



PREPARED BY:

Name: Joseph E. Curci
A. Finkl & Sons Co.

Address: 2011 N. Southport Avenue
Chicago, IL 60614

Doc#: 1224149012 Fee: \$56.25
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 08/28/2012 09:51 AM Pg: 1 of 9

RETURN TO:

Name: Joseph E. Curci
A. Finkl & Sons Co.

Address: 2011 N. Southport Avenue
Chicago, IL 60614

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: 0316455033 (REMEDIATION AREA B)

A. Finkl & Sons Co., the Remediation Applicant, whose address is 2011 N. Southport Avenue, Chicago, IL 60614 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.

LOT 16 IN BLOCK 4 IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST AND NORTH OF RAILROADS, ACCORDING TO THE PLAT RECORDED NOVEMBER 28, 1883 AS DOCUMENT 510894, IN COOK COUNTY, ILLINOIS.

ALSO

OUTLOT "A" IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY'S SUBDIVISION OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST AND NORTH OF RAILROADS, ACCORDING TO THE PLAT RECORDED NOVEMBER 28, 1883 AS DOCUMENT 510894, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF EAST 92ND STREET LYING EAST OF THE NORTHEASTERLY LINE OF THE NEW YORK, CHICAGO & ST. LOUIS RAILROAD RIGHT OF WAY AND WEST OF LINE DRAWN FROM THE SOUTHEAST CORNER OF OUTLOT "A" IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION TO THE NORTHEAST CORNER OF OUTLOT "B" IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION ALL IN THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE

(Illinois EPA Site Remediation Program Environmental Notice)

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14 EAST OF THE 3RD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF OUTLOT "B" IN CALUMET AND CHICAGO CANAL AND DOCK COMPANY SUBDIVISION, EAST 93RD STREET.

ALL IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF OUTLOT "B" AFORESAID, BEING ALSO A POINT ON THE NORTHEASTERLY LINE OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD;

THENCE NORTH 88 DEGREES 28 MINUTES 06 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "B", BEING ALSO THE SOUTH LINE OF EAST 92ND STREET, 71.65 FEET TO THE NORTHEASTERLY LINE OF SAID OUTLOT "B";

THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS EAST ALONG SAID NORTHEASTERLY LINE, 505.52 FEET;

THENCE SOUTH 06 DEGREES 52 MINUTES 05 SECONDS EAST, 437.36 FEET TO A LINE 66.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH THE NORTHEASTERLY LINE OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD;

THENCE NORTH 24 DEGREES 26 MINUTES 04 SECONDS WEST ALONG SAID PARALLEL LINE, 85.10 FEET;

THENCE NORTH 16 DEGREES 59 MINUTES 54 SECONDS WEST, 106.55 FEET TO A POINT 52.21 FEET SOUTHWESTERLY AND PERPENDICULAR TO THE NORTHEASTERLY LINE OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD AFORESAID;

THENCE NORTH 01 DEGREES 34 MINUTES 13 SECONDS EAST, 119.08 FEET TO THE SOUTHWEST CORNER OF OUTLOT "B" AFORESAID;

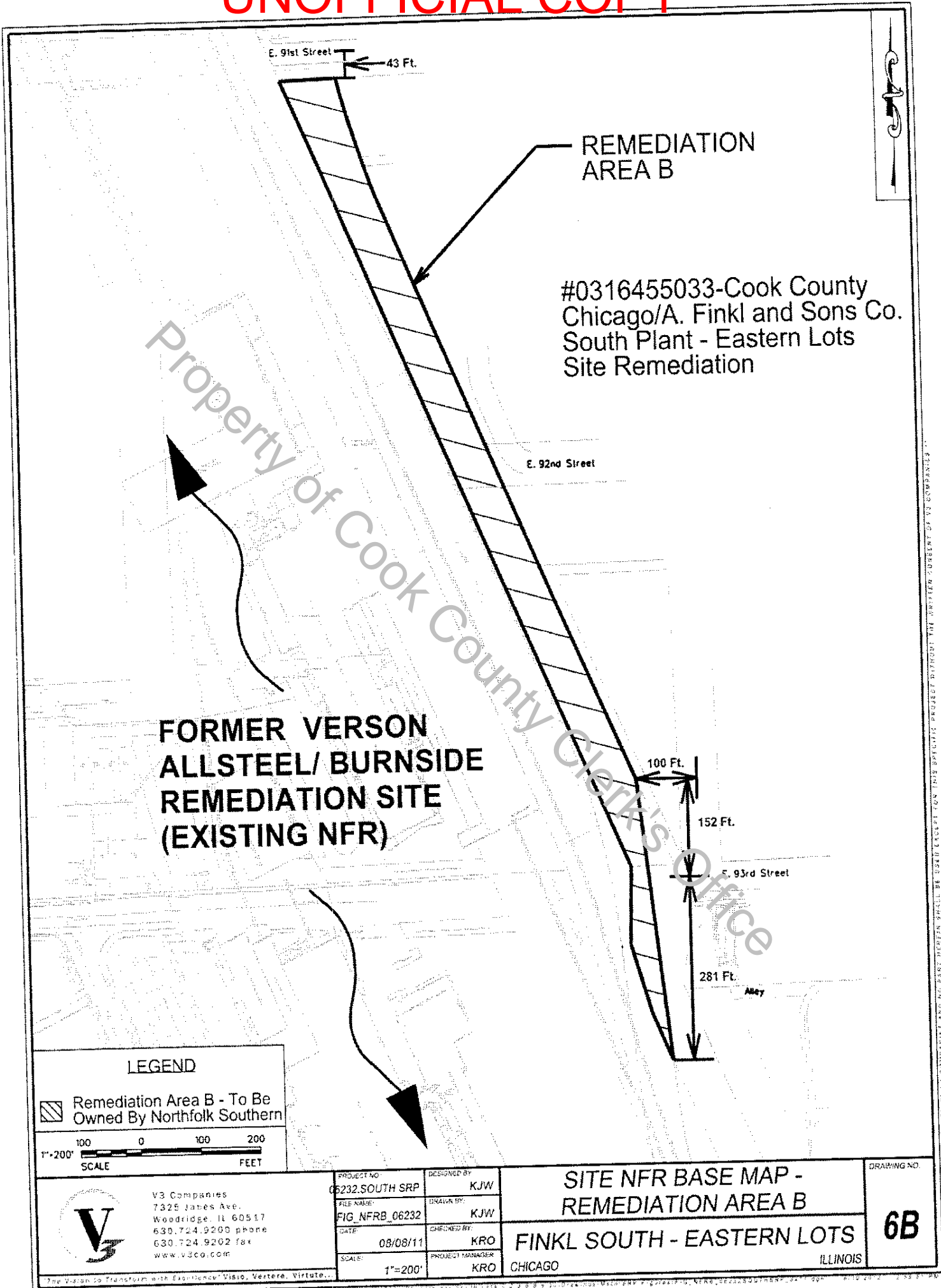
THENCE NORTH 24 DEGREES 26 MINUTES 04 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD AFORESAID, 652.59 FEET OT THE NORTHWEST CORNER OF SAID OUTLOT "B" AND THE POINT OF BEGINNING;

IN COOK COUNTY, ILLINOIS.

2. Common Address: 1355 East 93rd Street, Chicago, IL 60619
3. Real Estate Tax Index/Parcel Index Number: 25-02-409-002, 25-02-409-003, 25-02-409-004, 25-02-409-005, 25-02-409-006, 25-02-417-029,
4. Remediation Site Owner: A. Finkl & Sons Co.
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 524-3300

August 2, 2012

CERTIFIED MAIL

7010 2780 0002 1164 8236

Joseph E. Curci
A. Finkl & Sons Co.
2011 N. Southport Avenue
Chicago, IL 60614

Re: 0316455033 – Cook County
Chicago/A. Finkl & Sons Co. (Remediation Area B)
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Curci:

The *Comprehensive Site Investigation, Remediation Objectives Report, Remedial Action plan, and Remedial Action Completion Report* (received April 2, 2012/12-50379), as prepared by V3 Companies for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The approved remediation objectives at the Site are equal to or are above the existing levels of regulated substances and the *Comprehensive Site Investigation, Remediation Objectives Report, Remedial Action Plan, and Remedial Action Completion Report* shall serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 2.22 acres, is located at 1355 East 93rd 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 (December 23, 2011/11-49553), is A. Finkl & Sons Co.

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.

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is restricted to 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.

Other Terms

- 3) 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.
- 4) 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
Division of Records Management #15
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
- 5) 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;

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- 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.
- 6) Pursuant to Section 58-10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) A. Finkl & Sons Co.;
 - 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

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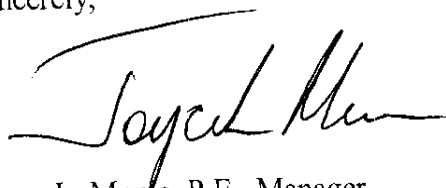
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 7) 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 A. Finkl & Sons Co. property.
- 8) 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

- 9) 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 the A. Finkl & Sons Co. property, you may contact the Illinois EPA project manager, Tammy S. Smith at 217-785-8410.

Sincerely,



Joyce L. Munte, 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
 Property Owner Certification of No Further Remediation Letter under the Site
 Remediation Program Form
 Instructions for Filing the NFR Letter

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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
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Keith R. Oswald
V3 Companies, Ltd.
7325 Janes Avenue
Woodridge, IL 60517

Bureau of Land File
Bob O'Hara

Commissioner
Chicago Department of Fleet and Facility Management
30 North LaSalle Street, Suite 300
Chicago, Illinois 60602

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

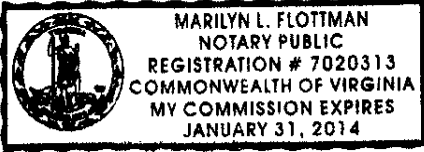
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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: <u>F. Blair Winbush</u>	
Title: <u>Vice President</u>	
Company: <u>Norfolk Southern Railway Company</u>	
Street Address: <u>3 Commercial Place</u>	
City: <u>Norfolk</u> State: <u>VA</u> Zip Code: <u>23510</u> Phone: <u>757-629-2656</u>	
Site Information	
Site Name: <u>CHICAGO/A. Fink & Sons Co. (REMEDIATION AREA B)</u>	
Site Address: <u>1355 E. 93rd St.</u>	
City: <u>CHICAGO</u> State: <u>IL</u> Zip Code: <u>60619</u> County: <u>COOK</u>	
Illinois inventory identification number: <u>0316455033</u>	
Real Estate Tax Index/Parcel Index No. <u>25-02-409-002; 25-02-409-003;</u> <u>25-02-409-004; 25-02-409-005; 25-02-409-006; 25-02-411-029</u>	
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: <u>[Signature]</u>	Date: <u>8/20/12</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>20th</u> day of <u>August, 2012</u>	
<u>[Signature]</u> Notary Public	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 9/38 - 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.