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1835/018 84 004 Page 1 of 8
1999-08-03 16:47:42
Cook County Recorder 35.50

PREPARED BY:

Name: Wintz Properties
Stan Kagin



Address: 2905 Dean Parkway
Minneapolis, MN 55416

**COOK COUNTY
RECORDER**

RETURN TO:

**EUGENE "GENE" MOORE
MAYWOOD OFFICE**

Name: Wintz Properties
Stan Kagin

Address: 2905 Dean Parkway
Minneapolis, MN 55416



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: LPC #0316310010

LUST Incident No.: 902949 and 982478

Wintz Properties, the owner and operator, whose address is 2905 Dean Parkway Minneapolis, MN 55416, has performed investigative and/or remedial activities for the site that can be identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: See Attachments
2. Common Address: 1940 West 33rd Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 17-31-207-037, 17-31-207-039, 17-31-208-015
4. Site Owner: Wintz Properties
5. Land Use Limitation: Industrial/commercial and the groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

THOMAS V. SKINNER, DIRECTOR

217/782-6762

CERTIFIED MAIL
P344297238

JUL 30 1999

Wintz Properties
Attn: Stan Kagin
2905 Dean Parkway
Minneapolis, MN 55416

Re: LPC #0316310010 -- Cook County
Chicago / OK Trucking, a.k.a. Wintz Properties
1940 West 33rd Street
LUST Incident No. 902949 and 982478
LUST Technical File

Dear Mr. Kagin:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated April 6, 1999; was received by the Agency April 8, 1999; and was prepared by Krikau Pyles Rysiewicz and Associates, Inc.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Section 732.300(b)(1) and Section 732.409(b) for incident number 982478 and Section 731.166 for incident number 902949 indicate that the remediation objectives set forth in 35 Illinois Administrative Code Section 732.408 have been met.

Based upon the certification by Thomas Rysiewicz, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environmental 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 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. Stan Kagin;
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: Industrial/commercial and the groundwater under the site shall not be used as a potable water supply.
- 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: A safety plan for this site must be implemented in accordance with the Occupational Safety Health Administration, to address possible worker exposure, should any future excavation and construction activities occur within the contaminated soil.

The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water.

Engineering: An asphalt/concrete barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media as well as to impede contaminant migration to the groundwater must remain over the contaminated soils as described in Attachment 2. This asphalt/concrete barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media as well as to impede contaminant migration to the groundwater.

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.

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7. Further information regarding this site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

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 avoidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the avoidance 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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pyles

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 the Illinois EPA project manager, Chris Nickell at 217/524-7519.

Sincerely,



Thomas A. Henning
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description for 902940
Legal Description for 982478

cc: David Pyles, KPR and Associates, Inc.

Cook County Clerk's Office

11/7/18

**LEGAL DESCRIPTION OF
AREAS OF ENGINEERING BARRIER
INCIDENT NO. 902949**

TRACT 1 (PIN NO. 17-31-207-037)

THE SOUTH 20 FEET OF LOT 5, AND LOTS 6 THROUGH 14 BOTH INCLUSIVE TAKEN AS A TRACT, EXCEPTING FROM SAID TRACT THE WEST 72 FEET OF THE SOUTH 70 FEET THEREOF, IN J.P. WILLARD'S SUBDIVISION OF THE WEST HALF OF BLOCK 5, IN CANAL TRUSTEES SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TRACT 2 (PIN NO. 17-31-207-039)

A PARCEL OF LAND COMPRISING OF PART OF LOTS 37 THROUGH 46, IN J.P. WILLARD'S SUBDIVISION OF THE WEST HALF BLOCK 5, IN J.P. WILLARD'S SUBDIVISION OF THE WEST HALF OF BLOCK 5, IN CANAL TRUSTEES SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 37, THENCE NORTH ON THE WEST LINE OF LOTS 37 THROUGH 46, A DISTANCE OF 234.00 FEET TO A POINT, SAID POINT BEING 516 FEET NORTH OF THE NORTH LINE OF 33RD STREET; THENCE PARALLEL TO SAID NORTH LINE OF 33RD STREET, A DISTANCE OF 20.00 FEET; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF LOTS 40 THROUGH 46 TO A POINT ON THE SOUTH LINE OF SAID LOT 40; THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID LOT 37, SAID POINT BEING ALSO 48 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 37; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 37 TO THE SOUTHWEST CORNER OF SAID LOT 37 AND TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

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Attachment 3

LEGAL DESCRIPTION FOR
INCIDENT NO. 982478

PARCEL 1 (PIN NO. 17-31-208-015)

LOTS 26, 27, 28, 29, 30, 31, 32, 33, 34, AND A PART OF LOT 35 IN J.P. WILLARD'S SUBDIVISION OF THE WEST HALF OF BLOCK 5, LOTS 17 TO 22 INCLUSIVE, LOT 34 AND PART OF LOTS 6 AND 35 OF HERRICK STEVENS SUBDIVISION OF THE EAST HALF OF BLOCK 5, LOTS 1, 2, 4, 5, 6 IN THE RESUBDIVISION OF PART OF THE EAST HALF OF BLOCK 5 TOGETHER WITH VACATED STREET AND ALLEY LYING BETWEEN SAID LOTS ALL IN CANAL TRUSTEES SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS.

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE ALLEY IN J.P. WILLARD'S SUBDIVISION OF THE WEST HALF OF BLOCK 5 IN CANAL TRUSTEES SUBDIVISION OF THE EAST HALF OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, WITH THE NORTH LINE OF WEST 33RD STREET; THENCE NORTH ALONG THE EAST LINE OF SAID ALLEY A DISTANCE OF 250 FEET; THENCE EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF WEST 33RD STREET, A DISTANCE OF 459.06 FEET TO THE WEST LINE OF SOUTH WOLCOTT STREET, THENCE SOUTH ALONG THE WEST LINE OF SOUTH WOLCOTT STREET 63.87 FEET TO AN ANGLE IN SAID STREET; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID SOUTH WOLCOTT STREET, A DISTANCE OF 284.68 FEET TO THE NORTH LINE OF WEST 33RD STREET; THENCE WEST ALONG THE NORTH LINE OF THE WEST 33RD STREET, A DISTANCE OF 244.20 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

Office