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PREPARED BY:

Name: James J. Snyder
HGV Properties, LLC

Address: 4104 North Harlem Avenue
Norridge, Illinois 60706



Doc#: 1331744072 Fee: \$84.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 11/13/2013 02:57 PM Pg: 1 of 24

RETURN TO:

Name: James J. Snyder
HGV Properties, LLC

Address: 4104 North Harlem Avenue
Norridge, Illinois 60706

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: 0316065308

HGV Properties, LLC, the Remediation Applicant, whose address is 4104 North Harlem Avenue, Norridge, Illinois 60706, 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 2:

"PART OF DEVELOPMENT PARCEL (PARCELS 2 & 3)"
THAT PART OF LOT "A" IN BISMARCK GARDENS CONSOLIDATION OF LOTS 1 TO 6 INCLUSIVE IN BRADLEY AND OTHERS SUBDIVISION OF THE NORTH 174 ½ FEET OF BLOCK 9 IN LAFLIN SMITH AND DYERS SUBDIVISION OF THE NORTHEAST QUARTER (EXCEPT THE 1.28 ACRES IN THE NORTHEAST CORNER) OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OF LOTS 1 TO 8 INCLUSIVE AND LOT "A" AND A STRIP OF LAND 15 FEET WIDE LYING WEST OF AND ADJOINING SAID LOTS 1 TO 6 INCLUSIVE AND EAST OF AND ADJOINING LOT 7 IN BURLEYS SUBDIVISION OF LOT 2 (EXCEPT THE NORTH 16 ½ FEET) AND LOT 3 (EXCEPT THE SOUTH 30 FEET) IN BRADLEY, COOKSON AND BRADLEY'S

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SUBDIVISION OF BLOCK 9 AFORESAID WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT "A" WHICH IS 129.33 FEET NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST OF THE NORTHEAST CORNER OF SAID LOT "A" (AND WHICH POINT IS ALSO 192.14 FEET EAST RECORD, 191.94' MEASURED, OF THE NORTHWEST CORNER OF SAID LOT "A") AND RUNNING THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 192.14 FEET RECORD, 191.94' MEASURED, TO THE WEST LINE OF SAID LOT "A"; THENCE SOUTH 00 DEGREES 04 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT "A" FOR A DISTANCE OF 174.68 FEET RECORD, 174.50 FEET MEASURED, TO THE CORNER OF SAID LOT "A"; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 227.51 FEET RECORD, 227.47 FEET MEASURED TO A POINT WHICH IS 94.00 FEET WEST OF THE EAST LINE OF SAID LOT "A"; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ALONG A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 55.40 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 3.20 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ALONG A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 24.50 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 3.00 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 22.50 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 8.05 FEET; THENCE NORTH 00 DEGREE 08 MINUTES 09 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 26.05 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 43.79 FEET RECORD, 43.18 FEET MEASURED; THENCE NORTH 00 DEGREE 08 MINUTES 09 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 46.12 FEET RECORD, 46.05 FEET MEASURED, TO THE NORTH LINE OF SAID LOT "A" AND THE PLACE OF BEGINNING, (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT "A" WHICH IS 129.33 FEET NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST OF THE NORTHEAST CORNER OF SAID LOT "A" (AND WHICH POINT IS ALSO 192.14 FEET EAST RECORD, 191.94' MEASURED, OF THE NORTHWEST CORNER OF SAID LOT "A") AND RUNNING THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 192.14 FEET RECORD, 191.94' MEASURED, TO THE WEST LINE OF SAID LOT "A"; THENCE SOUTH 00 DEGREES 04 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT "A" FOR A DISTANCE OF 174.68 FEET RECORD, 174.50 FEET MEASURED, TO THE CORNER OF SAID LOT "A";

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THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 47.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 58.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 20.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 21.50 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 94.00 FEET; THENCE SOUTH 65 DEGREES 21 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 9.81 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 8.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 18.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 8.00 FEET; THENCE NORTH 66 DEGREES 26 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 27.00 FEET TO A POINT IN A LINE 97.20 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID LOT "A"; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ALONG A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 0.50 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 3.00 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 22.50 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 8.05 FEET; THENCE NORTH 00 DEGREE 08 MINUTES 09 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 26.05 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 43.79 FEET RECORD, 43.18 FEET MEASURED; THENCE NORTH 00 DEGREE 08 MINUTES 09 SECONDS WEST ON A STRAIGHT LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" FOR A DISTANCE OF 46.12 FEET RECORD, 46.05 FEET MEASURED, TO THE NORTH LINE OF SAID LOT "A" AND THE PLACE OF BEGINNING), ALL IN COOK COUNTY, ILLINOIS.

PARCEL 3:

“PART OF DEVELOPMENT PARCEL (PARCELS 2 & 3)”

LOT "A" IN BISMARCK GARDENS CONSOLIDATION OF LOTS 1 TO 6 INCLUSIVE IN BRADLEY AND OTHERS SUBDIVISION OF THE NORTH 174 ½ FEET OF BLOCK 9 IN LAFLIN SMITH AND DYERS SUBDIVISION OF THE NORTHEAST QUARTER (EXCEPT THE 1.28 ACRES IN THE NORTHEAST CORNER) OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND OF LOTS 1 TO 8 INCLUSIVE AND LOT "A" AND A STRIP OF LAND 15 FEET WIDE LYING WEST OF AND ADJOINING SAID LOTS 1 TO 6 INCLUSIVE AND EAST OF AND ADJOINING LOT 7 IN BURLEYS

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SUBDIVISION OF LOT 2 (EXCEPT THE NORTH 16 ½ FEET) AND LOT 3 (EXCEPT THE SOUTH 30 FEET) IN BRADLEY, COOKSON AND BRADLEY'S SUBDIVISION OF BLOCK 9 AFORESAID WHICH IS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT "A"; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 321.15 FEET RECORD, 321.27 FEET MEASURED, ALONG THE NORTH LINE OF SAID LOT "A" TO THE NORTHWEST CORNER THEREOF, THENCE SOUTH 00 DEGREES 04 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT "A" 174.68 FEET RECORD, 174.50 FEET MEASURED TO THE CORNER OF SAID LOT "A"; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF LOT "A" AFORESAID 56.87 FEET RECORD, 56.90 FEET MEASURED TO A POINT ON THE WEST LINE OF LOT 8 IN SAID BURLEYS SUBDIVISION; THENCE SOUTH 00 DEGREES 05 MINUTES 04 SECONDS EAST ON THE LAST DESCRIBED LINE FOR A DISTANCE OF 151.72 FEET RECORD, 151.90 FEET MEASURED TO A POINT ON THE SOUTH LINE OF SAID LOT "A"; THENCE SOUTH 89 DEGREES 47 MINUTES 17 SECONDS EAST ON THE SAID SOUTH LINE FOR A DISTANCE OF 264.54 FEET RECORD, 264.71 FEET MEASURED TO THE SOUTHEAST CORNER OF SAID LOT "A"; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF LOT "A" AFORESAID FOR A DISTANCE OF 326.41 FEET RECORD, 327.28 FEET MEASURED TO THE NORTHEAST CORNER OF SAID LOT "A" AT THE PLACE OF BEGINNING; (EXCEPTING THEREFROM THAT PART OF SAID LOT "A", DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT "A", THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 321.15 FEET RECORD, 321.27 FEET MEASURED ALONG THE NORTH LINE OF SAID LOT "A" TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 04 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT "A" 174.68 FEET RECORD, 174.50 FEET MEASURED TO THE CORNER OF SAID LOT "A", THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT "A" FOR A DISTANCE OF 227.51 FEET RECORD, 227.47 FEET MEASURED TO A POINT WHICH IS 94.00 FEET WEST OF THE EAST LINE OF SAID LOT "A"; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT "A" 55.40 FEET TO A POINT ON A LINE WHICH RUNS FROM A POINT ON THE EAST LINE OF SAID LOT "A" 119.00 FEET SOUTH OF THE NORTHEAST CORNER THEREOF TO A POINT 97.20 FEET WEST OF THE LAST SAID EAST LINE AND 119.10 FEET SOUTH OF THE NORTH LINE OF SAID LOT "A"; THENCE NORTH 89 DEGREES 56 MINUTES 20 SECONDS EAST ON THE ABOVE LAST DESCRIBED LINE FOR A DISTANCE OF 94.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT "A"; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST ON SAID EAST LINE FOR A DISTANCE OF 119.00 FEET TO THE NORTHEAST CORNER OF SAID LOT "A" AT THE PLACE OF BEGINNING), IN COOK COUNTY, ILLINOIS.

2. Common Address: 3740 North Halsted Street, Chicago, Illinois is the legal address; 3736 North Halsted is the address in the legal description recorded with the deed.

(Illinois EPA Site Remediation Program Environmental Notice)

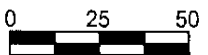
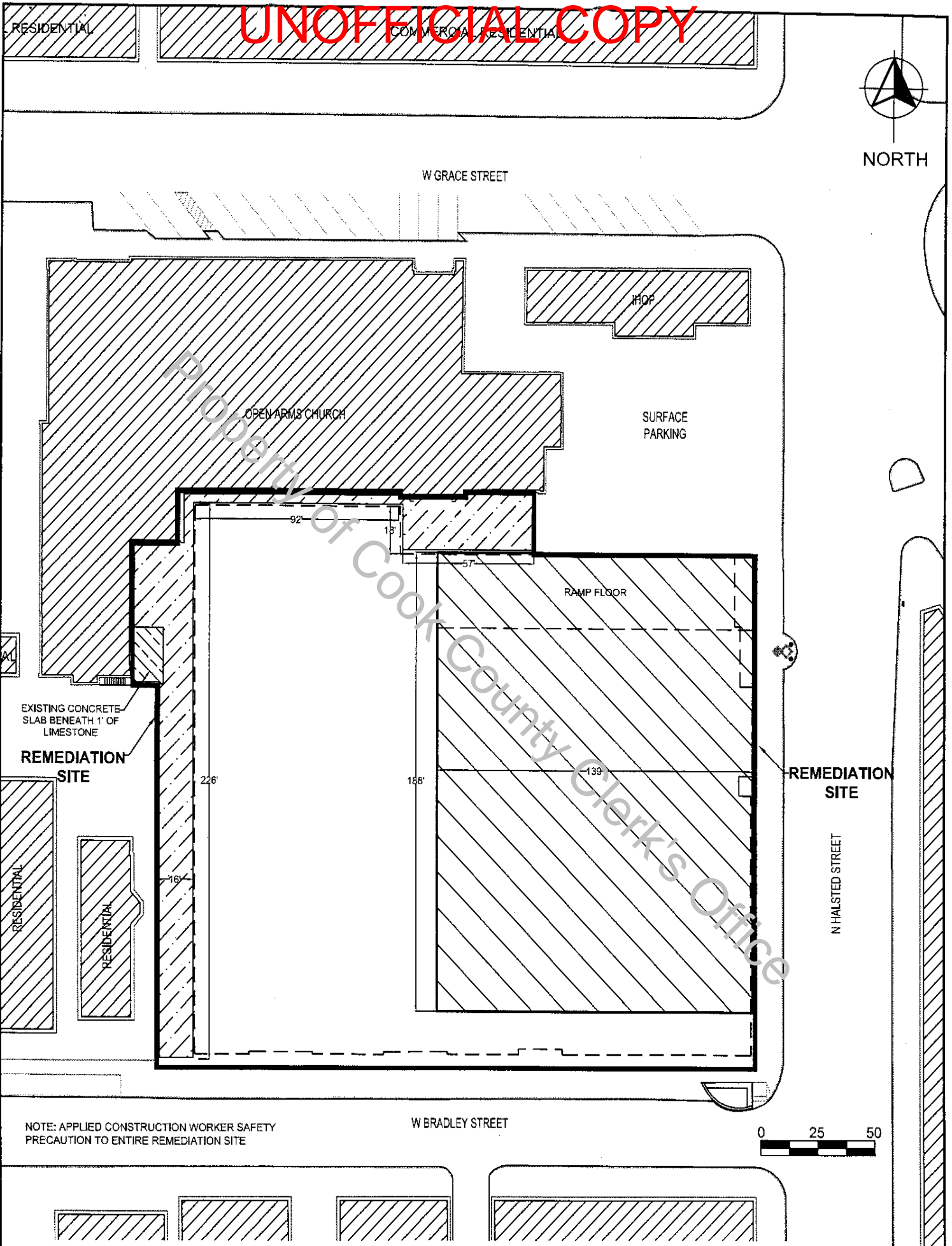
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3. Real Estate Tax Index/Parcel Index Number: **PARCEL 2:** PART OF P.I.N. 14-20-222-016-0000; **PARCEL 3:** P.I.N. 14-20-222-017-0000
4. Remediation Site Owner: HGV Properties, LLC
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

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NOTE: APPLIED CONSTRUCTION WORKER SAFETY
PRECAUTION TO ENTIRE REMEDIATION SITE

W BRADLEY STREET

REMEDIA-
TION
SITE

N HALSTED STREET

LEGEND

- REMEDIATION SITE BOUNDARY
- NEW BUILDING LINE
- EXISTING BUILDINGS
- STONE (CRUSHED LIMESTONE) ENGINEERED BARRIERS (3" MINIMUM)
- BASEMENT FLOOR AS ENGINEER BARRIER
- EXIST CONCRETE SLAB AS ENGINEERED BARRIER

Site Base Map
0316065308 – Cook County
Chicago – Halsted Flats
Site Remediation Program

FIGURE:
SITE BASE MAP





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

October 7, 2013

CERTIFIED MAIL

7011 1150 0001 0863 7791

James J. Snyder
 Director of Design and Construction
 HGV Properties, LLC
 4104 North Harlem Avenue
 Norridge, Illinois 60706

Re: LPC #0316065308 – Cook County
 Chicago - Halsted Flats (Formerly Open Arms United Worship Center)
 (Property at 3740 North Halsted Street)
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Snyder:

The *Comprehensive Site Investigation Report/Remedial Objectives Report/Remedial Action Plan* (dated January 2013 and received January 28, 2013/Log 13-52890), *Appendix K of the Comprehensive Site Investigation Report/Remedial Objectives Report/Remedial Action Plan* (cover letter dated January 25, 2013, and received January 29, 2013/Log 13-52916), the *Phase I Environmental Site Assessment* (dated August 2012 and received February 7, 2013/Log 13-52985), and the *Comprehensive Site Investigation Report/Remediation Objectives Report/Remedial Action Completion Report* (dated July 10, 2012, and received July 11, 2013/Log 13-54283), all of which were prepared by GaiaTech, Incorporated for the above referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency (“Illinois EPA”). Taken together, the referenced documents demonstrate that the remediation objectives approved for the site in accordance with 35 Illinois Administrative Code (IAC) Part 742 are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the documents and 35 IAC Part 740.

The Remediation Site, consisting of approximately 1.36 acres, is located at 3740 North Halsted 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 (received July 11, 2013/Log 13-54283) is HGV Properties, LLC.

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.

4302 N. Main St., Rockford, IL 61103 (815)987-7760
 595 S. State, Elgin, IL 60123 (847)608-3131
 2125 S. First St., Champaign, IL 61820 (217)278-5800
 2009 Mall 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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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential and/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 regulation is 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.

Preventive Controls:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. The safety plan is to apply to the entire Remediation Site. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

Engineering Controls:

- 5) The clean soil barrier, which is comprised of a minimum of three (3) feet of clean crushed limestone covering the areas shown on the attached Site Base Map, must remain over the contaminated soils. This clean soil barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 6) The concrete cap barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This concrete cap barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.
- 7) The concrete basement floor, as shown on the attached Site Base Map, must remain over the contaminated soils. This building must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

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Institutional Controls:

- 8) 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:

Mr. Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 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

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iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 9) Areas outside the Remediation Site boundaries or specific engineered barrier locations, as shown in the Site Base Map, are not subject to any other institutional or engineered barrier controls.
- 10) The Remediation Applicant has remediated the release associated with Leaking UST Incident Numbers 2012-0485 and 2013-0147.
- 11) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 8 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.
- 12) 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.
- 13) 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 #16
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
- 14) 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;

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- 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.
- 15) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) HGV Properties, LLC
 - 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;

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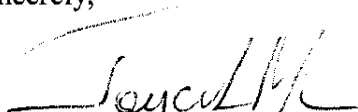
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest 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.
- 16) 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 Halsted Flats property.
- 17) 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:

Mr. Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

- 18) 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 Halsted Flats property, you may contact the Illinois EPA project manager, Mr. Tim Zook at (217) 557-8085.

Sincerely,



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

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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: Steven D. Kline, P.E.
Senior Vice President
GaiaTech, Inc.
135 South LaSalle Street, Suite 3500
Chicago, Illinois 60603

Tracy L. Hofmann, P.E.
Senior Engineer
GaiaTech, Inc.
135 South LaSalle Street, Suite 3500
Chicago, Illinois 60603

Commissioner, Urban Management and Brownfields Redevelopment Division
Department of Fleet and Facility Management
30 North LaSalle Street, Suite 200
Chicago, Illinois 60602-2575

Bureau of Land File
Mr. Robert O'Hara

Property of Cook County Clerk's Office

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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. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

11-8-385 Potable Water Defined.

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 intended for human consumption is grown.

11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking.

Wherever the fire-protective equipment in any building structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

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all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

* * * * *

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs, *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

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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 amending Title 11, Chapter 8 and Title 2, Chapter 30 of Municipal Code of Chicago by establishing the definition and regulation of the potable water supply system and Empowerment of Commissioner of Environment for Implementation of State of Illinois Site Remediation Program.

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the fourteenth (14th) day of May, A.D. 1997 and deposited in my office on the fourteenth (14th) day of May, A.D. 1997.

I DO FURTHER CERTIFY that the vote on the question of the passage 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 none.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor did approve and sign the said ordinance on the fourteenth (14th) day of May, A.D. 1997.

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.

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

[L.S.] County and State aforesaid, this third (3rd) day of February, A.D. 1998.

ORIGINAL

James J. Laski
JAMES J. LASKI, City Clerk.

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July 1, 1997

City of Chicago
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson
Commissioner

Twenty-fifth Floor
30 North LaSalle Street
Chicago, Illinois 60602-2575
(312) 744-7606 (Voice)
(312) 744-6451 (FAX)
(312) 744-3586 (TTY)

<http://www.ci.chi.il.us>

Mr. Gary P. King
Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
1001 N. Grand Avenue, East
Springfield, IL 62702

Re: Chicago Ordinance No. 097990

Dear Mr. King:

Pursuant to 35 Ill. Adm. Code 742.1015(l)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,



Henry L. Henderson
Commissioner

cc: Mort Ames
Asst. Corp. Counsel



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MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICAGO, ILLINOIS AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING (A) THE USE OF A LOCAL POTABLE WATER SUPPLY WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL AND (B) THE PROVISION OF INFORMATION RELATING TO "NO FURTHER REMEDIATION" DETERMINATIONS BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO THE CITY OF CHICAGO

I. PURPOSE AND INTENT

- A. This Memorandum of Understanding ("MOU") is entered into between the City of Chicago, Illinois ("the City") and the Illinois Environmental Protection Agency ("Illinois EPA") for the purpose of (a) satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of potable water supply well ordinances as environmental institutional controls and (b) ensuring that the City will be provided with copies of all "No Further Remediation" letters or determinations issued by the Illinois EPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable the City to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5). The Illinois EPA has reviewed Sections 11-8-385 and 11-8-390 of the Municipal Code of Chicago as amended by Ordinance Number 097990 ("Potable Water Supply Well Ordinance"), attached as Attachment A, and has determined that the Municipal Code of Chicago prohibits the installation and use of new potable water supply wells by private entities but will allow the installation of potable water supply wells by the City and other units of local government pursuant to intergovernmental agreements with the City. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the City may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.
- B. The intent of this Memorandum of Understanding is to (a) specify the responsibilities that must be assumed by the City to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code 742.1015(i), and (b) require the Illinois EPA to provide the City with copies of all "No Further Remediation" letters or determinations that the Illinois EPA issues for sites located within the City of Chicago to enable the City to maintain a registry of sites pursuant to 35 Ill. Adm. Code 742.1015(i)(5).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

- A. In order to ensure the long-term integrity of the Potable Water Supply Well Ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Potable Water Supply Well Ordinance is effectively managed, the City hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(i):

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1. The City will notify the Illinois EPA Bureau of Land of any changes to or requests for variance from the Potable Water Supply Well Ordinance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
2. The City will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations from the Illinois EPA pursuant to specific programs (35 Ill. Adm. Code 742.1015(i)(5));
3. If the City determines to install a new potable water supply well(s), the City will review the registry of sites established under paragraph II.A.2. prior to siting such potable water supply well(s) within the area covered by the Potable Water Supply Well Ordinance, pursuant to 35 Ill. Adm. Code 742.1015(i)(6)(A);
4. If the City determines to install a new potable water supply well(s), the City will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II.A.2. and 3. (35 Ill. Adm. Code 742.1015(i)(6)(B)); and
5. If the City determines to install a new potable water supply well(s), the City will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(i)(6)(C));
6. If the City enters into intergovernmental agreements under Section 11-8-390 of the Municipal Code of Chicago to allow other units of local government to install new potable water supply well(s) within the corporate limits of the City, the City will require compliance with the procedures set forth in paragraphs II.A.3., 4., and 5. as a part of such agreements.
7. Notification under paragraph II.A.1. above, or other communications concerning this MOU directed to the Illinois EPA, shall be addressed to:

Manager, Division of Remediation Management
 Bureau of Land
 Illinois Environmental Protection Agency
 P.O. Box 19276
 Springfield, IL 62794-9276

- B. In order to ensure the long-term integrity of the Potable Water Supply Well Ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the Potable Water Supply Well Ordinance or other specific programs can be effectively managed, the Illinois EPA hereby assumes

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the following responsibilities:

1. The Illinois EPA will provide the City with copies of all "No Further Remediation" letters or determinations that it issues pursuant to 35 Ill. Adm. Code 742, and other specific programs, for sites located within the boundaries of the City at the time said letters or determinations are provided to remediation applicants.
2. Copies of "No Further Remediation" letters or determinations provided to the City pursuant to paragraph II.B.1. above, or other communications concerning this MOU directed to the City, shall be addressed to:

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

III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the Potable Water Supply Well Ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3)) and a statement of the authority of the City to enter into the MOU (35 Ill. Adm. Code 742.1015(i)(1)).;
- B. Attachment B: Identification of the legal boundaries within which the Potable Water Supply Well Ordinance is applicable (35 Ill. Adm. Code 742.1015(i)(2)); and

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IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU to be signed as follows:

FOR: The City of Chicago, Illinois

BY: *Aras J. Henderson* DATE: *July 1, 1997*
 Commissioner
 Department of Environment
 City of Chicago

FOR: Illinois Environmental Protection Agency

BY: *Gary P. King* DATE: *July 3, 1997*
 (Name and title of signatory)
 Mgr, Division of Remediation Management
 Bureau of Land

Version 6/27/97

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DEPARTMENT OF FLEET AND FACILITY MANAGEMENT
CITY OF CHICAGO

March 2, 2012

Kyle Rominger
Deputy Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276

Dear Mr. Rominger:

Enclosed is the executed original of the amendment to the agreement between the Illinois Environmental Protection Agency and the City of Chicago regarding the Use of a Local Potable Water Supply Well Ordinance.

Thank you for your assistance with these changes.

Sincerely,

Kimberly Worthington, P.E., LEED AP
Deputy Commissioner
Bureau of Environmental Management

Enclosure

RECEIVED
Division of Legal Counsel

MAR 1 4 2012

Environmental Protection
Agency

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AGREEMENT TO AMEND THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CHICAGO ILLINOIS AND THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY REGARDING (A) THE USE OF A LOCAL POTABLE WATER
SUPPLY WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL
AND (B) THE PROVISION OF INFORMATION RELATING TO "NO FURTHER
REMEDICATION" DETERMINATIONS BY THE ILLINOS ENVIRONMENTAL
PROTECTION AGENCY TO THE CITY OF CHICAGO

This agreement is made and entered into by and between the Illinois Environmental Protection Agency ("IEPA") and the City of Chicago ("CITY") to amend the above referenced Memorandum of Understanding dated July 1997 ("1997 MOU").

WHEREAS, the IEPA and CITY entered into the 1997 MOU for the purpose of (a) satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of potable water supply well ordinances as environmental institutional controls and (b) ensuring that CITY will be provided copies of all "No Further Remediation" letters or determinations issued by IEPA pursuant to specific programs for sites located within the boundaries of Chicago, Illinois, in order to enable CITY to maintain a complete and up-to-date registry of sites as required by 35 Ill. Adm. Code 742.1015(i)(5); and

WHEREAS, the 1997 MOU provided at Section II B. 2. the address for copies of "No Further Remediation" letters, determinations, or other communications concerning the MOU to be directed to the CITY's Department of Environment at 25th Floor, 30 North LaSalle Street, Chicago, Illinois 60602; and

WHEREAS, a portion of the CITY's Department of Environment has been merged into the CITY's Department of Fleet and Facility Management as of January 1, 2012, and the 1997 MOU is now being administered by the CITY under its Department of Fleet and Facility Management; and

WHEREAS, the IEPA and CITY desire to correct the address to send copies of "No Further Remediation" letters, determinations, or other communications to the CITY listed at Section II B. 2. of the 1997 MOU; and

WHEREAS, the IEPA and CITY desire for all other provisions of the 1997 MOU to remain the same.

NOW, THEREFORE, IEPA and CITY hereby agree to amend that part of Section II B. 2. of the 1997 MOU that provides the address to send copies of "No Further Remediation" letters, determinations, or other communications to the CITY as follows, with all other parts of Section II B. 2. to remain the same:

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


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

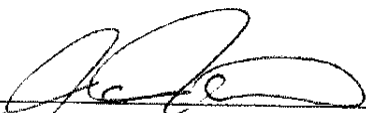
By the signatures of their authorized representatives below, the IEPA and CITY acknowledge they have read and understand this agreement and intend for this agreement to take effect upon execution.

City of Chicago, by and through the
Department of Fleet and Facility Management:

Illinois Environmental Protection Agency



David J. Reynolds
Commissioner
Department of Fleet and Facility Management



John L. Kim
Interim Director

Date: 02/02/12

Date: 2/22/12

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