

# UNOFFICIAL COPY



**PREPARED BY:**

**Name:** Ms. Jacqueline J. Goldberg  
Sherman Avenue, LLC

**Address:** 1460 Sherman Avenue  
Evanston, IL 60202

**Doc#:** 1309550039 **Fee:** \$50.00  
RHSP Fee: \$10.00 Affidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 04/05/2013 04:06 PM Pg: 1 of 7

**RETURN TO:**

**Name:** Ms. Jacqueline J. Goldberg  
Sherman Avenue, LLC

**Address:** 718 Ridge Avenue  
Evanston, IL 60202

**(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 COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.**

Illinois EPA No.: 0310815326

Leaking UST Incident No.: 20110399

Sherman Avenue, LLC, Ms. Jacqueline J. Goldberg, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 718 Ridge Avenue, Evanston, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: See Attachment
2. Common Address: 1460 Sherman Avenue, Evanston, Illinois
3. Real Estate Tax Index/Parcel Index Number: 11183170140000
4. Site Owner: Sherman Avenue, LLC, Ms. Jacqueline J. Goldberg
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

BD

**Attachment:** Legal Description  
Site Base Map

**UNOFFICIAL COPY****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, DIRECTOR

217/524-3300

CERTIFIED MAIL

7012 0470 0001 2997 8098

JAN 24 2013

Sherman Avenue, LLC  
 Ms. Jacqueline J. Goldberg  
 718 Ridge Avenue  
 Evanston, IL 60202

Re: LPC # 0310815326—Cook County  
 Evanston/ Sherman, LLC  
 1460 Sherman Avenue  
 Leaking UST Incident No. 20110399—NFR Letter  
 Leaking UST Technical File

IEPA DIVISION OF RECORDS MANAGEMENT  
 RT/FAS/AR/F

JAN 31 2013

REVIEWER JKS

Dear Ms. Goldberg:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day Report/ Corrective Action Completion Report submitted for the above-referenced incident. This information was dated December 27, 2012 and was received by the Illinois EPA on January 10, 2013. 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 Ronald L. Bedard, 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:

1. Sherman Avenue, LLC, Ms. Jacqueline Goldberg, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760  
 595 S. Stone, Elgin, IL 60123 (847) 608-3131  
 2125 S. First St., Champaign, IL 61820 (217) 278-5800  
 2009 Mad St., Collinsville, IL 62234 (618) 346-5120

9511 Harrison St., Des Plaines, IL 60016 (847) 294-4000  
 5407 N. University St., Arbor 113, Peoria, IL 61614 (309) 693-5462  
 2309 W. Main St., Suite 116, Marion, IL 62959 (618) 993-7200  
 100 W. Randolph, Suite 10-300, Chicago, IL 60601 (312) 814-6026

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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.
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

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- 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 avoidance 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.

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 Avoidance 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 avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance 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;

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- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Brad Dilbaitis, at (217) 785-8378 or at [Bradley.Dilbaitis@illinois.gov](mailto:Bradley.Dilbaitis@illinois.gov).

Sincerely,



Thomas A. Henninger  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

TAH:BDNFR.docx

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Site Base Map

c: Effluent Technology, Inc.  
BOL File

**UNOFFICIAL COPY** 09142321**PARCEL 1A:**

THAT PART OF THE NORTH 40 FEET OF THE SOUTH 178 FEET OF BLOCK 52 IN EVANSTON LYING EASTERLY OF THE EASTERLY LINE OF PREMISES CONVEYED TO THE CHICAGO, EVANSTON AND LAKE SUPERIOR RAILWAY COMPANY, (NOW CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY) BY DEED RECORDED APRIL 27, 1886 AS DOCUMENT 711139 IN BOOK 1753 PAGE 383 IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE EAST 31 RODS) IN COOK COUNTY, ILLINOIS.

**PARCEL 1B:**

THAT PART OF LOT 6 IN O. HUSE AND OTHERS' SUBDIVISION OF BLOCK 52 IN THE ORIGINAL VILLAGE OF EVANSTON, WHICH LIES EAST OF A LINE DRAWN FROM A POINT IN THE NORTH LINE OF LOT 5 ADJOINING TO THE NORTH, AND 18 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 5, TO A POINT IN THE SOUTH LINE OF LOT 6, 37 FEET EAST OF THE SOUTHWEST CORNER (EXCEPT THAT PART OF LOT 6 LYING NORTH OF A LINE DRAWN FROM A POINT IN THE EAST LINE OF SAID LOT 6, .18 FEET SOUTH OF THE NORTHEAST CORNER THEREOF TO A POINT ON THE WEST LINE OF SAID LOT 6, .58 FEET SOUTH OF THE NORTHWEST CORNER THEREOF) IN COOK COUNTY, ILLINOIS.

**DEED RESTRICTIONS**

THE USE OF THE SUBJECT PROPERTY IS RESTRICTED AS FOLLOWS:  
THE PROPERTY SHALL NOT BE USED AS A FUNERAL HOME, CREMATORIUM, PRE-NEED FUNERAL OR CASKET SALES OFFICE FOR A PERIOD OF FIFTEEN (15) YEARS FROM THE DATE OF THIS DEED. THIS RESTRICTION SHALL BE BINDING ON THE GRANTEE, IT'S SUCCESSORS AND OR ASSIGNS AND SHALL RUN WITH THE LAND.

STATE TAX	STATE OF ILLINOIS	#0000006776	REAL ESTATE TRANSFER TAX
	DEC.-8.99		0102500
REAL ESTATE TRANSFER TAX DEPARTMENT OF REVENUE			FP326660

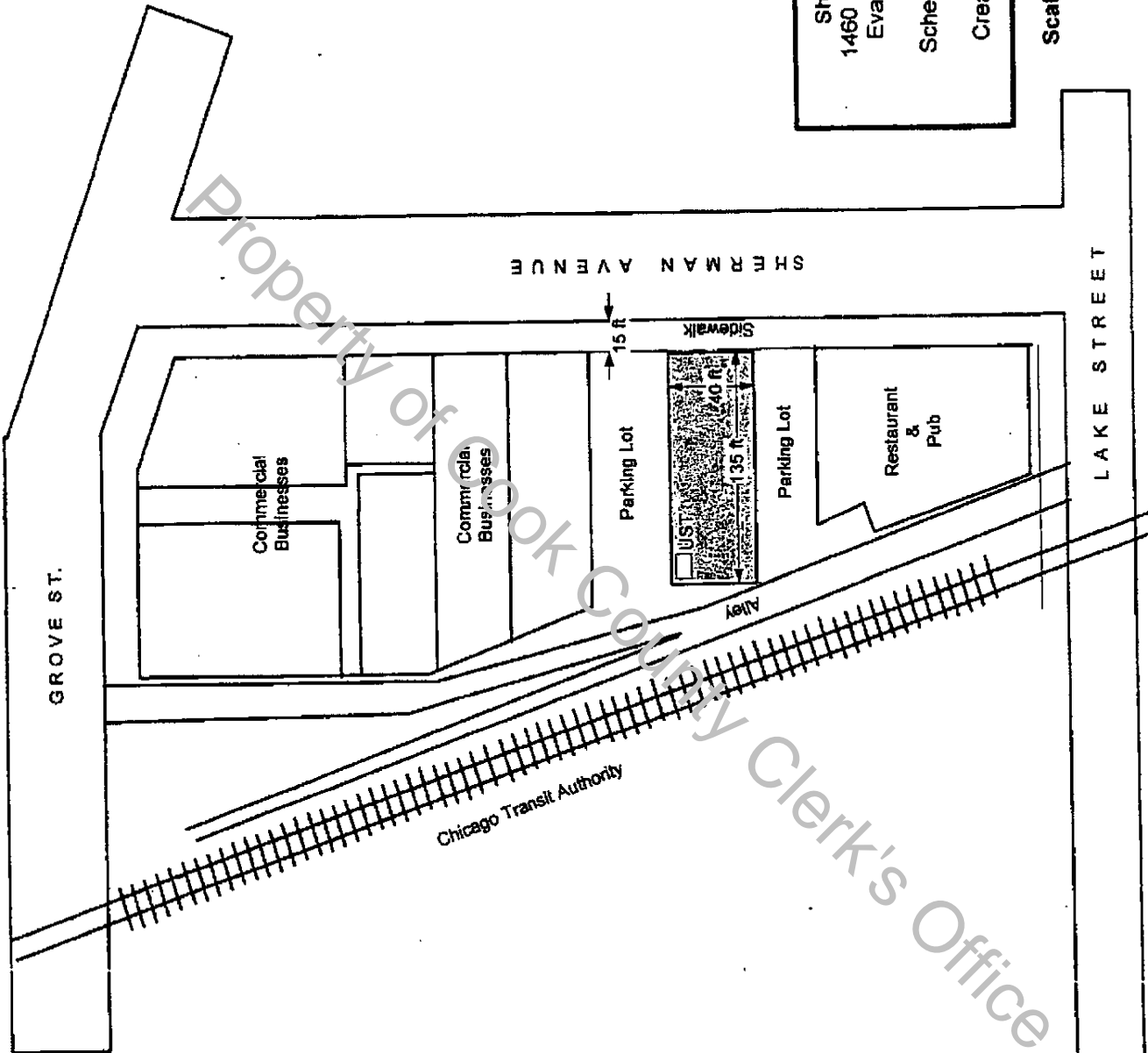
COUNTY TAX	COOK COUNTY REAL ESTATE TRANSACTION TAX	#0000014064	REAL ESTATE TRANSFER TAX
	DEC.-8.99		0051250
REVENUE STAMP			FP326670

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Sherman, L.L.C.  
 1460 Sherman Avenue  
 Evanston, IL 60202  
 Schematic Diagram of  
 Site  
 Created 12/20/2012

Scale: 1 inch = 73 ft.



Attachment #3 Page 13

**Uses of the Site:**  
 Currently the site is vacant.  
**Uses of properties adjacent to site:**  
 Adjacent to the site are two parking lots. Adjacent to the south parking lot is a restaurant and pub. Adjacent to the north parking lot are several commercial businesses.

**Locations of former UST's:**  
 One UST was removed from the northwest corner of the site. There are no other UST's on the site. The site is noted on the accompanying map.  
**Contents of UST's:**  
 The (former) UST contained #2 heating oil.

**Structures adversely affected**  
 By the release:  
 None of the adjacent structures were adversely affected by the release. The release was confined to the tankhold.

Property of Cook County Clerk's Office