

# UNOFFICIAL COPY

ENVIRONMENTAL DISCLOSURE DOCUMENT  
FOR TRANSFER OF REAL PROPERTY

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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:

DEPT OF RECORDING 947.00  
SEARCHED INDEXED SERIALIZED 12-14-89  
12-14-89 11:29 AM  
COOK COUNTY RECORDER

### I. PROPERTY IDENTIFICATION:

A. Address of property: 4430 W Armitage Avenue, Melrose Park,  
Illinois  
\_\_\_\_\_  
Street, City or Village, Township

Permanent Real Estate Index No.: 12-32-401-068  
12-32-401-068

B. Legal Description: attached

Section 32 Township 40 Range 12

Enter or attach complete legal description in this area:

*See Attached*

### 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.

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## C. Property Characteristics:

Lot Size See Plat of Survey Acreage 7.09

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:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument or 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"/> |

B. (1) Identify Transferor: The Goodyear Tire & Rubber Company

Name and Current Address of Transferor: \_\_\_\_\_

1144 East Market Street, Akron, Ohio 44316-0001

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

- (2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form: Information provided from several sources, the contact person is D K Woodyard, Mgr Chemical Material Safety, (216) 796-1112

Name, Position (if any), and address Telephone No.

C. Identify Transferee: AMERICANMIDWEST BANK & TRUST of 1600 W. Lake Street, Melrose Park, Illinois 60160, not personally but as Trustee under that Trust Agreement dated September 16, 1991 and known as Trust No. 6345 (hereinafter called "Grantor")  
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.

#### A. 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 removal action incurred by the State of Illinois as a result of a release of 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;

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(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."

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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

##### 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   X    
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
Landfill	<u>      </u>	<u>X</u>
Surface Impoundment	<u>      </u>	<u>X</u>
Land Treatment	<u>      </u>	<u>X</u>
Waste Pile	<u>      </u>	<u>X</u>
Incinerator	<u>      </u>	<u>X</u>
Storage Tank (Above Ground) Closed December 1989	<u>X</u>	<u>      </u>
Storage Tank (Underground)	<u>      </u>	<u>X</u>
Container Storage Area	<u>      </u>	<u>X</u>
Injection Wells	<u>      </u>	<u>X</u>
Wastewater Treatment Units	<u>      </u>	<u>X</u>
Septic Tanks	<u>      </u>	<u>X</u>
Transfer Stations	<u>      </u>	<u>X</u>
Waste Recycling Operations	<u>      </u>	<u>X</u>
Waste Treatment Detoxification	<u>      </u>	<u>X</u>
Other Land Disposal Area	<u>      </u>	<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. No site plan available.

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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

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

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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   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   N/A    
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  

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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.

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

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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: \_\_\_\_\_  
\_\_\_\_\_

Type of business/  
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
Landfill	_____	_____
Surface Impoundment	_____	_____
Land Treatment	_____	_____
Waste Pile	_____	_____
Incinerator	_____	_____
Storage Tank (Above Ground)	_____	_____
Storage Tank (Underground)	_____	_____
Container Storage Area	_____	_____
Injection Wells	_____	_____

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Wastewater Treatment Units	_____	_____
Septic Tanks	_____	_____
Transfer Stations	_____	_____
Waste Recycling Operations	_____	_____
Waste Treatment Detoxification	_____	_____
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.

THE GOODYEAR TIRE & RUBBER COMPANY

By \_\_\_\_\_

TRANSFEROR Vice President  
(or on behalf of Transferor)

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

12/23/91

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*Handwritten signature*  
TRANSFEREE  
(or on behalf of Transferee) *Actual Signatory.*

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

12/23/91

19

*Handwritten signature*  
LENDER

Transferee's beneficial party occupied a portion of the real property commencing November 1, 1991 in anticipation of the purchase. This report does not reflect transferee's use.

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## WAIVER OF STATUTORY TIME PERIOD FOR DELIVERY OF ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

In connection with the foregoing Environmental Disclosure Document for Transfer of Real Property, made pursuant to the Responsible Property Transfer Act of 1988 (Illinois Revised Statutes, Chapter 30, Section 901 et seq.) the Transferor, Transferee and Lender certify that they are aware of the purpose and intent of the disclosure document and pursuant to Section 4(b) of said Act hereby waive the requirement of delivery of said disclosure document 30 days prior to transfer of the property.

Date: December 20, 1991

THE GOODYEAR TIRE & RUBBER COMPANY  
TRANSFEROR

By: [Signature]  
Vice President

American Bank and Trust + 1104 61st dated Sept. 16, 1991  
By: 4430 Amity Avenue Limited Partnership, sole Beneficiary  
By: 4430 Amity Avenue Corporation, General Partner

Date: 12/23/91

TRANSFEEE  
By: [Signature]  
President

Date: 12/23/91

American Bank and Trust  
LENDER

By: [Signature]

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## EXHIBIT A- LEGAL DESCRIPTION

### PARCEL I:

The South 300 feet of the North 355 feet of the West 219 feet of the East 685.75 feet of the Southeast 1/4 of Section 32, Township 40 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois, together with the South 35.30 feet of the North 390.30 feet of the West 237 feet of the East 685.75 feet of the Southeast 1/4 of Section 32, Township 40 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

ALSO

### PARCEL II:

That part of Lot 3 lying East of the East line of Janice Avenue, as dedicated by Document recorded as Number 19,022,557 (excepting from said Lot 3 that part thereof falling within the following described tract:

Beginning at a point on the East line of the Southeast 1/4 of Section 32, 198 feet South of the Northeast corner thereof; thence North along said East line to the North line of said Southeast 1/4; thence West along said North line 220 feet; thence South 198 feet; thence East 220 feet to the place of beginning, in J. Emil Anderson's Resubdivision of part of Anderson's North Mannheim Industrial Subdivision in the Southeast 1/4 of Section 32, Township 40 North, Range 12 East of the Third Principal Meridian, according to Plat of said J. Emil Anderson's Resubdivision registered in the Office of the Registrar of Titles of Cook County, Illinois, on June 5, 1959 as Document Number LR1,865,644, in Cook County, Illinois.

ALSO

### PARCEL III:

That part of Lot 3 falling within the following described tract:

Beginning at a point on the East line of the Southeast 1/4 of Section 32, 198 feet South of the Northeast corner thereof; thence North along said East line to the North line of said Southeast 1/4; thence West along said North line 220 feet; thence South 198 feet; thence East 220 feet to the place of beginning (excepting that part of Lot 3 conveyed to the People of the State of Illinois for the use of the Department of Transportation by Warranty Deed recorded July 14, 1976 as Document 23,559,333 described as follows: Beginning at the most Northeast corner of said Lot 3; thence

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## EXHIBIT A - LEGAL DESCRIPTION

West along the North line of said Lot 3 a distance of 15 feet to a point; thence Southeasterly along a straight line to a point on the East line of said Lot 3 being normally distant 20 feet South of the Northeast corner thereof; thence North along the East line of said Lot 3 a distance of 20 feet to the point of beginning) in J. Emil Anderson's Resubdivision of part of Anderson's North Mannheim Industrial Subdivision in the Southeast 1/4 of Section 32, Township 40 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

The title to the subject property has been registered under "An Act Concerning Land Titles", commonly known as the Torrens Act.

Affects: Parcels I and II

Permanent Tax Numbers: 12-32-401-062

Volume: 71

Affects: Parcels II and III

12-32-401-065

Affects: Parcel I

Said matter affects this and other property.

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