

UNOFFICIAL COPY

DISCLOSURE DOCUMENT

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

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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.

Vol.

Page

Rec'd by:

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1998-05-20 14:43:23

Cook County Recorder 71.00

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Seller: RRFEF MA-111 645 N. Michigan Avenue, Inc.

Buyer: City Center Retail Trust

Document No.: _____

I. PROPERTY IDENTIFICATION

A. Address of property:

Street 645 North Michigan Avenue

City or Village Chicago

Township _____

Permanent Real Estate Index No.: 17-10-114-017-0000

B. Legal Description:

Section: 10

Township: 39 North

Range: 14

Enter or attach current legal description in this area:

See Exhibit A attached hereto and made a part hereof.

Prepared by: Name Gary E. Axelrod, Esq.

Company Shelsky & Froelich Ltd.

Address 444 North Michigan Avenue, Suite 2500

City Chicago

State/Zip Illinois 60611

Return to: Gary E. Axelrod, Esq.

Shelsky & Froelich Ltd.

444 North Michigan Avenue, Suite 2500

Chicago, Illinois 60611

BOX 333-CTI

DISCLOSURE DOCUMENT

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: 20,034 sq. ft. Acreage: 0.4599

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>	<u> </u>
(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?	<u> </u>	<u>X</u>
(3) A lease exceeding a term of 40 years?	<u> </u>	<u>X</u>
(4) A mortgage or collateral assignment of beneficial interest?	<u> </u>	<u>X</u>

B. (1) Identify Transferor: _____

Name and Current Address of Transferor:
RREEF MA-III 645 N. Michigan Avenue, Inc.; 875 N. Michigan Avenue, Chicago,
Illinois 60611

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:

Kevin Hassen, 875 N. Michigan Avenue, Chicago, Illinois 60611
 Name, Position (if any), Address, Telephone No.

C. Identify Transferee:

City Center Retail Trust, 10 S. LaSalle Street, Chicago, Illinois 60603
 Name and Current Address of Transferee

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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 as a result of a release or substantial threat of a release of 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 a person at a facility there is a release or substantial threat of a release of such hazardous substance; 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 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 a release of petroleum from an underground tank."

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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 disclosures 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 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>

*See Section IV.A.11. regarding remediation of two (2) underground storage tanks

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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 _____ 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 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 _____ 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

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- 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 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

_____ 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

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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?

*Two (2) Underground Storage Tanks storing Number 6 Heating Oil were completely remediated pursuant to City of Chicago permit number B722282 including removing the USTs, filling them with sand, and replacing them at the Property.

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: PRUDENTIAL INSURANCE COMPANY OF AMERICA

Type of business/ Real Estate Investment

or property usage Commercial

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)	<u>X**</u>	_____
Container Storage Area	_____	_____
Injection Wells	_____	_____
Wastewater Treatment Units	_____	_____
Septic Tanks	_____	_____
Transfer Stations	_____	_____
Waste Recycling Operations	_____	_____
Waste Treatment Detoxification	_____	_____
Other Land Disposal Area	_____	_____

**See Section IV.A.11. above regarding remediation of two (2) underground storage tanks.

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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.

RREEF MA-III 645 N. Michigan Avenue, Inc.,
a Delaware corporation

By: [Signature]
Signature(s)

John R. Tukey
type or print name

TRANSFEROR OR TRANSFERORS
(or on behalf of Transferor)

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

May 19, 1998

CITY CENTER RETAIL TRUST, a Maryland
real estate investment trust

By: [Signature]
Signature(s)

LOUIE T ANDERTON
type or print name

TRANSFEEE OR TRANSFEEES
(or on behalf of Transferee)

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

_____, 19____

Signature(s)

type or print name

LENDOR

LENDOR REPRESENTATIVE

TITLE

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

THE WEST 200.00 FEET OF THE NORTH HALF (1/2) OF BLOCK 33 IN KINZIE'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF THE NORTH FRACTION OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE SOUTH 9.00 FEET THEREOF USED AS A PUBLIC ALLEY) IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 645 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS

P.L.N.: 17-10-114-017-0000

Property of Cook County Clerk's Office