

UNOFFICIAL COPY

PREPARED BY:

Name: Zachary Clayton
City of Chicago, Department of Environment

Address: 30 North LaSalle, 2nd Floor
Chicago, IL 60602



Doc#: 1111518030 Fee: \$56.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 04/25/2011 03:43 PM Pg: 1 of 11

RETURN TO:

Name: Zachary Clayton
City of Chicago, Department of Environment

Address: 30 North LaSalle, 2nd Floor
Chicago, IL 60602

THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316755128 and 0316755126

City of Chicago, Department of Environment, the Remediation Applicant, whose address is 30 North LaSalle, 2nd Floor, Chicago, IL 60602 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 4: THE SOUTHERN 46 FEET OF THAT PART OF WEST 118TH STREET LYING EAST OF THE EAST LINE OF SOUTH RACINE AVENUE AND WEST OF THE EAST LINE OF THE PUBLIC ALLEY LYING EAST OF SOUTH RACINE AVENUE.

PARCEL 5: LOTS 1, 2, AND 3 IN BLOCK 29 IN F.H. BARTLETT'S GREATER CALUMET SUBDIVISION OF CHICAGO, A SUBDIVISION OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED AUGUST 21, 1925 AS DOCUMENT NUMBER 9013114, IN COOK COUNTY, ILLINOIS.

PARCEL 6: BEGINNING AT THE SOUTHWEST CORNER OF WEST 118TH STREET AND SOUTH CARPENTER STREET; THENCE NORTH 662.78 FEET TO THE SOUTH LINE OF WEST 117TH STREET; THENCE WEST ALONG SAID SOUTH LINE 790.20 TO A POINT; THENCE SOUTH 662.71 FEET TO A POINT; THENCE EAST 790.38 FEET TO THE PLACE OF BEGINNING.

UNOFFICIAL COPY

PARCEL 7: THAT PART OF SOUTH CARPENTER STREET LYING NORTH OF THE NORTH LINE OF WEST 118TH STREET AND SOUTH OF A LINE 248.5 FEET SOUTH OF THE SOUTH LINE OF WEST 117TH STREET (SAID LINE 248.5 FEET SOUTH INTENDED TO BE THE NORTH LINE OF LOT 62 IN STANLEY MATTHEW'S SUBDIVISION EXTENDED WEST)

PARCEL 8: LOTS 49 THROUGH 62 IN STANLEY MATTHEW'S SUBDIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. Common Address:

WIRA Area 1: 1101 West 117th Street, Chicago, Illinois

WIRA Area 2: 11777 - 11759 South Carpenter Street, Chicago, Illinois

WIRA Area 4: 11801 South Racine Avenue, Chicago, Illinois

3. Real Estate Tax Index/Parcel Index Number:

WIRA Area 1: PIN: 25-20-414-003

WIRA Area 2: PIN: 25-20-415-011 through 25-20-415-024

WIRA Area 4: PIN: 25-20-419-001 through 25-20-419-003

4. Remediation Site Owner: The Salvation Army

5. Land Use: Residential and/or Industrial/Commercial

6. Site Investigation: Comprehensive

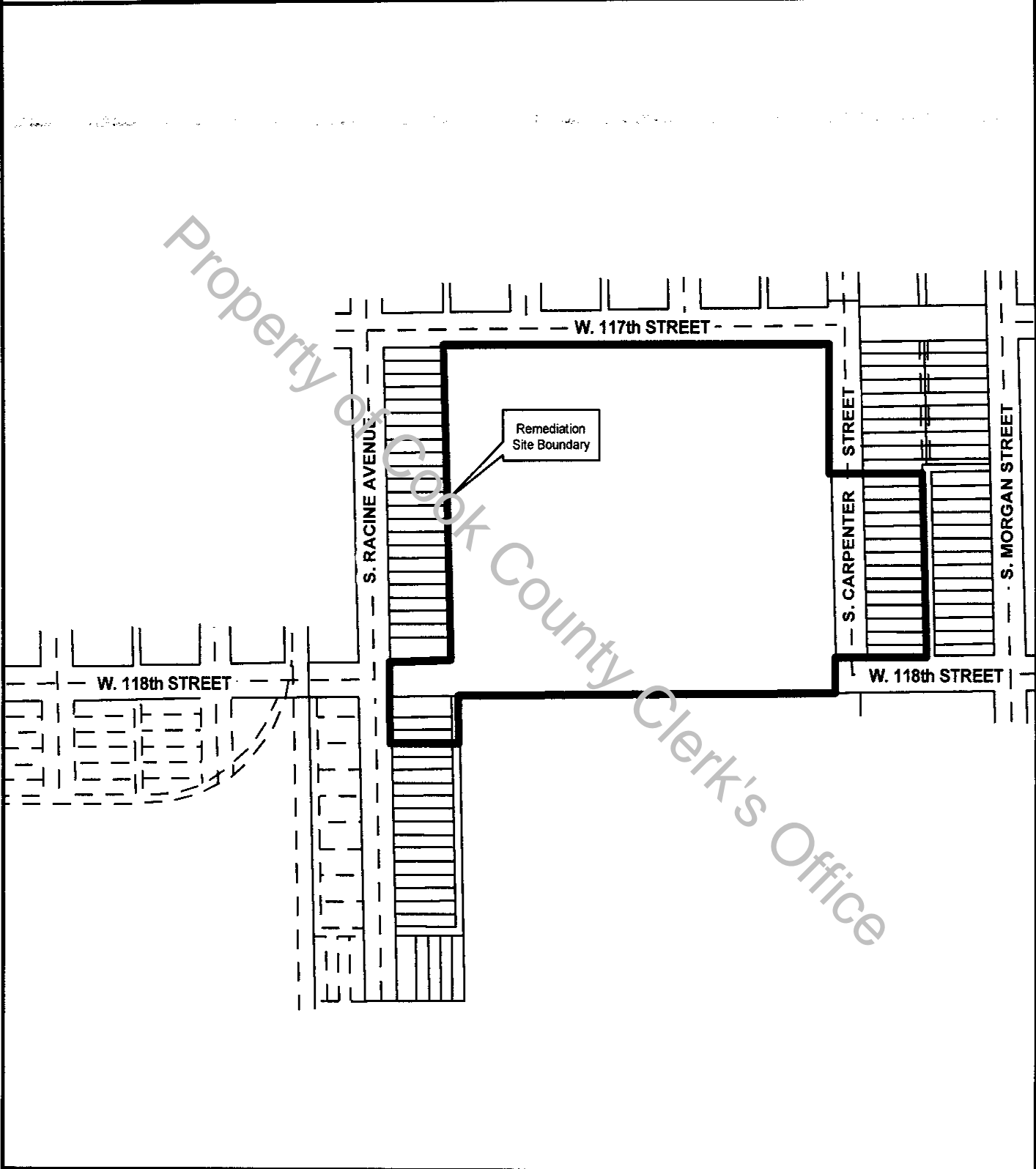
See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)

UNOFFICIAL COPY

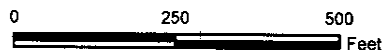
Site Base Map

ILD# 0316755128 and 0312755126 / Cook Co.
Chicago / WIRA Study Areas 1, 2, and 4
Site Remediation / Technical Reports



LEGEND

 Remediation Site Boundary



6 - 25 - 2010

UNOFFICIAL COPY

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:	Major David Harvey (For The Salvation Army)
Title:	Administrator
Company:	The Salvation Army - Ray and Joan Kroc Corps Community Center
Street Address:	11357 S. Halsted Street P.O. Box 43095
City:	Chicago State: IL Zip Code: 60643 Phone: 773-824-6718
Site Information	
Site Name:	Please see attached
Site Address:	Please see attached
City:	Chicago State: IL Zip Code: 60643 County: Cook
Illinois inventory identification number:	0316755126 & 0316755128
Real Estate Tax Index/Parcel Index No.	Please see attached
<p>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.</p> <p>Owner's Signature: <u><i>David Harvey</i></u> Date: <u>4-19-11</u></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>19th</u> day of <u>April</u>, 20<u>11</u></p> <p><u><i>Diane Neal</i></u> Notary Public</p> <div style="border: 2px dashed black; padding: 5px; text-align: center;"> <p>Official Seal Diane Neal Notary Public State of Illinois My Commission Expires 02/27/2013</p> </div>	

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 Form 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.

UNOFFICIAL COPY

Property Owner Certification Form (Continued)

Site Information

Site Name and Common Address:

WIRA Study Area 1 (1101 West 117th Street, Chicago, IL)

WIRA Study Area 2 (11727-11759 South Carpenter Street, Chicago, IL)

WIRA Study Area 4 (11801 South Racine Avenue, Chicago, IL)

Real Estate Tax Index/Parcel Index Numbers:

25-20-414-003, 25-20-415-011, 25-20-415-012, 25-20-415-013, 24-20-415-014,
25-20-415-015, 25-20-415-016, 25-20-415-017, 25-20-415-018, 25-20-415-019,
25-20-415-020, 25-20-415-021, 25-20-415-022, 25-20-415-023, 25-20-415-024,
25-20-419-001, 25-20-419-002, 25-20-419-003, 25-20-414-003

Property of Cook County Clerk's Office

UNOFFICIAL COPY**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

March 23, 2011

CERTIFIED MAIL

7009 2820 0001 7495 4826

Zachary Clayton
City of Chicago, Department of Environment
30 North LaSalle, 2nd Floor
Chicago, IL 60602

Re: LPC# 0316755128 / Cook Co.
Chicago / WIRA Study Area 4
Site Remediation/Technical Reports
No Further Remediation Letter

LPC# 0316755126 / Cook Co.
Chicago / WIRA Study Area 1 & 2
Site Remediation/Technical Reports
No Further Remediation Letter

Dear Mr. Clayton:

The *Remedial Action Completion Report* (March 7, 2011/Log No.11-47203), as prepared by TetraTech for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (June 2, 2010 / Log No.10-44947) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 13.64 acres, is located at (Area 1) 1101 West 117th Street, (Area 2) 11727 - 11759 South Carpenter Street, and (Area 4) 11801 South Racine Avenue, 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 (June 2, 2003), is the City of Chicago, Department of Environment.

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 of this Letter.

UNOFFICIAL COPY

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential or Industrial/Commercial land use.
- 2) 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; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

- 3) The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Institutional Controls:

- 4) 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) 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;
 - 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.
 - b) 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.

UNOFFICIAL COPY

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

- c) The following activities shall be grounds for voidance 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

- 5) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 4 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 6) 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.
- 7) 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

UNOFFICIAL COPY

- 8) 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 title holder 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.
- 9) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) City of Chicago, Department of Environment;
 - 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;

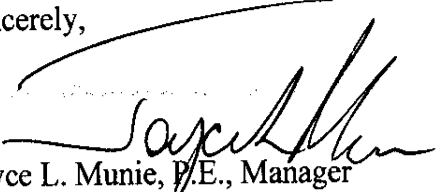
UNOFFICIAL COPY

- 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.
- 10) 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 WIRA Study Areas 1, 2, and 4 property.
- 11) 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
- 12) 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.

UNOFFICIAL COPY

If you have any questions regarding the WIRA Study Areas 1, 2, and 4 property, you may contact the Illinois EPA project manager, Barbara Landers at 217-557-6939 or barb.landern@illinois.gov.

Sincerely,



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

Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Table A: Regulated Substances of Concern
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Major David Harvey
Administrator
The Salvation Army
Ray and Joan Kroc Corps Community Center
P.O. Box 43095
Chicago, IL 60643-0095

Carol Nissen
Tetra Tech Inc.
1 South Wacker Drive, 37th Floor
Chicago, IL 60606

Records Unit
Bob O'Hara
Rick Lucas

Commissioner
Chicago Department of Environment
25th Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575