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**THE ABOVE SPACE FOR RECORDER'S OFFICE**

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**Model Environmental Land Use Control**

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by the **Village of Orland Park** ("Property Owner") of the real property located at the common address 9628 West 143<sup>rd</sup> Street, Orland Park, Illinois 60462.

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 soil or groundwater, or both, that may be present on the property as a result of dry cleaning activities. 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, **Normans Cleaners and Formal Wear** 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 0312310009, utilizing an ELUC.

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

Attached as **Exhibit B** is a site map that shows 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 it 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 Cook County, Illinois.

SECTION THREE: The Property Owner hereby agrees, for itself and its 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 no person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).

SECTION FOUR: This ELUC is binding on the Property Owner, its 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 number 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 signature:

Property Owner:

VILLAGE OF ORLAND PARK

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF ILLINOIS       )  
                                          ) SS:  
COUNTY OF COOK        )

I, the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that the **Village of Orland Park**, personally known to me to be the Property Owner of 9628 W. 143<sup>rd</sup> Street, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that in said capacity he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Notary Public

**Exhibit A**

PIN NO. 27-04-417-017

The subject property is located in the Village of Orland Park, Cook County, Illinois, commonly known as 9628 West 143<sup>rd</sup> Street, Orland Park, Illinois, and more particularly described as:

THAT PART OF THE SOUTH EAST QUARTER OF SECTION 4, TOWNSHIP 36 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 4 AND 269 FEET WEST OF THE EAST LINE OF SAID SECTION 4; THENCE NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 4 FOR A DISTANCE OF 461.89 FEET; THENCE WEST ON A LINE PERPENDICULAR TO THE EAST LINE OF SAID SECTION 4 FOR A DISTANCE OF 471.82 FEET THENCE SOUTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 4 FOR A DISTANCE OF 465.13 FEET TO A POINT 50 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 4; THENCE EAST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID SECTION 4 FOR A DISTANCE OF 471.82 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS EXCEPT THAT PART TAKEN FOR ROAD PURPOSES, AND ALSO EXCEPT THAT PART DEEDED TO THE VILLAGE OF ORLAND PARK BY WARRANTY DEED DATED AUGUST 1, 2002 AND RECORDED SEPTEMBER 27, 2002 AS DOCUMENT NUMBER 0021061786, DESCRIBED AS FOLLOWS:

THE SOUTH 57 FEET OF THE WEST 82.50 FEET OF THE EAST 275 FEET (EXCEPT THAT PART TAKEN FOR ROAD PURPOSES BY DEDICATION OR BY OCCUPATION) OF THE SOUTHEAST QUARTER IN SECTION 4, TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## Exhibit B

