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Doc#. 2030662346 Fee: \$98.00
Edward M. Moody
Cook County Recorder of Deeds
Date: 11/03/2020 04:20 PM Pg: 1 of 11

PREPARED BY:

Tam Huynh
SKB Plaza, LLC
5750 N. St. Louis Avenue
Chicago, Illinois 60659

RETURN TO:

Tam Huynh
SKB Plaza, LLC
5750 N. St. Louis Avenue
Chicago, Illinois 60659

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: 0316645141

SKB Plaza, LLC, the Remediation Applicant, whose address is 5750 N. St. Louis Avenue, Chicago, Illinois 60659 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:

LOT 'A' OF JAMES ENGLISH CONSOLIDATION OF PART OF LOTS 8 AND 9 IN BLOCK 8 IN HALL'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN;

ALSO

THE SOUTH ½ OF LOT 5 LYING WEST OF 64TH AVENUE (EXCEPT THE WEST 33 FEET THEREOF) IN BLOCK 8 OF HALL'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN;

ALSO

THE WEST ½ OF THAT PART LYING WEST OF 64TH AVENUE OF LOTS 8 AND 9 (EXCEPT THE WEST 33 FEET THEREOF) IN BLOCK 8 OF HALL'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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PARCEL 2:

LOTS 8 TO 18 INCLUSIVE IN BLOCK 'E' IN 3RD ADDITION TO FREDERICK H. BARTLETT'S 63RD STREET INDUSTRIAL DISTRICT, BEING A RESUBDIVISION OF BLOCK 5 AND THE WEST ½ OF BLOCKS 3 AND 8 IN HALL'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

2. Common Address: 6400 W. 63rd Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 19-18-428-053-0000; 19-18-429-015-0000; 19-18-429-018-0000; 19-18-429-019-0000; 19-18-429-030-0000
4. Remediation Site Owner: SKB Plaza, 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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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, DIRECTOR

217/524-3300

July 22, 2020

CERTIFIED MAIL

7018 1830 0000 5280 5989

SKB Plaza, LLC
 Attn: Tam Huynh
 5750 N. St. Louis Avenue
 Chicago, Illinois 60659

Re: 0316645141/Cook County
 Chicago/Retail Facility
 Site Remediation Program/Technical Reports
 No Further Remediation Letter

Dear Mr. Huynh:

The *Comprehensive Site Investigation Report, Remedial Objectives Report, Remedial Action Plan, Remedial Action Completion Report* (received April 24, 2020/Log No. 20-71278), as prepared by EGSL 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 April 24, 2020/Log No. 20-71278) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 2.83 acres, is located at 6400 W. 63rd Street, 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 September 18, 2019/Log No. 19-70127), is SKB Plaza LLC.

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

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 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:

- 4) The asphalt/concrete barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This asphalt/concrete barrier must be properly maintained as an engineered barrier to inhibit ingestion of the contaminated media.

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Institutional Controls:

- 5) 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.
- 6) 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).

Other Terms

- 7) 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.
- 8) 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

- 9) 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;

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- 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.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) SKB Plaza, 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;
 - 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

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- 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.
- 11) 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 Retail Facility property.
- 12) 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

- 13) 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 Retail Facility property, you may contact the Illinois EPA project manager, Tammy Smith at 217-785-8410.

Sincerely,

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

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

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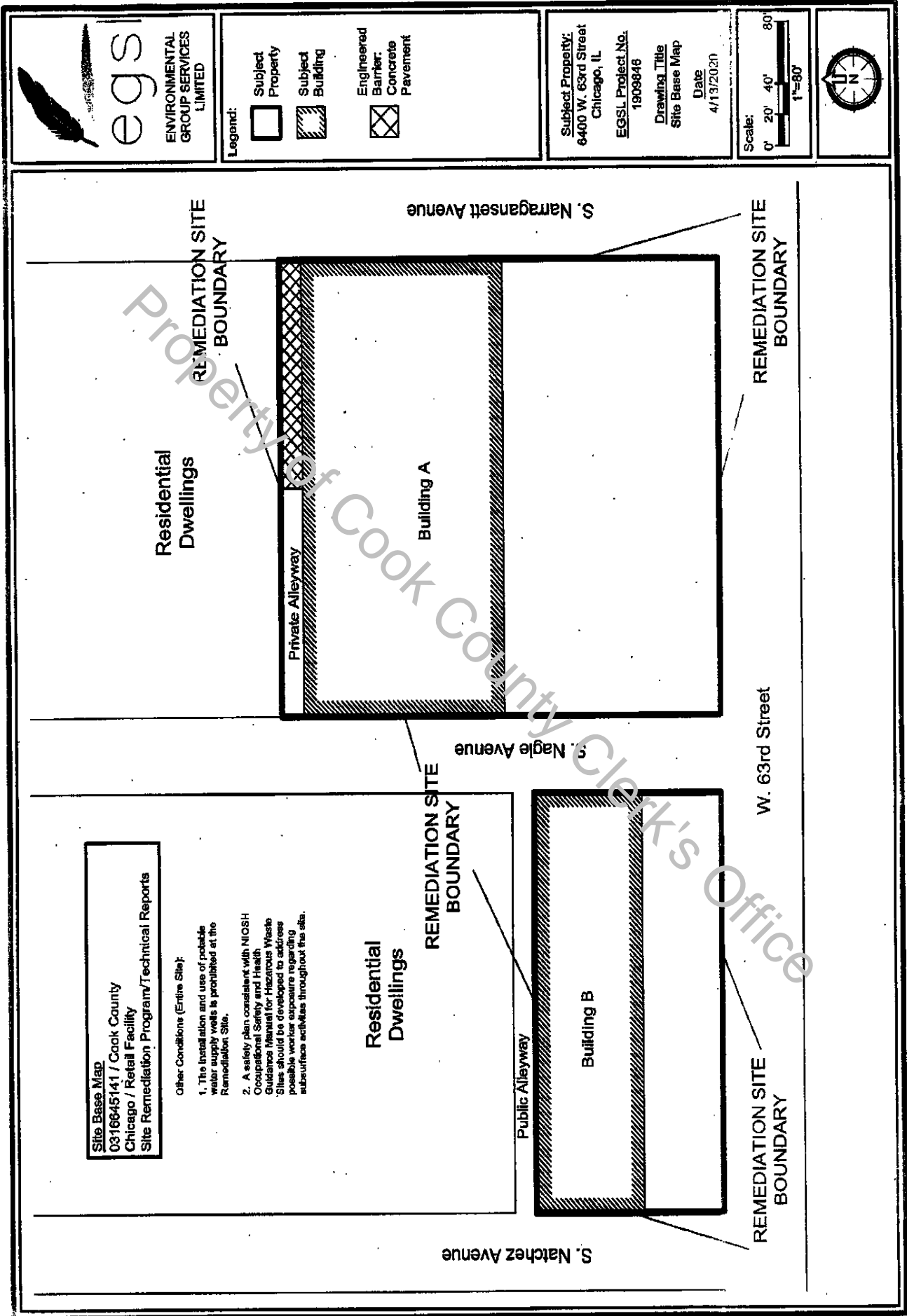
cc: Bill Lennon, EGSL – bill@egsl.com

Bureau of Land File

Mr. Jim Scott

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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>TAM HUYNH</u>	
Title: <u>President</u>	
Company: <u>SKB PLAZA LLC</u>	
Street Address: <u>5750 N. ST. LOUIS AVE</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60659</u> Phone: <u>773 438 8070</u>	
Site Information	
Site Name: <u>Retail Facility</u>	
Site Address: <u>6400 - 6456 N. 63rd St.</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60639</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>03166451A1</u>	
Real Estate Tax Index/Parcel Index No. <u>19-18-429-053-0000; 19-18-429-015-0000; 19-18-429-018-0000; 19-18-429-019-0000; 19-18-429-032-0000</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept its terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u>[Signature]</u>	Date: <u>August 03rd, 2020</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>9th</u> day of <u>AUGUST</u> , 20 <u>20</u>	
<u>[Signature]</u> Notary Public	<div style="border: 2px dashed black; padding: 5px; display: inline-block;"> <p style="text-align: center; margin: 0;">"OFFICIAL SEAL" LAM V TRAN Notary Public, State of Illinois My Commission Expires 12/9/2022</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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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

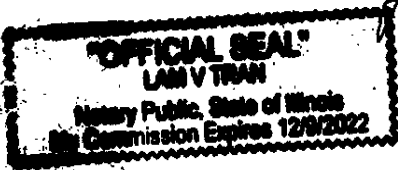
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized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

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Property Owner Information	
Owner's Name: <u>TAM, HUYNH</u>	
Title: <u>President</u>	
Company: <u>SKB PLAZA LLC</u>	
Street Address: <u>5750 N. ST. LOUIS</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60659</u> Phone: <u>773 438 8070</u>	
Site Information	
Site Name: <u>Retail Facility</u>	
Site Address: <u>6400 - 0456 / N. 63rd St.</u>	
City: <u>Chicago</u> State: <u>IL</u> Zip Code: <u>60639</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0316645141</u>	
Real Estate Tax Index/Parcel Index No. <u>19-18-429-053-0000; 19-18-429-015-0000; 19-18-429-018-0000; 19-18-429-019-0000; 19-18-429-032-0000</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>[Signature]</u>	Date: <u>August 03rd, 2020</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>3rd</u> day of <u>AUGUST</u> , 20 <u>20</u>	
<u>[Signature]</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.