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## ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

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

For Use by County Recorder's Office  
County  
Date  
Doc. No. **95223702**  
Vol.  
Page  
Rec'd by:

Seller: ABC Rail Corporation (Borrower)

Buyer: American National Bank and Trust Company of Chicago,  
as Agent (Lender)

Document No.: \_\_\_\_\_ DEPT-01 RECORDING \$43.50  
T40011 TRAN 6365 04/04/95 11:46:00  
#1802 # RV \*-95-223702  
COOK COUNTY RECORDER

### I. PROPERTY IDENTIFICATION

#### A. Address of property:

Street: 11th and Washington Streets and 1316 Washington  
Street

City or Village: Chicago Heights

Township: Bloom Township

Permanent Real Estate Index No.: 32-21-116-022,  
32-21-116-021, 32-21-116-020, 32-21-200-010

#### B. Legal Description:

Sections: 21 and 16

Township: 35 North

Range: 14

Enter or attach current legal description in this area:

See attached Exhibit A.

Prepared by: Name Raymond M. Trenck

Company ABC Rail Corporation

Address 200 S. Michigan Avenue, 13th Floor

City Chicago

State/Zip Illinois 60604-2402

Return to:

Charles Wehland

Jones, Day, Reavis & Pogue

77 W. Wacker

Chicago, IL 60601-1692



First American Title Order # CC 822657K

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## I. 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 clean-up costs whether or not they caused or contributed to the presence of environmental problems associated with the property.

### A. Property Characteristics:

Lot Size: \_\_\_\_\_ Acreage: 13.3078

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?                               | _____    | <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: ABC Rail Corporation (Borrower)

Name and Current Address of Transferor:

ABC Rail Corporation, 200 S. Michigan Avenue,  
13th Floor, Chicago, Illinois 60604-2402

Name and Address of Trustee if this is a transfer of beneficial interest of a land trust:

Not applicable

Trust No.: Not applicable

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- (2) Identify person who has completed this form on behalf of the Transferor and who has knowledge of the information contained in this form:

Raymond M. Trenck, Director Environmental Safety & Health, 200 S. Michigan Ave., 13th Floor, Chicago, Illinois 60604-2402

(312) 322-4617

Name, Position (if any), Address, Telephone No.

C. Identify Transferee:

American National Bank and Trust Company of Chicago,  
as Agent

33 North LaSalle Street

Chicago, Illinois 60690

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 a 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 or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide:

(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 or pesticide;

(2) Any person who at the time of disposal, transport, storage, or treatment of a hazardous substance or pesticide 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 or pesticide;

(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 or pesticides owned, controlled or possessed by such a person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances or pesticides; and

(4) Any person who accepts or accepted any hazardous substances or pesticides for transport to disposal, storage or treatment facilities or sites from which there is a release or

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a substantial threat of a release of a hazardous substances or pesticides.

Any monies received by the State of Illinois pursuant to this subsection (f) shall be deposited in the State Treasury to the credit of the Hazardous Waste Fund.

In accordance with the other provisions of this Section, costs of removal or remedial action incurred by a unit of local government under subsection (i) of this Section. Any monies so recovered shall be paid to the unit of local government."

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 or pesticide. 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 or pesticide 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."

Any monies received by the State pursuant to this subsection (k) shall be deposited in the Hazardous Waste Fund."

4. Section 57.12(a) of the Act states:

"Notwithstanding any other provision or rule or law, the owner or operator, or both, of an underground storage tank shall be liable for all costs of investigation, preventive action, corrective action and enforcement action incurred by the State of Illinois resulting 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.

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## 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 Act and the Illinois Environmental Protection Act?

Yes X 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 waste, hazardous substances or petroleum?

	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>

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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 discharge 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 \_\_\_ No X

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?

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 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 X 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?

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- 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?

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 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.

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- \_\_\_\_\_ 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?

Further information about these matters can be requested from ABC Rail Corporation at the address listed above.

## 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: Abex Corporation

Type of business/  
or property usage Heavy machining, heat treating and metal forming

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>

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Septic Tanks	_____	X
Transfer Stations	_____	X
Waste Recycling Operations	_____	X
Waste Treatment Detoxification	_____	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.

ABC RAIL CORPORATION

By: Raymond M. Tronek

Name: RAYMOND M. TRONEK

Title: DIRECTOR, ESH

TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

B. This form was delivered to me with all elements completed on March     , 1995.

AMERICAN NATIONAL BANK AND TRUST  
COMPANY OF CHICAGO  
as Agent

By: Edward J. Hempert

Name: \_\_\_\_\_

Title: \_\_\_\_\_

TRANSFeree OR TRANSFEREES (or on behalf of Transferee)



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## ACKNOWLEDGMENT AND WAIVER UNDER THE ILLINOIS RESPONSIBLE PROPERTY TRANSFER LAW

American National Bank and Trust Company of Chicago, as Agent, having an address of 33 North LaSalle Street, Chicago, Illinois 60690 (the "Mortgagee"), intending to make a first mortgage loan to ABC Rail Corporation, a Delaware Corporation (the "Borrower") secured by certain real estate with a street address of 11th and Washington Streets and 1316 Washington Street, Chicago Heights, Illinois, and more particularly described on Exhibit A attached hereto (the "Real Estate") hereby acknowledges and agrees to the following:

1. Mortgagee is aware of the purpose and intent of the disclosure document required under the Illinois Responsible Property Transfer Law, 415 ILCS 90/1 et seq.

2. Mortgagee waives the following rights under 415 ILCS 90/4: (a) its right to receive the disclosure document at least thirty (30) days before to transfer of the mortgage lien in the Real Estate and (b) its right, upon Borrower's failure to provide the disclosure document at least thirty (30) days before transfer of the mortgage lien on the Real Estate, to void its obligation to make the loan secured by the Real Estate.

3. Receipt of the disclosure document by the undersigned after the deadline specified in 415 ILCS 90/4 has not impaired the knowledge of the undersigned as to any existing environmental liabilities associated with the Property.

American National Bank and Trust Company  
of Chicago, as Agent

By Elizabeth G. Humphreys

Its: Vice President

Date: 3/30/95

Agreed and Acknowledged:

ABC Rail Corporation

By Raymond M. Tremble

Its: DIRECTOR, ESH

Date: 3/29/95



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## EXHIBIT A - LEGAL DESCRIPTION

Lots 38, 39, 40, 41 and 42 in Block 1 in Subdivision of that portion of Lots 1 and 3 in Block 240 in Chicago Heights lying South of a line drawn 33 feet North of and parallel to the East and West center line of the South 1/2 of the Northwest 1/4 of Section 21, Township 35 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

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## EXHIBIT A - LEGAL DESCRIPTION

### PARCEL 1:

Lots Five (5) and Six (6) in Block Two Hundred Forty (240) in Chicago Heights, a Subdivision of parts of the Northwest Quarter and the Northeast Quarter of Section Twenty One (21) and the Southeast Quarter and the Southwest Quarter of Section Sixteen (16), Township Thirty Five (35) North, Range Fourteen (14), East of the Third Principal Meridian, as per plat thereof recorded January 11, 1907 as Document Number 3977359, in Cook County, Illinois.

### PARCEL 2:

A strip of land Six (6) feet in width and Six Hundred Forty One (641) feet in length in the North Half of the North Half of Section Twenty One (21), Township Thirty Five (35) North, Range fourteen (14), East of the Third Principal Meridian, described as follows:

Beginning at a point in the Southeasterly line of Washington Avenue in the City of Chicago Heights, Twenty Five (25) feet North of the South line of Lot Four (4) in Block Two Hundred Forty (240) (measured at right angles to the said South line of Lot Four (4)); thence East, parallel with and Twenty Five (25) feet from the said South line of Lot Four (4), a distance of Six Hundred Forty One (641) feet to a point; thence South, at right angles to the last described course, Six (6) feet to a point; thence West parallel with the said South line of Lot Four (4), to the said Southeasterly line of Washington Avenue, thence Northeasterly along the said line of Washington Avenue, to the place of beginning, in Cook County, Illinois.

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11/11/2011