

UNOFFICIAL COPY

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

92332140

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

For Use by County

Transferor: CAPA Partnership, an Illinois general partnership (See SCHEDULE I ATTACHED HERETO)

92332140

Recorder's Office

Transferee: Ronald Burke, Jean Burke and Hecker and Company, Inc., a Delaware corporation

County

Document No.: _____

Date

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

D-1 73-35-669

I. PROPERTY IDENTIFICATION:

A. Address of property: 250 East Industrial Lane, Wheeling
Street City or Village Township

Permanent Real Estate Index No.: 03-13-101-020-0000 (volume 232)

B. Legal Description:

Section 13 Township 42 North Range 11 East

92332140

Enter or attach current legal description in this area:

See Exhibit A attached hereto for current legal description.



DEPT-11 RECORD. I \$35.50
147777 IMAN 4066 05/14/92 11132100
50454 T G *-92-332140
COOK COUNTY RECORDER

Prepared by: Maria S. Bayer, Esq.
name

Return to: Maria S. Bayer, Esq.
name

70 West Madison, Suite 4950, Chicago, IL 60602
address

70 West Madison, Suite 4950, Chicago, IL 60602

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 50,760 Sq. Ft. Acreage 1.165 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 _____

II. NATURE OF TRANSFER:

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

35.50

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B. (1) Identify Transferor:

CAPA Partnership, an Illinois general partnership, 230 East Industrial Lane, Wheeling, Illinois (SEE SCHEDULE I ATTACHED HERETO)
Name and Current Address of Transferor

ATTACHED HERETO
Name and Address of Trustee if this is a transfer of beneficial interest of a fund 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:

Andrew W. Mitchell, 311 N. School Street, Mount Prospect, Illinois 60056 (708) 259-3621
Name, Position (if any), and address Telephone No.

C. Identify Transferee: Ronald Burke, 5236 Elston Avenue, Chicago, Illinois 60630
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.

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 processed 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 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

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 xx 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 xx No (SEE SCHEDULE I ATTACHED HERETO)

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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 XX No

4. Are there any of 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		YES	NO
Landfill	<u> </u>	<u>XX</u>	Injection Wells	<u> </u>	<u>XX</u>
Surface Impoundment	<u> </u>	<u>XX</u>	Wastewater Treatment Units	<u> </u>	<u>XX</u>
Land Treatment	<u> </u>	<u>XX</u>	Septic Tanks	<u>XX</u>	<u> </u>
Waste Pile	<u> </u>	<u>XX</u>	Transfer Stations	<u> </u>	<u>XX</u>
Incinerator	<u> </u>	<u>XX</u>	Waste Recycling Operations	<u> </u>	<u>XX</u>
Storage Tank (Above Ground)*	<u>XX</u>	<u> </u>	Waste Treatment Detoxification	<u> </u>	<u>XX</u>
Storage Tank (Underground)*	<u>XX</u>	<u> </u>	Other Land Disposal Area	<u> </u>	<u>XX</u>
Container Storage Area*	<u>XX</u>	<u> </u>			

*See SCHEDULE I ATTACHED HERETO

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?

- a. Permits for discharges of wastewater to waters of the State.
- b. Permits for emissions to the atmosphere.
- c. Permits for any waste storage, waste treatment or waste disposal operation.

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 Yes No XX
 Yes No XX
 Yes No XX

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes No XX

7. Has the transferor taken any of the following actions relative to this property?

- a. Prepared a Chemical Safety Emergency Plan pursuant to the Illinois Chemical Safety Act.
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.

Yes No XX
 Yes No XX
 Yes No XX

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.
- b. Filing an environmental enforcement case with a court or the Pollution Control Board for which a final order or consent decree was entered.
- 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 XX
 Yes No XX
 Yes No N/A

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?
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?
- 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? None

Yes No XX
 Yes No 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 XX

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

 SEE SCHEDULE I ATTACHED HERETO

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B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION: 140

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: M.B. Ironworks, Corp.

Type of business/or property usage Steel Fabricators

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

SEE SCHEDULE I ATTACHED HERETO

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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.

Dated: April 17, 1992

CAPA Partnership, an Illinois general partnership

Signature

By: Carol Cunningham, a General Partner

Type or print name
TRANSFEROR

B. This form was delivered to me with all elements completed on April 20, 1992

Signature

Ronald Burke

Type or print name
TRANSFEREE

C. This form was delivered to me with all elements completed on April 20, 1992

Signature

Jean Burke

Type or print name
TRANSFEREE

D. This form was delivered to me with all elements completed on April 20, 1992

HECKER AND COMPANY, INC., a Delaware corporation

By:

Its:

TRANSFEREE

(Ch. 30, par. 906)

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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: M.B. Ironworks, Corp.

Type of business/or property usage Steel Fabricators

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	---	---	Injection Wells	---	---
Surface Impoundment	---	---	Wastewater Treatment Units	---	---
Land Treatment	---	---	Septic Tanks	---	---
Waste Pile	---	---	Transfer Stations	---	---
Incinerator	---	---	Waste Recycling Operations	---	---
Storage Tank (Above Ground)	---	---	Waste Treatment Detoxification	---	---
Storage Tank (Underground)	<input checked="" type="checkbox"/>	---	Other Land Disposal Area	---	---
Container Storage Area	---	---			

SEE SCHEDULE I ATTACHED HERETO

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.

Dated: April 17, 1992

CAPA Partnership, an Illinois general partnership

Signature [Signature] 92032110

By: Carol Covannugh, a General Partner
Type or print name
TRANSFEROR

B. This form was delivered to me with all elements completed on April 20, 1992

Signature [Signature]

Ronald Burke
Type or print name
TRANSFEREE

C. This form was delivered to me with all elements completed on April 20, 1992

Signature [Signature]

Jean Burke
Type or print name
TRANSFEREE

D. This form was delivered to me with all elements completed on April 20, 1992

HECKER AND COMPANY, INC., a Delaware corporation

By: [Signature]
Its: PRK
TRANSFEREE

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9 2 3 3 2 1 4 0

THE WEST 170 FEET OF LOT 3 IN ERNEST STAVROS SUBDIVISION UNIT NUMBER 1, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON SEPTEMBER 14, 1960 AS DOCUMENT NUMBER 1542297, IN COOK COUNTY, ILLINOIS

ALSO

THE EAST 1/2 OF VACATED STAVROS ROAD LYING NORTH OF THE NORTH LINE OF INDUSTRIAL LANE, AS DEDICATED IN ERNEST STAVROS SUBDIVISION UNIT NUMBERS 1 AND 2, BOTH BEING SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

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EXHIBIT A

SCHEDULE I

This is a schedule (the "Schedule") to the Environmental Disclosure Document for Transfer of Real Property (the "Disclosure Document") dated April 17, 1992 to transfer certain real estate (the "Property") described therein. The Disclosure Document is being delivered pursuant to applicable law and the Real Estate Sales Contract dated April 9, 1992 among Ronald Burke, Jean Burke and Hecker and Company, Inc., a Delaware corporation, as purchasers (the "Transferee"), and CAPA Partnership, an Illinois general partnership, sole beneficiary of Chicago Title and Trust Company Trust No. 1074062, created by Trust Agreement dated September 15, 1978, as seller (the "Transferor"). This Schedule is made in further elaboration and qualification of the answers contained in the Disclosure Document.

This Disclosure Document is delivered with the following qualifications, elaborations, and understandings.

1. The Disclosure Document is based on inquiry deemed reasonable by the Transferor and reflects the knowledge and belief of the Transferor that the information in the Disclosure Document is true and accurate and not misleading. The Disclosure Document is based upon (1) the Transferor's personal knowledge and experience with respect to the Property, (2) an inquiry of other persons reasonably believed to have knowledge and information with respect to the status of the Property during the Transferor's term of ownership, and (3) Transferor's actual knowledge of operations on the Property prior to the Transferor's term of ownership.

2. With respect to Item IV.2, Transferor states as follows: Transferor maintains three (3) above-ground 500 gallon storage tanks, two of which contain gasoline for the Transferor's vehicle usage, and one of which contains diesel fuel for the equipment maintained by Transferor.

3. With respect to Item IV.4, Transferor states as follows: (1) with respect to the above-ground storage tank, see explanation directly above regarding Item IV.2; (2) an underground storage tank which Transferor believes is made of concrete, is located inside the building, as indicated on the attached site plan. Transferor's knowledge with respect to materials contained inside the underground storage tank are limited. Transferor believes that the prior owner, a metal fabricator, dipped fabricated steel into the materials contained in the underground storage in order to prime paint on the metal. Transferor has not had the materials inside the tank tested; (3) Transferor's Container Storage Area includes the following materials which it purchases in large drums and maintains in a particular area on the Property: gasoline, diesel fuel, motor oil, grease, and antifreeze.

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ALTA/ACSM LAND TITLE PLAT OF SURVEY

H. H. GRIFFIN
& G. COOPER
REGISTERED LAND PROFESSIONAL LAND SURVEYORS LICENSE NO.

B. H. BUHR & COMPANY

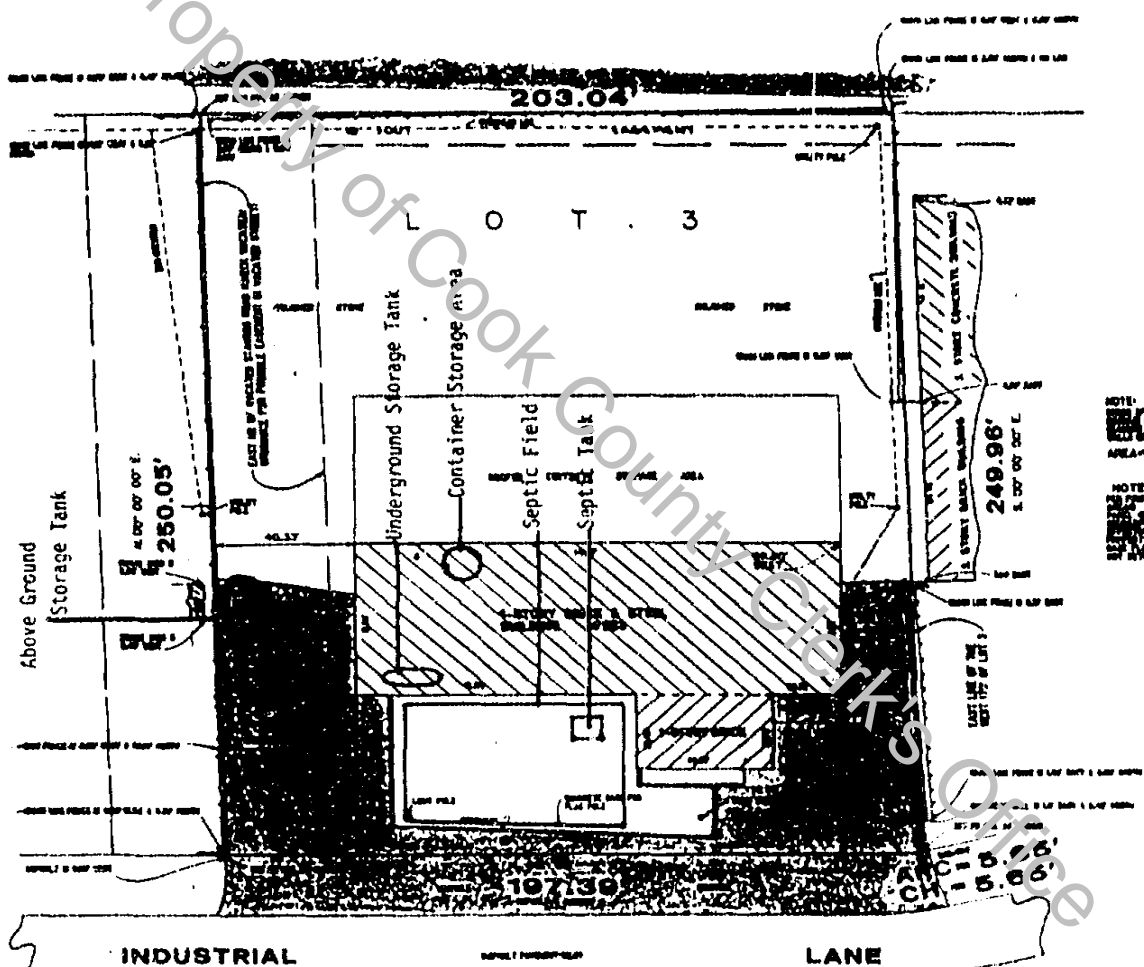
CHICAGO, ILLINOIS

CHICAGO TELEPHONE NO. 5-8916 EVANSTON, ILLINOIS 00001 EVANSTON TELEPHONE NO. 4-8318

DATE OF SURVEY: APRIL 5, 1932

THE WEST PART OF LOT 3 IN BLOCK 17, SUBDIVISION 1001, BEING A PORTION OF PART OF SECTION 8, TOWNSHIP 42 NORTH, RANGE 2, EAST OF THE THIRD CORNER, BEING AS PLAT THEREON, REGISTERED IN THE OFFICE OF THE REGISTER OF TITLES OF LAND COUNTY OF COOK, ON SEPTEMBER 14, 1928 AS SURVEY NUMBER 144550:

ALSO
THE EAST 1/2 OF WATSON STREET BORN THIS NORTH ON THE WEST LINE OF TOWNSHIP 42 AS DESCRIBED IN SUBSET STANDARD SUBDIVISION 1001 & 1002, BOTH BEING SUBDIVISIONS IN PART OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 2, EAST OF THE THIRD CORNER, BEING AS PLAT THEREON, REGISTERED IN THE OFFICE OF THE REGISTER OF TITLES OF LAND COUNTY OF COOK, ON SEPTEMBER 14, 1928 AS SURVEY NUMBER 144550:



92552140

NOTE:
THE AREA OF THIS PLAT IS 11.88 ACRES
AREA 96,780 SQ. FT. OR 11.88 ACRES

NOTE:
THE AREA OF THIS PLAT IS 11.88 ACRES
AREA 96,780 SQ. FT. OR 11.88 ACRES



STATE OF ILLINOIS | 00
COUNTY OF COOK | 00
EVANSTON, APRIL 5, 1932

CERTIFY TO CHICAGO TITLE INSURANCE COMPANY
CHICAGO TITLE AND TRUST COMPANY A CORPORATION OF ILLINOIS, AS TRUSTEE
UNDER TRUST AGREEMENT DATED SEPTEMBER 25, 1928 AND RECORDED AS
TRUST 104488.

WE, H. H. GRIFFIN AND G. COOPER, LAND SURVEYORS, DO HEREBY CERTIFY THAT WE HAVE PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE CHICAGO TITLE AND TRUST COMPANY, AND THAT THE SAME ARE CORRECTLY REPRODUCED IN THIS PLAT.

STATE OF ILLINOIS)
COUNTY OF COOK)
I, B. H. BUHR, COUNTY CLERK, DO HEREBY CERTIFY THAT THE ORIGINAL RECORDS OF THE CHICAGO TITLE AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 25, 1928 AND RECORDED AS TRUST 104488, HAVE BEEN EXAMINED BY ME AND FOUND TO BE CORRECTLY REPRODUCED IN THIS PLAT.

STATE OF ILLINOIS)
COUNTY OF COOK)
I, B. H. BUHR, COUNTY CLERK, DO HEREBY CERTIFY THAT THE ORIGINAL RECORDS OF THE CHICAGO TITLE AND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED SEPTEMBER 25, 1928 AND RECORDED AS TRUST 104488, HAVE BEEN EXAMINED BY ME AND FOUND TO BE CORRECTLY REPRODUCED IN THIS PLAT.

HERBERT A. SMITH
REGISTERED CHICAGO TITLE INSURANCE COMPANY
EFFECTIVE DATE DECEMBER 15, 1928

CHICAGO TITLE INSURANCE COMPANY
CHICAGO, ILLINOIS



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