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1999-05-06 15:32:39
Cook County Recorder 47.00



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ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY LOCATED IN ILLINOIS

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

Duty to Record

Within 30 days after the date, any real property subject to the provisions of the Responsible Property Transfer Act of 1988 is transferred, this completed document must be filed in the office of the recorder of the county in which such property is located and filed with the Illinois Environmental Protection Agency.

For Use By County
Recorder's Office
County
Date
Doc. No.
Vol.
Page
Rec'd by:

Seller: PDV Midwest Refining L.L.C.

Purchaser: Western Springs National Bank & Trust, Trustee under Trust Agreement dated February 9, 1996, Trust No. 3528

Document No.

I. PROPERTY IDENTIFICATION:

A. Address of property: 2 West Higgins Road, Hoffman Estates, IL
Street City or Village Township

Permanent Real Estate Index No.: See Attachment A.

B. Legal Description:

Section _____ Township _____ Range _____

Enter or attach current legal description in this area:

See Attachment A.

BOX 333-CTI

Property of Cook County Clerk's Office

14
BWK

76 60 119 DN

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Prepared by:

Name: Mark Paczkowski
Company: CITGO Petroleum Corporation
Address: 6100 South Yale
City: Tulsa State: OK Zip: 74136

Return to:

Western Springs National Bank & Trust
Trust No. 3528
4456 Wolf Road
Western Springs, Illinois 60558

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: See Attachment A.
Lot Size _____ Acreage _____

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

- Apartment building (5 units or less)
 Commercial apartment (over 6 units)
 Store, office, commercial building
 Industrial building
 Farm, with buildings
 Other (specify) Prior use was a Gasoline Service Station.

II. NATURE OF TRANSFER:

		Yes	No
A.	1.	Is this a transfer by deed or other instrument of conveyance?	<u>X</u> _____
	2.	Is this a transfer by assignment of over 25 % of beneficial interest of an Illinois Land Trust?	_____ <u>X</u>
	3.	A lease exceeding a term of 40 years?	_____ <u>X</u>
	4.	A mortgage or collateral assignment of beneficial interest?	_____ <u>X</u>

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B. 1. Identify Transferor:

PDV Midwest Refining L.L.C.

Name and Current Address of Transferor:

PDV Midwest Refining L.L.C.
6100 South Yale
Tulsa, Oklahoma 74136

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:

Name, Position (if any), and address:

Telephone No.:

Mark Paczkowski

(918) 495-5739

CITGO Petroleum Corporation

6100 South Yale

Tulsa Oklahoma 74136

C. Identify Transferee:

Western Springs National Bank & Trust, Trustee under Trust
Agreement dated February 9, 1996, Trust No. 3528

Name and Current Address of Transferee:

Western Springs national Bank & Trust
Trust No. 3528
4456 Wolf Road
Western Springs, Illinois 60558

III. NOTIFICATION

Under the Illinois Environmental Protection Act¹ owners of real property may be held liable for costs related to the release of hazardous substances.

1. Section 22.2(f) of the Act² 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 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;

- (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 from which 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 Act³ 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."

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¹ Chapter 1111/2 1001 et seq.

² Chapter 1111/2 1022.2.

³ Chapter 11 1-1/2 , 1004.

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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 damages 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 Act⁴ 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."

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

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

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does not engage in any commercial mixing (other than paint mixing or tinting of consumer sized containers), finishing, refurbishing, 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

The property had previously contained a gasoline service station.

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?

	<u>Yes</u>	<u>No</u>
Landfill	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surface Impoundment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Treatment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Pile	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incinerator	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Above Ground)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Storage Tank (Underground)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Container Storage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Injection Wells	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wastewater Treatment Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Septic Tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transfer Stations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waste Recycling Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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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. See Attachment B attached hereto and made a part hereof.

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 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 1986.⁵

Yes X

No ___

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⁵ 42 U.S.C.A. §11001 et seq.

- (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 X 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 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 _____

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 X No _____

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

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___ 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.

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 X

11. Is there any explanation needed for clarification of any of the above answers or responses?
The property was formally a gasoline service station. The property is currently vacant.
Underground Storage Tanks have been removed.

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: UNOCAL

UNO-VEN

Type of business

or property usage: Formally a Gasoline Service Station. Currently vacant property.

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:

	<u>Yes</u>	<u>No</u>
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>

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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.

Ezra Hunt

TRANSFEROR

(or on behalf of Transferor)

B. This form was delivered to me with all elements completed on April 29, 1999.

[Signature]

TRANSFEEE

(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on April 29, 1999.

[Signature], Gen R.E. Conrad

LENDER

P.A. 85-1228, § 5, eff. Nov. 1, 1989.

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ATTACHMENT A TO ENVIRONMENTAL DISCLOSURE DOCUMENT

Legal Description

Property of Cook County Clerk's Office

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

LOT 1 OF HARMENING'S SUBDIVISION OF A PART OF THE NORTHWEST 1/4 OF SECTION 15,
TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS.

Property of Cook County Clerk's Office

Common Address: 2 West Higgins Road
Hoffman Estates, Illinois

Tax Parcel Number: 07-15-101-004-0000

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ATTACHMENT B TO ENVIRONMENTAL DISCLOSURE DOCUMENT

Site Plan (attached)

Property of Cook County Clerk's Office