

UNOFFICIAL COPY

99712335

66 27004 33 001 Page 1 of 12  
1999-07-27 09:54:49  
Cook County Recorder 83.50

Arena

ENVIRONMENTAL DISCLOSURE DOCUMENT  
FOR TRANSFER OF REAL PROPERTY



For Use By County Recorder's Office

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

County  
Date  
Doc. No.  
Vol.  
Page  
Rec'd by:

Document prepared by and after recording to be returned to:

Seller: City of Prospect Heights

Buyer: First Bank & Trust Company of Illinois under Trust Agreement No. 10-2313, dated July 14, 1999

Daniel Kohn, Esq.  
DUANE MORRIS & HECKSCHER  
227 West Monroe Street  
Suite 3400  
Chicago, IL 60606

I. PROPERTY IDENTIFICATION:

A. Address of property: 25 and 401 E. Piper Ln. Prospect Heights  
Street City or Village Township

Permanent Real Estate Index No.: Part of 03-24-101-009; 03-24-101-048 and 03-24-100-045.

B. Legal Description:

Section 24 Township 42N Range 11E

Enter or attach complete legal description in this area:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

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.

Handwritten notes: JL, 99712335, and 9900753

# UNOFFICIAL COPY

99712335

C. Property Characteristics:

Lot Size \_\_\_\_\_ Acreage 7.75

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

- Apartment building (6 units or less)
- Commercial apartment (over 6 units)
- Store, office, commercial building
- Industrial building
- Farm, with buildings
- Other (specify) - Storage Warehouses

II. NATURE OF TRANSFER:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| A. (1) Is this a transfer by deed or other instrument of conveyance?                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (2) Is this a transfer by assignment of over 25% of beneficial interest of an Illinois land trust? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (3) A lease exceeding a term of 40 years?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (4) A mortgage or collateral assignment of beneficial interest?                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

B. (1) Identify Transferor:

City of Prospect Heights, One Elmhurst Road, Prospect Heights, IL 60070

Name and Current Address of Transferor

\_\_\_\_\_  
Name and Address of Trustee if this is a transfer of beneficial Trust No. interest of a land trust.

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

Steven D. Friedland, Attorney, Schiff Hardin & Waite, 6600 Sears Tower, Chicago, IL 60606

Name, Position (if any), and Address

Telephone No.: (312) 258-5720

C. Identify Transferee:

First Bank & Trust Company of Illinois under Trust Agreement No.10-2313, dated July 14, 1999

Name and Current Address of Transferee

# UNOFFICIAL COPY

99712335

## 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;

(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 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 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 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."

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 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   x    
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   x  

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   x    
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?

# UNOFFICIAL COPY

99712335

	YES	NO
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>

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 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 X  
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
- 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

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

7(a): The affirmative response was based on a review by office of City Engineer of information provided to the Intergovernmental Risk Management Agency (IRMA); the storage tank owned by the City, however, is underground, and Chemical Safety Contingency Plans are to be filed with respect to above-ground storage tanks.

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: Doetsch Bros.; Prospect Heights Self Storage, L.L.C.

Type of business or property usage: Sand and gravel mining; concrete recycling; storage facility.

# UNOFFICIAL COPY

99712335

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
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>

## 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.

TRANSFEROR  
(or on behalf of Transferor)

City of Prospect Heights

By: Edward P. Rotchford  
Edward P. Rotchford, Mayor

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

[Signature]  
TRANSFEREE  
(or on behalf of Transferee)

C. This form was delivered to me with all elements completed on \_\_\_\_\_, 1999

[Signature]  
LENDER

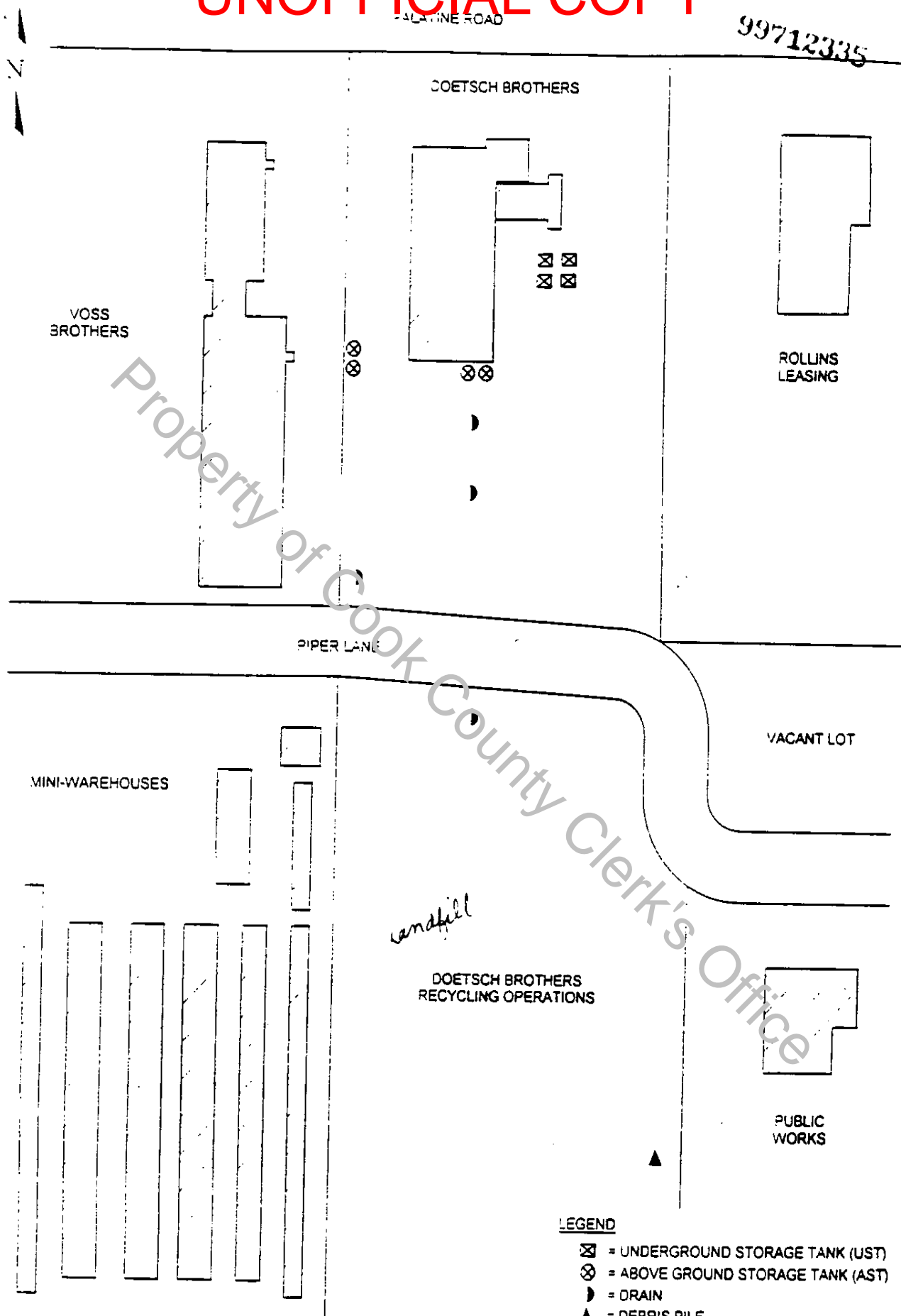




# UNOFFICIAL COPY

PALATINE ROAD

99712335



Property of Cook County Clerk's Office

<b>Information To Build On</b> Engineering • Consulting • Testing	<b>Environmental Services</b> 520 East 22nd Street Lombard, IL 60148	DOETSCH BROTHERS 33 E. PALATINE ROAD PROSPECT HEIGHTS, ILLINOIS	CHECKED	SCALE	DATE	FIGURE
	SITE PLAN	DRAWN NLG 98-01-308	PROJECT NO. 041-8E059-4	NTS	10-13-98	1

# UNOFFICIAL COPY

EXHIBIT A  
LEGAL DESCRIPTION

99712335

ARENA PAD PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE:

THAT PART OF LOT ONE IN PIPER LANE MINIWAREHOUSE SUBDIVISION, BEING A RESUBDIVISION OF PART OF LOT ONE IN PINECREST APARTMENTS, A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR, TOWNSHIP FORTY-TWO NORTH, RANGE ELEVEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 22, 1988 AS DOCUMENT NO. 88117034, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT ONE; THENCE SOUTH  $00^{\circ}-26'-50''$  EAST, BEING AN ASSUMED BEARING ON THE EAST LINE OF SAID LOT ONE, SAID LINE ALSO BEING THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR, A DISTANCE OF 481.50 FT. TO THE INTERSECTION WITH A LINE 149.50 FT. NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT ONE IN PIPER LANE MINIWAREHOUSE SUBDIVISION; THENCE NORTH  $89^{\circ}-30'-14''$  WEST, ON THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 341.33 FT. TO A POINT ON THE WESTERLY LINE OF SAID LOT ONE BEING A CURVED LINE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 483.0 FT.; THENCE NORTHWESTERLY 163.19 FT. ON THE ARC OF THE LAST DESCRIBED CURVE, HAVING A CHORD BEARING OF NORTH  $11^{\circ}-18'-33''$  WEST AND A CHORD DISTANCE OF 162.41 FT.; THENCE CONTINUING NORTH  $21^{\circ}-02'-32''$  WEST, ON THE WESTERLY LINE OF SAID LOT ONE, A DISTANCE OF 55.64 FT. (55.61 = RECORD) TO A POINT OF CURVE IN SAID WESTERLY LINE; THENCE CONTINUING NORTHEASTERLY 214.49 FT. ON THE WESTERLY LINE OF SAID LOT ONE, BEING THE ARC OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 250.0 FT. WITH A CHORD BEARING OF NORTH  $3^{\circ}-35'-50''$  EAST AND A CHORD DISTANCE OF 207.98 FT.; THENCE CONTINUING NORTH  $28^{\circ}-10'-35''$  EAST, ON THE WESTERLY LINE OF SAID LOT ONE, A DISTANCE OF 72.31 FT. TO THE NORTHWEST CORNER OF SAID LOT ONE; THENCE SOUTH  $89^{\circ}-20'-03''$  EAST, ON THE NORTH LINE OF SAID LOT ONE, SAID LINE ALSO BEING THE SOUTH LINE OF PIPER LANE AS DEDICATED PER DOCUMENT NO. 24897636, A DISTANCE OF 342.22 FT. (342.30 = RECORD) TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

ALSO

PARCEL TWO:

THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR, TOWNSHIP FORTY-TWO NORTH, RANGE ELEVEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR; THENCE NORTH  $00^{\circ}-26'-50''$  WEST, BEING AN ASSUMED BEARING ON THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR, A DISTANCE OF 149.52 FT. TO THE INTERSECTION WITH A LINE 149.50 FT. NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR, FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH  $00^{\circ}-26'-50''$  WEST, ON THE LAST DESCRIBED LINE, A DISTANCE OF 481.50 FT. TO THE SOUTH LINE OF PIPER LANE AS DEDICATED PER DOCUMENT NOS. 24897636 AND 87547388; THENCE SOUTH  $85^{\circ}-00'-51''$  EAST, ON THE SOUTH LINE OF SAID PIPER LANE, A DISTANCE OF 293.88 FT. TO A POINT OF CURVE IN SAID SOUTH LINE; THENCE CONTINUING ON SAID PIPER LANE SOUTHEASTERLY 19.02 FT. ON THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 13.0 FT. WITH A CHORD BEARING OF SOUTH  $42^{\circ}-28'-14''$  EAST AND A CHORD DISTANCE OF 17.37 FT. TO A POINT OF TANGENCY; THENCE CONTINUING SOUTH  $00^{\circ}-19'-29''$  EAST, ON THE WESTERLY LINE OF SAID PIPER LANE, A DISTANCE OF 95.42 FT. TO

# UNOFFICIAL COPY

99712335

A POINT OF CURVE IN SAID WESTERLY LINE; THENCE CONTINUING SOUTHEASTERLY 82.24 FT. ON THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 71.50 FT. WITH A CHORD BEARING OF SOUTH 35°-55'-29" EAST AND A CHORD DISTANCE OF 77.78 FT. TO THE INTERSECTION WITH THE WEST LINE OF THE EAST 989.57 FT., AS MEASURED ON THE SOUTH LINE THEREOF, OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR; THENCE SOUTH 00°-45'-34" EAST, ON THE WEST LINE OF THE EAST 989.57 FT., AS MEASURED ON THE SOUTH LINE THEREOF, OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR, A DISTANCE OF 286.22 FT. TO THE INTERSECTION WITH A LINE 149.50 FT. NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR; THENCE NORTH 89°-30'-14" WEST, ON A LINE 149.50 FT. NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR, A DISTANCE OF 348.49 FT. TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

ALSO

PARCEL THREE:

THE WEST 30.0 FT. LOT TWO IN BRIARLAKE RESUBDIVISION, BEING A PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-FOUR, TOWNSHIP FORTY-TWO NORTH, RANGE ELEVEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1989 AS DOCUMENT NO. 89499649, LYING NORTH OF THE SOUTH 149.5 FT. OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TWENTY-FOUR, ALL IN COOK COUNTY, ILLINOIS.

Property of Cook County Clerk's Office