

# UNOFFICIAL COPY

Recorder's Stamp

**NOTICE OF  
RE-RECORDING OF  
LUST ENVIRONMENTAL  
NOTICE AND  
NO FURTHER  
REMEDATION LETTER**



Doc#: 1315118016 Fee: \$68.00  
RHSP Fee: \$10.00 Affidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/31/2013 09:31 AM Pg: 1 of 16

**After Recording Mail To:**

Office of the General Counsel  
Loyola University of Chicago  
820 N. Michigan Ave., Suite 750  
Chicago, Illinois 60611

**Name & Address of Taxpayer:**

Office of the General Counsel  
Loyola University of Chicago  
820 N. Michigan Ave., Suite 750  
Chicago, Illinois 60611

THIS NOTICE OF RE-RECORDING OF LUST ENVIRONMENTAL NOTICE AND NO FURTHER REMEDIATION LETTER ("Notice") is made this 30th day of May, 2013, by Loyola University of Chicago, an Illinois not-for-profit corporation (hereinafter referred to as "Loyola").

**WITNESSETH:**

WHEREAS, in 2005, in response to Leaking Underground Storage Tank Incident No. 20050755 (the "LUST Incident"), and after Loyola's performance of certain required remediation work, the Illinois Environmental Protection Agency issued to Loyola its No Further Remediation Letter dated September 6, 2005 ("NFRL"); and

WHEREAS, on September 19, 2005, Loyola recorded the NFRL and a Leaking Underground Storage Tank Notice ("LUST Notice") with respect to such LUST Incident with the Recorder of Deeds of Cook County as document nos. 0526218037 and 0526218038, respectively; and

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WHEREAS, since 2005, Loyola has at all times been the sole owner of the real property encumbered by the LUST Notice and the NFRL, which real property is legally described in the LUST Notice and in Exhibit A to this Notice (such real property, the “NFRL Property”); and

WHEREAS, Loyola now desires to record the LUST Notice and NFRL as a single integrated instrument to assure that it forms a permanent part of the chain of title for the NFRL Property.

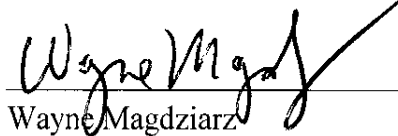
NOW, THEREFORE:

Loyola, by its execution and recording of this Notice, and as a supplement to the prior recording of the NFRL and the LUST Notice, hereby re-records the LUST Notice and the NFRL Notice, attached collectively as Exhibit B to this Notice, for purposes of giving record notice thereof and assuring that such instruments form a permanent part of the chain of title to the NFRL Property.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the date set forth above.

LOYOLA UNIVERSITY OF CHICAGO,  
an Illinois not-for-profit corporation

By:



Wayne Magdziarz  
Senior Vice President for  
Capital Planning and Campus  
Management

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STATE OF ILLINOIS        )  
   ) ss  
 COUNTY OF COOK         )

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify, that Wayne Magdziarz, personally known to me to be the Senior Vice President for Capital Planning and Campus Management for Loyola University of Chicago, an Illinois not-for-profit corporation (the "Corporation"), and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Senior Vice President he signed and delivered such instrument pursuant to authority given by the Board of Trustees of said Corporation, as his and voluntary act, and as the free and voluntary act of the Corporation, for the uses and purposes therein set forth.

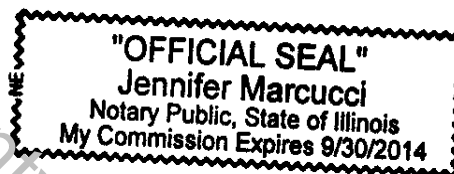
Given under my hand and official seal, this 29 day of May, 2013.

Commission expires 9/30/14

*Jennifer Marcucci*  
 Notary Public

**Name & Address of Preparer:**

Steve Holler  
 Staff Attorney  
 Office of the General Counsel  
 Loyola University of Chicago  
 820 N. Michigan Avenue, Suite 750  
 Chicago, Illinois 60611  
 (312) 915-6238



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## EXHIBIT A

### NFRL Property Legal Description

THE NORTH 43.00 FEET OF LOT 2 IN THE SUBDIVISION OF BLOCK 18 IN CANAL TRUSTEES' SUBDIVISION IN THE SOUTH FRACTIONAL 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO:

LOTS 1, 2, 3 AND 4 TOGETHER WITH THE NORTH-SOUTH AND EAST-WEST PRIVATE ALLEY IN LARSON'S SUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCK 18 IN CANAL TRUSTEES' SUBDIVISION IN THE SOUTH FRACTIONAL 1/4 OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART OF LOT 4 AND THAT PART OF THE NORTH-SOUTH AND EAST-WEST PRIVATE ALLEY AFORESAID BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 9 IN LARSON'S SUBDIVISION OF LOT 1 IN THE SUBDIVISION OF BLOCK 18 AFORESAID; THENCE NORTH 89 DEGREES 58 MINUTES 52 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 9 EXTENDED WEST, 20.39 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINES OF LOTS 1 THROUGH 4, IN THE SUBDIVISION OF LOT 7 IN SUBDIVISION OF BLOCK 18 IN CANAL TRUSTEES' SUBDIVISION AFORESAID; THENCE SOUTH 0 DEGREES 27 MINUTES 21 SECONDS EAST, ALONG SAID NORTHERLY EXTENSION, 24.03 FEET TO A POINT ON THE SOUTH LINE OF THE EAST-WEST PRIVATE ALLEY, BEING ALSO THE SOUTH LINE OF LOT 9 AFORESAID EXTENDED WEST; THENCE SOUTH 89 DEGREES 58 MINUTES 34 SECONDS EAST, ALONG SAID SOUTH LINE, 20.35 FEET TO THE SOUTHWEST CORNER OF LOT 9 AFORESAID; THENCE NORTH ALONG THE WEST LINE OF LOT 9 AFORESAID, 24.03 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Common Address: 19 East Chestnut Avenue, Chicago, Illinois

Permanent Index Numbers: 17-03-223-001  
17-03-223-006  
17-03-223-007  
17-03-223-008

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## EXHIBIT B

### 2005 LUST ENVIRONMENTAL NOTICE AND NFRL

[See Attachments]

Property of Cook County Clerk's Office



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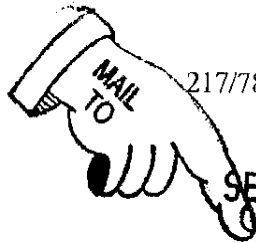


## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR



217/782-6762

SEP 06 2005

CERTIFIED MAIL

7004 2510 0001 8649 6988



Loyola University  
Attn: Wayne Sliwa (Loyola Facilities Dept.)  
10 E. Pearson St.  
Chicago, IL 60611

Doc#: 0526218037 Fee: \$58.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 09/19/2005 12:20 PM Pg: 1 of 5

Re: LPC #0316085728 -- Cook County  
Chicago/Loyola Facilities Dept. (New Residence Hall/Student Union Building Parking Lot)  
19 East Chestnut Avenue  
LUST Incident No. 20050755  
LUST Technical File

Dear Mr. Sliwa:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45 Report/ Corrective Action Completion Report submitted for the above-referenced incident. This information was dated July 26, 2005 and was received by the Illinois EPA on July 27, 2005. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to Section 57.6 of the Act indicate the remediation objectives have been met.

Based upon the certification by Daniel Krzeczowski, 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. Loyola University, 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.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

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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.

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. In addition, the Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. 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
  - b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

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PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: A concrete/asphalt barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

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.

Groundwater Use Ordinance

Section 11-8-390 of the Municipal Code of Chicago effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Chicago must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- a. The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Letter;
- c. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f. A statement as to where more information may be obtained regarding the ordinance.

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The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the reference ordinance to allow potable uses of groundwater.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.
- c. Violation of the terms of a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon Section 11-8-390 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein.

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 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 732.704, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice 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;

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05/16/21 8037 Page: 5 of 5

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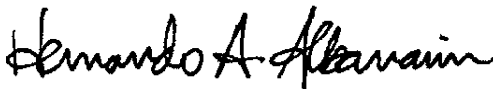
- b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
- c. The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;
- d. The failure to 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Steve Jones, at 217/524-1253.

Sincerely,



Hernando A. Albarracin  
 Unit Manager  
 Leaking Underground Storage Tank Section  
 Division of Remediation Management  
 Bureau of Land

HAA:SNLoyola 20050755 NFR.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
 Site Base Map  
 Section 11-8-390 of the Municipal Code of Chicago

c: Professional Service Industries  
 Division File

**UNOFFICIAL COPY****PREPARED BY:**

Name: Wayne Sliwa (Loyola Facilities Dept.)  
Loyola University

Address: 19 East Chestnut Avenue  
Chicago, IL 60611



0526218038

Doc#: 0526218038 Fee: \$34.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 09/19/2005 12:21 PM Pg: 1 of 6

**RETURN TO:**

Name: Wayne Sliwa (Loyola Facilities Dept.)  
Loyola University

Address: 10 E. Pearson St.  
Chicago, IL 60611

**(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 Number: 0316085728

LUST Incident No.: 20050755

Loyola University, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 10 E. Pearson St., Chicago, 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: The North 43.00 feet of Lot 2 in the Subdivision of Block 18 in Canal Trustees' Subdivision in the South Fractional ¼ of Section 3, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Also:

Lots 1, 2, 3 and 4 together with the North-South and East-West private alley in Larson's Subdivision of Lot 1 in the Subdivision of Block 18 in Canal Trustees' Subdivision in the South Fractional ¼ of Section 3, Township 39 North, Range 14, East of the Third Principal Meridian, excepting therefrom that part of Lot 4 and that part of the North-South and East-West private alley aforesaid bounded and described as follows: Beginning at the Northwest corner of Lot 9 in Larson's Subdivision of Lot 1 in the Subdivision of Block 18 aforesaid; thence North 89 degrees 58 minutes 52 seconds West, along the North line of said Lot 9

**Leaking Underground Storage Tank Environmental Notice**

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Page 2

extended West, 20.39 feet to the point of intersection with the Northerly extension of the West lines of Lots 1 through 4, in the Subdivision of Lot 7 in Subdivision of Block 18 in Canal Trustees' Subdivision aforesaid; thence South 0 degrees 27 minutes 21 seconds East, along said Northerly extension, 24.03 feet to a point on the South line of the East-West private alley, being also the South line of Lot 9 aforesaid extended West; thence South 89 degrees 58 minutes 34 seconds East, along said South line, 20.35 feet to the Southwest corner of Lot 9 aforesaid; thence North along the West line of Lot 9 aforesaid, 24.03 feet to the point of beginning, in Cook County, Illinois.

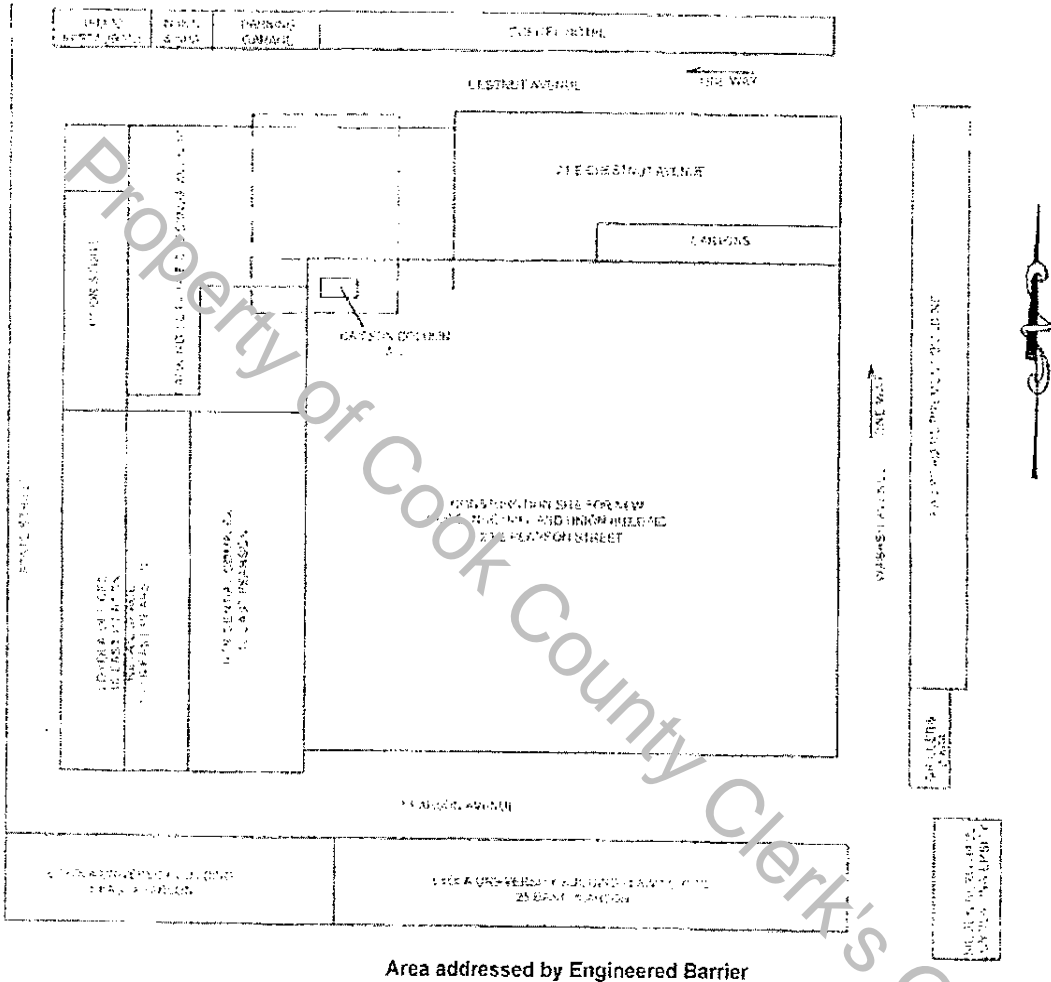
2. Common Address: 19 East Chestnut Avenue, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 17-03-223-006-0000, 17-03-223-007-0000, 17-03-223-008-0000
4. Site Owner: Loyola University
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

SJLoyola 20050755 NFR.doc

Leaking Underground Storage Tank Environmental Notice

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## Site Base Map LPC #0316085728 -- Cook County



Area addressed by Engineered Barrier

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The following is said ordinance as passed:

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The Municipal Code of the City of Chicago is hereby amended by adding a new Section 11-8-390, as follows:

*11-8-390 Potable Water Wells.*

*For purposes of this section "potable water" is any water used for human consumption, including but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce*

**RECEIVED**

Division of Legal Counsel

DEC 12 2001

Environmental Protection Agency

**RELEASABLE**

DEC 12 2001

**REVIEWER MM**

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11/28/2001

REPORTS OF COMMITTEES

72897

*intended for human consumption is grown. No groundwater well, cistern or other groundwater collection device installed after May 14, 1997, may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by a unit of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

Property of Cook County Clerk's Office

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STATE OF ILLINOIS,

County of Cook. ss.

I, JAMES J. LASKI, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office for an amendment of Title 11, Chapter 8 of Municipal Code of Chicago by addition of new Section 390 defining potable water and prohibiting use of certain groundwater collection device to supply any potable water supply system.

I DO FURTHER CERTIFY that the said ordinance was adopted by the City Council of the said City of Chicago on the twenty-eighth (28th) day of November, A.D. 2001 and deposited in my office on the twenty-eighth (28th) day of November, A.D. 2001.

I DO FURTHER CERTIFY that the vote on the question of the adoption of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit:

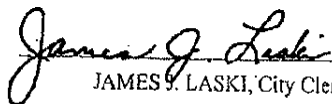
Yeas 47, Nays 0.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the adoption thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor failed to return the said ordinance to the said City Council with his written objections thereto at the next regular meeting of the said City Council occurring not less than five (5) days after the adoption of the said ordinance.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

[U.S.]

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this sixth (6th) day of December, A.D. 2001.

  
JAMES J. LASKI, City Clerk.