



UNOFFICIAL COPY 90233225

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

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

Seller: NICO OIL COMPANY, INC.

Buyer: EXITO, INCORPORATED

Document No.: _____

For Use By County

Recorder's Office

County

Date

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

I. PROPERTY IDENTIFICATION:

A. Address of property: R.R. 1, Box 18C, Lynwood, Illinois BLOOM
Street City or Village Township

Permanent Real Estate Index No.: 33-20-301-005-0000

B. Legal Description:

Section 20 Township 35 Range 15

Enter or attach current legal description in this area:

Legal Description attached hereto as Exhibit "A"

Prepared by: Margaret Leung Moy
PHILLIP C. GOLDSTICK & ASSOC., LTD.
20 North Clark Street; Suite 2550
Chicago, IL 60602
address

Return to: Margaret Leung Moy
PHILLIP C. GOLDSTICK & ASSOC., LTD.
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LIABILITY DISCLOSURE

Transferees 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 _____ Acreage 0.984

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

_____ Apartment building (6 units or less)

_____ Commercial apartment (over 6 units)

☒ Store, office, commercial building

_____ Industrial building

_____ Farm, with buildings

_____ Other, specify _____

13.00

II. NATURE OF TRANSFER:

A. (1) Is this a transfer by deed or other instrument of conveyance?

Yes

No

☒

(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?

☒

(3) A lease exceeding a term of 40 years?

☒

(4) A mortgage or collateral assignment of beneficial interest?

☒

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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: SUBWAY REAL ESTATE CORP.

325 Bic Drive, Milford, CT 06460-3044

Type of business/ Restaurant for on and off premises consumption.
or property usage

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		<input checked="" type="checkbox"/>	Injection Wells		<input checked="" type="checkbox"/>
Surface Impoundment		<input checked="" type="checkbox"/>	Wastewater Treatment Units		<input checked="" type="checkbox"/>
Land Treatment		<input checked="" type="checkbox"/>	Septic Tanks	<input checked="" type="checkbox"/>	
Waste Pile		<input checked="" type="checkbox"/>	Transfer Stations		<input checked="" type="checkbox"/>
Incinerator		<input checked="" type="checkbox"/>	Waste Recycling Operations		<input checked="" type="checkbox"/>
Storage Tank (Above Ground)		<input checked="" type="checkbox"/>	Waste Treatment Detoxification		<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>		Other Land Disposal Area		<input checked="" type="checkbox"/>
Container Storage Area		<input checked="" type="checkbox"/>			

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.

Michael Smittle Sec Treas.
signature

MICHAEL SMITTLE
type or print name

TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

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

APRIL 28 1990

James Ide
signature

JAMES IDE, PRESIDENT, EXITO, INC.
type or print name

TRANSFEEE OR TRANSFEEES (or on behalf of Transferee)

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

April 28 1990

Brian P. Dolan
signature

Brian P. Dolan
type or print name

LENDER

(Ch. 30, par. 906)

COOK COUNTY, ILLINOIS

APR 28 1990

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9 0 2 3 1 2 1 5

B. (1) Identify Transferor:

MICO OIL COMPANY, INC., P.O. Box 2424, 6506 Martway, Shawnee, KS 66201

Name and Current Address of Transferor

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:

MICO OIL COMPANY, INC.

Michael Smittle, Treasurer, 6506 Martway, Shawnee, KS 66201

913-236-4142

Name, Position (if any), and address

c/o James Ide

Telephone No.

C. Identify Transferee:

EXITO, INCORPORATED, 1728 Poplar Place, Suite 305

Name and Current Address of Transferee Schaumburg, IL 60173

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 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 ☒

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 _____

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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 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 _____

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 _____

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?

THIS WAS FORMERLY A GAS STATION ALL TANKS WERE REMOVED
IN 1982 IN PROPER MANNER. See Site Plan attached hereto as Exhibit "B".

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LEGAL DESCRIPTION

THAT PART OF THE SOUTH WEST 1/4 OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST LINE OF SAID SOUTH WEST 1/4 WHICH IS 583.20 FEET NORTH OF THE SOUTH EAST CORNER OF SAID SOUTH WEST 1/4 AND RUNNING THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG THE EAST LINE OF THE SAID SOUTH WEST 1/4 A DISTANCE OF 342.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTH WEST 1/4 A DISTANCE OF 214.90 FEET; THENCE SOUTH 58 DEGREES, 47 MINUTES, 11 SECONDS WEST A DISTANCE OF 288.97 FEET TO A POINT IN THE CENTERLINE OF LINCOLN HIGHWAY FORMERLY KNOWN AS GLENWOOD DYER ROAD; THENCE SOUTH 31 DEGREES, 12 MINUTES, 49 SECONDS EAST ON SAID CENTERLINE OF LINCOLN HIGHWAY AND ON THE SOUTHEASTERLY PROLONGATION OF SAID CENTERLINE A DISTANCE OF 181.93 FEET; THENCE NORTH 60 DEGREES, 57 MINUTES, 05 SECONDS EAST A DISTANCE OF 49.15 FEET; THENCE NORTH 58 DEGREES, 47 MINUTES, 11 SECONDS EAST A DISTANCE OF 128.50 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS

"EXHIBIT A"

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H & 10 WEST OF CORNER

2640.79

DETAIL
Scale: 1" = 30'

MEAS. 1086.14
DEED 1086.05

THE UNIVERSITY OF CHICAGO

136.43
(4 LANES)

SECRET

45.43
P.K. MAIL CO. P.C.

PARCEL 2

00233225

214.90

1940

Note!

POINT OF INTER
SE'S OF PAVE
LINE OF SEL

EXHIBIT "B"

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