



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
Gale L. Jamison, P.E., Assistant City Engineer
DATE: July 7, 2009
RE: 1301 East Washington Street, (Tri Star Building)
NFR Letter Owner's Certification

INTRODUCTION/ISSUES

The property and physical improvements at 1301 East Washington Street were donated to the City by DRS Limited Partnership (Stewart). At its December 15, 2008 meeting the City Council approved an agreement between the City and Stewart, stipulating conditions of acceptance of the donation of the property. In the agreement, Stewart agreed "to cause any and all actions to be undertaken in a timely manner to the extent necessary to obtain the No Further Remediation (NFR) letter from the Illinois EPA that the contaminants identified on the Phase I and II Environmental Investigations are sufficiently removed and/or contained." Stewart has received the draft NFR letter from IEPA. The NFR letter defines terms and conditions regarding site utilization. Stewart is in the process of complying with certain conditions of the NFR letter. One of the items of compliance is that a "Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program" form be provided when the Remediation Applicant (Stewart) is not the "sole" owner of the Remediation Site. Since the City is the current owner of the site the Property Owner Certification form must be executed by the City. A copy of the form is attached.

FISCAL IMPACTS

There are no financial impacts to the City with this action.

RECOMMENDATIONS

It is recommended that "A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A PROPERTY OWNER CERTIFICATION OF THE NFR LETTER UNDER THE SITE REMEDIATION PROGRAM" be approved.

RESOLUTION NO. 2009-07-025R

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A
PROPERTY OWNER CERTIFICATION OF THE NFR LETTER
UNDER THE SITE REMEDIATION PROGRAM

(1301 East Washington Street)

WHEREAS, the Tri-Star Marketing property, otherwise known as 1301 E. Washington St., was donated to the City of Urbana in December of 2008; and

WHEREAS, a Site Remediation Program Report is being prepared for Tri-Star Marketing, Inc., which shall be submitted to the Illinois Environmental Protection Agency (IEPA); and

WHEREAS, said report will request a "No Further Remediation" (NFR) Letter from IEPA for residual petroleum contamination; and

WHEREAS, once the NFR Letter is approved, the IEPA requires the current owner of the property, the City, to sign off on the site remediation work;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, AS FOLLOWS:

That the City Council of the City of Urbana hereby authorizes the Mayor to sign the required Property Owner Certification of the NFR Letter Under the Site Remediation Program (attached hereto) on behalf of the City.

PASSED by the City Council on this ____ day of _____, 2009.

AYES:

NAYS:

ABSTENTIONS:

Phyllis Clark
CITY CLERK

APPROVED by the Mayor on this _____ day of
_____, 2009.

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 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.

Property Owner Information	
Owner's Name: <u>City of Urbana</u>	
Title: <u>Laurel Lunt Prussing</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>	
Site Information	
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: _____	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 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.