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PREPARED BY:

Name: Mr. Stephen Barron
West Webster, LLC

Address: 5000 West Roosevelt Road, Suite 101
Chicago, IL 60644



Doc#: 1002256091 Fee: \$56.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 01/22/2010 03:00 PM Pg: 1 of 11

RETURN TO:

Name: Mr. Stephen Barron
West Webster, LLC

Address: 5000 West Roosevelt Road, Suite 101
Chicago, IL 60644

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: 0316070019

West Webster LLC c/o Mr. Stephen Barron, the Remediation Applicant, whose address is 5000 West Roosevelt Road, Suite 101, Chicago, IL 60644 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:

PARCEL 1:

THAT PART OF LOTS 49, 50, 51, 52, AND 53, TAKEN AS A TRACT, IN BLOCK 4 IN NICKERSON'S ADDITION TO CHICAGO, A SUBDIVISION OF THE WEST OF BLOCK 15 AND THE SUB-BLOCK 5 OF THE EAST OF SAID BLOCK 15 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; TOGETHER WITH RESUBDIVISION OF LOTS 28, 29 AND 30 IN SAID NICKERSON'S SUBDIVISION RECORDED AUGUST 19, 1872 AS DOCUMENT 50549, ALL BEING IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

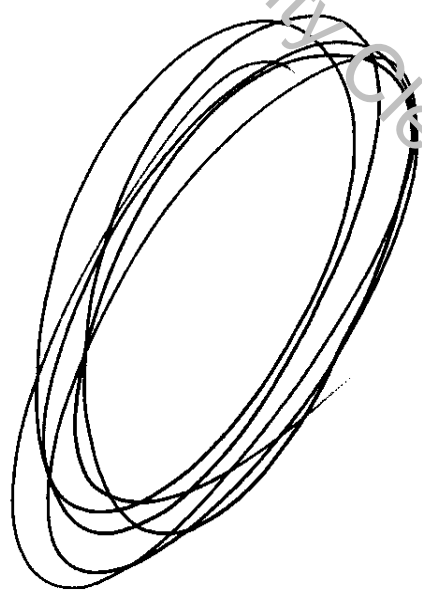
BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 53; THENCE SOUTH 45 DEGREES 34 MINUTES 50 SECONDS EAST (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) ALONG THE NORTHEASTERLY LINE OF LOT 53, 154.39 FEET; THENCE SOUTH 44 DEGREES 25 MINUTES 10 SECONDS WEST AND PERPENDICULAR TO THE LAST DESCRIBED COURSE, 152.00 FEET; THENCE SOUTH 25 DEGREES 39 MINUTES 30 SECONDS WEST, 6.97 FEET; THENCE SOUTH 64 DEGREES 59 MINUTES 49 SECONDS WEST, 58.32 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 17.00 FEET, MEASURED PERPENDICULAR, NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOTS 52 AND 53 (SAID LINE BEING ALSO THE SOUTHWESTERLY LINE OF TRACT); THENCE NORTH 25 DEGREES 02 MINUTES 01 SECOND WEST ALONG

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AFORESAID PARALLEL LINE AND 17.00 FEET, MEASURED PERPENDICULAR, NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOTS 52 AND 53 (SAID LINE BEING ALSO THE SOUTHWESTERLY LINE OF TRACT), 145.38 FEET, TO THE INTERSECTION WITH THE NORTHWESTERLY LINE OF LOT 53; THENCE NORTH 44 DEGREES 25 MINUTES 10 SECONDS EAST ALONG AFORESAID NORTHWESTERLY LINE OF LOT 53, 162.18 FEET TO THE POINT OF BEGINNING.

2. Common Address: 2230 N. Dominick Street, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 14-32-107-056
4. Remediation Site Owner: West Webster LLC
5. Land Use: Residential or Industrial/Commercial

Property of Cook County Clerk's Office





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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

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

JAN 15 2010

January 12, 2010

CERTIFIED MAIL

7007 3020 0002 3212 9392

Mr. Stephen Barron
West Webster, LLC
5000 West Roosevelt Road, Suite 101
Chicago, IL 60644

Re: 0316070019 /Cook
Chicago /West Webster LLC
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Barron:

The *Remedial Action Completion Report* (Date: September 18, 2009/Log Number 09-42631), as prepared by Pioneer Engineering & Environmental Services, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The Report demonstrates that the remedial action was completed in accordance with the *Addendum & Remedial Action Plan* (dated October 29, 2006; Log No. 05-27280), and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 0.67 acres, is located at 2230 North Dominick 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 November 20, 2009 is West Webster, LLC.

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.

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 698-3131

Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

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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 or Industrial/Commercial land use.

Engineering Controls:

- 3) The clean soil barrier, which is comprised of a minimum of three feet of clean soil covering the area shown in the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.
- 4) The concrete cap barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier includes the site building and must be properly maintained as an engineered barrier to inhibit ingestion exposure to the contaminated media.

Institutional Controls:

- 5) Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), effectively prohibits the installation and the use of potable water supply wells and is 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 the City of Chicago along with this Letter.
 - b) The Remediation Applicant shall provide written notification to the City of Chicago 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 Section 11-8-390
 - 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.
- c) 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

- d) The following activities shall be grounds for avoidance 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 City of Chicago and affected property owner(s) of the intent to use Section 11-8-390 of the Municipal Code of Chicago (Potable Water Wells), as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 6) 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 beneath the engineered barriers. 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 from beneath the barriers 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.
- 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.

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- 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
 Post Office 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 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) West Webster LLC;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;

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- 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;
 - 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 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.
- 12) 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

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13) 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.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Tim Murphy at (217) 524-4823.

Sincerely,



Joyce L. Murne, 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
25th Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575

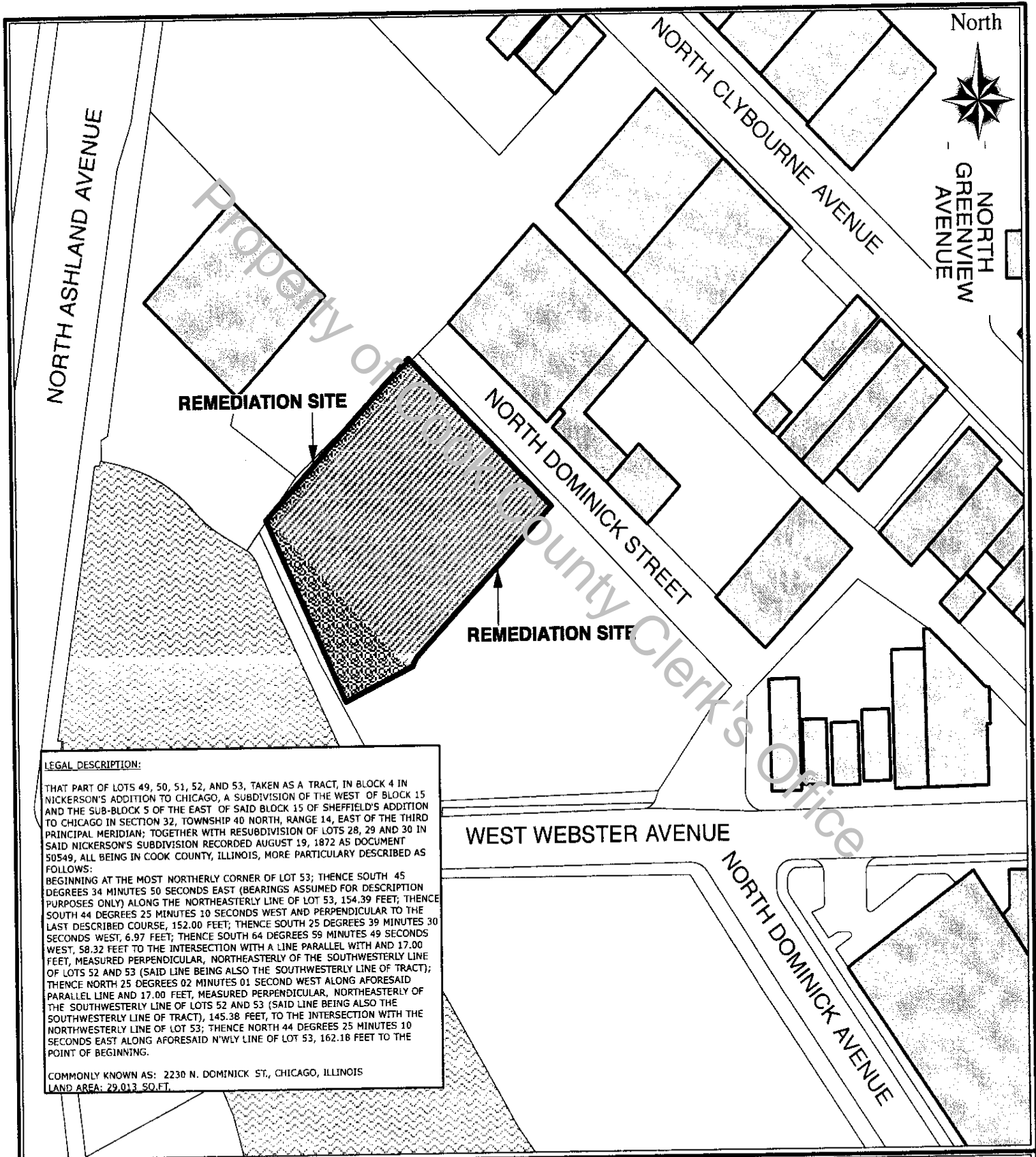
Joseph C. Kelly
Pioneer Engineering & Environmental Services, Inc.
700 North Sacramento Boulevard, Suite 101
Chicago, IL 60612

Todd Gmitro
USEPA Region 5
77 West Jackson LU-9J
Chicago, IL 61201

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SITE BASE MAP

LPC# 0316070019 - COOK COUNTY
 CHICAGO / 2230 NORTH DOMINICK STREET
 SITE REMEDIATION / TECHNICAL REPORTS



LEGAL DESCRIPTION:
 THAT PART OF LOTS 49, 50, 51, 52, AND 53, TAKEN AS A TRACT, IN BLOCK 4 IN NICKERSON'S ADDITION TO CHICAGO, A SUBDIVISION OF THE WEST OF BLOCK 15 AND THE SUB-BLOCK 5 OF THE EAST OF SAID BLOCK 15 OF SHEFFIELD'S ADDITION TO CHICAGO IN SECTION 32, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; TOGETHER WITH RESUBDIVISION OF LOTS 28, 29 AND 30 IN SAID NICKERSON'S SUBDIVISION RECORDED AUGUST 19, 1872 AS DOCUMENT 50549, ALL BEING IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 53; THENCE SOUTH 45 DEGREES 34 MINUTES 50 SECONDS EAST (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) ALONG THE NORTHEASTERLY LINE OF LOT 53, 154.39 FEET; THENCE SOUTH 44 DEGREES 25 MINUTES 10 SECONDS WEST AND PERPENDICULAR TO THE LAST DESCRIBED COURSE, 152.00 FEET; THENCE SOUTH 25 DEGREES 39 MINUTES 30 SECONDS WEST, 6.97 FEET; THENCE SOUTH 64 DEGREES 59 MINUTES 49 SECONDS WEST, 58.32 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 17.00 FEET, MEASURED PERPENDICULAR, NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOTS 52 AND 53 (SAID LINE BEING ALSO THE SOUTHWESTERLY LINE OF TRACT); THENCE NORTH 25 DEGREES 02 MINUTES 01 SECOND WEST ALONG AFORESAID PARALLEL LINE AND 17.00 FEET, MEASURED PERPENDICULAR, NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOTS 52 AND 53 (SAID LINE BEING ALSO THE SOUTHWESTERLY LINE OF TRACT), 145.38 FEET, TO THE INTERSECTION WITH THE NORTHWESTERLY LINE OF LOT 53; THENCE NORTH 44 DEGREES 25 MINUTES 10 SECONDS EAST ALONG AFORESAID N'WLY LINE OF LOT 53, 162.18 FEET TO THE POINT OF BEGINNING.
 COMMONLY KNOWN AS: 2230 N. DOMINICK ST., CHICAGO, ILLINOIS
 LAND AREA: 29,013 SQ.FT.



Legend:
 Approximate Property Line
 Greenspace Engineered Barrier
 Concrete Engineered Barrier

Scale: 1"=100'
 0' 100'
 Drawn by: Jackson Toomey
 Job No.: 05-0819-106

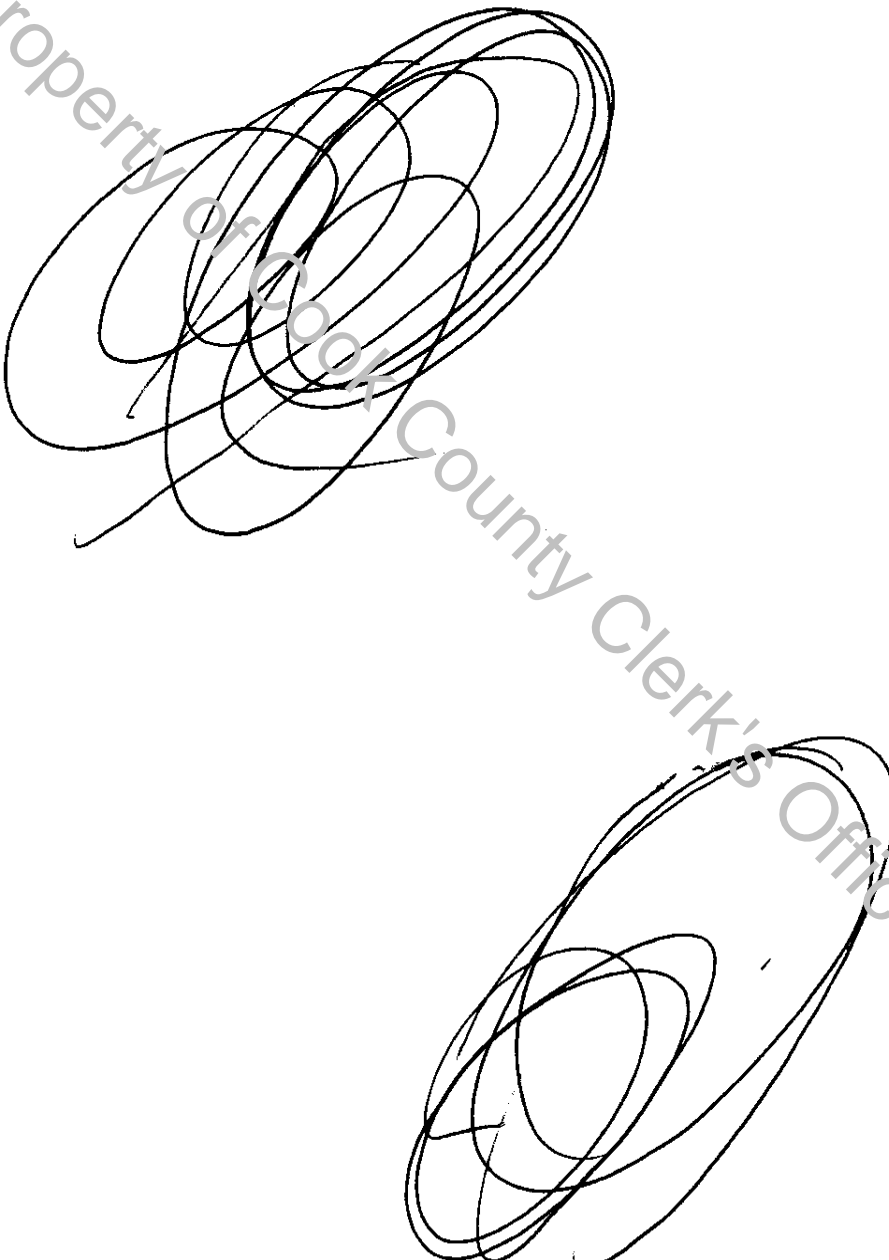
Date: September 2009
 Checked by: Joe Kelly

FIGURE 1
Site Base Map
 2230 North Dominick Street
 Chicago, IL

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bcc: Records Unit
Bob O'Hara
Rick Lucas

Property of Cook County Clerk's Office



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