterworks System Ordinance  
Regarding Connection to the Public Water System**

NOW, THEREFORE, Be It Ordained by the City Council of the City of Evanston, Cook County, Evanston, Illinois:

**SECTION 1:** That Section 7-12-3 of the Evanston City Code of 1979, as amended, be and it hereby is, further amended by renumbering existing subsections 7-12-3 (A) through 7-12-3 (C) as 7-12-3 (B) through 7-12-3 (D) respectively, and by adding a new subsection 7-12-3 (A), to read as follows:

7-12-3 (A) **Public Water Main Connection Required:** The water distribution of any building in which plumbing fixtures are installed shall be connected to a public water main. The drilling of wells for use as a potable or non-potable water source, including for irrigation, is prohibited within the City.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 9, 1998

Adopted: March 23, 1998

Approved: March 26, 1998

Lorraine H. Barton  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

# UNOFFICIAL COPY

Form 145 Clk 1M

## Certificate as Keeper of Records, Files and Seal

---

---

STATE OF ILLINOIS }  
COUNTY OF COOK } ss.

I, **MAKY P. MORRIS**, City Clerk of the City of Evanston in the County of Cook and State aforesaid, and Keeper of the Records, Files and Seal of said City, do hereby certify that attached hereto is a true and correct copy of Ordinance 32-0-98, an Ordinance amending section 7-12-3 of the City Waterworks System Ordinance regarding connection to the Public Water System

---

Property of Cook County Clerk's Office

all of which appears from the records and files in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Evanston this 11th day of June 1998

Mary P. Morris  
City Clerk

**UNOFFICIAL COPY***Original*

**MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF EVANSTON  
AND THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
REGARDING THE USE OF A LOCAL GROUNDWATER OR  
WATER WELL ORDINANCE AS AN ENVIRONMENTAL  
INSTITUTIONAL CONTROL**

**I. PURPOSE AND INTENT**

- A. This Memorandum of Understanding ("MOU") is entered into between the City of Evanston and the Illinois Environmental Protection Agency ("Illinois EPA") for the purpose of satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of groundwater or water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater or water well ordinance of the City of Evanston adopted on March 26, 1998 "An ordinance amending section 7-12-3 of the City Waterworks System Ordinance regarding connection to the Public Water System" (Attachment A) and determined that the ordinance prohibits the use of groundwater for potable purposes and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Admin. Code 742.1015(a) provides that the unit of local government may enter into an MOU with the Illinois EPA to allow the use of the ordinances as an institutional control.
- B. The intent of the Memorandum of Understanding is to specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOU as set forth at 35 Ill. Adm. Code 742.1015(i).

**II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY**

In order to ensure the long-term integrity of the groundwater or water well ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the groundwater or water well ordinance is effectively managed, the City of Evanston hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(i);

- A. City of Evanston will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35

# UNOFFICIAL COPY

- Ill. Adm. Code 742.1015(I)(4));
- B. City of Evanston will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA (35 Ill. Adm. Code 742.1015(I)(5)), provided that Illinois EPA provides notice to the City of Evanston of such determinations. Notices should be sent to: Dennis Marino, Assistant Director for Planning, 2100 Ridge Avenue, Evanston, Illinois 60201.
  - C. City of Evanston will review the registry of sites established under paragraph II.B. prior to siting public potable water supply wells within the area covered by the ordinance (35 Ill. Adm. Code 742.1015(I)(6)(A));
  - D. City of Evanston will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II.B. and C. (35 Ill. Adm. Code 742.1015(I)(6)(B)); and
  - E. City of Evanston will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(I)(6)(C)).

NOTE: Notification under paragraph II.A. above or other communications concerning this MOU should be directed to:

Manager, Division of Remediation Management  
 Bureau of Land  
 Illinois Environmental Protection Agency  
 P. O. Box 19276  
 Springfield, IL 62794-9276

### III. SUPPORTING DOCUMENTATION

The following documentation is required by (35 Ill. Adm. Code 742.1015(I)) and is attached to this MOU:

- A. Attachment A: A copy of the groundwater or water well ordinance certified by the City clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(I)(3));
- B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (certification by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city or village, legal description and map of area showing sufficient detail to determine where ordinance is applicable) (35 Ill. Adm. Code 742.1015(I)(2));

IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU



# UNOFFICIAL COPY

to be signed as follows:

FOR: City of Evanston  
(Name of city or village)

BY: *Roger D. Crum*

DATE: 6/11/98

BY: Roger D. Crum, City Manager  
(Name and title of signatory)

DATE: 6/11/98

FOR: Illinois Environmental Protection Agency

BY: *Gary B. King*  
(Name and title of signatory)

DATE: 7/29/98

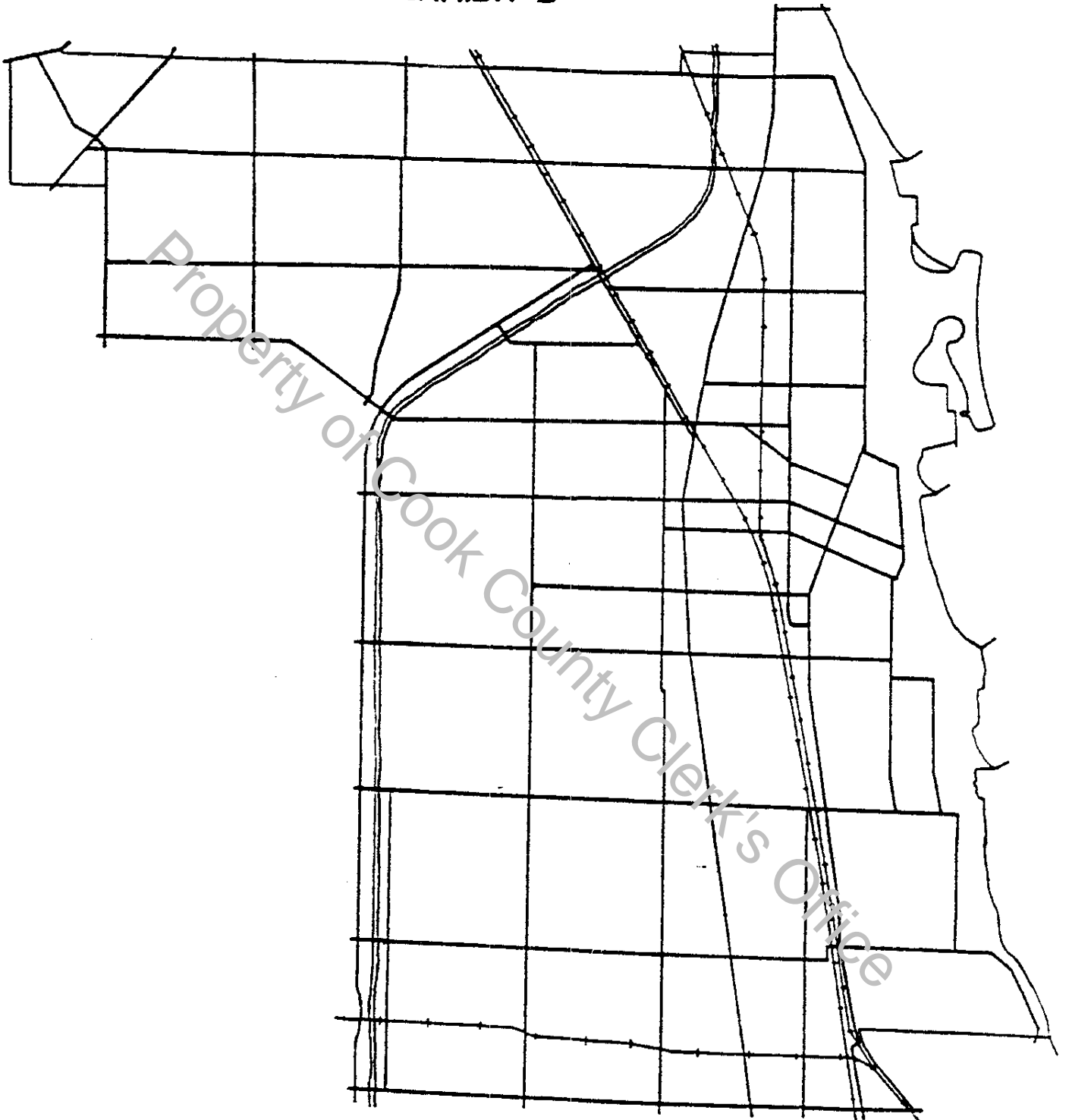
*Manager, Remediation Management*

C.M.U.P.

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT B





# UNOFFICIAL COPY

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 -- (217) 782-3397  
 JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 -- (312) 814-6026

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

**CERTIFIED MAIL**

7008 1830 0001 4717 6829

**JUN 25 2009**

Mr. John Robbins  
 Equilon Enterprises, LLC  
 603 Diehl Road, Suite 103  
 Naperville, IL 60563

SAP# 137027

RECEIVED JUN 30 2009

ENCLOSURE # 98997076

Re: LPC #031081510? -- Cook County  
 Evanston/Shell Oil Co.  
 1201 Chicago Avenue  
 Leaking UST Incident No. 910258, 912029, 912355 -- NFR Letter  
 Leaking UST Technical File

Dear Mr. Robbins:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information is dated October 7, 2008 and was received by the Illinois EPA on October 9, 2008. Additional information, dated May 12, 2009, was received by the Illinois EPA on May 15, 2009. Citations in this letter are from 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Ill. Adm. Code 731 indicate remediation has been successfully completed.

Based upon the certification by Robin Semer, a Licensed Professional Engineer, and based upon other information in the Illinois EPA's possession, your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. This Letter shall apply in favor of the following parties:

Ain Street, Rockford, IL 61103 -- (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 -- (847) 294-4000  
 South State, Elgin, IL 60123 -- (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 -- (309) 693-5463  
 20 N. University St., Peoria, IL 61614 -- (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 -- (217) 278-5800  
 Sixth Street Rd., Springfield, IL 62706 -- (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 -- (618) 346-5120  
 MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 -- (618) 993-7200

# UNOFFICIAL COPY

Page 2

1. Shell Oil Products US, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. In addition, the Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county.

This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

## CONDITIONS AND TERMS OF APPROVAL

### LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

# UNOFFICIAL COPY

Page 3

2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: There are no land use limitations.
3. The land use limitation 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 No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

### Groundwater Use Ordinance

City of Evanston Ordinance number 32-O-98 effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Evanston must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- a. The name and address of the unit of local government;

# UNOFFICIAL COPY

Page 4

- b. The citation of the ordinance used as an institutional control in this Letter;
- c. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the referenced ordinance to allow potable uses of groundwater.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.
- c. Violation of the terms of a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon City of Evanston Ordinance 32-0-98 that prohibits potable uses of groundwater as defined therein.

- 5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan may, if applicable, result in voidance of this Letter.

## OTHER TERMS

- 6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.

# UNOFFICIAL COPY

Page 5

7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attention: Freedom of Information Act Officer  
Bureau of Land - #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

8. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
  - d. The failure to comply with the recording requirements for the Letter;
  - e. Obtaining the Letter by fraud or misrepresentation; or
  - 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.

# UNOFFICIAL COPY

Page 6

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency  
Bureau of Land - #24  
Leaking Underground Storage Tank Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Jennifer Rossi, at 217-782-9285.

Sincerely,



Clifford L. Wheeler  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

CLW:jjr\

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Groundwater Ordinance

c: Galina Georgiew, URS  
BOL File

Property of Cook County Clerk's Office