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PREPARED BY:



Name: McDonald's Corporation

Doc#: 1234934017 Fee: \$52.00
Karen A. Yarbrough RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 12/14/2012 09:46 AM Pg: 1 of 8

Address: 401 Summit Street
Elgin, IL 60120

RETURN TO:

Name: McDonald's Corporation
Attn: Anita Thomas

Address: 4320 Winfield Road
Warrenville, IL 60555

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF KANE COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA No.: 0894385795

Leaking UST Incident No.: 20120381

McDonald's Corporation, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 4320 Winfield Road, Warrenville, IL 60555, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: See attached.
2. Common Address: 401 Summit Street, Elgin, IL 60120
3. Real Estate Tax Index/Parcel Index Number: 06-12-382-001-0000, 06-12-382-002-0000 and 06-12-382-003-0000
4. Site Owner: McDonald's Corporation
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

jmd

Attachment: Legal Description

THE SIGNATURES OF THE PARTIES EXECUTING THIS DOCUMENT
ARE COPIES AND ARE NOT ORIGINAL SIGNATURES.

Leaking Underground Storage Tank Environmental Notice

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Jason Donnelly, at (217) 557-8764.

Sincerely,



Harry A. Chappel, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

hac:jmd:jk\120381-nfr.dotx

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description

c: SEECO Environmental Services, Inc., Don Cassier
BOL File

Property of Cook County Clerk's Office

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LEGAL DESCRIPTION

McDonald's Corporate Requirements

LOTS 9, 10, 11 AND PART OF LOTS 12, 13 AND 14 OF T. SCHOONHOVEN'S ADDITION TO ELGIN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 88 DEGREES 49 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 132.03 FEET TO THE SOUTHWEST OF SAID LOT 9; THENCE NORTH 00 DEGREES 02 MINUTES 07 SECONDS WEST ALONG THE WEST LINE OF SAID LOTS 9, 10, 11, 12, 13 AND 14, A DISTANCE OF 337.68 FEET TO THE SOUTHERLY LINE OF SUMMIT STREET DEDICATED TO THE PEOPLE OF THE STATE OF ILLINOIS PER DOCUMENT 394103; THENCE SOUTH 89 DEGREES 56 MINUTES 40 SECONDS EAST ALONG SAID SOUTHERLY LINE OF SUMMIT STREET, 113.00 FEET TO A LINE 19.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID LOTS 14, 13 AND 12; THENCE SOUTH 00 DEGREES 02 MINUTES 07 SECONDS EAST ALONG SAID PARALLEL LINE 106.27 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 12; THENCE NORTH 88 DEGREES 49 MINUTES 00 SECONDS EAST ALONG SAID SOUTH LINE, 19.00 FEET TO THE EAST LINE OF SAID LOT 12, THENCE SOUTH 00 DEGREES 02 MINUTES 07 SECONDS EAST ALONG SAID EAST LINE AND ALONG THE EAST LINE OF SAID LOTS 11, 10 AND 9, A DISTANCE OF 228.97 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ELGIN, KANE COUNTY, ILLINOIS.

ALTA Land Title Legal Description

PARCEL 1:

LOTS 9 AND 10 OF T. SCHOONHOVEN'S ADDITION TO ELGIN, IN THE CITY OF ELGIN, KANE COUNTY, ILLINOIS.

PARCEL 2:

LOTS 11, 12 (EXCEPT THE EAST 19 FEET OF THE NORTH 1/2 THEREOF), 13 (EXCEPT THE EAST 19 FEET THEREOF) AND THAT PART OF LOT 14 LYING SOUTH OF THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY NO. 58 (EXCEPT THE EAST 19 FEET THEREOF) OF T. SCHOONHOVEN'S ADDITION TO ELGIN, IN THE CITY OF ELGIN, KANE COUNTY, ILLINOIS.



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PAT QUINN, GOVERNOR

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (See 415 ILCS 5/57.10(d)) If not properly recorded, the Illinois EPA will take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60120 • (847) 608-3137
Bureau of Land – Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5467
Collinsville • 2009 Mall Street, Collinsville, IL 62734 • (618) 346-5129

Des Plaines • 551 W. Madison St., Des Plaines, IL 60018 • (847) 394-4000
Peoria • 501 S. University St., Peoria, IL 61614 • (309) 693-5463
Champaign • 215 S. Lincoln St., Champaign, IL 61820 • (217) 270-5878
Marion • 2305 W. Ardmore, Marion, IL 62959 • (618) 993-7203



217/524-3300

CERTIFIED MAIL

7010 2780 0002 1166 6209

SEP 12 2012

McDonald's Corporation
Attn: Anita Thomas
4320 Winfield Road
Warrenville, IL 60555

Re: LPC #0894385795 -- Kane County
Elgin/McDonald's Corporation
401 Summit Street
Leaking UST Incident No. 20120381 -- NFR Letter
Leaking UST Technical File

Dear Ms. Thomas:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day/Corrective Action Completion Report and Corrective Action Completion Report Addendum submitted for the above-referenced incident. This information was dated June 18 & August 29, 2012 and was received by the Illinois EPA on July 19 & August 29, 2012. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Early Action Tier 1 Remediation Objectives Compliance Report and the Licensed Professional Engineer Certification submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.135(d) indicate the remediation objectives have been met.

Based upon the certification by Amrit Rai, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the remediation of the occurrence has been completed; and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

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1. McDonald's Corporation, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

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2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: **There are no land use limitations.**
3. The land use limitation 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 No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.
5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan, if applicable, may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil and/or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.

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7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
 Attention: Freedom of Information Act Officer
 Bureau of Land - #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

8. Pursuant to 35 Ill. Adm. Code 734.720, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide Notice of Voidance to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or
 - 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.

Submit an accurate and official copy of this Letter, as recorded, to

Illinois Environmental Protection Agency
 Bureau of Land - #24
 Leaking Underground Storage Tank Section
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276