



UNOFFICIAL COPY 95648010
**ENVIRONMENTAL DISCLOSURE DOCUMENT
 FOR TRANSFER OF REAL PROPERTY**

7573317 DT

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

For Use By County

Seller: Alvarez Cold Storage, Inc an Illinois Corp

Recorder's Office

Buyer: La Crou Cold Storage Partnership

County

Date

Document No.:

Doc. No.

Vol. _____ Page _____

Rec'd by: _____

I. PROPERTY IDENTIFICATION:

A. Address of property: 3534 South Kostner Chicago West Chicago
Street City or Village (partially) Township

Permanent Real Estate Index No.: 16-34-302-0000 (partially)

B. Legal Description

Section 34 Township 39 N Range 13

Enter or attach current legal description in this area:

See attached legal description

DEPT-01 RECORDING 931.00
 T60012 TRAN 6606 09/25/95 13:03:00
 2270 S CIG #95-648010
 COOK COUNTY RECORDER

Prepared by: Kenneth A. Michaels Jr
6310 Jackson Blvd #228
Chicago, IL address 60604

Return to: William Biederman
30 N La Salle St #1426
Chicago, IL address 60602

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 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 Approx 650 X 400 Feet. 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 _____

II. NATURE OF TRANSFER:

- | | Yes | No |
|--|-------------------------------------|-------|
| A. (1) Is this a transfer by deed or other instrument of conveyance? | <input checked="" type="checkbox"/> | |
| (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? | | |

3/02/95

BOX 333-CTI

95648010

UNOFFICIAL COPY

B. (1) Identify Transferor:

Alvarez Cold Storage, Inc. 3534 S. Kostner Chicago IL 60632
Name and Current Address of Transferor

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:

L. Daniel Alvarez, President, Alvarez Cold Storage, Inc. 3534 S. Kostner Chicago IL 60632 708/540-1190
Name, Position (if any), and address Telephone No.

C. Identify Transferee: Alvarez Cold Storage Partnership, 3534 S. Kostner Chicago IL 60632
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 possessed 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 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."

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 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

95648010

UNOFFICIAL COPY

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?

	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>			

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 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) to 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 _____ No X
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1976. 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 actions?

- 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 X

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 IHSA or the IRSDA, 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? _____

95648010

UNOFFICIAL COPY

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: Sara Lee Corporation

Three First National Plaza Chicago IL

Type of business/ Storage and distribution of food products
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.

Alvarez Cold Storage Inc.

[Signature]
signature Louis D. Alvarez, President

type or print name
TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

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

September 22 1995

Lasalle Cold Storage Partnership

[Signature]
signature

William Bickman, sign and atty

type or print name
TRANSFEREE OR TRANSFEREES (or on behalf of Transferee)

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

September 22 1995

LASALLE NATIONAL BANK

[Signature]
signature

JANET B. CARY, Atty

type or print name
LAWYER

UNOFFICIAL COPY

PARCEL 1:

THAT PART OF A TRACT OF LAND CONSISTING OF PARTS OF LOTS 5, 6 AND 7 IN COUNTY CLERK'S DIVISION OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE CHICAGO AND ILLINOIS WESTERN RAILROAD RIGHT OF WAY, SAID POINT BEING 28.49 FEET SOUTH OF THE EAST AND WEST CENTER LINE OF SAID SECTION 34; THENCE SOUTH ALONG THE EAST LINE OF SAID RIGHT OF WAY, SAID LINE BEING 256.43 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 34, FOR A DISTANCE OF 400 FEET; THENCE EAST PARALLEL TO SAID EAST AND WEST CENTER LINE OF SECTION 34; FOR A DISTANCE OF 924.06 FEET TO A LINE 144 FEET WEST OF AND PARALLEL TO THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 34; THENCE NORTH, ALONG SAID LINE 144 FEET WEST OF AND PARALLEL TO THE NORTH AND SOUTH CENTER LINE OF SECTION 34, FOR A DISTANCE OF 201.77 FEET; THENCE WEST, ALONG A LINE FORMING AN INTERIOR ANGLE OF 89 DEGREES 56 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 273.10 FEET; THENCE NORTH TO A POINT ON A LINE 28.49 FEET SOUTH OF AND PARALLEL TO SAID EAST WEST CENTER LINE OF SECTION 34, SAID POINT BEING 417.25 FEET WEST OF SAID NORTH AND SOUTH CENTER LINE OF SECTION 34, AS MEASURED ALONG SAID LINE 28.49 FEET SOUTH OF AND PARALLEL TO THE EAST AND WEST CENTER LINE OF SECTION 34; THENCE WEST, ALONG SAID LINE 28.49 FEET SOUTH OF AND PARALLEL TO THE EAST AND WEST CENTER LINE OF SECTION 34, FOR A DISTANCE OF 650.68 FEET TO THE POINT OF BEGINNING,

(EXCEPT THAT PART DESCRIBED AS FOLLOWS:

THAT PART OF LOT 5 IN COUNTY CLERK'S DIVISION OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF CHICAGO AND ILLINOIS WESTERN RAILROAD RIGHT OF WAY, SAID POINT BEING 28.49 FEET SOUTH OF THE EAST AND WEST CENTER LINE OF SAID SECTION 34, THENCE SOUTH ALONG THE EAST LINE OF SAID RIGHT OF WAY, SAID LINE BEING 256.43 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 34, FOR A DISTANCE OF 400.00 FEET; THENCE EAST, PARALLEL TO SAID EAST AND WEST CENTER LINE OF SECTION 34, FOR A DISTANCE OF 924.06 FEET TO A POINT ON A LINE 144.00 FEET WEST OF AND PARALLEL WITH THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 34, SAID POINT HEREINAFTER REFERRED TO AS THE POINT OF BEGINNING OF THE FOLLOWING TRACT OF LAND DESCRIBED HEREON; THENCE NORTH ALONG SAID LINE 144.00 FEET WEST OF AND PARALLEL WITH THE NORTH AND SOUTH CENTER LINE OF SECTION 34, FOR A DISTANCE OF 201.77 FEET; THENCE WEST, ALONG A LINE FORMING AN INTERIOR ANGLE OF 89 DEGREES, 56 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, FOR A DISTANCE OF 243.10 FEET TO THE EAST LINE OF AN EASEMENT FOR INGRESS AND EGRESS AS CREATED BY GRANT FROM FIRST AMERICAN REALTY COMPANY, A CORPORATION OF DELAWARE, DATED JANUARY 26, 1967 AND RECORDED JANUARY 30, 1967 AS DOCUMENT NO. 20053110; THENCE SOUTH ON SAID EAST LINE OF SAID EASEMENT FOR A DISTANCE OF 201.72 FEET TO A POINT ON THE AFORESAID LINE, PARALLEL WITH THE EAST AND WEST CENTER LINE OF SECTION 34; THENCE EAST ON SAID PARALLEL LINE, FOR A DISTANCE OF 242.95 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

95648010

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

PARCEL 2:

THAT PART OF LOT 6 IN COUNTY CLERK'S DIVISION OF THE EAST 1/2 OF THE WEST 1/2 OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 34, AFORESAID; THENCE WEST, ALONG THE EAST AND WEST CENTER LINE OF SAID SECTION 34, 1,067.92 FEET, TO THE EAST LINE OF THE CHICAGO AND ILLINOIS WESTERN RAILROAD RIGHT OF WAY; THENCE SOUTH, ALONG SAID EAST LINE 428.49 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH, ALONG THE LAST DESCRIBED COURSE, 47.50 FEET, THENCE NORTHEASTERLY 50 FEET TO A POINT IN A LINE 428.49 FEET SOUTH OF AND PARALLEL TO SAID EAST AND WEST CENTER LINE OF SECTION 34, SAID POINT BEING 15 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST, 15 FEET, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AND PARCEL 2 AFORESAID, AS CREATED BY GRANT FROM FIRST AMERICAN REALTY COMPANY, A CORPORATION OF DELAWARE, DATED JANUARY 26, 1967 AND RECORDED JANUARY 30, 1967 AS DOCUMENT 20053110, IN COOK COUNTY, ILLINOIS.

95648010

UNOFFICIAL COPY

Property of Cook County Clerk's Office