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PREPARED BY:

Patrick Wilde
625 West Division LLC
1477 North West Everett Street
Portland, OR 97209

Doc# 2318041004 Fee \$93.00

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

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 06/29/2023 09:32 AM PG: 1 OF 10

RETURN TO:

Patrick Wilde
625 West Division LLC
1477 North West Everett Street
Portland, OR 97209

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: 0316085877

625 West Division LLC, the Remediation Applicant, whose address is 1477 North West Everett Street, Portland, OR 97209, 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:

LOTS 1, 2, THE WESTERNMOST 3 FEET OF LOT 3, 6, 7, 8 AND 9 IN BLOCK 88 OF ELSTON'S ADDITION TO CHICAGO IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

CONTAINING 40,771 SQUARE FEET OR 0.93-ACRES MORE OR LESS

PARCEL 2:

VACATED ALLEY DESCRIBED AS FOLLOWS: THE EAST-WEST 12 FOOT ALLEY LYING NORTH OF AND ADJOINING LOT 6, LYING SOUTH OF AND ADJOINING LOTS 1, 2, AND PART OF 3, LYING EAST OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 1 TO THE NORTHWEST CORNER OF LOT 6, AND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 6, ALL IN BLOCK 88 IN ELSTON'S ADDITION TO CHICAGO IN SECTION 4, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ANTE-FIRE MAY 11, 1855 AS DOCUMENT NO. 59194, IN BOOK 85, PAGES 121 AND 122, IN COOK COUNTY, ILLINOIS. CONTAINING 1,574 SQUARE FEET

2. Common Address: 625 West Division, Chicago, IL 60610

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SC
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3. Real Estate Tax Index/Parcel Index Numbers: 17-04-303-001-0000
17-04-303-002-0000
17-04-303-003-0000
17-04-303-019-0000
17-04-303-010-0000

4. Remediation Site Owner: 625 West Division 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)

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 31, 2023

CERTIFIED MAIL

7022 0410 0002 8260 5980

Mr. Patrick Wilde
625 West Division LLC
1477 North West Everett Street
Portland, OR 97209

Refer to: 0316085877/Cook County
Chicago/625 West Division LLC
Site Remediation/Technical
No Further Remediation Letter

Dear Mr. Wilde:

The *Revised Remediation Objectives Report, Remedial Action Completion Report* (received March 22, 2023/Log No. 23-76256), in conjunction with the *Revised Remedial Action Completion Report* (July 20, 2016/Log No. 16-62637), both prepared by DAI Environmental, Inc. for the above referenced Remediation Site, have been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). These reports demonstrate 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 January 22, 2015/Log No. 15-58563), and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.96 acres, is located at 625 West Division, 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 March 22, 2023/Log No: 23-76256), is 625 West Division LLC.

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

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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 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:

- 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.
- 5) The clean soil barrier, which is comprised of a minimum of three 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.

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 sumps other than as listed in Paragraph 7 below.

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- 7) The on-site sump must remain sealed with the 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. In addition, 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.
- 8) 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

- 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 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;

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- 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) 625 West Division 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.
- 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 625 West Division LLC 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:
- 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 625 West Division LLC property, you may contact the Illinois EPA project manager, Robin Ambrose at 217/558-6046.

Sincerely,



✓ 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 the NFR Letter under the Site Remediation Program Form
Instructions for Filing the NFR Letter

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cc: Richard J. Vamos, P.E.
DAI Environmental
vamos@daienv.com

Bureau of Land File
Ms. Christina Gunther

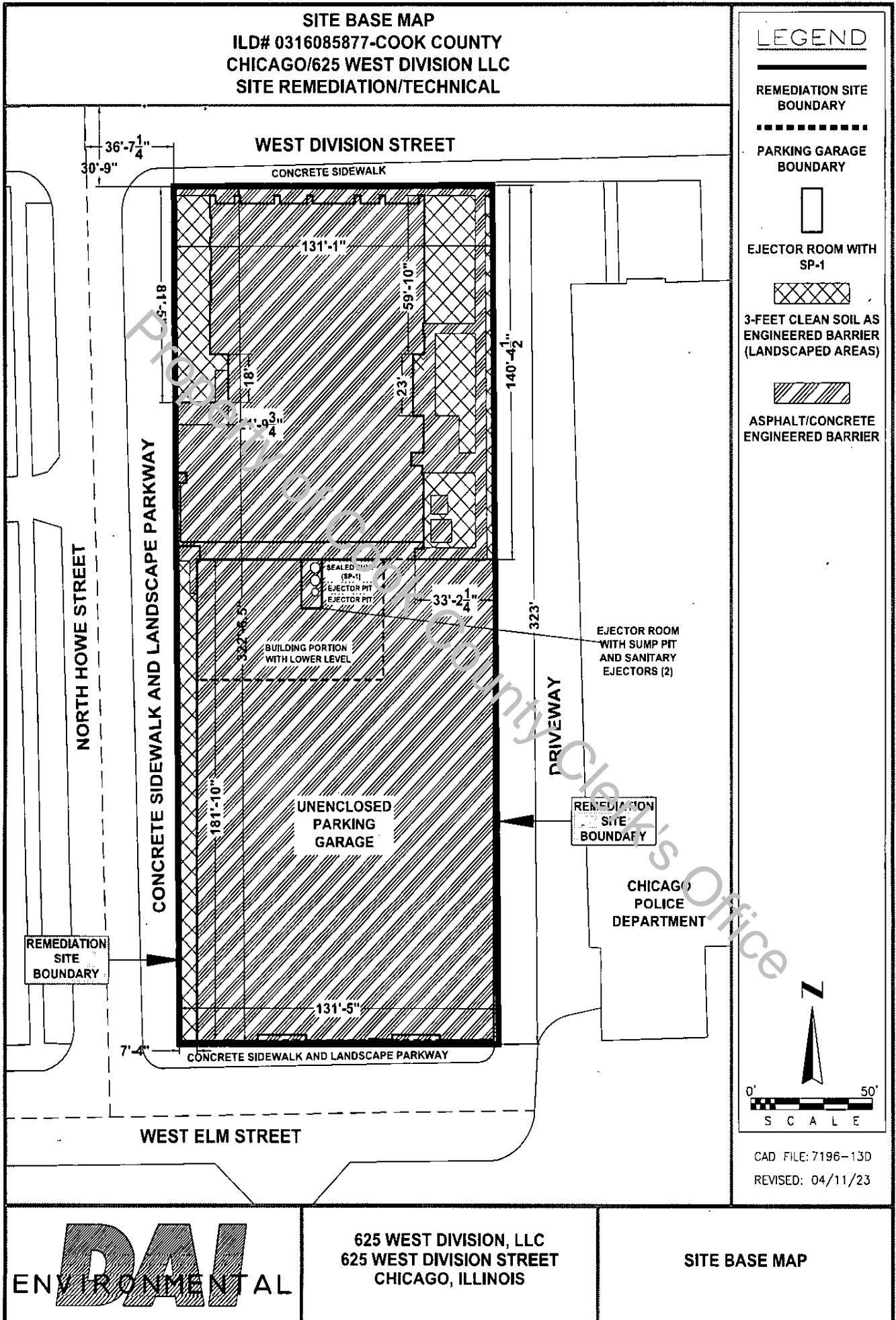
COOK COUNTY CLERK OFFICE
RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

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DAI
ENVIRONMENTAL

625 WEST DIVISION, LLC
625 WEST DIVISION STREET
CHICAGO, ILLINOIS

SITE BASE MAP

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PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM

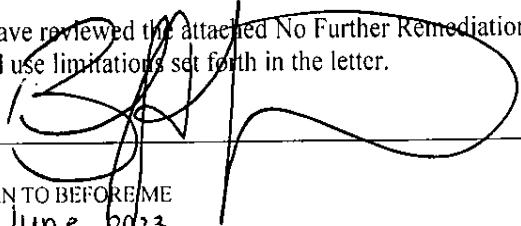
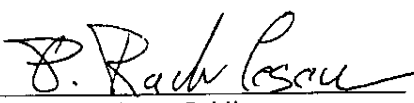
Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized 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>Morguard Division Street Chicago LLC c/o Beverley G. Flynn</u>	
Title: <u>Vice President</u>	
Company: <u>Morguard Division Street Chicago LLC c/o Morguard NAR (U.S.) Holdings LLC</u>	
Street Address: <u>551 South Powerline Road</u>	
City: <u>Pompano Beach</u> State: <u>FL</u> Zip Code: <u>33069</u> Phone: <u>(754) 220-7171</u>	
Site Information	
Site Name: <u>625 West Division LLC</u>	
Site Address: <u>625 West Division Street</u> City: <u>Chicago</u>	
State: <u>IL</u> Zip Code: <u>60610</u> County: <u>Cook</u>	
Illinois inventory identification number: <u>0316495031</u>	
Real Estate Tax Index/Parcel Index No. <u>17-04-303-001-0000, 17-04-303-002-0000, 17-04-303-003-0000, 17-04-303-010-0000, 17-04-303-019-0000</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: 	Date: <u>June 21, 2023</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>21</u> day of <u>June</u> , 20 <u>23</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.