

From: Tom Flanagan [<mailto:tom.flanagan@fbtax.com>]
Sent: Wednesday, January 31, 2018 7:07 PM
To: Ann Maine
Cc: John Nelson; Alex Ty Kovach; Steve Gobelman (sgobelman@andrews-eng.com); Kenn Liss (kliss@andrews-eng.com)
Subject: FW: ELUC for Lake County Forest Preserve District

Ann,

I know we haven't spoken in a while but I hope all has been well on your end. We are still in the process of trying to receive a No Further Remediation ("NFR") letter from the Illinois Environmental Protection Agency ("IEPA") for the old landfill site we own by the South East corner of Milwaukee Ave & Deerfield Rd. One the of the last remaining items we need to get before the IEPA will issue an approved NFR letter is an Environmental Land Use Control (ELUC) to protect against exposure of potential groundwater contamination from the Lake County Forest Preserve District. The ELUC essentially stops people from using water on the Forest Preserve land as drinking water. I understand no one is using water on the Forest Preserve Land (that is also part of the land fill) as drinking water but this is just a formality and a technicality saying the Forest Preserve agrees to not allow people to use their ground water as drinking water (knowing nobody would want to do that anyways since it is also part of the landfill and/or right next to a landfill).

The Village of Riverwoods and Lake County already approved a groundwater ordinance with the same effect but we didn't realize we would also need an ordinance from the Lake County Forest Preserve entity (since the groundwater on your portion of the landfill will obviously not be used for drinking water). Since this appears to be a very simple matter and more of just a paperwork issue (need an ELUC document signed by the Lake County Forest Preserve), can you see if the Lake County Forest Preserve attorney's and/or engineers can review this matter and issue us a signed ELUC that we attached to this email? This paperwork technicality is the last remaining item that is holding up an NFR letter from being issued and the sooner we can get this done the better. I appreciate your help in this matter and feel free to give me and/or the environmental consultants (Steve & Ken - copied on this email) a call (or email) with any questions or concerns.

-Thank you for your help and hope all is well!
Tom Flanagan



Local Presence
Nationwide

Thomas Flanagan Jr, JD | tom.flanagan@fbtax.com
Direct (312) 540-5609 | Fax (312) 565-6309

Flanagan | Bilton LLC

A Nationwide Practice Limited to Property Taxation

500 N Dearborn St, Suite 400 | Chicago, Illinois 60654
www.fbtax.com | Main (312)782-5000 | Fax(312)565-0821

From: Steve Gobelman [<mailto:sgobelman@andrews-eng.com>]

Sent: Wednesday, January 31, 2018 2:39 PM

To: Tom Flanagan

Cc: Kenn Liss

Subject: ELUC for Lake County Forest Preserve District

Please find attach the request to create an Environmental Land Use Control (ELUC) to protect against exposure of potential groundwater contamination. As stated in Section Three of the ELUC, groundwater under adjacent property, owned by Lake County Forest Preserve District, cannot be used as a potable water supply.

The Riverwoods Landfill (former Holder Landfill) owned by Riverwoods Land Venture, LLC is in the process of getting a no further remediation (NFR) letter from Illinois EPA and will need to obtain a ELUC on the adjacent property. The ELUC will need to be signed, notarized, and recorded. Once I get a copy of the recorded document a final report can be submitted to Illinois EPA for their review and issuance of the NFR.

Steven Gobelman, P.E., L.P.G.

Project Director

Andrews Engineering, Inc.

3300 Ginger Creek Drive

Springfield, IL 62711

sgobelman@andrews-eng.com

217/787-2334 (main)

217/862-2526 (direct)

217-725-0351 (cell)

PREPARED BY:

Name: Steven Gobelman
Andrews Engineering, Inc.

Address: 3300 Ginger Creek Drive
Springfield, IL 62711

RETURN TO:

Name: Steven Gobelman
Andrews Engineering, Inc.

Address: 3300 Ginger Creek Drive
Springfield, IL 62711

THE ABOVE SPACE FOR RECORDER'S OFFICE

Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this ___ day of _____, 2018, by Lake County Forest Preserve District ("Property Owner") of the real property located at the common address 14445 West Deerfield Road, Deerfield, Illinois ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated groundwater that may be present on the property. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g., engineered barriers, monitoring wells, caps, etc.).

WHEREAS, Riverwood Land Venture LLC intends to request risk-based, site specific soil and groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site, identified by Bureau of Land LPC Number 0971455007, utilizing an ELUC.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of Lake, State of Illinois and further described in Exhibit A attached hereto and incorporated herein by reference (the "Property").

Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for soil or groundwater or both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants Lake County Forest Preserve District is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in Lake County, Illinois.

Section Three. The Property Owner hereby agrees, for themselves, and their heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that the groundwater under the Property shall not be used as a potable supply of water.

Section Four. This ELUC is binding on the Property Owner, their heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues to the site that received the no further remediation determination a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s); the new no further remediation determination is filed on the chain of title of the site subject to the no further remediation determination; and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the 10-digit LPC listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signatures:

Property Owner(s)

By: _____

Its: _____

Date: _____

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

I, _____ the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that _____ and _____ personally known to me to be the Property Owner(s) of _____, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that in said capacities they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this ___ day of _____, 2018.

Notary Public

**PIN NO. 15-35-200-014-0000
(Parcel Index Number)**

Exhibit A

The subject property is located in Lake County, State of Illinois, commonly known as Lake County Forest District, Deerfield, Illinois and more particularly described as:

**LIST THE COMMON ADDRESS;
14445 West Deerfield Road, Deerfield, Illinois**

**LEGAL DESCRIPTION; AND REAL ESTATE TAX INDEX OR PARCEL #
(PURSUANT TO SECTION 742. 1010(D)(2))**

PIN 15-35-200-014-0000

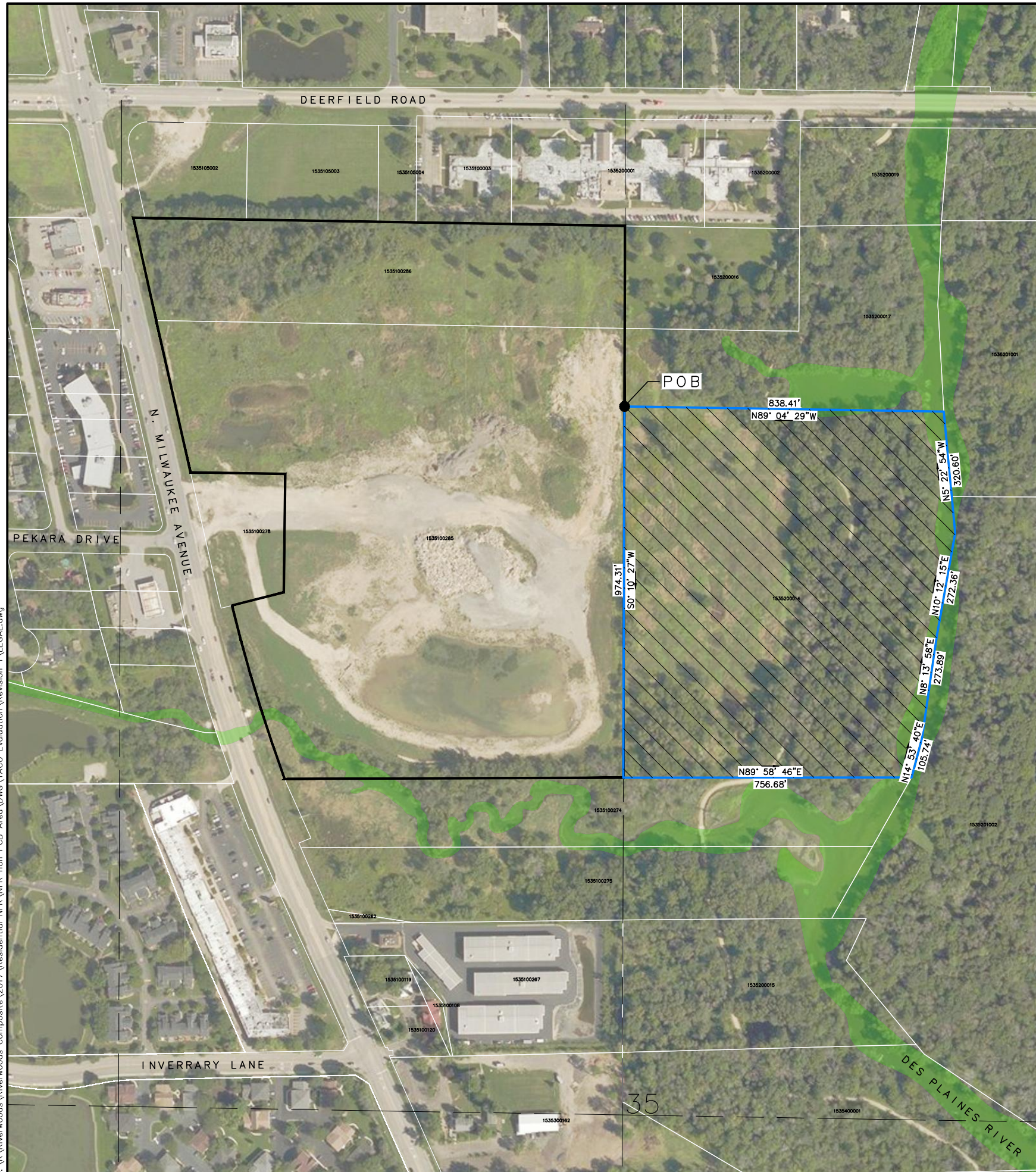
ALL THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF THE WEST LINE OF THE NORTH EAST QUARTER OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE 3RD PRINCIPLE MERIDIAN IN LAKE COUNTY, ILLINOIS: THAT PART OF THE NORTH HALF OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE 3RD PRINCIPLE MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF THE NORTH EAST QUARTER OF SAID SECTION 35, SAID POINT BEING 782.54 FEET SOUTH OF THE NORTH EAST QUARTER CORNER OF SAID SECTION; THENCE NORTH 89 DEGREES, 04 MINUTES, 29 SECONDS WEST, 1322.94 FEET TO THE POINT OF THE BEGINNING; THENCE SOUTH 0 DEGREES, 10 MINUTES, 27 SECONDS WEST, 974.31 FEET; THENCE NORTH 89 DEGREES, 58 MINUTES, 46 SECONDS EAST, 756.68 FEET; THENCE NORTH 14 DEGREES, 53 MINUTES, 40 SECONDS EAST, 105.74 FEET; THENCE NORTH 8 DEGREES, 13 MINUTES, 58 SECONDS EAST, 273.89 FEET; THENCE NORTH 10 DEGREES, 12 MINUTES, 15 SECONDS EAST, 272.36 FEET; THENCE NORTH 5 DEGREES, 22 MINUTES, 54 SECONDS WEST, 320.60 FEET; THENCE NORTH 89 DEGREES, 04 MINUTES, 29 SECONDS WEST, 838.41 FEET; TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PIN NO. 15-35-200-014-0000

Exhibit B

Tab: ELUC Last Saved: January 10, 2018, by Mike Nguyen Plotted: Wednesday, January 10, 2018 2:44:38 PM
 J:\R\Riverwoods (Riverwoods Composite)_2017 (Residential NFR\NFR non PCB Area)\DWG TACO Evaluation (Revision 1)\LEGAL.dwg



ALL THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF THE WEST LINE OF THE NORTH EAST QUARTER OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE 3RD PRINCIPLE MERIDIAN IN LAKE COUNTY, ILLINOIS: THAT PART OF THE NORTH HALF OF SECTION 35, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE 3RD PRINCIPLE MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

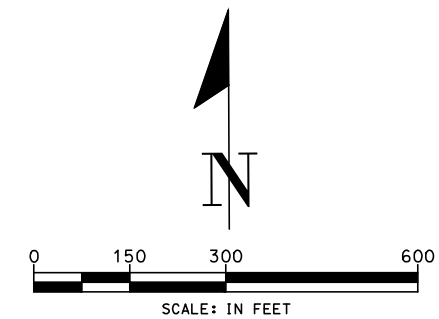
BEGINNING ON THE WEST LINE OF THE NORTH EAST QUARTER OF SAID SECTION 35, SAID POINT BEING 782.54 FEET SOUTH OF THE NORTH EAST QUARTER CORNER OF SAID SECTION; THENCE NORTH 89 DEGREES, 04 MINUTES, 29 SECONDS WEST, 1322.94 FEET TO THE POINT OF THE BEGINNING; THENCE SOUTH 0 DEGREES, 10 MINUTES, 27 SECONDS WEST, 974.31 FEET; THENCE NORTH 89 DEGREES, 58 MINUTES, 46 SECONDS EAST, 756.68 FEET; THENCE NORTH 14 DEGREES, 53 MINUTES, 40 SECONDS EAST, 105.74 FEET; THENCE NORTH 8 DEGREES, 13 MINUTES, 58 SECONDS EAST, 273.89 FEET; THENCE NORTH 10 DEGREES, 12 MINUTES, 15 SECONDS EAST, 272.36 FEET; THENCE NORTH 5 DEGREES, 22 MINUTES, 54 SECONDS WEST, 320.60 FEET; THENCE NORTH 89 DEGREES, 04 MINUTES, 29 SECONDS WEST, 838.41 FEET; TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

LEGEND

- SITE LOCATION
- APPROXIMATE PARCEL BOUNDARY
- LAKE COUNTY FOREST PRESERVE DISTRICT ELUC AREA
- DES PLAINES RIVER

NOTE:

PARCEL DATA DERIVED FROM LAKE COUNTY GEOSPATIAL DATA WEBSITE.



NOT A PLAT OF SURVEY

<p>ANDREWS ENGINEERING, INC. 3300 GINGER CREEK DRIVE SPRINGFIELD, ILLINOIS 62711-7233 PH (217) 787-2334 FAX (217) 787-9495 PONTIAC, IL • LOMBARD, IL • INDIANAPOLIS, IN • WARRENTON, MO PROFESSIONAL DESIGN ENGINEERING AND LAND SURVEYING FIRM #184-J01541</p>		NO.	DATE	BY
		NO.	DATE	BY
<p>PROPOSED LAKE COUNTY FOREST PRESERVE DISTRICT ELUC AREA</p>		<p>APPROVED BY: SLG DESIGNED BY: SLG DRAWN BY: MPN</p>		
<p>PREPARED FOR FORMER HOFFELDER LANDFILL RIVERWOODS, LAKE COUNTY, ILLINOIS</p>		<p>DATE: DECEMBER 2017</p>		
<p>PROJECT ID: 160022/0009</p>		<p>SHEET NUMBER: EXHIBIT B ELUC</p>		