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Cook County Recorder 79.00

ENVIRONMENTAL DISCLOSURE DOCUMENT FOR TRANSFER OF REAL PROPERTY



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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:

Seller: First Industrial Securities, L.P.
Buyer: 2101 Gardner L.L.C.
Document No.:

I. PROPERTY IDENTIFICATION

A. Address of property:

Street: 2101-2125 Gardner Road
City or Village: Broadview
Township: Proviso
Permanent Real Estate Index No.: 15-16-420-004 and 15-16-420-005

B. Legal Description:

Section: See Exhibit A. attached hereto
Township:
Range:
Enter or attach current legal description in this area:

Prepared by: Name
Company First Industrial Securities L.P.
Address 311 S. Wacker Drive, Suite 4000
City Chicago
State/Zip Illinois 60606

Return to: Jason T. Tadych, Esq.
Barack Ferrazzano Kirschbaum Perlman & Nagelberg
333 W. Wacker Drive, Suite 2700
Chicago, IL 60606

780 3040- Faust DN

HP

BOX 333-CTI

II. 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:

Lot Size: _____
 Acreage: 10.893

- 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)

III. 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: First Industrial Securities, L.P.

Name and Current Address of Transferor:

311 South Wacker Drive, Suite 4000, Chicago, IL 60606

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:

Linda Miller, Sr. Asset Mgr; 9450 W. Bryn Mawr, Ste. 150; Rosemont, IL 60018
 Name, Position (if any), Address, Telephone No. (847) 233-0050

C. Identify Transferee:

2101 Gardner L.L.C., 134 N. LaSalle Street, Suite 1614, Chicago, IL 60601

Name and Current 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 a hazardous substances.

1. Section 22.2(Q 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 or any unit of local government as a result of a release or substantial threat of a release of a 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 pesticide owned, controlled or possessed by such a person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances or pesticide; 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 pesticides."

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:

"If any person who is liable for a release or substantial threat of release of a hazardous substance or pesticide falls 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.

Any monies received by the State pursuant to this subsection (k) shall be deposited in the Hazardous Waste Fund."

4. Section 57.12(a) of the Act states:

"Notwithstanding any other provision or rule or 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."

Any monies received by the State of Illinois pursuant to this subsection (f) shall be deposited in the State Treasury to the credit of the Hazardous Waste Fund. in accordance with the other provisions of this Section, costs of removal or remedial action incurred by a unit of local government under subsection (1) of this Section. Any monies so recovered shall be paid to the unit of local government."

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 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

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 waste, hazardous substances or petroleum?

| | YES | NO |
|-------------------------------------|--------------------------|-------------------------------------|
| 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 type="checkbox"/> | <input checked="" 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"/> |
| Waste Treatment Detoxification..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other Land Disposal Area..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 discharge of wastewater to waters of the State.

Yes No

b. Permits for emissions to the atmosphere.

Yes No

c. Permits for any waste storage, waste treatment or waste disposal operation.

Yes No

6. Has the transferor had any wastewater discharges (other than sewage) to a publicly owned treatment works?

Yes No

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

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?

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: Broadview Partnership; B. L. Downey Company, Inc.; Metal Ventures LLC; Alabama Metal Industries Corporation

Type of business/ or property usage Industrial

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..... | <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 type="checkbox"/> | <input checked="" type="checkbox"/> |
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| Injection Wells..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Wastewater Treatment Units..... | <input checked="" type="checkbox"/> | <input 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"/> |
| Waste Treatment Detoxification..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other Land Disposal Area..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

B. L. Downey Company, Inc.

V. CERTIFICATION

A. Based on my inquiry of those persons directly responsible for gathering the information, certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

TRANSFEROR OR TRANSFERORS (or on behalf of Transferor):

FIRST INDUSTRIAL SECURITIES, L.P., a Delaware limited partnership

By: FIRST INDUSTRIAL SECURITIES CORPORATION, a Maryland corporation, its general partner

By: [Handwritten Signature] Signature(s)

Its: CIO

Joe YAP type or print name

B. This form was delivered to me with all elements completed on August 19 1999.

TRANSFeree OR TRANSFEREES (or on behalf of Transferee):

2101 GARDNER, L.L.C., an Illinois limited liability company

By: CHICAGO INDUSTRIAL PARTNERS, L.L.C., a Delaware limited liability company, its Manager

By: BAD I, L.L.C., a Delaware limited liability company, its Manager

By: John M. Daley, Manager

By: Guy T. Ackermann, Manager

V. CERTIFICATION

A. Based on my inquiry of those persons directly responsible for gathering the information, certify that the information submitted is, to the best of my knowledge and belief, true and accurate.

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FIRST INDUSTRIAL SECURITIES, L.P., a Delaware limited partnership

By: FIRST INDUSTRIAL SECURITIES CORPORATION, a Maryland corporation, its general partner

By: _____
Signature(s)

Its: _____

type or print name

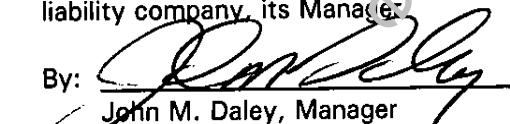
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By: BAD I, L.L.C., a Delaware limited liability company, its Manager

By: 
John M. Daley, Manager

By: 
Guy F. Ackermann, Manager

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C. This form was delivered to me with all elements completed on August 19, 1999
1999.

First Bank & Trust Company of Illinois

LENDER

Michael C. Winter

LENDER REPRESENTATIVE

President / CEO

TITLE

By: 
Signature

Its: President / CEO

Michael C. Winter

type or print name

Property of Cook County Clerk's Office

EXHIBIT A

THAT PART OF LOT 16 LYING WEST OF THE WEST RIGHT OF WAY LINE OF INDIANA HARBOR BELT RAILROAD COMPANY (EXCEPT THAT PART TAKEN FOR ROOSEVELT ROAD) IN SCHOOL TRUSTEES' SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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