

# UNOFFICIAL COPY

ILLINOIS RESPONSIBLE PARTY TRANSFER  
ACT, STATUTORY DISCLOSURE FORM

98599315

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

Seller: Shell Oil Company  
Buyer: Equilon Enterprises, L.L.C.

For use by County Recorder's Office:

County: COOK  
Date: \_\_\_\_\_  
Doc No.: ~~T40007~~ DEPT-01 RECORDING \$39.00  
Vol.: ~~13543~~ TRAN 3157 07/13/98 11:40:00  
Page: ~~1~~ REC \* 98-599315  
Rec'd by: \_\_\_\_\_  
Document No.: \_\_\_\_\_  
DEPT-10 PENALTY \$36.00

## I. PROPERTY IDENTIFICATION:

- 5291 DN
- A. Address of property 600 E Touhy, DesPlaines  
Street City or Village Township
- Permanent Real Estate Index No.: 09-30-410-020
- B. Legal Description: Section ..... Township ..... Range .....
- Enter or attach current legal description in this area: **SEE EXHIBIT A ATTACHED**
- Prepared by: Lisa Schoedel Return to: Equilon Enterprises, L.L.C.  
Shell Oil Products Company  
As agent for Shell Oil Company  
1415 W 22<sup>nd</sup> Street  
Oak Brook, IL 60523-2045

RETURN DOCUMENT TO:  
CHICAGO TITLE, 171 N. CLARK ST  
ATTN: ROCHELLE DEMOSS  
CHICAGO, IL 60601

MLC: 04SP

## LIABILITY DISCLOSURE

Transferees 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 \_\_\_\_\_ Acreage \_\_\_\_\_

Check all types of improvement and uses that pertain to the property:

- \_\_\_\_\_ Apartment building (6 units or less)  
\_\_\_\_\_ Commercial apartment (over 6 units)  
XX Store, office, commercial building  
\_\_\_\_\_ Farm, with buildings  
XX Other (specify): Gasoline service station

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

- B. (1) Identify Transferor: Shell Oil Company, 777 Walker, TSP 1100,  
Houston, TX 77002

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:

Lisa Schoedel, Environmental Engr (630) 572-5874  
Shell Oil Company Telephone No.  
1415 W 22<sup>nd</sup> Street  
Oak Brook, IL 60523-2045

- C. Identify Transferee: Equilon Enterprises, L.L.C.  
777 Walker, TSP 1100  
Houston, TX 77002

## 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:

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(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(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 no 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 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."

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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 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 .....

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

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 .....

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	....	<input checked="" type="checkbox"/>
Surface Impoundment	....	<input checked="" type="checkbox"/>
Land Treatment	...	<input checked="" type="checkbox"/>
Waste Pile	....	<input checked="" type="checkbox"/>
Incinerator	....	<input checked="" type="checkbox"/>

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Storage Tank (Above Ground)	X	....
Storage Tank (Underground)	X	....
Container Storage Area	....	X
Injection Wells	....	X
Wastewater Treatment Units	....	X
Septic Tanks	....	X
Transfer Stations	....	X
Waste Recycling Operations	....	X
Waste Treatment Detoxification	....	X
Other Land Disposal Area	....	X

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 | ..... |
|  | No  | XX    |
| b. Permits for emissions to the atmosphere.                                    | Yes | ..... |
|  | No  | XX    |
| c. Permits for any waste storage, waste treatment or waste disposal operation. | Yes | ..... |
|  | No  | XX    |

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

Yes .....  
No XX

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  | XX    |
| b. Filed an Emergency and Hazardous Chemical Inventory Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. | Yes | XX    |
|   | No  | ..... |

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- c. Filed a Toxic Chemical Release Form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986. Yes .....  
No XX

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 XX  
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 XX
- 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 XX

## 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 XX  
No .....

b. Have any hazardous substances or petroleum, which were released, come into direct contact with the ground at this site?

Yes XX  
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?

- 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

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- 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
- X Sampling and analysis of soils
- X 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. Is the facility currently operating under a variance granted by the Illinois Pollution Control Board?

- Yes .....
- No XX

11. Is there any explanation needed for clarification of any of the above answers or responses?

## 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: UNKNOWN

Type of business/\_\_\_\_\_ or property usage \_\_\_\_\_

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:

UNKNOWN


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	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	.....	.....
Waste Treatment Detoxification	.....	.....
Other Land Disposal Area	.....	.....

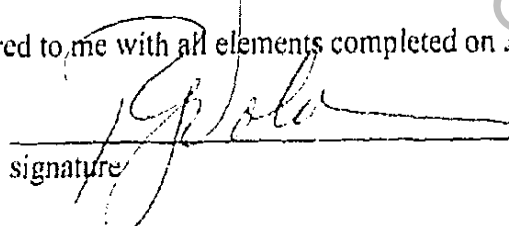
## V. CERTIFICATION

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.

  
signature

\_\_\_\_\_  
Lisa Schoedel, Environmental Engineer  
Shell Oil Products Company  
As agent for Shell Oil Company

B. This form was delivered to me with all elements completed on July 1, 1998.

  
signature

R. J. Dold  
Asset Management  
On behalf of Equilon Enterprises, L.L.C.

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C. This form was delivered to me with all elements completed on ..... 19...

N/A

signature

type or print name

LENDER

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## EXHIBIT "A" COOK COUNTY, ILLINOIS

Tract 93. - 600 E Touhy, DesPlaines, COOK, WIC 212-2094-0601

Tax Parcel # 09-30-410-020

### PARCEL 1:

THE WEST 135 FEET AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF OF LOT 10 IN BLOCK 10 IN DOUGLAS MANOR, BEING A SUBDIVISION OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THEREFROM THAT PART LYING SOUTHERLY OF THE FOLLOWING DESCRIBED COURSE TO WIT: BEGINNING AT A POINT ON THE EAST LINE OF SAID WEST 135.0 FEET OF LOT 10; DISTANT 15.0 FEET NORTH, MEASURED AT RIGHT ANGLES FROM THE SOUTH LINE OF SAID LOT 10; THENCE WESTERLY PARALLEL WITH SAID SOUTH LINE OF LOT 10, A DISTANCE OF 77.0 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVED LINE CONCAVE TO THE NORTH EAST, HAVING A RADIUS OF 75.0 FEET AND A CENTRAL ANGLE OF 53 DEGREES, 34 MINUTES, 24 SECONDS A DISTANCE OF 70.12 FEET TO A POINT IN THE WEST LINE OF SAID LOT 10, DISTANT 92.05 FEET NORTH, MEASURED AT RIGHT ANGLES FROM THE SOUTH LINE OF SAID SECTION 30

### PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED BY THE DEED FROM HARRIS TRUST AND SAVINGS BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 27, 1961 AND KNOWN AS TRUST NUMBER 30267 TO CORKILL ELECTRIC COMPANY AN ILLINOIS CORPORATION TO AN UNDIVIDED 1/2 AND ARTHUR WOSCH AND FRANCES WOSCH, HIS WIFE AS JOINT TENANTS TO AN UNDIVIDED 1/2 DATED NOVEMBER 27, 1962 AND RECORDED MARCH 19, 1963 AS DOCUMENT 18746043 FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PREMISES:

THAT PART OF LOT 10 IN BLOCK 10 IN DOUGLAS MANOR BEING A SUBDIVISION OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 10, 135 FEET EAST OF THE SOUTH WEST CORNER OF SAID LOT 10, THENCE NORTH ALONG A LINE DRAWN PARALLEL WITH THE WEST LINE OF SAID LOT 10, A DISTANCE OF 25 FEET, THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE DRAWN TO A POINT ON THE SOUTH LINE OF SAID LOT 10, 15 FEET EAST OF THE POINT OF BEGINNING THENCE WEST 15 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE SOUTH 15 FEET MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF)

ALSO THAT PART OF LOT 9 IN BLOCK 10 IN DOUGLAS MANOR, BEING A SUBDIVISION OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHWESTERLY OF A STRAIGHT LINE DRAWN FROM A POINT ON WEST LINE OF SAID LOT 9, 15 FEET NORTH OF SOUTH WEST CORNER OF SAID LOT 9 TO A POINT ON THE SOUTH LINE OF SAID LOT 9 25 FEET EAST OF SAID SOUTH WEST CORNER OF LOT 9, ALL IN COOK COUNTY, ILLINOIS