



0020167388

This space reserved for Recorder of Deeds

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

CHESTER BORSUK, et. al,

Defendants.

No. 00 M1 404696

Re: 2427-35 E. 87th St.

Agreed Order of Settlement

This case is before the Court to approve the terms of this Agreed Order of Settlement between the plaintiff City of Chicago ("City"), and the defendant's Trust #71-81672, Heritage Pullman Bank and Trust Company, and Chester Borsuk ("Defendants")

The parties wish to resolve this case without a trial, and have read and agreed to the terms of this Order. The Court makes the following findings of fact and law, and orders the Defendants to comply with each of the agreements listed in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 2427-35 East 87th Street, Chicago, Illinois ("the subject property"), and legally described as:

LOTS 16 TO 19 IN BLOCK 3 (EXCEPTING THEREFROM THAT PART OF LOT 19 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 19 AND RUNNING THENCE SOUTHEAST ALONG THE SOUTH WESTERLY LINE OF SAID LOT A DISTANCE OF 137.20 FEET TO A POINT; THENCE NORTH EASTERLY AT RIGHT ANGLES TO SAID SOUTH WESTERLY LINE TO A POINT IN THE EAST LINE OF SAID LOT 19; THENCE NORTH ALONG THE

EAST LINE OF SAID LOT 19 TO THE NORTHEAST CORNER OF SAID LOT; THENCE WEST ALONG NORTH LINE OF SAID LOT 19 A DISTANCE OF 125.53 FEET TO A PLACE OF BEGINNING) ALL IN C.R. CAVE'S RESUBDIVISION OF LOTS 24 TO 46 INCLUSIVE, IN BLOCK 1; LOTS 1 TO 20 INCLUSIVE, AND LOTS 23 TO 48 INCLUSIVE, WITH VACATED ALLEY IN BLOCK 2, LOTS 1 TO 25, INCLUSIVE, TOGETHER WITH VACATED ALLEYS IN BLOCK 3 AND LOTS 6 TO 24 IN BLOCK 5 IN A.B. MEEKER'S ADDITION TO SOUTH CHICAGO IN NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, NORTH OF INDIAN BOUNDARY LINE TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Numbers: 26-06-101-002-0000 to 005-0000.

2. Located on the subject property is a vacant lot approximately 3,500 square feet in area that at the time the City filed its Complaint was located in a B4-1 Restricted Service District. On or about September 5, 2001, the subject property was re-zoned to a C2-1 General Commercial District.
3. Defendant Trust #71-81672 is a land trust that owns the subject property, defendant Pullman Bank & Trust Company is the trustee of this land trust, and defendant Chester Borsuk is the land trust's sole beneficiary.
4. The City alleges in its Complaint for Equitable and Other Relief that Defendants maintained a used-car dealership, stored motor vehicles on the exterior, and maintained a parking lot, at the subject property, in violation of Municipal Code of Chicago §§17-8.3-4 and 8.11 (2000), beginning on or about February 19, 1998.
5. Defendants neither admit nor deny the allegations in Count I of the Complaint, but agree to pay the City a fine in the amount of \$2,000, and reimburse the City of its litigation costs in the amount of \$104.50. The City acknowledges that payment of the \$2,104.50 was made today in open court by an attorney's check, payable to the City of Chicago.
6. The City moves to voluntarily dismiss Counts II and III of the Complaint. Because the subject property was re-zoned during the pendency of this litigation to a C2-1 General Commercial District, which permits the sale of motor vehicles, the City also moves to voluntarily dismiss Count IV of the Complaint seeking permanent injunctive relief. However, before Defendants can sell or offer to sell any motor vehicles at the subject property, they must first obtain a business license from the City authorizing them to do so. Any selling or offering to sell motor vehicles at the subject property by Defendants, their successors, agents, or persons working in concert with them or under their control, without having a valid City business license, is a violation of this Order.
7. The Court shall retain jurisdiction to enforce the terms of this Agreed Order.

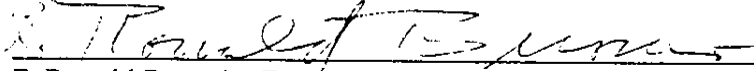
UNOFFICIAL COPY

20167388

8. All parties waive their right to appeal this Order.

Agreed to by:

Attorney for defendants Trust #71-81672, Heritage Pullman Bank and Trust Company, and Chester Borsuk



F. Ronald Buoscio, Esq.
Buoscio & Buoscio
17130 Torrence Avenue, Suite 400
Lansing, IL 60438

For the City of Chicago

Mara S. Georges
Corporation Counsel
City of Chicago

By: 

Christopher M. Murray
Assistant Corporation Counsel
30 N. LaSalle St., Suite 700
Chicago, IL 60602
(312) 742-0344
#90909

ENTERED:

Date

JUDGE SEBASTIAN T. PATTI

FEB 08 2002

Circuit Court - 1663

Judge ~~Ann Houser~~

Sebastian T. Patti