



City of Urbana  
400 South Vine Street  
Urbana, IL 61801

**2019R20332**  
REC ON: 12/04/2019 09:51:56 AM  
CHAMPAIGN COUNTY  
**MARK SHELDEN**  
REC FEE: 51.00  
RHSPS Fee:  
REV FEE:  
PAGES 7  
PLAT ACT: PLAT PAGE:

**CLERK'S CERTIFICATE**

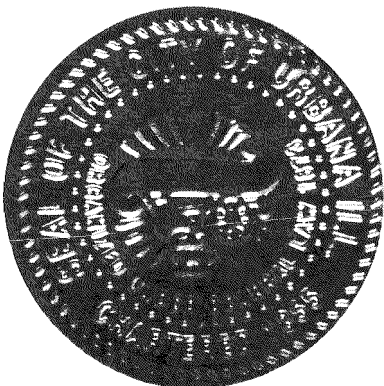
STATE OF ILLINOIS        )  
  )  
COUNTY OF CHAMPAIGN)       SS

I, CHARLES A. SMYTH, 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:

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT (802, 804, 806, 808, 810, 812, 814, AND 816 CLARK STREET, 406, 406 1/2, AND 408 NORTH LINCOLN AVENUE / RAEI DEVELOPMENT CORPORATION – PLAN CASE 2362-SU-18) [ORD. 2019-12-070].**

approved by the City Council of the City of Urbana, Illinois, on the 2<sup>nd</sup> day of December, AD, 2019, 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 4<sup>th</sup> day of December, AD, 2019.



*Charles A Smyth*  
\_\_\_\_\_  
Charles A. Smyth, City Clerk



**ORDINANCE NO. 2019-12-070**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT**

**(802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 North Lincoln Avenue / Rael Development Corporation – Plan Case 2362-SU-18)**

**WHEREAS**, Rael Development Corporation has petitioned the City for approval of a Special Use Permit to allow Multiple-Family Residential use in the B-3, General Business, at 802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 North Lincoln Avenue.; and

**WHEREAS**, the Urbana Zoning Ordinance requires a Special Use Permit for multi-family dwellings in the B-3, General Business District; and

**WHEREAS**, the proposed use is conducive to the public convenience at this location and is located in an area that already contains residential and commercial uses; and

**WHEREAS**, the proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located; and

**WHEREAS**, the proposed use conforms to the regulations and standards of, and preserves the essential character of the B-3, General Business Zoning District in which it shall be located; and

**WHEREAS**, after due publication, the Urbana Plan Commission held a public hearing on January 24, 2019, and February 7, 2019. On February 7, 2019, the Urbana Plan Commission voted with seven (7) ayes and one (1) nay to forward Plan Case 2362-SU-18 to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions specified in Section 1 herein; and

**WHEREAS**, approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that Section of the Ordinance; and

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

**Section 1.** A Special Use Permit is hereby approved to allow a Dwelling, Multifamily in the B-3, General Business Zoning District with the following conditions:

1. The development shall be constructed in general conformance with the site plan and renderings in “Ordinance Attachment A”.
2. The developer shall submit a final Traffic Impact Analysis, including analysis of pedestrian and transit use, prior to the City issuing any building permits.
3. The developer shall adequately mitigate negative impacts the final Traffic Impact Analysis anticipates prior to the City issuing a Certificate of Occupancy.
4. That the maximum height of the building is 65 feet, except that the building height may reach 70 feet near the northeast corner of the building to accommodate roof access.

Legal Description:

THAT PART OF LOTS 14, 15, 16, 17, 18, 19 AND MULBERRY ALLEY IN M.W. BUSEY’S HEIRS ADDITION TO THE TOWN OF URBANA, RECORDED IN BOOK 8 PAGE 444, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 7 AND THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 89 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINES OF SAID LOTS 14, 19 AND 18, A DISTANCE OF 479.80 FEET; THENCE NORTH 21 DEGREES 13 MINUTES 40 SECONDS WEST, 17.08 FEET TO THE WEST LINE OF SAID LOT 18, BEING ALSO THE EASTERLY LINE OF LINCOLN AVENUE; THENCE NORTH 00 DEGREES 39 MINUTES 21 SECONDS WEST ALONG SAID EASTERLY LINE OF LINCOLN AVENUE, 162.50 FEET; THENCE NORTH 04 DEGREES 21 MINUTES 29 SECONDS EAST ALONG SAID EASTERLY LINE, 46.29 FEET; THENCE NORTH 43 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID EASTERLY LINE AS GRANTED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION BY DOCUMENT 2018R20827, A

DISTANCE OF 65.64 FEET; THENCE NORTH 86 DEGREES 24 MINUTES 53 SECONDS EAST 20.31 FEET TO THE SOUTHERLY LINE OF THE FORMER WABASH RAILROAD RIGHT-OF-WAY, DESCRIBED AS TRACT 2 IN DOCUMENT 1991R03067; THENCE SOUTH 71 DEGREES 18 MINUTES 03 SECONDS EAST ALONG SAID RAILROAD RIGHT-OF-WAY LINE, 371.66 FEET TO THE NORTH LINE OF SAID MULBERRY ALLEY; THENCE SOUTH 89 DEGREES 13 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID ALLEY, 0.96 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST 16.50 FEET TO THE SOUTH LINE OF SAID ALLEY; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, NON-TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 91.75 FEET; A CHORD BEARING SOUTH 68 DEGREES 22 MINUTES 40 SECONDS EAST, A CHORD LENGTH OF 71.31 FEET, AN ARC LENGTH OF 73.24 FEET, TO THE EAST LINE OF SAID LOT 14, BEING ALSO THE WEST LINE OF BUSEY AVENUE; THENCE SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST ALONG SAID WEST LINE OF BUSEY AVENUE, 104.82 FEET TO THE POINT OF BEGINNING, IN CHAMPAIGN COUNTY, ILLINOIS.

**Section 2.** The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds.

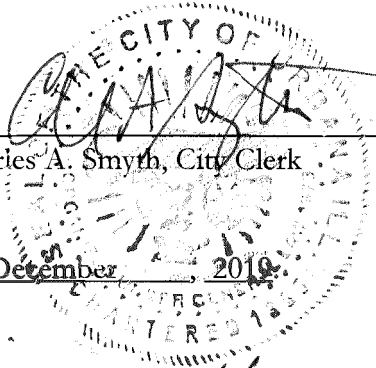
This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

**PASSED BY THE CITY COUNCIL** this 2<sup>nd</sup> day of December, 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:

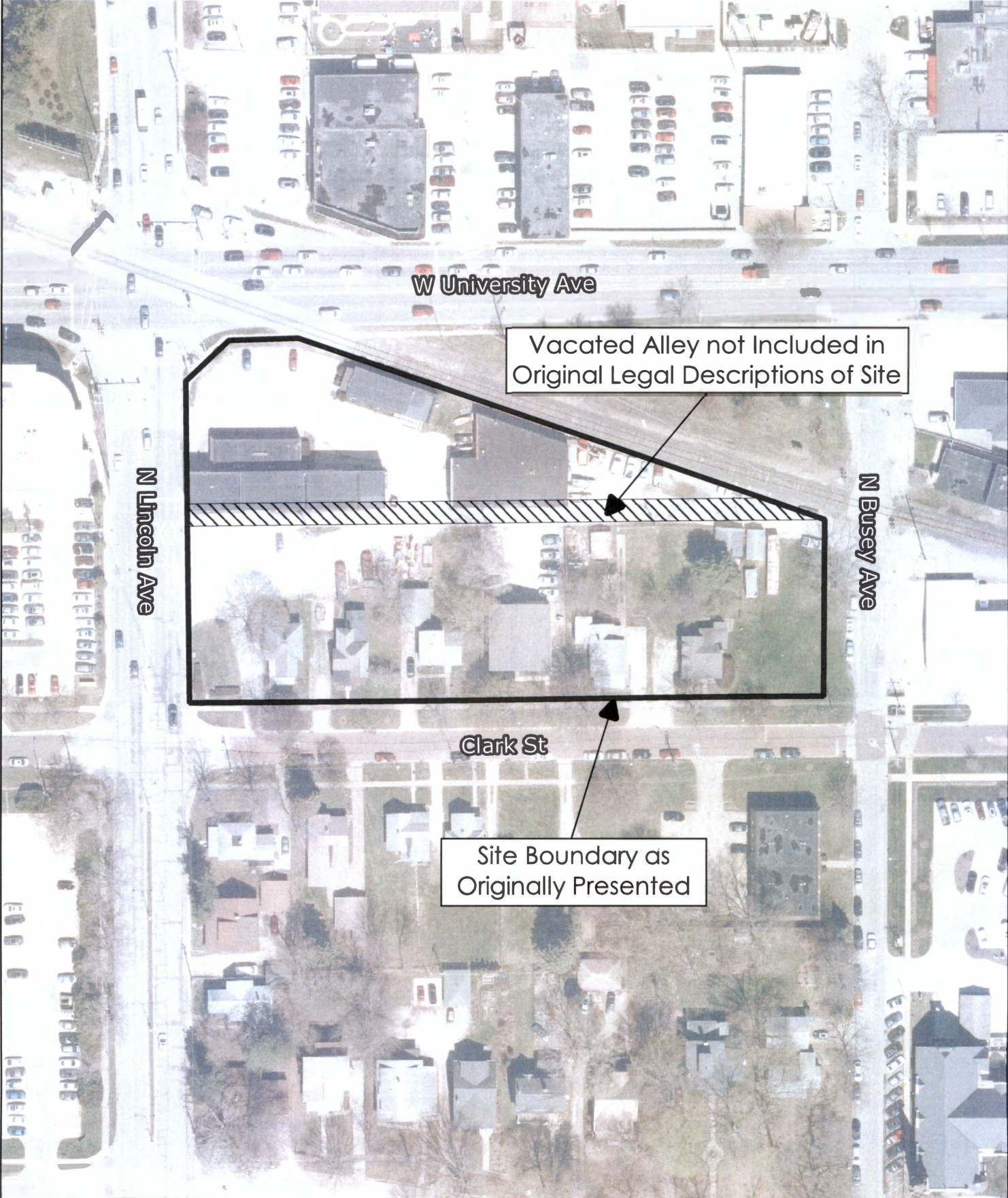


Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 4<sup>th</sup> day of December, 2019.

*Diane Wolfe Marlin*  
Diane Wolfe Marlin, Mayor

Ordinance Attachment A



W University Ave

Vacated Alley not Included in Original Legal Descriptions of Site

N Lincoln Ave

N Bussey Ave

Clark St

Site Boundary as Originally Presented

**NOTICE**

December 6, 2019

Mr. Charles Smyth  
Urbana City Clerk  
400 South Vine Street  
Urbana, Illinois 61801

Re: 406 and 406½ North Lincoln Avenue, Urbana, Illinois 61801

Dear Mr. Smyth:

Superior Environmental Corp (Superior) was contracted to perform an environmental assessment at the properties referenced above (the site). This work was in association with a release of contaminants as a result of historic land uses at the site, including a gasoline station and a bulk oil plant. Groundwater contamination was found at the site. Potentially impacted areas are determined by using contaminant concentrations at the site of origin and groundwater modelling equations approved by the Illinois Environmental Protection Agency (IEPA). Figure 1 (attached) identifies the properties that have the potential to be impacted from the largest modelled contamination plume, which is for chloroform.

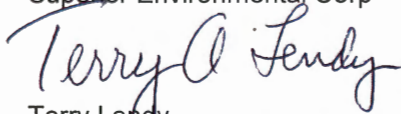
To protect human health, IEPA regulations require that either groundwater contamination be remediated, or demonstrate that potentially impacted groundwater will not be used as a potable water supply. Potable means fit for human consumption including drinking, bathing, preparing food, and so forth.

The City of Urbana Ordinance Number 2008-09-097 strictly prohibits human and domestic consumption of groundwater within the corporate limits of the city. 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 Illinois Administrative Code 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. Superior has been granted approval from IEPA to use the groundwater ordinance as an institutional control to mitigate the groundwater contamination.

For your information, a copy of the No Further Remediation Letter issued by the IEPA is enclosed. The No Further Remediation Letter has been recorded with the property deed.

To obtain a copy of the complete IEPA file for the site, submit a written request with your signature to: Illinois EPA FOIA #16, Division of Records Mgmt., P.O. Box 19276, Springfield, Illinois 62794-9276. When requesting a copy of the file, please reference the file heading: 0191055056 – Champaign County, Champaign Tekton Group LLC Series Corner North. FOIA requests may also be submitted through the IEPA Web page: [www.epa.state.il.us/foia](http://www.epa.state.il.us/foia).

Cordially,  
Superior Environmental Corp



Terry Lengy  
Senior Scientist



Nancy E. Mackiewicz, P.G.  
Senior Project Manager

Enclosure

cc: File No. SP1790.00

**PROFESSIONAL ENVIRONMENTAL SERVICES**

18



8 2 9 4 5 4 3  
Tx:4119556

PREPARED BY:

Mr. Graeme Rael  
Rael Development Corporation  
1100 Quail Street, Suite 203  
Newport Beach, California 92660

**2019R19435**  
REC ON: 11/19/2019 09:13:15 AM  
CHAMPAIGN COUNTY  
**MARK SHELDEN**  
REC FEE: 51.00  
RHSPS Fee:  
REV FEE:  
PAGES 18  
PLAT ACT: PLAT PAGE:

RETURN TO:

Mr. Graeme Rael  
Rael Development Corporation  
1100 Quail Street, Suite 203  
Newport Beach, California 92660

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

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Champaign County.

Illinois State EPA Number: 0191055056

Rael Development Corporation, the Remediation Applicant, whose address is 1100 Quail Street, Suite 203, Newport Beach, California 92660 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:

**For APN/Parcel ID(s): 91-21-08-352-003**

Commencing 150 feet East of the Southwest corner of lot 17 of Col. M.W. Busey's Heirs' Addition of Town Lots to the Town, now City, of Urbana, Illinois; thence North 30 feet; thence East 50 feet; thence North 69.1 feet to the South right of way of the Wabash Railroad Company; thence Southeasterly along the said right of way line across Lots 15 and 16 of said Addition to the East line of said Lot 15; thence South on the East line of said Lot 15 to the Southeast corner of said lot; thence West along the South line of said Lots 15 and 16 to the point of beginning, in Champaign County, Illinois; also that portion of vacated Mulberry Alley lying South of and adjacent to the premises in question and lying East of the West 130 feet of Lots 16 and 17 in M.W. Busey's Heirs' Addition, as per Ordinance Vacating Mulberry Alley recorded May 10, 2011 as Document Number 2011R09352 and rerecorded May 21, 2012 as Document Number 2012R12475.

**For APN/Parcel ID(s): 91-21-08-352-013**

The North 72 1/2 feet of the West Half of Lot 18 of M. W. Busey's Heirs' Addition to the Town (now City) of Urbana, as per plat recorded in Deed Record 8 at Page 444, situated in Champaign County, Illinois;

and

That part of Lots 16 and 17 in M. W. Busey's Heirs' Addition to the Town (now City) of Urbana described as follows:



Commencing at the Southwest corner of Lot 17 of M. W. Busey's Heirs' Addition to the Town (now City) of Urbana, thence North 30 feet on the West line of said Lot, thence East 150 feet, thence South 30 feet to the South line of said Lot 16, thence West along the South line of said Lots 16 and 17 to the place of beginning;

and

That part of Lots 16 and 17 in M. W. Busey's Heirs' Addition to the Town (now City) of Urbana described as follows:

Beginning at a point 178 1/2 feet North of the Southwest corner of Lot 18 of said Subdivision, thence East 200 feet to a point, thence North 69.1 feet to the right of way of the Wabash Railroad, thence Northwest along said Railroad right of way 98.3 feet to the South line of University Avenue, thence West along the South line of University Avenue 108.1 feet to the East line of Lincoln Avenue, thence South along the East line of Lincoln Avenue 102 feet to the place of beginning, in Champaign County, Illinois; EXCEPTING from all the above those parts taken for highway purposes or conveyed to the People of the State of Illinois, Department of Transportation, predecessor agency or any other road department;

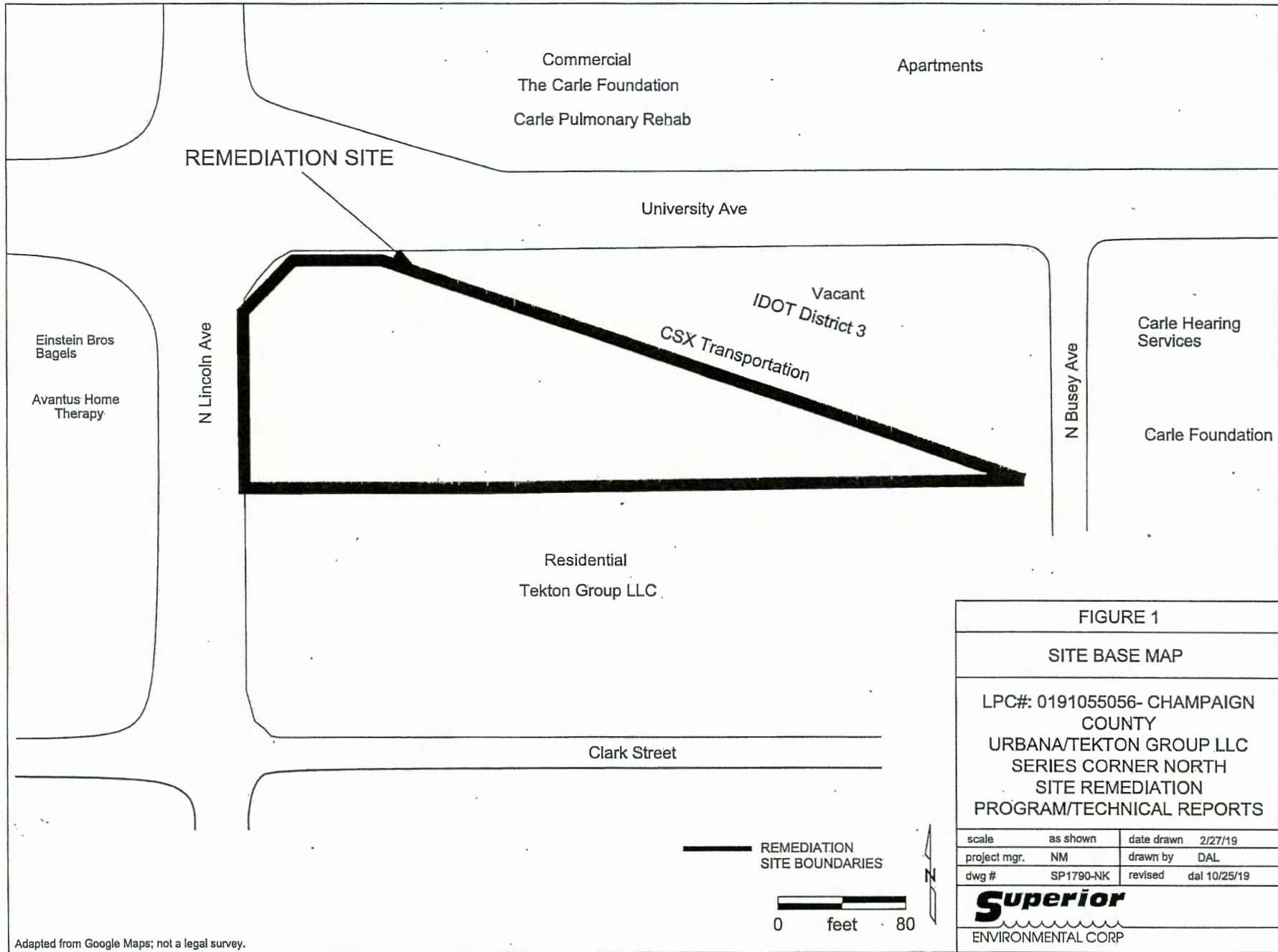
and

That portion of vacated Mulberry Alley lying South of and adjacent to the West 130 feet of Lots 16 and 17 in M.W. Busey's Heirs' Addition, as per Ordinance Vacating Mulberry Alley recorded May 10, 2011 as Document Number 2011R09352 and rerecorded May 21, 2012 as Document Number 2012R12475.

2. Common Address: 406 and 406 ½ North Lincoln Avenue, Urbana, IL
3. Real Estate Tax Index/Parcel Index Number: 91-21-08-352-003, 91-21-08-352-013
4. Remediation Site Owner: Tekton Group LLC Series Corner North
5. Land Use: Residential and/or Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

**(Illinois EPA Site Remediation Program Environmental Notice)**



REMEDIATION SITE

Commercial  
The Carle Foundation  
Carle Pulmonary Rehab

Apartments

University Ave

Vacant  
IDOT District 3

CSX Transportation

Carle Hearing  
Services

Carle Foundation

Einstein Bros  
Bagels

Avantus Home  
Therapy

N Lincoln Ave

N Busey Ave

Residential  
Tekton Group LLC

Clark Street

REMEDIATION  
SITE BOUNDARIES

0 feet 80



FIGURE 1

SITE BASE MAP

LPC#: 0191055056- CHAMPAIGN  
COUNTY  
URBAN/TEKTON GROUP LLC  
SERIES CORNER NORTH  
SITE REMEDIATION  
PROGRAM/TECHNICAL REPORTS

scale	as shown	date drawn	2/27/19
project mgr.	NM	drawn by	DAL
dwg #	SP1790-NK	revised	dal 10/25/19

**Superior**  
ENVIRONMENTAL CORP

Adapted from Google Maps; not a legal survey.

**TABLE A: Regulated Substances of Concern**

**LPC# 0191055056/Champaign County  
Urbana/Tekton Group LLC Series Corner North  
Site Remediation Program**

<b>Volatile Organic Compounds (VOCs)</b>	
<b>CAS No.</b>	<b>Compound Name</b>
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (total)
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

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

<b>Inorganics</b>	
<b>CAS No.</b>	<b>Compound Name</b>
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium
7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver

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(s), or the duly authorized agent of the owner(s) 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.

Property Owner Information	
Owner's Name:	<u>TEKTON GROUP LLC SERIES CORNER NORTH</u>
Title:	<u>MARCA J.W. CONWAY, MANAGER OF SIGHTLINE LLC, MANAGER OF TEKTON</u>
Company:	<u>GROUP LLC SERIES CORNER NORTH</u>
Street Address:	<u>1717 W. KIRBY AVE. # 260</u>
City:	<u>CHAMPAIGN</u>
State:	<u>IL</u>
Zip Code:	<u>61821</u>
Phone:	<u>217-369-8607</u>

Site Information	
Site Name:	<u>URBANA/TEKTON GROUP LLC SERIES CORNER NORTH</u>
Site Address:	<u>406 N. LINCOLN AVE and 406 1/2 N. LINCOLN AVE.</u>
City:	<u>URBANA</u>
State:	<u>IL</u>
Zip Code:	<u>61801</u>
County:	<u>CHAMPAIGN</u>
Illinois inventory identification number:	<u>0191055056</u>
Real Estate Tax Index/Parcel Index No.:	<u>91-21-08-352-003 and 91-21-08-352-013</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: Marca J.W. Conway, MANAGER SIGHTLINE LLC Date: NOVEMBER 18, 2019  
MANAGER OF TEKTON GROUP LLC SERIES CORNER NORTH

SUBSCRIBED AND SWORN TO BEFORE ME  
this 18<sup>th</sup> day of Nov., 2019

OFFICIAL SEAL  
PAIGE L. MCQUIGG STEPHENS  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 04/30/2022

Paige L. McQuigg Stephens  
Notary Public  
State of Illinois County of Champaign

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 thereunder. 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 6th day of October, AD, 2008.

*Phyllis D. Clark*  
 Phyllis D. Clark, City Clerk





2008R25921

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:

3

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

Prepared for recording by:

Deborah J. Roberts, Deputy City Clerk

400 S. Vine Street, Urbana, IL 61801

Return to:

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

(6)

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.

2008

*[Signature]*  
Laurel Lunt Prussing, Mayor

**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(s), or the duly authorized agent of the owner(s) 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: _____
Title: _____
Company: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____ Phone: _____
<b>Site Information</b>
Site Name: _____
Site Address: _____
City: _____ State: _____ Zip Code: _____ County: _____
Illinois inventory identification number: _____
Real Estate Tax Index/Parcel Index No. _____
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: _____ Date: _____
SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__
_____ 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 thereunder. 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.



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/524-3300

November 12, 2019

CERTIFIED MAIL

7018 1830 0000 5288 6766

Rael Development Corporation  
Attn: Mr. Graeme Rael  
1100 Quail Street, Suite 203  
Newport Beach, California 92660

Re: 0191055056/Champaign County  
Urbana/Tekton Group LLC Series Corner North  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

Dear Mr. Rael:

The *Remedial Action Completion Report* (received September 24, 2019/Log No. 19-70114), as prepared by Superior Environmental Corp for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742 are above the existing concentrations of regulated substances and the remedial action was completed in accordance with the *Remedial Action Plan* (received September 24, 2019/Log No. 19-70114) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.97 acres, is located at 406 and 406 ½ North Lincoln Avenue, 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 March 22, 2019/Log No. 19-69004), is Rael Development Corporation.

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 of this Letter.

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760  
595 S. State Street, Elgin, IL 60123 (847) 608-3131  
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

## **Conditions and Terms of Approval**

### **Level of Remediation and Land Use Limitations**

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern identified in the attached Table A.
- 2) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 3) 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; and
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

### **Preventive, Engineering, and Institutional Controls**

The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

#### **Preventive Controls:**

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil. Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below the surface grade must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

#### **Engineering Controls:**

There are no engineering controls required.

#### **Institutional Controls:**

- 5) Any existing buildings or any future buildings constructed on the site must contain a full concrete slab-on-grade floor or full concrete basement floor and walls with no sumps.
- 6) Ordinance Number 2008-09-097 adopted by the City of Urbana on September 15, 2008 effectively prohibits the installation and use of potable water supply wells in the City of Urbana. This ordinance provides an acceptable institutional control under the following conditions:

- a) 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.
  
- b) 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 Ordinance 2008-09-097;
  - 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.
  
- c) 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:

Mr. Jim Scott  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

- d) 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 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**

- 7) The Remediation Applicant has remediated the release associated with Leaking UST Incident Numbers 910844 and 20190795.
- 8) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 6 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 9) 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.
- 10) 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  
Division of Records Management #16  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

- 11) 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 title holder 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.

12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) Rael Development Corporation;
- 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;

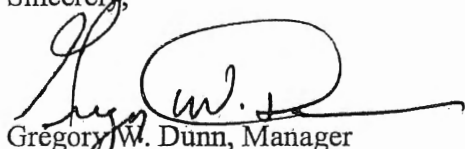
- k) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest 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
- l) 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.
- 13) 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 Tekton Group LLC Series Corner North property.
- 14) 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:

Mr. Jim Scott  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS #24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276

- 15) 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.

If you have any questions regarding the Tekton Group LLC Series Corner North property, you may contact the Illinois EPA project manager, Hannah Fyfe, at 217-524-7207.

Sincerely,

  
Gregory W. Dunn, Manager  
Remedial Project Management Section  
Division of Remediation Management  
Bureau of Land



Attachments: Illinois EPA Site Remediation Program Environmental Notice  
Site Base Map  
Table A: Regulated Substances of Concern  
City of Urbana Groundwater Ordinance  
Property Owner Certification of No Further Remediation Letter under the Site  
Remediation Program Form  
Instructions for Filing the NFR Letter

cc: Ms. Nancy Mackiewicz, Superior Environmental Corp ([n.mack@superioreenvironmental.com](mailto:n.mack@superioreenvironmental.com))  
Mr. Terry Lendy, Superior Environmental Corp ([t.lendy@superioreenvironmental.com](mailto:t.lendy@superioreenvironmental.com))

Bureau of Land File  
Mr. Jim Scott



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



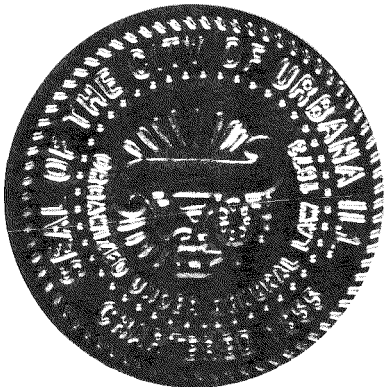
I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 2<sup>nd</sup> day of December 2019 the City Council of the City of Urbana passed and approved Ordinance No. 2019-12-070, entitled:

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT (802, 804, 806, 808, 810, 812, 814, and 816 Clark Street, 406, 406 ½, and 408 NORTH LINCOLN AVENUE / RAEI DEVELOPMENT CORPORATION – PLAN CASE 2362-SU-18)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2019-12-070 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 4<sup>th</sup> day of December 2019, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 4<sup>th</sup> day of December, 2019.



  
\_\_\_\_\_  
Charles A. Smyth, City Clerk