

UNOFFICIAL COPY

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

90554173

The following information is provided pursuant to the Responsible Property Transfer Act of 1988

For Use By County

Recorder's Office

Seller: Marquette National Bank t/u/t No. 12060

County

Buyer: McHenry State Bank, t/u/t No. 12369 dated October 4, 1990

Date

Document No.:

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

I. PROPERTY IDENTIFICATION:

A. Address of property: 7143-7151 South Western Avenue Chicago Lake
Street City or Village Township

Permanent Real Estate Index No.: 20-30-100-018-0000
20-30-100-044-0000

B. Legal Description:

Section 30 Township 38 North Range 14 East

Enter or attach current legal description in this area:

Lots 24 and 29, both inclusive, in Block 4 of Egger's Subdivision of Blocks 3 and 4 in Dewey and Hogg's Subdivision of the west 1/2 of the northwest 1/4 of Section 30, Township 38 north, Range 14 east of the Third Principal Meridian, (except railroad right of way) in Cook County, Illinois.

COOK COUNTY, ILLINOIS

1990 NOV 13 PM 2:52

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Prepared by: Michael T. Healy
name
142 E. Ontario St., Chicago, IL 60611
address

Return to: Stinespring, Lambert & Associates
name
77 W. Washington, Chicago, IL 60602
address

LIABILITY DISCLOSURE

Transferors and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

C. Property Characteristics:

Lot Size 125' x 150' Acreage _____

Check all types of improvement and uses that pertain to the property:

<input type="checkbox"/> Apartment building (6 units or less)	<input type="checkbox"/> Industrial building
<input type="checkbox"/> Commercial apartment (over 6 units)	<input type="checkbox"/> Farm, with buildings
<input type="checkbox"/> Store, office, commercial building	<input checked="" type="checkbox"/> Other, specify <u>Vacant</u>

II. NATURE OF TRANSFER:

	Yes	No
A. (1) Is this a transfer by deed or other instrument of conveyance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) A lease exceeding a term of 40 years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) A mortgage or collateral assignment of beneficial interest?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Box 333



12-74-286 to 9025 JAWALL

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15.00

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B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

1. Provide the following information about the previous owner or any entity or person the transferor leased the site to or otherwise contracted with for the management of the site or real property:

Name: Clark Oil and Refining Corporation, a Wisconsin Corporation

Lots 26, 27, 28 and 29

Type of business/
or property usage Gasoline Service Station

2. If the transferor has knowledge, indicate whether the following existed under prior ownerships, leaseholds granted by the transferor, other contracts for management or use of the facilities or real property:

	YES	NO		YES	NO
Landfill	-----	<u>X</u>	Injection Wells	-----	<u>X</u>
Surface Impoundment	-----	<u>X</u>	Wastewater Treatment Units	-----	<u>X</u>
Land Treatment	-----	<u>X</u>	Septic Tanks	-----	<u>X</u>
Waste Pile	-----	<u>X</u>	Transfer Stations	-----	<u>X</u>
Incinerator	-----	<u>X</u>	Waste Recycling Operations	-----	<u>X</u>
Storage Tank (Above Ground)	-----	<u>X</u>	Waste Treatment Detoxification	-----	<u>X</u>
Storage Tank (Underground)	<u>X</u>	-----	Other Land Disposal Area	-----	<u>X</u>
Container Storage Area	-----	<u>X</u>			

V. CERTIFICATION

A. Based on my inquiry of those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

signature

Michael T. Healy
type or print name: MICHAEL T. HEALY, ATTORNEY FOR
TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)
BENEFICIARY/TRANSFEROR

30554123

B. This form was delivered to me with all elements completed on

19

signature

Quetta M. Lindley
type or print name:
TRANSFeree OR TRANSFEREES (or on behalf of Transferee)

C. This form was delivered to me with all elements completed on

19

signature

type or print name
LENDER

(Ch. 30, par. 906)

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3. Has the transferor ever conducted operations on the property which involved the generation, transportation, storage, treatment or disposal of "hazardous or special wastes", as defined by the federal Resource Conservation and Recovery Act and the Illinois Environmental Protection Act?

Yes _____ No X

4. Are there any of the following specific units (operating or closed) at the property which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

	YES	NO		YES	NO
Landfill	_____	<u>X</u>	Injection Wells	_____	<u>X</u>
Surface Impoundment	_____	<u>X</u>	Wastewater Treatment Units	_____	<u>X</u>
Land Treatment	_____	<u>X</u>	Septic Tanks	_____	<u>X</u>
Waste Pile	_____	<u>X</u>	Transfer Stations	_____	<u>X</u>
Incinerator	_____	<u>X</u>	Waste Recycling Operations	_____	<u>X</u>
Storage Tank (Above Ground)	_____	<u>X</u>	Waste Treatment Detoxification	_____	<u>X</u>
Storage Tank (Underground)	_____	<u>X</u>	Other Land Disposal Area	_____	<u>X</u>
Container Storage Area	_____	<u>X</u>			

If there are "YES" answers to any of the above items and the transfer is other than a mortgage or collateral assignment of beneficial interest, attach a site plan which identifies the location of each unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5. Has the transferor ever had any of the following in regard to this real property?

- a. Permits for discharges of wastewater to waters of the State. Yes _____ No X
- b. Permits for emissions to the atmosphere. Yes _____ No X
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes _____ No X

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes _____ No X

7. Has the transferor taken any of the following actions relative to this property?

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. Yes _____ No X
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes _____ No X
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes _____ No X

8. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental actions?

- a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes _____ No X
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. Yes _____ No X
- c. If item b. was answered by checking Yes, then indicate whether or not the final order or decree is still in effect for this property. Yes _____ No X

9. Environmental Releases During Transferor's Ownership

- a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substances or petroleum as required under State or federal laws? Yes _____ No X
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes _____ No X
- c. If the answers to questions (a) and (b) are Yes, have any of the following actions or events been associated with a release on the property?

- Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials
- Assignment of in-house maintenance staff to remove or treat materials including soils, pavement or other surficial materials
- Designation, by the IEPA or the HESDA, of the release as "significant" under the Illinois Chemical Safety Act
- Sampling and analysis of soils
- Temporary or more long-term monitoring of groundwater at or near the site
- Impaired usage of an on-site or nearby water well because of offensive characteristics of the water
- Coping with fumes from subsurface storm drains or inside basements, etc.
- Signs of substances leaching out of the ground along the base of slopes or at other low points on or immediately adjacent to the site

10. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board?

Yes _____ No X

11. Is there any explanation needed for clarification of any of the above answers or responses?

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B. (1) Identify Transferor:

Margaret McPhee 4260 West Ford City Drive Chicago 60652 12060
Name and Current Address of Transferor

Marquette National Bank t/u/t/ No. 12060 6316 S. Western Ave., Chicago 12060
Name and Address of Trustee if this is a transfer of beneficial interest of a land trust 60636 Trust No

(2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Michael T. Healy, Attorney-at-Law, 142 E. Ontario, Chgo, IL 60611 312-664-2200
Name, Position (if any), and address Telephone No

C. Identify Transferee: McHenry State Bank, t/u/t No. 12369 dated October 4, 1990, 3510 East Elm. Name and Current Address of Transferee McHenry, IL 60050

III. NOTIFICATION

Under the Illinois Environmental Protection Act, owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act states:

"Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois as a result of a release or substantial threat of a release of a hazardous substance:

(1) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;

(2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance;

(3) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance."

2. Section 4(q) of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance. Such notice shall include the identified response action and an opportunity for such person to perform the response action."

3. Section 22.2(k) of the Act states:

"If any person who is liable for a release or substantial threat of release of a hazardous substance fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as a result of such failure to take such removal or remedial action. The punitive damage imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law."

4. Section 22.18(a) of the Act states:

"Notwithstanding any other provision or rule of law, except as provided otherwise in subsection (b), the owner or operator, or both, of an underground storage tank shall be liable for all costs of preventive action, corrective action and enforcement action incurred by the State of Illinois as a result of a release or a substantial threat of release of petroleum from an underground storage tank."

5. The text of the statutes set out above is subject to change by amendment. Persons using this form may update it to reflect changes in the text of the statutes cited, but no disclosure statement shall be invalid merely because it sets forth an obsolete or superseded version of such text.

IV. ENVIRONMENTAL INFORMATION

Regulatory Information During Current Ownership

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or handling of "hazardous substances", as defined by the Illinois Environmental Protection Act? This question shall not be applicable for consumer goods stored or handled by a retailer in the same form, approximate amount, concentration and manner as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refinishing, servicing, or cleaning operations on the property.

Yes _____ No X

2. Has the transferor ever conducted operations on the property which involved the processing, storage or handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

Yes _____ No X