

UNOFFICIAL COPY

95804349

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

1M 7573250 5 of 5

The following information is provided pursuant to the Responsible Property Transfer Act of 1988
Seller: Climax Performance Materials Corporation
Buyer: Aetnachem, L.P., a Delaware limited partnership
Document No. _____

For Use By County Recorder's Office
County _____
Date _____
Doc. No. _____
Vol. _____
Page _____
Rec'd by: _____

DEPT-01 RECORDING 439.00
120042 11/20/95 11:53:00
1000 000 X-95-804349
COOK COUNTY RECORDER

I. PROPERTY IDENTIFICATION:

A. Address of property:

7201 West 65th Street, Bedford Park, Illinois 3900
Street City or Village Township
Permanent Real Estate Index No.: 18-24-215-013-0000
18-24-307-030-0000

B. Legal Description:

Section 24 Township 18 North Range 12 East
Enter or attach current legal description in this area:

Prepared by: Climax Performance Materials Corporation name
Return to: Morris W. Kegley name

7201 West 65th Street
Bedford Park, Illinois
address

7100 E. Mineral Circle
Englewood, CO 80112
address

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 213,039 sq ft Acreage 4.89

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

BOX 333-CTI

95804349

UNOFFICIAL COPY

11/15/2017

Property of Cook County Clerk's Office

11/15/2017

11/15/2017

UNOFFICIAL COPY

Other (specify)

II. NATURE OF TRANSFER:

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

B. (1) Identify Transferor:

Climax Performance Materials Corporation

Name and Current Address of Transferor

7201 W. 65th Street, Bedford Park, Illinois

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:

Dale Ostergren

708-458-8450

Name, Position (if any), and address

Telephone
No.

C. Identify Transferee:

Aetchem, L.P., a Delaware limited partnership, c/o Craig Bradley, Freeborn & Peters, 331 S. Wacker Drive, Chicago, Illinois 60606

Name and Current Address of Transferee

III. NOTIFICATION

Under the Illinois Environmental Protection Act,¹ owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act² 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;

¹ 415 ILCS 5/1 et seq.

² 415 ILCS 5/22.2

UNOFFICIAL COPY

Property of Cook County Clerk's Office

11/11/2010

UNOFFICIAL COPY

(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(a) of the Act³ 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 Act⁴ 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

³ 415 ILCS 5/4.

⁴ 415 ILCS 5/22.18

UNOFFICIAL COPY

Property of Cook County Clerk's Office

00000000

UNOFFICIAL COPY

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

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 X
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 X
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 Act⁵ and the Illinois Environmental Protection Act?

Yes X
No _____

4. Are there any of the following specific units (operating or closed) at the property

⁵ 42 U.S.C.A. § 6901 et seq.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

which are or were used by the transferor to manage waste, hazardous wastes, hazardous substances or petroleum?

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

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 statement.

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 X
 No ___
- c. Permits for any waste storage, waste treatment or waste disposal operation.
 Yes X (generated special waste/permitted into county environmental landfill)
 No ___

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

Yes X
 No ___

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

UNOFFICIAL COPY

Property of Cook County Clerk's Office

00000000
-000000

UNOFFICIAL COPY

- a. Prepared a Chemical Safety Contingency Plan pursuant to the Illinois Chemical Safety Act.⁶ Yes No
- b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986.⁷ Yes No
- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes No

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

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

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

⁶ 410 I.C.S. 45/1 et seq.

⁷ 42 U.S.C.A. § 11001 et seq.

UNOFFICIAL COPY

Property of Cook County Clerk's Office

COOK COUNTY CLERK'S OFFICE
111 N. LAUREL ST. CHICAGO, IL 60602
TEL: (773) 399-3000 FAX: (773) 399-3001
WWW.COOKCOUNTYCLERK.COM

UNOFFICIAL COPY

Yes

No

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 IEMA, 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 fungus 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

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

IV.A.4.: The surface impoundment was a part of the wastewater pretreatment system, not a solid or hazardous waste management unit.

IV.A.5.c.: The facility's wastewater pretreatment system generates a non-hazardous filter cake which is disposed off-site as special waste.

IV.A.9.b.: Mineral spirits were found in soils only, in one area of the property. The mineral spirits were discovered during a due diligence inspection of the property. The mineral spirits were not associated with the Above Ground and Underground Storage Tanks identified in the response to IV.B.2.

B. SITE INFORMATION UNDER OTHER OWNERSHIP OR OPERATION

UNOFFICIAL COPY

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: The Southland Corporation

Type of business/
or property usage: Industrial

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
Landfill	_____	<u>X</u>
Surface Impoundment	<u>X</u>	_____
Land Treatment	_____	<u>X</u>
Waste Pile	_____	<u>X</u>
Incinerator	_____	<u>X</u>
Storage Tank (Above Ground)	<u>X</u>	_____
Storage Tank (Underground)	<u>X</u>	_____
Container Storage Area	<u>X</u>	_____
Injection Wells	_____	<u>X</u>
Wastewater Treatment Units	<u>X</u>	_____
Septic Tanks	_____	<u>X</u>
Transfer Stations	_____	<u>X</u>
Waste Recycling Operations	_____	<u>X</u>
Waste Treatment Detoxification	_____	<u>X</u>
Other Land Disposal 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.

Dale G. Ostergren
signature

Dale G. Ostergren

type or print name

TRANSFEROR

(or on behalf of Transferor)

UNOFFICIAL COPY

Property of Cook County Clerk's Office

5-11-2010 10:00:00 AM

UNOFFICIAL COPY

B. This form was delivered to me with all elements completed on _____, 19____.

signature

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

C. This form was delivered to me with all elements completed on _____, 19____.

Sanir D. Desai

signature

Sanir D. Desai - LaSalle National Bank

type or print name
LENDER

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Tract 1

PARCEL 1: (18-24-217-030) (PART)

LOT 2 IN OWNERS DIVISION OF PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 2 DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST EASTERLY SOUTH EAST CORNER OF SAID LOT 2, THENCE NORTH ALONG THE EAST LINE OF SAID LOT, A DISTANCE OF 183.95 FEET; THENCE WEST AT RIGHT ANGLES TO THE EAST LINE OF SAID LOT, A DISTANCE OF 411.39 FEET TO A POINT OF CURVE; THENCE SOUTH WESTERLY ALONG A CURVED LINE CONVEX TO THE NORTH WEST AND HAVING A RADIUS OF 233.82 FEET, A DISTANCE OF 367.26 FEET TO A POINT OF TANGENCY WITH A LINE THAT IS 645.21 FEET WEST OF AND PARALLEL TO THE EAST LINE OF LOT 2 AFORESAID; THENCE SOUTH ALONG SAID PARALLEL LINE, A DISTANCE OF 25.19 FEET TO THE SOUTH LINE OF SAID LOT; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT, A DISTANCE OF 504.21 FEET TO THE WEST LINE OF A 16 FOOT PUBLIC ALLEY; THENCE NORTH ALONG SAID ALLEY LINE, 27.06 FEET; THENCE NORTH WESTERLY ALONG AN ALLEY LINE, 22.63 FEET; THENCE NORTH ALONG SAID ALLEY LINE, 32 FEET TO THE SOUTH LINE OF EASTERLY PART OF SAID LOT 2; THENCE EAST ALONG SAID SOUTH LINE OF LOT 2, A DISTANCE OF 157 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2: (18-24-215-013)

LOTS 1, 2 AND 3 IN BLOCK 7 IN ARGO REAL ESTATE IMPROVEMENT CORPORATION HARLEM AVENUE AND 63RD STREET SUBDIVISION IN THE EAST 1/2 OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON JANUARY 3, 1944 AS DOCUMENT 8238322.

PARCEL 3: (18-24-217-030) (PART)

THAT PART OF LOT 1 OF OWNER'S SUBDIVISION AFORESAID AND THAT PART OF VACATED 65TH STREET AND VACATED ALLEY, VACATED BY ORDINANCE RECORDED FEBRUARY 11, 1955 AS DOCUMENT 17454113 LYING SOUTHERLY AND SOUTH WESTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF OLD HARLEM AVENUE, 51.57 FEET SOUTH OF THE NORTH LINE OF VACATED 65TH STREET; THENCE NORTH WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 86 DEGREES 06 MINUTES (AS MEASURED FROM NORTH TO WEST WITH THE WEST LINE OF OLD HARLEM AVENUE) FOR A DISTANCE OF 141.33 FEET TO THE WEST LINE OF AFORESAID VACATED ALLEY; THENCE SOUTH 0.78 1/2 FEET ALONG THE WEST LINE OF SAID VACATED ALLEY; THENCE NORTH WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 86 DEGREES 06 MINUTES (MEASURED FROM NORTH TO WEST WITH THE WEST LINE OF SAID VACATED ALLEY) FOR A DISTANCE OF 63.69 FEET; THENCE NORTH WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 21 DEGREES 28 MINUTES TO THE RIGHT WITH AN EXTENSION OF THE LAST DESCRIBED LINE, A DISTANCE OF 170.41 FEET TO THE WESTERLY LINE OF LOT 1, WHICH IS ALSO THE SOUTH EASTERLY RIGHT OF WAY LINE OF THE BELT RAILWAY OF CHICAGO, ALL IN COOK COUNTY, ILLINOIS.

Address: 7201 West 65th Street, Bedford Park, Illinois 60499

95804349

UNOFFICIAL COPY

Property of Cook County Clerk's Office