

# UNOFFICIAL COPY

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## ENVIRONMENTAL INFORMATION

This document was prepared by Suburban Plaza Shopping Center, Ltd. ("Seller") on April 12, 1990, in anticipation of conveyance to John Bakopoulos ("Purchaser") the property at 229/373 South Roselle Road, Schaumburg, Illinois (the "Property"). The Seller does not believe that the Property falls within the definition of "real property" under the Illinois Responsible Property Transfer Act of 1988 (the "Act") and expressly denies having any information, knowledge or belief that the Act applies. However, the Seller hereby provides, to the best of its current knowledge, the following information:

### I. LIABILITY DISCLOSURE

20.00

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.

#### A. Property Characteristics:

Lot Size: 214' x 407' Acreage: approximately 2 acres

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

- .... Apartment building (6 units or less)
- .... Commercial apartment (over 6 units)
- .X.. Store, office, commercial building
- .... Industrial building
- .... Farm, with buildings
- .... Other (specify)

### II. NATURE OF TRANSFER:

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

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MAIL TO:

MR. ALEXANDER G. POULAKIDAS<sup>1</sup>  
 111 W WASHINGTON ST.  
 CHICAGO, IL

(By 333)

72-45-497-03

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**B. (1) Identify Transferor:**

**Name and Current Address of Transferor:**

Suburban Plaza Shopping Center, Ltd.  
5005 Newport Drive, Suite 107  
Rolling Meadows, Illinois 60008

Name and Address of Trustee if this is a transfer of  
beneficial interest of a land trust.

\_\_\_\_\_  
\_\_\_\_\_  
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 S. Basofin, President, Cloverleaf Investments, Inc.  
which is the General Partner of Transferor  
5005 Newport Drive, Suite 107  
Rolling Meadows, Illinois 60008 (708) 577-2000  
.....  
Name, Position (if any), and address Telephone No.

**C. Identify Transferee:**

John Sakopoulos  
235 Bothwell  
Palatine, Illinois 60067  
.....  
Name and Current Address of Transferee

**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:

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(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(g) of the Act states:

"The Agency shall have 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 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 or 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

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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

### A. 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 ..X.  
No ....

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.

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?

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	Yes	No
Landfill	_____	___X___
Surface Impoundment	_____	___X___
Land Treatment	_____	___X___
Waste Pile	_____	___X___
Incinerator	_____	___X___
Storage Tank (Above Ground)	_____	___X___
Storage Tank (Underground)	_____	___X___
Container Storage Area	_____	_____***
Injection Wells	_____	___X___
Wastewater Treatment Units	_____	___X___
Septic Tanks	_____	___X___
Transfer Stations	_____	___X___
Waste Recycling Operations	_____	___X___
Waste Treatment Detoxification	_____	___X___
Other Land Disposal Area	_____	___X___

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.

\*\*\* [There are dumpsters on the property that hold ordinary trash from the retail, office and restaurant tenants. They are located at the back of the building.]

5. Has the transferor ever held 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___ |
|--|-----------|------------|

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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

c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes  No

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

a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes  No

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

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

9. Environmental Releases During Transferor's Ownership

a. Has any situation occurred at this site which resulted in a reportable "release" of any hazardous substance or petroleum as required under State or federal laws?

Yes   
No

b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

Yes   
No

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?

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- \_\_\_\_\_ 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 IESDA, 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?

[Question #1 was answered in the affirmative because building maintenance personnel use standard chemicals for heating, ventilation and air conditioning operations.]

## 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: Suburban Plaza Schaumburg Associates  
Type of business/  
or property usage: retail shopping center

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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 facilities or real property: To the best of our knowledge\*:

	Yes	No
Landfill	_____	_____X
Surface Impoundment	_____	_____X
Land Treatment	_____	_____X
Waste Pile	_____	_____X
Incinerator	_____	_____X
Storage Tank (Above Ground)	_____	_____X
Storage Tank (Underground)	_____	_____X
Container Storage Area	_____	_____X
Injection Wells	_____	_____X
Wastewater Treatment Units	_____	_____X
Septic Tanks	_____	_____X
Transfer Stations	_____	_____X
Waste Recycling Operations	_____	_____X
Waste Treatment Detoxification	_____	_____X
Other Land Disposal Area	_____	_____X

\*By answers to the above question B(2) Transferor does not that it has any knowledge of such answers and its negative responses are to the best of Transferor's knowledge.

To the best of my knowledge and belief, the foregoing information is true and accurate as of April 12,

Suburban Plaza Shopping  
an Illinois limited par

By: Cloverleaf Inve  
its general p

By: *[Signature]*  
Its.

by: \_\_\_\_\_  
\_\_\_\_\_

Lot one a Resubdivision of Lot 2166 in Lancer 2) a Subdivision in the West Half (1/2) of the So. (1/4) of Section 22, Township 41 North, Range Third Principal Meridian, according to Plat in the Office of the Registrar of Titles c August 30, 1979, as Document Number 31156

Commonly known as 229/373 South Rosel  
PIN #07-22-406-037

APR 12 1980

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APR 12 1990

~~67979~~

PIN #07-22-406-037

Commonly known as 229/373 South Roselle Road, Schaumburg, IL

August 30, 1979, as Document Number 3115638, in the Office of the Registrar of Titles of Cook County, on Third Principal Meridian, according to Plat hereof registered (1/4) of Section 22, Township 41 North, Range 10, East of the a Subdivision in the West Half (1/2) of the Southeast Quarter Lot one a Resubdivision of Lot 2166 in Lancer 21 Unit 2, being

By: [Signature]  
 its general partner  
 Cloverleaf Investments, Inc.

By: [Signature]  
 its President

Suburban Plaza Shopping Center, Ltd.  
 an Illinois limited partnership

To the best of my knowledge and belief, the foregoing information is true and accurate as of April 12, 1990.

\*By answers to the above question B(2) Transferor does not admit that it has any knowledge of such answers and its negative responses are to the best of Transferor's knowledge.

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X	_____	Landfill
X	_____	Surface Impoundment
X	_____	Land Treatment
X	_____	Waste Pile
X	_____	Incinerator
X	_____	Storage Tank (Above Ground)
X	_____	Storage Tank (Underground)
X	_____	Container Storage Area
X	_____	Injection Wells
X	_____	Water Treatment Units
X	_____	Sediment Tanks
X	_____	Transfer Stations
X	_____	Waste Recycling Operations
X	_____	Waste Treatment Detoxification
X	_____	Other Land Disposal Area

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

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