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1990-07-31 14:15:29

RECORDED BY:

Name: Bruce McIntosh
Katherine W. McIntosh Trust

Address: 1356 Shire Circle
Inverness, Illinois 60067

RETURN TO:

Name: Bruce McIntosh
Katherine W. McIntosh Trust

Address: 1356 Shire Circle
Inverness, Illinois 60067

COOK COUNTY
RECORDER
JESSE WHITE
ROLLING MEADOWS

THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE OWNER/OPERATOR, WITHIN 45 DAYS OF ITS RECEIPT, TO THE RECORDER OF DEEDS OF COOK COUNTY IN WHICH THE SITE (AS DESCRIBED BELOW) IS LOCATED.

Illinois EPA Number: 0312345077

LUST Incident No.: 900702

Katherine W. McIntosh Trust; trustees Katherine W. McIntosh, Gilbert B. McIntosh III and Bruce W. McIntosh; and CHC Partners, L.L.C, the owner, whose address is 1356 Shire Circle, Inverness, Illinois, has performed investigative and/or remedial activities for the site that can be identified by the following legal description:

1. Legal description or Reference to a Plat Showing the Boundaries: Lot C in Arthur T. McIntosh and Company's Fair Grounds Park being a subdivision of part of the east 1/2 of Section 14, Township 42 North, Range 10 East of the Third Principal Meridian (except the northerly 400 feet of said lot and also except the southerly 150 feet of said lot) in Cook County, Illinois.
2. Common Address: 251 North Northwest Highway, Palatine, Illinois
3. Real Estate Tax Index/Parcel Index Number: 02-14-414-028
4. Site Owner: Katherine W. McIntosh Trust; trustees Katherine W. McIntosh, Gilbert B. McIntosh III and Bruce W. McIntosh; and CHC Partners, L.L.C
5. Land Use Limitation: It has been demonstrated that the groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this letter is Class II Groundwater. This groundwater is not adequate for human consumption.
6. See the attached No Further Remediation Letter for other terms.

SL:jab\982114.WPD

Leaking Underground Storage Tank Environmental Notice

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

217/782-6762

CERTIFIED MAIL

P344309118

JUL 08 1998

Katherine W. McIntosh Trust
Attn: Bruce McIntosh
1356 Shire Circle
Inverness, Illinois 60067

Re: LPC #0312345077 -- Cook County
Palatine/McIntosh, Katherine Trust of
251 North Northwest Highway
LUST Incident No. 906702
LUST Technical File

Dear Mr. McIntosh:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated December 5, 1997; was received by the Agency December 9, 1997; and was prepared by Mostardi-Platt Associates, Inc.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Part 731 indicate that remediation has been successfully completed.

Based upon the certification by Robert Gere, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environment Protection Act ("Act") (415 ILCS 5/57.10), your request for a no further remediation determination is granted under the conditions and terms specified in this letter.

Issuance of this No Further Remediation Letter ("Letter"), based on the certification of the Registered Professional Engineer, signifies that: (1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with; (2) all corrective action concerning the occurrence at the property and adjoining properties (including, but not limited to, Starek and Company, Realtors) has been completed; and (3) no further remediation concerning the occurrence is necessary for the protection of human health, safety and the environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following persons:

1. Katherine W. McIntosh Trust: trustees Katherine W. McIntosh, Gilbert B. McIntosh III and Bruce W. McIntosh; and CHC Partners, L.L.C;

2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. Any co-owner or co-operator, either by joint-tenancy, right of survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued;
5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable;
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest; or
9. Any heir or devisee of such owner or operator.

This Letter, including all attachments, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable County in accordance with Illinois law so that it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of the applicable county, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice attached to this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site described in the Leaking Underground Storage Tank Environmental Notice of this Letter were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (TACO, 35 Illinois Administrative Code Part 742) rules.

2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used in a manner inconsistent with the following land use limitation: It has been demonstrated that the groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this letter is Class II Groundwater. This groundwater is not adequate for human consumption.
3. The land use limitation 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: It has been demonstrated that the groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this letter is Class II Groundwater. This groundwater is not adequate for human consumption.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the site described in the attached Leaking Underground Storage Tank Environmental Notice.
5. Failure to establish, operate, and maintain controls in full compliance with the Environmental Protection Act, applicable regulations, and the approved corrective action plan may result in voidance 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. Further information regarding this site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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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

8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the owner or operator 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 include, but shall not be limited to:
- a) Any violation of institutional controls or industrial/commercial 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 in accordance with the Corrective Action Plan or Completion Report;
 - d) The failure to comply with the recording requirements for the Letter;
 - e) Obtaining the Letter by fraud or misrepresentation; or
 - 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.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board (Board) to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

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Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

If you have any questions or need further assistance, please contact Steve Jones at 217/524-1253.

Sincerely,

Hernando A. Albarracin

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

HAA:SJ:jab\982112.WPD

Attachments: Leaking Underground Storage Tank Environmental Notice

Property of Cook County Clerk's Office