



# UNOFFICIAL COPY

## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

The following information is provided pursuant to the Responsible Property Transfer Act of 1984

For Use By County

Recorder's Office

County

Date

Doc. No.

Vol. Page

Rec'd by:

Address: \_\_\_\_\_  
City: \_\_\_\_\_  
State: \_\_\_\_\_

### PROPERTY IDENTIFICATION

A. Address of property: 16302-08 CERMAK RD / 2136-42 Highland Ave, Berwyn

Real Estate Ref. Index No. 16-30-330-025

### B. Legal Description

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Refer to attached current legal description of this area:

LOT 15 TO 18 IN BLOCK 6 IN B. PINNERT AND SONS 22ND STREET SUBDIVISION IN LOT 6 IN THE CIRCUIT COURT PARTITION OF THE WEST 1/2 OF THE NORTHWEST 1/4 AND THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Prepared by

Leonard Lanni

Return to

Comerica Bank

16308 CERMAK RD, Berwyn, IL

1100 W. Madison St. Suite 1000  
Chicago, IL 60606

### LIABILITY DISCLOSURE

Buyers and transferees of real property are advised that their ownership or other control of such property may render them liable for any environmental cleanup costs which are not they caused or contributed to the presence of environmental problems associated with the property.

### C. Property Characteristics

Lot Size 108 X 125 Acreage \_\_\_\_\_

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

- Apartment building (6 units or less)
- Commercial apartment (over 6 units)
- Drive, office, commercial building
- Industrial building
- Farm, with buildings
- Other, specify \_\_\_\_\_

### II. NATURE OF TRANSFER:

	Yes	No
(1) Is this transfer by deed or other instrument of conveyance?		<input checked="" type="checkbox"/>
(2) Is this transfer by assignment of over 75% of beneficial interest of an Illinois land trust?		<input checked="" type="checkbox"/>
(3) A lease extending a term of 10 years?		<input checked="" type="checkbox"/>
(4) A mortgage, or collateral assignment of beneficial interest?	<input checked="" type="checkbox"/>	

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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: MICHAEL F. KUNY

Type of business or property usage: SAME AS PREVIOUS APARTMENTS AND COMMERCIAL STORES OR OFFICES

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		X		X
Surface Impoundment		X		X
Land Treatment		X		X
Waste Pile		X		X
Incinerator		X		X
Storage Tank (Above Ground)		X		X
Storage Tank (Underground)		X		X
Container Storage Area		X		X
Injection Well				X
Wastewater Treatment Units				X
Septic Tanks				X
Transfer Station				X
Waste Recycling Operations				X
Waste Treatment Detention				X
Other Land Disposal Area				X

## 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.

Leonard Law  
Signature  
LEONARD LAW  
Type of position  
TRANSFEROR OR TRANSFEREE (on behalf of Transferor)

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

\_\_\_\_\_ 19\_\_\_\_

Alicia J. Sporksen  
Signature  
Alicia J. Sporksen  
Type of position  
TRANSFEROR OR TRANSFEREE (on behalf of Transferor)

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

\_\_\_\_\_ 19\_\_\_\_

COLLEEN BAILEY  
Signature  
COLLEEN BAILEY  
Type of position  
TRANSFEROR OR TRANSFEREE (on behalf of Transferor)

COOK COUNTY RECORDS  
FILED  
RECORD

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(Ch. 30, par. 905)

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1. This document is a form used to collect information on the property which is the subject of the petition, or application, or order, or permit, or license, or other action of the Illinois Pollution Control Board, and the Illinois Environmental Protection Act and the Illinois Environmental Protection Act.

Yes \_\_\_\_\_ No

2. Are there any on the site any special uses, operations or changes of the property which are or were used by the transferor in discharge of the obligations imposed by the Illinois Environmental Protection Act?

	YES	NO
Landfill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surface Impoundment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Treatment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Open Pits	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Incineration	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Large Landfilled Solids	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Resource Bank (Individually)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Resource Bank (Aggregate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Injection Wells	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waterside Treatment Units	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Regio Tanks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transfer Stations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Recycling Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waste Treatment Detention	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Land Disposal Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Has the transferor or any other person or entity that a mortgage or collateral assignment of beneficial interest in the site plan, or a list of the location of each well, well site, pit, or other site, to be filed with the Environmental Protection Agency along with this document or report?

4. Has the transferor or any other person or entity that a mortgage or collateral assignment of beneficial interest in the site plan, or a list of the location of each well, well site, pit, or other site, to be filed with the Environmental Protection Agency along with this document or report?
- a. Permits for discharge of any waste to waters of the State. Yes \_\_\_\_\_ No
  - b. Permits for operations of the site. Yes \_\_\_\_\_ No
  - c. Permits for any waste storage, waste treatment or waste disposal operation. Yes \_\_\_\_\_ No
  - d. Has the transferor had any system or discharges (other than sewage) to a publicly owned treatment works? Yes \_\_\_\_\_ No
  - e. Has the transferor taken any of the following actions relative to this property?
    1. Prepared a Chemical Safety Listing per 1705 pursuant to the Illinois Chemical Safety Act. Yes \_\_\_\_\_ No
    2. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986. Yes \_\_\_\_\_ No
    3. Filed a State Chemical Release Form pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986. Yes \_\_\_\_\_ No

5. Has the transferor or any facility on the property or the property been the subject of any of the following State or federal governmental orders?

- a. Written notification regarding known, suspected or alleged contamination or emanating from the property. Yes \_\_\_\_\_ No
- 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
- 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

6. Environmental Releases During Transferor's Ownership
- a. Has any substance occurred at this site which resulted in a reportable "release" of any hazardous substance or petroleum as required under State or federal laws? Yes \_\_\_\_\_ No
  - b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? Yes \_\_\_\_\_ No
  - c. If the answer 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 EPA or the IESDA, of the release as "significant" under the Illinois Chemical Safety Act
    - Sampling and analysis of soils
    - Recovery or more long term monitoring of ground water at or near the site
    - Injunctive use of an on-site or nearby water well because of offensive character of the water
    - Closure with lines 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

7. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board? Yes \_\_\_\_\_ No

8. Is there any explanation needed for clarification of any of the above answers or responses?  No  Yes

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## B. (1) Identify Transferor:

Name and Current Address of Transferor

Name and Address of Trustee (if this is a transfer of beneficial interest in a real estate)

Title 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:

Name, Position, if any, and address

Telephone No.

## C. Identify Transferee:

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 (g) 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, disposed, or processed 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 accepts 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(g) 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 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 number as they are sold to consumers, provided that such retailer does not engage in any commercial mixing (other than pump mixing or tainting of consumer sized container), 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