99780357 - - UNOFFICIAL COMPONIA 05 001 Page 1 of 13 1999-08-16 10:16:37

Cook County Recorder

STORE #217
\*\*Output | The state of the state

When recorded mail to:
LendAmerica Financial Group, Inc.
attn: MACLIA
3636 N. Central Avenue, Suite 350 Phoenix, AZ 8501299-168

# ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY

For Use By County Recorder's Office

	be Describe Property	County:	
pursuant to the Responsible Property Transfer Act of 1988		Date: Doc. No.:	
Transici Act	. 01 1960	Vol.:	
		Page:	
		Rec'd By:	
Seller: <u>Clark</u>	k Refining & Marketing, Inc.		_
Buyer: <u>OTG</u>	G 3, D, L, C,		_
	10		
I. PRO	PERTY IDENTIFICATION: (Forme		
A.	Address of property.		
Stree	et 5836 S. Harlem A venue		_
City	or Village Summit, Illinois		-
Town	nship		_
Perm	nanent Real Estate Index No: <u>18-13</u>	230-048	_
В.	Legal Description:	42	
Section	ion		
Town	nship		
Rang	ge		
Enter	r or attach current legal description in	this area:	
SEE	ATTACHED EXHIBIT A	35	
Prepared by:	: Name Mark E. Jordan, Director, R	eal Estate	
	Company Clark Refining & Market	ting, Inc.	
	Address 8182 Maryland Avenue		
	City St. Louis		
	State/Zip Missouri 63105		
Return to:	Clark Refining & Marketing, Inc.		
	8182 Maryland Avenue		
	St. Louis, MO 63105		
	Attn: Legal Department		

### I. 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.

	A.	Property Characteristics:		
	Lo	ot Size 183.46'x 108' x 183.31' x 108' Acreage 19,806 Sq. Ft.		
	Ch	neck all types of improvement and uses that pertain to the property:		
		Apartment building (6 units or less)  Commercial apartment (over 6 units)  X Store, office, commercial building  Licustrial building  rair, with buildings  Other (specify)		
II.	NA	ATURE 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?		
		(3) A lease exceeding a term of 40 years?		
		(4) A mortgage or collateral assignment of beneficial interest?		
	В.	(1) Identify Transferor: Clark Refining & Marketing, Inc.	<del></del>	
		Name and Current Address of Transferor: <u>Clark Refining &amp; Marketing, Inc., 8182 Maryland Ave., St. Zouis, MO 63</u>	3105	
		Name and Address of Trustee if this is a transfer of beneficial interest of a land trust:  N/A	x.	
		Trust No.: N/A	CO	
		(2) Identify person who has completed this form on behalf of the Transferoknowledge of the information contained in this form:  Mark E. Jordan, Director, Real Estate, Clark Refining & Marketing, Inc., 2182 Maryland Ave., St. Lovis, MO 63105. (214) 854 1404.	or and w	ho has
		8182 Maryland Ave., St. Louis, MO 63105 (314) 854-1494  Name, Position (if any), and Address Telephone No.		<u> </u>
	C.	Identify Transferee: OTG 3, L.L.C. Name and Current Address of Transferee:		
		raine and Cuttent Address of Transferee.		

#### 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 in part:

"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 or any unit of local government as a result of a release or substantial threat of a release of hazardous substance or pesticide:

- (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 or pesticide;
- (2) Any person who at the time of disposal, transport, storage or treatment of a hazardous substance or pesticide 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 or pesticide;
- (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 or pesticides owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which tacking there is a release or substantial threat of a release of such hazardous substances or pesticides; and
- (4) Any person who accepts or accepted any hazardous substances or pesticides 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 or pesticide."

### 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 or pesticide. 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 in part:

"If any person who is liable for a release or substantial threat of release of a bazerdous substance or pesticide 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 a 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 57.12(a) of the Act states in part:

"Notwithstanding any other provision or rule of law, the owner or operator, or both, of an underground storage tank shall be liable for all costs of investigation, preventive action, corrective action and enforcement action incurred by the State of Illinois resulting 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.

137	ENX/ID	ONMENTAL	INFORMATION
17.	ENVIK	UNIVIENTAL	INFURWATION

A. Regulatory Information During Current Owners	A.	Regulatory	Information	During	Current	Ownersh	ip
---	----	------------	-------------	--------	---------	---------	----

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,
4	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.

	10 <u>A</u>
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?

	37	¥0.
Yes	<u>X</u> _	No.//

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	<u>X</u>	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?

YES NO

	1 E3 NO
Landfill	<u> </u>
Surface Impoundment	<u> </u>
Land Application	X
Waste Pile	X
Incinerator	X
Storage Tank (Above Ground)	X
Storage Tank (Underground)	<u>X</u>
Container Storage Area	X
Injection Wells	X
Wastewater Treatment Units	X
Septic Tanks	X
Transfer Stations	X
Waste Recycling Operations	X
Waste Recycling 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 y unit, such site plan to be filed with the Environmental Protection Agency along with this disclosure document.

5.	Has	the transferor ever he	eld any of the following in regard to this real property?
	a.	Permits for discharges	s of wastewater to waters of the State.
		Yes	No_X
4	b.	Permits for emission	ns to the atmosphere.
	(	Yes	No_X
	c.		te storage, waste treatment or waste disposal operation,
		Yes	No_X_
6.		the transferor had any ment works?	wastewater discharges (other than sewage) to a publicly owned
		Yes	No_K
7.	Has	the transferor taken a	any of the following actions relative to this property?
	a.	Prepared a Chemica Safety Act.	al Safety Contingency Flan pursuant to the Illinois Chemical
		Yes	No_X
	b.	<u> </u>	and Hazardous Chemical Inventory Form pursuant to the Planning and Community Right-to-Know Act of 1986.
		Yes X	No
	c.		nical Release Form pursuant to the federal Emergency Planning tht-to-Know Act of 1986.
		Yes	No_X_
8.			facility on the property or the property been the subject of any of ral governmental actions?
	a.	Written notification emanating from the	regarding known, suspected or alleged contamination on or property.
		YesX	No

	D.	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
).	Envir	nmental 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 <u>X</u> No
	b.	Have any hazerdous 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?
		Assignment of in-house maintenance stalf to remove or treat materials including soils, pavement or other surficial materials
		Designation, by the IEPA or the IEMA, 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 Critear 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 Board?	by the Illinois Pollution Control
Yes No_ X	
11. Is there any explanation needed for clarification of any of	the above answers or responses?
B. SITE INFORMATION UNDER OTHER OWNERSHIP	P OR OPERATION
1. Provide the following information about the previous ownertransferor based the site to or otherwise contracted with for the property:	• •
Name: Apex Oil company and/or its Subsidiaries	<u></u>
Type of business gasoline service station and convenience stor or property usage	
2. If the transferor has knowledge vidicate whether the follo	wing existed under prior
arrange him a language alde granted by the transferor other course	ata for monoroment or was of the
facilities or real property:  Landfill Surface Impoundment Land Application Waste Pile Incinerator Storage Tank (Above Ground) Storage Tank (Underground) Container Storage Area	Ç
0,	YES NO
Landfill	X
Surface Impoundment	X
Land Application	X
Waste Pile	X
Incinerator	<u> </u>
Storage Tank (Above Ground)	X
Storage Tank (Underground)	T
Container Storage Area	<u>X</u>
Injection Wells	X
Wastewater Treatment Units	/ScX
Septic Tanks	X
Transfer Stations	X
Waste Recycling Operations	X
Waste Recycling Detoxification	<u> </u>
Other Land Disposal Area	<u> </u>

# UNOFFICIAL CQPX0357

### V. CERTIFICATION

A.		rectly responsible for gathering the information, to the best of my knowledge and belief, true
		SEE ATTACHED
		SIGNATURE(S)
		Type or print name
		TRANSFEROR OR TRANSFERORS
		(or on behalf of Transferor)
В.	This form was delivered to me with all elements	ments completed on, 1999
	Op	
	()	SEE ATTACHED
	Coope	SIGNATURE(S)
	C	Type or print name
		TPANSFEREE OR TRANSFEREES
		(or on behalf of Transferee)
C.	This form was delivered to me with all electrons	ments completed on , 1999
		SIGNATURE(S)
		Type or print name
		LENDOR
		LENDOR REPRESENTATIVE
		TITLE

99780357

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:

CLARK REFINING & MARKETING, INC.

Property of Cook County Clark's Office

٦

99780357

This form was delivered to me with all elements completed on June 7, 1999.

TRANSFEREE: OTG 3, L.L.C.

CM Acquisition, Inc. By:

Managing Member

Brad A. Burmaster Name: \_

Senior Vice President Title:

This form was delivered to me with all elements completed on June 7, 1999.

LENDER:

FFCA ACQUISITION CORPORATION

Narie:

Title:

Clort's Office

LOTS 1, 2, 3 AND 4 (EXCEPT THE EASTERLY 17 FEET THEREOF), IN BLOCK 110 IN F. H. BARLETT'S 7TH ADDITION TO BARTLETT'S HIGHLANDS IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Property of County Clerk's Office

