

# Illinois Responsible Property Transfer Act of 1988

## Environmental Disclosure Document For Transfer Of Real Property

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

Mortgagor: LaSalle National Bank, not  
personally, but as trustee under  
Trust Agreement dated August 15, 1979  
and known as No. 101565

Mortgagee: The Suntrust Trust and Banking Co., Ltd.

Document No. \_\_\_\_\_

For Use By County Recorder's Office

County \_\_\_\_\_

Date \_\_\_\_\_

Doc. No. \_\_\_\_\_

Vol. \_\_\_\_\_

Page \_\_\_\_\_

Rec'd by: \_\_\_\_\_

DEPT-31 RECORDING

\$31.50

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#1280 H B # -90-358291

COOK COUNTY RECORDER

### I. PROPERTY IDENTIFICATION:

A. Address of property: 737 North Michigan Avenue  
Chicago, IL 60610

Permanent Real Estate Index No.: 17-10-200-069 through 086  
and 17-10-200-067

B. Legal Description: Section 10 Township 39 Range 14

Attached hereto as Exhibit A.

Prepared by: Lori Prokes Davis  
Winston & Strawn  
35 W. Wacker Drive  
Chicago, Illinois 60601

Return to: Alan S. Weil, Esq.  
Battie Fowler  
280 Park Avenue  
New York, New York 10017

### 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.

-90-358291

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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) \_\_\_\_\_

## II. NATURE OF TRANSFER:

- A. (1) Transfer by deed or other instrument of conveyance? ☐ Yes ☒ No
- (2) Transfer by assignment of over 25% of beneficial interest of an Illinois land trust? ☐ Yes ☒ No
- (3) A lease exceeding a term of 40 years? ☐ Yes ☒ No
- (4) A mortgage or collateral assignment of beneficial interest? ☒ Yes ☐ No

### B. (1) Identify Transferor:

LaSalle National Bank, not personally, but as trustee under Trust Agreement dated August 15, 1979 and known as Trust No. 101565  
135 South LaSalle Street  
Chicago, IL 60690  
Attention: Land Trust Department

### Beneficiary:

Chicago-Superior Associates  
c/o Olympia & York Companies (U.S.A.)  
237 Park Avenue  
New York, New York  
Attention: Managing Attorney

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

Larry Kenny  
c/o Olympia & York  
737 North Michigan Avenue  
Suite 1500  
Chicago, Illinois 60611  
(312) 751-1615

C. Identify Transferee:

The Sumitomo Trust & Banking Co., Ltd.  
527 Madison Avenue  
New York, New York 10022

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 from which 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."

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## 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 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 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. Small quantities of cleaning and office supplies are stored

☒ 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? Diesel fuel for an emergency generator.

☒ 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

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?

|                                |                                         |                                        |
|--------------------------------|-----------------------------------------|----------------------------------------|
| Landfill                       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Surface Impoundment            | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Land Treatment                 | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Waste Pile                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Incinerator                    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Storage Tank (Above Ground)    | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Storage Tank (Underground)     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Container Storage Area         | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Injection Wells                | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Wastewater Treatment Units     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Septic Tanks                   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Transfer Stations              | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Waste Recycling Operations     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Waste Treatment Detoxification | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Other Land Disposal Area       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

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. N/A

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

(b) Permits for emissions to the atmosphere. ☐ Yes ☒ No

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- (c) Permits for any waste storage, waste treatment or waste disposal operation. ☐ Yes ☒ No
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
- (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 governmental 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. N/A ☐ 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
- (b) Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? N/A ☐ 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? N/A

Use of a cleanup contractor to remove or treat materials including soils, pavement or other surficial materials ☐

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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

☐

Coating 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

11. Is there any explanation needed for clarification of any of the above answers or responses? The property contains one underground storage tank with 5,000 gallons of diesel fuel no. 2 for powering an emergency generator.

☒ Yes☐ No

#### 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: Carter Hawley Hale Property Incorporated

Type of business or property usage: commercial

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:

Landfill

☐ Yes☐ No

Surface Impoundment

☐ Yes☐ No

Land Treatment

☐ Yes☐ No

Waste Pile

☐ Yes☐ No

Incinerator

☐ Yes☐ No

Storage Tank (Above Ground)

☐ Yes☐ No

Storage Tank (Underground)

☐ Yes☐ No

Container Storage Area

☐ Yes☐ No

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|                                |                              |                             |
|--------------------------------|------------------------------|-----------------------------|
| Injection Wells                | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Wastewater Treatment Units     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Septic Tanks                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Transfer Stations              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Waste Recycling Operations     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Waste Treatment Detoxification | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other Land Disposal Area       | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## 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.

## BENEFICIARY OF TRANSFEROR OR TRANSFERORS

CHICAGO-SUPERIOR ASSOCIATES,  
an Illinois limited partnership

By: O&Y (U.S.) Development Company, L.P.,  
general partner

By: O&Y (U.S.) Development General Partner Corp.,  
general partner

By: \_\_\_\_\_

Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

B. This form was delivered to me with all elements completed on July 18, 1990

## TRANSFeree OR TRANSFEREES

THE SUMITOMO TRUST & BANKING CO., LTD.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

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SCHEDULE A  
COMMITMENT NUMBER H449-1891

EXHIBIT A  
LEGAL DESCRIPTION

PARCEL 1:

Lots 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 2A, 2B, 2C, 2D, 3A, 3B, 3C and 3D in Olympia Centre Subdivision, a resubdivision of that part of the Northwest Quarter of Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, all taken as one tract, and bounded and described as follows: Beginning at the Southwest corner of Lot 3 in Lill's Chicago Brewery Company's Subdivision in Block 54 in Kinzie's Addition to Chicago, being a subdivision in said Section 10; thence North  $0^{\circ} 10' 52''$  East along the West line of said Lot 3, being also the East line of North Michigan Avenue, a distance of 121.60 feet to the point of intersection with the South line of the North 2.20 feet of said Lot 3; thence South  $89^{\circ} 54' 30''$  East along said South line a distance of 64.20 feet to a point on the East line of said Lot 3; thence South  $0^{\circ} 10' 52''$  West along said East line a distance of 8.00 feet to the point of intersection with the South line of the North 10.20 feet of Lot "A" in Lill's Chicago Brewery Company's Subdivision, aforesaid; thence South  $89^{\circ} 54' 30''$  East along said South line a distance of 45.80 feet to the East line of the West 45 feet 9 inches of said Lot "A" thence North  $0^{\circ} 10' 52''$  East along said East line a distance of 10.20 feet to a point on the North line of said Lot "A" being also the Southerly terminus of a 15 foot public alley; thence South  $89^{\circ} 54' 30''$  East 15.00 feet along the North line of Lot "A" to the point of intersection with the Southerly extension of the West line of Lot 1 in Ware's Resubdivision of Lot 5 in Lill's Chicago Brewery Company's Resubdivision of Lots 1 and 2 in Lill's Chicago Brewery Company's Subdivision in Block 54, aforesaid; thence North  $0^{\circ} 10' 52''$  East along said extended line and said West line of Lot 1, being also the East line of the 15 foot public alley, a distance of 149.98 feet to the Northwest corner of Lot 1 in Ware's Resubdivision, aforesaid; thence South  $89^{\circ} 47' 58''$  East along the North line of Lots 1, 2, 3 and 4 of Ware's Resubdivision, and along the North line of Lots 11, 12, 13 and 14 in Lill's Chicago Brewery Company's Resubdivision, aforesaid, being also the South line of East Chicago Avenue, a distance of 175.11 feet to the Northeast corner of Lot 14 in Lill's Chicago Brewery Company's Resubdivision, aforesaid; thence South  $0^{\circ} 10' 52''$  West along the East line of said Lot 14, a distance of 130.00 feet to the Southeast corner of said lot; thence North  $89^{\circ} 47' 58''$  West along the South line of Lots 12, 13 and 14 of Lill's Chicago Brewery Company's Resubdivision, being also the North line of a public alley, a distance of 65.05 feet to the Easterly terminus of an alley vacated by instrument recorded January 16, 1974, as Document Number 22,596,371; thence South  $0^{\circ} 10' 52''$  West along said terminal line a distance of 16.25 feet; thence continuing South  $0^{\circ} 10' 52''$  West along the East line of a 10 foot alley lying East and adjoining Lots "C" and 10 in Lill's Chicago Brewery Subdivision, aforesaid, a distance of 126.92 feet to the Southerly terminus of said 10 feet private alley; thence West along said terminal line and along the South line of Lots 3 to 10 of Lill's Chicago Brewery Subdivision, aforesaid, being also the North line of East Superior Street, a distance of 235.06 feet to the Southwest corner of Lot 3, being the point of beginning, according to the plat of said Olympia Centre Subdivision recorded June 21, 1985, as Document Number 85,070,356, in Cook County, Illinois.

(Continued)

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SCHEDULE A  
COMMITMENT NUMBER H449-1891

EXHIBIT A  
LEGAL DESCRIPTION

PARCEL II:

Easement and other rights appurtenant to, and for the benefit of Parcel I., as created by Declaration of Easements and Agreements dated June 17, 1981, and recorded July 27, 1981, as Document Number 25,950,376, over and upon that property labeled "vehicular maneuvering area" on Exhibit "J" to said Declaration, in Cook County, Illinois.

PARCEL III:

Easements for ingress and egress, support and utilities, including easements for operation, repair, maintenance and replacement of elevator pits, shafts, equipment, etc., as set forth in Declaration of Covenants, Easements, Charges and Liens for Olympia Centre dated June 27, 1985, and recorded June 27, 1985, as Document Number 85,080,144, over and across various lots and portions of lots in Olympia Centre Subdivision in Section 10, Township 39 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois

(End Schedule A - Exhibit A)

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