

# UNOFFICIAL COPY

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#103: 1101, 1123, 1129, 1137 W. Jackson Blvd./1128-42 W. Van Buren, Chicago  
(Cook County)

### Duty to Record

Within 30 days after the date any real property subject to the provisions of the Responsible Property Transfer Act of 1988 is transferred, this completed document must be filed in the office of the recorder of the county in which such property is located and filed with the Illinois Environmental Protection Agency.

### For Use By County

Recorder's Office  
County:  
Date:  
Doc. No:  
Vol:  
Page:  
Rec'd By:

## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

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

Seller (Mortgagor): Archibald Candy Corporation  
Buyer (Mortgagee): The First National Bank of Chicago, as Agent  
Document No: \_\_\_\_\_

### 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 cleanup costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

### I. PROPERTY IDENTIFICATION

- A. Address of property:  
1123 Jackson Blvd. Chicago West Town  
 Street City or Village Township
- Permanent Real Estate Index No.: 17-17-223-020  
thru 17-17-223-026
- B. Legal Description:  
 Section 17 Township 39 Range 14

Legal Description attached hereto as Exhibit A and made a part hereof.

Prepared by, and after recording, return to:

James D. Burton  
Winston & Strawn  
35 West Wacker Drive  
Chicago, Illinois 60601

**BOX 333-CTI**

752/528

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COOK COUNTY, ILLINOIS  
RECORDER OF DEEDS

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## C. Property Characteristics:

Lot Size \_\_\_\_\_ Acreage \_\_\_\_\_  
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): Candy Manufacturing

## II. NATURE OF TRANSFER

- A. (1) Is this a transfer by deed or other instrument of conveyance?  
Yes \_\_\_\_\_ No X
- (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?  
Yes \_\_\_\_\_ No X
- (3) Is this a lease exceeding a term of 40 years?  
Yes \_\_\_\_\_ No X
- (4) Is this a mortgage or collateral assignment of beneficial interest?  
Yes X No \_\_\_\_\_

- B. (1) Identify Transferor (Mortgagor):  
Name: Archibald Candy Corporation  
Current Address: 1137 W. Jackson Blvd.  
Chicago, Illinois 60607  
Attn.: Joseph S. Secker

Name of Trustee if this is a transfer of beneficial interest of a land trust: N/A

Trust No: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (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: Alan Petrik  
Position (if any): Vice President  
Address: Archibald Candy Corporation  
1137 W. Jackson Blvd.  
Chicago, Illinois 60607  
Telephone No.: (312) 243-2700

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C. Identify Transferee (Mortgagee):

Name: The First National Bank of Chicago, as Agent  
Current Address: One First National Plaza, Suite 0173  
Chicago, Illinois 60670  
Attn.: Julia A. Bristow

### 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.

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 possessed 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 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."

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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 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 document shall be invalid merely because it sets forth an obsolete or superseded version of such text.

## IV. ENVIRONMENTAL INFORMATION

A. 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

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handling of petroleum, other than that which was associated directly with the transferor's vehicle usage?

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

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 held any of the following in regard to this real property?

a. Permits for discharges of wastewater to waters of the State.

Yes \_\_\_\_\_ No N/A

b. Permits for emissions to the atmosphere.

Yes \_\_\_\_\_ No N/A

c. Permits for any waste storage, waste treatment or waste disposal operation.

Yes \_\_\_\_\_ No N/A

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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  N/A

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  N/A

c. Filed a Toxic Chemical Release Form pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986.  
Yes  No  N/A

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

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  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?  
Yes  No

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b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

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

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

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: Unknown

Type of business/or property usage: Manufacturing operations including former cosmetics manufacturer, machine shop, metal plating facility and assembly and repair of electric goods

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: (No knowledge, except as indicated)

Landfill	Yes	_____	No	_____
Surface Impoundment	Yes	_____	No	_____
Land Treatment	Yes	_____	No	_____
Waste Pile	Yes	_____	No	_____
Incinerator	Yes	_____	No	_____
Storage Tank (Above Ground)	Yes	_____	No	_____
Storage Tank (Underground)	Yes	<u>X</u>	No	_____
Container Storage Area	Yes	_____	No	_____
Injection Wells	Yes	_____	No	_____
Wastewater Treatment Units	Yes	_____	No	_____
Septic Tanks	Yes	_____	No	_____
Transfer Stations	Yes	_____	No	_____
Waste Recycling Operations	Yes	_____	No	_____
Waste Treatment Detoxification	Yes	_____	No	_____
Other Land Disposal Area	Yes	_____	No	_____

[Signature page follows]

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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.

TRANSFEROR (MORTGAGOR):  
(or on behalf of Transferor)

ARCHIBALD CANDY CORPORATION:



Signature

Alan W. Patrick, Vice President

Type or print name

B. This form was delivered to me with all elements completed on August 12, 1994.

TRANSFeree (MORTGAGEE):  
(or on behalf of Transferee)

THE FIRST NATIONAL BANK OF  
CHICAGO, AS AGENT



Signature

Thomas A. Kermin

Type or print name

Property of Cook County Clerk's Office

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Site No. 103  
Cook County  
Chicago, Illinois  
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## **Exhibit A** **Legal Description**

PARCEL 1:

LOTS 17 TO 26 INCLUSIVE IN WRIGHTS SUBDIVISION OF THE WEST 1/2 OF BLOCK 24 IN CANAL TRUSTEES SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN;

PARCEL 2:

THAT PART OF VACATED GARDEN STREET LYING SOUTH OF AND ADJOINING LOTS 17 TO 21 INCLUSIVE AND NORTH OF AND ADJOINING LOTS 22 TO 26 INCLUSIVE IN WRIGHTS SUBDIVISION OF THE WEST 1/2 OF BLOCK 24 IN CANAL TRUSTEES SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN;

PARCEL 3:

LOTS 1 TO 26 INCLUSIVE IN THE SUBDIVISION OF THE EAST 1/2 OF BLOCK 24 IN CANAL TRUSTEES SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN;

PARCEL 4:

THAT PART OF VACATED GARDEN STREET LYING SOUTH OF AND ADJOINING LOTS 17 TO 21 INCLUSIVE AND NORTH OF AND ADJOINING LOTS 22 TO 26 INCLUSIVE IN SUBDIVISION OF THE EAST 1/2 OF BLOCK 24 IN CANAL TRUSTEES SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN;

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Site No. 103  
Cook County  
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## Exhibit A Legal Description

PARCEL 37

ALL OF THE HERETOFORE VACATED NORTH-SOUTH 20 FOOT ALLEY LYING WEST OF THE WEST LINE OF LOTS 3 TO 16, BOTH INCLUSIVE, LYING EAST OF THE EAST LINE OF LOTS 17 AND 22, LYING EAST OF THE EAST LINE OF THE 40 FOOT PUBLIC ALLEY VACATED BY DOCUMENT NUMBER 20386525, BEING A LINE DRAWN FROM THE SOUTHEAST CORNER OF LOT 17 TO THE NORTHEAST CORNER OF LOT 22, LYING SOUTH OF A LINE DRAWN FROM THE NORTHWEST CORNER OF LOT 1 TO THE NORTHEAST CORNER OF LOT 17, AND LYING NORTH OF A LINE DRAWN FROM THE SOUTHWEST CORNER OF LOT 16 TO THE SOUTHEAST CORNER OF LOT 22 ALL IN SUBDIVISION OF THE WEST 1/2 OF BLOCK 24 IN CANAL TRUSTEE'S SUBDIVISION OF THE WEST 1/2 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

### Property commonly known as:

1101 W. Jackson  
1123 W. Jackson  
1129 W. Jackson  
1137 W. Jackson  
1128-42 W. Jackson  
Chicago, Illinois  
PIN: 17-17-223-010  
17-17-223-011  
17-17-223-012  
17-17-223-013  
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