

AFFIDAVIT OF NOTICE
REGARDING REQUESTED GROUNDWATER ORDINANCE
FOR BUCHANAN STATION 536

NOW COMES James M. Jacobsen with Arcadis U.S., Inc. on behalf of Buchanan Energy (S), LLC (Buchanan), who, having been duly sworn, does hereby depose and state under oath as follows:

1. Buchanan is the owner of a property within the City of Naperville located at 1671 N. Illinois Route 59 and having Parcel Index Numbers (PINs) 07-03-302-005 (referenced herein as "Commercial Property").
2. As Remediation Contractor contracted with Buchanan, I have been authorized to give the Notice describe herein and to execute this Affidavit.
3. Buchanan is seeking issuance of a No Further Remediation ("NFR") Letter from the Illinois Environmental Protection Agency ("IEPA") for Illinois Emergency Management Agency ("IEMA") incidents 900827, 920780, and 20140595 associated with the Commercial Property.
4. In order to obtain an NFR from the IEPA for the Commercial Property, Buchanan is seeking approval by the Naperville City Council of an institutional control known as a Groundwater Ordinance which will prohibit the use, or the attempt to use as a potable water supply, groundwater within the area covered by the Groundwater Ordinance. The proposed Groundwater Ordinance, if approved, will be recorded with the DuPage County Recorder against the Commercial Property as well as other properties adjacent thereto ("Other Properties").
5. Prior to consideration of the proposed Groundwater Ordinance by the Naperville City Council, the City required that notice ("Notice") of the proposed Ordinance be given to the owners of the Other Properties (hereinafter "Owners").
6. The names and addresses of the Owners of the Other Properties, are attached hereto and made part hereof, to whom Notice as described herein was sent are listed on Attachment 1.
7. The Notice, cumulatively comprised of a letter and the proposed Groundwater Ordinance, was sent by me on April 26, 2022, to the Owners of the Other Properties listed on Exhibit A of the proposed Groundwater Ordinance. Copies of the Notices and delivery confirmations are attached hereto and made part hereof as Attachment 2.

FURTHER AFFIANT SAYETH NOT.



Signature

James M. Jacobsen, P.G.
Certified Project Manager - Arcadis U.S., Inc.

Printed/Typed Name

STATE OF Georgia)
) S.S.
COUNTY OF Cobb)

I, Michelle Stuver the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that James M. Jacobsen, 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 severally acknowledged that in said capacities they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 20th day of May, 2022.

M K Stuver

Notary Public *Michelle Kay Stuver*

My Commission Expires: 12/16/22



Attachment 1


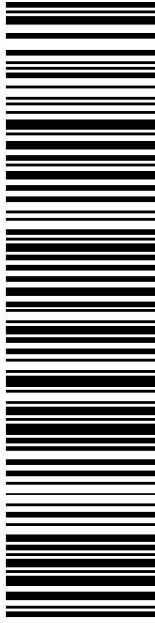
Listing of Owners of Other Properties Notified

ATTACHMENT 1. LISTING OF OWNERS OF OTHER PROPERTIES NOTIFIED

1. Kyriakos Panagakos
PO Box 3980
Lisle, IL 60532-8980
2. RRI Naperville LP
c/o R&R RE Invest Trust
5090 Explorer Drive, FL 7
Mississauga, Ontario L4W 4T7, Canada
 - a. Westmont Hospitality Group
1825 Gillespie Way, Suite 101
O/B/O RRI Naperville LP
EL Cajon, CA 92020-0501
 - b. Westmont Hospitality Group
1825 Gillespie Way, Suite 101
O/B/O RRI Naperville LP
EL Cajon, CA 92020-0501
3. SUP LLC
1600 Pebblewood Lane
Naperville, IL 60563-1843
4. McBonds Millar, LLC
387 Shuman Blvd., #206E
Naperville, IL 60563-8308
5. Sawan Kirpal LLC
1620 Pebblewood Lane, Suite 208
Naperville, IL 60563-9077
6. Northern Centre LLC
5060 River Road
Schiller Park, IL 60176-1021
7. BRE ESA Properties LLC
Extended Stay Property TA
PO Box 49550
Charlotte, NC 28277-9550
8. Pebblewood Assoc LTD
5060 River Road
Schiller Park, IL 60176-1021
9. Nalco Company
1 Ecolab Place
St. Paul, MN 55102-2739

Attachment 2

Notices and Delivery Confirmations

| | | |
|---|---|---|
| <p>P</p> <p>US POSTAGE & FEES PAID 1 LB PRIORITY MAIL RATE ZONE 4 NO SURCHARGE ComPisPrice</p> <p>06250011891826 11883904 FROM 30339</p>  <p>stamps. endicia 04/27/2022</p> | <p>PRIORITY MAIL 2-DAY™</p> <p>0004</p> <p>Mail Room ARCADIS 2839 Paces Ferry Road Suite 900 Atlanta GA 30339</p> <p>SHIP TO: Kyriakos Panagakos Po Box 3980 Lisle IL 60532-8980</p> | <p>USPS TRACKING #</p>  <p>9405 5112 0254 0418 1888 35</p> |
|---|---|---|

**stamps
endicia** **Shipping Label Receipt**

Delivery Confirmation™ Service Number:
9405 5112 0254 0418 1888 35

Priority Mail 2-DAY with USPS TRACKING #*
Electronic Service Fee: \$0.00
Additional Services: Insured
Total Postage and Fees: \$7.90
Weight: 1 lbs.
Print Date: 04/27/2022 Mailing Date: 04/27/2022

From: Mail Room
ARCADIS
2839 Paces Ferry Road
Suite 900
Atlanta GA 30339

To: **Kyriakos Panagakos**
Po Box 3980
Lisle IL 60532-8980 USPS
Postmark
Here

*Regular Priority Mail 2-DAY Service postage rates apply. There is no fee for Delivery Confirmation™ service on Priority Mail services with use of this electronic shipping label. Postmark required if fee refund requested. Delivery information is not available by phone for the electronic option.

Instructions:

1. Adhere shipping label to package with tape or glue - DO NOT TAPE OVER BARCODE. Be sure all edges are secured. Self-adhesive label is recommended.
2. Place the label so it does not wrap around the edge of the package.
3. This package may be deposited in any collection box, handed to your mail carrier, or presented to a clerk at your local Post Office.
4. Each confirmation number is unique and can be used only once - DO NOT PHOTOCOPY.
5. You must mail this package on the "mail date" that is specified on this label.

Kyriakos Panagakos
(PIN #07-03-302-006)
P.O. Box 3980
Lisle, IL 60532

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com/ (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Kyriakos Panagakos
(PIN #07-03-302-006)
April 27, 2022

Director of Transportation, Engineering, and Development at [novackw@naperville.il.us/](mailto:novackw@naperville.il.us) (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at [lordp@naperville.il.us/](mailto:lordp@naperville.il.us) (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at [Jason.Donnelly@illinois.gov/](mailto:Jason.Donnelly@illinois.gov) (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com

Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SNESEA RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SNESEA RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

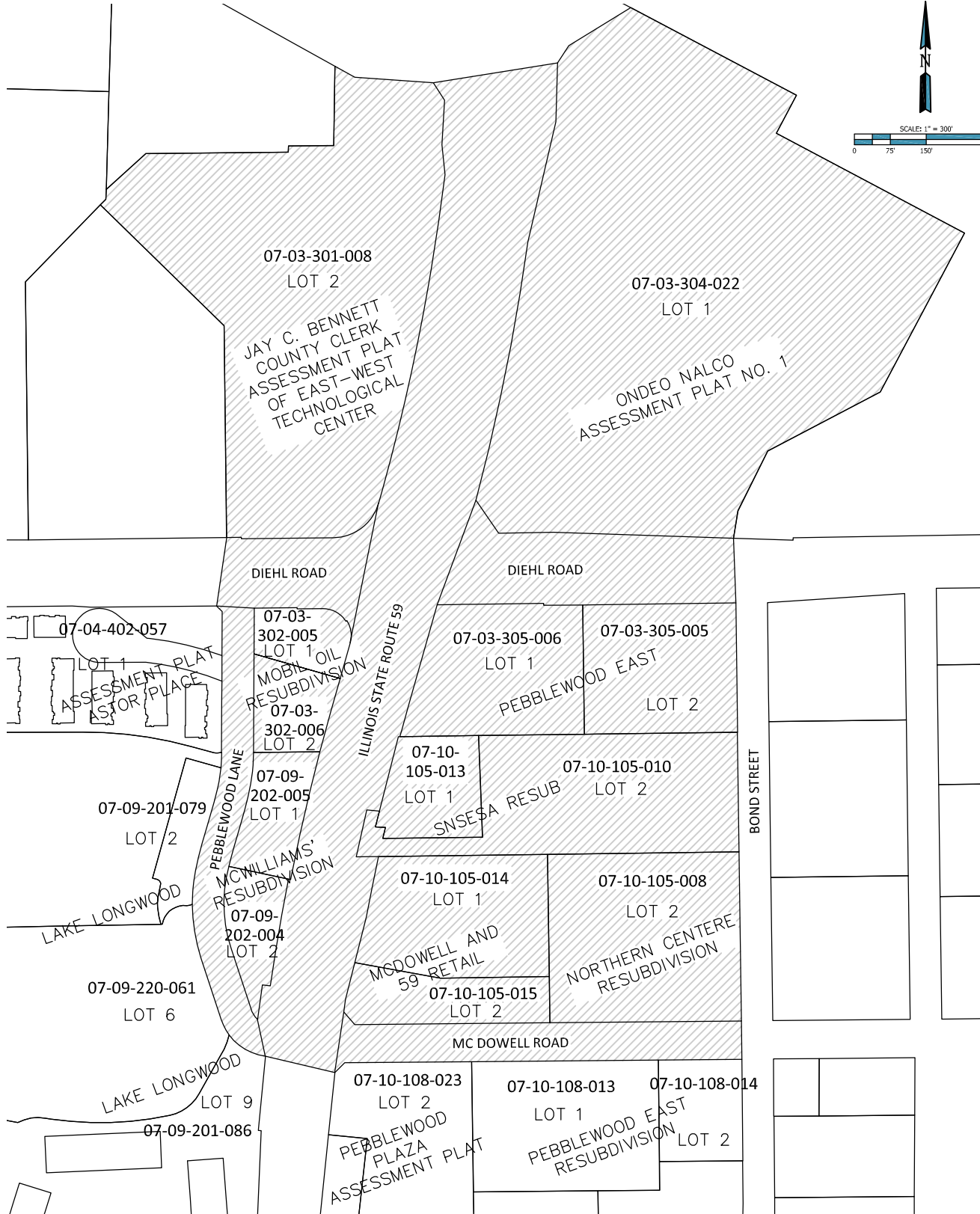
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <pkginfo@ups.com>
Sent: Friday, April 29, 2022 8:32 AM
To: Stuver, Michelle
Subject: UPS Delivery Notification, Tracking Number 1Z7Y40A20302635399



Hello, your package has been delivered.

Delivery Date: Friday, 04/29/2022

Delivery Time: 10:30 AM

Left At: DOCK

Signed by: DOCK

ARCADIS ATLANTA-GA

NOTIFICATION OF REQUEST FOR A GW ORDINANCE (PIN 07-03-304-022)

Tracking Number: [1Z7Y40A20302635399](#)

Ship To: NALCO COMPANY
1 ECOLAB PLACE
SAINT PAUL, MN 551022739
US

Number of Packages: 1

UPS Service: UPS Ground

Package Weight: 1.0 LBS

Reference Number: 30008266

Reference Number: 00005

Reference Number: JAMES JACOBSEN

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[For Questions, Visit Our Help and Support Center](#)

Nalco Company
(PIN #07-03-304-022)
1 Ecolab Place
St. Paul, MN 55102

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com/ (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Nalco Company
(PIN #07-03-304-022)
April 27, 2022

Director of Transportation, Engineering, and Development at [novackw@naperville.il.us/](mailto:novackw@naperville.il.us) (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at [lordp@naperville.il.us/](mailto:lordp@naperville.il.us) (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at [Jason.Donnelly@illinois.gov/](mailto:Jason.Donnelly@illinois.gov) (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com

Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:

Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SNESEA RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SNESEA RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

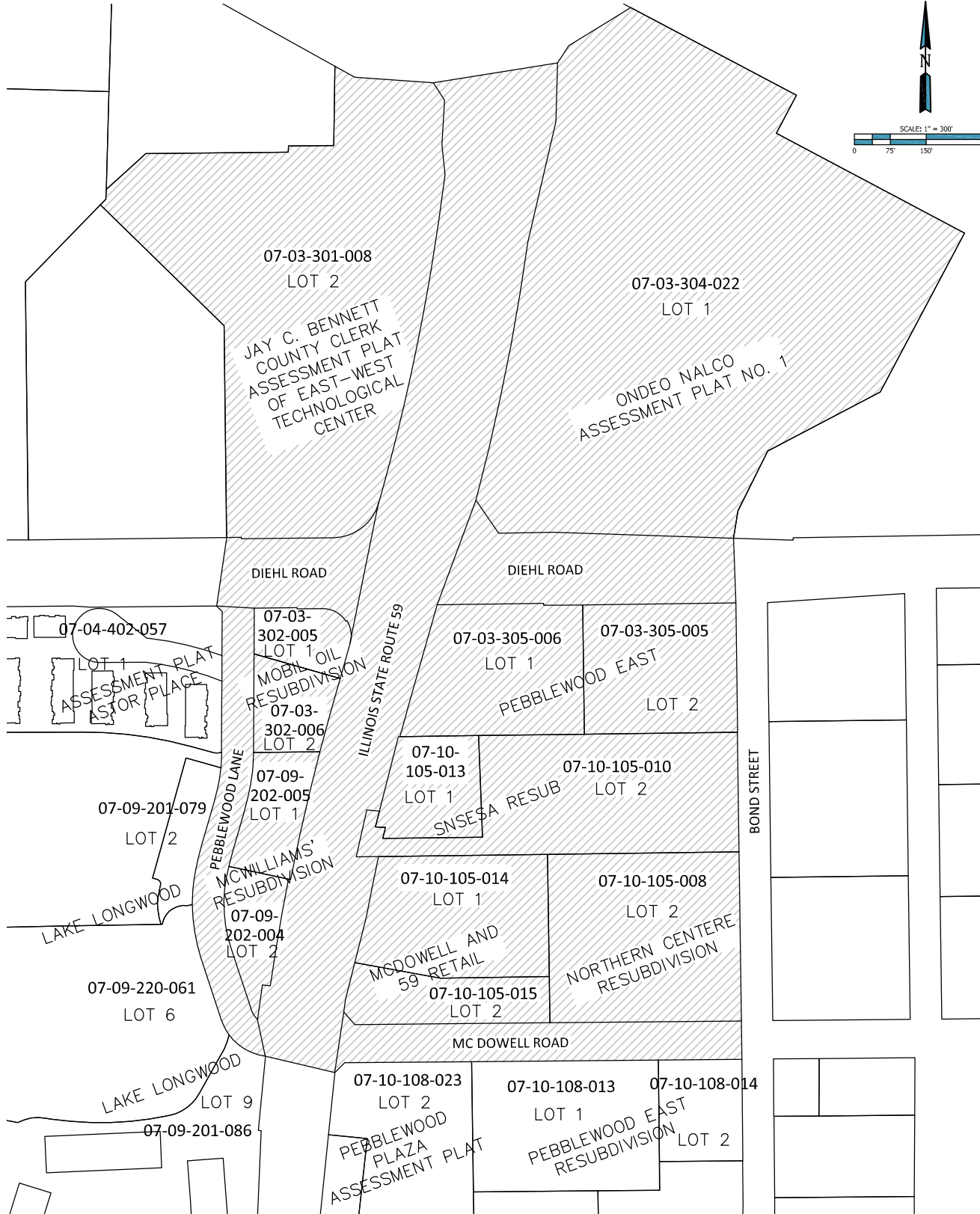
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563

**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <pkginfo@ups.com>
Sent: Friday, April 29, 2022 11:25 AM
To: Stuver, Michelle
Subject: UPS Delivery Notification, Tracking Number 1Z7Y40A20318096782

Follow Up Flag: Follow up
Flag Status: Flagged



Hello, your package has been delivered.

Delivery Date: Friday, 04/29/2022
Delivery Time: 1:22 PM
Left At: OFFICE
Signed by: VARGAS

ARCADIS ATLANTA-GA

NOTIFICATION OF REQUEST FOR A GW ORDINANCE (PIN 07-03-305-005)

Tracking Number: [1Z7Y40A20318096782](#)

Ship To: MCBONDS MILLAR, LLC
387 SHUMAN BLVD.
#206E
NAPERVILLE, IL 605638308
US

Number of Packages: 1

UPS Service: UPS Ground

Package Weight: 1.0 LBS

Reference Number: 30008266

Reference Number: 00005

Reference Number: JAMES JACOBSEN

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McBonds Millar, LLC
(PIN #07-03-305-005)
C/O Dynacon Mgt, LLC
387 Shuman Blvd., #206E
Naperville, IL 60563

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

McBonds Millar, LLC
(PIN #07-03-305-005)
April 27, 2022

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com/ (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville Director of Transportation, Engineering, and Development at novackw@naperville.il.us/ (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at lordp@naperville.il.us/ (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at Jason.Donnelly@illinois.gov/ (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com
Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SENSES RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

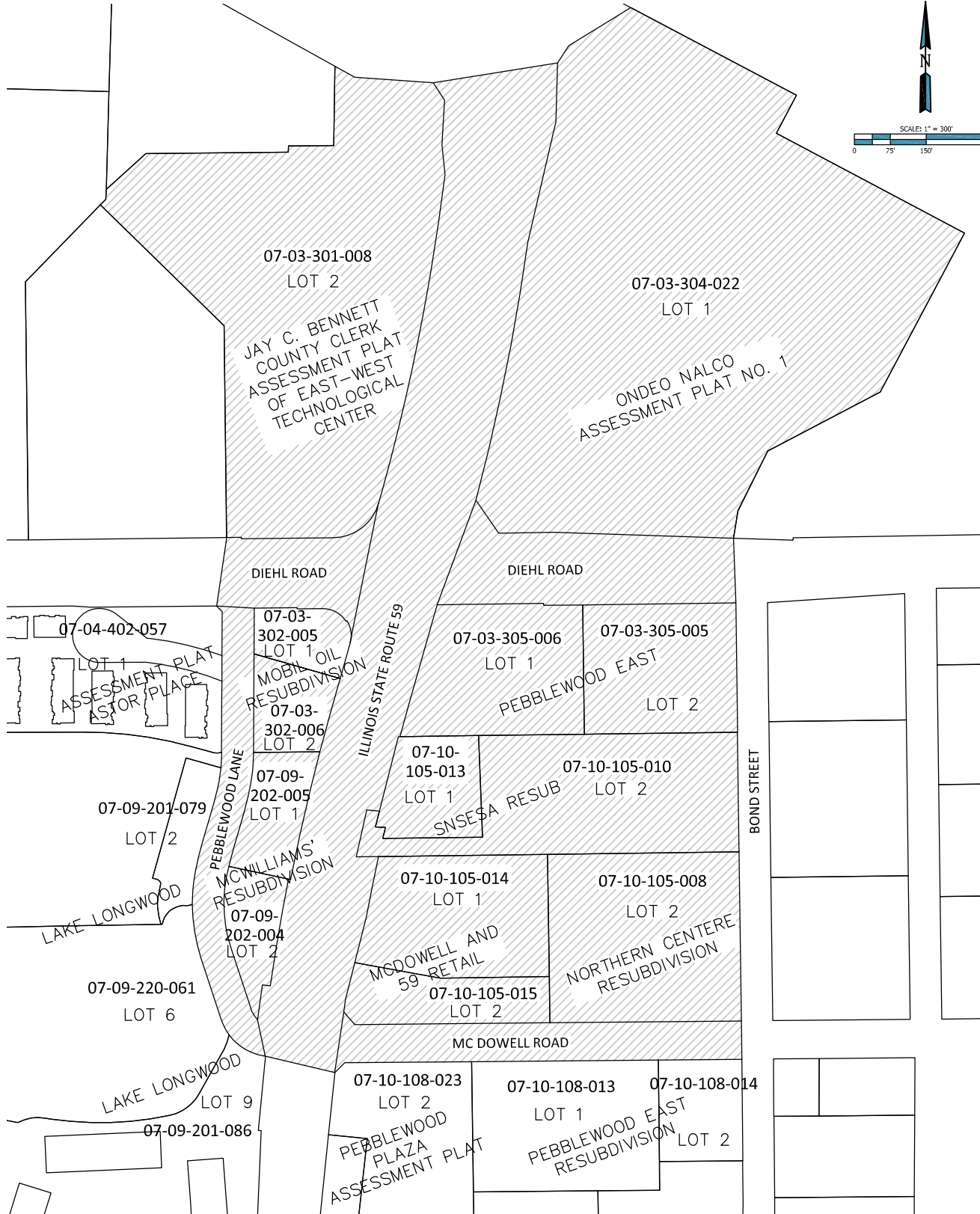
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <pkginfo@ups.com>
Sent: Friday, April 29, 2022 9:24 AM
To: Stuver, Michelle
Subject: UPS Ship Notification, Tracking Number 1Z7Y40A20220125327



You have a package coming.

Scheduled Delivery Date: Tuesday, 05/03/2022

This message was sent to you at the request of ARCADIS ATLANTA-GA to notify you that the shipment information below has been transmitted to UPS. The physical package may or may not have actually been tendered to UPS for shipment. To verify the actual transit status of your shipment, click on the tracking link below.

Message from ARCADIS ATLANTA-GA:
Buchanan IL-536 Notification of Request for GW Ordinance

Shipment Details

| | |
|----------------------------|--|
| From: | ARCADIS ATLANTA-GA |
| Tracking Number: | 1Z7Y40A20220125327 |
| Ship To: | Dawn Van Deursen Westmont Hospitality Group 1825 Gillespie Way Suite 101 o/b/o RRI Naperville LP EL CAJON, CA 920200501 US |
| UPS Service: | UPS 2ND DAY AIR |
| Number of Packages: | 1 |
| Scheduled Delivery: | 05/03/2022 |
| Weight: | 1.0 LBS |
| Reference Number 1: | 30008266 |
| Reference Number 2: | 00005 |

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Jacobsen, James

From: Stuver, Michelle
Sent: Tuesday, May 3, 2022 12:35 PM
To: Jacobsen, James
Subject: FW: UPS Delivery Notification, Tracking Number 1Z7Y40A20220125327 - Buchanan 3536 – Notification of Request of Groundwater Ordinance

James, final UPS delivery confirmation for Buchanan 3536 – Notification of Request of Groundwater Ordinance.

Sincerely,
Michelle Stuver

From: UPS <pkginfo@ups.com>
Sent: Tuesday, May 3, 2022 2:44 PM
To: Stuver, Michelle <Michelle.Stuver@arcadis.com>
Subject: UPS Delivery Notification, Tracking Number 1Z7Y40A20220125327



Hello, your package has been delivered.

Delivery Date: Tuesday, 05/03/2022
Delivery Time: 11:42 AM
Signed by: ID Verified

ARCADIS ATLANTA-GA

BUCHANAN IL-536 NOTIFICATION OF REQUEST FOR GW ORDINANCE

Tracking Number: [1Z7Y40A20220125327](https://www.ups.com/track?tracknum=1Z7Y40A20220125327)

Ship To: WESTMONT HOSPITALITY GROUP
1825 GILLESPIE WAY
SUITE 101
O/B/O RRI NAPERVILLE LP
EL CAJON, CA 920200501
US

Number of Packages: 1

UPS Service: UPS 2nd Day Air®

Package Weight: 1.0 LBS

Reference Number: 30008266
Reference Number: 00005
Reference Number: JAMES JACOBSEN

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RRI Naperville LP
(PIN #07-03-305-006)
C/O R&R RE Invest Trust
5090 Explorer Drive, FL 7
Mississauga, ON L4W 4T7, Canada

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

¹ Buchanan Energy (S), LLC

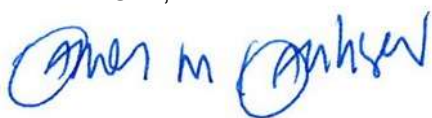
² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

RRI Naperville LP
(PIN #07-03-305-006)
April 27, 2022

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com/ (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville Director of Transportation, Engineering, and Development at novackw@naperville.il.us/ (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at lordp@naperville.il.us/ (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at Jason.Donnelly@illinois.gov/ (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com
Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SENSES RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

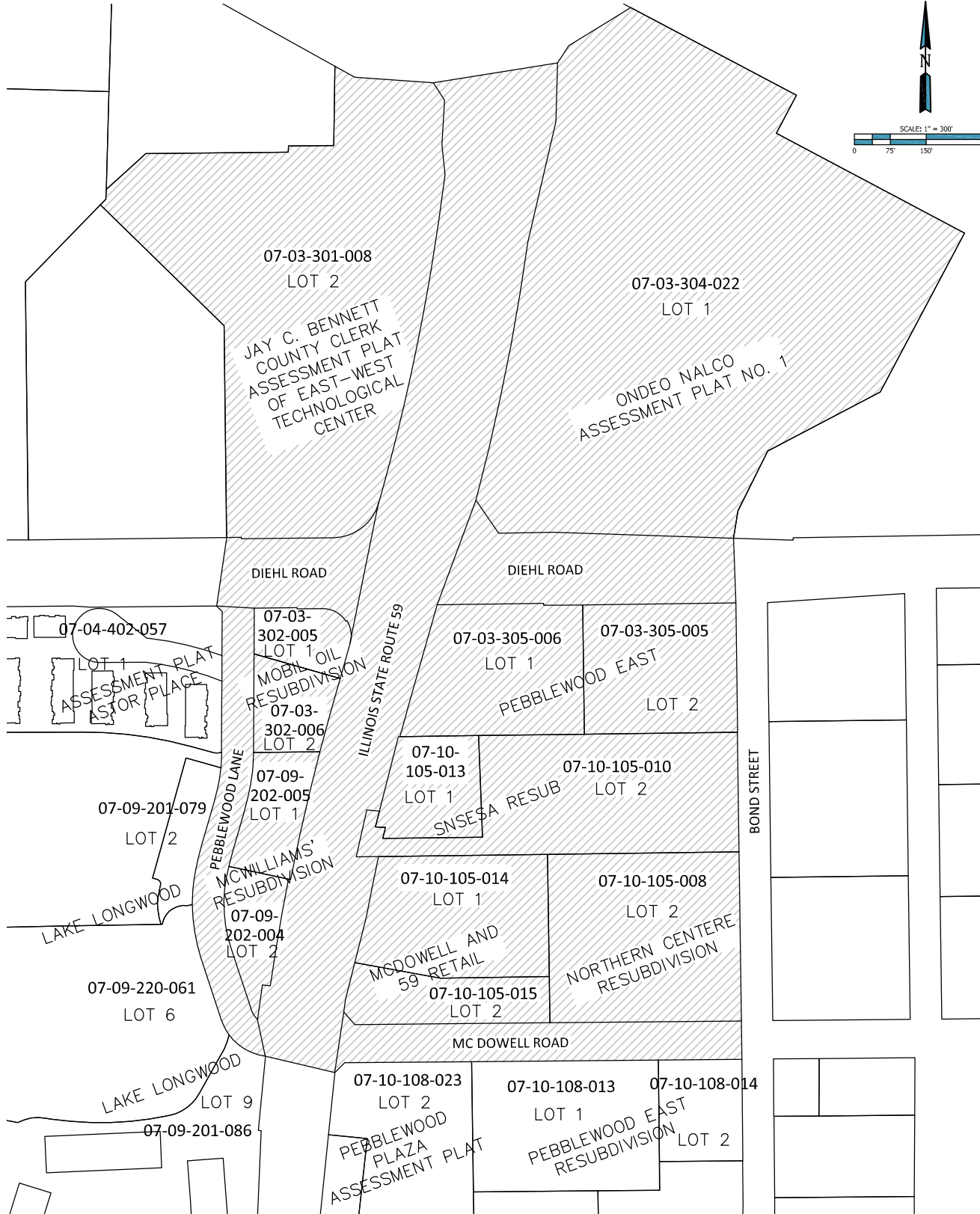
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <pkginfo@ups.com>
Sent: Friday, April 29, 2022 12:47 PM
To: Stuver, Michelle
Subject: UPS Delivery Notification, Tracking Number 1Z7Y40A20303272976

Follow Up Flag: Follow up
Flag Status: Completed



Hello, your package has been delivered.

Delivery Date: Friday, 04/29/2022
Delivery Time: 2:45 PM
Signed by: PATTI

ARCADIS ATLANTA-GA

NOTIFICATION OF REQUEST FOR A GW ORDINANCE (PIN 07-09-202-004)

Tracking Number: [1Z7Y40A20303272976](#)

Ship To: SUP LLC
1600 PEBBLEWOOD LANE
NAPERVILLE, IL 605631843
US

Number of Packages: 1

UPS Service: UPS Ground

Package Weight: 1.0 LBS

Reference Number: 30008266

Reference Number: 00005

Reference Number: JAMES JACOBSEN

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[For Questions, Visit Our Help and Support Center](#)

SUP LLC
(PIN #07-09-202-004)
1600 Pebblewood Lane
Naperville, IL 60563

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 25, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com/ (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SUP LLC
(PIN #07-09-202-004)
April 27, 2022

Director of Transportation, Engineering, and Development at [novackw@naperville.il.us/](mailto:novackw@naperville.il.us) (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at [lordp@naperville.il.us/](mailto:lordp@naperville.il.us) (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at [Jason.Donnelly@illinois.gov/](mailto:Jason.Donnelly@illinois.gov) (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com
Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SNSESA RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SNSESA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SNSESA RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

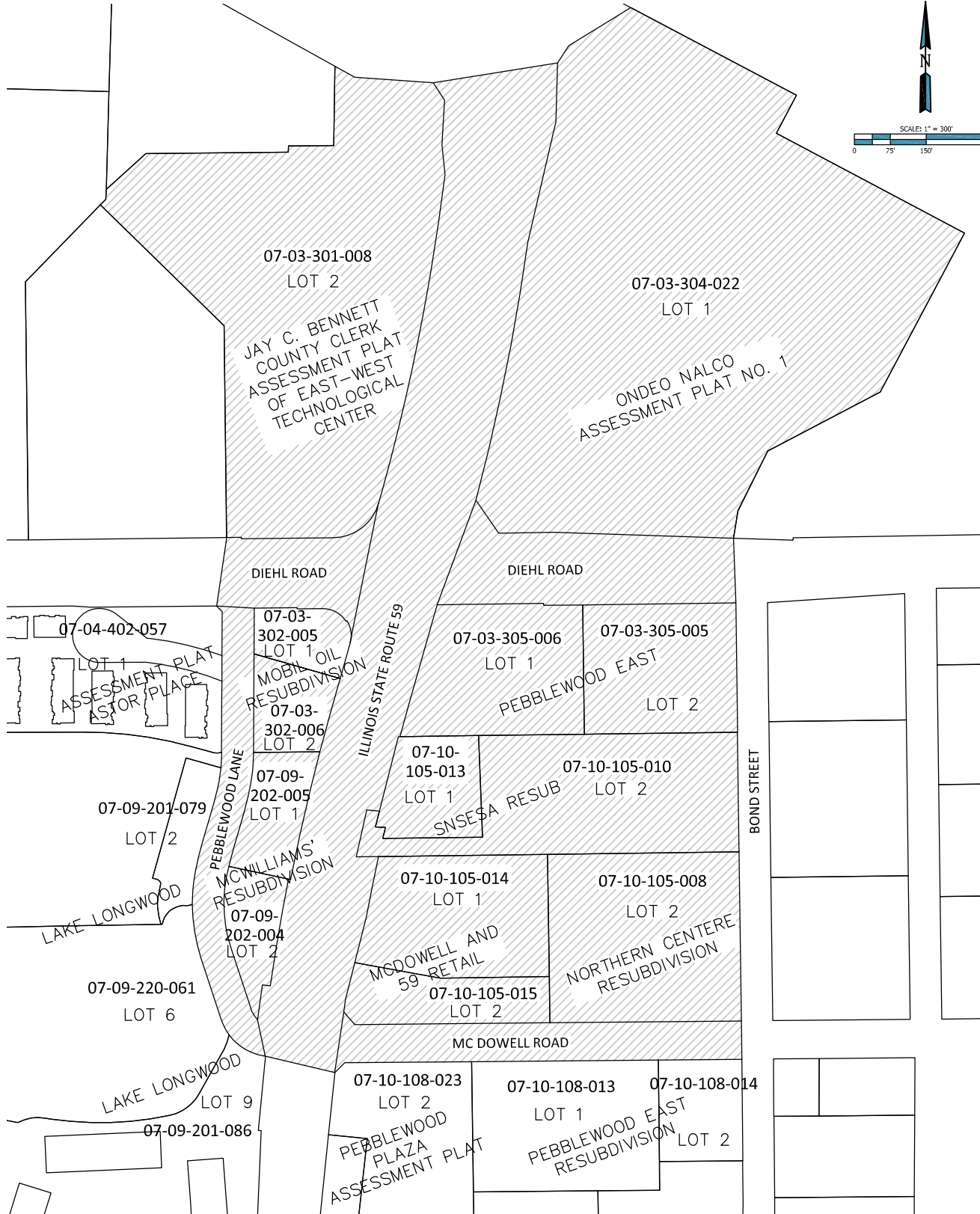
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <auto-notify@ups.com>
Sent: Friday, April 29, 2022 1:23 PM
To: Stuver, Michelle
Subject: UPS Exception Notification, Tracking Number 1Z7Y40A20319299963

Follow Up Flag: Follow up
Flag Status: Flagged



The status of your package has changed.

Rescheduled Delivery Date: Monday, 05/02/2022

Exception Reason: The receiving business was closed.
A second attempt will be made on the next business day.

Exception Resolution: Your delivery has been rescheduled for the next business day.

At the request of ARCADIS ATLANTA-GA, this notice alerts you that the status of the shipment listed below has changed.

Message from ARCADIS ATLANTA-GA:
Notification of Request for a GW Ordinance (PIN 07-09-202-005)

Shipment Details

| | |
|-------------------------|--|
| Tracking Number: | 1Z7Y40A20319299963 |
| Ship To: | Sewan Kirpal LLC 1620 Pebblewood Lane Unit 208 NAPERVILLE, IL 605639077 US |
| UPS Service: | UPS GROUND |
| Package Weight: | 1.0 LBS |

Reference Number 1: 30008266
Reference Number 2: 00005
Reference Number 3: James Jacobsen

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[For Questions, Visit Our Help and Support Center](#)

Sawan Kirpal LLC
(PIN #07-09-202-005)
1620 Pebblewood Lane, Unit 208
Naperville, IL 60563

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Sawan Kirpal LLC
(PIN #07-09-202-005)
April 27, 2022

Director of Transportation, Engineering, and Development at [novackw@naperville.il.us/](mailto:novackw@naperville.il.us) (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at [lordp@naperville.il.us/](mailto:lordp@naperville.il.us) (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at [Jason.Donnelly@illinois.gov/](mailto:Jason.Donnelly@illinois.gov) (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com

Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SENSES RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

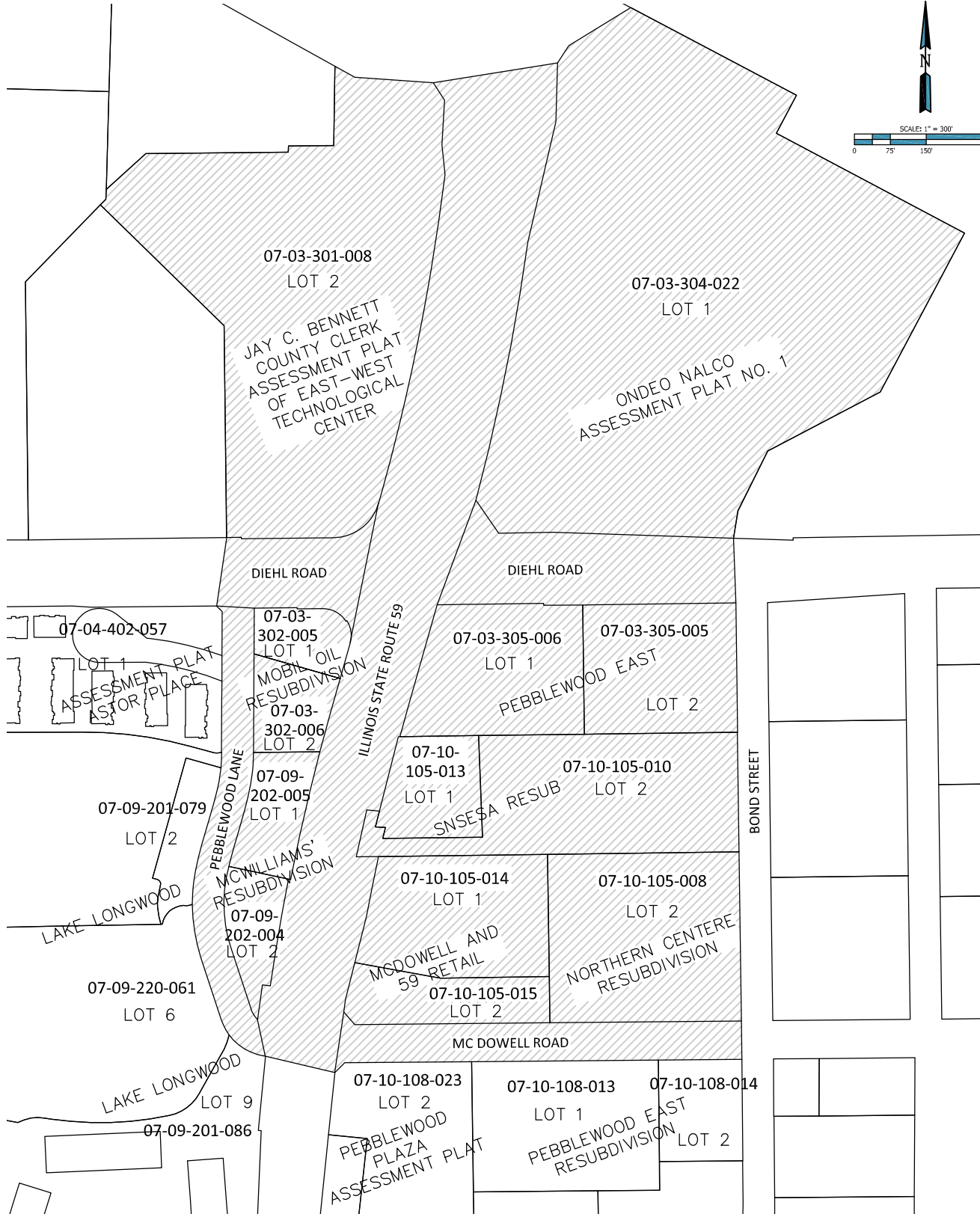
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <pkginfo@ups.com>
Sent: Friday, April 29, 2022 9:29 AM
To: Stuver, Michelle
Subject: UPS Delivery Notification, Tracking Number 1Z7Y40A20318833752



Hello, your package has been delivered.

Delivery Date: Friday, 04/29/2022

Delivery Time: 11:19 AM

Left At: FRONT DESK

Signed by: JACKIE

ARCADIS ATLANTA-GA

NOTIFICATION OF REQUEST FOR A GW ORDINANCE (PIN 07-10-105-008)

Tracking Number: [1Z7Y40A20318833752](#)

Ship To: NORTHERN CENTRE LLC
5060 RIVER ROAD
SCHILLER PARK, IL 601761021
US

Number of Packages: 1

UPS Service: UPS Ground

Package Weight: 1.0 LBS

Reference Number: 30008266

Reference Number: 00005

Reference Number: JAMES JACOBSEN

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Northern Centre LLC
(PIN #07-10-105-008)
5060 River Road
Schiller Park, IL 60176

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Northern Centre LLC
(PIN #07-10-105-008)
April 27, 2022

Director of Transportation, Engineering, and Development at [novackw@naperville.il.us/](mailto:novackw@naperville.il.us) (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at [lordp@naperville.il.us/](mailto:lordp@naperville.il.us) (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at [Jason.Donnelly@illinois.gov/](mailto:Jason.Donnelly@illinois.gov) (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com
Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SENSES RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

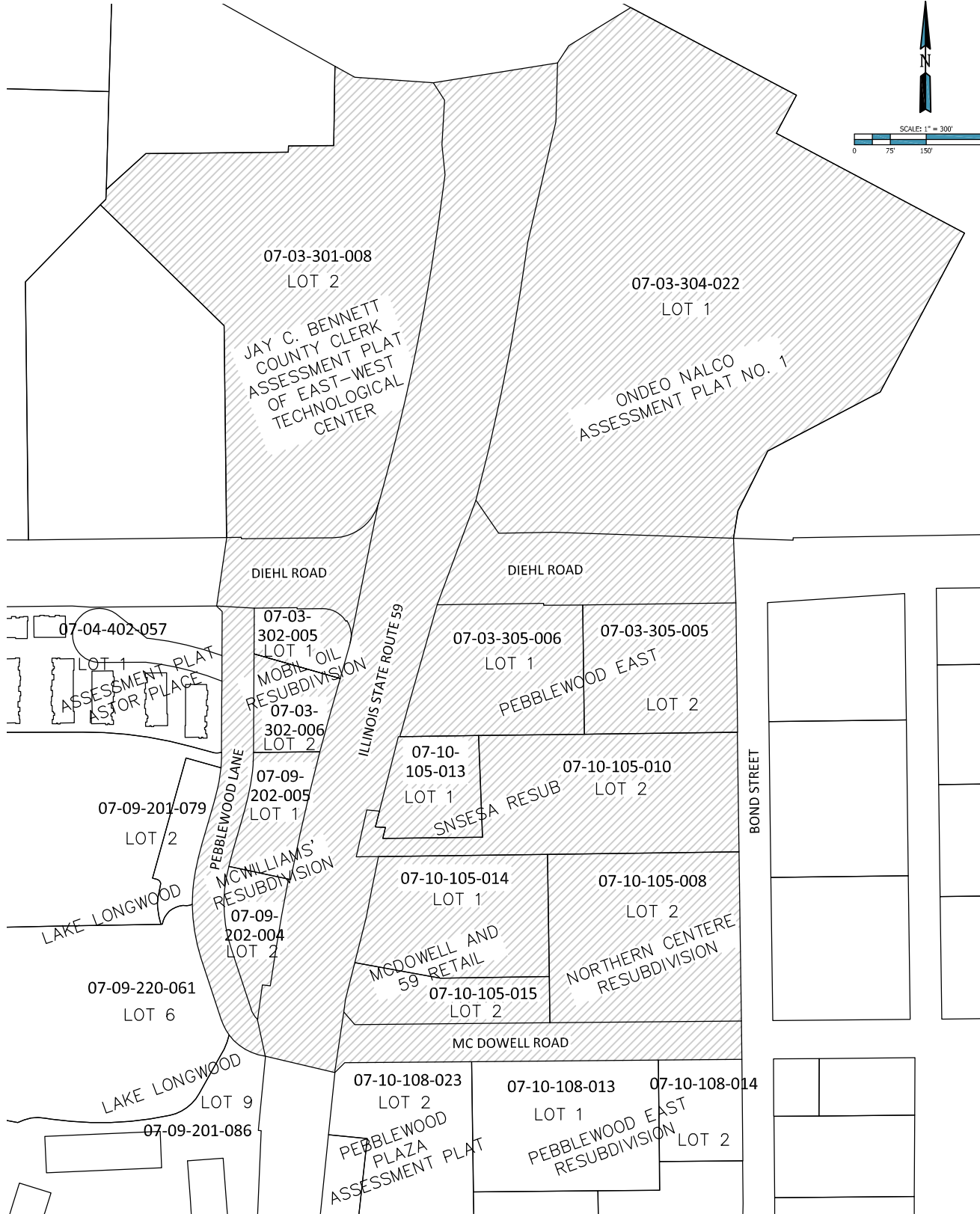
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



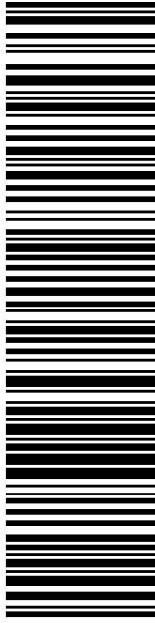
PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

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|---|--|---|
| <p>P</p> <p>US POSTAGE & FEES PAID 1 LB PRIORITY MAIL RATE ZONE 3 NO SURCHARGE ComPisPrice</p> <p>06250010887756 11883904 FROM 30339</p> <p>stamps. endicia 04/27/2022</p> | <p>PRIORITY MAIL 2-DAY™</p> <p>0004</p> <p>Mail Room ARCADIS 2839 Paces Ferry Road Suite 900 Atlanta GA 30339</p> <p>SHIP TO: BRE ESA Properties LLC Extended Stay Property TA Po Box 49550 Charlotte NC 28277-9550</p> | <p>USPS TRACKING #</p>  <p>9405 5112 0254 0418 1550 80</p> |
|---|--|---|

stamps endicia Shipping Label Receipt

Delivery Confirmation™ Service Number: **9405 5112 0254 0418 1550 80**

Priority Mail 2-DAY with USPS TRACKING #*
Electronic Service Fee: \$0.00
Additional Services: Insured
Total Postage and Fees: \$7.68
Weight: 1 lbs.
Print Date: 04/27/2022 Mailing Date: 04/27/2022

From: Mail Room
ARCADIS
2839 Paces Ferry Road
Suite 900
Atlanta GA 30339

To: BRE ESA Properties LLC
Extended Stay Property TA
Po Box 49550
Charlotte NC 28277-9550

USPS Postmark Here

*Regular Priority Mail 2-DAY Service postage rates apply. There is no fee for Delivery Confirmation™ service on Priority Mail services with use of this electronic shipping label. Postmark required if fee refund requested. Delivery information is not available by phone for the electronic option.

Instructions:

1. Adhere shipping label to package with tape or glue - DO NOT TAPE OVER BARCODE. Be sure all edges are secured. Self-adhesive label is recommended.
2. Place the label so it does not wrap around the edge of the package.
3. This package may be deposited in any collection box, handed to your mail carrier, or presented to a clerk at your local Post Office.
4. Each confirmation number is unique and can be used only once - DO NOT PHOTOCOPY.
5. You must mail this package on the "mail date" that is specified on this label.

BRE ESA Properties LLC
(PIN #07-10-105-010)
Extended Stay Property TA
P.O. Box 49550
Charlotte, NC 28277

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

¹ Buchanan Energy (S), LLC

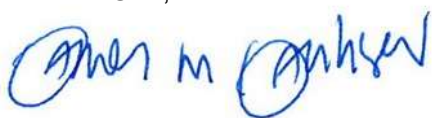
² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

BRE ESA Properties LLC
(PIN #07-10-105-010)
April 27, 2022

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com/ (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville Director of Transportation, Engineering, and Development at novackw@naperville.il.us/ (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at lordp@naperville.il.us/ (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at Jason.Donnelly@illinois.gov/ (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com
Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:
See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SENSES RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

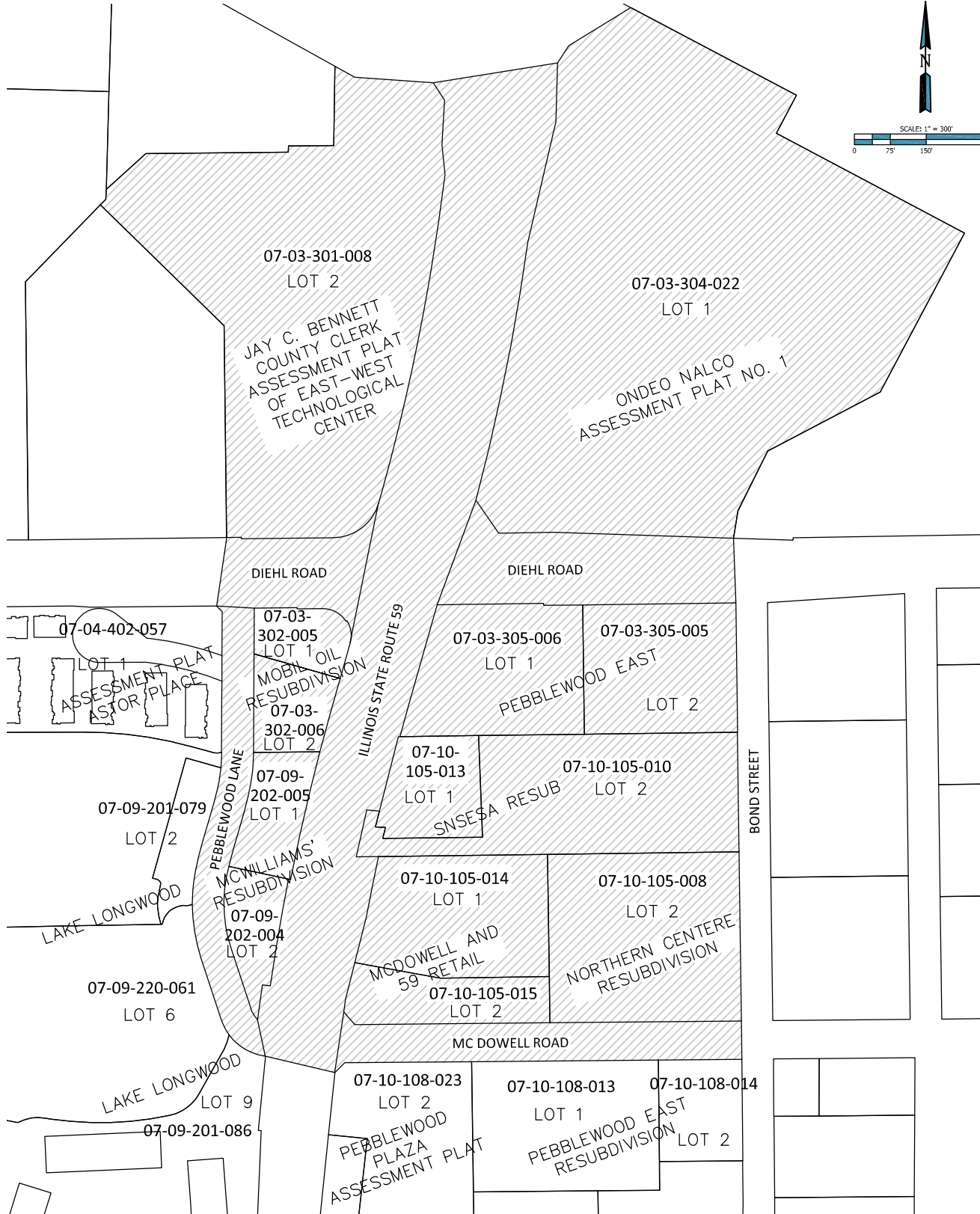
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
(630) 717-4848 WWW.WCG.COM

| |
|-------------------|
| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
| SHEET 1/1 |

Jacobsen, James

From: UPS <pkginfo@ups.com>
Sent: Friday, April 29, 2022 9:29 AM
To: Stuver, Michelle
Subject: UPS Delivery Notification, Tracking Number 1Z7Y40A20312450346



Hello, your package has been delivered.

Delivery Date: Friday, 04/29/2022

Delivery Time: 11:19 AM

Left At: FRONT DESK

Signed by: JACKIE

ARCADIS ATLANTA-GA

NOTIFICATION OF REQUEST FOR A GW ORDINANCE (PIN 07-10-105-014 & 015)

Tracking Number: [1Z7Y40A20312450346](#)

Ship To: PEBBLEWOOD ASSOC LTD
5060 RIVER ROAD
SCHILLER PARK, IL 601761021
US

Number of Packages: 1

UPS Service: UPS Ground

Package Weight: 1.0 LBS

Reference Number: 30008266

Reference Number: 00005

Reference Number: JAMES JACOBSEN

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[For Questions, Visit Our Help and Support Center](#)

Pebblewood Assoc LTD
(PIN #07-10-105-014 & -015)
5060 River Road
Schiller Park, IL 60176

Arcadis U.S., Inc.
101 Creekside Ridge
Court
Suite 200
Roseville
California 95678
Phone: 916 786 0320
Fax: 916 786 0366
www.arcadis.com

Date: April 27, 2022
Our Ref: 30008266
Subject: Notification of Request for a Groundwater Ordinance
LPC #0434675129/DuPage County
Former Buchanan Station #536 and Other Properties

Dear Property Owner,

The Owner/Operator¹ is in the process of working with the Illinois Environmental Protection Agency (“IEPA”) to obtain a No Further Remediation (“NFR”) letter relative to Illinois Emergency Management Agency (“IEMA”) incident number #900827, 920780, and 20140595 associated with the property located at 1671 North Illinois Route 59, in Naperville, Illinois. Operation of the former gasoline retail station resulted in unleaded gasoline constituents in groundwater at concentrations exceeding applicable remediation objectives (35 Ill. Adm. Code 742, Appendix B, Table E [Tier 1 Groundwater Remediation Objectives for the Groundwater Component of the Groundwater Ingestion Route]).

To protect human health, Illinois regulations require that the Owner/Operator demonstrate that the groundwater² in the area of the contamination is not and will not be used as potable water³. While there is no evidence of contamination on your property at this time, the IEPA seeks to protect the health and welfare of the public by prohibiting use of groundwater that could conceivably be impacted by contamination. In order to achieve that, the IEPA has directed the need for the City of Naperville to pass a Groundwater Ordinance by which those properties covered by the Ordinance, will not be permitted to install or use a private potable water well. A copy of the proposed Groundwater Ordinance is enclosed for your review (Attachment 1). Upon issuance of an NFR by the IEPA, the Ordinance will be recorded with the DuPage County Recorder on all affected properties.

The City of Naperville will consider the proposed Groundwater Ordinance at its regular meeting held on June 7, 2022 at the City’s Municipal Center located at 400 South Eagle Street, Naperville, IL 60540. The meeting begins at 7 p.m.

You may obtain a copy of the complete IEPA file for this site by submitting a written request to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue, P.O. Box 19276, Springfield, Illinois 62794-9276, or by submitting a FOIA request online through the IEPA website. When requesting a copy of the file, please reference LPC #0434675129/DuPage County.

If you have any questions, you may attend the City Council meeting on June 7 and/or you may email or call me at james.jacobsen@arcadis.com (916) 865-3144. Also, feel free to call or email William Novack, City of Naperville

¹ Buchanan Energy (S), LLC

² “Groundwater” means water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water.

³ “Potable” means water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Pebblewood Assoc LTD
(PIN #07-10-105-014 & -015)
April 27, 2022

Director of Transportation, Engineering, and Development at [novackw@naperville.il.us/](mailto:novackw@naperville.il.us) (630) 420-6704, or Pat Lord, Senior Assistant City Attorney, at [lordp@naperville.il.us/](mailto:lordp@naperville.il.us) (630) 420-4172. You may also contact the Illinois Environmental Protection Agency, Bureau of Land project manager, Jason Donnelly at [Jason.Donnelly@illinois.gov/](mailto:Jason.Donnelly@illinois.gov) (217) 557-8764.

Sincerely,
Arcadis U.S., Inc.



James M. Jacobsen, P.G.
Certified Project Manager

Email: james.jacobsen@arcadis.com

Direct Line: (916) 865-3144

CC. William Novack, P.E., Director/City Engineer
Jill Reams-Widder, Buchanan Energy
File (electronic copy only)

Enclosures:
Attachment 1. Proposed Groundwater Ordinance

Attachment 1

Proposed Groundwater Ordinance

PINS/Common Addresses:

See attached Exhibit A

PREPARED BY:

ARCADIS U.S., INC.
101 CREEKSIDE RIDGE COURT
SUITE 200
ROSEVILLE, CA 95678

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 22 - ____

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 WITHIN THE SPECIFIED LIMITS ON PROPERTY LOCATED AT 1671 N. IL ROUTE 59, 1659, 1661, 1663, 1665, and 1667 N. IL ROUTE 59, 1698 W. DIEHL RD., 1601 BOND ST., 1620 PEBBLEWOOD LN., 1600 PEBBLEWOOD LN., 1551 AND 1555 BOND ST., 1620 N. IL ROUTE 59, 1575 BOND ST., 1979 MCDOWELL RD., 1975 MCDOWELL RD., UNDEVELOPED PARCEL (ADJACENT TO 1601 WEST DIEHL RD.), 1719 AND 1751 WEST DIEHL RD. AND ADJACENT RIGHTS-OF-WAY, INCLUDING POINTS OF WITHDRAWAL BY THE CITY OF NAPERVILLE

WHEREAS, certain properties described on **Exhibit A** and depicted on **Exhibit B** in the City of Naperville, Illinois have been used over a period of time for commercial/industrial purposes (hereinafter "**Commercial Properties**"); and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville on the Commercial Properties as well as other properties ("**Other Properties**") described on **Exhibit A** and depicted on **Exhibit B**, which Exhibits are attached hereto and made part hereof, may exceed Class I groundwater quality standards for

potable resource groundwater as set forth in 35 Illinois Administrative Code (“**Ill. Adm. Code**”) 620 or Tier 1 remediation objectives as set forth in 35 Ill. Adm. Code 742; and

WHEREAS, the owner/operator of the Commercial Property at 1671 N. Illinois Route 59, Naperville, IL 60563 is seeking issuance of a No Further Remediation (“**NFR**”) letter from the Illinois Environmental Protection Agency (“**IEPA**”) pursuant to the IEPA’s Leaking Underground Storage Tank Program; and

WHEREAS, in order to obtain an NFR for the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, the IEPA has advised that it will be necessary for the City of Naperville to pass an ordinance as provided for in Title 35, Part 742.1015 of the Ill. Adm. Code; and commonly referred to as an “institutional control”, prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville as illustrated and legally described in **Exhibit A** and **Exhibit B** which includes the Commercial Properties and the Other Properties; and

WHEREAS, the City of Naperville 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; and

WHEREAS, the public water supply for the Properties is provided from Lake Michigan through the DuPage County Water Commission by the City of Naperville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply 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 specified limits illustrated and legally described in **Exhibit A** and **Exhibit B**, attached hereto and incorporated herein, by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the City of Naperville.

SECTION 3: Penalty. Any person or entity violating the provisions of this Ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: 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 5: 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 6: 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 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from IEPA memorializing IEPA's determination of "NFR" as to the Commercial Property located at 1671 N. Illinois Route 59, Naperville, IL 60563, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by IEPA, and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2022.
AYES:
NAYS:
ABSENT:
APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

EXHIBIT A

“Commercial Property”

Buchanan Energy (S), LLC is the owner of the Commercial Property referenced in the Groundwater Ordinance to which this Exhibit A is attached as identified by the following PIN and common address, which is seeking issuance of a No Further Remediation Letter (“NFR”).

07-03-302-005 – 1671 N. IL Route 59

LOT 1 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED MARCH 18, 1982 AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-109848, ALL IN DUPAGE COUNTY, ILLINOIS.

“Other Properties”

The following are the PINS and Common Addresses of the Commercial Properties and Other Properties subject to the Groundwater Ordinance:

AND ALSO:

07-03-302-006 – 1659, 1661, 1663, 1665, and 1667 N. IL Route 59

LOT 2 OF MOBIL OIL RESUBDIVISION, BEING A SUBDIVISION OF LOT ONE IN BRUMMEL’S ASSESSMENT PLAT, BEING IN PARTS OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1982-010350; EXCEPTING THEREFROM THAT PORTION DEEDED TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS PER FINAL JUDGEMENT ORDER RECORDED AS DOCUMENT NUMBER R2017-118587, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-006 – 1698 W. Diehl Road

LOT 1 IN THE SUBDIVISION OF LOT 1 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-305-005 – 1601 Bond Street

LOT 2 IN THE SUBDIVISION OF LOT 2 OF PEBBLEWOOD EAST BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SEC 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE CITY OF NAPERVILLE, PER THE PLAT RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-005 – 1620 Pebblewood Lane

LOT 1 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-09-202-004 – 1600 Pebblewood Lane

LOT 2 OF MCWILLIAMS' RESUBDIVISION OF LOT 8 IN LAKE LONGWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1ST, 1971 AS DOCUMENT NUMBER R1971-012298, SAID MCWILLIAMS' RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORD AS DOCUMENT NUMBER R1987-026210 ON FEBRUARY 25, 1987 IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-008 – 1551 and 1555 Bond Street

LOT 2 IN NORTHERN CENTERE RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4,5, AND 6 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID NORTHERN CENTERE RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1989-156273 ON DECEMBER 12, 1989, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-013 – 1620 N. IL Route 59

LOT 1 OF SNESEA RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT

NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-010 – 1575 Bond Street

LOT 2 OF SENSES RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 IN PEBBLEWOOD EAST, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 3, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AS DOCUMENT NUMBER R1982-061978, SAID SENSES RESUBDIVISION BEING A SUBDIVISION IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-014 – 1979 McDowell Road

LOT 1 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-10-105-015 – 1975 McDowell Road

LOT 2 OF MCDOWELL AND 59 RETAIL SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-304-022 – Undeveloped Parcel (adjacent to 1601 W. Diehl Road)

LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, ILLINOIS, RECORDED AS DOCUMENT NUMBER R2003-363548 ON SEPTEMBER 16, 2003, IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

07-03-301-008 – 1719 and 1751 W. Diehl Road

LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER BEING A SUBDIVISION OF THE EAST HALF OF SECTION 4 AND THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF NAPERVILLE, RECORDED AT DOCUMENT NUMBER R1982-061976 ON DECEMBER 12, 1982 IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

PEBBLEWOOD LANE RIGHT-OF-WAY

THAT PART OF THE PEBBLEWOOD LANE RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982; THENCE SOUTHERLY ALONG THE EASTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE, SAID EASTERLY RIGHT-OF-WAY ALSO BEING THE WESTERLY LINES OF LOTS 1 AND 2 OF SAID MOBIL OIL RESUBDIVISION AND LOTS 1 AND 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987 TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION, SAID SOUTH CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER ALSO BEING ON THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINE OF PEBBLEWOOD LANE; THENCE WESTERLY AND NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY OF PEBBLEWOOD LANE ALSO BEING THE NORTHERLY LINE OF SAID LOT 9 OF LAKE LONGWOOD, THE EASTERLY LINES OF LOTS 6 AND 2 OF LAKE LONGWOOD, AND THE EASTERLY LINE OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005 TO THE NORTHERLY NORTHEAST CORNER OF SAID LOT 1 OF ASTOR PLACE AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY OF DIEHL ROAD, TO THE NORTHWEST CORNER OF SAID LOT 1 OF MOBIL OIL RESUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (EAST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEAST CORNER OF LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1, RECORDED AS DOCUMENT NUMBER R2003-363548 RECORDED SEPTEMBER 16, 2003, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD, ALSO BEING THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 TO THE NORTHWESTERLY CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978, SAID CORNER BEING THE SOUTHEASTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 OF DIEHL ROAD; THENCE EASTERLY, ALONG THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, SAID SOUTH RIGHT-OF-WAY ALSO BEING THE NORTHERLY LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST SUBDIVISION TO THE NORTHEASTERLY CORNER OF SAID LOT 2 ALSO BEING THE SOUTHWESTERLY CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND BOND STREET; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD, TO THE SOUTHEAST CORNER OF SAID LOT 1 OF ONDEO NALCO ASSESSMENT PLAT NO. 1 AND THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

DIEHL ROAD RIGHT-OF-WAY (WEST PORTION)

THAT PART OF THE DIEHL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER RECORDED AS DOCUMENT R1982-061976 ON DECEMBER 29, 1982 ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DIEHL ROAD; THENCE EASTERLY, ALONG SAID NORTH RIGHT-OF-WAY OF DIEHL ROAD TO A POINT OF CURVATURE CONCAVE TO THE NORTHWEST IN SAID RIGHT-OF-WAY; THENCE NORTHEASTERLY, FOLLOWING THE ARC OF SAID CURVE TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTHERLY LEAVING SAID EASTERLY LINE OF LOT 2, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE POINT OF CURVATURE ON THE EASTERLY LINE OF LOT 1 OF MOBIL OIL RESUBDIVISION RECORDED AS DOCUMENT R1982-010350 ON MARCH 18, 1982, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, TO A POINT OF TANGENCY ON THE NORTH LINE OF SAID LOT 1 SAID A POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD; THENCE WESTERLY, ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD TO THE NORTHWEST CORNER OF SAID LOT 1, ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF DIEHL ROAD AND PEBBLEWOOD LANE; THENCE WESTERLY, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY OF DIEHL ROAD AND ACROSS THE NORTHERN EXTENT OF THE PEBBLEWOOD LANE RIGHT-OF-WAY, TO THE NORTHERLY NORTHEAST CORNER OF LOT 1 OF THE ASSESSMENT PLAT OF ASTOR PLACE RECORDED AS DOCUMENT NUMBER R2005-054871 RECORDED MARCH 17, 2005; THENCE NORTHERLY, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF DIEHL ROAD, TO THE SOUTHWEST CORNER OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

MC DOWELL ROAD RIGHT-OF-WAY

THAT PART OF THE MC DOWELL ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT NUMBER R2008-131930 ON AUGUST 26, 2008, SAID CORNER BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND THE NORTHERLY RIGHT-OF-WAY LINE OF MC DOWELL ROAD; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, TO THE SOUTHERLY SOUTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY, ALONG THE NORTH RIGHT-OF-WAY OF MC DOWELL ROAD, ALSO BEING THE SOUTH LINES OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION AND THE SOUTH LINE OF LOT 2 OF THE NORTHERN CENTERE RESUBDIVISION RECORDED AS DOCUMENT R1989-156273 ON DECEMBER 12, 1989, TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID NORTHERN CENTERE RESUBDIVISION AND THE NORTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF BOND STREET TO THE NORTHEASTERLY CORNER OF LOT 2 OF PEBBLEWOOD EAST RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1998-141591 ON JULY 16, 1998 AND THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF MC DOWELL ROAD AND BOND STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF MC DOWELL ROAD, ALSO BEING THE NORTH LINES OF LOTS 1 AND 2 OF SAID PEBBLEWOOD EAST RESUBDIVISION AND THE NORTH LINE OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSEMENT PLAT RECORDED AS DOCUMENT R2003-395536 ON OCTOBER 15, 2003, TO THE

NORTHERLY NORTHWEST CORNER OF SAID LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT; THENCE SOUTHWESTERLY, ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, TO THE WESTERLY NORTHWEST CORNER OF SAID LOT 2 AND THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59; THENCE NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 TO THE WESTERLY SOUTHWEST CORNER OF LOT 2 OF SAID MC DOWELL AND 59 RETAIL SUBDIVISION AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

AND ALSO:

N. IL ROUTE 59

THAT PART OF THE ILLINOIS STATE ROUTE 59 RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHEASTERLY CORNER OF LOT 9 OF LAKE LONGWOOD PER DOCUMENT R1971-012298 RECORDED APRIL 1, 1971, SAID CORNER BEING THE SOUTHWEST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF PEBBLEWOOD LANE AND ILLINOIS ROUTE 59; THENCE NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, TO THE SOUTH CORNER OF LOT 2 OF MCWILLIAMS' RESUBDIVISION PER DOCUMENT NUMBER R1987-026210 RECORDED FEBRUARY 25, 1987; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, ALSO BEING THE EASTERLY LINES OF LOTS 1 AND 2 OF SAID MCWILLIAMS' RESUBDIVISION AND ALSO THE EASTERLY LINE OF LOTS 1 AND 2 OF THE MOBIL OIL RESUBDIVISION PER DOCUMENT NUMBER R1982-010350 RECORDED MARCH 18, 1982, TO A POINT OF CURVATURE, SAID POINT OF CURVATURE BEING 77.01 FEET NORTHERLY, AS MEASURED ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, OF THE SOUTHEAST CORNER OF SAID LOT 1 OF MOBILE OIL RESUBDIVISION AND THE SOUTHERLY POINT OF CURVATURE OF THE INTERSECTION OF THE RIGHTS-OF-WAYS OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59, AND CROSSING DIEHL ROAD TO A POINT OF TANGENCY ON THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 AND THE EASTERLY LINE OF LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER PER DOCUMENT R1982-061976 RECORDED DECEMBER 12, 1982; THENCE NORTHERLY, CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE EASTERLY LINE OF SAID LOT 2 OF JAY C. BENNETT COUNTY CLERK ASSESSMENT PLAT OF EAST-WEST TECHNOLOGICAL CENTER, TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE EASTERLY, LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHWESTERLY CORNER OF LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1 RECORDED AS DOCUMENT R2003-363548 ON SEPTEMBER 16, 2003 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 59; THENCE SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WEST LINE OF SAID LOT 1 OF THE ONDEO NALCO ASSESSMENT PLAT NO. 1, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 1 AND THE NORTHEASTERLY INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING DIEHL ROAD TO THE NORTHWEST CORNER OF LOT 1 OF PEBBLEWOOD EAST SUBDIVISION RECORDED AS DOCUMENT NUMBER R1978-114558 ON NOVEMBER 30, 1978 AND THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND DIEHL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF ILLINOIS STATE ROUTE 59 ALSO BEING THE WESTERLY LINES OF SAID LOT 1 OF PEBBLEWOOD EAST, THE WESTERLY LINES OF LOTS 1 AND 2 OF SNSESA RESUBDIVISION RECORDED AS DOCUMENT NUMBER R1997-040674 ON MARCH 25, 1997, AND THE WESTERLY LINES LOTS 1 AND 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION RECORDED AS DOCUMENT R2008-131930 ON AUGUST 26, 2008, TO THE WESTERLY SOUTHWEST CORNER OF SAID LOT 2 OF THE MC DOWELL AND 59 RETAIL SUBDIVISION, ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY

November 19, 2020 (rev. 1 on March 23, 2021; rev. 2 on September 8, 2021, and
rev. 3 on April 6, 2022)

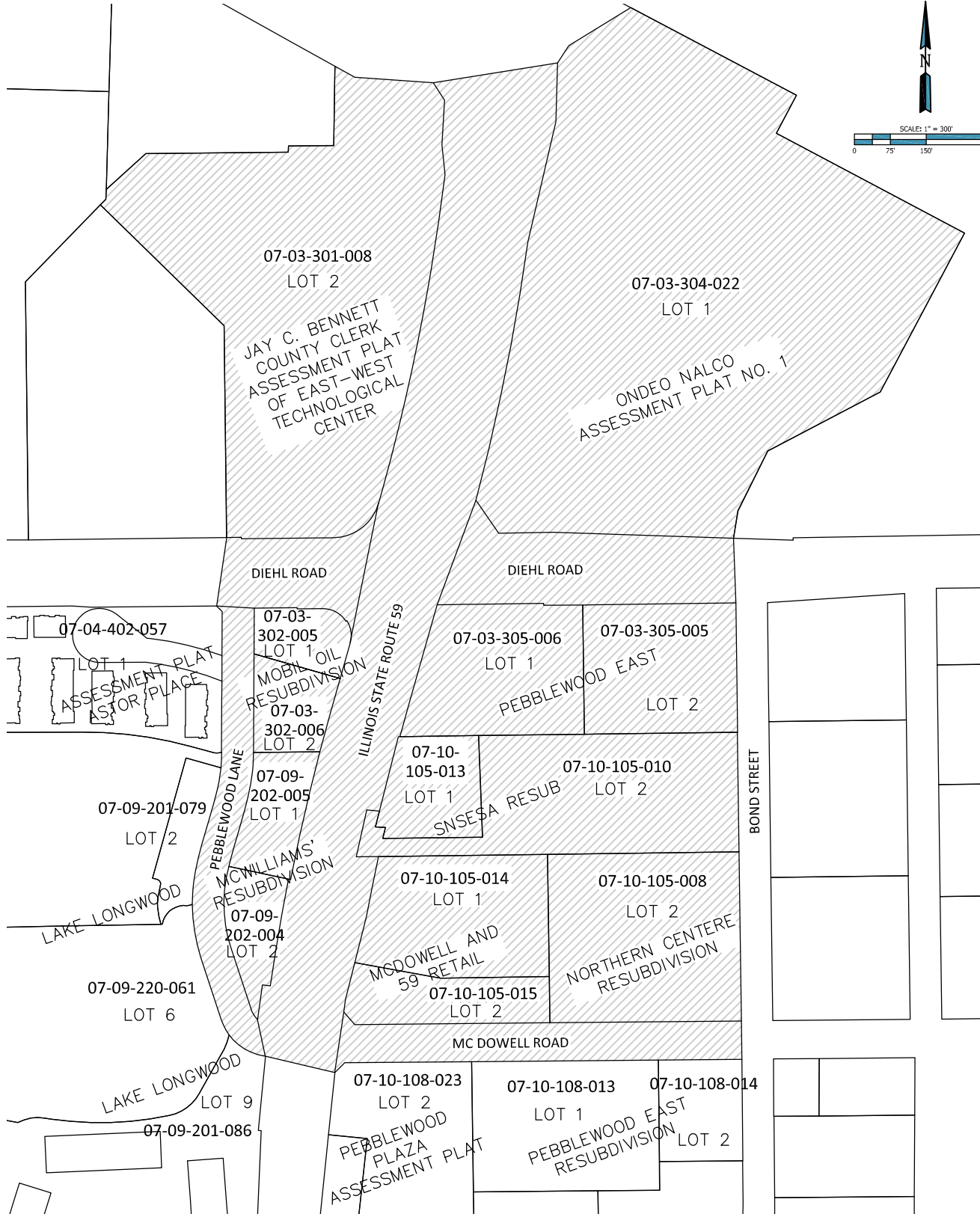
Client: ARCADIS

Legal Descriptions written by: Weaver Consultant Group

OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE SOUTHERLY, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59 AND CROSSING MC DOWELL ROAD, TO THE WESTERLY NORTHWEST CORNER OF LOT 2 OF PEBBLEWOOD PLAZA ASSESSMENT PLAT RECORDED AS DOCUMENT NUMBER R2003-395536 ON OCTOBER 15, 2003 ALSO BEING THE SOUTHEAST CORNER OF THE INTERSECTION OF THE RIGHTS-OF-WAY OF ILLINOIS STATE ROUTE 59 AND MC DOWELL ROAD; THENCE WESTERLY, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS STATE ROUTE 59, TO THE NORTHEASTERLY CORNER OF SAID LOT 9 OF LAKE LONGWOOD AND THE POINT OF BEGINNING, ALL IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT



PREPARED FOR:



PROPOSED ORDINANCE AREA LEGAL DESCRIPTION EXHIBIT

A PORTION OF:
NAPERVILLE, ILLINOIS 60563



**Weaver
Consultants
Group**
NAPERVILLE, ILLINOIS
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| DRAWN BY: KKA |
| REVIEWED BY: KKA |
| DATE: 11/18/2020 |
| FILE: 2449-315-63 |
| CAD: RT000001.dwg |
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