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PREPARED BY:

Name: Mr. Mark Ibanez, Vice President  
JP Morgan Investment Management Inc.

Address: 10 South Dearborn Street, 42<sup>nd</sup> Floor  
Chicago, Illinois 60603



Doc#: 1109631066 Fee: \$52.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 04/06/2011 02:19 PM Pg: 1 of 9

RETURN TO:

Name: Mr. Mark Ibanez, Vice President  
JP Morgan Investment Management Inc.

Address: 10 South Dearborn Street, 42<sup>nd</sup> Floor  
Chicago, Illinois 60603

## 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: 0311985197

Mount Prospect Plaza Owner, LLC, the Remediation Applicant whose address is 10 South Dearborn Street, 42<sup>nd</sup> Floor, Chicago, Illinois 60603 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

Legal description or Reference to a Plat Showing the Boundaries of the Remediation Site (RS):

Beginning at the point of intersection of the southerly and southwesterly lines of the Mount Prospect Plaza Parcel, which are also the intersection of the lines of the northerly right-of-way line of East Central Road and the northeasterly right-of-way line of East Rand Road proceed north 56 degrees 54 minutes 28 seconds west, for 628 feet, to the point of beginning. Continue on said north 56 degrees 54 minutes 28 seconds west heading for an additional 38.52 feet, thence proceed along the arc of a curve to the right having a radius of 2,072.46 feet and along a chord subtended bearing of north 53 degrees 26 minutes 08 seconds west, for 199.15 feet, (all along said northeasterly right-of-way line of East Rand Road) to the southwest corner of the RS, Thence proceed north 56 degrees 55 minutes 28 seconds east, for 120 feet to the northwestern corner of the RS. Thence proceed south 34 degrees 06 minutes 32 seconds east, for 276 feet, to the northeastern corner of the RS. Thence proceed south 33 degrees 05 minutes 32 seconds west, for 92 feet, to the southeastern corner of the RS. Thence proceed north 56 degrees 54 minutes 28 seconds west, for 40 feet, thence proceed south 33 degrees 05 minutes 32 seconds west, for 35 feet, back to the point of beginning. Said RS containing approximately 0.75 acres, within the property described as follows:

Part of Lot 1, Plaza Subdivision, in the Southwest Quarter of Section 35, Township 42 North, Range 11 East of the Third Principal Meridian, City of Mount Prospect, Cook County, Illinois being more

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particularly described as follows: beginning at the northwest corner of West Gate Road and East Central Road; thence north 89 degrees 37 minutes 28 seconds west, 813.32 feet, thence north 56 degrees 54 minutes 28 seconds west, 419.41 feet; thence north 33 degrees 05 minutes 32 seconds east 35.00 feet; thence north 56 degrees 54 minutes 28 seconds west, 120.0 feet; thence south 33 degrees 05 minutes 32 seconds west, 35.00 feet; thence north 56 degrees 54 minutes 28 seconds west, 38.52 feet; thence along the arc of a curve to the right having a radius of 2,072.46 feet and along a chord subtended bearing of north 53 degrees 26 minutes 08 seconds west, 252.15 feet; thence north 20 degrees 57 minutes 12 seconds east, 615.30 feet ; thence south 89 degrees 37 minutes 28 seconds east, 698.30 feet; thence north 00 degrees 01 minute 21 seconds east, 123.99 feet; thence north 89 degrees 39 degrees 39 minutes 43 seconds east, 416.97 feet; thence along the arc of a curve to the right having a radius of 40.00 feet and a long chord subtended bearing of south 78 degrees 43 minutes 34 seconds east, 16.11 feet; thence south 67 degrees 05 minutes 57 seconds east, 135.16 feet; thence south 89 degrees 26 minutes 43 seconds east, 24.37 feet; thence south 00 degrees 00 minutes 00 seconds west, 1,111.59 feet to the point of beginning.

2. Common Address: 940 East Rand Road, Mount Prospect, Illinois
3. Real Estate Tax Index/Parcel Index Number: 03-35-302-011 and 03-35-301-036
4. Remediation Site Owner: Mount Prospect Plaza Owner, LLC
5. Land Use: Industrial/Commercial

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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

(217) 782-6761

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

March 10, 2011

CERTIFIED MAIL

7009 2820 0001 7495 3270

Mr. Mark Ibanez  
Vice President  
JP Morgan Investment Management Inc.  
10 South Dearborn Street, 42<sup>nd</sup> Floor  
Chicago, Illinois 60603

Re: 0311985197 / Cook County  
Mount Prospect / Mount Prospect Plaza Owner LLC  
Site Remediation Program / Technical Reports  
**No Further Remediation Letter**

Dear Mr. Ibanez:

The *Remedial Action Completion Report* (January 13, 2011/Log Number 11-46750) and the February 25, 2011 *Revised DRM-1/Supplemental Information Letter* (Log Number 11-47066) as prepared by Pioneer Environmental Services, LLC for the above referenced Remediation Site, have been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This *Report* and *Letter* demonstrate that the remedial action was completed in accordance with the *Remedial Action Plan* (February 7, 2007/Log Number 07-32603), and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 0.75 acres, is located at 940 East Fl and Road, Mount Prospect, 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 February 25, 2011 is Mount Prospect Plaza Owner, 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) 608-3131

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 restricted to Industrial/Commercial land use.

### Engineering Controls:

- 3) The 91 feet by 30 feet asphalt barrier, as shown in the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation exposure to the contaminated media.

### Institutional Controls:

- 4) Illinois Department of Transportation agrees, through the use of a highway authority agreement (May 20, 2009, HAA 1083 in Mount Prospect, Illinois), to allow contaminated groundwater within a 283 feet segment of US Highway 12 (Rand Road) adjacent to 940 East Rand Road in Mount Prospect, Illinois as shown in the attached Site Base Map to remain beneath its highway right-of-way. The highway owner also agrees that the contaminated groundwater shall not be utilized as a potable or other domestic supply water.
- 5) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

### 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 below the 91 feet by 30 feet inhalation asphalt engineered barrier as shown on the attached Site Base Map. Any excavation within the contaminated soil below the 91 feet by 30 feet inhalation asphalt engineered barrier as shown on the attached Site Base Map 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 below the 91 feet by 30 feet inhalation asphalt engineered barrier as shown on the attached Site Base Map 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.

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- 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.
- 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.

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10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) Mount Prospect Plaza Owner, LLC;
  - 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;
  - 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.

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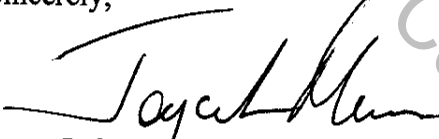
12) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

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. Jim Mergen at (217) 524-1659.

Sincerely,



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

Attachments(3):      Property Owner Certification of No Further Remediation Letter under the  
                                  Site Remediation Program Form  
                                  Notice to Remediation Applicant  
                                  May 9, 2009 Highway Authority Agreement 1033 with Illinois  
                                  Department of Transportation

cc:      Ms. Ellen M. Erhardt, Assistant Counsel, Illinois Department of Transportation, Office of  
                  Chief Counsel, 2300 South Dirksen Parkway, Springfield, Illinois 62764

Ms. Megan Wells-Paske, Pioneer Environmental Services, LLC, 700 North Sacramento  
 Boulevard, Suite 101, Chicago, Illinois 60612

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bcc: Records Unit  
Bob O'Hara  
Sherri Oxencis  
Rick Lucas





