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PREPARED BY:

8465 Grand, LLC
Bart Przewski
3009 West Montrose
Chicago, Illinois 60618



Doc# 1911413082 Fee \$64.00

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

EDWARD M. HOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 04/24/2019 10:32 AM PG: 1 OF 14

RETURN TO:

8465 Grand, LLC
Bart Przewski
3009 West Montrose
Chicago, Illinois 60618

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: 0312645067

8465 Grand, LLC, the Remediation Applicant, whose address is 3009 West Montrose, Chicago, Illinois 60618 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

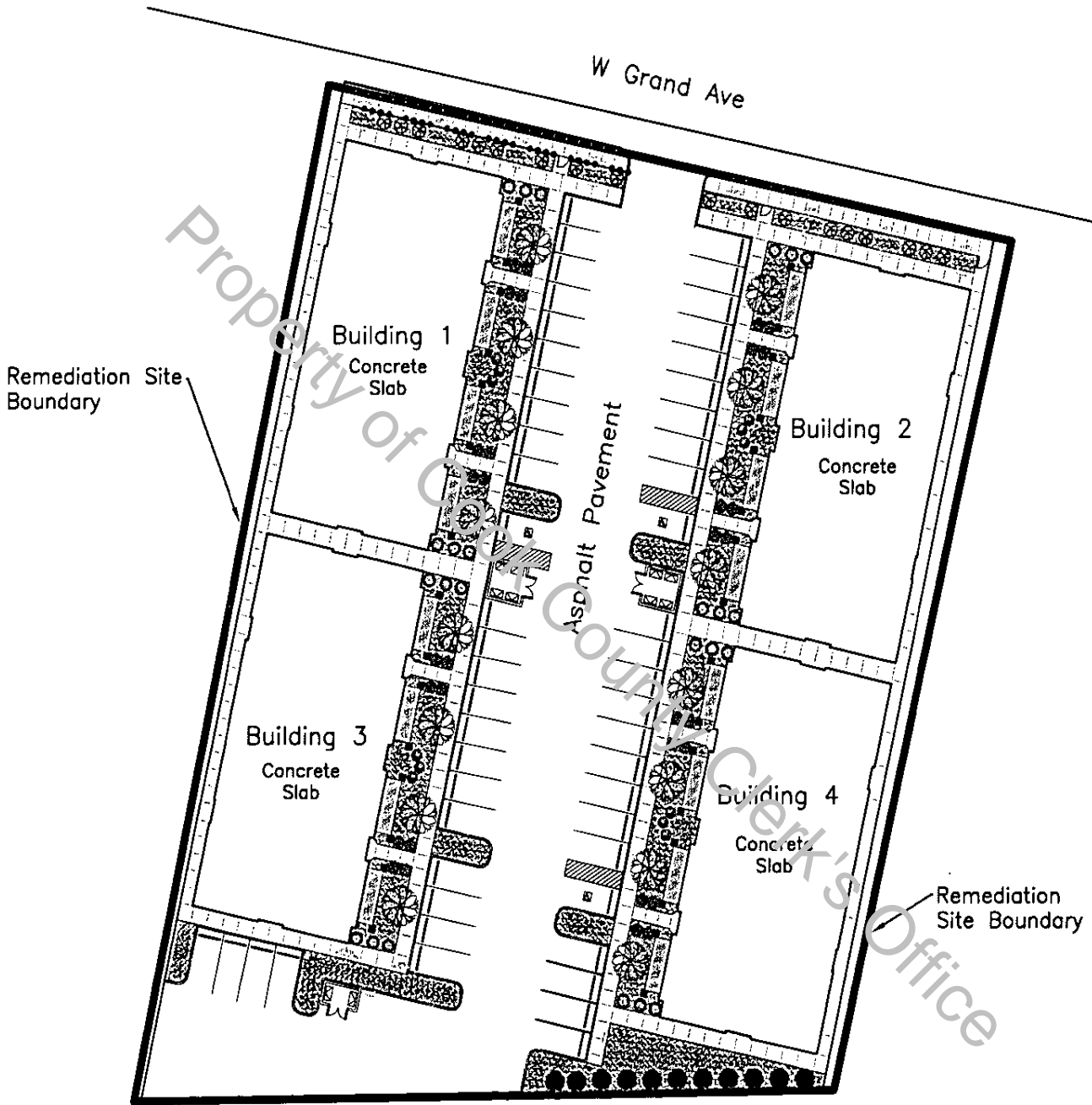
1. Legal description or Reference to a Plat Showing the Boundaries: SUB-LOT 4, EXCEPT THE WESTERLY 72 FEET THEREOF (AS MEASURED ALONG THE NORTHERLY LINE), IN COUNTY CLERK'S DIVISION OF THAT PART SOUTH OF GRAND AVENUE OF LOT 2 (EXCEPT A.C. SCHMIDT'S SUBDIVISION) IN ASSESSOR'S DIVISION OF FRACTIONAL WEST HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
2. Common Address: 8465 West Grand Avenue, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 12-26-309-063-0000
4. Remediation Site Owner: 8465 Grand, 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)

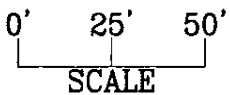
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Site Base Map
 0316455067--Cook County
 Chicago/8465 West Grand Avenue
 Site Remediation Program/Technical Reports



LEGEND

— REMEDIATION SITE BOUNDARY



 ENVIRONMENTAL PROTECTION INDUSTRIES 16650 SOUTH CANAL, SOUTH HOLLAND, IL 60473					JOB LOC. 8465 W. Grand Ave., River Grove, IL	
DATE DESIGNED CAD CHECKED APP'D 8/7/18 S.S. S.S. A.N. R.M.					TITLE: SITE BASE MAP	
DWG NO. 171164		JOB NO. 171164		SCALE: 1"=50'		Fig. 1

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VILLAGE OF RIVER GROVE

ORDINANCE

NUMBER

1998 - 09

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, certain properties in the Village of River Grove have been used over a period of time for commercial and/or industrial purposes; and

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

WHEREAS, 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 River Grove, Cook County, Illinois, in open meeting assembled, that:

SECTION 1: Use of Groundwater As a potable Water Supply Prohibited.

The use or attempted use, as a potable water supply, of groundwater from within the Corporate Limits of the Village of River Grove by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village of River Grove.

SECTION 2: Penalties:

Any person convicted of violating the provisions of this Ordinance shall be fined not to exceed \$500.00 for each offense and a separate offense shall be deemed committed on each day that a violation occurs or continues.

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SECTION 3: Definitions:

Person - 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 representatives.

Potable Water - Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, washing dishes or preparing food.

SECTION 4: Repealer:

All Ordinances or parts of Ordinances in conflict herewith are repealed, in so far as a conflict may in fact exist.

SECTION 5: Severability:

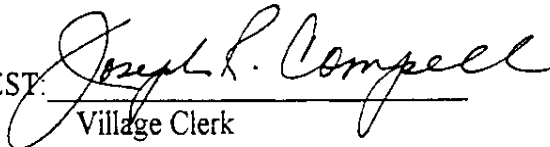
If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective Date:

This Ordinance shall be published in pamphlet form as of the date of its passage and approval and shall be in full force and effect ten (10) days thereafter, as provided by law.



President

ATTEST: 

Village Clerk

Property of County Clerk's Office

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PRESENTED: September 03, 1998

FIRST READING: September 03, 1998

SECOND READING: September 17, 1998

PASSED: September 17, 1998

APPROVED: September 17, 1998

TRUSTEES	PRESENT	ABSENT	AYE	NAY
MAHER	<u>✓</u>	<u> </u>	<u>✓</u>	<u> </u>
WEINER	<u>✓</u>	<u> </u>	<u>✓</u>	<u> </u>
CALISTRO	<u>✓</u>	<u> </u>	<u>✓</u>	<u> </u>
ALLER	<u>✓</u>	<u> </u>	<u>✓</u>	<u> </u>
MARCHIAFAVA	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
BERNERO	<u>✓</u>	<u> </u>	<u>✓</u>	<u> </u>

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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>Mie Property Acquisitions, LLC - 8465 Grand</u>	
Title: <u>manager</u>	
Company: <u>Bar Phenomena</u>	
Street Address: <u>3009 W. Montrose Ave</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60618</u> Phone: <u>773-202-9818</u>	
Site Information	
Site Name: <u>8465 Grand Diver Gore</u>	
Site Address: <u>8465-71 W. Grand Ave, Diver Gore, IL</u>	
City: <u>Diver Gore</u> State: <u>IL</u> Zip Code: _____ County: <u>Cook</u>	
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. _____	
<p>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.</p> <p>Owner's Signature: <u>[Signature]</u> Date: <u>Feb 28th 2019</u></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>28th</u> day of <u>Feb</u>, 20<u>19</u></p> <p><u>[Signature]</u> Notary Public</p> <div style="border: 1px dashed black; padding: 5px; width: fit-content; margin-left: auto;"> <p style="text-align: center; font-size: small;">OFFICIAL SEAL MALGORZATA POPLAWSKI NOTARY PUBLIC STATE OF ILLINOIS MY COMMISSION EXPIRES 08/13/21</p> </div>	

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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Notice to Remediation Applicant

Please follow these instructions when filing the NFR letter with the County Recorder's Office

Instructions for Filing the NFR Letter

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
- B. Attachments to NFR letter
 - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
 - Maps of the site
 - Table A: Regulated Substances of Concern (if applicable.)
 - Property Owner Certification
- C. A copy of the ordinance, if applicable, used to address groundwater contamination

1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement, the County or the Illinois Department of Transportation.
5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

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

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 524-6940 and speak with the "project manager on-call" in the Site Remediation Program.



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, ACTING DIRECTOR

217/524-3300

February 25, 2019

CERTIFIED MAIL

7017 2680 0001 0214 2380

8465 Grand, LLC
 Attn: Mr. Bart Przewski
 3009 West Montrose
 Chicago, Illinois 60618

Re: 0312645067/Cook County
 River Grove/8465 West Grand Avenue
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Przewski:

The *Remedial Action Completion Report* (received September 4, 2018/Log No. 18-67775), as prepared by Environmental Protection Industries, Inc. 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 are above the existing concentrations of regulated substances and the remedial action was completed in accordance with the *Remedial Action Plan* (received March 6, 2018/Log No. 18-66646) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 1.3 acres, is located at 8465 West Grand Avenue, 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 March 6, 2018/Log No. 18-66646), is 8465 Grand, 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.

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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 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 3 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:

There are no engineering controls required.

Institutional Controls:

- 4) 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.
- 5) Ordinance Number 1998-09 adopted by the Village of River Grove on September 17, 1998 effectively prohibits the installation and use of potable water supply wells in the Village of River Grove. 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:

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- 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 River Grove 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 1998-09;
 - 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:
- Mr. Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
- d) 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;

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- 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 Village of River Grove and affected property owner(s) of the intent to use Ordinance 1998-09 as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 6) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 20171065.
- 7) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 5 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.
- 8) 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.
- 9) 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
- 10) 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 avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance 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.
- 11) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) 8465 Grand, 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.
- 12) 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 8465 West Grand Avenue property.
- 13) 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, Illinois 62794-9276

- 14) 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 8465 West Grand Avenue property, you may contact the Illinois EPA project manager, Rhett M. Rossi at 217 524 3300

Sincerely,


 NVL Gregory W. Dunn, 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
Village of River Grove Groundwater Ordinance
Property Owner Certification of No Further Remediation Letter under the
Site Remediation Program Form
Instructions for Filing the NFR Letter

cc: Austin List alist@environmental-epi.com

Bureau of Land File
Mr. Jim Scott

Property of Cook County Clerk's Office