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PREPARED BY:

Name: Samuel T. Bodine
EPS Environmental Services, Inc.

Address: 7237 West Devon Avenue
Chicago, Illinois 60631

Doc#: 1031956016 Fee: \$50.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 11/15/2010 09:49 AM Pg: 1 of 8

RETURN TO:

Name: Samuel T. Bodine
EPS Environmental Services, Inc.

Address: 7237 West Devon Avenue
Chicago, Illinois 60631

THE ABOVE SPACE FOR RECORDER'S OFFICE

Model Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 6TH day of OCTOBER, 2004, by NETCOM, INC., ("Property owner) of the real property located at the common address 599 Wheeling Road, Wheeling, Illinois ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the sure of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated soil or groundwater, or both, that may be present on the property as a result of historical activities. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g., engineered barriers, monitoring wells, caps, etc.).

WHEREAS, Cerc Manufacturing Limited Partnership intends to request risk-based, site specific soil and groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of land [LPC #: 0314975116], utilizing an ELUC.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of Cook, State of Illinois and further described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

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Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for soil or groundwater or both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants he is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in Cook County, Illinois.

Section Three. The Property Owner hereby agrees, for himself and his heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that groundwater under the Property shall not be used as a potable supply of water.

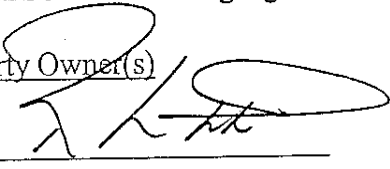
Section Four. This ELUC is binding on the Property Owner, his heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues a new no further remediation determination approving modification or removal of the limitation(s) or requirements(s); and until and a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the [LPC #: 0314975116], listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

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WITNESS the following signatures:

Property Owner(s)
By: 

Its: PRESIDENT & CEO

Date: OCTOBER 6, 2004

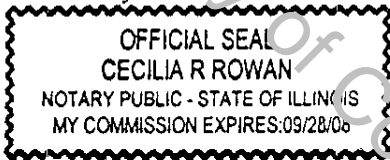
Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
) SS:
COUNTY OF)

I, CECILIA R. ROWAN the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that Robert Cantarutti and _____, personally known to me to be the Property Owner(s) of 599 Wheeling Road, Wheeling, Illinois, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that in said capacities they appeared before me this day in person and severally acknowledged that in said capacities they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 6th day of October, 2004.

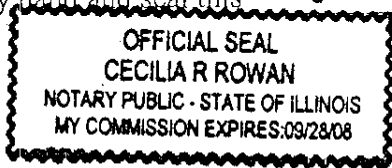


Cecilia R. Rowan
Notary Public

State of Illinois)
) S.S.
County of Lake)

I, Cecilia R. Rowan notary public, do hereby certify that before me this day in person appeared Robert Cantarutti, personally known to me to be the Property Owner(s), of 599 Wheeling Road, each severally acknowledged that they signed and delivered the foregoing instrument as the Property Owner(s) herein set forth, and as their own free and voluntary act, for the uses and purposes herein set forth.

Given under my hand and seal this 6th day of October, 2004.



Cecilia R. Rowan
Notary Public

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PIN NO. 03-11-300-004-0000

Exhibit A

The subject property is located in the City of Wheeling, Cook County, State of Illinois, commonly known as 599 Wheeling Road, Wheeling, Illinois and more particularly described as:

LOT 7 (EXCEPT THE WEST 15.25 FEET THEREOF) AND ALL OF LOT 8 IN BLOCK 1 IN HERZOG'S FIRST INDUSTRIAL SUBDIVISION OF PART OF THE EAST HALF OF SECTION 10, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE WEST HALF OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS ON DECEMBER 13, 1955 AS DOCUMENT NO. LR1639763 AND CERTIFICATE OF CORRECTION THEREOF REGISTERED DECEMBER 15, 1956 AS DOCUMENT NO. LR1713481 IN COOK COUNTY, ILLINOIS.

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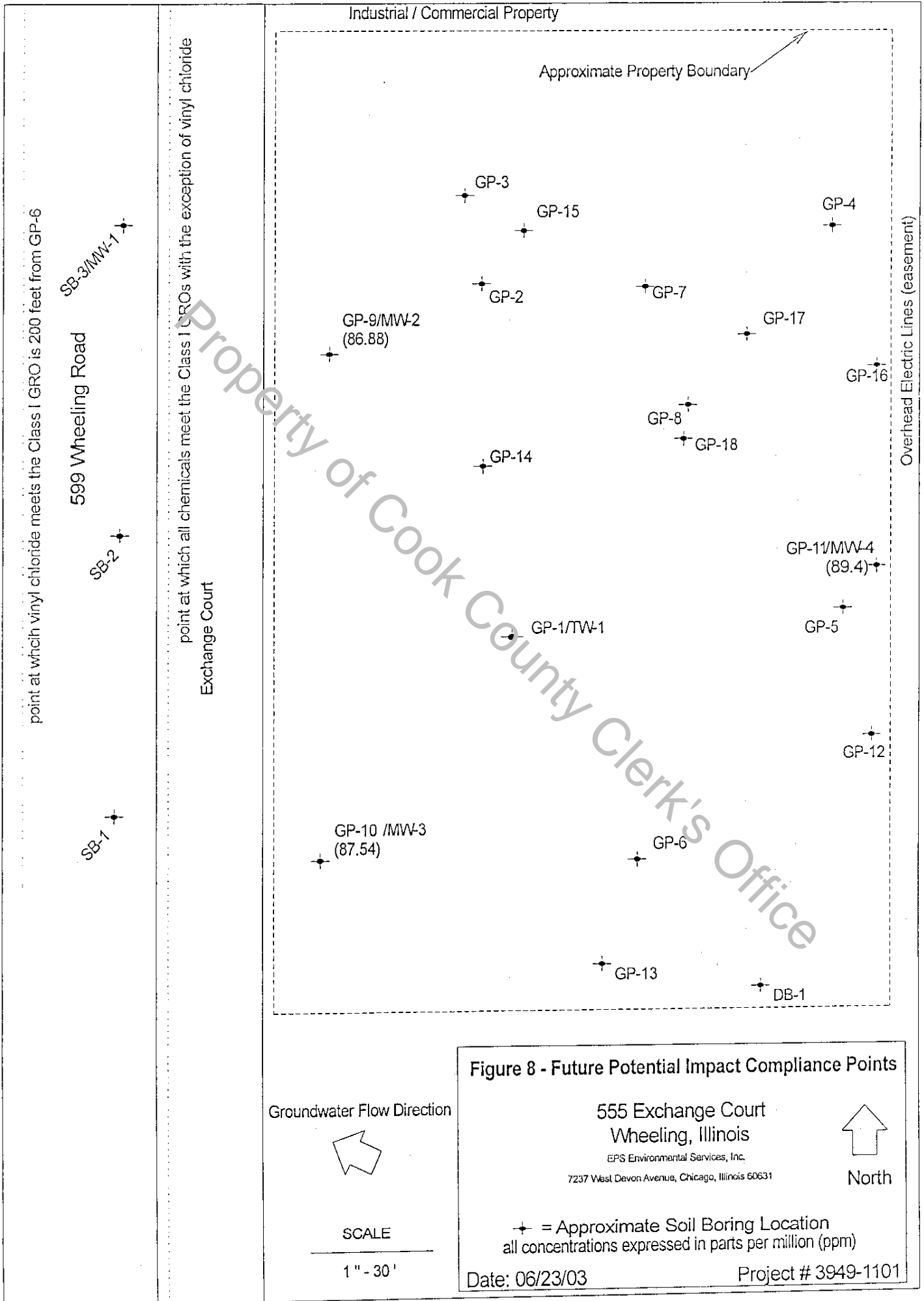
PIN NO. 03-11-300-004-0000

Exhibit B

IN ACCORDANCE WITH SECTION 742.1010(D)(8)(A)-(D), PROVIDE ALL THE FOLLOWING ELEMENTS ATTACH SEPARATE SHEETS, LABELED AS EXHIBIT B, WHERE NECESSARY.

- (A) A scaled map showing the legal boundary of the property to which the ELUC applies.
- (B) Scaled maps showing the horizontal and vertical extent of contaminants of concern above the applicable remediation objectives for soil and groundwater to which the ELUC applies.
- (C) Scaled maps showing the physical features to which an ELUC applies (e.g., engineered barriers, monitoring wells, caps, etc.).
- (D) Scaled maps showing the nature, location of the source, and direction of movement of the contaminants of concern.

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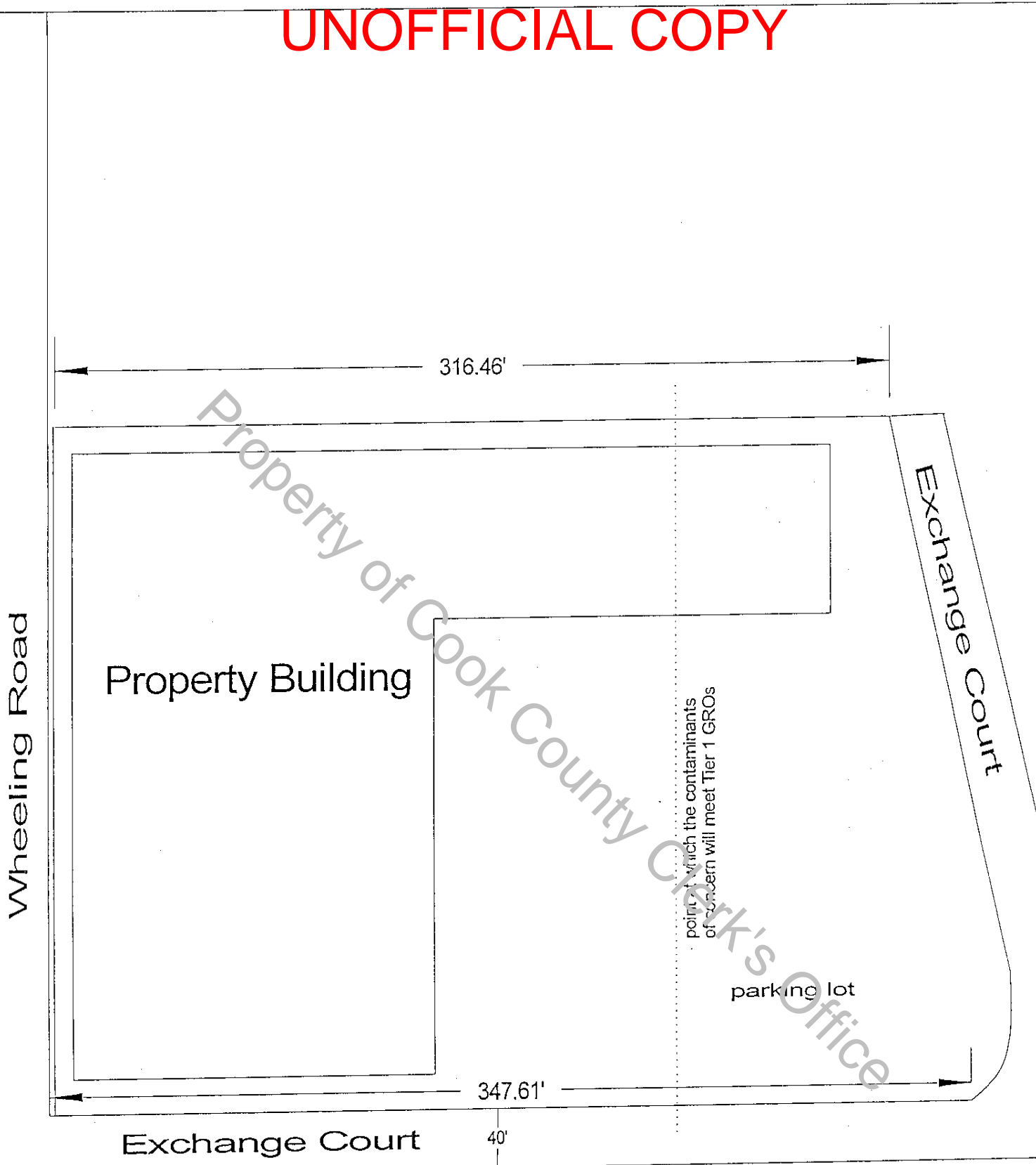


FIGURE TWO - POTENTIAL FUTURE IMPACT

599 Wheeling Road
Wheeling, Illinois

EPS Environmental Services, Inc.
7237 West Devon Avenue, Chicago, Illinois 60631



Scale: 1" = 50'
Date: 09/10/03

Project # 4321-0702