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1653/0112 11 001 Page 1 of 3
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Cook County Recorder 25.50



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

**CITY OF CHICAGO, a Municipal
Corporation,**

Plaintiff,

v.

**ROGERS PARK REALTY, INC., and
ROGERS PARK PRODUCE CO., d.b.a.
ROGERS PARK FRUIT MARKET,**

Defendants.

No. 01 M1 404097

**Re: 1740-60 W. Jarvis Ave./
7401 N. Clark St.**

Agreed Order of Settlement with Permanent Injunction

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 defendants Rogers Park Realty, Incorporated, and Rogers Park Produce Company, doing business as Rogers Park Fruit Market ("Defendants").

The parties wish to resolve this case without a trial, and have read and voluntarily 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 with a double address commonly known as 1740-60 West Jarvis Avenue and 7401 North Clark Street, Chicago, Illinois ("the subject property"), and legally described as:

LOTS 9 AND 10 IN S. ROGERS TOUHY'S ROGERS AVENUE SUBDIVISION OF THAT PART OF BLOCK 1 OF ORIGINAL PLAT OF ROGERS PARK LYING NORTH OF THE SOUTH LINE OF BRYAN AVENUE EXTENDED AND WEST OF THE WEST LINE OF FOREST AVENUE RECORDED NOVEMBER 5, 1898 AS DOCUMENT 2750727, IN COOK COUNTY, ILLINOIS.

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Permanent Index Numbers: 11-30-413-001-0000, 002-0000, and 013-0000.

2. Located on the subject property is a one story building that is used as a food store, with an accessory off-street parking area in front of and immediately west of the building ("the west lot"), and a large unimproved lot to the east of the building ("the east lot"). The parking area immediately south of the building is public parking, not owned by any of the Defendants.
3. Defendant Rogers Park Realty, Incorporated, is an Illinois corporation that owns the subject property, having obtained title in 1997. Defendant Rogers Park Produce Company, doing business as Rogers Park Fruit Market, is an Illinois corporation operating a food store at the subject property.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about April 24, 2001, and continuing to the present, the Defendants have: a) maintained the west lot as an off-street parking area, without having the necessary paving, designated spaces, access aisles, screening and landscaping; b) maintained the east lot as a parking lot without i) having the necessary paving, designated spaces, access aisles, screening and landscaping, ii) obtaining a special use permit authorized by the Chicago Zoning Board of Appeals, and iii) obtaining a certificate-of-occupancy issued by the City; and c) posted a sign stating "Parking Courtesy of Rogers Park Fruit Market," without obtaining a permit issued by the City, at the subject property, in violation of Municipal Code of Chicago §13-20-550, §17-7.4-4, §17-7.12, §17-8.11, and §17-11.6 (2001).
5. The Defendants admit to these allegations and agree to plead liable to each count alleged in the City's complaint. The Defendants shall pay no fines, but shall reimburse the City of its litigation costs in the amount of \$100.50. Payment shall be made no later than March 1, 2002, by mailing a certified check or money order, that is payable to the City of Chicago, to Tina Zvanja at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602.
6. The Defendants further agree to the entry of a permanent injunction enjoining them, their successors, heirs, assignees, agents, and/or other person(s) working in concert with them or under their control from parking any motor vehicles on either the west lot or the east lot, and from storing any item on the exterior on either of these lots, subject to the following provisions:
 - a. As to the west lot, if any party subject to this permanent injunction submits a plan that is approved by the City's Department of Zoning to bring this lot into compliance with the Municipal Code of Chicago, then brings this lot into compliance with the Municipal Code of Chicago, leave shall be granted to move to vacate the permanent injunction enjoining the parking of motor vehicles on this lot.
 - b. As to the east lot, if any party subject to this permanent injunction obtains approval from the Chicago Zoning Board of Appeals to park motor vehicles on this lot, obtains a certificate of occupancy from the City to use this lot, and submits a plan that is approved by the City's Department of Zoning to bring this lot into compliance with

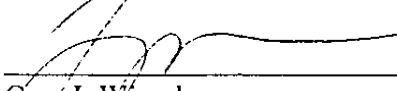
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the Municipal Code of Chicago, then brings this lot into compliance with the Municipal Code of Chicago, leave shall be granted to move to vacate the permanent injunction enjoining the parking of motor vehicles on this lot.

7. The Court shall retain jurisdiction to enforce the terms of this Agreed Order. If a violation of any of this Order's provisions exists, the penalty shall be:
 - a. A fine to the City in the amount of \$200.00 per day of violation; and
 - b. Upon petition by the City, a hearing as to why the Defendants or any other party subject to this Order should not be held in contempt of court for violation of this Agreed Order.
8. All parties waive their right to appeal this Order.

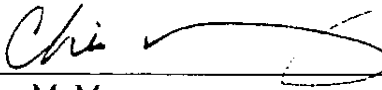
Agreed to by:

Attorney for defendants Rogers Park Realty, Incorporated, and Rogers Park Produce Company, doing business as Rogers Park Fruit Market



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ENTERED:

Assoc. Judge ANN HOUSER

FEB 01 2002

Circuit Court - 227

Date

Judge Ann Houser