

UNOFFICIAL COPY

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PREPARED BY:

5/9/07 01:31:02 001 Page 1 of 13
1999-05-17 16:31:13
Cook County Recorder 45.00

Name: John Maneely Company
Address: 900 Haddon Ave., Suite 500
Collingswood, NJ 08108



RETURN TO:

Name: John Maneely Company
Address: 900 Haddon Ave., Suite 500
Collingswood, NJ 08108

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 Recorder of Deeds of Cook County.

Illinois State EPA Number: 0316615049

John Maneely Company, the Remediation Applicant, whose address is 900 Haddon Avenue, Collingswood, New Jersey has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

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

Parcel 1:

AN IRREGULAR SHAPED PARCEL OF LAND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, INCLUDING WITHIN THE LIMITS OF SAID PARCEL OF LAND, PARTS OF LOTS 24 AND 27, ALL OF LOTS 25 AND 26 AND THE 8 FOOT WIDE ALLEY LYING NORTH OF AND ADJOINING SAID LOTS IN THE SUBDIVISION OF THAT PART OF THE SOUTH 5 ACRES OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 LYING WEST OF THE RAILROAD, NORTH OF 47TH STREET AND EAST OF THE BOULEVARD AS RECORDED DECEMBER 5, 1891, UNDER DOCUMENT NO. 1579357, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 WHICH IS 33 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 6 AND IN THE NORTH LINE OF WEST 47TH STREET; THENCE WEST ALONG THE NORTH LINE OF WEST 47TH STREET, A DISTANCE OF 90.00 FEET, THENCE NORTH ON A LINE 90.00 FEET WEST AND PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 587.59 FEET TO A POINT WHICH IS 81.69 FEET SOUTH OF THE SOUTH LINE OF THE NORTH 293.45 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, THENCE NORTHEASTERLY A DISTANCE OF 84.27 FEET TO A POINT IN THE SOUTH LINE OF THE NORTH 293.45 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 WHICH IS 68.75 FEET WEST OF THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, THENCE NORTHEASTERLY A DISTANCE OF 145.73 FEET TO A POINT IN A LINE 32.00

RETURN TO: BOX 26

MTH

FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6 AND 152.19 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, THENCE NORTHEASTERLY AND MAKING AN ANGLE OF 165 DEGREES 25 MINUTES 08 SECONDS (AS MEASURED FROM SOUTH TO EAST TO NORTHEAST) WITH THE AFORESAID PARALLEL LINE A DISTANCE OF 66.00 FEET; THENCE NORTHEASTERLY A DISTANCE OF 56.29 FEET TO A POINT IN THE SOUTH LINE OF THE NORTH 33 FEET OF THE SOUTH 3/4 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 4.00 FEET TO A POINT IN THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6. (SAID POINT BEING A LINE 364.87 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6), THENCE EAST ALONG SAID PARALLEL LINE A DISTANCE OF 15.00 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 101.01 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6 (SAID POINT BEING 464.87 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6), THENCE SOUTH ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, A DISTANCE OF 829.67 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

Parcel 2:

PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 OF SOUTHWEST 1/4 OF SECTION 6 AFORESAID WHICH IS 33 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 6, AND IN THE NORTH LINE OF WEST 47TH STREET; THENCE NORTH OF SAID WEST LINE 829.50 FEET TO A POINT WHICH IS 464.87 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE NORTHEASTERLY TO A POINT IN A LINE PARALLEL WITH AND 15 FEET EAST OF THE WEST LINE AND 364.87 FEET SOUTH OF THE NORTH LINE OF THE EAST 1/2 OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE NORTH ON SAID PARALLEL LINE 107.37 FEET TO A POINT OF CURVE SAID POINT BEING 257.5 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE ALONG A SEMICIRCLE CONVEX TO THE NORTH WITH A RADIUS OF 242.5 FEET A DISTANCE OF 761.83 FEET TO A POINT WHICH IS 257.5 FEET SOUTH OF THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE EAST 14.42 FEET TO A POINT WHICH IS 257.5 FEET SOUTH OF THE NORTH LINE AND 150 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE SOUTH A DISTANCE OF 905.61 FEET MORE OR LESS ON A LINE PARALLEL WITH SAID EAST LINE TO THE NORTH LINE OF THE SOUTH 5 ACRES OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE WEST 8 FEET TO THE EAST LINE OF LOT 4 IN SUBDIVISION OF SOUTH 5 ACRES OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6; THENCE SOUTH ON THE EAST LINE OF SAID LOT 4, 131 FEET TO THE NORTH LINE OF WEST 47TH STREET, BEING 33 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST 1/4; THENCE WEST ALONG THE NORTH LINE OF WEST 47TH STREET 506.07 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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- 2. Common Address: 2300 West 47th Street, Chicago, IL
- 3. Real Estate Tax Index/Parcel Index Number(s):
 - 20 06 302 013
 - 20 06 302 018
 - 20 06 302 020
 - 20 06 302 026

4. Remediation Site Owner: John Maneely Company

5. Land Use Limitation: Industrial/Commercial

6. Site Investigation: Comprehensive

See NFR letter for other terms.

Property of Cook County Clerk's Office



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-6761

April 2, 1999

Certified # 344 302 746

Mr. Art Hall
Supervisor of Chemical Processing
Wheatland Tube Company
4435 South Western Boulevard
Chicago, Illinois 60609

Re: 0316615049--Cook County
Chicago/John Maneely Company
Site Remediation/Technical Reports

Dear Mr. Gumin:

The Remedial Action Completion Report dated August 21, 1998 (Log No. 98-1181) as prepared by R.W. Parsons Engineering & Environmental Services, P.C. for the Tex's Truck & Parts, Inc. property has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with the Remedial Action Plan, dated August 9, 1996 (Log No. 96-972).

The remediation site, consisting of 15.87 acre(s), is located at 2300 West 47th Street, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et.seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The John Maneely Company is the Remediation Applicant.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action and shall be considered prima facie evidence that the remediation site described in the attached Illinois EPA Site Remediation Program 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. The contaminants of concern that remain at the areas described in the attached Site Remediation Program environmental notice and shown on the attached site base map(s) of this Letter are:

<u>Location</u>	<u>CAS Number</u>	<u>Chemical Name</u>
Area North of Main Building	7439-92-1	Lead
UST Excavation Area	71-43-2	Benzene

- 2. The remediation site is restricted to Industrial/Commercial uses.
- 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. The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this site.

Preventive Controls:

At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Excavated soil must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

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Engineering Controls:

The asphalt barrier in the cross-hatched area marked "Engineered Barrier" on Plate 12 (attached) must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

OTHER TERMS

5. Areas other than the cross-hatched area marked "Engineered Barrier" on Plate 12 are not subject to any other institutional or engineered barrier controls.
6. Where an institutional control is used to assure long-term protection of human health (as identified under 4 of this Letter), the Remediation Applicant must record a copy of this legal mechanism (e.g., restrictive covenant; deed restriction; negative easement; ordinance adopted and administered by a unit of local government; or agreement between a property owner and a highway authority) along with this Letter.
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 the No Further Remediation Letter under the Site Remediation Program form. This certification by original signature or 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
Attn: Freedom of Information Act Officer
Bureau of Land #24
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

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

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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) If applicable, the disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - 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, this Letter shall apply in favor of the following persons:
- a) John Maneely Company (Wheatland Tube Company-Chicago Division);
 - 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;

- 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 thereto; 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 within 45 days of receipt with the Recorder of Deeds of Cook County. For recording purposes, the Illinois EPA Site Remediation Program 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 Recorder of Deeds of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the John Manely Company property.

Within 30 days of this Letter being recorded by the Recorder of Deeds of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:


Mr. Robert E. O'Hara
 Illinois Environmental Protection Agency
 Bureau of Land/RPMS Section
 1021 North Grand Avenue, East
 P.O. 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.

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Scott Hacke at 217/524-3267.

Sincerely,


Lawrence W. Eastep, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

Attachments: Illinois EPA Site Remediation Program environmental notice
Site base map(s)
Property owner certification of No Further Remediation Letter under the Site
Remediation Program form

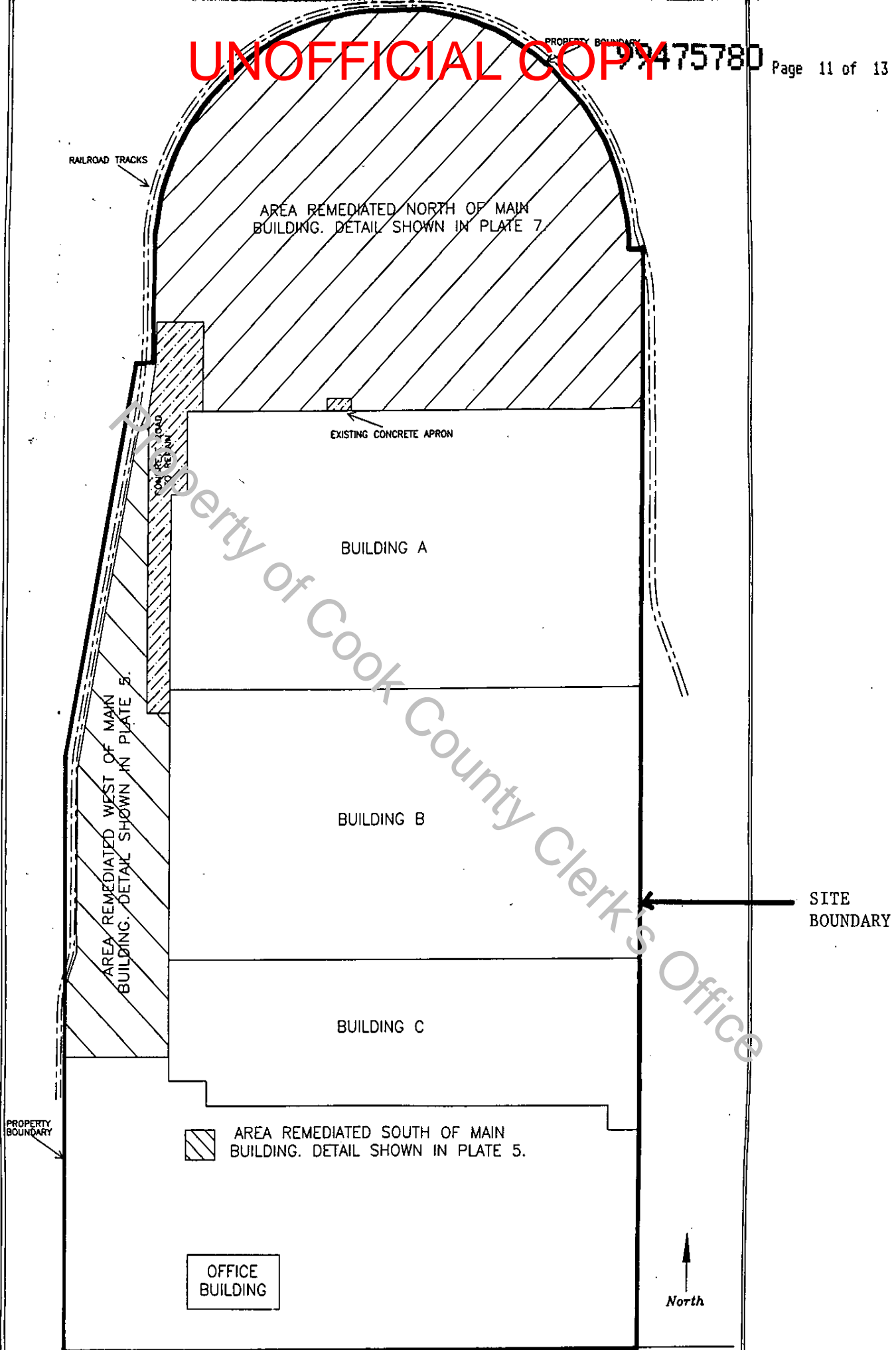
cc: Robert W. Parsons, P.E., D.E.E.
R. W. Parsons Engineering & Environmental Services, P.C.
314 North York Road
Elmhurst, Illinois 60126-2318

bcc: Division File
Bob O'Hara
Jan Zanetello

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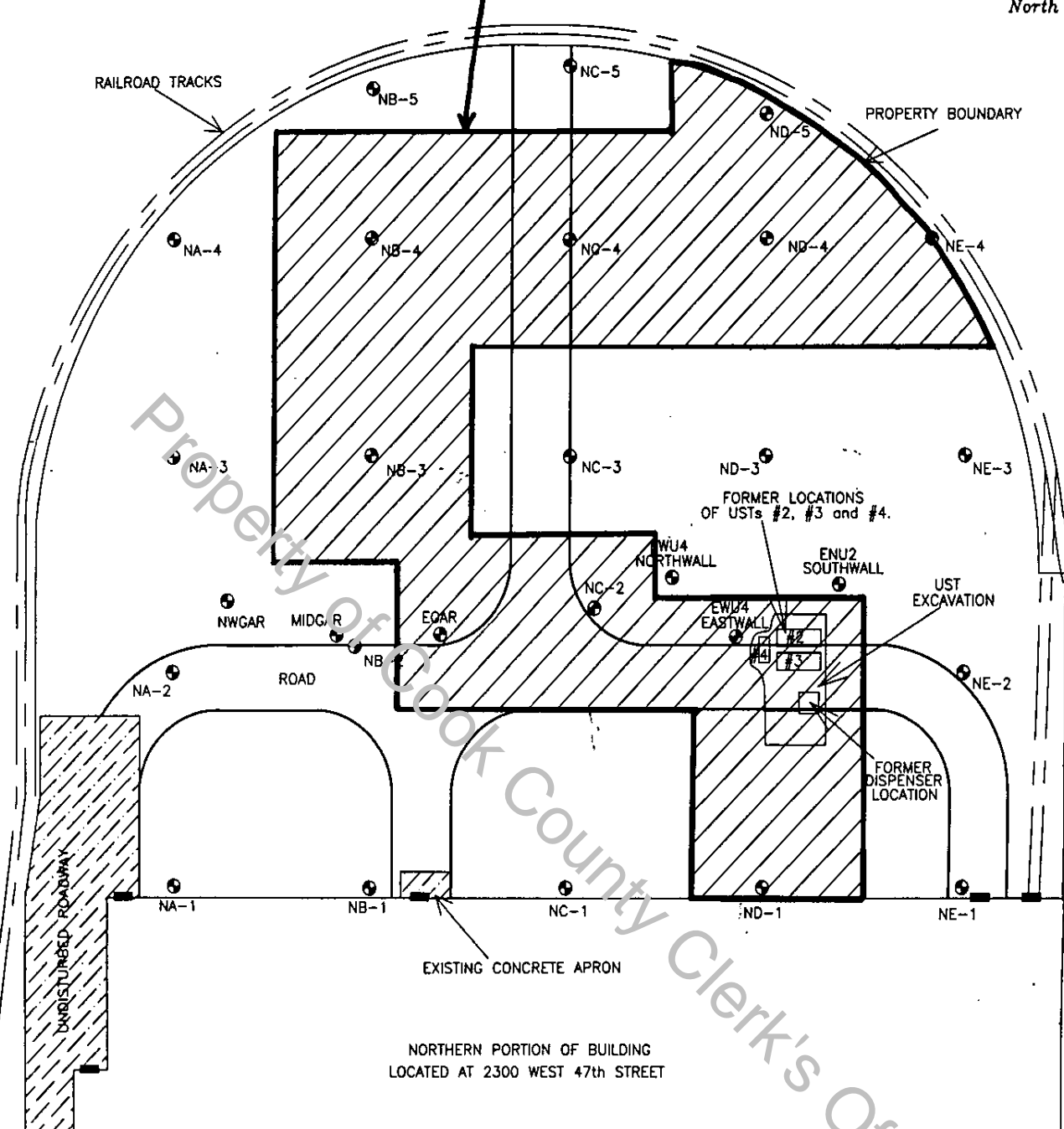
**SITE BASE MAP(S)
0316615049 -- COOK COUNTY
CHICAGO/JOHN MANEELY COMPANY
SITE REMEDIATION PROGRAM**

Property of Cook County Clerk's Office



Building dimensions taken from Drawing 96852-5 prepared by Paul E. Mast Consulting Engineering.

Location:		2300 West 47th Street Chicago, Illinois 60609	
Description: SITE MAP SHOWING AREAS OF REMEDIATION		Date: JANUARY 15, 1997	
PE & ES	Scale: 1" = 100'	Drawn by: E. FRITSCH	PLATE 3
	Project #: 96052b	Checked: M.L.S.	



NORTHERN PORTION OF BUILDING
LOCATED AT 2300 WEST 47th STREET

LEGEND:

- = Overhead Door
- ⊙ = Sample Location having Total Lead Concentrations less than 400 mg/kg.
- ⊕ = Sample Location having Total Lead Concentrations greater than or equal to 400 mg/kg.
- = Apparent Horizontal Extent of Area Impacted Above Site Cleanup Objectives.
- = Proposed Road
- = Undisturbed Concrete Roadway

Building dimensions taken from Drawing 96852-5 prepared by Paul E. Mast Consulting Engineering.

Location: 2300 West 47th Street Chicago, Illinois 80609		Date: February 17, 1997	
Description: REMAINING IMPACTED AREA NORTH OF THE BUILDING		Drawn by: W. Green	
PE & ES	Scale: 1" = 80'	Checked: <i>MLS</i>	PLATE 12
	Project #: 960528		
Parsons Engineering & Environmental Services, P.C.			

**PROPERTY OWNER CERTIFICATION OF THE NFR LETTER
UNDER THE SITE REMEDIATION PROGRAM**

If the Remediation Applicant is not the sole owner of the remediation site, include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Name: <u>JAMES J. PASKO</u>	
Title: <u>VICE-PRESIDENT, OPERATIONS</u>	
Company: <u>JOHN MANEELY COMPANY (WHEATLAND TUBE DIVISION)</u>	
Street Address: <u>2300 W. 47TH STREET</u>	
City: <u>CHICAGO</u>	State: <u>IL</u> Zip Code: <u>60609</u> Phone: <u>(773) 254-0617</u>
Site Information	
Site Name: <u>JOHN MANEELY COMPANY (WHEATLAND TUBE DIVISION)</u>	
Site Address: <u>2300 W. 47TH STREET</u>	
City: <u>CHICAGO</u>	State: <u>IL</u> Zip Code: <u>60609</u> County: <u>COOK</u>
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. <u>20-06-302-013, 01R, 020, 026</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter, and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u>James J. Pasco</u>	Date: <u>APRIL 26, 1999</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>26th</u> day of <u>APRIL</u> , 1999	<div style="border: 2px dashed black; padding: 5px;"> <p>***** "OFFICIAL SEAL" MYRTISTINE MARTIN NOTARY PUBLIC, STATE OF ILLINOIS My Commission Expires May 1, 2000 *****</p> </div>
<u>Myrtistine Martin</u> Notary Public	

The Illinois EPA is authorized to require this information under Section 415 ILCS 5/56.34 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR letter. Failure to do so may void the NFR letter. This form has been approved by the Permit Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

CC: F.T. BOYLAN (FAX)