

UNOFFICIAL COPY



97073035

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

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

DEPT-01 RECORDING \$43.00
T20012 TRAN 3904 01/31/97 15:14:00
#7219 # CG *-97-073035
COOK COUNTY RECORDER

Seller: Regent Investment, Inc.

Buyer: Alivio Medical Center, Inc.

Document No.: _____

I. PROPERTY IDENTIFICATION

A. Address of property: 2025 South Morgan Street, Chicago
Street City or Village Township

Permanent Real Estate Index No.: 17-20-433-005
17-20-434-006

B. Legal Description:

Section _____ Township _____ Range _____

Enter or attach current legal description in this area:

See attached.

43⁰⁰

Prepared by: Bruce White
Karaganis & White Ltd. Return to: Regent Investment, Inc.
424 North Orleans name Suite 810 120 N. LaSalle Street
Chicago, IL 60610 Chicago, IL 60602
address address

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 321 Feet x 363 Feet Acreage _____

Check all type 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 Currently vacant

BOX 333-CTI

97073035

75-59-357D-200
TMS

II. NATURE OF TRANSFER

UNOFFICIAL COPY

	YES	NO
A. (1) Is this a transfer by deed or other instrument of conveyance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) A lease exceeding a term of 40 years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) A mortgage or collateral assignment of beneficial interest?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. (1) Identify Transferor:

Regent Investment, Inc. 120 N. LaSalle Street, Chicago, IL 60602
 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: Bruce White, Karaganis, & White 414 N. Orleans, Chicago 60610
 prepared this form on behalf of Transferor. Alan Kaplan, Vice President, Regent Investment, 120 N. LaSalle Street, Chicago 60602 (312) 346-2336
 Name, Position (if any), and Address Telephone No.
Alan Kaplan has knowledge of the information contained in this form.

C. Identify Transferee: Alivio Medical Center, 2355 S. Western Avenue, Chicago, IL 60608
 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(i) 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 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.

UNOFFICIAL COPY

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 X* (See response to No. 1i)

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 X* (See response to No. 1i)

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* (See response to No. 1i)

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> (See No. 1i)	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?

- | | YES | NO |
|--|-------|----------|
| a. Permits for discharges of wastewater to waters of the State. | _____ | <u>X</u> |
| b. Permits for emissions to the atmosphere. | _____ | <u>X</u> |
| c. Permits for any waste storage, waste treatment or waste disposal operation. | _____ | <u>X</u> |

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

_____ 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. | _____ | <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. | _____ | <u>X</u> |
| c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-To-Know Act of 1986. | _____ | <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. | _____ | <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. | _____ | <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. | _____ | N/A |

UNOFFICIAL COPY

9. Environmental Releases During Transferor's Ownership

- a. Has any situation occurred at this site which resulted in a reportable "release" on any hazardous substances or petroleum as required under State or Federal laws? YES NO
X* (See response to No. 11)
- b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site? YES NO
X* (See response to No. 11)
- 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?
- X* 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
 - X* Sampling and analysis of soils (See response to No. 11)
 - 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. In 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 statement.

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: Edward Levitt --leased to C.C. R. Pallet Co.

Type of business/ or property usage: Pallet manufacturing company. Prior use - trucking company.

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>Unknown</u>	<u> </u>	Injection Wells	<u>Unknown</u>	<u> </u>
Surface Impoundment	<u>Unknown</u>	<u> </u>	Wastewater Treatment Units	<u>Unknown</u>	<u> </u>
Land Treatment	<u>Unknown</u>	<u> </u>	Septic Tanks	<u>Unknown</u>	<u> </u>
Waste Pile	<u>Unknown</u>	<u> </u>	Transfer Stations	<u>Unknown</u>	<u> </u>
Incinerator	<u>Unknown</u>	<u> </u>	Waste Recycling Operations	<u>Unknown</u>	<u> </u>
Storage Tank (Above Ground)	<u>Unknown</u>	<u> </u>	Waste Treatment Detoxification	<u>Unknown</u>	<u> </u>
Storage Tank (Underground)	<u>X*</u> (See response to	<u> </u>	Other Land Disposal Area	<u>Unknown</u>	<u> </u>
Container Storage Area	<u>Unknown</u>	<u>No. 11)</u>			

V. CERTIFICATION

UNOFFICIAL COPY

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.

Allen L Kaplan
signature
ALLEN L KAPLAN
type or print name V.P. of RECENT INVESTMENT, INC.
~~TRANSFEROR OR TRANSFEREES~~ (or on behalf of Trust(s))
Transferor or Transferors (or on behalf of Transferor)

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

_____ 19 _____

Rose Mary Bombela
signature
Rose Mary Bombela as President
type or print name Arivid Medical Center
TRANFEREE OR TRANSFEREES (or on behalf of Transferee)

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

_____ 19 _____

signature

type or print name
LENDER

(Ch. 30, sec. 906)

Property of Cook County Clerk's Office

97073035

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Environmental Disclosure Document
for Transfer to Real Property
2025 South Morgan Street

Response to No. 11:

The site is a rectangular parcel of land located on the northeast corner of the intersection of Morgan Street and West 21st Street. The property is currently vacant and the existing structures on the site have been razed to permit future development of the property. Regent acquired the property by tax deeds dated November 28, 1994 and December 21, 1994, as an investment for re-sale. After acquisition of the property, Regent did not conduct any operations at the site, nor did Regent give permission to any third party to use the property for any purpose.

After acquisition of the property by Regent, underground storage tanks (USTs) used to store gasoline were discovered at two separate areas on the site. HazChem Environmental Corporation (HazChem) of Lombard, Illinois, performed a Phase II Environmental Assessment at the subject property in 1995. Soil sampling conducted during HazChem's site investigation activities revealed the presence of benzene, toluene, ethyl benzene and xylenes (BTEX). To further assess site conditions, Regent retained the services of Environmental Resources Management-North Central, Inc. (ERM-North Central) to perform additional soil investigation at the site. ERM-North Central's 1995 investigation determined that the out-of-service gasoline USTs were the likely source of the BTEX compounds found on site by HazChem.

In May 1996, the USTs were registered with the Office of the State Fire Marshal (OSFM) and permits from the Chicago Department of Environment (CDOE) were obtained. Based on information from HazChem, it was initially believed that there were four gasoline USTs (three 3,000 and one 8,000-gallon tank) located in two separate areas at the site. ERM-EnviroClean subcontracted SET Environmental, Inc. (SET) of Wheeling, Illinois to remove the USTs. On May 1, 1996, SET initiated the UST removal activities, and it was determined that there were only three gasoline USTs: two 10,000-gallon; and one 8,000-gallon. The two 10,000-gallon gasoline USTs were located on the eastern portion of the site, and the 8,000-gallon gasoline UST was located in a separate area approximately 225 feet west of the 10,000-gallon USTs, adjacent to a former one-story building. Inspection of the USTs revealed a 0.5-inch by 1.25-inch hole in the east end of the 10,000-gallon UST located in the northwest portion of the east excavation. An inspector from CDOE observed the UST removal activities, and based on HNU readings from soil samples collected from the two excavations, the CDOE determined that a release occurred. The release is suspected to have resulted from a combination of overfills, pipe release, and the poor condition of at least one of the gasoline USTs. IEMA was notified of the release on May 3, 1996, and the site was assigned IEMA Incident No. 960735.

97073535

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

During demolition of the buildings following the removal of the gasoline USTs, a fourth, 1,500-gallon UST containing what was determined to be fuel oil was discovered in an area further west of the 8,000-gallon gasoline UST excavation. With the permission of the CDOE, the fuel oil UST was removed on June 3, 1996, under the existing CDOE removal permit. The CDOE and the Chicago Fire Department representatives on site during the removal of the fuel oil UST determined that the fuel oil UST had not leaked.

A site classification investigation was performed by ERM-North Central for Regent to determine the applicable classification of the site (i.e. no further action, low priority or high priority) pursuant to the Illinois Environmental Protection Act, Title XVI: *Petroleum Underground Storage Tank Statute* and the Rules at 35 Illinois Administrative Code (IAC) 732.300. Based on the results of this investigation, ERM-North Central concluded that the site classification is "No Further Action".

On behalf of Regent, in June of 1996, ERM-North Central prepared and submitted a request to the Illinois Environmental Protection Agency (IEPA) for a "No Further Action Letter" together with the supporting documentation required by applicable statute and regulations. A list of all documents submitted by ERM-North Central to IEPA in support of the request for a "No Further Action Letter" is attached as Exhibit A. Copies of all these documents identified on Appendix A have been provided to Buyer Alivio Medical Center, Inc.

On December 17, 1996, IEPA issued the "No Further Action Letter" to Regent. A copy of that letter is attached as Exhibit B.

FROM: LDOC

97073035

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXHIBIT A

**ENVIRONMENTAL DOCUMENTS
PREPARED BY ERM-ENVIROCLEAN-NORTH CENTRAL, INC.
FOR UST REMOVAL AND LUST CLOSURE SERVICES
REGENT INVESTMENT, INC. SITE
2025 SOUTH MORGAN STREET
CHICAGO, ILLINOIS**

IEMA INCIDENT NO. 960735

<i>Date of Document</i>	<i>Document/Description</i>
June 3, 1996	20-Day Certification Form and LUST Program Form 532-2367
July 15, 1996	Site Classification Completion Report
July 15, 1996	Letter to Office of Illinois State Fire Marshal RE: Amended Notification for UST for Vacant Property
July 16, 1996	45-Day Report and Transmittal letter
July 31, 1996	Letter to Mr. Raul Valdivia City of Chicago, Department of Environment RE: Supplemental Information for UST Removal; CDOE Removal Permit No. 102265
August 12, 1996	Letter of Transmittal City of Chicago, Department of Environment RE: Transmittal of notarized Affidavit of UST removal (CDOE form No. 4730) for the CDOE removal permit No. 102265)
August 28, 1996	Letter to Mr. Robert Harlow IFPA, Leaking Underground Storage Tank Section RE: P.E. Certification for Site Classification Completion Report Form
October 3, 1996	Letter to Messrs. Eric E. Portz and Robert Harlow IEPA, Bureau of Land, Division of Remediation Management RE: Request for Reconsideration of Site Classification
October 16, 1996	Letter to Mr. Robert R. Harlow IEPA, Bureau of Land, Division of Remediation Management RE: Provide site-specific construction worker CAOs
October 24, 1996	Letter to Mr. Robert R. Harlow IEPA, Bureau of Land, Division of Remediation Management RE: Revised table presenting calculation of the CAOs

Key:

- UST = Underground storage tank
- LUST = Leaking underground storage tank
- IEMA = Illinois Emergency Management Agency
- CDOE = Chicago Department of Environment
- CAOs = Corrective action objectives

97073035

UNOFFICIAL COPY

Property of Cook County Clerk's Office



UNOFFICIAL COPY
State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director
 217/782-6762

2200 Churchill Road, Springfield, IL 62764-4276

DEC 17 1996

Regent Investment Corporation
 Attn: Allen Kaplan
 120 North LaSalle Street
 Chicago, Illinois 60602

Re: LPC #0316595044 -- Cook County
 Chicago/Regent Investment Corp.
 2025 South Morgan
 LUST Incident No. 900135
 LUST Technical File

Dear Mr. Kaplan:

The Illinois Environmental Protection Agency has reviewed the Request for Reconsideration of the Site Classification Completion Report dated October 3, 1996 and received by the Agency on October 3, 1996 along with Supporting Documentation dated October 16, 1996 and October 24, 1996 and received by the Agency on October 17, 1996 and October 25, 1996 which has been submitted for the above-referenced LUST incident. This information was prepared by David A. Schlott, P.E. of ERM-Enviroclean-North America.

The Site Classification Completion Report and associated Certification state that this site is classified as "No Further Action" as identified in Section 57.7(b)(2) of the Illinois Environmental Protection Act and 35 Illinois Administrative Code Section 732.302(c).

Based upon (a) the certification by David A. Schlott, a registered Professional Engineer of Illinois, and (b) the certification by A. Kaplan, the owner and operator of the underground storage tank(s), it appears that all corrective action requirements of Title XVI of the Act and 35 Illinois Administrative Code Part 732 for the release of petroleum from the underground storage tank(s) have been satisfied.

It should be noted that during any future excavation and/or construction at the above-referenced site, soil or groundwater contaminated above residential Tier I levels, must be handled as a special waste and properly manifested in accordance with all applicable laws and regulations.

For purposes of appeal, this constitutes the Agency's final decision regarding the above matters. Please see Appendix I for an owner or operator's appeal rights.

97073035

UNOFFICIAL COPY

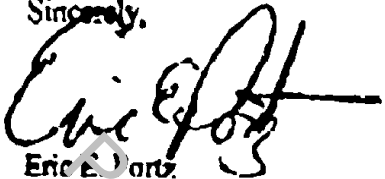
Property of Cook County Clerk's Office

UNOFFICIAL COPY

Page 2

If you have any questions or require further assistance, please contact Bob Harlow of my staff at 217782-6762.

Sincerely,



Eric E. Dorts
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

EEP:RH mls96184 WTD

cc: ERM-Enviroclean-North Central, Inc.

County of Cook County Clerk's Office

97073035

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

APPENDIX I

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board ("Board") pursuant to Section 57.8(i) and Section 40 of the Illinois Environmental Protection Act. An owner or operator who seeks to appeal the Agency's decision may, within 35 days of the date of mailing of the Agency's final decision, petition for a hearing before the Board; however, the 35-day period may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the 35-day initial appeal period.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-5504

BB:ct961979.WPD

97073035

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Block 18 (except the North 120.8 feet) in Walsh and McMullin's Subdivision
of the South 3/4 of the Southeast 1/4 of Section 20, Township 39 North,
Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Property of Cook County Clerk's Office

570

UNOFFICIAL COPY

Property of Cook County Clerk's Office