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Cook County Recorder 91.50

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST DISTRICT



CRC Investors, Inc.,	)	
Plaintiff,	)	
	)	
v.	)	No. 00 M1 450429
	)	
City of Chicago, a municipal corporation,	)	
Defendant.	)	

**NOTICE OF FILING**

TO: Evans, Lovenstein, Shimanovsky & Moscardini, Ltd.  
180 N. LaSalle St, Suite 2401  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on August 30, 2000, I filed with the clerk of the Circuit Court of Cook County, Municipal Department, First District, the attached Answer and Counterclaim.

Respectfully submitted,

Mara S. Georges  
Corporation Counsel for the  
City of Chicago

By:

  
Stephen I. Peck  
Assistant Corporation Counsel

RECEIVED  
00 AUG 29 AM 11:57  
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

Attorney No. 90909  
City of Chicago Law Department  
30 North LaSalle St, Room 700  
Chicago, Illinois 60602  
(312) 744-6702



**CERTIFICATE OF SERVICE**

I, Stephen Peck, an attorney, certify that I caused the attached Answer and Counterclaim to be served upon the party indicated by depositing it in the First Class Mail with proper postage affixed at 30 North LaSalle Street, Chicago, Illinois 60602, at or before 5:00 p.m. on August 30, 2000.



Attorney No. 90909

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST DISTRICT

CRC Investors, Inc.,	)	
Plaintiff,	)	
	)	
v.	)	No. 00 MI 450429
	)	
City of Chicago, a municipal corporation,	)	
Defendant.	)	

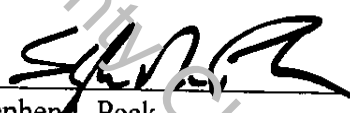
APPEARANCE

The undersigned enters the appearance of

**THE CITY OF CHICAGO, A MUNICIPAL CORPORATION**

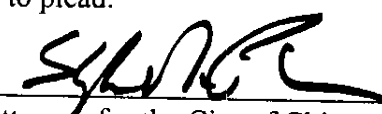
Mara S. Georges  
Corporation Counsel of the  
City of Chicago

By:

  
 Stephen I. Peck  
 Assistant Corporation Counsel

Stephanie L. Uhlarik  
 Chief Assistant Corporation Counsel  
 Stephen I. Peck  
 Assistant Corporation Counsel  
 City of Chicago Law Department  
 30 North LaSalle St., Room 700  
 Chicago, IL 60602  
 (312) 744-6702

I certify that a copy of this Appearance was served on all parties who have appeared and have not heretofore been found by the Court to be in default for failure to plead.

  
 Attorney for the City of Chicago

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Attorney No. 90909

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT - FIRST DISTRICT

CRC Investors, Inc.,	)	
Plaintiff,	)	
	)	
v.	)	No. 00 M1 450429
	)	
City of Chicago, a municipal corporation,	)	
Defendant.	)	

**CITY OF CHICAGO'S CERTIFIED ANSWER AND DEFENSES TO THE  
COMPLAINT FOR INJUNCTIVE RELIEF**

The City of Chicago ("City"), by its attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, responds as follows to Plaintiff's Complaint objecting to the demolition of certain property commonly known as 12730 S. Green, Chicago, Illinois (the "subject property"):

Paragraph: 1. These objections are made under the provisions of 65 ILCS 5/11-31-1 et seq., including but not limited to 65 ILCS 5/11-31-2.1, with the Objector seeking a hearing before this court, as provided by statute.

Response: The City admits that Objector seeks a hearing in this matter as provided by the above-cited statutes.

Paragraph: 2. The Objector, CRC Investors, Inc., owner of the subject property, is in the business of repair and renovating of real estate, including residential property.

Response: The City lacks information sufficient to admit or deny the allegations in paragraph 2.

Paragraph: 3. Upon information and belief the City of Chicago, a Municipal Corporation posted a notice in the front of a residential building known as 12730 S. Green, Chicago, IL which is legally described as per the attached exhibit A and made part hereof.

The south 9 feet of Lot 10 and all of Lot 11 in Book "B" in New Roseland Subdivision No. 2, being a Subdivision in the east 1/2 of the east 1/2 of the northeast 1/4 of Section 32, Township 37 North, Range 14, east of the Third Principal Meridian, in Cook County, Illinois.

PIN: 25-32-204-043

FILED 11-09-27  
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Property of Cook County Clerk's Office

C/K/A: 12730 S. Green, Chicago, Illinois 60643

Response: The City admits the allegation in paragraph 3.

Paragraph: 4. Upon information and belief and Subsequent to the posting of the notice referred to in Paragraph 3, the City of Chicago caused to be sent by certified mail, return receipt requested, a notice to the owners of record, and presumably, any and all lien holders of record in the properties, in which notice the City of Chicago stated its intent to demolish, repair, enclose, or remove garbage, debris, or other substances or materials from the property.

Response: The City admits the allegation in paragraph 4.

Paragraph: 5. The City of Chicago, upon information and belief, caused a notice to be published in the Sun Times which threatens demolition of the property unless an action such as this is filed.

Response: The City admits the allegation in paragraph 5.

Paragraph: 6. The property referred to is a structurally sound building and, after the intended renovation & rehabilitation to the property, would be suitable and adequate residential property in the City of Chicago.

Response: The City lacks information sufficient to admit or deny the allegation in paragraph 6.

Paragraph: 7. The property is eligible for demolition under the provisions of 65 ILCS 5/11-31-1(e).

Response: The City admits the allegation in paragraph 7.

Paragraph: 8. The demolition of the property, would be counterproductive and not in the public interest, based upon a balancing of the equities.

Response: The City denies the arguments alleged in paragraph 8.

AFFIRMATIVE DEFENSES

1. The City has complied with the statutory requirements set forth in the Municipal Code of Chicago, Ch. 13-9-010 and the Unsafe Buildings provisions of the Illinois Municipal Code, 65 ILCS 5/11-31-1(e). The City's inspectors certified that the subject buildings were vacant and

open and in substantial disrepair on several occasions including July 21, 1999; April 5, 2000; July 5, 2000; and July 14, 2000. On or about April 5, 2000, the City posted a sign on the property notifying its intention to demolish the building at the subject property. The City published notice on three consecutive days including April 19, 2000 of its intent to demolish the subject building. On April 20, 2000, the City recorded a similar notice with the Cook County Recorder of Deeds; and on April 24, 2000, it sent notice by certified mail to all owners and lienholders of record, including Plaintiff, of its intention to take action to eliminate the unsafe conditions at the subject property. The City's Building Commissioner certified the building to be open and vacant and an immediate and continuing hazard to the community on June 30, 2000. Finally, also on June 30, 2000, the City sent a second notice to Plaintiff informing him that it intended to demolish the building on the subject property. After taking all of these steps, the City was authorized by statute and ordinance to demolish the subject buildings.

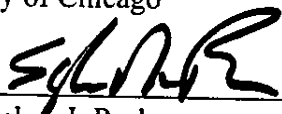
2. The Plaintiff comes before this court with unclean hands and equity should not reward its conduct. Plaintiff has a legal or equitable interest in the property, yet allowed the property to fall into disrepair and deteriorate, become vacant and open and an immediate and continuing hazard to the community. Even if the property was in such a state when Plaintiff acquired its legal or equitable interest it took little or no action to abate the dangerous and hazardous conditions. Plaintiff should not be rewarded for its actions by preventing the City from lawfully abating a public nuisance.

Wherefore, the City requests that this Court grant the following relief:

- A. Deny the relief requested in Plaintiff's complaint and dismiss said complaint.

- B. Enter an order finding that: (1) the City has complied with all requirements of 65 ILCS 5/11-31-1(e) and Ch. 13-9-010 of the Municipal Code of Chicago; (2) demolition of the building a the subject property is necessary to remedy the immediate and continuing hazard caused by said building to the surrounding community, thus authorizing the City to demolish said building.
- C. Any other relief this Court deems appropriate.

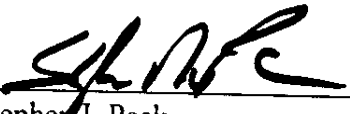
Mara S. Georges  
 Corporation Counsel  
 City of Chicago

By:   
 Stephen I. Peck  
 Assistant Corporation Counsel

Nilda M. Soler  
 Deputy Corporation Counsel  
 Stephanie L. Uhlarik  
 Chief Assistant Corporation Counsel  
 Stephen I. Peck  
 Assistant Corporation Counsel  
 City of Chicago Department of Law  
 30 North LaSalle St., Room 700  
 Chicago, Illinois 60602  
 (312) 744-6702

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109), the undersigned, as attorney for defendant City of Chicago, certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief. As to matters stated to be on information and belief, the undersigned certifies to believing that the same are true.

By:   
 Stephen I. Peck  
 Assistant Corporation Counsel

Attorney No.90909

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT- FIRST DISTRICT

CRC Investors, Inc., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CITY OF CHICAGO, a municipal )  
 corporation, )  
 )  
 Defendant. )

No. 00 M1 450429

Re: 12730 S. Green  
Chicago, Illinois

CITY OF CHICAGO, a municipal )  
 corporation, )  
 )  
 Counterplaintiff, )  
 )  
 v. )  
 )  
 CRC Investors, Inc., LaSalle Bank, Trust No. )  
 601378-09, Holdco, Inc., Unknown Owners, and )  
 Non-Record Claimants, )  
 )  
 Counterdefendants. )

**COUNTER PLAINTIFF CITY OF CHICAGO'S  
VERIFIED COUNTERCLAIM FOR EQUITABLE AND OTHER RELIEF**

Counterplaintiff City of Chicago ("the City"), by its attorney, Mara S. Georges,  
Corporation Counsel of the City of Chicago, complains of Counterdefendant, as follows:

**GENERAL ALLEGATIONS**

**Nature of the Case**

1. The City brings this action pursuant to its police power as a home rule unit of local government under Article VII of the Illinois Constitution, which includes "the power to regulate for the protection of the public health, safety, morals and welfare." Ill Const. of 1970, Art. VII par. 6(a). As a further grant of authority, the City brings this action pursuant to the Unsafe Buildings provisions of the Illinois Municipal Code, 65 ILCS 5/11-31-1(a) (1996), and the

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CLERK'S OFFICE  
CITY OF CHICAGO

Injunction Statute for Building and Zoning Violations, 65 ILCS 5/11-13-15 (1996). By bringing this action, the City seeks to abate the dangerous and unsafe conditions at the property in question and obtain, inter alia, equitable relief, civil penalties, attorneys fees, and costs.

**The Parties and the Property at Issue**

2. The City is a municipal corporation organized and existing under the laws of the State of Illinois

3. Within the corporate limits of Chicago, there is a parcel of real estate legally described as:

The south 9 feet of Lot 10 and all of Lot 11 in Book "B" in New Roseland Subdivision No. 2, being a Subdivision in the east 1/2 of the east 1/2 of the northeast 1/4 of Section 32, Township 37 North, Range 14, east of the Third Principal Meridian, in Cook County, Illinois.

The permanent index number of this parcel is 25-32-204-043. The property is commonly known as 12730 S. Green, Chicago, Illinois.

4. The subject property is located in a residential area. A single-family residence and detached garage are located on the subject property. The allegations in the City's counterclaim refer only to the detached garage at the subject property.

5. At all times relevant to the City's counterclaims, the Counterdefendants owned, controlled or otherwise managed, collected rents from, contributed to the ongoing violations, and/or had a legal or equitable interest in the subject property. More specifically,

- a. Counterdefendant LaSalle Bank Trust No. 601378-09 is the owner of the property;
- b. Counterdefendant CRC Investors, Inc. is the beneficiary of a land trust that owns the subject property; and



- c. Counterdefendant Holdco, Inc. is a purchase holder of or assignee of a certificate of the delinquent property taxes on the property.

In addition to the above-named parties, the City names all unknown owners and non-record claimants in the subject property, if any, as counterdefendants in this action.

**Dangerous and Unsafe Conditions**

6. Beginning on and before July 21, 1999, and continuing to the present day, dangerous and unsafe conditions exist at the garage at the subject property in that:

- a. The garage is vacant and open
- b. The electrical system is damaged, missing, or inoperable;
- c. The concrete slab is cracked;
- d. The doors are broken;
- e. The window glazing is broken;
- f. The garage is full of junk and debris, and
- g. The rear yard is overgrown with tall weeds.

When assessing the vital systems of the building, its masonry, floors, walls, sashes, frames, doors, trim, stairs, plaster and glazing, the garage has a 6% level of depreciation.

7. On information and belief, there is no sign on the building identifying the owner and manager of the subject property.

COUNT I

Unsafe Property Provisions - Equitable Relief

8. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 8 of Count I.

9. The Unsafe Property Statute provides, in pertinent part, that:

The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality. . .

65 ILCS 5/11-31-1 (a) (1996).

10. The Unsafe Buildings Ordinance also authorizes the City of Chicago to seek a court order authorizing the demolition, repair or enclosure of "any building . . . found in a dangerous and unsafe condition or uncompleted and abandoned" within the city limits of Chicago. Municipal Code of Chicago § 13-12-130 (1998).

11. The defendants have violated, and continue to violate, the Unsafe Property Statute and Unsafe Buildings Ordinance by allowing the subject property to remain in a dangerous and unsafe condition posing a danger to the public health, safety and welfare. The building on the subject property would require major reconstruction in order to remedy its dangerous and unsafe condition and is beyond reasonable repair.

12. The levying of a fine is not an adequate remedy for the dangerous and unsafe conditions at the subject property.

WHEREFORE, the City requests that this Court enter an order:

- A. Requiring the defendants to demolish, repair, enclose or clean-up the subject property under proper permits issued by the City of Chicago;

- B. Alternatively, authorizing the City of Chicago to demolish, repair, enclose or clean up the subject property pursuant to 65 ILCS 5/11-31-1(a) and Municipal Code of Chicago § 13-12-130, the costs of which are to be assessed as a judgment against the defendants, and as a lien against the subject property;
- C. Permitting foreclosure of any City of Chicago liens entered against the subject property in this proceeding, pursuant to 65 ILCS 5/11-31-1(c);
- D. Awarding to the City court costs, attorney's fees and other costs related to the enforcement of 65 ILCS 5/11-31-1(a) against the defendants; and
- E. Granting any other relief that this Court deems appropriate.

**COUNT II**

**Unsafe Buildings Ordinance - Civil Penalties**

13. The City realleges and incorporates paragraphs 8 through 11 of Count I as paragraph 13 of Count II.

14. The Unsafe Buildings Ordinance provides that an owner of, or any person in management or control of, any building or premises that is found to be "in a dangerous and unsafe condition or uncompleted and abandoned," who fails to put such building in a safe condition or fails to enclose or demolish it, shall be fined not less than \$200 per day and not more than \$1000 per day for each day that such violation exists, upon proper notice as further defined by ordinance. Municipal Code of Chicago § 13-12-020, 130 (1998).

15. The City seeks the maximum fine for each day the defendants who own the subject property have maintained the building on the subject property, or allowed the building on the subject property to remain, in a "dangerous and unsafe" or "uncompleted and abandoned" condition.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against all defendants who own manage or control the subject property in the maximum amount per day from the date of service of

summons in this case until the dangerous and unsafe or uncompleted and abandoned condition is abated; and

- B. Granting any other relief that this Court deems appropriate.

### COUNT III

#### Public Nuisance - Injunctive Relief

16. The City realleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 16 of Count III.

17. The Public Nuisance Ordinance, Municipal Code of Chicago § 7-28-060 (1998), provides, in pertinent part, that:

Every building or structure constructed or maintained in violation of the building provisions of this code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance.

Municipal Code of Chicago § 7-28-060 (1998).

18. The defendants who own, control or otherwise manage the subject property are in continuous violation of the Public Nuisance Ordinance because the subject property violates the building provisions of the Municipal Code of Chicago, is unsafe and dangerous, and endangers the health and safety of the people of Chicago.

19. The condition of the subject property constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. The prosecution and fining alone of the defendants who own, control or otherwise manage the subject property for violation of the Public Nuisance Ordinance will not promptly abate the nuisance.

20. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the Public Nuisance Ordinance.

WHEREFORE, the City requests that this Court enter an order:

- A. Finding that the subject property constitutes a statutory public nuisance as alleged herein;
- B. Granting preliminary and permanent injunctive relief requiring the defendants who own, control or otherwise manage the subject property to abate the statutory public nuisance alleged herein; and
- C. Granting any other relief that this Court deems appropriate.

**COUNT IV**

**Public Nuisance Ordinance - Civil Penalties**

21. The City realleges and incorporates paragraphs 16 through 19 of Count III as paragraph 21 of Count IV.

22. The Public Nuisance Ordinance provides in part:

Any person found guilty of violating any of the provisions of this section shall be subject to a penalty of not less than \$25.00 nor more than \$200.00; or imprisonment not to exceed 10 days, or both such fine and imprisonment for each offense. Each day such violation shall continue shall constitute a separate and distinct offense.

Municipal Code of Chicago § 7-28-060 (1998).

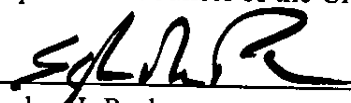
23. The City seeks the maximum daily fine and incarceration against all defendants who own, control or otherwise manage the subject property, and who have maintained the subject property as a public nuisance.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against all defendants who own, control or otherwise manage the subject property in the maximum amount per day from the date the violation began until the public nuisance is abated; and
- B. Granting any other relief that this Court deems appropriate.

Respectfully submitted,


MARA S. GEORGES  
Corporation Counsel of the City of Chicago

By:   
Stephen I. Peck  
Assistant Corporation Counsel

NILDA M. SOLER  
Deputy Corporation Counsel  
STEPHANIE L. UHLARIK  
Chief Assistant Corporation Counsel  
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Chicago, Illinois 60602  
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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109), the undersigned, as attorney for Defendant and Counterplaintiff City of Chicago, certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief. As to matters stated to be on information and belief, the undersigned certifies to believing that the same are true.

By:   
Stephen I. Peck  
Assistant Corporation Counsel