

UNOFFICIAL COPY

99 01 33 11 22 88 91312804

7305 149 D1

EXHIBIT A

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	For Use By County Recorder's Office
	County _____ Date _____ Doc No. _____ Vol. _____ Page _____ Rec'd by: _____
Seller: <u>Cole Taylor Bank</u> <u>TR. No. 27-1937</u>	
Buyer: <u>ENSHAAT, INC.</u>	
Document No. _____	

DEPT-01 RECORDINGS \$21.00
 T#8888 TR# 007 06/26/91 14:03:00
 #1352 # H * -91 -312804
 COOK COUNTY RECORDER

I. PROPERTY IDENTIFICATION:

A. Address of property: 817 N. Rand Road, Arlington Heights, IL
 Street, City or Village, Township

Permanent Real Estate Index No.: 03-28-201-008-0000

B. Legal Description: Section 38 Township 42 North Range 11
 Enter or attach current complete legal description in this area:

SEE ATTACHED SCHEDULE A FOR LEGAL DESCRIPTION.

Prepared by: Eugene L. Shepp
 name
35 E. Washington St.
Chicago, IL 60607
 address

Return to: TERRANCE ZIMMER
 name
330 W. IRVING PK
 address
WOOD DALE, IL 60191

LIABILITY DISCLOSURE

Transfers 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.

91312804

\$ 21.00 E

UNOFFICIAL COPY

ADVISORY



Property of Cook County Clerk's Office

mes1010

UNOFFICIAL COPY

9 91 03 31 12 28 80 0 0 0

C. Property Characteristics:

Lot Size _____ Acreage _____

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> |

B. (1) Identify Transferor:

Cole Taylor Bank Tr. No. 87-192-350 E. Dundee St., Wheeling, IL 60090
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:

Wilbert J. Koch, 817 Rand Rd, 708-955-3343
Name, Position (if any), and address Arlington Hrs, IL 60004 / Telephone No.

C. Identify Transferee:

ENSHATT, Inc., 817 Rand Rd., Wheeling, IL 60090
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.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

2025/01/14

UNOFFICIAL COPY

9 91 03 31 12 28 80 0:4

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 three 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

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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

2008/10/01

UNOFFICIAL COPY

9 0 3 1 2 8 0 4

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 lining 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

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
Landfill	_____	<u> X </u>
Surface Impoundment	_____	<u> X </u>
Waste Pile	_____	<u> X </u>
Incinerator	_____	<u> X </u>
Storage Tank (Above Ground)	_____	<u> X </u>
Storage Tank (Underground)	_____	<u> X </u>
Container Storage Area	_____	<u> X </u>
Injection Wells	_____	<u> X </u>
Wastewater Treatment Units	_____	<u> X </u>
Sepic Tanks	_____	<u> X </u>
Transfer Stations	_____	<u> X </u>
Waste Recycling Operations	_____	<u> X </u>
Waste Treatment Detoxification	_____	<u> X </u>
Other Land Disposal Area	_____	<u> X </u>

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

9 10 3 11 2 8 0 4

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?
- | | YES | NO |
|---|-------|---|
| (a) Permits for discharges of wastewater to waters of the State. | _____ | _____ <input checked="" type="checkbox"/> |
| (b) Permits for emissions to the atmosphere. | _____ | _____ <input checked="" type="checkbox"/> |
| (c) Permits for any waste storage, waste treatment or waste disposal operation. | _____ | _____ <input checked="" type="checkbox"/> |
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?
- | | YES | NO |
|--|-------|---|
| (a) Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act. | _____ | _____ <input checked="" type="checkbox"/> |
| (b) Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986. | _____ | _____ <input checked="" type="checkbox"/> |
| (c) Filed a Toxic Chemical Release from pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986. | _____ | _____ <input checked="" type="checkbox"/> |
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?
- | | YES | NO |
|---|-------|---|
| (a) Written notification regarding known, suspected or alleged contamination on or emanating from the property. | _____ | _____ <input checked="" type="checkbox"/> |
| (b) Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. | _____ | _____ <input checked="" type="checkbox"/> |
| (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. | _____ | _____ <input checked="" type="checkbox"/> |
9. Environmental Releases During Transferor's Ownership.
- | | YES | NO |
|--|-------|---|
| (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? | _____ | _____ <input checked="" type="checkbox"/> |
| (b) Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? | _____ | _____ <input checked="" type="checkbox"/> |
| (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? | _____ | _____ |

70821030

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

99103311228004

- 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 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? 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: Current Owner has no knowledge as to prior use.

Type of business/or property usage: _____

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:

	Yes	No
Landfill	_____	_____
Surface Impoundment	_____	_____
Land Treatment	_____	_____
Waste Pile	_____	_____
Incinerator	_____	_____

Current

01312804

UNOFFICIAL COPY

Property of Cook County Clerk's Office

9 91 05 31 12 20 80 01 4

	Yes	No
Storage Tank (Above Ground)	_____	_____
Storage Tank (Underground)	_____	_____
Container Storage Area	_____	_____
Injection Wells	_____	_____
Wastewater Treatment Units	_____	_____
Septic Tanks	_____	_____
Transfer Stations	_____	_____
Waste Recycling Operations	_____	_____
Waste Treatment & Stabilization	_____	_____
Other Land Disposal Area	_____	_____

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.

Wilbert J. Koch
signature

Wilbert J. Koch
type or print name

Thomas A. Koch
TRANSFEROR OR TRANSFERORS

Wilbert A. Koch
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on 5-24, 1991.

signature

ENSHADAT INC.
type or print name

TRANSFEROR OR ~~TRANSFERORS~~
Thomas A. Koch TRANSFEREE
President
(or on behalf of Transferor)
Transferee

11312304

UNOFFICIAL COPY

9 91 03 31 12 28 80
KATZENBUCH & ZAVIS

C. This form was delivered to me with all elements completed on _____, 19__.

Linda F. Butler Corporate BANKING OFFICER
signature

LINDA F BUTLER
type or print name

COLE TAYLOR BANK
LENDER

Property of Cook County Clerk's Office

01312304

UNOFFICIAL COPY

and other...

...

...

...

...

Property of Cook County Clerk's Office

...

EXHIBIT B

Responsible Property Transfer Act
Suggested Language For Commitment Letter
When Mortgage Or ABI Is Involved

If the Responsible Property Transfer Act of 1988 of the State of Illinois (the "Act") applies to the property which will be subject to a mortgage or collateral assignment of beneficial interest in a land trust, in favor of the bank, the borrower shall deliver, or cause to be delivered to the bank, in the time and manner prescribed by the Act, the disclosure document required by the Act. If such property is not subject to the Act, the borrower shall so represent to the bank in the mortgage or assignment document and shall indemnify bank with respect to any breach of such representation.

MEM0618

Property of Cook County Clerk's Office

04022304

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

99 10 33 11 22 83 00 41

Schedule A

Parcel 1:

The east 223.37 feet (except the north 430.0 feet) of that part lying east and north of Rand Road of the west half of the northeast quarter of Section 28, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

The east 223.37 feet (except that part lying south of the North 430.0 feet thereof) and (except the North 415.0 feet thereof) of that part lying east and north of Rand Road of the west half of the northeast quarter of Section 28, Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois.

PIN # 03-28-201-008-0000 - Parcel 1

PIN # 03-28-201-007-0000 - Parcel 2

Address: 817 N. Rand Road, Arlington Heights, IL

Property of Cook County Clerk's Office

040322001

UNOFFICIAL COPY

Property of Cook County Clerk's Office