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ENVIRONMENTAL DISCLOSURE DOCUMENT
FOR TRANSFER OF REAL PROPERTY

141

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

For Use By County

Seller:

Recorder's Office

Buyer:

County

Document No:

Date

Doc. No.

Vol.

Page

Rec'd by:

I. PROPERTY IDENTIFICATION:

A. Address of property: **7456 South State Road, Bedford Park, IL 60638**

Cook County

Street

City or Village

Township

Permanent Real Estate Index No.: **19-28-202-014, Volume 189**

B. Legal Description:

Section **78** Township **38 North** Range **13**

Enter or attach current legal description in this area:

Attached.

98234445

1998-03-25 16:48:40

Cook County Recorder

Prepared by: **Frank's Nursery & Crafts, Inc.**
name
6501 East Nevada, Detroit, MI 48234
address

Return to: **John T. Panourgias, Esq.**
name
6501 East Nevada, Detroit, MI 48234
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 **157,281 sq ft** Acreage **3.611**

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

Apartment building (6 units or less)

Industrial building

Commercial apartment (over 6 units)

Farm, with buildings

Store, office, commercial building

Other, specify

II. NATURE OF TRANSFER:

A. (1) Is this a transfer by deed or other instrument of conveyance?

Yes No

(2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust?

(3) A lease exceeding a term of 40 years?

(4) A mortgage or collateral assignment of beneficial interest?

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B. (1) Identify Transferor:

Frank's Nursery & Crafts, Inc., a Michigan corporation, 6501 E. Novada, Detroit, MI 48234

Name and street address of transferor

Name and title of transferee, as a member of general partnership

10-25

(2) Identify person who has completed this form on behalf of the Transferor, and who has knowledge of the information contained in the form:

John T. Panourgius, Esq., Assistant Secretary & Real Estate Counsel.

31-544-2299

Name, position, title and address

10-25

(3) Identify transferee: **Chase Manhattan Bank, a New York banking corporation, as collateral agent.**

Name and street address of transferee

III. CERTIFICATION:

Under the Illinois Environmental Protection Act, owners of a property may be liable for costs related to the release of hazardous substances:

1. Section 22-101 of the Act states:

"Notwithstanding any other provision of law, and subject to the defenses set forth in subsection (c) of this Section, the following persons shall be liable for all costs of removal, remedial action incurred by the State of Illinois as a result of a release of a hazardous substance or of a release of a hazardous substance:

(1) The owner at the time of the release of a hazardous substance, which means a release of a substance that is a form 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, storage or storage, from which there was a release or a 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, safe management of hazardous substances, owned or controlled, for possession by such person or a third party, there is a release or substantial threat of a release of such hazardous substances; and

(4) Any person who accepts or accepts to accept 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 22-102 of the Act states:

"The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22-101 of this Act for a release of a hazardous substance or of a release of a hazardous substance. Such notice shall include the identity of the responsible person and an opportunity for such person to petition the Agency for action."

3. Section 22-103 of the Act states:

"If any person who is liable for a release of a substantial threat of release of a hazardous substance fails without adequate cause to provide removal or remedial action or fails to act 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 three times, the amount of any costs incurred by the State of Illinois as result of such failure to make such removal or remedial action. The punitive damages imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section or in addition to any other penalty or relief provided by this Act or any other law."

4. Section 22-104 of the Act states:

"Notwithstanding any other provision of law or rule or case, except as provided otherwise by subsection (1) of the owner or operator of both of an underground storage tank shall be liable for all costs of prevention, action, corrective action and clean up costs, as determined by the State of Illinois, as a result of a release of a hazardous substance or of a release of a petroleum from an underground storage tank."

8. The text of this Statute is not absolute and is subject to change by amendment. Persons using this form are cautioned to reflect changes in the text of the Statute and to amend their statements accordingly. Because it is difficult to anticipate all possible amendments, the following are not such text:

IV. ENCLOSURES AND INFORMATION:

Regulatory Information Concerning Current Operations:

1. Has the transferor ever conducted operations on the property which involved the generation, manufacture, processing, transportation, treatment, storage or use of hazardous substances, as defined by the Illinois Environmental Protection Act. This provision shall not be applicable to an underground storage tank facility as defined in the same form, appropriate contact, concentration and manner is that the release of substances provided the subject facility does not engage in any commercial moving, other than petroleum, or handling of commercial quantities of waste, including, but not limited to, oil, and other 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, or other fuels, as a substantial quantity of both hazardous and non-hazardous?

Yes No

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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

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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		<input checked="" type="checkbox"/>	Injection Wells		<input checked="" type="checkbox"/>
Surface Impoundment		<input checked="" type="checkbox"/>	Wastewater Treatment Units		<input checked="" type="checkbox"/>
Land Treatment		<input checked="" type="checkbox"/>	Septic Tanks		<input checked="" type="checkbox"/>
Waste Pile		<input checked="" type="checkbox"/>	Transfer Stations		<input checked="" type="checkbox"/>
Incinerator		<input checked="" type="checkbox"/>	Waste Recycling Operations		<input checked="" type="checkbox"/>
Storage Tank (Above Ground)		<input checked="" type="checkbox"/>	Waste Treatment Detoxification		<input checked="" type="checkbox"/>
Storage Tank (Underground)		<input checked="" type="checkbox"/>	Other Land Disposal Area		<input checked="" type="checkbox"/>
Container Storage Area		<input checked="" type="checkbox"/>			

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 had any of the following in regard to this real property?

- a. Permits for discharges of wastewater to waters of the State. Yes No
- b. Permits for emissions to the atmosphere. Yes No
- c. Permits for any waste storage, waste treatment or waste disposal operation. Yes No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works? Yes No

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

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
- 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
- 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

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

- 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.
- Cooping with tanks 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

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

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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: LaSalle National Bank, not personally, but solely as Trustee under the provisions of a Trust Agreement dated August 1, 1972 and known as Trust No. 44261.

Type of business/ or property usage: Parking Lot

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			Injection Wells		
Surface Impoundment			Wastewater Treatment Units		
Land Treatment			Septic Tanks		
Waste Pile			Transfer Stations		
Incinerator			Waste Recycling Operations		
Storage Tank (Above Ground)			Waste Treatment Detoxification		
Storage Tank (Underground)			Other Land Disposal Area		
Container Storage 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: *[Handwritten Signature]* 1782
 Type or print name: Larry J. Fisher, Vice President
 TRANSFEROR OR TRANSFERORS (or on behalf of Transferor)

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

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Signature: _____
 Type or print name: _____
 TRANSFEREE OR TRANSFEREES (or on behalf of Transferee)

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

February 19 19 98

Signature: *[Handwritten Signature]*
 Type or print name: Neil R. Boylan
 LENDER Vice President

(Ch. 30, par. 906)

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EXHIBIT A Legal Description

PARCEL 1: That part of the North East quarter (1/4) of Section 28, Township 38 North, Range 13, East of the Third Principal Meridian, lying South East of the center of State Road, West of the West line of the East 57 feet of the aforesaid North East quarter (1/4) of Section 28, and South of a line drawn at right angles through a point on the West line of said East 57 feet which is 300 feet North of the South line of the North East quarter (1/4) of said Section 28 (except the Westerly 50 feet of the tract described, being a part of State Road) and also excepting therefrom the Easterly 475 feet, as measured along the North and South line thereof; East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 2: Easement for the benefit of Parcel 1 as created by Trustee's Deed, recorded December 6, 1979 as Document Number 25270445, as amended by the First Amendment to Easement recorded August 15, 1988 as Document Number 88368844 and re-recorded October 4, 1988 as Document Number 88455718, for ingress and egress over and upon the following described land, to wit:

That part of the Northeast quarter (1/4) of Section 28, Township 38 North, Range 13 East of the Third Principal Meridian described as follows:

Beginning at a point on a line drawn at right angles to the West line of the East 57.00 feet of said Northeast quarter (1/4) through a point 300.00 feet North (as measured along the said West line of the East 57.00 feet) of the South line of the Northeast quarter (1/4) of said Section 28, said Point of Beginning being 475.00 feet West (as measured along said right angles line) of the said West line of the East 57.00 feet thereof; thence South $0^{\circ} 00' 00''$ West, (at right angle to last described right angle line) 24.00 feet to a point; thence South $90^{\circ} 00' 00''$ East (24.00 feet South of and parallel with the first described right angle line) a distance of 429.58 feet to a point on the Westerly line of an easement dated December 20, 1965; thence North $66^{\circ} 15' 47''$ West along said Westerly line of easement a distance of 59.62 feet to a point on the first described right angle line; thence South $90^{\circ} 00' 00''$ West, along said right angle line 375.00 feet to the Point of Beginning of land herein described;

also

That part of the Northeast quarter (1/4) of Section 28, Township 38 North, Range 13 East of the Third Principal Meridian described as follows:

Beginning at a point on a line drawn at right angles to the West line of the East 57.00 feet of said Northeast quarter (1/4) through a point 300.00 feet North (as measured along the said West line of the East 57.00 feet) of the South line of the Northeast quarter (1/4) of said Section 28; thence South $90^{\circ} 00' 00''$ West, along said right angle line a distance of 100.00 feet to a point on the Westerly line of and Easement Agreement dated December 20, 1965; thence South $66^{\circ} 15' 47''$ East, along said Westerly line of easement a distance of 71.00 feet to curved line, convex Northerly having a radius of 49.42 feet, a distance of 38.89 feet (the chord of said curve bearing South $67^{\circ} 27' 30''$ East) to a point on the West line of the East 57.00 feet, aforesaid; thence North $0^{\circ} 00' 00''$ East, along said West line of the East 57.00 feet, a distance of 43.11 feet to the Point of Beginning, all in Cook County, Illinois

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