

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.

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C-9901659

Lawyers Title Insurance Corporation

# ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

Seller: AMERICAN NATIONAL CAN COMPANY  
Buyer: SHIOZAKI CORPORATION  
Document No.:

DEPT-01 RECORDING 633.50  
180014 TRAN 6979 08/07/95 1313100  
#3097 JW \*-95-519185  
COOK COUNTY RECORDER

### Property Identification:

A. Address of property: 1000 East Northwest Highway, Des Plaines, Illinois  
Street City or Village Township

Permanent Real Estate Index No. 09-17-100-015-0000 and 09-17-100-028-0000

### B. Legal Description:

Section 18 Township 41 North Range 12 East of Third Principal Meridian

Enter current legal description in this area:

SEE ATTACHED SCHEDULE "A"

### Prepared by:

Name: Joseph S. Moran  
Company: American National Can Company  
Address: 8770 W. Bryn Mawr Avenue  
City: Chicago State: IL Zip: 60631

### Return to:

Douglas M. Ellis  
Neal Gerber & Eisenberg  
2 N. LaSalle, Suite 2600  
Chicago, IL 60602

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THE ILLINOIS  
CHAMBER

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

Provided courtesy of  
The Illinois Chamber  
20 North Wacker Drive  
Chicago, Illinois 60606-3083  
312-772-7373

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## I. Liability Disclosure

Transferees 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.

### A. Property Characteristics:

Lot Size ..... Acreage... 10.24

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

- ..... Apartment building (8 units or less)
- ..... Commercial apartment (over 8 units)
- ..... Store, office, commercial building
- ...... Industrial building
- ..... Farm, with buildings
- ..... Other (specify)

## 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?

Yes..... No......

### (3) A lease exceeding a term of 40 years?

Yes..... No......

### (4) A mortgage or collateral assignment of beneficial interest?

Yes..... No......

### B. (1) Identify Transferor:

..... American National Can Company  
Name and Current Address of Transferor:

..... 8770 W. Bryn Mawr Ave., Chicago, I.L. 60631  
Name and Address of Trustee if this is a transfer of beneficial interest of a land 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:

..... Joseph S. Moran, American National Can Company, 8770 W. Bryn Mawr, Chicago  
Name, Position (if any) and Address Telephone No. 312 549 5658 I.L. 60631

### C. Identify Transferee:

..... Shiozaki Corporation  
Name and Current Address of Transferee:

..... 1201 Estes, Elk Grove Village, 60007

## 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 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.

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storage, disposal or treatment of hazardous substances owned, controlled or possessed by such person at a facility... (4) Any person who accepts or receives hazardous substances for transport, 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 414 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 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.

V. 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?

Landfill	Yes.....	No... <input checked="" type="checkbox"/>
Surface Impoundment	Yes.....	No... <input checked="" type="checkbox"/>
Land Treatment	Yes.....	No... <input checked="" type="checkbox"/>
Waste Pile	Yes.....	No... <input checked="" type="checkbox"/>
Incinerator	Yes.....	No... <input checked="" type="checkbox"/>
Storage Tank (Above Ground)	Yes.....	No... <input checked="" type="checkbox"/>
Storage Tank (Underground)	Yes... <input checked="" type="checkbox"/>	No.....
Container Storage Area	Yes... <input checked="" type="checkbox"/>	No... <input checked="" type="checkbox"/>
Injection Wells	Yes.....	No... <input checked="" type="checkbox"/>
Wastewater Treatment Units	Yes.....	No... <input checked="" type="checkbox"/>
Septic Tanks	Yes.....	No... <input checked="" type="checkbox"/>
Transfer Stations	Yes.....	No... <input checked="" type="checkbox"/>
Waste Recycling Operations	Yes.....	No... <input checked="" type="checkbox"/>
Waste Treatment Detoxification	Yes.....	No... <input checked="" type="checkbox"/>
Other Land Disposal Area	Yes.....	No... <input checked="" type="checkbox"/>

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..... No...X
  - b. Permits for emissions to the atmosphere. Yes..... No...X
  - c. Permits for any waste storage, waste treatment or waste disposal operation. Yes..... No...X
- 6. Has the transferor had any wastewater discharges (other than sewage) in a publicly owned treatment works? Yes..... No...X
- 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...X No.....
  - 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...X
  - c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes..... No...X
- 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 action:
  - a. Written notification regarding known, suspected or alleged contamination on or emanating from the property. Yes..... No...X
  - 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...X
  - 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.....
- 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...X
  - 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?
    - ..... 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 ..... NO! Unknown

Type of business 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:

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.....	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.....

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.

SIGNATURE(S) .....  
TRANSFEROR OR TRANSFERORS (PLEASE TYPE)  
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on 7/24 1095

SIGNATURE(S) .....  
TRANSFEEE OR TRANSFEEES (PLEASE TYPE)  
(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on 10

SIGNATURE(S) .....  
LENDER .....  
LENDER REPRESENTATIVE (PLEASE TYPE) .....  
TITLE .....

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SCHEDULE A

LEGAL DESCRIPTION CONTINUED

and Sault Ste. Marie Railroad thence North 14 degrees 20 minutes West along the Westerly right of way line of said railroad 117.22 feet thence 65 degrees 47 minutes 30 seconds West 149.44 feet to the true point of beginning)

ALSO

PARCEL 2:

That part of Lot "A" of Benjamin Consolidation of part of the Northwest 1/4 of Section 17 and part of the Northeast 1/4 of Section 19, Township 41 North, Range 12 East of the Third Principal Meridian described as follows:

Beginning at a point on the Northeastly line North West Highway which bears South 58 degrees 56 minutes 20 seconds East 722.53 feet from intersection of said Northeastly line of said highway with the West line of the Northwest 1/4 of Section 17 aforesaid which is 1331.02 feet South of the Northeast corner thereof thence North 71 degrees 03 minutes 40 seconds East 478.27 feet to the true point of beginning thence continuing along said course a distance of 16.76 feet to a point thence East, (parallel to the North line of that certain tract of land conveyed to the United States Gypsum Company by the Benjamin Electric Manufacturing Company by deed dated June 4, 1951 and recorded June 11, 1951 as Document #15096513, Book 46902, Page 436 in the Office of the Recorder of Cook County, Illinois) 600.52 feet more or less to a point on the Westerly line of Minneapolis St. Paul and Sault Ste. Marie Railroad thence South 14 degrees 20 minutes East along the Westerly right of way line of said railroad 14.39 feet to the Northeast corner of the aforementioned tract conveyed to the United States Gypsum Company by the Benjamin Electric Manufacturing Company thence West 612.5 feet along the North line of said tract to the true point of beginning, all in Cook County, Illinois.

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SCHEDULE A

9 5 1 9 1 3 5

## LEGAL DESCRIPTION:

### PARCEL 1:

That part of Lot "A" in Benjamin's Consolidation of that part of the East 1/2 of the Northeast 1/4 of Section 18, Township 41 North, Range 12 East of the Third Principal Meridian, lying South of the center line of Saeger's Road and North of the Northerly line of the Chicago and North Western Railway right of way also that part of the Northwest 1/4 of Section 17, Township 41 North, Range 12 East of the Third Principal Meridian, lying Northerly of the Northerly line of the Chicago and North Western Railway right of way also Northerly of the Northerly line of the Des Moines Valley Railroad right of way and Westerly of the Minneapolis, St. Paul, Saulte Ste. Marie Railroad right of way described as follows:

Beginning at a point on the Northeastery line of North West Highway which bears South 59 degrees 56 minutes 20 seconds East 722.53 feet from the intersection of said Northeastery line of said highway with the West line of the Northwest 1/4 of said Section 17 which is 1331.02 feet South of the Northwest corner thereof said point of beginning being point of tangency of a curved line convex to the Southwest thence Easterly along said curved line with a radius of 979.51 feet a distance of 494.32 feet thence South 87 degrees 53 minutes East tangent to said curved line 132 feet thence South 86 degrees 38 minutes 20 seconds East 262.64 feet thence South 71 degrees 45 minutes 40 seconds East 165.08 feet to a point on the Westerly line of Minneapolis St. Paul Saulte Ste. Marie Railroad thence North 14 degrees 28 minutes West along the Westerly right of way line of said railroad 641.60 feet thence West 612.50 feet to an intersection with Westerly radial line of curved line above described thence South 31 degrees 03 minutes 40 seconds West along said radial line 478.27 feet to the point of beginning (excepting therefrom that part thereof described as follows):

Beginning at a point on the Northeastery line of the North West Highway which bears South 59 degrees 56 minutes 20 seconds East 722.53 feet from intersection of said Northeastery line of said highway with the West line of the Northwest 1/4 of Section 17 aforesaid which is 1331.02 feet South of the Northwest corner thereof said point of beginning being the point of tangency of a curved line convex to Southwest thence Easterly along said curved line with a radius of 979.51 feet a distance of 494.32 feet thence South 87 degrees 53 minutes East tangent to said curved line 132 feet thence South 86 degrees 38 minutes 20 seconds East 253.91 feet to the true point of beginning thence South 86 degrees 38 minutes 20 seconds East 8.73 feet thence South 71 degrees 45 minutes 40 seconds East 165.08 feet to a point on the Westerly line of Minneapolis St. Paul

(Continued)

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