

UNOFFICIAL COPY

PREPARED BY:

Name: BP Products North America, Inc.

Address: 1590 South Elmhurst Road
Mount Prospect, IL 60056

RETURN TO:

Name: BP Products North America, Inc.

Address: 201 Helios Way, Floor 6
Houston, TX 77079



Doc# 2218722050 Fee \$93.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 07/06/2022 04:09 PM PG: 1 OF 18

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFERENCED BELOW, WITHIN 45 DAYS OF RECEIVING THE NO FURTHER REMEDIATION LETTER CONTAINING THIS NOTICE, MUST SUBMIT THIS NOTICE AND THE REMAINDER OF THE NO FURTHER REMEDIATION LETTER TO THE OFFICE OF THE RECORDER OR REGISTRAR OF TITLES OF COOK COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA No.: 0311985078

Leaking UST Incident No.: 20031395

BP Products North America, Inc., the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 201 Helios Way, Floor 6, Houston, Texas, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached site map:

1. Legal Description or Reference to a Plat Showing the Boundaries: See attachment
2. Common Address: 1590 South Elmhurst Road, Mount Prospect, Illinois
3. Real Estate Tax Index/Parcel Index Number: 08-14-403-024
4. Site Owner: Parkway Bank
5. Land Use Limitation: The land use shall be industrial/commercial. The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

Attachment: Legal Description

SP

Leaking Underground Storage Tank Environmental Notice

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P 18
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SC Y
INT EK



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

CERTIFIED MAIL

MAY 12 2022

7011 1150 0001 0854 6048

BP Products North America, Inc.
Attn: Jim Smith
201 Helios Way, Floor 6
Houston, TX 77079

Re: 0311985078 – Cook County
Mount Prospect/BP Products North America, Inc. (Former BP Station #5860)
1590 South Elmhurst Road
Leaking UST Incident 20031395 -- NFR Letter
Leaking UST Technical File

Dear Mr. Smith:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated January 7, 2022 and was received by the Illinois EPA on January 12, 2022. Additional information was received by the Illinois EPA on April 25 and May 2, 2022. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and associated Professional Engineer Certification submitted pursuant to Section 57.7(b)(5) of the Act indicate corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan approved by the Illinois EPA. The Corrective Action Completion Report demonstrates that the requirements of Section 57.7(b) of the Act have been satisfied.

Based upon the certification by Jason Cosgrove, a Licensed Professional Engineer, and pursuant to Section 57.10 of the Act (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter (Letter), based on the certification of the Licensed Professional Engineer, signifies that (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with, (2) all corrective action concerning the remediation of the occurrence has been completed, and (3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety, and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. BP Products North America, Inc., the owner or operator of the underground storage tank system(s).

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) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. In addition, the groundwater ordinances (photocopies attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules and an industrial/commercial land use limitation.

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2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: The land use shall be industrial/commercial. The groundwater under the site shall not be used as a potable water supply.
3. The land use limitation 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.
 - b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain, or utilize a potable water supply well. In accordance with Section 3.65 of the Act, "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Highway Authority Agreement

The Cook County Highway Department agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 1590 South Elmhurst Road, Mount Prospect, Illinois.

Specifically, as shown on the attached HAA Area Map, contamination will remain in the right-of-way for Dempster Street as indicated in the Highway Authority Agreement. The Highway Authority agrees to (a) prohibit the use of groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives as a potable or other domestic supply of water and (b) limit access to soil contamination under the highway right-of-way that is contaminated above residential Tier 1 soil remediation objectives. A copy of the Highway Authority Agreement can be obtained through a written request under the

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Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to:

Cook County Bureau of Administration
Department of Transportation and Highways
Attn: Superintendent
69 West Washington Street, 24th Floor
Chicago, IL 60602

Groundwater Use Ordinance

Ordinance No. 6561 adopted by the Village of Mount Prospect effectively prohibits the installation and use of potable water supply wells and is an acceptable institutional control under the following conditions:

- a. The current owner or successor-in-interest of this 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.
 - ii. Notify the Illinois EPA of any approved variance requests or ordinance changes within 30 days after the date such action has been approved.
- b. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the Village of Mount Prospect must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:
 - i. The name and address of the unit of local government.
 - ii. The citation of the ordinance used as an institutional control in this Letter.
 - iii. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries.

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- iv. A statement that the ordinance restricting the groundwater use was 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.
- vi. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the referenced ordinance to allow potable uses of groundwater.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.
- c. Violation of the terms of a recorded institutional control.

Groundwater Use Ordinance

Ordinance M-2-21 adopted by the City of Des Plaines effectively prohibits the installation and use of potable water supply wells and is an acceptable institutional control under the following conditions:

- a. The current owner or successor-in-interest of this 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.
 - ii. Notify the Illinois EPA of any approved variance requests or ordinance changes within 30 days after the date such action has been approved.
- b. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the City of Des Plaines must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code

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742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- i. The name and address of the unit of local government.
- ii. The citation of the ordinance used as an institutional control in this Letter.
- iii. A description of the property 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 was 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.
- vi. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the referenced ordinance to allow potable uses of groundwater.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.
- c. Violation of the terms of a recorded institutional control.

Concrete Base with No Open Sumps

Any existing or potential building constructed within the area depicted on the attached Institutional Controls Map must have a full concrete slab-on-grade foundation or a full concrete basement with no open sumps.

Future Building Control Technology

No building shall be occupied within the area depicted on the attached Institutional Controls Map unless a building control technology (BCT) meeting the requirements of 35 Ill. Adm. Code 742.Subpart L is in place and operational prior to human occupancy. Effective maintenance of the BCT is required. If the BCT becomes inoperable, the property owner shall

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notify building occupants and workers to implement protective measures consistent with good industrial hygiene practice. Failure to install or maintain a BCT shall be grounds for voidance of the no further remediation determination and this No Further Remediation Letter memorializing the Illinois EPA's no further remediation determination.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan, if applicable, may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced 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, IL 62794-9276

8. Pursuant to 35 Ill. Adm. Code 734.720, should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
 - a. Any violation of institutional controls or industrial/commercial 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 Corrective Action Plan or Completion Report.
 - d. The failure to comply with the recording requirements for the Letter.

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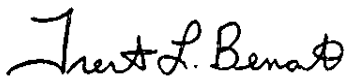
- e. Obtaining the Letter by fraud or misrepresentation.
- f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment.

Submit an accurate and official copy of this Letter, as recorded, to:

Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact Steve Putrich at (217) 524-4827 or at steve.putrich@illinois.gov

Sincerely,



Trent L. Benanti, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice
Ordinance No. 6561
Ordinance M-2-21
HAA Area Map
Institutional Controls Map

c: Arcadis U.S., Inc. (electronic copy)
BOL File

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ORDINANCE NO. 6561

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 MOUNT PROSPECT

WHEREAS, certain properties in the Village of Mount Prospect, Illinois (the "Village") have been used over a period of time for commercial/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 desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS:

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

The use or attempt to use groundwater from within the area depicted and legally described on Exhibit A, attached hereto and made a part hereof, within the Village of Mount Prospect, 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 Mount Prospect.

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 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

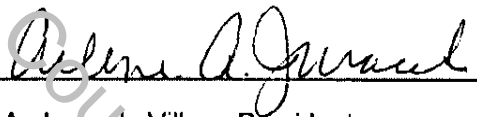
This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

AYES: Grossi, Hatzis, Hoefert, Rogers, Saccotelli, Zadel

NAYS: None

ABSENT: None

Approved this 2nd day of March, 2021.



Arlene A. Juraneck, Village President

ATTEST:



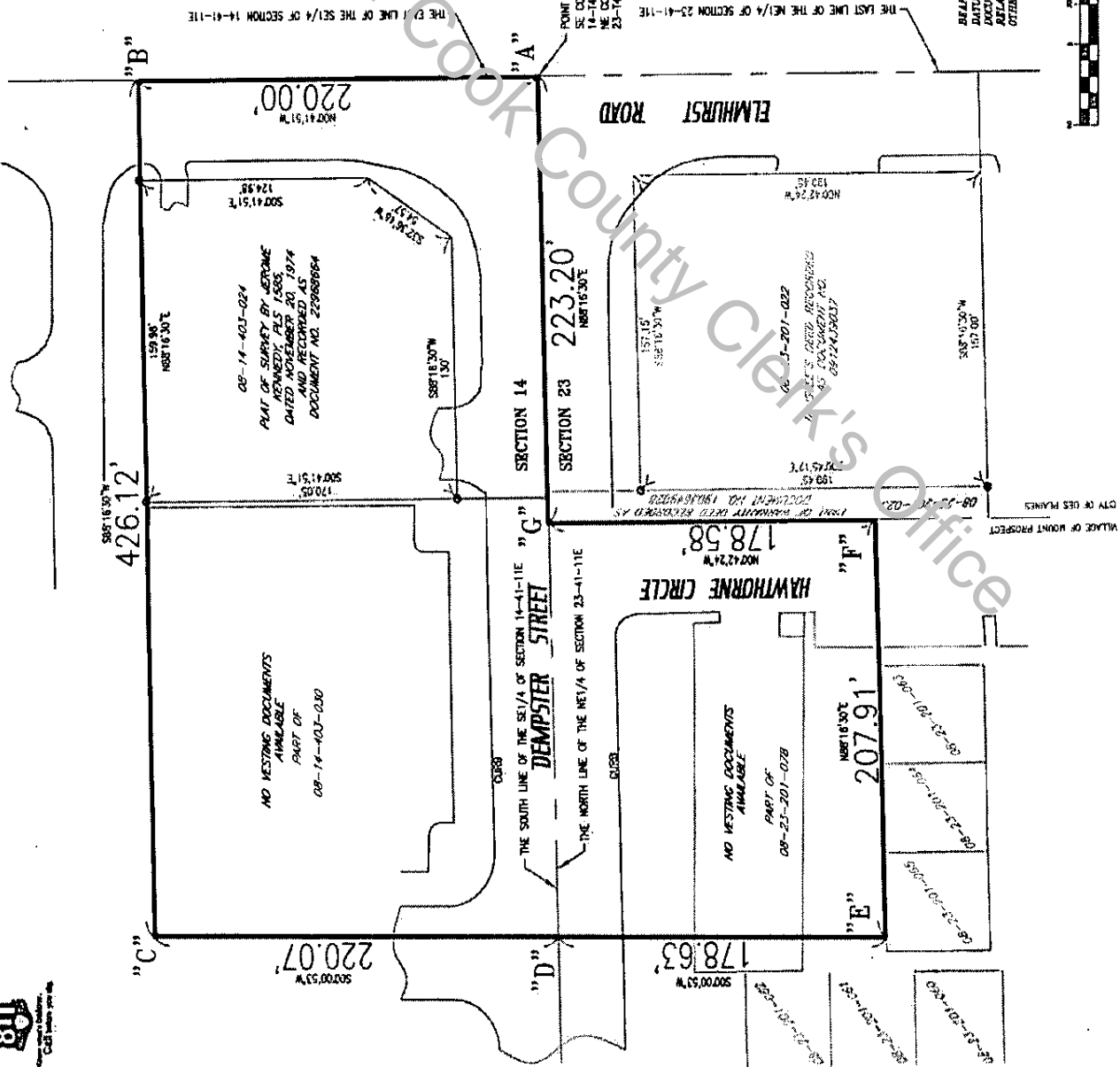
Karen M. Agoranos, Village Clerk

of

DUTMAN ELIJAH'S STATE PLANE COORDINATE ZONE 1201 NAD 83 (2011)			
	NORTH	EAST	
	2"	1"	LONGITUDE
1"	N 1534400.5843	E 1090917.3358	N42°02'14.61144"
2"	N 1535660.5680	E 1090914.6578	N42°02'18.78475"
3"	N 1536667.7938	E 1090408.7130	N42°02'16.67330"
4"	N 1539444.6737	E 1090408.6748	N42°02'14.50329"
5"	N 1538269.0408	E 1090408.6293	N42°02'12.73660"
6"	N 1540475.2986	E 1090699.948	N42°02'12.78104"
7"	N 1540543.9851	E 1090694.2415	N42°02'11.55517"
8"	N 1542735.9816	E 1090759.36587	N42°02'09.30398"
9"	N 1542735.9816	E 1090759.36587	N42°02'09.30398"
10"	N 1542735.9816	E 1090759.36587	N42°02'09.30398"

[illegible]

DISTANCES ARE MARKED IN FEET AND DECIMALS
ORDER NO.: 181108
ORDERED BY: ARMOAS U.S. INC.



GRAPHIC SCALE

(OR FET)
1 inch = 40 ft

BEARINGS AND DISTANCES ON THIS SURVEY ARE GRID DATUM IS ILLINOIS EAST SP4 MAD 83 (2011). PREVIOUS DOCUMENTATION MAY HAVE ASSUMED DATA. THE RELATIONSHIP BETWEEN GRID AND ASSUMED, ONE TO THE OTHER, REMAIN THE SAME.

$\frac{d}{dt} \left(\frac{\partial L}{\partial \dot{x}} \right) = \frac{\partial L}{\partial x}$

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CITY OF DES PLAINES

ORDINANCE M - 2 - 21

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 THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 800 S. ELMHURST RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF DES PLAINES.

WHEREAS, certain properties in the City of Des Plaines, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater under the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 620 or 35 Illinois Administrative Code 742; and

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

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

SECTION 2: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY IS PROHIBITED. The use or attempt to use, as a potable water supply, groundwater from within the specified limits depicted and legally described on *Exhibit A* by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Des Plaines.

SECTION 3: PENALTIES. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: DEFINITIONS.

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A. "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.

B. "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.

SECTION 5: 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 6: 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 7: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this 16th day of February, 2021.

APPROVED this 16th day of February, 2021.

VOTE: AYES 8 NAYS 0 ABSENT 0



MAYOR

ATTEST:

Laura Jast, Deputy
CITY CLERK

Published in pamphlet form this
18th day of February, 2021.

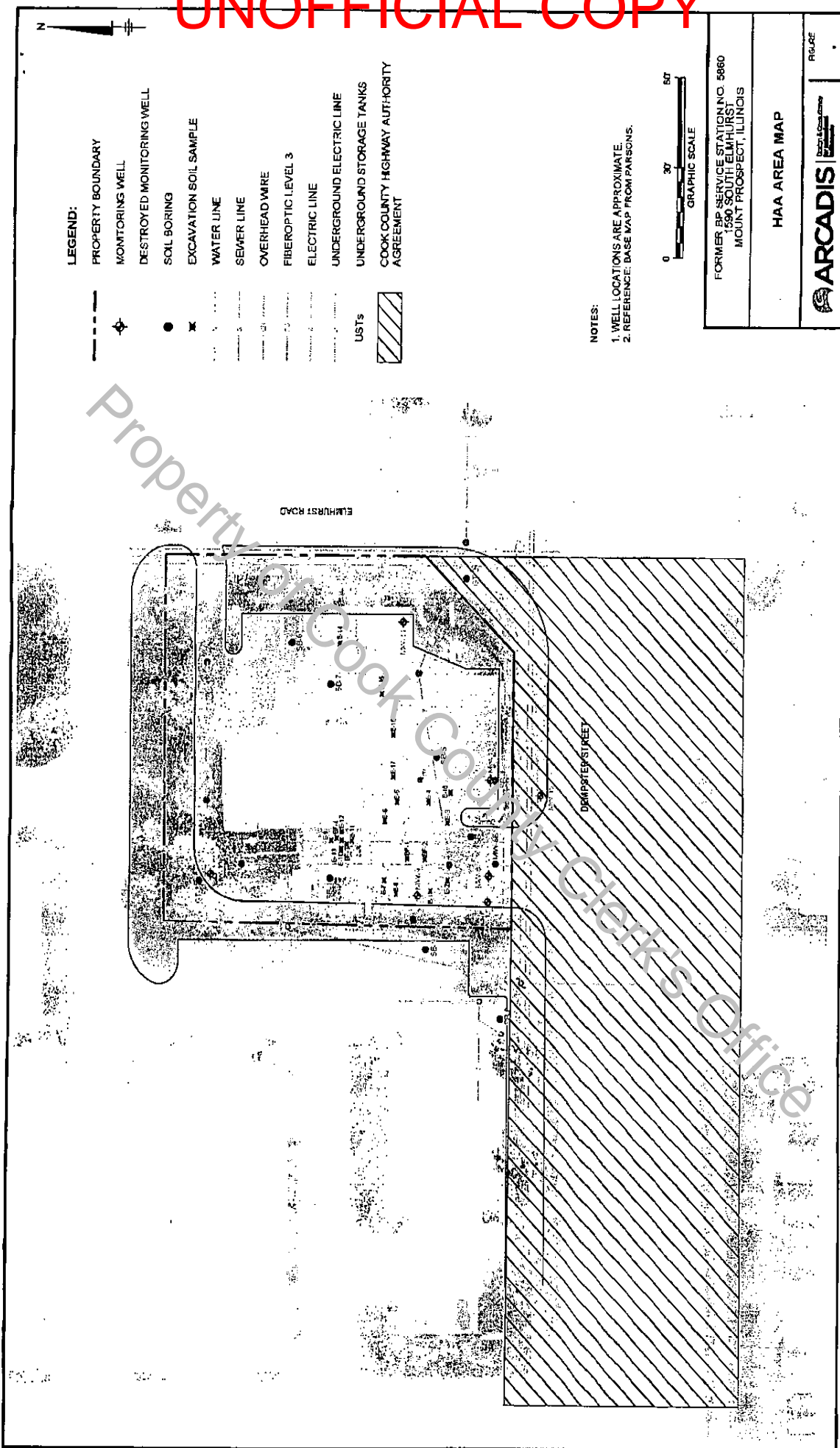
Laura Jast, Deputy
CITY CLERK

Approved as to form:

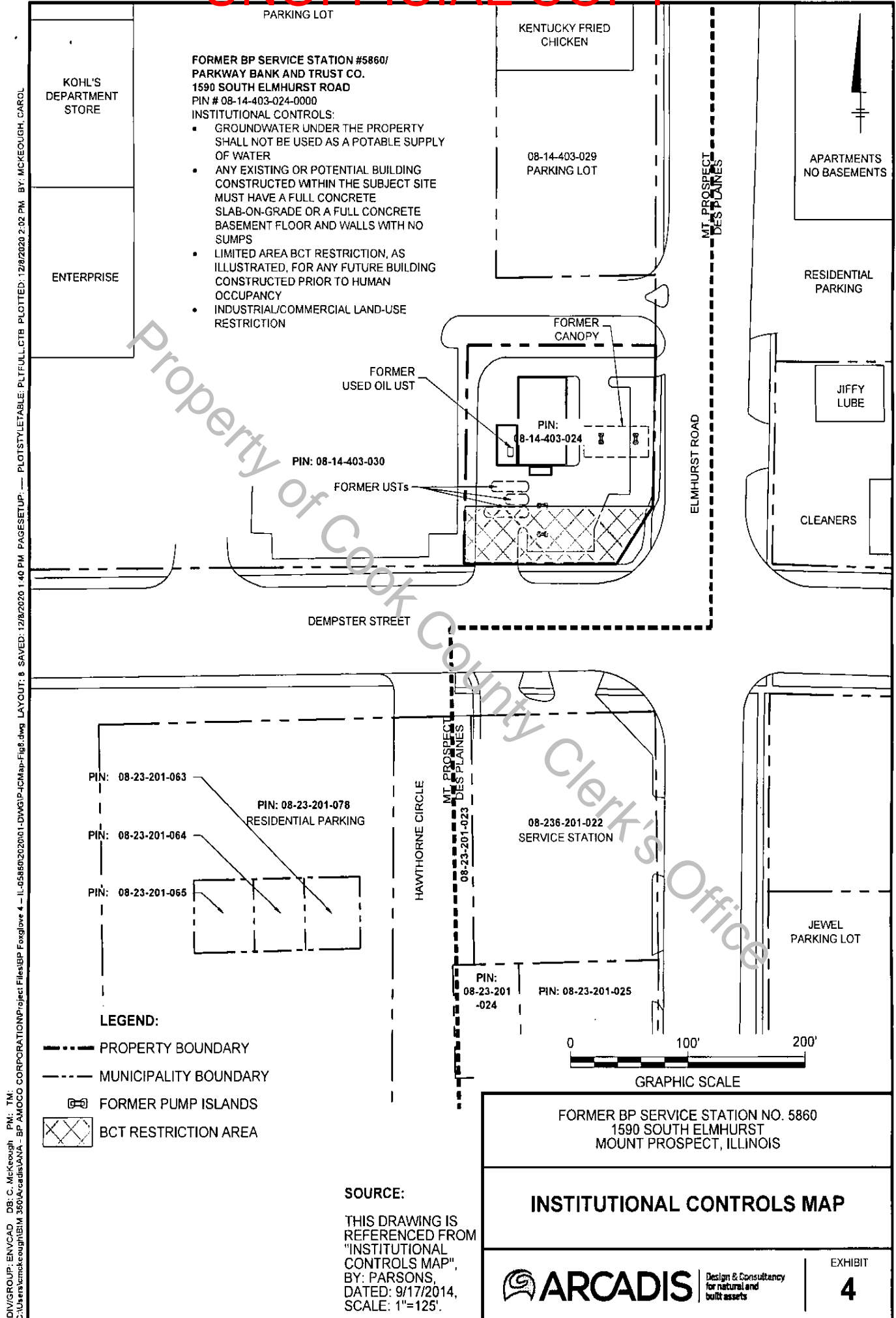


Peter M. Friedman, General Counsel

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Exhibit A To Quit Claim Deed

(Legal Description)

LOT 1 IN ALEXANDER'S ADDITION TO MOUNT PROSPECT IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 21, 1975 AS DOCUMENT 22968664, IN COOK COUNTY, ILLINOIS

The real property commonly known as 1590 South Elmhurst Road, Mount Prospect, Illinois

P.I.N. 08-14-453-024-0000

