

UNOFFICIAL COPY

PREPARED BY:



1815613036

Name: Andy Stein
Clark Street
Real Estate, LLC

Doc# 1815613036 Fee \$82.00

Address: 980 N. Michigan Ave.
Suite 1280
Chicago, IL 60611

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

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 06/05/2018 03:09 PM PG: 1 OF 2:

RETURN TO:

Name: Andy Stein
Clark Street
Real Estate LLC

Address: 980 N. Michigan Ave.
Suite 1280
Chicago, IL 60611

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: 0312255261

Clark Street Real Estate, LLC, the Remediation Applicant, whose address is 980 North Michigan Avenue, Suite 1280, Chicago, Illinois 60611 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 1:

THE EAST HALF OF LOT 5 AND ALL OF LOTS 6 AND 7 (EXCEPT THE SOUTH 18-1/2 FEET OF SAID LOTS 5, 6 AND 7) IN BLOCK 1 IN WHAPLE'S SUBDIVISION; ALSO LOTS 9 AND 10 (EXCEPT THE SOUTH 18-1/2 FEET THEREOF) IN HOARD AND OTHERS' SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100.00 FEET THEREOF) IN NILES SUBDIVISION OF LOTS 10 TO 16, BOTH INCLUSIVE, AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION, ALL OF ABOVE BEING IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 1 AND 2 IN 1121-23 LAKE STREET BUILDING PARTNERSHIP SUBDIVISION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS.

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PARCEL 3:

LOTS 5 AND 6 (EXCEPT THE SOUTH 18 1/2 FEET OF SAID LOTS) IN HOARD AND OTHERS' SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES' SUBDIVISION OF LOTS 10 TO 16 BOTH INCLUSIVE AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION IN THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE WEST 10 FEET OF LOT 11 (EXCEPT THE NORTH 18 1/2 FEET CONVEYED FOR STREET) IN HOWARD AND OTHERS' SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET) IN NILES' SUBDIVISION OF LOTS 10 TO 16 INCLUSIVE, AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 8 (EXCEPT THE SOUTH 92 FEET AND EXCEPT THE NORTH 18 1/2 FEET CONVEYED FOR STREET) IN BLOCK 1 IN WHAPLES SUBDIVISION OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. THAT PART OF LOT 9 IN BLOCK 1 IN WHAPLES SUBDIVISION OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF LOT 9, 98.92 FEET NORTH OF THE NORTH LINE OF NORTH BOULEVARD AS OCCUPIED (SAID POINT BEING ALSO THE SOUTH FACE OF EXISTING BRICK WALL), THENCE EAST ALONG SAID SOUTH FACE OF EXISTING BRICK WALL 50.00 FEET TO THE EAST FACE OF EXISTING BRICK WALL, SAID EAST FACE BEING ALSO THE EAST LINE OF LOT 9 (EXCEPT THE NORTH 18 1/2 FEET CONVEYED FOR STREET) IN WHAPLES SUBDIVISION OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

LOTS 22, 23, 24 AND THE EAST 15 FEET OF LOT 25 IN HOARD & OTHERS' SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES' SUBDIVISION OF LOTS 10 TO 16, INCLUSIVE AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION OF LAND IN THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

THE WEST 10 FEET OF LOT 25, ALL OF LOT 26 AND LOT 27 (EXCEPT THE WEST 6 INCHES THEREOF) IN HOARD & OTHERS' SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES' SUBDIVISION OF LOTS 10 TO 16, INCLUSIVE AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION OF LAND IN THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

THE SOUTH 92 FEET OF LOT 8 IN BLOCK 1 IN WHAPLES SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE WEST 6 INCHES OF LOT 27 IN HOARD & OTHERS' SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES' SUBDIVISION OF LOTS 10 TO 16, INCLUSIVE AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION OF LAND IN THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

THAT PART OF LOT 9 IN BLOCK 1 IN WHAPLES SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF LOT 9, 98.92 FEET NORTH OF THE NORTH

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LINE OF NORTH BOULEVARD AS OCCUPIED (SAID POINT BEING ALSO THE SOUTH FACE OF EXISTING BRICK WALL); THENCE EAST ALONG SAID SOUTH FACE OF EXISTING BRICK WALL 50.0 FEET TO THE EAST FACE OF EXISTING BRICK WALL, SAID EAST FACE BEING ALSO THE EAST LINE OF LOT 9, ALL IN COOK COUNTY, ILLINOIS.

A STRIP OF LAND 20 FEET, MORE OR LESS, LYING IMMEDIATELY SOUTH OF AND ADJOINING THE SOUTH LINE OF LOTS 8 AND 9 IN BLOCK 1 IN WHAPLES SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND NORTH OF NORTH LINE OF NORTH BOULEVARD IN VILLAGE OF OAK PARK AS ACTUALLY LAID OUT AND ESTABLISHED, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE EAST 15 FEET OF LOT 11 (EXCEPT THE NORTH 18.5 FEET THEREOF) AND ALL OF LOTS 12 AND 13 (EXCEPT THE NORTH 18.5 FEET OF EACH OF SAID LOTS) IN HOARD AND OTHER'S SUBDIVISION OF LOT 1 (EXCEPT THE NORTH 100 FEET THEREOF) IN NILES' SUBDIVISION OF LOTS 10, 11, 12, 13, 14, 15, 16 AND THE WEST 13 FEET OF LOT 17 IN SKINNER'S SUBDIVISION IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. Common Address: 1133 Westgate Street, Oak Park, Illinois
3. Real Estate Tax Index/Parcel Index Number:
 - 16-07-124-022-0000, 16-07-124-036-0000
 - 16-07-124-037-0000, 16-07-124-039-0000
 - 16-07-124-040-0000, 16-07-125-006-0000
 - 16-07-125-007-0000, 16-07-125-023-0000
 - 16-07-125-025-0000, 16-07-125-026-0000
 - 16-07-125-029-0000, 16-07-125-030-0000
4. Remediation Site Owner: CSRE Westgate LLC, CSD Kurtzein, LLC, CSD Colberg, LLC, LMC Oak Park Holdings, LLC
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Comprehensive

See NFR letter for other terms.

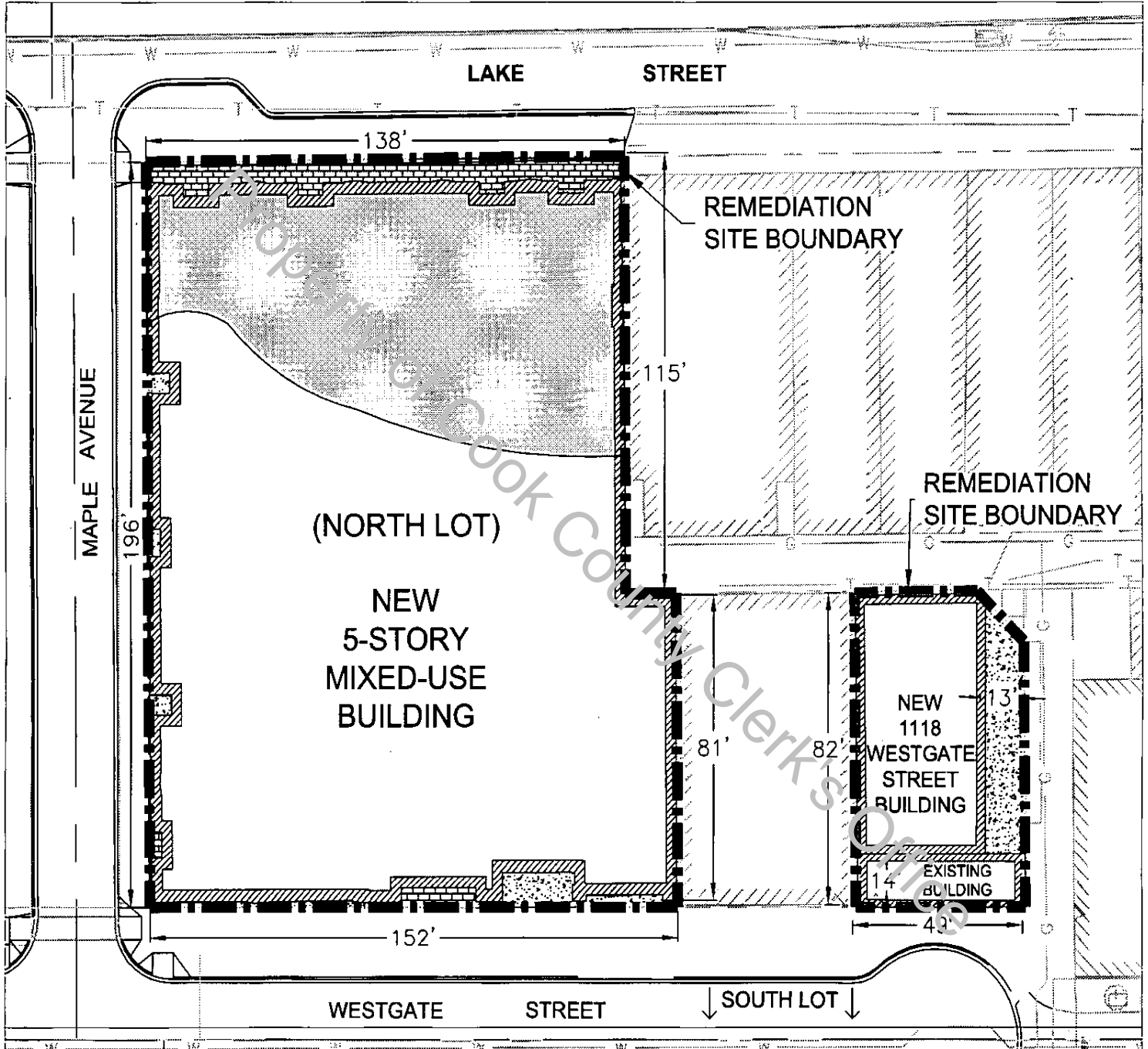
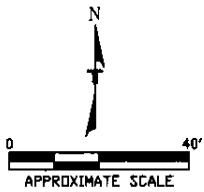
(Illinois EPA Site Remediation Program Environmental Notice)

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REMEDIATION SITE PINS:

- 16-07-124-022-0000,
- 16-07-124-036-0000,
- 16-07-124-037-0000,
- 16-07-124-039-0000,
- 16-07-124-040-0000,
- 16-07-125-006-0000,
- 16-07-125-007-0000,
- 16-07-125-023-0000,
- 16-07-125-025-0000,
- 16-07-125-026-0000,
- 16-07-125-029-0000,
- 16-07-125-030-0000.

SITE BASE MAP - NORTH
0312255261 - COOK COUNTY
OAK PARK/MEYER, RAYMOND
1133 WESTGATE STREET
OAK PARK, COOK COUNTY, ILLINOIS
SITE REMEDIATION PROGRAM



LEGEND:

REMEDIATION SITE BOUNDARY:

Site soil exceeds TACO Tier 1 Soil Remediation Objectives (SROs). Excess construction soil and remediation soil, generated within the remediation site boundary, was disposed off-site at an IEPA-permitted Subtitle D Landfill.

CONSTRUCTION WORKER CAUTION AREA:

Approximate extent of soil exceeding Tier 1 SROs for construction workers. A safety plan was utilized to address construction worker exposure issues and will remain in effect for future work in impacted soil.

REQUIRED ENVIRONMENTAL ENGINEERED BARRIERS:

- PAVERS AREA WITH 5" THICK CONCRETE UNDERLAYMENT
- CONCRETE PAVEMENT
- CONCRETE BUILDING FOUNDATION:** Full concrete building foundations and slabs. Future and existing buildings must maintain a full concrete slab-on-grade floor or basement with full concrete basement floor, with no sump pump.

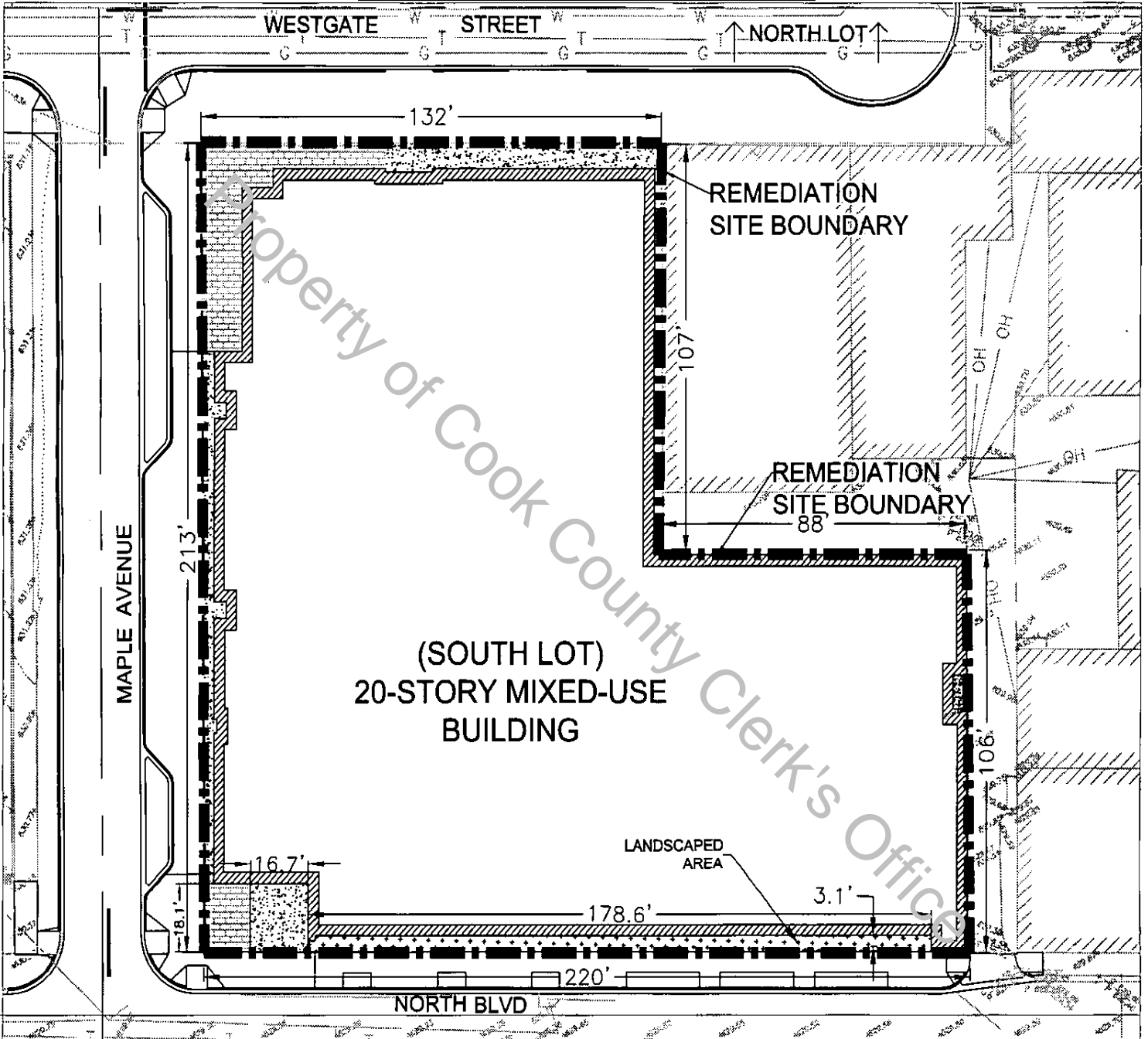
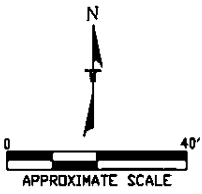
February 2018

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REMEDIATION SITE PINs:

- 16-07-124-022-0000,
- 16-07-124-036-0000,
- 16-07-124-037-0000,
- 16-07-124-039-0000,
- 16-07-124-040-0000,
- 16-07-125-006-0000,
- 16-07-125-007-0000,
- 16-07-125-023-0000,
- 16-07-125-025-0000,
- 16-07-125-026-0000,
- 16-07-125-029-0000,
- 16-07-125-030-0000.

SITE BASE MAP - SOUTH
0312255261 - COOK COUNTY
OAK PARK/MEYER, RAYMOND
1133 WESTGATE STREET
OAK PARK, COOK COUNTY, ILLINOIS
SITE REMEDIATION PROGRAM



LEGEND:

- REMEDIATION SITE BOUNDARY:**
 Site soil exceeds TACO Tier 1 Soil Remediation Objectives (SROs). Excess construction soil and remediation soil, generated within the remediation site boundary, was disposed off-site at an IEPA-permitted Subtitle D Landfill.
- CONSTRUCTION WORKER CAUTION AREA:**
 Soil throughout the South Lot exceeds Tier 1 SROs for construction workers. A safety plan was utilized to address construction worker exposure issues and will remain in effect for future work in impacted soil.

REQUIRED ENVIRONMENTAL ENGINEERED BARRIERS:

- PAVERS AREA WITH 5" THICK CONCRETE UNDERLAYMENT**
- CONCRETE PAVEMENT**
- CONCRETE BUILDING FOUNDATION:** Full concrete building foundations and slabs. Future and existing buildings must maintain a full concrete slab-on-grade floor or basement with full concrete basement floor, with no sump pump.
- LANDSCAPE - 3 FEET EXCAVATION:**
 Landscape area was excavated to minimum 3 feet below final grade, soils were disposed at a Subtitle D landfill, and replaced with approximately 1.5 feet of approved structural soil and 1.5 feet of topsoil.

February 2018



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, DIRECTOR

(217) 524-3300

May 21, 2018

CERTIFIED MAIL

7014 2120 0002 3285 6719

Andy Stein
Clark Street Real Estate, LLC
980 North Michigan Ave, Suite 1280
Chicago, Illinois 60611

Re: 0312255261/ Cook County
Oak Park/Meyer, Raymond
Site Remediation Program/Technical Reports
No Further Remediation Letter

Dear Mr. Stein:

The *Remedial Action Completion Report* (received February 22, 2018/Log No. 18-66532), as prepared by Terracon for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the remediation objectives approved for the site in accordance with 35 Illinois Administrative Code Part 742, including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received August 26, 2015/ Log No. 15-60233) and Addendum (received November 23, 2015/Log No. 15-60904) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 2.3 acres, is located at 1133 Westgate Street, Oak Park, 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 February 22, 2018/Log No. 18-66531), is Clark Street Real Estate, LLC.

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)275-5900
2039 Mall St., Collinsville, IL 62234 (618)346-3120

6311 Harrison St., Des Plaines, IL 60016 (847)294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-5022
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 4-500, Chicago, IL 60601

PLEASE PRINT ON RECYCLED PAPER

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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.

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 regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

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:

- 3) 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. 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 below two (2) feet 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:

- 4) The clean soil barrier, which is comprised of a minimum of three feet of clean soil covering the area 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.
- 5) 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 inhalation and ingestion of the contaminated media.

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- 6) The concrete slab of the building, as shown on the attached Site Base Map, must remain over the contaminated soils. This concrete slab must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional Controls:

- 7) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps.
- 8) Ordinance 2001-0-107 adopted by the Village of Oak Park on December 3, 2001 effectively prohibits the installation and use of potable water supply wells in the Village of Oak Park. This ordinance provides an acceptable institutional control under the following conditions:
 - a) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
 - i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
 - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
 - b) The Remediation Applicant shall provide written notification to the Village of Oak Park 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 Ordinance 2001-0-107;
 - 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.
 - c) 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:

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Mr. Jim Scott
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

- d) The following activities shall be grounds for avoidance 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 Village of Oak Park and affected property owner(s) of the intent to use Ordinance 2001-0-107 as an institutional control at the Remediation Site; and
 - iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 9) The Remediation Applicant has remediated the release associated with Leaking UST Incident Numbers 20090779, 20160362 and 20160268.
- 10) 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.
- 11) 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.
- 12) 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, IL 62794-9276

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- 13) 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;
 - 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.
- 14) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Clark Street Development;
 - 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;


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- 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;
- 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.
- 15) 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 Meyer, Raymond property.
- 16) 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. Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276
- 17) 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.

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If you have any questions regarding the Meyer, Raymond property, you may contact the Illinois EPA project manager, Tammy Smith at 217-785-8410.

Sincerely,

NVL

Gregory W. Dunn, Section Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Oak Park Groundwater Ordinance
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Richard O'Brien, Terracon Consultants, Inc. – rmobrien@terracon.com
Doug Bober, LMC Oak Park Holding, LLC – bober@livelmc.com
Andy Stein, CSRE Westgate LLC – astein@clarkstreet.com
Andy Stein, CSD Kurtzein, LLC – astein@clarkstreet.com
Andy Stein, CSD Colberg, LLC – astein@clarkstreet.com

Bureau of Land File
Mr. Jim Scott

PROPERTY OF Cook County Clerk's Office

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The Village of Oak Park
 Village Hall
 123 Madison Street
 Oak Park, Illinois 60302-4272

708.383.6400
 Fax 708.383.9584
 www.oak-park.us
 village@oak-park.us

May 1, 2018

Illinois Environmental Protection Agency
 Bureau of Land
 Remedial Project Management Section
 Site Remediation Program
 1021 North Grand Avenue East
 Springfield, Illinois 62794-9276

Attention: Ms. Tammy Smith

Re: Remedial Action Completion Report
 Oak Park Station/Meyer, Raymond
 LPC NO.: 0312255261
 1118 and 1133-35 Westgate Street; 1129 Lake Street; 104-106 N. Maple Street
 Oak Park, Cook County, Illinois

Dear Ms. Smith:

Per your request, and on behalf of the Remediation Applicant for the above-referenced site, Clark Street Real Estate LLC, please find attached the Village of Oak Park's Ordinance #2001-0-107 that prohibits the use of groundwater as a potable water supply the installation or use of potable water supply wells or by other methods, which was adopted by the Village Board of Trustees and approved by the Village President on December 3, 2001.

If you need anything further or have any questions, please feel free to contact me at 708.358.5722 or via email at mckenna@oak-park.us.

Sincerely,
 Village of Oak Park

Bill McKenna, PE
 Village Engineer

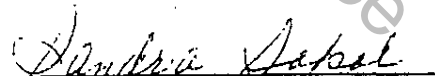
Copies to: Mr. Andrew Stein, Clark Street Real Estate LLC
 Mr. Jonathan Kubow, LMC Oak Park Holdings, LLC
 Mr. Richard O'Brien, Terracon Consultants, Inc.

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CLERK'S CERTIFICATE

I, Sandra Sokol, Village Clerk of the Village of Oak Park, in the County of Cook and the State of Illinois, do hereby certify that ORDINANCE #2001-0-107 entitled: An Ordinance Prohibiting The Use Of Groundwater As A Potable Water Supply By The Installation Or Use Of Potable Water Supply Wells Or By Any Other Method was adopted by the Village Board of Trustees on December 3, 2001 and approved by the Village President on December 3, 2001. The ORDINANCE is available for public inspection in the Office of the Village Clerk.

IN WITNESS WHEREOF I have set my hand and affixed the seal of said Village of Oak Park this 11th day of December, 2001.



Sandra Sokol
Village Clerk

by: 

Kathleen M. Cannon
Deputy Village Clerk

(seal)

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AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

WHEREAS, various properties throughout the Village of Oak Park, Illinois have been used over a period of time for commercial/industrial purposes or are near properties which have been so used; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village of Oak Park may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Oak Park (hereinafter "the Village") desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, County of Cook, State of Illinois as follows:

SECTION ONE: ADOPTION OF FINDINGS.

The findings set forth hereinabove are incorporated herein and are made a part hereof.

SECTION TWO: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED.

The use or attempt to use as a potable water supply, groundwater from within the corporate limits of the Village of Oak Park, by the installation or drilling of wells or by

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any other method is hereby prohibited, including at points of withdrawal by the Village of Oak Park.

SECTION THREE: VILLAGE PROHIBITION.

Except for the provisions contained in Section Four, all restrictions contained in this Ordinance shall be binding upon the Village of Oak Park, Illinois.

SECTION FOUR: PENALTIES.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation.

SECTION FIVE: DEFINITIONS.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents, or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION SIX: REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION SEVEN: SEVERABILITY.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

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SECTION EIGHT: EFFECTIVE DATE.

THIS ORDINANCE shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED this 3rd day of December, 2001, pursuant to a roll call vote

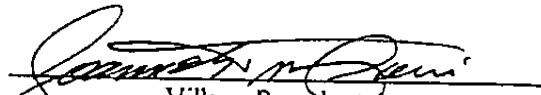
as follows:

AYES: Trustees Carpenter, Ebner, Gockel, Hodge-West, Kostopulos and Turner and President Trapani

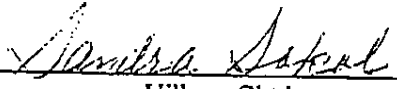
NAYS: None

ABSENT: None

APPROVED by me this 3rd day of December, 2001


Village President

ATTEST:


Village Clerk

BY: 
Deputy Village Clerk

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

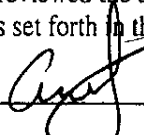
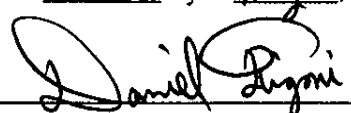

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information
Owner's Name: <u>Andy Stein</u>
Title: <u>Authorized Signatory</u>
Company: <u>CSD Kurtzein, LLC</u>
Street Address: <u>980 North Michigan Avenue, Suite 280</u>
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60611</u> Phone: <u>312-377-9100</u>
Site Information
Site Name: <u>Oak Park Station - North Retail Parcel (Target)</u>
Site Address: <u>1029 Lake Street</u>
City: <u>Oak Park</u> State: <u>IL</u> Zip Code: <u>60301</u> County: <u>Cook</u>
Illinois inventory identification number: <u>0312255261</u>
Real Estate Tax Index/Parcel Index No. <u>16-07-124-037-0000, 16-07-124-039-0000, 16-07-124-040-0000, 16-17-124-036-0000</u>
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.
Owner's Signature: <u></u> Date: <u>5/29/18</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>29</u> day of <u>May</u> , 20 <u>18</u>
<u></u> Notary Public


The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

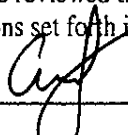
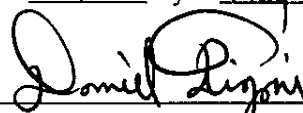

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Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: <u>Andy Stein</u>	
Title: <u>Authorized Signatory</u>	
Company: <u>CSD Colberg, LLC</u>	
Street Address: <u>980 North Michigan Avenue, Suite 290</u>	
City: <u>Chicago</u>	State: <u>IL</u> Zip Code: <u>60611</u> Phone: <u>312-377-9100</u>
Site Information	
Site Name: <u>Oak Park Station - South Retail Parcel (The Groomery by PetSmart), Future Retail Parcel (Firecakes Donuts)</u>	
Site Address: <u>104-106 Westgate Street</u>	
City: <u>Oak Park</u>	State: <u>IL</u> Zip Code: <u>60301</u> County: <u>Cook</u>
Illinois inventory identification number: <u>0312255261</u>	
Real Estate Tax Index/Parcel Index No. <u>16-07-125-026-0000, 16-07-125-030-0000, 16-07-125-007-0000,</u> <u>16-07-125-025-0000, 16-07-125-029-0000, 16-07-125-023-0000, 16-07-125-006-0000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u></u>	Date: <u>5/29/18</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>29</u> day of <u>May</u> , 20 <u>18</u>	
<u></u> Notary Public	

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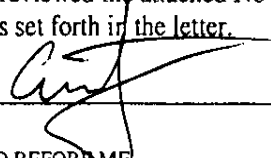
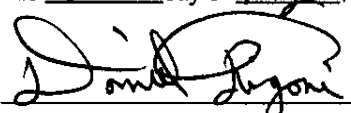

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Property Owner Information	
Owner's Name: <u>Andy Stein</u>	
Title: <u>Authorized Signatory</u>	
Company: <u>CSRE Westgate, LLC</u>	
Street Address: <u>980 North Michigan Avenue, Suite 280</u>	
City: <u>Chicago</u>	State: <u>IL</u> Zip Code: <u>60611</u> Phone: <u>312-377-9100</u>
Site Information	
Site Name: <u>Oak Park Station - Wheel & Sprocket</u>	
Site Address: <u>1118 Westgate Street</u>	
City: <u>Oak Park</u>	State: <u>IL</u> Zip Code: <u>60301</u> County: <u>Cook</u>
Illinois inventory identification number: <u>0312255261</u>	
Real Estate Tax Index/Parcel Index No. <u>16-07-124-022-0000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u></u>	Date: <u>5/27/18</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>29</u> day of <u>May</u> , 2018	
<u></u> Notary Public	

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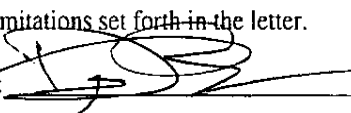
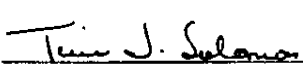

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For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: <u>Douglas G. Bober Jr.</u>	
Title: <u>Authorized Signatory</u>	
Company: <u>LMC Oak Park Holdings, LLC</u>	
Street Address: <u>1300 E. Woodfield Road, Suite 650</u>	
City: <u>Schaumburg</u> State: <u>IL</u> Zip Code: <u>60301</u> Phone: <u>847-592-3367</u>	
Site Information	
Site Name: <u>Oak Park Station</u>	
Site Address: <u>1029 Lake Street</u>	
City: <u>Oak Park</u> State: <u>IL</u> Zip Code: <u>60301</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0312255261</u>	
Real Estate Tax Index/Parcel Index No. <u>16-07-125-026-0000, 16-07-125-030-0000, 16-07-125-007-0000, 16-07-125-025-0000, 16-07-125-029-0000, 16-07-125-023-0000, 16-07-125-006-0000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u></u>	Date: <u>6/4/18</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>4th</u> day of <u>June</u> , 20 <u>18</u>	
<u></u> Notary Public	

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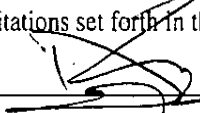


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Title: <u>Authorized Signatory</u>	
Company: <u>LMC Oak Park Holdings, LLC</u>	
Street Address: <u>1300 E. Woodfield Road, Suite 650</u>	
City: <u>Schaumburg</u> State: <u>IL</u> Zip Code: <u>60301</u> Phone: <u>847-592-3367</u>	
Site Information	
Site Name: <u>Oak Park Station</u>	
Site Address: <u>104-106 Westgate</u>	
City: <u>Oak Park</u> State: <u>IL</u> Zip Code: <u>60301</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0312255261</u>	
Real Estate Tax Index/Parcel Index No. <u>16-07-124-037-0000, 16-07-124-039-0000, 16-07-124-040-0000, 16-07-124-036-0000, 16-07-124-022-0000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u></u>	Date: <u>6/4/18</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>4th</u> day of <u>June</u> , 2018	
<u></u> Notary Public	

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EXHIBIT A PIN REASSIGNMENT

The subject site was enrolled into the Illinois EPA SRP (LPC 0312255261) prior to development and at that time was identified by the former PINs listed below. Upon development, a tax reenumeration of the site occurred in 2018 and the site is now identified by the current PINs listed below.

FORMER PIN DESCRIPTION	FORMER PIN(s)	CURRENT PIN DESCRIPTION	CURREN PIN(s)
NORTH LOT	16-07-124-036-0000, 16-07-124-037-0000, 16-07-124-039-0000, 16-07-124-040-0000,	NORTH APARTMENT PARCEL (Owner: LMC Oak Park Holdings, LLC)	16-07-124-044-0000, 16-07-124-046-0000, 16-07-124-048-0000
		NORTH RETAIL PARCEL (TARGET) (Owner: CSD Kurtzein, LLC)	16-07-124-043-0000, 16-07-124-045-0000, 16-07-124-047-0000
SOUTH LOT	16-07-125-006-0000, 16-07-125-007-0000, 16-07-125-023-0000, 16-07-125-025-0000, 16-07-125-026-0000, 16-07-125-029-0000, 16-07-125-030-0000	GARAGE PARCEL (Owner: LMC Oak Park Holdings, LLC)	16-07-125-034-0000, 16-07-125-036-0000
		SOUTH RETAIL PARCEL (THE GROOMERY BY PETS MART) (Owner: CSD Colberg, LLC)	16-07-125-032-0000
		FUTURE RETAIL PARCEL (FIRECAKES DONUTS) (Owner: CSD Colberg, LLC)	16-07-125-033-0000
		SOUTH APARTMENT PARCEL (Owner: LMC Oak Park Holdings, LLC)	16-07-125-035-0000, 16-07-125-037-0000
1118 WESTGATE	16-07-124-022-0000	1118 WESTGATE (Owner: CSRE WESTGAGE, LLC)	16-07-124-042-0000