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1998-06-15 10:49:22  
Cook County Recorder

## PREPARED BY:

Name: Skokie Land (AmberJack, Ltd.)  
James P. O'Connell

Address: 5201 Old Orchard Road  
Skokie, Illinois 60077

## RETURN TO:

Name: Draper and Kramer, Inc.  
James P. O'Connell

Address: 33 West Monroe Street  
Chicago, Illinois 60603

## THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE REMEDIATION APPLICANT, WITHIN 45 DAYS OF ITS RECEIPT, TO THE OFFICE OF THE RECORDER OF COOK COUNTY.

Illinois State EPA Number: 0312885325

Draper and Kramer, Inc., as representative for AmberJack, Ltd., the Remediation Applicant, whose address is 33 West Monroe Street, Chicago, Illinois, has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and which remediation site can be identified by the following:

### 1. Legal description or Reference to a Plat Showing the Boundaries:

That part of certain Lots in Block 2 and vacated streets and alleys in Skokie Rapid Transit Park, a Subdivision of the West 1/2 of the NW 1/4 of the SE 1/4 (except the South 30 feet of the North 50 feet) of Section 9, Township 41 North, Range 13, East of the Third Principal Meridian, and in the Resubdivision of Lots 11 to 25, inclusive, in said Block 2, now vacated, and certain Lots in Blocks 1 and 2 and vacated streets and alleys in Skokie Rapid Transit Park First Addition, a Subdivision of that part of the NE 1/4 of the SW 1/4 (except the South 40 feet of the North 70 feet thereof) of said Section 9 lying East of the Easterly line of the right of way of the Chicago, North Shore, and Milwaukee Railroad, now vacated, bounded and described as follows: Beginning at the Northwest corner of Lot 10 in Block 2 in said Skokie Rapid Transit Park, and running thence West along the South line of Old Orchard Road (formerly Harrison Street), 408 feet to a point 8 feet East of the Northwest corner of Lot 14 in Block 1 in said Skokie Rapid Transit Park First Addition; thence South parallel to the East line of Lararnie Avenue, now vacated, 603.24 feet to a point in the South line of vacated Colfax Street; thence East along said South line and said line extended, 408 feet to the Northwest corner of Lot 40 in the Resubdivision of Lots 21 to 43, inclusive, in Block 3 in Skokie Rapid Transit Park; thence Northeasterly, 171.43 feet along the Westerly line of Edens Highway to a point in the South line of Lot 20 in the Resubdivision of Lots 11 to 25, inclusive, in Block 2 of said Skokie Rapid Transit Park, 70.5 feet West of the Southeast corner of said Lot 20; thence Northwesterly, 227.32 feet to a point in the East line of Lot 13 in said Resubdivision, 24 feet South of the Northeast corner of said Lot 13; thence East 16 feet across the vacated alley to a point in the West line of Lot 36 in Block 2 in said Skokie Rapid Transit Park; 24 feet South of the Northwest corner of said Lot 36; thence North 100 feet along the West line of said Lot 36 and Lots 37 and 38 and said line extended to the North line of the vacated East and West alley in said Block 2; thence West 1.37 feet along said North line to the Southeast corner of Lot 6 in said Block 2 of Skokie Rapid Transit Park; and thence Northwesterly, 186.07 feet to the Northwest corner of Lot 10 in said Block 2, the place of beginning, in Cook

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County, Illinois.

2. Common Address: 5201 Old Orchard Road, Skokie, Illinois 60077
3. Real Estate Tax Index/Parcel Index Number: 10-09-305-045-0000
4. Remediation Site Owner: AmberJack, Ltd. c/o Draper and Kramer, Inc.
5. Land Use Limitation: Industrial/commercial
6. Site Investigation: Comprehensive

See attached No Further Remediation letter for other terms.

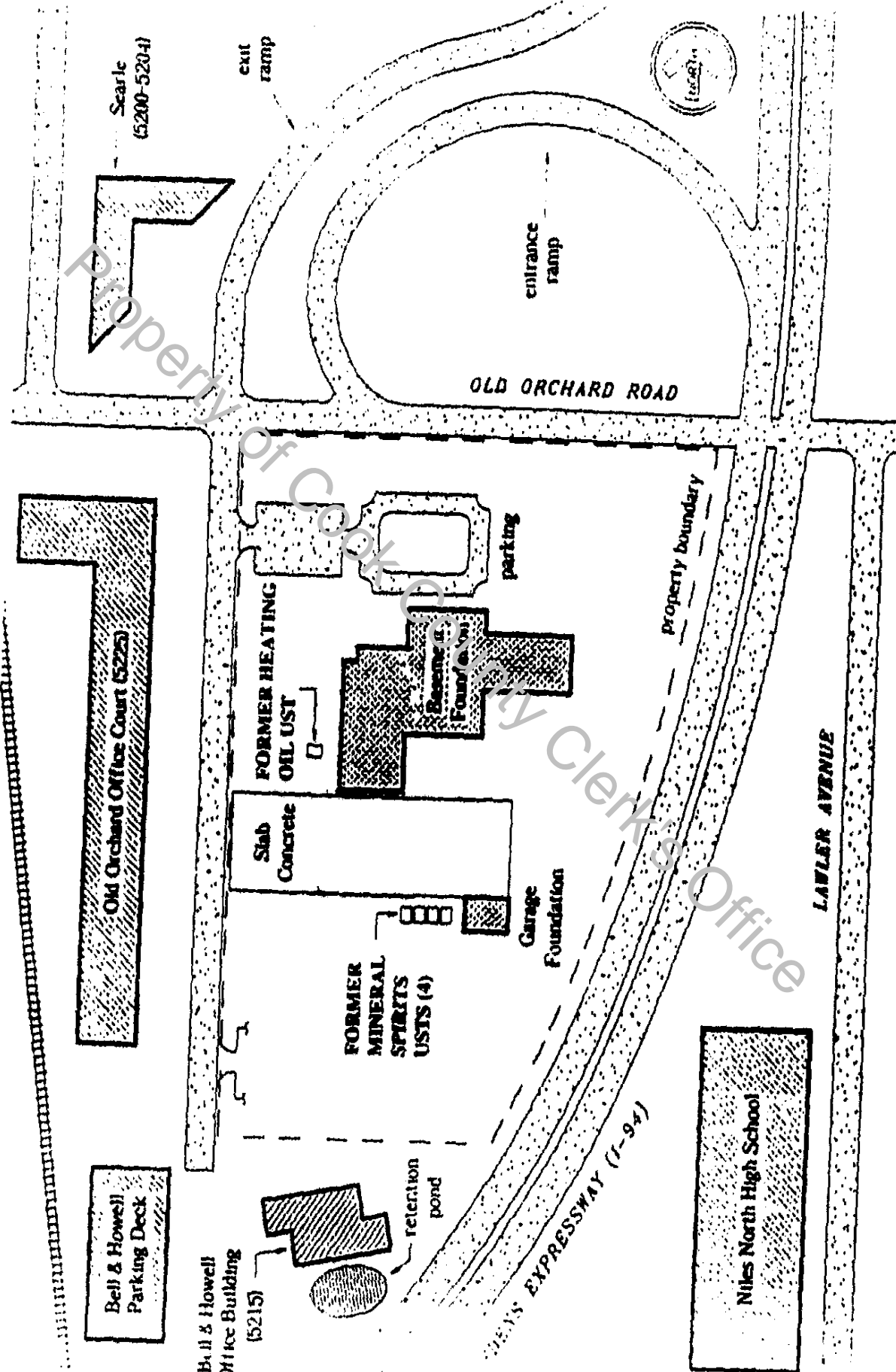
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SITE BASE MAP FROM REMEDIAL ACTION COMPLETION REPORT  
SKOKIE LAND (AMBERJACK, LTD.) 0312885325



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## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 Mary A. Gade, Director

217/782-6762

JUN 03 1998

**CERTIFIED MAIL**

9344308874

Draper and Kramer, Inc.  
Attn: James P. O'Connell  
33 West Monroe Street  
Chicago, Illinois 60603

Re: LPC #0312383225 -- Cook County  
Skokie/Skokie Land (Amberjack, Ltd.)  
5201 Old Orchard Road  
Site Remediation Technical

Dear Mr. O'Connell:

The Remedial Action Completion Report (RACR), dated March, 1998, as well as other information in the Agency's division file, prepared by Montgomery Watson, for the Skokie Land (Amberjack) property has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The subject file information and RACR demonstrate that the remedial action was successfully completed.

The remediation site, consisting of 6.709 acres, is legally described in the attached Environmental Notice and is commonly known as 5201 Old Orchard Road, Skokie, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/58.10), your request for a no further remediation determination is granted under the conditions and terms specified in this Letter.

Issuance of this comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act in performing the approved remedial action. The Letter shall be considered prima facie evidence that the remediation site described in the attached Site Remediation Program ("SRP") Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of this Letter.

### CONDITIONS AND TERMS OF APPROVAL

#### LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. This Letter signifies a release for the recognized environmental conditions as characterized and demonstrated in the information in the Agency's division file and the RACR dated March, 1998.

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2. In accordance with Section 58.8(c) and 58.10(b)(3) of the Act (415 ILCS 5/58.8(c), 415 ILCS 5/58.10(b)(3)), the remediation site described in the attached SRP Environmental Notice and shown on the attached Site Base Map of this letter may be used for industrial or commercial purposes.
3. The land use specified in this letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the site described in the attached Site Remediation Program Environmental Notice.

5. Failure to manage the controls in full compliance with the terms of this letter may result in avoidance of this Letter.

## OTHER TERMS

6. Any contaminated soil or groundwater that is removed, excavated, or disturbed from the above-referenced site must be handled in accordance with all applicable laws and regulations.
7. Where the Remediation Applicant is not the sole owner of the remediation site, the Remediation Applicant shall complete the attached "Property Owner Certification of NFR Letter Under the Site Remediation Program" form. This certification by original signature of each property owner, or the authorized agent of the owner(s), of the remediation site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
8. Further information regarding this remediation site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attention: Freedom of Information Act Officer  
Bureau of Land -- #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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9. Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of this Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
- a) Any violation of institutional controls or the designated land use restrictions;
  - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
  - c) The disturbance or removal of contamination that has been left in-place. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;
  - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
  - g) The failure to pay the No Further Remediation Assessment Fee within 45 days after receiving a request for payment from the Illinois EPA;
  - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within 45 days after receiving a request for payment from the Illinois EPA.
10. Pursuant to Section 58.10(d) of the Act, the No Further Remediation Letter shall apply in favor of the following persons:
- a) Draper and Kramer, Inc.;
  - b) The owner and operator of the remediation site;
  - c) Any parent corporation or subsidiary of the owner of the remediation site;
  - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the remediation site;
  - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the remediation site;

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- f) Any mortgagee or trustee of a deed of trust of the owner of the remediation site or any assignee, transferee, or any successor-in-interest of the owner of the remediation site;
- g) Any successor-in-interest of the owner of the remediation site;
- h) Any transferee of the owner of the remediation site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
- i) Any heir or devisee of the owner of the remediation site;
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the remediation site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor in interest hereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
11. This Letter, including all attachments, must be recorded as a single instrument with the Office of the Recorder or Registrar of Titles of Cook County. For recording purposes, the SRP Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Skokie Land (AmberJack) property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA as indicated below.

Mr. Robert O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPM Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

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12. In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the remediation site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the final billing statement.



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If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Dianne Potter, at 217/782-0892.

Sincerely,

*Hernando A. Albarracin*

Hernando A. Albarracin, Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

HAA:dlp

Enclosures: SRP Environmental Notice  
Site Base Map  
Property Owner Certification Form

cc: Damon Lee  
Montgomery Watson  
2100 Corporate Drive  
Addison, Illinois 60101

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Box 244  
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