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*BN 156*

- Other (specify) \_\_\_\_\_
  - Farm, with buildings \_\_\_\_\_
  - Industrial building \_\_\_\_\_
  - Store, office, commercial building \_\_\_\_\_
  - Commercial apartment (over 6 units) \_\_\_\_\_
  - Apartment building (6 units or less) \_\_\_\_\_
- Check all types of improvement and uses that pertain to the property:

C. Property Characteristics:

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.

LIABILITY DISCLOSURE

Prepared By: ROBERT H. JOSEPH name  
254 LESLEE LN. name  
HIGHLAND PARK, IL 60035 address

Return To: \_\_\_\_\_ name  
 \_\_\_\_\_ address

65-730026

COOK COUNTY TITLE

Enter or attach complete legal description in this area:

B. Legal Description:

*See Attached*

Permanent Real Estate Index No: *See Attached*

Address of property: 8830 N. MILWAUKEE AV. Street  
NILES, ILL. City or Village  
 \_\_\_\_\_ Township

916 3003 410

I. PROPERTY IDENTIFICATION:

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

For Use By County Recorder's Office

Date DEPT-01 RECORDING \$35.00  
Doc. No. 15555 TRAN 8699 01/31/92 14:54:00  
Page #2125 of E \*--92-065782  
Rec'd by COOK COUNTY RECORDER

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OR REAL PROPERTY

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of a hazardous substance:  
 State of Illinois as a result of a release or substantial threat of a release  
 shall be liable for all costs of removal or remedial action incurred by the  
 defenses set forth in subsection (j) of this Section, the following persons  
 "Notwithstanding any other provision (or rule) of law, and subject only to the  
 1. Section 22.2(f) of the Act states:

Under the Illinois Environmental Protection Act, owners of real property may  
 be held liable for costs related to the release of hazardous substances.

### III. NOTIFICATION

Current Address of Transferee

Name

C. Identify Transferee:

Address

Telephone No.

Name

Position (if any)

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

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust.  
 (Trust No.)

Current Address of Transferor

Name

B. (1) Identify Transferor:

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

Yes No

### II. NATURE OF TRANSFER:

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Yes  
 No  
 Yes  
 No  
 Yes  
 No  
 Yes  
 No

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(1) The owner and operator of a facility or vessel from which there is a release of 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<sup>4</sup> 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 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<sup>5</sup> 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.

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## 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

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?

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

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.

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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 | <input type="checkbox"/>            |
|  | No  | <input checked="" type="checkbox"/> |
| b. Permits for emissions to the atmosphere.                                    | Yes | <input type="checkbox"/>            |
|  | No  | <input checked="" type="checkbox"/> |
| c. Permits for any waste storage, waste treatment or waste disposal operation. | Yes | <input type="checkbox"/>            |
|  | No  | <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?

- |  |     |                                     |
|--|-----|-------------------------------------|
| a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act.   | Yes | <input type="checkbox"/>            |
|  | No  | <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. <sup>6</sup> | Yes | <input type="checkbox"/>            |
|  | No  | <input checked="" type="checkbox"/> |
| c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.                                   | Yes | <input type="checkbox"/>            |
|  | No  | <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?

- |  |     |                                     |
|--|-----|-------------------------------------|
| a. Written notification regarding known, suspected or alleged contamination on or emanating from the property.                               | Yes | <input type="checkbox"/>            |
|  | No  | <input checked="" type="checkbox"/> |
| b. Filing an environment enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered. | Yes | <input type="checkbox"/>            |
|  | No  | <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.     | Yes | <input type="checkbox"/>            |
|  | No  | <input checked="" type="checkbox"/> |

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 of federal laws? | Yes | <input type="checkbox"/>            |
|   | No  | <input checked="" type="checkbox"/> |
| b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?  | Yes | <input type="checkbox"/>            |
|   | No  | <input checked="" type="checkbox"/> |

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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?

- 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

11. Is there any explanation needed for clarification of any of the above answers or responses?

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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: SEMMERLING FENCE CO.

Type of business/ FENCE MATERIAL- RETAIL

or property usage \_\_\_\_\_

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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 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	_____	____/____
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.

Robert Joseph \*  
TRANSFEROR  
(or on behalf of Transferor)

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

1-08 1992

\_\_\_\_\_  
TRANSFeree  
(or on behalf of Transferee)

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

1-8 1992

Affiliated Bank/

BY: [Signature]  
LENDER

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## EXHIBIT 2

### LEGAL DESCRIPTION

PIN 09-14-409-020  
09-14-410-041  
09-14-410-042  
09-14-410-043

#### COMMON ADDRESS:

8830 N. Milwaukee Avenue  
Niles, Illinois 60648

LOT 22 (EXCEPT WEST 15 FEET THEREOF) IN BLOCK 7 AND LOTS 14 TO 20, BOTH INCLUSIVE, IN BLOCK 8 ALSO THE NORTHEASTERLY 1/2 OF VACATED ALLEY LYING SOUTHWESTERLY OF AND ADJOINING LOTS 14 TO 19, BOTH INCLUSIVE, IN BLOCK 8 IN PATER'S MILWAUKEE AVENUE HEIGHTS, A SUBDIVISION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 12, LYING WEST OF MILWAUKEE AVENUE, ALSO THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM A TRACT DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE CENTER LINE OF MILWAUKEE AVENUE, 203 FEET SOUTHEASTERLY OF THE INTERSECTION OF THE CENTER LINE OF MILWAUKEE AVENUE AND THE NORTH LINE OF SAID SOUTHEAST 1/4; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE CENTER LINE OF MILWAUKEE AVENUE, 150 FEET; THENCE SOUTHEASTERLY PARALLEL TO THE CENTER LINE OF MILWAUKEE AVENUE, 275 FEET; THENCE NORTHEASTERLY 150 FEET TO THE CENTER LINE OF MILWAUKEE AVENUE; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF MILWAUKEE AVENUE 275 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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