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ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

75-73-401 001  
The following information is provided pursuant to the Responsible Property Transfer Act of 1988  
Mortgagor: Mount Prospect Plaza (MLP) Limited Partnership, an Illinois Limited Partnership  
Mortgagee: E.E.L. Life Insurance Company  
Document No. \_\_\_\_\_

For Use By County Recorder's Office  
County \_\_\_\_\_  
Date \_\_\_\_\_  
Doc. No. : DEPT-01 RECORDING \$41.00  
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Page \_\_\_\_\_  
Rec'd by: : #3882 + CG \*-96-086396  
COOK COUNTY RECORDER

I. PROPERTY IDENTIFICATION:

A. Address of property:  
Mount Prospect Plaza, East Central & Rand Road, Mount Prospect, Illinois 60056  
Street City or Village Township  
Permanent Real Estate Index No.: 03-35-301-036-0000  
03-35-302-011-0000

B. Legal Description:  
Section 35 Township 42 North Range 11  
Enter or attach current legal description in this area: See attached Exhibit A  
Prepared by: Rudnick & Wolfe Return to: David B. Sickle, Esq.  
203 North LaSalle Street Rudnick & Wolfe  
Suite 1800 203 North LaSalle Street  
Chicago, Illinois 60601 Suite 1800  
Chicago, Illinois 60601

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.

C. Property Characteristics:  
Lot Size approx. 1200' x 1200' Acreage 32.24 acres  
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 - light  
 Farm, with buildings  
 Other (specify) \_\_\_\_\_

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BOX 333-CTI

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## 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:

Mount Prospect Plaza (MLP) Limited Partnership, an Illinois limited partnership  
Name and Current Address of Transferor

c/o The Mills Corporation, 3000 K Street, N.W., Suite 400, Washington, DC 20007

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:

Christina King Loundy, Esq., Rudnick & Wolfe, 203 North LaSalle Street, Suite 1800, Chicago, IL 6060

(312) 368-4000

Name, Position (if any), and address.

Telephone

### C. Identify Transferee:

P.F.L. Life Insurance Company, c/o Aegon USA Realty Advisors, Inc.

4333 Edgewood Road, N.E., Cedar Rapids, Iowa 52499

Name and Current Address of Transferee

## III. NOTIFICATION

Under the Illinois Environmental Protection Act,<sup>1</sup> 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<sup>2</sup> 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 [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; and

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(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<sup>3</sup> 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<sup>4</sup> 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.

## 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  See attached Exhibit B  
No

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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   See attached Exhibit B  
 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   See attached Exhibit B  
 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?

	YES	NO
Landfill	<u>      </u>	<u>  X  </u>
Surface Impoundment	<u>      </u>	<u>  X  </u>
Land Treatment	<u>      </u>	<u>  X  </u>
Waste Pile	<u>      </u>	<u>  X  </u>
Incinerator	<u>      </u>	<u>  X  </u>
Storage Tank (Above Ground)	<u>      </u>	<u>  X  </u>
Storage Tank (Underground)	<u>  X  </u>	<u>      </u>
Container Storage Area	<u>      </u>	<u>  X  </u>
Injection Wells	<u>      </u>	<u>  X  </u>
Wastewater Treatment Units	<u>      </u>	<u>  X  </u>
Septic Tanks	<u>      </u>	<u>  X  </u>
Transfer Stations	<u>      </u>	<u>  X  </u>
Waste Recycling Operations	<u>      </u>	<u>  X  </u>
Waste Treatment Detoxification	<u>      </u>	<u>  X  </u>
Other Land Disposal Area	<u>      </u>	<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 | <u>      </u> |
|  | No  | <u>  X  </u>  |
| b. Permits for emissions to the atmosphere.                                    | Yes | <u>      </u> |
|  | No  | <u>  X  </u>  |
| c. Permits for any waste storage, waste treatment or waste disposal operation. | Yes | <u>      </u> |
|  | No  | <u>  X  </u>  |

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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. <sup>6</sup>	Yes _____ No <u>  X  </u>
b.	Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. <sup>7</sup>	Yes _____ No <u>  X  </u>
c.	Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1985.	Yes _____ No <u>  X  </u>

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 <u>  X  </u>
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 <u>  X  </u>
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   X    
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
<u>  X  </u>	Sampling and analysis of soils

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- \_\_\_\_\_ 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 funies from subsurface storm drains or inside basement, 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?

See attached Exhibit B

## 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 and type of business/ or property usage:   Maisel and Associates of Michigan formerly owned the property.    
  The transferor has no knowledge concerning Maisel and Associates of Michigan's current address.  

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	_____	_____
Surface Impoundment	_____	_____
Land Treatment	_____	_____
Waste Pile	_____	_____
Incinerator	_____	_____
Storage Tank (Above Ground)	_____	_____
Storage Tank (Underground)	_____	_____
Container Storage Area	_____	_____
Injection Wells	_____	_____
Wastewater Treatment Units	_____	_____
Septic Tanks	_____	_____
Transfer Stations	_____	_____
Waste Recycling Operations	_____	_____

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Waste Treatment Detoxification \_\_\_\_\_  
Other Land Disposal Area \_\_\_\_\_

## 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.

Mount Prospect Plaza (MLP) Limited Partnership, an Illinois limited partnership

By: Mount Prospect Plaza L.L.C.  
a Delaware limited liability company,  
its general partner

By: The Mills Limited Partnership,  
a Delaware limited partnership,  
its executive manager

By: The Mills Corporation,  
a Delaware corporation,  
its general manager

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Thomas E. Frost  
signature  
type or print name Thomas E. Frost  
TRANSFEROR OR TRANSFERORS  
(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on \_\_\_\_\_, 1996

[Signature] counsel  
signature  
type or print name P.F.L. Life Insurance Company  
LENDER  
TRANSFeree OR TRANSFEREES

C. This form was delivered to me with all elements completed on \_\_\_\_\_, 1996

\_\_\_\_\_  
signature  
type or print name  
LENDER

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## EXHIBIT A

### LEGAL DESCRIPTION

#### PARCEL 1:

LOT 1 (EXCEPTING THEREFROM THOSE PARTS THEREOF TAKEN FOR THE DEPARTMENT OF TRANSPORTATION BY CONDEMNATION REGISTERED AS DOCUMENT NUMBER 3201616, AND ALSO EXCEPTING THEREFROM THAT PART THEREOF TAKEN FOR CENTENNIAL SUBDIVISION BY PLAT REGISTERED AS DOCUMENT NUMBER 3202476) IN PLAZA SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON JULY 16, 1979, AS DOCUMENT NUMBER 3104778;

(ALSO EXCEPTING THEREFROM THAT PART OF LOT 1 IN PLAZA SUBDIVISION AFORESAID DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 29 DEGREES 46 MINUTES 10 SECONDS EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, BEING ALSO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF RAND ROAD AS DEDICATED BY DOCUMENT NUMBER 3104778, A DISTANCE OF 296.41 (RECORD 297.66) FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ON A TANGENTIAL CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2,072.46 FEET, FOR AN ARC DISTANCE OF 730 FEET; THENCE NORTH 20 DEGREES 56 MINUTES 31 SECONDS EAST, 615.26 FEET TO THE SOUTHWEST CORNER OF CENTENNIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF REGISTERED FEBRUARY 11, 1981 AS DOCUMENT NUMBER 3202476; THENCE NORTH 00 DEGREES 00 MINUTES 30 SECONDS EAST ALONG THE WEST LINE OF CENTENNIAL SUBDIVISION AFORESAID, 230.66 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 IN PLAZA SUBDIVISION; THENCE NORTH 89 DEGREES 39 MINUTES 13 SECONDS WEST ALONG SAID NORTH LINE, 832.35 (RECORD 832.55) FEET TO THE POINT OF BEGINNING.

#### PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS, PARKING OF MOTOR VEHICLES, LOADING AND UNLOADING OF COMMERCIAL AND OTHER VEHICLES, AND FOR THE USE OF ROADWAYS, WALKWAYS, AND FACILITIES INSTALLED FOR THE COMFORT AND CONVENIENCE OF CUSTOMERS, INVITEES, LICENSEES, TENANTS AND EMPLOYEES OF ALL BUSINESSES AND OCCUPANTS OF THE IMPROVEMENTS AS GRANTED IN EASEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING LAND DATED SEPTEMBER 28, 1990, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON SEPTEMBER 28, 1990 AS DOCUMENT 90474272.

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PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR INSTALLATION, MAINTENANCE, REPAIR AND REPLACEMENT, OF ALL SUBSURFACE LINES AND CONDUITS FOR WATER MAINS, SANITARY SEWER LINES, STORM SEWER AND RELATED ACCESSORY FACILITIES TOGETHER WITH ALL SURFACE STORM WATER DETENTION AREAS, INCLUDING, BUT NOT LIMITED TO, RETENTION PONDS EXISTING OR TO BE CONSTRUCTED AS GRANTED IN THE EASEMENTS WITH COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING LAND DATED SEPTEMBER 28, 1990, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF COOK COUNTY, ILLINOIS ON SEPTEMBER 28, 1990 AS DOCUMENT 90474272.

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## EXHIBIT B

1. Although the transferor has not conducted on the property those operations which are described in IV(1) of the Environmental Disclosure Document, some tenants on the property may have conducted such operations.
2. Although the transferor has not conducted on the property those operations described in IV(2) of the Environmental Disclosure Document, a tenant presently operates a 4,000 gallon underground storage tank for storage of diesel fuel to fuel an emergency generator on the property.
3. Although the transferor has not conducted on the property those operations described in IV(3) of the Environmental Disclosure Document, a tenant has previously removed petroleum underground storage tanks from the property.
4. Based on subsurface sampling in an area occupied by a tenant who conducts dry cleaning operations on the property, levels of volatile organic compounds have been detected in excess of the method detection limits.

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- 1 415 ILCS 5/1 et seq.
- 2 415 ILCS 5/22.2.
- 3 415 ILCS 5/4.
- 4 415 ILCS 5/22.18.
- 5 42 U.S.C.A. § 6901 et seq.
- 6 430 ILCS 45/1 et seq.
- 7 42 U.S.C.A. § 11001 et seq.

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