


# UNOFFICIAL COPY

PREPARED BY:

Andrew Jennings  
Village of Wheeling  
2 Community Boulevard  
Wheeling, Illinois 60090

 *1916206186*	
Doc# 1916206186 Fee \$88.00	
EDWARD M. MOODY	
COOK COUNTY RECORDER OF DEEDS	
DATE: 06/11/2019 03:13 PM PG: 1 OF 21	

RETURN TO:

Andrew Jennings  
Village of Wheeling  
2 Community Boulevard  
Wheeling, Illinois 60090

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: 0314977734

Village of Wheeling, the Remediation Applicant, whose address is 2 Community Boulevard, Wheeling, Illinois 60090 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:

115 S. Milwaukee Ave.: LOTS 17, 18, 19 AND 20 IN COUNTY CLERK'S DIVISION OF PART OF SECTIONS 1, 2, AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PORTION OF LAND INCLUDED IN PUBLIC HIGHWAY), IN COOK COUNTY, ILLINOIS.

and

119 S. Milwaukee Ave.: LOTS 21, 22 and 23 IN COUNTY CLERK'S DIVISION OF PART OF SECTIONS 1, 2, 11, AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PORTION OF LAND INCLUDED IN PUBLIC HIGHWAY), IN COOK COUNTY, ILLINOIS.

2. Common Address: 115 & 119 South Milwaukee Avenue, Wheeling, Illinois 60090

3. Real Estate Tax Index/Parcel Index Number: 03-12-101-008; 03-12-101-009; 03-12-101-010; 03-12-101-011; 03-12-101-012; 03-12-101-013; and 03-12-101-014

4. Remediation Site Owner: Village of Wheeling

5. Land Use: Industrial/Commercial

S Y  
 P 2071  
 S Y-7  
 M N  
 SC N  
 E N  
 INT RV

RECORDING FEE \_\_\_\_\_  
 DATE \_\_\_\_\_ COPIES \_\_\_\_\_  
 OK BY \_\_\_\_\_

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6. Site Investigation: Focused

See NFR letter for other terms.

**(Illinois EPA Site Remediation Program Environmental Notice)**

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RECORDER OF DEEDS**

**COOK COUNTY  
RECORDER OF DEEDS**

**COOK COUNTY  
RECORDER OF DEEDS**

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# UNOFFICIAL COPY 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

May 23, 2019

CERTIFIED MAIL

7015 0640 0004 7915 9783

Village of Wheeling  
 Attn: Andrew Jennings, Director of Community Development  
 2 Community Boulevard  
 Wheeling, Illinois 60090

Re: 0314977734/Cook County  
 Wheeling/115 & 119 S. Milwaukee Ave. – Commercial Property  
 Site Remediation Program/Technical Reports  
 No Further Remediation Letter

Dear Mr. Jennings:

The *Focused Site Investigation, Remediation Objectives Report and Remedial Action Plan* (received April 25, 2016/Log No. 16-62023), *Response to July 13, 2016 Review Letter* (received October 4, 2017/Log No. 17-65645), *Response to November 30, 2017 Review Letter* (received June 18, 2018/Log No. 18-67305), *Response to July 20, 2018 Letter* (received September 24, 2018/Log No. 18-67879), and *Response to November 9, 2018 Letter* (received January 14, 2019/Log No. 19-68544), as prepared by V3 Companies for the above-referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency (“Illinois EPA”). 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 above reports shall collectively serve as the approved Remedial Action Completion Report.

The Remediation Site, consisting of 0.6 acres, is located at 115 – 119 South Milwaukee Avenue, Wheeling, 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 October 26, 2015/Log No. 15-60715), is the Village of Wheeling.

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This focused 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 for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern identified in the attached Table A.
- 2) The Remediation Site is restricted to industrial/commercial land use.
- 3) 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:

- 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. 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 ground surface 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 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.

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## Institutional Controls:

- 6) 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 sump(s).
- 7) Ordinance Number 5185 adopted by the Village of Wheeling on May 31, 2018 effectively prohibits the installation and use of potable water supply wells in the Village of Wheeling. 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 Wheeling 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 5185;
    - 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

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- 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 Village of Wheeling and affected property owner(s) of the intent to use Ordinance 5185 as an institutional control at the Remediation Site; and
  - iv) Violation of the terms and conditions of this No Further Remediation letter.

## Other Terms

- 8) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 7 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.
- 9) 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.
- 10) 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
- 11) 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;

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- b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
  - c) The disturbance or removal of contamination that has been left in-place in accordance with the 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.
- 12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Village of Wheeling;
  - 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.
- 13) 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 115 & 119 S. Milwaukee Ave. – Commercial Property property.
- 14) 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
- 15) 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 115 & 119 S. Milwaukee Ave. – Commercial Property property, you may contact the Illinois EPA project manager, Jennifer M. Seul at (217) 785-9399.

Sincerely,

  
NWL MC. 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  
Table A: Regulated Substances of Concern  
Village of Wheeling Groundwater Ordinance  
Property Owner Certification of No Further Remediation Letter under the Site  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Ryan Hartley  
V3 Companies  
[rhartley@v3co.com](mailto:rhartley@v3co.com)

Bureau of Land File  
Mr. Jim Scott

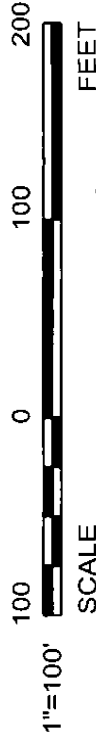
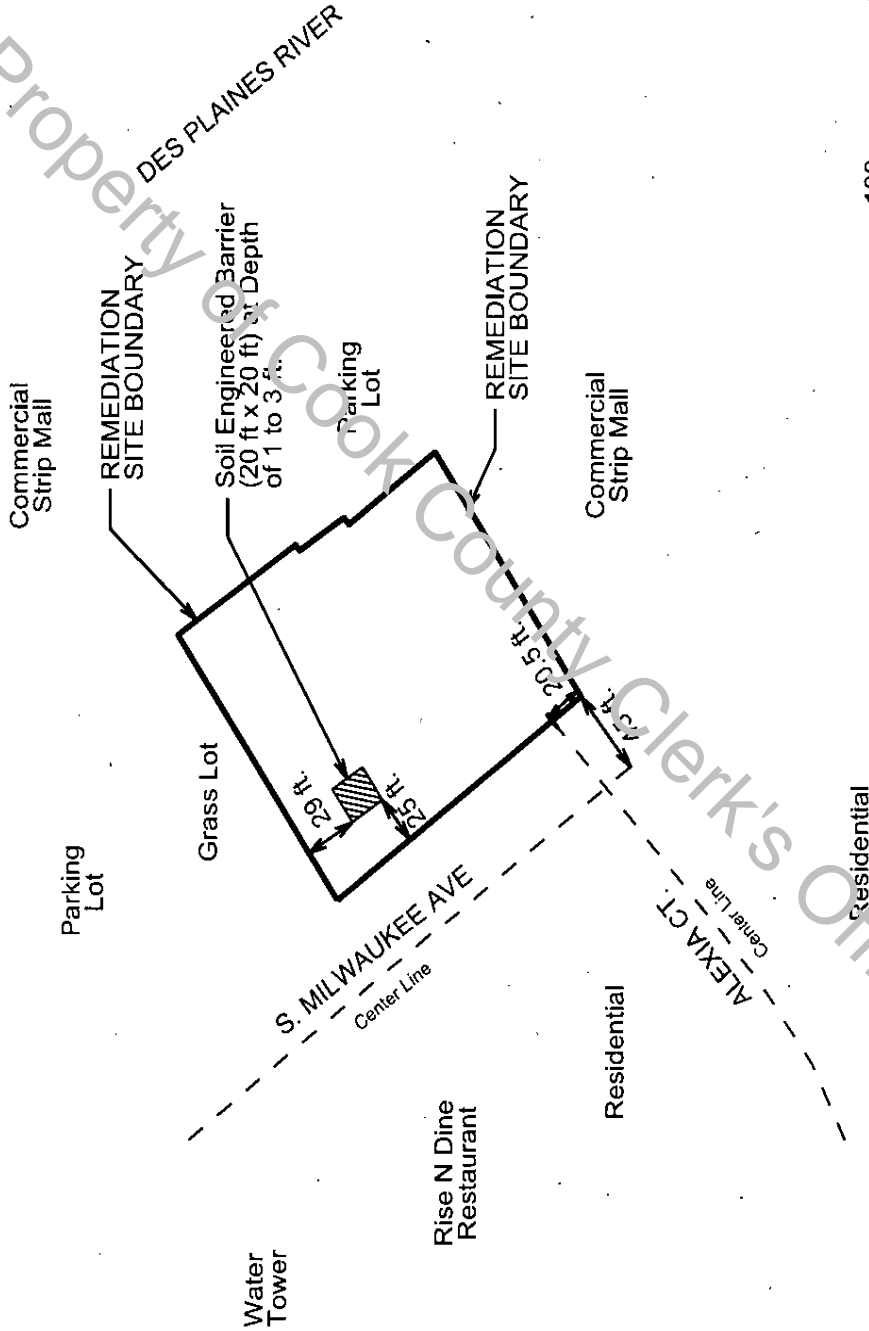
COOK COUNTY  
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Site Base Map  
 LPC#0314977734--Cook County  
 Wheeling /115 & 119 S. Milwaukee Ave. Commercial Property  
 Site Remediation Program



 <p>V3 Companies                  7325 Janes Avenue                  Woodridge, IL 60517                  630.724.9200 phone                  630.724.9202 fax                  www.v3co.com</p>		PROJECT NO.: 13081 FILE NAME: FIG1nr13081 DATE: 03/27/2019 SCALE: 1"=100'	DESIGNED BY: K/JW DRAWN BY: K/JW CHECKED BY: RKB PROJECT MANAGER: RKB	DRAWING NO. <b>1</b>															
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION													REMEDIATION SITE BOUNDARY COMMERCIAL PROPERTY 115 AND 119 S. MILWAUKEE AVENUE WHEELING ILLINOIS		
NO.	DATE	DESCRIPTION																	

THIS DOCUMENT IS THE PROPERTY OF V3 COMPANIES AND NO PART HEREIN SHALL BE USED EXCEPT FOR THIS SPECIFIC PROJECT WITHOUT THE WRITTEN CONSENT OF V3 COMPANIES.

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**TABLE A: Regulated Substances of Concern**

**LPC# 0314977734/Cook County  
Wheeling/115 & 119 S. Milwaukee Ave – Commercial Property  
Site Remediation Program/Technical Reports**

Volatile Organic Compounds (VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (total)
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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Semivolatile Organic Compounds (SVOCs)	
CAS No.	Compound Name
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
111-91-1	bis(2-Chloroethoxy)methane
111-44-4	bis(2-Chloroethyl)ether
117-81-7	bis(2-Ethylhexyl)phthalate
101-55-3	4-Bromophenyl-phenyl ether
85-68-7	Butylbenzylphthalate
86-74-8	Carbazole
106-47-8	4-Chloroaniline
59-50-7	4-Chloro-3-methylphenol
91-58-7	2-Chloronaphthalene
95-57-8	2-Chlorophenol
7005-72-3	4-Chlorophenyl-phenyl ether
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
132-64-9	Dibenzofuran
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene
91-94-1	3,3'-Dichlorobenzidine
120-83-2	2,4-Dichlorophenol
84-66-2	Diethylphthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethylphthalate
534-52-1	4,6-Dinitro-2-methylphenol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
84-74-2	Di-n-butylphthalate
117-84-0	Di-n-octylphthalate
206-44-0	Fluoranthene
86-73-7	Fluorene
118-74-1	Hexachlorobenzene
87-68-3	Hexachlorobutadiene
77-47-4	Hexachlorocyclopentadiene

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67-72-1	Hexachloroethane
193-39-5	Indeno(1,2,3-cd)pyrene
78-59-1	Isophorone
91-57-6	2-Methylnaphthalene
95-48-7	2-Methylphenol
106-44-5	4-Methylphenol
91-20-3	Naphthalene
88-74-4	2-Nitroaniline
99-09-2	3-Nitroaniline
100-01-6	4-Nitroaniline
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
621-64-7	N-Nitroso-di-n-propylamine
86-30-6	N-Nitrosodiphenylamine
108-60-1	2,2'-oxybis(1-chloropropane)
87-86-5	Pentachlorophenol
85-01-8	Phenanthrene
108-95-2	Phenol
129-00-0	Pyrene
120-82-1	1,2,4-Trichlorobenzene
95-96-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol

<b>Inorganics</b>	
<b>CAS No.</b>	<b>Compound Name</b>
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium
7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver

<b>Aroclors</b>	
<b>CAS No.</b>	<b>Compound Name</b>
12674-11-2	Aroclor - 1016
11104-28-2	Aroclor - 1221
11141-16-5	Aroclor - 1232
53469-21-9	Aroclor - 1242
12672-29-6	Aroclor - 1248

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11097-69-1	Aroclor - 1254
111096-82-5	Aroclor - 1260

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STATE OF ILLINOIS }  
 }  
COUNTIES OF COOK AND LAKE }

I, **KAREN HENNEBERRY**, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Wheeling, Cook and Lake Counties, IL.

I **DO FURTHER CERTIFY** that I am the keeper of the records, journals, entries, resolutions, ordinances and documents of the said Village of Wheeling.

I **DO FURTHER CERTIFY** that the annexed and foregoing document

**ORDINANCE No. 5185**

**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 WITHIN A CERTAIN AREA IN THE VILLAGE OF WHEELING**

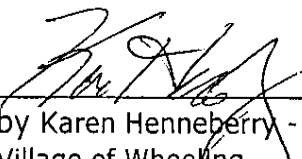
are true and correct copies of the documents presented to the President and Board of Trustees of the Village of Wheeling.

I **DO FURTHER CERTIFY** That the original document, of which the foregoing is a true copy, is entrusted to my care for safekeeping and I am the keeper of the same.

I **DO FURTHER CERTIFY** that Ordinance No. 5185 was published in pamphlet form on May 22, 2018, by order of the Corporate Authorities of the Village of Wheeling.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the Village of Wheeling, this 31<sup>st</sup> day of May, 2018.



  
by Karen Henneberry - Deputy Village Clerk  
Village of Wheeling  
Cook and Lake Counties, IL.

**RECEIVED**

JUN 11 2018

IFPA/BOI



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ORDINANCE NO. 5185

**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  
WITHIN A CERTAIN AREA IN THE VILLAGE OF WHEELING**

**WHEREAS**, certain properties in the Village of Wheeling, Illinois (the "Village") have been used over a period of time for commercial and/or industrial purposes; and,

**WHEREAS**, because of said use, concentrations 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 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and,

**WHEREAS**, the Village of Wheeling desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are at or around the source of said chemical constituents;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COOK AND LAKE COUNTIES, ILLINOIS,** as follows:

**SECTION 1:** Use of groundwater as a potable water supply prohibited.

Except for such uses or methods in existence prior to the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater from within the area illustrated in Drawing 1, as a potable water supply by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Wheeling.

**SECTION 2:** Penalty

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750.00 for each violation.

**SECTION 3:** 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.

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**SECTION 4:** 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 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 in full force and effect from and after its passage, approval and publication as required by law.

Trustee LANE moved, seconded by Trustee KRUEGER that Ordinance No. 5185 be passed.

President Horcher Aye  
Trustee Brady Aye  
Trustee Krueger Aye  
Trustee Lang Aye

Trustee Papatos Aye  
Trustee Vito Aye  
Trustee Vogel Aye

APPROVED this 21<sup>st</sup> day of MAY, 2018.

Patrick Horcher  
Patrick Horcher, Village President

ATTEST:  
Elaine E. Simpson  
Elaine E. Simpson, Village Clerk



APPROVED AS TO FORM ONLY:  
James H. Ferde  
Village Attorney

Published in pamphlet form this 22<sup>nd</sup> day of MAY, 2018, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

# UNOFFICIAL COPY

## VILLAGE OF WHEELING

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### ORDINANCE NO. 5185

**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 WITHIN A CERTAIN AREA IN THE VILLAGE OF WHEELING**

APPROVED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF WHEELING THIS 21<sup>ST</sup> DAY OF MAY 2018

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Published in pamphlet form by authority of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois, this 22<sup>nd</sup> day of May, 2018

**UNOFFICIAL COPY****VILLAGE OF WHEELING**ORDINANCE NO. 5785**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 WITHIN A CERTAIN AREA IN THE VILLAGE OF WHEELING****ADOPTED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF WHEELING**

Published in pamphlet form by authority of the Corporate Authorities of the Village of Wheeling, Cook, Lake County, Illinois, this 22<sup>nd</sup> day of May, 2018.

[Note: When an ordinance is published in pamphlet form, the following certificate should be filled out by the Municipal Clerk.]

STATE OF ILLINOIS     )  
  ) SS:  
COUNTY OF COOK     )

**CERTIFICATE**

I, Elaine E. Simpson, certify that I am the duly elected and acting Municipal Clerk of the Village of Wheeling, Cook & Lake Counties, Illinois.

I further certify that on May 21, 2018, the Corporate Authorities of such municipality passed and approved Ordinance No. 5785 entitled "**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 within a Certain Area in the Village of Wheeling**" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 5785, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 22, 2018 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Wheeling, Illinois, this 21<sup>st</sup> Day of May, 2018.



*Elaine E. Simpson*  
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Elaine E. Simpson - Municipal Clerk

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DRAWING 1

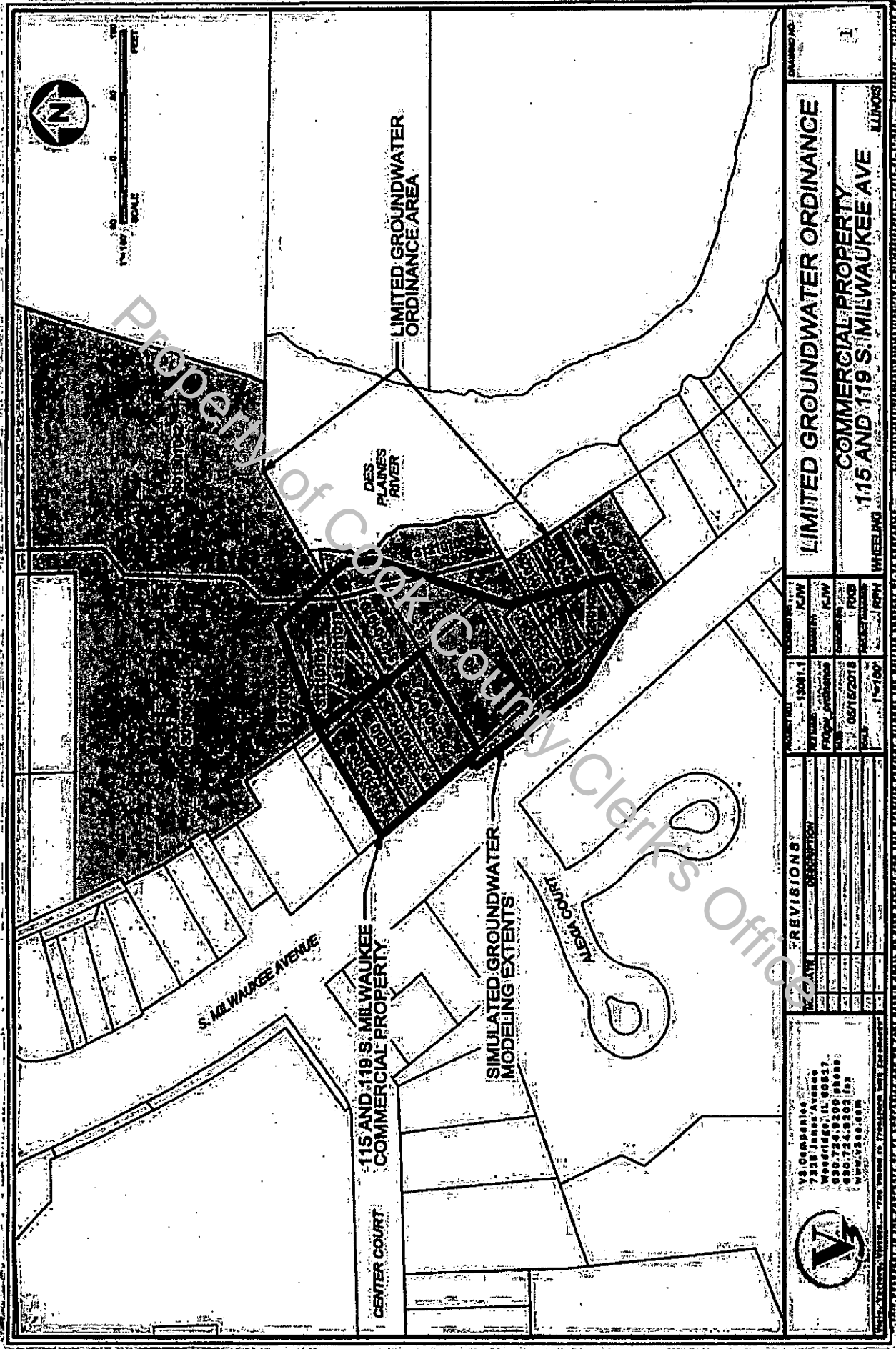
COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS


COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

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Property of Cook County Clerk's Office

<b>LIMITED GROUNDWATER ORDINANCE</b> <b>COMMERCIAL PROPERTY</b> <b>115 AND 119 S MILWAUKEE AVE</b> WHEELING ILLINOIS		PLANNED NO. <span style="float: right;">1</span>
		PROJECT NO. 15001.1 PROJECT DESCRIPTION SUDAS DATE 02/18/2018 SCALE 1"=150'
<b>REVISIONS</b>	DATE REVISION DATE REVISION DATE REVISION	A/CW A/CW RWB RPH
		
7318 James Avenue Woodridge, IL 60517 830.724.9200 phone 830.724.9202 fax www.vsb.com		