

# UNOFFICIAL COPY

## PREPARED BY:

Ms. Michelle Faris  
ACRE Investment Co., LLC on  
behalf of 24 Mount Prospect, LLLP  
4683 Chabot Drive, Suite 220  
Pleasanton, CA 94588

## RETURN TO:

Ms. Michelle Faris  
ACRE Investment Co., LLC on  
behalf of 24 Mount Prospect, LLLP  
4683 Chabot Drive, Suite 220  
Pleasanton, CA 94588



Doc# 2025940006 Fee \$93.00

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

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 09/15/2020 10:06 AM PG: 1 OF 11

## 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: 0311980009

ACRE Investment Co., LLC on behalf of 24 Mount Prospect, LLLP, the Remediation Applicant, whose address is 4683 Chabot Drive, Suite 220, Pleasanton, CA 94588 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:

#### SITE REMEDIATION DESCRIPTION:

THAT PART OF LOT 2 IN KENROY'S ELMHURST-DEMPSTER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 16, 1973 AS DOCUMENT NUMBER 22327173 AS AMENDED BY LETTER OF CORRECTION RECORDED NOVEMBER 9, 1989 AS DOCUMENT NUMBER 89536360 IN COOK COUNTY, ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 14 THAT IS 214.66 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE NORTH 01 DEGREES 42 MINUTES 11 SECONDS EAST, A DISTANCE OF 146.69 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 16 MINUTES 59 SECONDS WEST, A DISTANCE OF 294.12 FEET; THENCE NORTH 01 DEGREES 43 MINUTES 01 SECOND WEST, A DISTANCE OF 47.59 FEET TO THE SOUTH FACE OF A SINGLE STORY COMMERCIAL BUILDING (AS STANDING JANUARY 2020); THENCE NORTH 86 DEGREES 16 MINUTES 59 SECONDS EAST, ALONG THE SOUTH LINE OF SAID BUILDING, A DISTANCE OF 21.78 FEET; THENCE SOUTH 01 DEGREES 43 MINUTES 01 SECOND, A DISTANCE OF 17.38 FEET; THENCE NORTH 88 DEGREES 16 MINUTES 59 SECONDS EAST, A DISTANCE OF 39.55 FEET; THENCE NORTH 01 DEGREES 43 MINUTES 01 SECOND WEST, A DISTANCE OF 60.36 FEET; THENCE NORTH 31 DEGREES 29 MINUTES 32 SECONDS EAST, A DISTANCE OF 19.75 FEET; THENCE NORTH 00 DEGREES 26 MINUTES 20 SECONDS EAST, A DISTANCE OF 184.68 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 40 SECONDS EAST, A DISTANCE OF 380.44 FEET TO A POINT THAT IS 57.51 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 26 MINUTES 20 SECONDS WEST, A DISTANCE OF 184.25 FEET TO A POINT THAT IS 60.94 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER;

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THENCE NORTH 89 DEGREES 33 MINUTES 40 SECONDS WEST, A DISTANCE OF 154.59 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 20 SECONDS WEST, A DISTANCE OF 99.10 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS. CONTAINING 96,522 SQ. FT.± / 2.22 ACRES±, MORE OR LESS.

2. Common Address: 1500 South Elmhurst Road, Mount Prospect, Illinois
3. Real Estate Tax Index/Parcel Index Number: 08-14-403-027 and 08-14-403-022
4. Remediation Site Owner: 24 Mount Prospect, LLLP
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

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

Property of Cook County Clerk's Office



# 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, DIRECTOR

217/524-3300

May 14, 2020

CERTIFIED MAIL

7018 1830 0000 5280 5040

ACRE Investment Co, LLC on behalf of 24 Mount Prospect, LLLP

Attn: Ms. Michelle Faris

4683 Chabot Drive, Suite 220

Pleasanton, CA 94588

Re: 031198000/Cook County  
Mount Prospect/Venture Stores  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Ms. Faris:

The *Focused Site Investigation Report/Remediation Objectives Report/Remedial Action Plan/Remedial Action Completion Report* (received October 25, 2019/Log No. 19-70299), as prepared by Stantec Consulting Services, Inc. for the above-referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates that 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 that the remedial action was completed in accordance with the *Remedial Action Plan* (received October 25, 2019/Log No. 19-70299) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 2.22 acres, is located at 1500 South Elmhurst Road, Mount Prospect, 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 August 14, 2019/Log No. 19-69861), is ACRE Investment Co., LLC on behalf of 24 Mount Prospect, LLLP.

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.

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760  
595 S. State Street, Elgin, IL 60123 (847) 608-3131  
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

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## 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. Any soil excavated must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### Engineering Controls:

- There are no engineering controls required.

#### Institutional Controls:

- 5) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

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- 6) No building shall be occupied within the area of the remediation site depicted on the attached Site Base Map unless a Building Control Technology ("BCT") meeting the requirements of 35 Illinois Administrative Code Part 742 Subpart L is operational prior to human occupancy. This BCT must be properly maintained to address the indoor inhalation pathway. If the BCT becomes inoperable, the site owner/operator shall notify building occupants and workers to implement protective measures. In addition, any sump located within the building with the BCT shall be sealed with an approved cap and vent system. A caution label must be affixed to the vent pipe indicating that the system cannot be dismantled without proper consultation. A vacuum pressure gauge must be installed on the system to provide a clear indication of when the system is operating properly and when maintenance is required. The sump cover must be resealed if it is ever removed for sump pump inspection, replacement, maintenance or for any other reason. The vent system must also be correctly maintained under such circumstances. Failure to maintain the BCT or the sealed sump shall be grounds for voidance of this No Further Remediation letter.

## Other Terms

- 7) The Remediation Applicant has remediated the release associated with Leaking UST Incident Number 902795.
- 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 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;

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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.
- 11) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) ACRE Investment Co., LLC on behalf of 24 Mount Prospect, LLLP;
  - 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 Venture Stores 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 Venture Stores property, you may contact the Illinois EPA project manager, Joseph P. Dombrowski at 217/524-3300.

Sincerely,

  
 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  
Property Owner Certification of No Further Remediation Letter under the Site  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Michelle Faris [michelle@acrecorporation.com](mailto:michelle@acrecorporation.com)

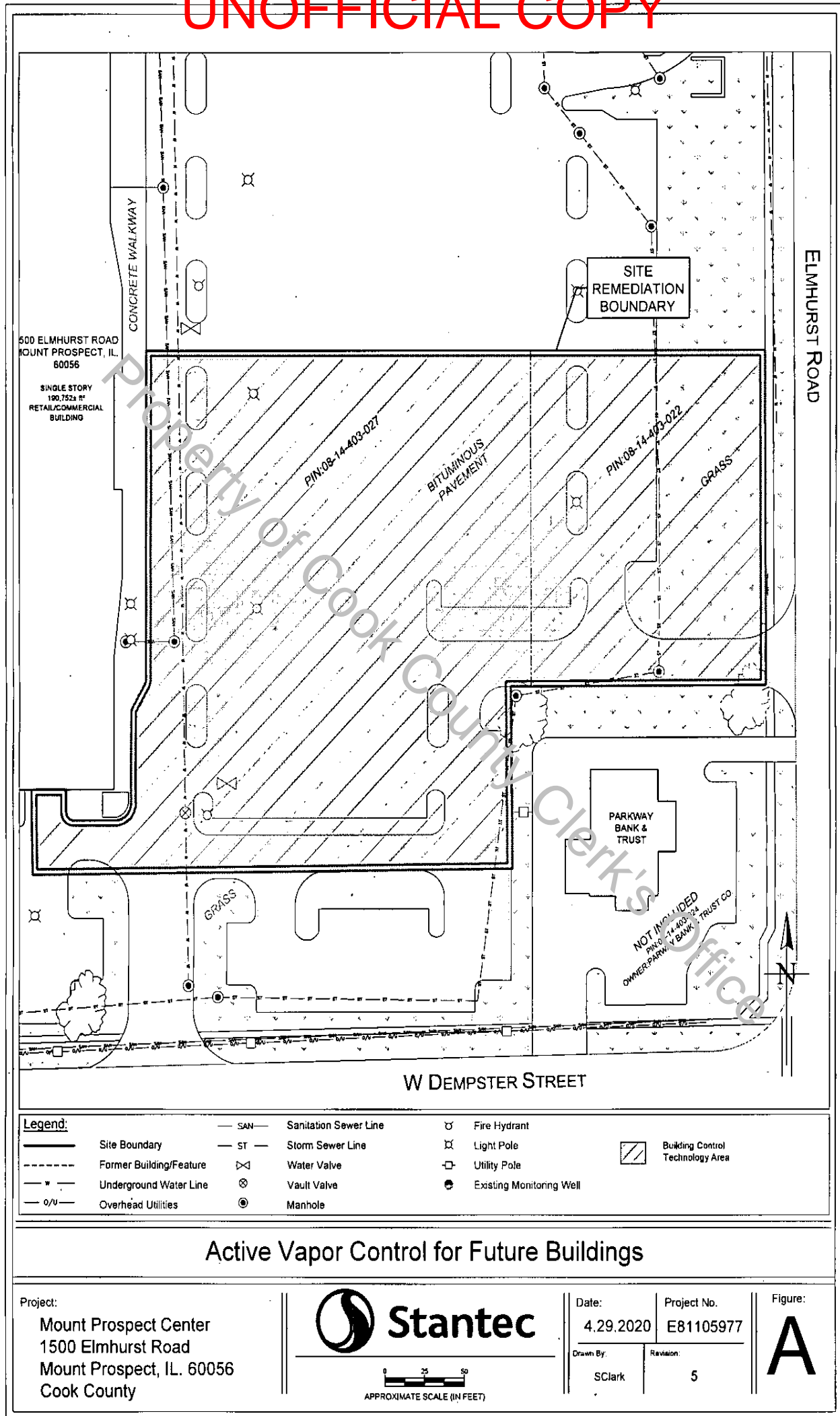
Stantec Consulting Services, Inc. [David.Constant@stantec.com](mailto:David.Constant@stantec.com)

Bureau of Land File  
Mr. Jim Scott

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**TABLE A: Regulated Substances of Concern**

**LPC# 0311980009/Cook County  
Mt. Prospect/Venture Stores  
Site Remediation Program**

<b>BTEX and MTBE</b>	
<b>CAS No.</b>	<b>Compound Name</b>
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)
<b>Polynuclear Aromatic Compounds (PNAs)</b>	
<b>CAS No.</b>	<b>Compound Name</b>
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
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene
<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

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## UNDER THE SITE REMEDIATION PROGRAM

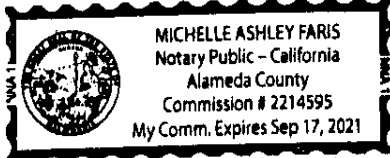
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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.

<b>Property Owner Information</b>	
Owner's Name: <u>24 Mount Prospect, LLP; Gabe Archarderra</u>	
Title: <u>Manager</u>	
Company: <u>24 Mount Prospect, LLP</u>	
Street Address: <u>4683 Chabot Dr.</u>	
City: <u>Pleasanton</u> State: <u>CA</u> Zip Code: <u>945</u> Phone: <u>(925) 621-4341</u>	
<b>Site Information</b>	
Site Name: <u>Mount Prospect Center</u>	
Site Address: <u>1500 Elmhurst Rd.</u>	
City: <u>Mount Prospect</u> State: <u>IL</u> Zip Code: <u>60054</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0311980009</u>	
Real Estate Tax Index/Parcel Index No. <u>08-14-403-02-1708-14-403-022</u>	
<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><i>[Signature]</i></u> Date: <u>5.26.20</u></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME this <u>26th</u> day of <u>May</u>, 20<u>20</u></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 40%;"> <p><u><i>[Signature]</i></u> Notary Public</p> </div> <div style="width: 50%; text-align: center;">  </div> </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.