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PREPARED BY:

Name: Lexington Pointe, LLC
Mr. John Agenlian

Address: 807-815 Lee Street
Des Plains, IL 60016

RETURN TO:

Name: Lexington Pointe, LLC
Mr. John Agenlian

Address: 1731 N. Marcey Street, Suite 200
Chicago, IL 60614



Doc# 1703719053 Fee \$52.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 02/06/2017 11:33 AM PG: 1 OF 8

(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.: 0310635670

Leaking UST Incident No.: 20160959

Lexington Pointe, Mr. John Agenlian, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 1731 N. Marcey Street, Suite 200, Chicago, IL 60614, 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: 807-815 Lee Street, Des Plains, Illinois
3. Real Estate Tax Index/Parcel Index Number: 09-20-200-037-0000 and 09-20-200-038-0000
4. Site Owner: Lexington Pointe, LLC, Mr. John Agenlian
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

dm



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, ACTING DIRECTOR

217/524-3300

CERTIFIED MAIL

7614 2120 0002 3291 0237

JAN 04 2017

Lexington Pointe, LLC
 Mr. John Agenlian
 1731 N. Marcey Street, Suite 200
 Chicago, IL 60614

Re: LPC #0310635670 -- Cook County
 Des Plains/ Lexington Pointe, LLC
 807-815 Lee Street
 Leaking UST Incident No. 20160959 -- NFR Letter
 Leaking UST Technical File

Dear Mr. Agenlian:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45 Day/ Corrective Action Completion Report submitted for the above-referenced incident. This information was dated December 14, 2016 and was received by the Illinois EPA on December 15, 2016. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the 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 Jeffrey McClelland, 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

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environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. Lexington Pointe, LLC, Mr. John Agenlian, 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.

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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.

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 or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage

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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 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:

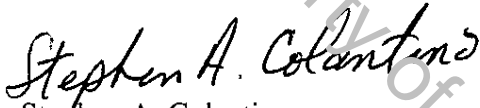
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Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Dave Myers, at 217/785-7491.

Sincerely,



Stephen A. Colantino
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

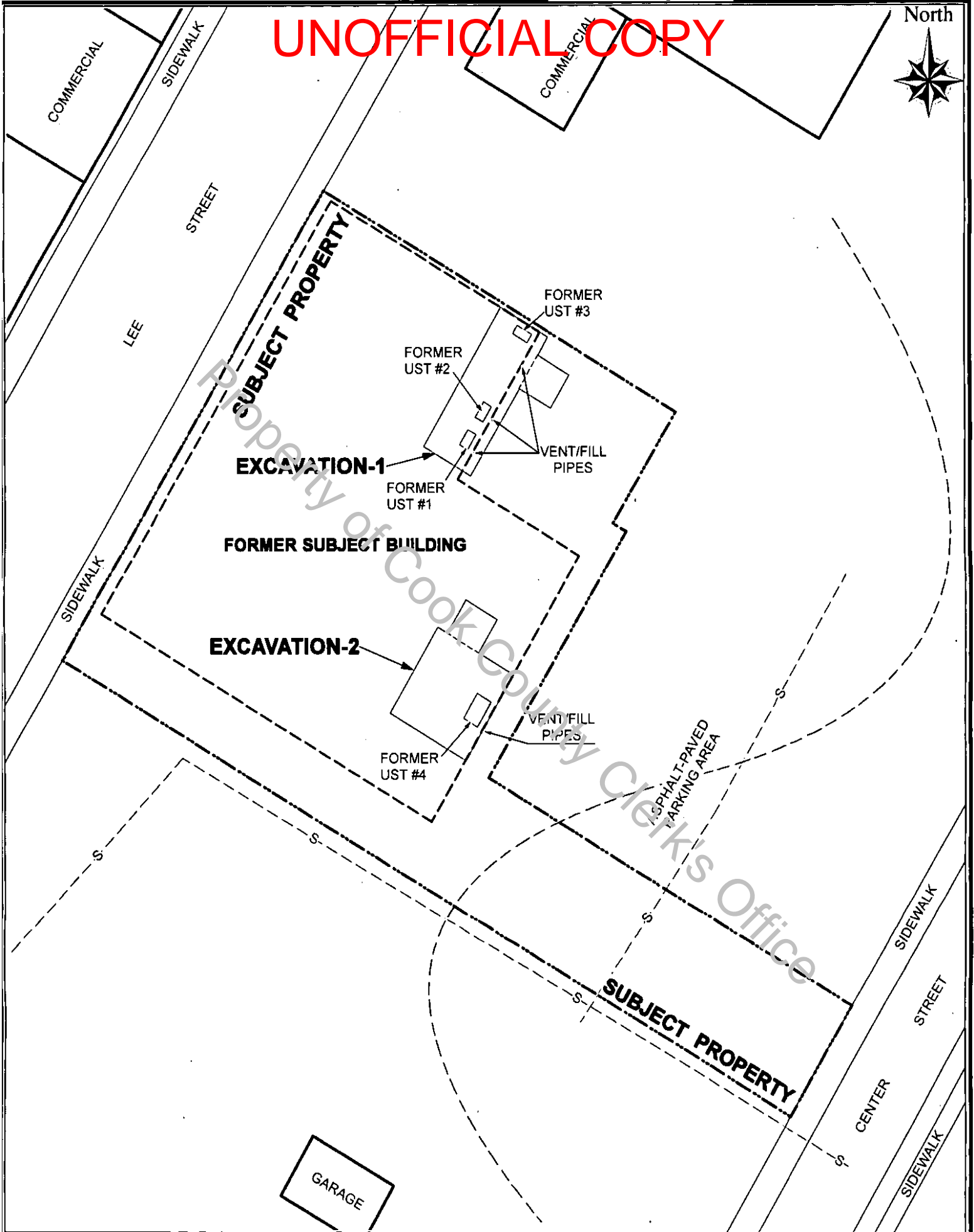
SAC: dm: \nfr.dot

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

c: Jeffrey McClelland, Pioneer Engineering and Environmental Services, LLC (electronic copy), JMCCLELLAND@PIONEEREES.COM
BOL File

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North



PIONEER
Engineering & Environmental Services, LLC

Legend:
 - - - - - Approximate Property Line
 [] Excavation Limits
 - - - - - Approximate Subsurface Sewer Location

Scale: 1"=40'
 0' ————— 40'
 Drawn by: M. Sanabria
 Job No.: 14-0515-103

Date: December 2016
 Checked by: Kimberly Whitlock

FIGURE 1
UST Excavation Diagram
807 - 815 Lee Street
Des Plaines, IL

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LEGAL DESCRIPTION:

PARCEL 7:

LOTS 9, 10, 11, 12 AND 13 AND THE NORTHWESTERLY 5.00 FEET OF LOTS 14 AND 15 AND THE NORTHWESTERLY 5.00 FEET OF THE SOUTHWESTERLY 9.00 FEET OF LOT 16 ALL IN BLOCK 9 IN PARSON AND LEE'S ADDITION TO DES PLAINES, BEING A SUBDIVISION OF PARTS OF SECTIONS 17 AND 20, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN;

TOGETHER WITH A STRIP OF LAND, LYING SOUTHEASTERLY OF SAID LOT 13 AND NORTHWESTERLY OF THE NORTHWESTERLY LINE OF CENTER STREET AND BETWEEN THE NORTHEASTERLY AND SOUTHWESTERLY LINES OF SAID LOT 13, EXTENDED SOUTHEASTERLY TO THE NORTHWESTERLY LINE OF CENTER STREET; ALSO,

PARCEL 7A

LOTS 1 AND 2 IN MOEHLING'S RESUBDIVISION NO. 2, BEING A RESUBDIVISION OF PART OF LOTS 146 AND 147 IN THE ORIGINAL TOWN OF RAND, NOW THE CITY OF DES PLAINES IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 27, 1981 AS DOCUMENT 26039347, BEING SITUATED IN THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS.

Property Index Numbers (PINs): 09-20-200-037-0000 and 09-20-200-038-0000

Cook County Clerk's Office