

**1301 East Washington Street – Public Auction Packet**

**Auction Date and Location:**

**Thursday, November 1<sup>st</sup>, 2018  
11:00 a.m.  
City Council Chambers  
Urbana City Building  
400 South Vine Street  
Urbana, IL 61801**

**Exhibits in this Public Auction Packet:**

- A** – Notice of Public Sale
- B** – 1301 East Washington Street Property Map
- C** – Real Estate Transfer Agreement
- D** – Zoning Description Sheet (B-3)
- E** – Recorded NFR Letter

**City's Real Estate Agent:**

Jay Sikorski  
Coldwell Banker Commercial Devonshire Realty  
(217) 369-6643 (mobile)  
(217) 403-3315 (direct)  
(217) 352-7712 (office)  
[jas@cbcdr.com](mailto:jas@cbcdr.com)

**Contact:**

Brandon Boys  
Economic Development Manager  
City of Urbana, IL 61801  
(217) 328-8270  
[bsboys@urbanaindinois.us](mailto:bsboys@urbanaindinois.us)

EXHIBIT A

Notice of Public Sale of Real Property

Notice is hereby given that on November 1<sup>st</sup>, 2018 the City of Urbana, of Champaign County, Illinois (hereinafter "City") shall sell at public sale by auction, which auction shall be conducted in accordance with the procedures described herein, at 11:00 a.m. o'clock in the City Council Chambers of the Urbana City Building, 400 South Vine Street, Urbana Illinois, the following described property ("Property"):

Property Address: 1301 East Washington Street, Urbana, Illinois

Property Identification No: 92-21-16-327-011

Information relating to the Property and the auction procedures may be obtained at City of Urbana Community Development Office at 400 South Vine Street, Urbana, Illinois, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or on the City of Urbana's website at [www.urbanainillinois.us](http://www.urbanainillinois.us)

Said sale by auction will be made on the following terms:

1. The Property is to be offered for sale at a public sale by auction to the highest responsible and qualified bidder.
2. The Property shall be sold "as is" by Warranty Deed, legal description on the City's title to govern. The City makes no representations or warranties with respect to the condition or use of said Property, or compliance with environmental laws and regulations. The purchaser shall be solely responsible for determining the applicability of any laws, local ordinance, or other regulations which may impact the Property and/or the purchaser's contemplated use thereof. The Property is being sold subject to any and all rights of the public and any and all easements, covenants and restrictions shown or not shown by public record.
3. By submitting a bid at auction, a bidder accepts the terms of the sale as contained herein and in the City of Urbana's Ordinance No. 2018-10-067 dated October 15<sup>th</sup>, 2018, incorporated herein by this reference as if set out in full, expressly including the terms and provisions of this Notice and the Real Estate Transfer Agreement attached to said Ordinance. Copies of said Ordinance and Real Estate Transfer Agreement are available by contacting the City's Economic Development Manager during regular business hours at the City of Urbana Community Development Office.
4. Submission of a bid at auction shall serve as that bidder's acknowledgement that: (a) it has received any and all requested or otherwise required property disclosures prior to the date of bid submission; (b) it was afforded opportunities to inspect the Property and records relating to its condition before the date of bid submission; (c) it has availed itself, to its satisfaction, of the right to inspect the Property and records relating to its condition prior to the date of bid submission; (d) it is satisfied with the Property's condition and is taking the Property in **AS-IS condition**; and (e) it is prepared to accept and comply with the terms of sale as contained herein and in the aforementioned Real Estate Transfer Agreement including, but not limited to, the requirement of the successful bidder to **demolish all buildings and parking lots on the Property no later than ninety (90) days after the closing**.
5. Records relating to the Property's condition, including any and all environmental contaminants known and/or believed to have been located on the Property in the past or currently (if any), are available for inspection and/or copying by contacting the City's Economic Development Manager during regular business hours at the City's Community Development Office.

EXHIBIT A

6. Questions regarding the zoning for the Property should be addressed to the City's Planning Manager during regular business hours at the City's Community Development Office.
7. The City shall not be responsible for paying the fees or commission of any bidder's real estate broker or representative.
8. The City reserves the right to reject any or all bids tendered, to waive irregularities, or to cancel or reschedule the bid submission deadline and/or auction.
9. Upon presentation by the City, the highest bidder shall immediately execute the Real Estate Transfer Agreement with the City subject to the terms and conditions as set forth in the City of Urbana's Ordinance No. 2018-10-067 dated October 15th, 2018, and this Notice of Public Sale.
10. The closing date on any resulting sale shall be scheduled 30 days after the effective date of the aforementioned Real Estate Transfer Agreement. If the successful bidder fails to close or pay the balance due upon closing, the Bid Deposit paid shall be forfeited and retained by City, and the City may resell the Property. Possession shall be delivered at closing.
11. As set forth in the aforementioned Real Estate Transfer Agreement, at the time of the closing transaction the successful bidder shall execute a Warranty Deed that conveys the Property back to the City. The City shall place this Warranty Deed in escrow with the City's Community Development Services Department. The City shall deliver the Warranty Deed back to the successful bidder if it completes all demolition as required by the Real Estate Transfer Agreement, however the City may record the Warranty Deed in the Champaign County Office of the Recorder of Deeds if the successful bidder does not complete all demolition within ninety (90) days of closing.
12. The City may request assurances and proof satisfactory to the City of the bidder's ability to purchase the property. Failure of the bidder to produce same, to City's satisfaction as measured solely by the City, shall permit the City to terminate the sale to said bidder.
13. The Property shall be available for inspection, upon City's receipt of reasonable written request, prior to the public auction.
14. The City has established a minimum and reserve sales price of **FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00)** and any auction bid at an amount lower than that minimum sales price shall be disqualified and rejected.
15. Upon notification that a bidder was the high bidder at auction, that bidder shall tender to the City a "Bid Deposit" which shall be a check in the amount of Five Percent (5.0%) of said bidder's successful bid amount. The successful bidder's Bid Deposit shall be credited to the sale price or otherwise retained by the City as set forth in this Notice.

Approved by:

Urbana City Council

City of Urbana, Illinois

Ordinance No. 2018-10-067

Date: October 15, 2018

Contact information:

Brandon Boys

Economic Development Manager

City of Urbana, Illinois

217-328-8270

bsboys@urbanaininois.us

# Exhibit B: Property Location Map -1301 E Washington St





## REAL ESTATE TRANSFER AGREEMENT

This agreement is made between the undersigned buyer (the “Buyer”), and the City of Urbana, Illinois (the “Seller”), and is effective on the last date signed by a party hereto. The parties agree as follows:

1. **Premises.** The Seller shall sell, and the Buyer shall purchase, the real estate (the “Premises”) located at 1301 East Washington Street, Urbana, Illinois 61802-4447, and having a permanent index number of 92-21-16-327-011. The legal description is attached as Exhibit A.
2. **Purchase price.** The purchase price is \$\_\_\_\_\_, minus credits and prorations, and is due and payable in cash or by check at the closing.
3. **Condition of Premises.** Except as provided in section 8, the Buyer accepts the Premises in its “as-is” condition, and the Seller disclaims all warranties express or implied as to the condition of the Premises.
4. **Deeds.** The Seller shall convey the Premises to the Buyer by a good and sufficient Warranty Deed, subject only to those exceptions listed in section 5(B). At the time of closing of this transaction, the Buyer shall execute a Warranty Deed that conveys said Property back to the Seller. The Seller shall place this Warranty Deed in escrow with the Seller’s Community Development Services Department (“Escrow Agent”). If the Buyer completes all demolition as required by section 12, the Escrow Agent shall deliver the Warranty Deed to the Buyer. If the Buyer does not complete all demolition as required by section 12, or as provided in any modification to this agreement, the Escrow Agent may record it in the Champaign County Office of the Recorder of Deeds.
5. **Title.**
  - A. At the Seller’s sole cost and within a reasonable time before closing, the Seller shall deliver to the Buyer a commitment for an ALTA title insurance policy, in the amount of the purchase price, issued by a title insurance company doing business in Champaign County, committing the company to issue a policy in the usual form insuring title to the Premises.
  - B. At closing, the Seller shall provide good and merchantable title, subject only to general real estate taxes not due and payable at the time of closing, liens of special assessments, zoning laws and building ordinances, easements apparent or of record that do not underlie the improvements, and covenants, conditions, encumbrances, and restrictions of record that do not restrict reasonable use of the Premises. The Seller also shall execute and deliver to the Buyer any affidavit, statement, or other document normally required by the title insurance company as a condition for issuance of the title insurance policy provided for above.

- C. If title evidence discloses exceptions other than those permitted, the Buyer shall give written notice of such exceptions to the Seller within a reasonable time. The Seller will have a reasonable time to have such title exceptions removed, or, any such exception that may be removed by the payment of money may be cured by deduction from the purchase price at the time of closing. If the Seller is unable to cure such exception, the Buyer may terminate this agreement or take the title as it then is with the right to deduct from the purchase price liens or encumbrances of a definite or ascertainable amount upon giving the Seller notice of such election and tendering performance on the Buyer's part.

6. **Taxes and assessments.** The Premises is exempt from payment of real estate taxes in accordance with 35 ILCS 200/15-75, and, thus, there is no need for provision of real estate tax payment. The Seller represents to the Buyer that no bills for utilities or other taxes associated with the Buyer's possession and use of the Premises will be outstanding and not fully satisfied at the time of closing.

7. **Closing; possession.** The parties shall hold the closing no later than 30 days after the effective date of this agreement. The closing will take place at the Urbana City Building, 400 S. Vine Street, Urbana, Illinois, 61801, or at such other place as the parties may agree. The Seller shall deliver possession of the Premises to the Buyer concurrently with the closing of this transaction.

8. **Environmental disclosure.** The Seller has disclosed to the Buyer any and all information known to the Seller of any environmental condition that may affect the marketability or usability of the Premises. If the Buyer becomes aware of the existence of any environmental concern or violation of any environmental law or regulation not previously disclosed at any time prior to closing that affects either the value of the Premises or its use for a commercial or residential purpose, the Buyer may terminate this agreement by written notice to the Seller.

9. **Other disclosures.** The Premises will be used for redevelopment, and any buildings located thereon will be demolished. Therefore, the Buyer waives the Seller's compliance with all disclosures except as specified in this agreement.

10. **Entire agreement.** This agreement constitutes the entire agreement between the parties, supersedes all other agreements or understandings between them pertaining to the matter of this agreement, and may not be modified except by a writing signed by both parties. The attachment to this agreement is incorporated herein by this reference thereto.

11. **Notices.** Except where the terms of this agreement expressly provide otherwise, the parties shall give all notices required or permitted by this agreement in writing, addressed as set forth below, unless another address is provided in writing. Notices will be deemed given when personally delivered; deposited in the U.S. mail, postage prepaid, first class; or delivered to a commercial courier.

## EXHIBIT C

Buyer

Seller

Economic Development Manager  
City of Urbana  
400 S. Vine Street  
Urbana, Illinois 61801

12. **Demolition.** The commercial buildings located on the Premises are unsafe and dangerous, have unsafe equipment, and are unfit for human occupancy. The Buyer shall demolish all buildings and parking lots no later than 90 days after the closing of this transaction. During such time, the Seller shall not take enforcement action against the Buyer for any life and safety code violations on the Premises, unless the condition of the Premises so deteriorates that it becomes an imminent danger to the public. This section will survive the closing and will not merge with the deed.

13. **Survival of agreement.** All of the covenants, warranties, representations, and agreements contained in this agreement that were not performed at the time of the closing will survive such closing for one year and will not merge with the deed. A party that violates any such covenants, warranties, representations, or agreements shall indemnify and defend the other party against all claims, liability, or damage, including without limitation reasonable attorney's fees and costs, arising from such violation, and such obligation will not merge with the deed.

[Signature page follows]

EXHIBIT C

The parties are signing this agreement on the dates indicated opposite their signatures.

**Buyer:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Name

\_\_\_\_\_  
Dated

**Seller:**

By: \_\_\_\_\_  
Diane Wolfe Marlin  
Mayor

\_\_\_\_\_  
Dated

ATTEST:

\_\_\_\_\_  
Charles A. Smyth  
City Clerk  
Ordinance No. 2018-

Exhibit A:      Legal Description



Exhibit A  
Legal Description

Tract 1:

A part of the Northeast Quarter of the Southwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, the surveyed boundary of which is more particularly described as follows:

Beginning at an iron rod monument situated at the intersection of the Southerly line of Washington Street in the City of Urbana, Illinois, said line having a local bearing of South  $89^{\circ}19'1/2''$  East, and the Northeasterly wayland line of the Norfolk and Western Railroad, as shown by plat recorded in Book "E" at page 25 in the office of the Champaign County Recorder; thence Southeasterly along said Northeasterly wayland line, said line also being along a curve to the left, convex to the Southwest having a radius of 5,693.97 feet and a long chord bearing of North  $44^{\circ}48'1/2''$  West, a distance of 384.04 feet to an iron rod monument situated at a point of tangency; thence South  $46^{\circ}44'1/2''$  East along said Northeasterly wayland line, 75.67 feet to an iron rod monument; thence South  $00^{\circ}02'1/4''$  West, 90.57 feet to an iron rod monument situated on the Southwesterly wayland line of said railroad, said wayland also being the Northeasterly line of State of Illinois Highway Route 130, said line also being parallel with and 66.00 feet distant from said Northeasterly wayland line of said railroad; thence North  $46^{\circ}44'1/2''$  West along said Southwesterly wayland line, 137.69 feet to an iron rod monument situated at a point of curvature; thence Northwesterly along said Southwesterly line, said line also being along a curve to the right, convex to the Southwest with a radius of 5,759.97 feet, a distance of 360.01 feet to an iron rod monument, situated at a point of compound curvature; thence Northerly along a curve to the right, convex to the Northwest, with a radius of 39.03 feet, a distance of 91.18 feet to an iron rod monument, situated at a point of tangency, and also situated on the aforesaid Southerly line of Washington Street, said point also being the point of beginning, containing 0.754 acres, more or less, all situated within the City of Urbana, Champaign County, Illinois.

Tract 2:

Tract "B" of Modern Research Industries Subdivision according to the plat thereof recorded on Document No. 604045 in Plat Book "M" at page 6 in the office of the Champaign County Recorder, situated in the Northeast Quarter of the Southwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, the survey boundary of which is more particularly described as follows:

Beginning at an iron rod monument situated at the intersection of the Southerly line of Washington Street in the City of Urbana, Illinois, and the

Northeasterly wayland line of the Norfolk and Western Railroad, as shown by plat recorded in Book "E" at page 25 in the office of the aforesaid County Recorder; thence South  $89^{\circ}19'1/2''$  East on a local bearing along said Southerly Street line, 325.94 feet to an iron rod monument situated at the intersection of said Southerly line of Washington Street and the West line of Washington Square First Subdivision; thence South  $00^{\circ}02'1/4''$  West, along said Subdivision West line 320.42 feet to an iron rod monument at the intersection of said West line of Washington Square Subdivision and aforesaid Northeasterly wayland line of the Norfolk and Western Railroad; thence North  $46^{\circ}44'1/2''$  West along said Northeasterly line, 75.67 feet to an iron rod monument, situated at a point of curvature; thence Northwesterly along said Northeasterly line, said line also being along a curve to the right, convex to the Southwest with a radius of 5,693.97 feet, a distance of 384.04 feet to the point of beginning, containing 1.229 acres, more or less, all situated within the City of Urbana, Champaign County, Illinois.

Except:

That portion of the above described property dedicated as right-of-way by Document Number 2015R16569 and recorded August 27, 2015 in the Office of the Recorder, Champaign County, Illinois, being described as follows:

A part of the Southwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, Champaign County, Illinois, being more particularly described as follows:

Beginning at an iron rod monument situated at the intersection of the existing southerly right-of-way line of Washington Street in the City of Urbana, Illinois, and the northeasterly right-of-way line of the abandoned Norfolk and Western (formerly Wabash) Railroad, as shown by plat recorded in Book "E" at page 25 in the Office of the Champaign County Recorder; thence, South 89 degrees 19 minutes 30 seconds East, along said southerly line of Washington Street, 105.94 feet; thence, South 59 degrees 42 minutes 00 seconds West, 100.00 feet; thence, South, 64.12 feet, to the existing northeasterly right-of-way line of Philo Road, said line also being the southwesterly right-of-way line of said abandoned Norfolk and Western Railroad; thence, along said northeasterly right-of-way line of Philo Road, along a curve to the right, having a radius of 5759.97 feet, a chord bearing of North 43 degrees 21 minutes 53 seconds West, a chord length of 69.75 feet, for an arc length of 69.75 feet, to a point of compound curvature; thence along a curve to the right, having a radius of 39.03 feet, a chord bearing of North 23 degrees 29 minutes 40 seconds East, a chord length of 70.99 feet, for an arc length of 89.14 feet, to the point of beginning, having an area of 0.156 acres (6799.490 square feet), more or less, all situated in the City of Urbana, Champaign County, Illinois.



## B-3 – GENERAL BUSINESS ZONING DISTRICT

### ZONING DESCRIPTION SHEET

According to Section IV-2 of the Zoning Ordinance, the purpose and intent of the B-3 Zoning District is as follows:

"The B-3, *General Business District* is intended to provide areas for a range of commercial uses wider than that of Neighborhood Business but at a lower intensity than Central Business, meeting the general business needs of the City."

Following is a list of the Permitted Uses, Special Uses, Planned Unit Development Uses and Conditional Uses in the B-3 District. Permitted Uses are allowed by right. Special Uses and Planned Unit Development Uses must be approved by the City Council. Conditional Uses must be approved by the Zoning Board of Appeals.

#### PERMITTED USES:

##### **Agriculture**

Farm Equipment Sales and Service  
Feed and Grain (*Sales Only*)  
Garden Shop  
Plant Nursery or Greenhouse  
Roadside Produce Sales Stand

##### **Business - Adult Entertainment**

Adult Entertainment Uses

##### **Business - Food Sales and Services**

Bakery (*Less than 2,500 square feet*)  
Banquet Facility  
Café or Deli  
Catering Service  
Confectionery Store  
Convenience Store  
Fast-Food Restaurant  
Liquor Store  
Meat and Fish Market  
Restaurant  
Supermarket or Grocery Store  
Tavern or Night Club

##### **Business - Miscellaneous**

Auction Sales (*Non-Animal*)  
Contractor Shop and Show Room (*Carpentry, Electrical, Exterminating, Upholstery, Sign Painting, and Other Home Improvement Shops*)  
Lawn Care and Landscaping Service  
Mail Order Business  
Medical Cannabis Dispensary  
Radio or TV Studio  
Shopping Center – Convenience  
Shopping Center – General  
Wholesale Business

##### **Business - Personal Services**

Ambulance Service  
Barber/ Beauty Shop  
Dry Cleaning or Laundry Establishment  
Health Club/ Fitness  
Laundry and/or Dry Cleaning Pick-up  
Massage Therapist  
Medical Carrier Service  
Mortuary  
Movers  
Pet Care/ Grooming  
Self-Service Laundry  
Shoe Repair Shop  
Tailor and Pressing Shop

**PERMITTED USES Continued:**

**Business - Professional and Financial Services**

Bank/ Savings and Loan Association  
 Check Cashing Service  
 Copy and Printing Service  
 Packaging/ Mailing Service  
 Professional and Business Office  
 Vocational, Trade or Business School

**Business - Retail Trade**

Antique or Used Furniture Sales and Service  
 Appliance Sales and Service  
 Art and Craft Store and/or Studio  
 Bicycle Sales and Service  
 Building Material Sales *(All Indoors Excluding Concrete or Asphalt Mixing)*  
 Clothing Store  
 Department Store  
 Drugstore  
 Electronic Sales and Services  
 Florist  
 Hardware Store  
 Heating, Ventilating, Air Conditioning Sales and Service  
 Jewelry Store  
 Monument Sales *(Excluding Stone Cutting)*  
 Music Store  
 Office Supplies/ Equipment Sales and Service  
 Pawn or Consignment Shop  
 Pet Store  
 Photographic Studio and Equipment Sales and Service  
 Shoe Store  
 Sporting Goods  
 Stationery, Gifts, or Art Supplies  
 Tobacconist  
 Variety Store  
 Video Store  
 All Other Retail Stores

**Business - Vehicular Sales and Service**

Automobile Accessories *(New)*  
 Automobile, Truck, Trailer or Boat Sales or Rental  
 Automobile/ Truck Repair  
 Car Wash  
 Gasoline Station  
 Mobile Home Sales  
 Truck Rental

**Business - Recreation**

Athletic Training Facility  
 Bait Sales  
 Bowling Alley  
 Dancing School  
 Driving Range  
 Gaming Hall\*\*\*\*\*  
 Lodge or Private Club  
 Miniature Golf Course  
 Outdoor Commercial Recreation Enterprise *(Except Amusement Park)\*\*\*\*\**  
 Pool Hall  
 Private Indoor Recreational Development  
 Theater, Indoor

**Business - Transportation**

Motor Bus Station  
 Taxi Service

**Industrial**

Microbrewery

**Public and Quasi-Public**

Church, Temple or Mosque  
 Electrical Substation  
 Farmer's Market  
 Institution of an Educational or Charitable Nature  
 Library, Museum or Gallery  
 Methadone Treatment Facility  
 Municipal or Government Building  
 Park  
 Police or Fire Station  
 Principle Use Parking Garage or Lot  
 Public Maintenance and Storage Garage  
 University/College  
 Utility Provider

**Residential**

Bed and Breakfast Inn  
 Bed and Breakfast Inn, Owner Occupied  
 Dwelling, Community Living Facility, Category II or Category III  
 Dwelling, Home for Adjustment  
 Dwelling, Loft  
 Dwelling, Transitional Home, Category I or II  
 Hotel or Motel

**SPECIAL USES:**

**Business – Retail**

Firearm Store†

**Public and Quasi-Public**

Correctional Institution or Facility  
Hospital or Clinic

**Business – Vehicular Sales and Service**

Towing Service  
Truck Stop

**Residential**

Dwelling, Multifamily

**PLANNED UNIT DEVELOPMENT USES:**

**Business – Miscellaneous**

Commercial Planned Unit Development (*See Section XIII-3*)  
Mixed-Use Planned Unit Development (*See Section XIII-3*)

**CONDITIONAL USES:**

**Business - Miscellaneous**

Crematorium  
Day Care Facility (*Non-Home Based*)  
Self-Storage Facility  
Veterinary Hospital (*Small Animal*)\*\*\*\*

**Industrial**

Bookbinding  
Confectionery Products Manufacturing and Packaging  
Electronics and Related Accessories - Applied Research and Limited Manufacturing  
Engineering, Laboratory, Scientific and Research Instruments Manufacturing  
Motion Picture Production Studio  
Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery and Commercial Printing  
Surgical, Medical, Dental and Mortuary Instruments and Supplies Manufacturing

**Public and Quasi-Public**

Nonprofit or Governmental, Educational and Research Agencies  
Radio or Television Tower and Station

**Residential**

Assisted Living Facility  
Nursing Home

Table V-1 Notes:

- \*\*\*\* See Table VII-1 for Standards for Specific Conditional Uses
- \*\*\*\*\* The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.
- † See Section VII-5.D for Standards for Firearm Stores

**DEVELOPMENT REGULATIONS IN THE B-3 DISTRICT**

<b>ZONE</b>	<b>MIN LOT SIZE (square feet)</b>	<b>MIN AVERAGE WIDTH (in feet)</b>	<b>MAX HEIGHT (in feet)</b>	<b>MAX FAR</b>	<b>MIN OSR</b>	<b>MIN FRONT YARD (in feet)<sup>1</sup></b>	<b>MIN SIDE YARD (in feet)<sup>1</sup></b>	<b>MIN REAR YARD (in feet)<sup>1</sup></b>
<b>B-3</b>	<b>6,000</b>	<b>60</b>	<b>None<sup>3</sup></b>	<b>4.00</b>	<b>None</b>	<b>15</b>	<b>5</b>	<b>10</b>

FAR = Floor Area Ratio  
 OSR = Open Space Ratio

**Footnote<sup>1</sup>** – See Section VI-5 and Section VIII-4 for further information about required yards.

**Footnote<sup>3</sup>** – In the AG, CRE, B-1, B-2, MOR and IN-1 Zoning Districts, and for residential uses in the B-3 and B-4 Districts, if the height of a building two stories or exceeds 25 feet, the minimum side and rear yards shall be increased as specified in Section VI-5.F.3 and Section VI-5.G.1, respectively. In the AG and CRE Districts, the maximum height specified in Table VI-3 shall not apply to farm buildings; however, the increased setbacks required in conjunction with additional height, as specified in Section VI-5, shall be required for all non-farm buildings.

For more information on zoning in the City of Urbana call or visit:

**City of Urbana**  
**Community Development Services Department**  
 400 South Vine Street, Urbana, Illinois 61801  
 (217) 384-2440 phone / (217) 384-2367 fax  
[www.urbanaininois.us](http://www.urbanaininois.us)





PREPARED BY:

Name: Russell Stewart, Vice President  
Tri Star Marketing, Inc.

Address: 2211 West Bradley Avenue  
Champaign, IL 61821

RETURN TO:

Name: Russell Stewart, Vice President  
(g) Tri Star Marketing, Inc.  
Kathryn L. Desjardine

Address: 2211 West Bradley Avenue  
Champaign, IL 61821

2009R20847

RECORDED ON  
07/14/2009 11:05:46AM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 39.00  
RHSPS Fee:  
REV FEE:  
PAGES 18  
PIAT ACT: 0  
PIAT PAGE:

RECORDED  
NFR

THE ABOVE SPACE FOR RECORDER'S OFFICE

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Champaign County.

Illinois State EPA Number: 0191059062

Tri Star Marketing, Inc., the Remediation Applicant, whose address is 2211 West Bradley Avenue, Champaign, IL 61821 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: Tract 1:

A part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, the surveyed boundary of which is more particularly described as follows:

Beginning at an iron rod monument situated at the intersection of the southerly line of Washington Street in the City of Urbana, Illinois, said line having a local bearing of South 89° 19½' East, and the northeasterly way land line of the Norfolk and Western Railroad, as shown by plat recorded in Book E, Page 25 in the office of the Champaign County Recorder; thence southeasterly along said northeasterly way land line, said line also being along a curve to the left, convex to the southwest, having a radius of 5,693.97 feet and a long cord bearing of North 44° 48½' West, a distance of 384.04 feet to an iron rod monument situated at a point of tangency; thence South 46° 44½' East, along said northeasterly way land line 75.67 feet to an iron rod monument; thence South 00° 2¼' West, 90.57 feet to an iron rod monument situated on the southwesterly way land line of said railroad, said way land also being the northeasterly line of State of Illinois Highway Route No. 130, said line also being parallel with and 66.00 feet distant from said northeasterly way land line of said railroad; thence North 46° 44½' West along said southwesterly way land line, 137.69 feet to an iron rod monument situated at a point of curvature; thence northwesterly along said southwesterly line, said line also being a curve to the right, convex to the southwest, with a radius of 5,759.97 feet, a distance of 360.01 feet to an iron rod monument situated at a point of compound curvature; thence northerly along a curve to the right, convex to the northwest, with a radius of 39.03 feet, a distance of 91.18 feet to an iron rod monument situated

(Illinois EPA Site Remediation Program Environmental Notice)

at a point of tangency, and also situated on the aforesaid southerly line of Washington Street, said point also being the point of beginning; containing 0.754 acres, more or less and all situated within the City of Urbana, Champaign County, Illinois.

**Tract 2:**

Tract "B" of Modern Research Industries Subdivision, as recorded on Document NO. 604045, Book "M", Page 6 in the office of the Champaign County Recorder, situated in the Northeast Quarter of the Southwest Quarter of Section 16, Township 19 North, Range 9 East of the Third Principal Meridian, the survey boundary of which is more particularly described as follows:

Beginning at an iron rod monument situated at the intersection of the southerly line of Washington Street in the City of Urbana, Illinois and the northeasterly way land line of the Norfolk and Western Railroad; as shown by plat recorded in Book "E", Page 25 in the office of the aforesaid County Recorder; thence South 89° 19½' East on a local bearing along said southerly street line 325.94 feet to an iron rod monument situated at the intersection of said southerly line of Washington Street and the west line of Washington Square First Subdivision; thence South 00° 2¼' West, along said subdivision west line 320.42 feet to an iron rod monument at the intersection of said west line of Washington Square Subdivision and aforesaid northeasterly way land line of the Norfolk and Western Railroad; thence North 46° 44½' West along said northeasterly line 75.67 feet to an iron rod monument situated at a point of curvature; thence northwesterly along said northeasterly line, said line also being a curve to the right, convex to the southwest with a radius of 5,693.97 feet, a distance of 384.04 feet to the point of beginning, containing 1.229 acres more or less and all situated within the City of Urbana, Champaign County, Illinois.

2. Common Address: 1301 East Washington Street, Urbana, IL
3. Real Estate Tax Index/Parcel Index Number: 92-21-16-327-011
4. Remediation Site Owner: City of Urbana
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

**SITE REMEDIATION PROGRAM**  
**TABLE A: REGULATED SUBSTANCES OF CONCERN**  
**0191059062/Russell Stewart Oil Company**

**BTEX Indicator Contaminants**

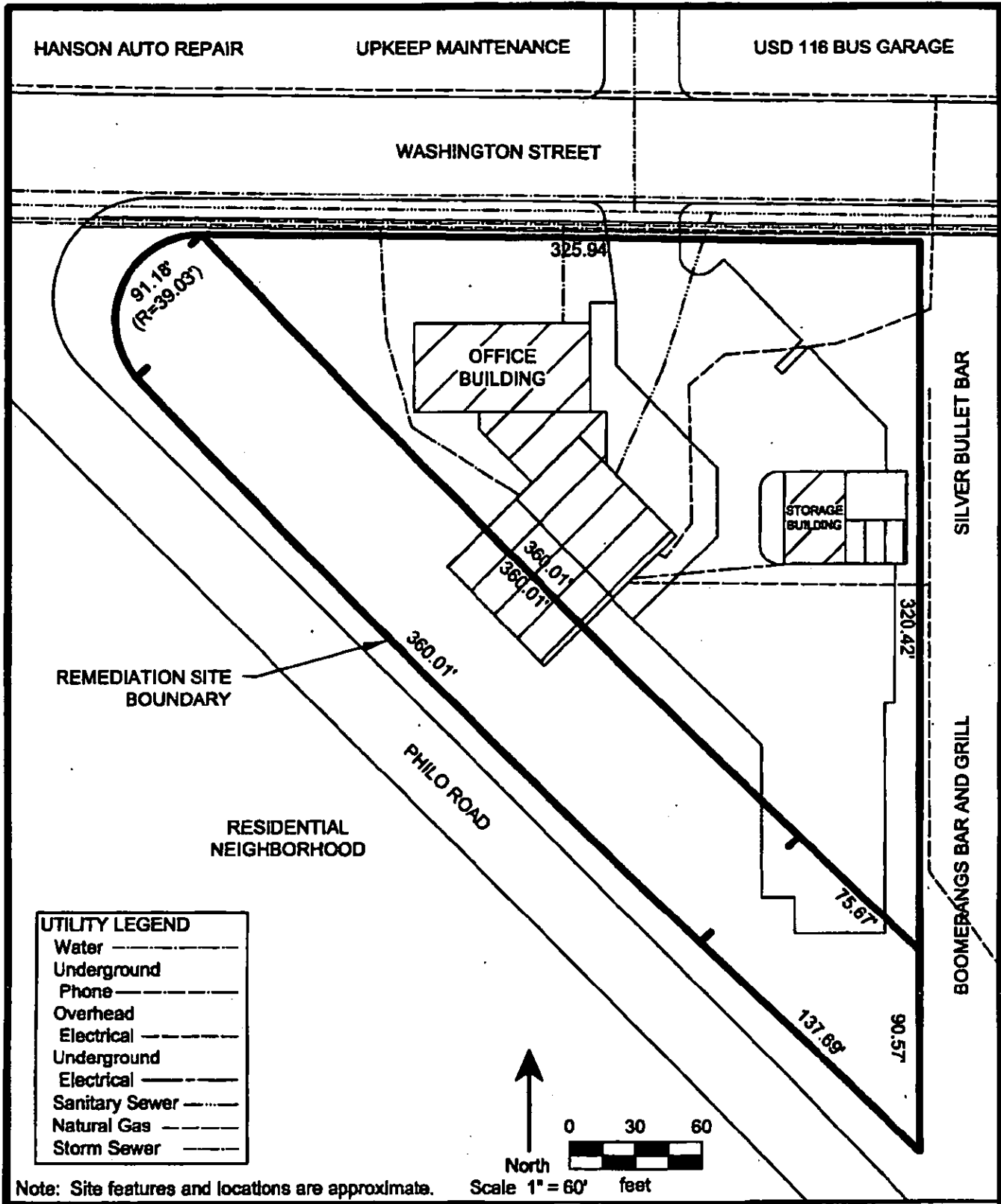
<u>CAS No.</u>	<u>Compound Name</u>
71-43-2	Benzene
100-41-4	Ethylbenzene
108-88-3	Toluene
1330-20-7	Xylene (totals)

**Semivolatile Organic Compounds**

<u>CAS No.</u>	<u>Compound Name</u>
91-20-3	Naphthalene
208-96-8	Acenaphthylene
83-32-9	Acenaphthene
86-73-7	Fluorene
85-01-8	Phenanthrene
120-12-7	Anthracene
206-44-0	Fluoranthene
129-00-0	Pyrene
56-55-3	Benzo(a)anthracene
218-01-9	Chrysene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
50-32-8	Benzo(a)pyrene
193-39-5	Indeno(1,2,3-cd)pyrene
53-70-3	Dibenzo(a,h)anthracene
191-24-2	Benzo(g,h,i)perylene

**Metals**

<u>CAS No.</u>	<u>Compound Name</u>
7439-92-1	Lead



Note: Site features and locations are approximate.

Scale 1" = 60' feet

<p><b>GEOCON</b> engineering, inc.</p> <p>3000 Research Rd, Ste 1 217.403.8090 phone Champaign, IL 61822 217.403.1550 fax</p>	<p><b>FIGURE 1</b> SITE BASE MAP</p> <p>LPC 0191059082 - Champaign County Urbana / Russell Stewart Oil Company Site Remediation / Technical Reports</p>	<p>PROJECT NO.: 81047</p> <p>DATE: May 18, 2009</p>
---	---	---

**bcc: Records Unit  
Bob O'Hara  
Rick Lucas**

**PROPERTY OWNER CERTIFICATION OF THE NFR LETTER  
UNDER THE SITE REMEDIATION PROGRAM**


Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner or the duly authorized agent of the owner must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively, and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

<b>Property Owner Information</b>	
Owner's Name: <u>City of Urbana</u>	
Title: <u>Laurel Lunt Pruessing</u>	
Company: <u>City of Urbana</u>	
Street Address: <u>400 S. Vine St.</u>	
City: <u>Urbana</u> State: <u>IL</u> Zip Code: <u>61801</u> Phone: <u>217 384-2442</u>	
<b>Site Information</b>	
Site Name: <u>Former Tri star marketing</u>	
Site Address: <u>1301 E. Washington</u>	
City: <u>Urbana</u> State: <u>IL</u> Zip Code: <u>61801</u> County: <u>Champaign</u>	
Illinois inventory identification number: <u>n/a</u>	
Real Estate Tax Index/Parcel Index No. <u>92-21-16-327-011</u>	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: <u><i>Laurel Lunt Pruessing</i></u>	Date: <u>7/13/09</u>
SUBSCRIBED AND SWORN TO BEFORE ME this <u>13th</u> day of <u>July</u> , 20 <u>09</u>	
<u><i>Deborah J. Roberts</i></u> Notary Public	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated there under. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.





City of Urbana  
400 South Vine Street  
Urbana, IL 61801

### CLERK'S CERTIFICATE

STATE OF ILLINOIS    )  
                                  )    SS  
COUNTY OF CHAMPAIGN )

I, PHYLLIS D. CLARK, City Clerk of the City of Urbana, Illinois, and keeper of the records, files and seal of said City, do hereby certify that the foregoing is a true and exact copy of an ordinance entitled:

[Ord. No. 2008-09-097] "AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD"

approved by the City Council of the City of Urbana, Illinois, on the 15th day of September, AD, 2008, as it appears in the records and files in my office remaining.

Given under my hand and seal of said City of Urbana, Illinois, this 10th day of October, AD, 2008.



*Phyllis D. Clark*  
Phyllis D. Clark, City Clerk  
*by [Signature] Deputy Clerk*

3



2008R25921

**Recording Cover Sheet**

ORDINANCE NO. 2008-09-097

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

RECORDED ON  
10/06/2008 03:59:47PM  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC FEE: 25.00  
RHSPS Fee:  
REV FEE:  
PAGES 3  
PIAT ACT: 0  
PIAT PAGE:

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

(6)  
Phyllis D. Clark, City Clerk  
City of Urbana  
400 S. Vine Street  
Urbana, IL 61801

ORDINANCE NO. 2008-09-097

**AN ORDINANCE PROHIBITING THE USE  
OF GROUNDWATER AS A POTABLE WATER SUPPLY  
BY THE INSTALLATION OR USE OF POTABLE WATER  
SUPPLY WELLS OR BY ANY OTHER METHOD**

WHEREAS, certain properties in the City of Urbana, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Urbana may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code Part 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code Part 742; and

WHEREAS, the City of Urbana desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. Use of groundwater as a potable water supply is prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Urbana by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Urbana.

Section 2. Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation. Every day that the violation continues shall constitute a new violation.

Section 3. Definitions. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation,

association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns. "Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section 5. Severability. If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.


Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the City Council this 15th day of September, 2008.

AYES: Barnes, Bowersox, Gehrig, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:

  
*[Signature]*  
City Clerk  
*[Signature]*  
Deputy Clerk

APPROVED by the Mayor this 25th day of September

2008.

*[Signature]*  
Laurel Lunt Prussing, Mayor



**Tri Star Marketing, Inc.**

2211 W. Bradley Ave.  
P.O. Box 9279  
Champaign, Illinois 61826-9279

Phone 217-367-8386  
Fax 217-367-3920  
www.superpantry.com  
general@trism.net

Certified 7008 2810 0000 4773 5143

City of Urbana  
Gale Jamison  
Assistant City Engineer  
706 S. Glover  
Urbana, IL 61802

## NOTICE

June 1, 2009

Dear Gale:

Tri Star Marketing, Inc. is performing an environmental response action at the Russell Stewart Oil Company property at 1301 E. Washington Street in the City of Urbana, Champaign County, Illinois. The response action is being performed because of the discovery of petroleum contaminated soils and groundwater beneath the subject site, due to the former presence of petroleum underground storage tanks (USTs) and aboveground storage tanks (ASTs) on the subject site. The response action consists of the delineation of the horizontal and vertical extents of soil and groundwater contamination at the subject site and the completion of risk-based corrective action at the subject site in order to obtain a Focused No Further Remediation (NFR) Letter from the Illinois Environmental Protection Agency (IEPA) in accordance with 35 Illinois Administrative Code Part 740, *Site Remediation Program*, and 35 IAC Part 742, *Tiered Approach to Corrective Action Objectives*.

To protect human health, Illinois regulations require that Tri Star Marketing, Inc. either clean up groundwater contamination or demonstrate that the groundwater in the area of the release will not be used as potable water. (Groundwater is the water beneath the ground stored in pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water. Potable means fit for human consumption including drinking, bathing, preparing food, washing dishes, and so forth.)

The City of Urbana has an ordinance that strictly prohibits the human and domestic consumption of the groundwater beneath your property. Under Illinois regulations, a local ordinance that effectively prohibits the installation and use of potable water supply wells may be used as an institutional control to allow contamination above the groundwater ingestion remediation objectives to remain in the groundwater (35 IAC Part 742.1015). (An institutional control is a legal mechanism for imposing a restriction on land use.) The IEPA has determined that the ordinance adopted by the City of Urbana meets the regulatory requirements for use as an institutional control. Tri Star Marketing,

Inc. has requested and has been granted approval from the IEPA to use the groundwater ordinance as an institutional control.

Your property, which is the subject of this notice and which is located at 1301 E. Washington Street in the City of Urbana, Champaign County, Illinois, is included in the area affected by the ordinance. This means that you cannot install or use a private, potable water well on your property. Based on the remediation objectives established in reliance on this ordinance, groundwater beneath your property may not be suitable for human or domestic consumption. Illinois regulations require that you be notified of these facts.

The ordinance is identified as Ordinance No. 2008-09-097, adopted September 15, 2008 by the City of Urbana. If you wish to obtain a copy of the ordinance, please contact the City of Urbana City Clerk, 400 S. Vine Street, Urbana, Illinois 61801 (217-384-2366). To learn more about the Russell Stewart Oil Company property, please contact either Mr. Russ Stewart, Tri Star Marketing, Inc., P.O. Box 9279, Champaign, Illinois 61826-9279 (217-367-8386 ext. 127) or the IEPA, Bureau of Land project manager, Mr. Maxwell Twum, Illinois Environmental Protection Agency, Bureau of Land/RPMS, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 (217-558-0932). You may also obtain a copy of the complete IEPA file on the Russell Stewart Oil Company. To do so, you will need to submit a written request with your signature to the Freedom of Information Act (FOIA) Officer, Illinois Environmental Protection Agency, Bureau of Land, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. When requesting a copy of the file, please reference the file heading shown below:

LPC #0191059062 – Champaign County  
Urbana / Russell Stewart Oil Company  
1301 E. Washington Street

FOIA requests may also be requested through the IEPA's website at [www.epa.state.il.us/foia](http://www.epa.state.il.us/foia).

Sincerely,



Mr. Russ Stewart  
Vice President – Tri Star Marketing, Inc.



JUN - 8 2009



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829

JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026  
(217) 782-6761

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

June 5, 2009

CERTIFIED MAIL

7008 1140 0004 7344 6812

Russell Stewart, Vice President  
Tri Star Marketing, Inc.  
2211 West Bradley Avenue  
Champaign, IL 61821

Re: 0191059062 /Champaign  
Urbana /Russell Stewart Oil Company  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Stewart:

The *Focused Site Investigation Report, Remediation Objectives Report, Remedial Action Plan and Remedial Action Completion Report* (Dated April 22, 2009/Log Number 09/41203), as prepared by Geocon Engineering, Inc. for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA"). The Report demonstrates that the remedial action was completed in accordance with the *Remedial Action Plan* (Dated April 22, 2009/Log Number 09/41203) and 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 1.98 acres, is located at 1301 East Washington Street, Urbana, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form received December 3, 2008 is Tri Star Marketing, Inc.

This focused No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms and conditions of this Letter.

**Conditions and Terms of Approval****Level of Remediation and Land Use Limitations**

- 1) The land use 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.
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted there under.
- 2) The Remediation Site is restricted to Industrial/Commercial land use.
- 3) The recognized environmental conditions, as characterized by the focused site investigation, consist of the following:
  - a) Regulated substances of concern that have been successfully addressed are detailed in the attached Table A.

**Institutional Controls:**

- 4) Ordinance No. 2008-09-097 adopted September 25, 2008 by the City of Urbana effectively prohibits the installation and use of potable water supply wells in the City of Urban. This ordinance provides an acceptable institutional control under the following conditions:
  - a) Where a groundwater ordinance is used to assure long-term protection of human health the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
  - b) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
    - i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
    - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
  - c) The Remediation Applicant shall provide written notification to the City of Urbana and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
    - i) The name and address of the local unit of government;
    - ii) The citation of the ordinance used as an institutional control in this Letter;
    - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;

- iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
  - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
  - vi) A statement as to where more information may be obtained regarding the ordinance.
- d) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to.

Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- e) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
- i) Modification of the referenced ordinance to allow potable uses of groundwater;
  - ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
  - iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to the City of Urbana and affected property owner(s) of the intent to use Ordinance 2008- 09- 097 as an institutional control at the Remediation Site; and
  - iv) Violation of the terms and conditions of this No Further Remediation letter

Other Terms

- 5) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 6) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Bureau of Land- #24  
1021 North Grand Avenue East  
Post Office Box 19276

Springfield, IL 62794-9276

- 7) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current titleholder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
- a) Any violation of institutional controls or the designated 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 Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;
  - 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;
  - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
  - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 8) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Tri Star Marketing, Inc. ;
  - b) The owner and operator of the Remediation Site;
  - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
  - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
  - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
  - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;

- g) Any successor-in-interest of the owner of the Remediation Site;
  - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
  - i) Any heir or devisee of the owner of the Remediation Site;
  - j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
  - k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 9) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Champaign County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Champaign County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Remediation Site.
- 10) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Champaign County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

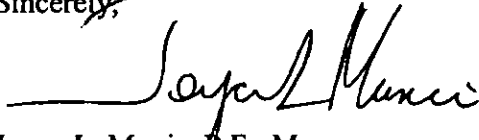
Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- 11) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

Page 6

If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Max Twum at (217) 558-0932.

Sincerely,

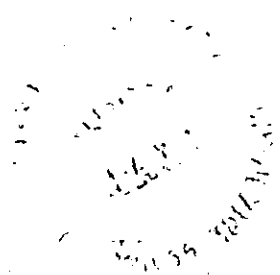


Joyce L. Munie, P.E., Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land

Attachments (2):      Property Owner Certification of No Further Remediation Letter under the  
                                 Site Remediation Program Form  
                                 Notice to Remediation Applicant

cc:

Geocon Engineering, Inc.  
3000 Research Road  
Suite 1  
Champaign, IL 61822



I certify that this is a copy of an  
instrument recorded in my office.

*Barbara A. Frasca*

Barbara A. Frasca

Champaign Co. Recorder

Date *7-14-09* Deputy *[Signature]*