

# UNOFFICIAL COPY

PREPARED BY:

Ben Salamone  
MLRP 400 Ashland LLC  
c/o ML Realty Partners  
One Pierce Place, Suite 450  
Itasca, Illinois 60143



Doc# 2104228035 Fee \$67.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 02/11/2021 10:51 AM PG: 1 OF 9

RETURN TO:

Ben Salamone  
MLRP 400 Ashland LLC  
c/o ML Realty Partners  
One Pierce Place, Suite 450  
Itasca, Illinois 60143

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: 0316246460

MLRP 400 Ashland LLC c/o ML Realty Partners, the Remediation Applicant, whose address is One Pierce Place, Suite 450, Itasca, Illinois 60143 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:

TRACT 1: LOTS 9 AND 10 IN BLOCK 5 IN J.W. COCHRAN'S SUBDIVISION OF CUT-LOT OF BLOCK 32 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TRACT 2: LOT 11, LOT 12 (EXCEPT THE SOUTH 1 1/4 INCHES), LOTS 14, 15, 16, 17, AND NORTH 11 FEET OF LOT 18 (EXCEPT THAT PART OF LOTS 14 TO 18 LYING EAST OF A LINE 50 FEET WEST OF AND PARALLEL TO EAST LINE OF SECTION 7) IN SUB-BLOCK 5 IN STEELE AND COCHRAN'S SUBDIVISION OF BLOCK 32 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7 TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

TRACT 1: THE SOUTH 1 1/4 INCHES OF LOT 12 AND ALL OF LOTS 13, 18 (EXCEPT THE NORTH 11 FEET OF LOT 18) 19, 20, 21, 22, 23, 24, 25, AND 26 IN SUB-BLOCK 5 IN J.W. COCHRAN'S SUBDIVISION OF BLOCK 32 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF LOTS 18 AND 19 LYING EAST OF A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 7) ALL IN COOK COUNTY, ILLINOIS.

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TRACT 2: LOT 1 (EXCEPT THAT PART LYING EAST OF A LINE 50 FEET WEST OF AND PARALLEL WITH EAST LINE OF SAID SECTION 7) AND ALL OF LOTS 2, 3 AND 4 IN SUBDIVISION OF BLOCK 5 IN BLOCK 32 IN CANAL TRUSTEE'S SUBDIVISION IN SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TRACT 3: LOT 5 IN BLOCK 5 IN COCHRAN'S SUBDIVISION OF BLOCK 32 IN CANAL TRUSTEES SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 3:

LOT 1, EAST 1 FOOT OF LOT 1-1/2, LOT 3, 4, AND THE EAST 12-1/2 FEET OF LOT 5, LOTS 9, 10, 11 (EXCEPT THE WEST 15 FEET OF THE SOUTH 45 FEET OF LOTS 10 AND 11), LOT 12, LOTS 14 THROUGH 18, 18-1/2 AND LOTS 19 THROUGH 22 IN BLOCK 4 OF COCHRAN'S SUBDIVISION OF BLOCK 32 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 4:

ALL THAT PART OF NORTH MARSHFIELD AVENUE CONVEYED AS SUBLOTS BY DEED, FROM HELEN SHEPARD GAGE TO THE CITY OF CHICAGO, SAID DEED RECORDED JANUARY 20, 1898 IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS AS DOCUMENT NUMBER 2640194, SAID LAND, NOW KNOWN AS NORTH MARSHFIELD AVENUE AND BEING DESCRIBED IN SAID DEED AS "SUBLOTS 8 1/2 AND 8 3/4 IN LOT 5 IN BLOCK 32 IN THE CANAL TRUSTEES' SUBDIVISION SECTION 7-39-14", SAID SUBLOTS 8 1/2 AND 8 3/4, ALSO DESCRIBED AND LOTS 8 1/2 AND 8 3/4 IN BLOCK 5 IN J.W. COCHRAN'S SUBDIVISION OF LOT 32 IN CANAL TRUSTEES' SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, WHICH LIES SOUTH OF THE NORTH LINE OF LOTS 8 1/2 AND 8 3/4 IN BLOCK 5 SAID NORTH LINE ALSO BEING THE LINE DRAWN FROM THE NORTHEAST CORNER OF LOT 1 IN BLOCK 4 TO THE NORTHWEST CORNER LOT 8 IN BLOCK 5 LYING NORTH OF THE SOUTH LINE OF LOTS 8 1/2 AND 8 3/4, SAID SOUTH LINE ALSO BEING THE LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 1 IN BLOCK 4 TO THE SOUTHWEST CORNER OF LOT 8 IN BLOCK 5 ALL IN J.W. COCHRAN'S SUBDIVISION OF LOT 32 AFORESAID, IN COOK COUNTY, ILLINOIS.

## ALSO

ALL THAT PART OF NORTH MARSHFIELD AVENUE LYING EAST OF THE EAST LINE OF LOTS 14 TO 18, BOTH INCLUSIVE, BLOCK 4, LYING EAST OF THE EAST LINE OF LOT IN BLOCK 4, LYING WEST OF THE WEST LINE OF LOTS 9 TO 13, BOTH INCLUSIVE, IN BLOCK 5, LYING WEST OF THE WEST LINE OF LOT 26 IN BLOCK 5, LYING SOUTH OF THE LINE DRAWN FROM THE NORTHEAST CORNER OF LOT 14 IN BLOCK 4 TO THE NORTHWEST CORNER OF LOT 9 IN BLOCK 5, SAID LINE ALSO BEING THE SOUTH LINE OF LOTS 8 1/2 AND 8 3/4 IN BLOCK 5 AND LYING NORTH OF A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT IN BLOCK 4 TO THE SOUTHWEST CORNER OF LOT 26 IN BLOCK 5 ALL IN J.W. COCHRAN'S SUBDIVISION OF LOT 32, AFORESAID, IN COOK COUNTY, ILLINOIS.

2. Common Address: 400-420 North Ashland Ave & 1640 West Kinzie Street, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 17-07-240-009-0000, 17-07-240-012-0000, 17-07-240-018-0000, 17-07-240-019-0000, 17-07-240-032-0000, 17-07-240-034-0000,

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17-07-241-004-0000, 17-07-241-005-0000, 17-07-241-006-0000, 17-07-241-007-0000,  
17-07-241-019-0000, 17-07-241-020-0000, 17-07-241-021-0000

4. Remediation Site Owner: MLRP 400 Ashland LLC c/o ML Realty Partners
5. Land Use: Industrial/Commercial
6. Site Investigation: Comprehensive

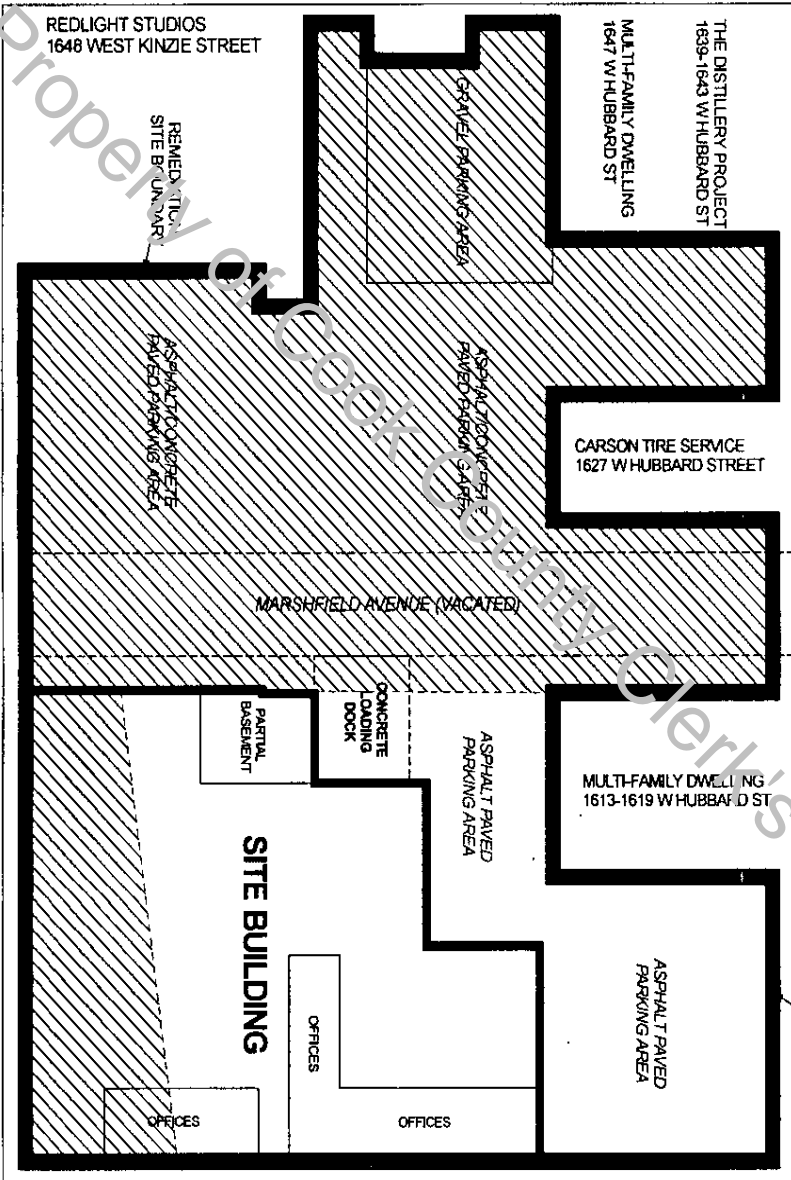
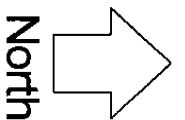
See NFR letter for other terms.

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

Property of Cook County Clerk's Office

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**Site Base Map**  
 LPC #: 0316246460 - Cook County  
 Chicago/MLRP 400 Ashland LLC  
 Site Remediation Program/Technical Reports



CONTEMPO MARBLE & GRANITE INC  
411 NORTH PAULINA STREET

INSULATED PANEL COMPANY  
421 NORTH PAULINA STREET

OSWEGO STREET

UNOCCUPIED COMMERCIAL BUILDING  
1640 WEST HUBBARD STREET

WEST HUBBARD STREET

KENNICOTT BROTHERS COMPANY  
452 NORTH ASHLAND AVENUE  
1638 WEST HUBBARD STREET

NORTH ASHLAND AVENUE

DISTRICT BREW YARDS  
417 NORTH ASHLAND AVENUE

WEST KINZIE STREET

RAILROAD TRACKS

 = CONSTRUCTION WORKER CAUTION

ALL CURRENT AND FUTURE BUILDINGS MUST BE CONSTRUCTED ON FULL CONCRETE SLAB ON GRADE FOUNDATIONS, OR BASEMENTS WITH FULL CONCRETE WALLS AND FLOORS WITH NO SUMPS.

Scale:  
0 1 inch = 80 feet 80'



# 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

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217/524-3300

January 25, 2021

CERTIFIED MAIL

7019 3640 0001 6142 9340

MLRP 400 Ashland LLC c/o ML Realty Partners  
Attn: Ben Salamone  
One Pierce Place, Suite 450  
Itasca, Illinois 60143

Re: 0316246460/Cook County  
Chicago/MLRP 400 Ashland LLC  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

RECEIVED  
FEB - 4 2021  
BY: \_\_\_\_\_

Dear Mr. Salamone:

The *Comprehensive Site Investigation Report, Remediation Objectives Report, Remedial Action Plan, Remedial Action Completion Report*, (received August 8, 2020/Log No. 20-71714), as prepared by EPS Environmental Services, Inc for the above referenced Remediation Site, has 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 report shall serve as the approved Remedial Action Completion Report

The Remediation Site, consisting of 2.512 acres, is located at 400-420 North Ashland Ave & 1640 West Kinzie 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 August 8, 2020/Log No. 20-71714), is MLRP 400 Ashland LLC c/o ML Realty Partners.

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.

2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120  
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 691-3300  
4302 N. Main Street, Rockford, IL 61103 (815) 997-2766

SCANNED  
2/4/2021

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## Conditions and Terms of Approval

### Level of Remediation and Land Use Limitations

- 1) The Remediation Site is restricted to 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 the 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:

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) 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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## Other Terms

- 6) Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving Leaking UST Incident Number #20200360 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 7) Pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), all statutory and regulatory corrective action requirements applicable to the occurrence involving Leaking UST Incident Number #20200394 have been completed. This Letter constitutes the Illinois EPA's final decision regarding the above-referenced Leaking UST incident.
- 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;
  - 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;

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- 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) MLRP 400 Ashland LLC c/o ML Realty Partners;
  - 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
  - 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.



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- 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 MLRP 400 Ashland LLC 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 MLRP 400 Ashland LLC property, you may contact the Illinois EPA project manager, Robin Ambrose at 217/558-6046.

Sincerely,



JK  
 Jeron Schultz, 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

cc: Nick Cuzzone, EPS ([ncuzzone@epsenv.com](mailto:ncuzzone@epsenv.com))  
 Bureau of Land File  
 Mr. Jim Scott