

UNOFFICIAL COPY

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

92204038

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

For Use By County

Recorder's Office

Seller: D.O.N. Incorporated

County

Buyer: Independent Trust Corporation, Trust No. 20260

Date

Document No.:

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

I. PROPERTY IDENTIFICATION:

A. Address of property: 175th Street and Volbrecht Road, Lansing Thornton
Street City or Village Township

Permanent Real Estate Index No.: 29-25-300-007-0000

B. Legal Description:

Section 25 Township 36N Range 14

Enter or attach current legal description in this area:

See legal description attached as Exhibit "A"

DEPT-11 RECORD-T \$31.50

T#7777 TRAN 9346 03/27/92 09:52:00

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COOK COUNTY RECORDER

Prepared by: Michael J. McDonagh

Return to: Richard J. Skrodzki

411 E. Wisconsin Ave.

2660 W. 62nd Place,

Milwaukee, WI 53202

Summit, IL 60501

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.

C. Property Characteristics:

Lot Size irregular Acreage approx. 20 acres

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

☐ Apartment building (6 units or less)

☐ Industrial building

☐ Commercial apartment (over 6 units)

☐ Farm, with buildings

☐ Store, office, commercial building

☐ Other, specify _____

92204038

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: Mr. Robert Van Kalker and Mr. Paul DeBoer
808 E. Joe Orr Rd. 21130 Terrace Ave.
Chicago Heights, IL 60411 Chicago Heights, IL 60411

Type of business/ farming
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	_____	<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>			

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.

R. Scott Miswald
signature

R. Scott Miswald

type or print name Vice President, Controller
TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on
March 26 19 92

INDEPENDENT TRUST CORPORATION,
as Trustee under Agreement dated
February 4, 1992, known as Trust
No. 20252

By: Richard J. Skrodzki
signature Attorney

Richard J. Skrodzki
type or print name
TRANSFeree OR TRANSFEREES (or on behalf of Transferee)

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

signature

type or print name
LENDER

(Ch. 30, par. 906)

MAIL TO: Richard J. Skrodzki
7660 West 62nd Pl.
SUMMIT IL 60501

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- 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 ☒ 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

IV. ENVIRONMENTAL INFORMATION

- such text.
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.
6. Notwithstanding any other provision of law, except as provided otherwise in subsection (a), the owner or operator of 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.
7. Section 22.18(a) of the Act states:
- "Notwithstanding any other provision of law, except as provided otherwise in subsection (a), the owner or operator of 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."
8. Section 22.26(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 damages 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."
9. Section 22.26(l) of the Act states:
- "The Agency shall have the authority to provide notice to any person in who may be liable pursuant to Section 22.26(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."
10. Section 22.26(m) of the Act states:
- "from which there is a release or a substantial threat of a release of a hazardous substance."
- (1) Any person who accepts or accepts or accepted any hazardous substances for transport to disposal, storage or treatment facilities or sites release of such hazardous substances; and
- (2) 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 hazardous substance;
- (3) 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;
- (4) The owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance;
- (5) 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 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;
- Notwithstanding any other provision 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 of hazardous substances:
1. Section 22.26(n) of the Act states:

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.
- C. Identify Transferor: Independent Trust Corporation, 120 W. Madison St., Chicago, IL 60602
- Name and Current Address of Transferor
- Name, Position (if any), and address: Michael J. McDonagh, 411 E. Wisconsin Ave., Milwaukee, WI (414) 276-1122
- Telephone No: 53202
- (2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form: Attorney for Transferor
- Name and Address of Trustee if this is a transfer of beneficial interest of a land trust
- Trust No

D.O.N. Incorporated, 1096 E. Sahara Blvd., Suite 207, Las Vegas, NV

Name and Current Address of Transferor

B. (1) Identify Transferor:

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?

Landfill	YES	NO	<u>X</u>
Surface Impoundment	YES	NO	<u>X</u>
Land Treatment	YES	NO	<u>X</u>
Waste Pile	YES	NO	<u>X</u>
Incinerator	YES	NO	<u>X</u>
Storage Tank (Above Ground)	YES	NO	<u>X</u>
Storage Tank (Underground)	YES	NO	<u>X</u>
Container Storage Area	YES	NO	<u>X</u>
Injection Wells	YES	NO	<u>X</u>
Wastewater Treatment Units	YES	NO	<u>X</u>
Septic Tanks	YES	NO	<u>X</u>
Transfer Stations	YES	NO	<u>X</u>
Waste Recycling Operations	YES	NO	<u>X</u>
Waste Treatment Detoxification	YES	NO	<u>X</u>
Other Land Disposal Area	YES	NO	<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 used any of the following in regard to this real property?

a. Permits for discharges of wastewater to waters of the State.	YES	NO	<u>X</u>
b. Permits for emissions to the atmosphere.	YES	NO	<u>X</u>
c. Permits for any waste storage, waste treatment or waste disposal operation.	YES	NO	<u>X</u>
6. Has the transferor had any waste water or discharges (other than sewage) to a publicly owned treatment works?	YES	NO	<u>X</u>

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	<u>X</u>
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	<u>X</u>
c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.	YES	NO	<u>X</u>

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	<u>X</u>
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	<u>X</u>
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	<u>X</u>

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	<u>X</u>
b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?	YES	NO	<u>X</u>
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?	YES	NO	<u>X</u>

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 EPA 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 funnels 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?

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EXHIBIT "A"

LEGAL DESCRIPTION:

A TRACT OF LAND IN THE WEST HALF OF THE SOUTHWEST QUARTER AND THE WEST 6.16 CHAINS OF THE SOUTH 32.47 CHAINS OF THE EAST HALF OF THE SOUTHWEST QUARTER IN SECTION 25, TOWNSHIP 36 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE WEST LINE OF SECTION 25 WHICH IS 1326.12 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH $36^{\circ}-20'-00''$ EAST FOR A DISTANCE OF 280.03 FEET TO A POINT; THENCE RUNNING NORTH $72^{\circ}-08'-15''$ EAST FOR A DISTANCE OF 172.87 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE WEST HALF OF SAID SOUTHWEST QUARTER, WHICH POINT IS 1034.44 FEET SOUTH OF THE NORTH LINE THEREOF; THENCE RUNNING SOUTH $88^{\circ}-33'-00''$ EAST FOR A DISTANCE OF 330.55 FEET TO A POINT IN THE EAST LINE OF THE EAST HALF OF THE WEST HALF OF THE WEST HALF OF SAID SOUTHWEST QUARTER, WHICH POINT IS 1044.85 FEET SOUTH OF THE NORTH LINE THEREOF; THENCE RUNNING SOUTH $77^{\circ}-31'-45''$ EAST FOR A DISTANCE OF 338.62 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHWEST QUARTER, WHICH POINT IS 1120.00 FEET SOUTH OF THE NORTH LINE THEREOF; THENCE RUNNING SOUTH $83^{\circ}-21'-37.5''$ EAST FOR A DISTANCE OF 332.84 FEET TO A POINT IN THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER, WHICH POINT IS 560.68 FEET SOUTH OF THE NORTH LINE OF THE WEST 6.16 CHAINS OF THE SOUTH 32.47 CHAINS OF THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE RUNNING SOUTH $83^{\circ}-29'-25''$ EAST FOR A DISTANCE OF 409.38 FEET TO A POINT IN THE EAST LINE OF THE WEST 6.16 CHAINS OF THE SOUTH 32.67 CHAINS OF THE EAST HALF OF SAID SOUTHWEST QUARTER OF SECTION 25, WHICH POINT IS 707.97 FEET SOUTH OF THE NORTH LINE OF THE WEST 6.16 CHAINS OF THE SOUTH 32.47 CHAINS OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25; THENCE SOUTH $0^{\circ}-09'-45''$ EAST ALONG THE SAID EAST LINE OF THE WEST 6.16 CHAINS OF THE SOUTH 32.67 CHAINS OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25 FOR A DISTANCE OF 428.59 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH 40 ACRES OF A TRACT OF LAND DESCRIBED AS THE SOUTHWEST QUARTER AND THE WEST 6.16 CHAINS OF THE SOUTH 32.47 CHAINS OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP AND RANGE AS AFORESAID; THENCE SOUTH $89^{\circ}-53'-45''$ WEST ALONG THE AFORESAID NORTH LINE OF THE SOUTH 40 ACRES A DISTANCE OF 1729.79 FEET TO A POINT IN THE WEST LINE OF SAID SECTION 25; THENCE NORTH $00^{\circ}-00'-00''$ EAST ALONG THE WEST LINE OF SAID SECTION 25 A DISTANCE OF 319.66 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

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