

405 1/2 SOUTH STATE STREET  
P.O. BOX 300

EPA Region 5 Records Ctr.



231020

ALLEN SILVER  
Attorney At Law  
BELVIDERE, ILLINOIS  
April 23, 1985<sup>61008</sup>

Russ D -

AREA CODE 815  
PHONE 547-5366

RECEIVED

APR 23 1985

SOLID WASTE DIVISION  
U.S. EPA, REGION 5



Mr. Basil G. Constantelos, Director  
Waste Management Division  
United States Environmental Protection Agency  
230 South Dearborn Street  
Chicago, Illinois 60604

RE: Belvidere Municipal #1 Landfill,  
near Appleton Road Belvidere, Illinois

Dear Mr. Constantelos:

Mr. Roger Gustafson, Executive Director of the Boone County Conservation District has forwarded your letter of March 15, 1985 regarding the above landfill, to me, as attorney for the Conservation District.

Pursuant to the attached Warranty Deed executed November 23, 1976, between the City of Belvidere, Illinois, Grantor, and Boone County Conservation District, Grantee, said Conservation District is not a responsible party to the generation of hazardous substances or was involved in the transport, treatment or disposal of same at the site. (see ADDENDUM II, No. 7) Said deed was recorded on November 24, 1976, as Document No. 76-3731, Boone County, Illinois.

If we can be of any further assistance to you regarding this matter, please contact my office.  
Thank you.

Very truly yours,

Allen Silver

bg  
enc

CC: Boone County Conservation District

76-3731  
7/15/24, 1976 443  
Return to Clerk

WARRANTY DEED

THIS INDENTURE WITNESSETH, That the Grantor, THE CITY OF BELVIDERE, ILLINOIS, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State of Illinois, for and in consideration of Ten and no/100 Dollars (\$10.00), and pursuant to authority given by the City Council of said municipal corporation, CONVEYS and WARRANTS unto BOONE COUNTY CONSERVATION DISTRICT, an Illinois municipality, of the City of Belvidere, County of Boone and State of Illinois, the following described real estate, to-wit:

See Addendum I attached hereto and made a part hereof by incorporation by reference for the legal description of the premises conveyed herein.

The Conveyance herein is made subject to all the covenants, conditions, restrictions and easements as set forth on Addendum II attached hereto and made a part hereof by incorporation by reference.

situated in the County of Boone in the State of Illinois.

This deed is made, executed and delivered in pursuance of a resolution duly adopted pursuant to Chapter 30, Illinois Revised Statutes, at a meeting of the City Council of the said municipal corporation held on the 18th day of November, 1976.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Mayor, and attested by its Clerk, this 23rd day of November, A.D., 1976.

THE CITY OF BELVIDERE, ILLINOIS,  
A Municipal Corporation.

By Francis J. Whelan  
Mayor

(SEAL)  
Attest:

James L. Brown  
Clerk

Legal Description of Premises, Deed of Coveyance, City of Belvidere, Illinois, an Illinois Municipal Corporation to Boone County Conservation District, an Illinois Municipality, Dated November 13, 1976

A part of Section 27, Township 44 North, Range 3 East of the Third Principal Meridian in Boone County, Illinois, described as follows: Beginning at a point in the North line of the Northwest Quarter of said Section 587.00 feet East from the Northwest Corner of said Section; thence along an old fence line as follows: South 683.00 feet to a point; thence South 40 degrees 00 minutes West 77.00 feet to a point; thence North 85 degrees 00 minutes West 172.00 feet to a point; thence South 22 degrees 45 minutes East 1384.00 feet to a point; thence South 38 degrees 00 minutes East 61.00 feet to a point; thence South 125.00 feet to the center line of the Kishwaukee River; running thence Southeasterly along the center line of said river as follows: South 68 degrees 40 minutes East 212.00 feet to a point which is 1522.62 feet West of the East line of the West Half of said Section 27 and 37.50 feet North of an iron stake set on the South bank of the Kishwaukee River 3026.70 feet North of the South line of said Section; thence South 68 degrees 00 minutes East 286.00 feet to a point; thence South 43 degrees 45 minutes East 548.00 feet to a point; thence South 16 degrees 50 minutes East 160.00 feet to a point; thence South 10 degrees 00 minutes East 280.00 feet to a point; thence South 21 degrees 00 minutes East 320.00 feet to a point; thence South 42 degrees 28 minutes East 568.00 feet to a point; thence South 65 degrees 00 minutes East 319.00 feet to the point of intersection of said center line of the Kishwaukee River and the East line of the aforesaid West Half of Section 27; running Thence North along said East line 4029.00 feet to an iron stake marking the Northeast corner of said West Half of Section 27; running West along the North line of said Section 2053.00 feet to the place of beginning. (Excepting therefrom that part thereof described in document recorded in Boone County, Illinois, in Book 102, Page 9, and also excepting a parcel of 1 acre in the Northeast corner of the West Half of Section 27 which is described as the North 231 feet of the East 188.57 feet of the West Half of said Section 27).

Also beginning at the Southwest Corner of the Northeast Quarter of Section Twenty-seven (27) Township Forty-four (44) North, Range Three (3) East of the Third Principal Meridian, North Eleven and Twenty-seven hundredths (11.27) chains along the West line of said quarter section to a point of beginning, thence North along said quarter section line one hundred (100) feet thence South Seventy-nine (79) degrees, twenty (20) minutes East for a distance of Sixty-seven (67) feet, thence North Seventy-six (76) degrees, forty-six (46) minutes East Eighty-two (82) feet, thence South One Hundred and Eighty (180) feet, thence North Seventy-nine (79) degrees and Twenty (20) minutes West a distance of One Hundred (100) feet to the point of beginning.

ADDENDUM I, PAGES ONE AND TWO, IDENTIFIED.

City of Belvidere, Illinois, an Illinois Municipal Corporation

by:

Francis J. Whalen  
Mayor

James L. Bell  
Clerk

Covenants, Conditions, Restrictions and Easements, Made Subject of Deed of Conveyance, City of Belvidere, Illinois, an Illinois Municipal Corporation to Boone County Conservation District, an Illinois Municipality, Dated November 23, 1976.

1. Boundary definition as would be disclosed by an adequate survey of the premises by a registered land surveyor.
2. Covenants, conditions, and restrictions of record.
3. Private, public, and utility easements of record.
4. Rights of the United States of America, State of Illinois, the municipality and the Public, in and to that part of the premises in question falling in the bed of the Kishwaukee River; also rights of the property owners in and to the free and unobstructed flow of the waters of said River.
5. Title to that part of insured premises that may be within the bounds of any road or highway.
6. The Grantee herein acknowledges that a portion of the premises to be conveyed herein was previously used by the Grantor as a landfill site. The Grantee herein covenants and warrants that said Grantee, its successors and assigns, will not use said premises in such a manner as to cause any injury to person or thing by virtue of its use of said premises and said Grantee herein warrants and covenants to save harmless the Grantor herein from any liability which might be incurred by the Grantor by virtue of the prior use of the land by the Grantor and subsequent use of the land by the Grantee.
7. The Grantor hereby warrants and covenants to the Grantee, its successors and assigns, that the Grantor will do what is required by the Environmental Protection Agency, should any requirements be made by said Agency, with respect to the landfill site closing for that portion of the premises herein conveyed which was previously used as a landfill site by the Grantor herein as those requirements relate only to the previous use by the Grantor as a landfill site. The Grantor agrees to save harmless the Purchaser from any liability it may incur to the Environmental Protection Agency with respect to site closing, as successor in interest to the Seller.
8. The Grantee hereby recites that it currently owns premises in the area of the premises conveyed herein and also contiguous to the premises conveyed herein and also contiguous to the premises conveyed herein and the Grantee, its successors and assigns, warrant and covenant that the Grantee will not make any claims against the Grantor for any damage to the Grantee's premises by virtue of Grantor's prior use, prior to or subsequent to the conveyance herein.
9. The Grantee, its successors and assigns, hereby warrant and covenant to the Grantor herein that Grantee, its successors and assigns, will specifically grant to the Grantor herein, upon Grantor's request, easements for the construction by the Grantor of storm sewers, sanitary sewers, water lines, and surface water drainage ditches and the maintenance thereof

which the Grantor may wish to construct from time to time, and for the receiving and permitting surface drainage water on the premises conveyed herein and the flow thereof of surface water in and from the aforesaid storm sewers and surface water drainage ditches and in, from and through the natural water drainage areas on the premises conveyed herein.

ADDENDUM II, PAGES ONE AND TWO, IDENTIFIED.

City of Belvidere, Illinois, an Illinois Municipal Corporation

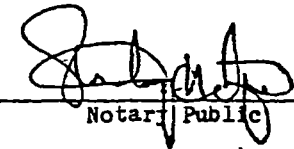
By: Francis J. Whalen  
Mayor  
Ernie L. Barr  
Clerk

STATE OF ILLINOIS }  
COUNTY OF BOONE } SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Francis J. Whalen personally known to me to the Mayor of the City of Belvidere, Illinois, a municipal corporation, and Gaius L. Barr personally known to me to the Clerk of said municipal corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and Clerk, they signed and delivered the said instrument as Mayor and Clerk of said municipal corporation, and caused the corporate seal of said municipal corporation to be affixed thereto, pursuant to authority given by the City Council of said municipal corporation as their free and voluntary act, and as the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of November, 1976.

SEAL

  
Notary Public

This Instrument prepared by:  
Stanley A. Hetzler  
Corporate Counsel  
City of Belvidere, Illinois  
P.O. Box 430  
Belvidere, Illinois 61008

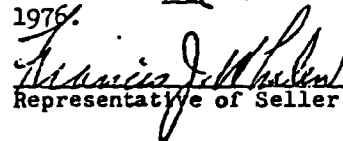
-Address of Grantee:-  
Boone County Conservation District  
522 1/2 S. State Street  
Belvidere, Illinois 61008

After recording, return to:  
Mr. Curtis R. Tobin, II  
Attorney At Law  
Belvidere, IL 61008

STATEMENT OF EXEMPTION UNDER  
REAL ESTATE TRANSFER TAX ACT

I hereby declare that this deed represents a transaction exempt under provisions of Paragraph (b), Section 4 of said Act.

Dated this 23rd day of November, 1976.

  
Representative of Seller