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Cook County Recorder 27.00



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

CITY OF CHICAGO,)
a municipal corporation,)

Counter-Plaintiff,)

v.)

CHASE MANHATTAN)
MORTGAGE, et. al.,)

Counter-Defendants.)

No. 01 M1 450517

Re: 457 W. 61st Street.

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ORDER OF DEMOLITION AND MONETARY JUDGMENT

This cause coming on to be heard on April 16, 2002, on the Counter-complaint of the Counter-Plaintiff, City of Chicago, a municipal corporation ("City"), by Mark S. Georges, Corporation Counsel of the City of Chicago, against the following named Counter-defendants:

CHASE MANHATTAN MORTGAGE
CLIFFORD LINDSEY
BANKERS TRUST COMPANY OF CALIFORNIA
UNKNOWN OWNERS AND NON-RECORD CLAIMANTS

The Court having heard the arguments of counsel for the City, having heard the testimony of the City's inspector, having reviewed the photographic evidence and being otherwise fully advised in the premises finds that:

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1. The Court has jurisdiction of the parties hereto. The Court also has jurisdiction over the subject matter which is the building located at the common address of 453 West 61st Street, Chicago, Illinois, and legally described as follows:

THE WEST 19 FEET (EXCEPT THAT PART, IF ANY, IN THE EAST 6 FEET) OF LOTS 25 AND THE EAST 18 FEET (EXCEPT THAT PART, IF ANY, IN THE WEST 7 FEET) OF LOT 26 IN THE SUBDIVISION OF BLOCK 5 IN CLOUGH & BARNEY'S SUBDIVISION OF LOTS 34 & 35 IN THE CANAL TRUSTEE'S SUBDIVISION OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

P.L. NO. 20-16-317-002. The subject property contains a three-story, brick multi-dwelling structure with a basement.

2. The subject building is dangerous, and unsafe in that:
 - A. The building is vacant and, as of April 16, 2002, is open to access at the rear basement, which point of access grants access to the entire interior. The building was also open to access on April 11, 2002, April 4, 2002, and February 16, 2002, all in direct violation of court orders previously entered against Counter defendant Chase Manhattan Mortgage ("Chase").
 - B. The electrical, heating and plumbing systems and/or components thereof are stripped, missing or inoperable.
 - C. The masonry is deteriorated with washed out mortar joints.
 - D. The window sashes and frames are loose and rotted, and the window glazing is missing or broken.
 - E. The roof is rotted and has holes causing leakage into the building.
 - F. The flooring on all floors is water damaged, warped and rotted.
 - G. The rear porch has hanging uprights and the rear porch roof is in danger of imminent collapse, as of April 16, 2002, and has been in this condition despite the entry of orders against Chase to abate said imminently dangerous condition dating back as far as December 11, 2001, when Chase was ordered to abate same by no later than December 26, 2001. The cost of abating said dangerous rear porch, by removal, is approximately \$1,700.00.
 - H. There is debris throughout the interior and exterior of the subject property and

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said interior debris includes liquor bottles and drug paraphernalia, evidencing the existence of squatters on the premises and criminal activity taking place therein.

- I. There is an open catch basin partially filled with junk and debris on the property with a five foot drop-off that is imminently dangerous to children in the surrounding neighborhood.
- J. The subject property is located in a residential area, within 3 feet of occupied structures on both sides. There is a public library within 1 ½ blocks and a public high school 2 blocks away from the subject property.
- K. When assessing the vital systems of the building, its masonry, floors, walls, sashes, frames, doors, trim, stairs, plaster and glazing, the building has a 26% level of deterioration. The estimated cost of demolishing the subject property is \$16,998.00.

WHEREFORE, IT IS HEREBY ORDERED that:

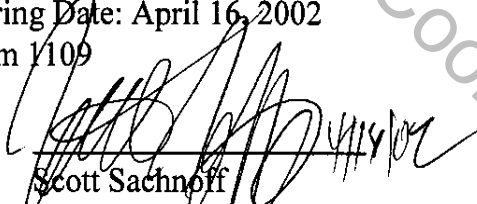
- A. Default by publication is entered against unknown owners and non-record claimants as of the default date of April 12, 2002. Counter defendants Clifford Lindsey and Bankers Trust of California are hereby held in default nunc pro tunc to April 9, 2002, each having been served with process and neither having answered, appeared or otherwise plead to the City's counter complaint. Judgment is entered in favor of the City and against all Counter-defendants on counts I and IV of the City's Counter-complaint. Judgment is further entered against Counter-defendant, Chase Manhattan Mortgage, on counts II and V of the City's Counter-complaint and a monetary judgment in the amount of \$16,998.00 is entered against Chase on said counts and, independently, pursuant to the provisions of Municipal Code Section 13-12-020 et. seq., as a person liable for the code violations at the subject property for having prevented demolition of same for a period from the filing of this action, on or about September 24 2001, to date. Counts III and VI of said Counter-complaint are dismissed without prejudice.
- B. The previously entered Rule to Show Cause why Chase should not be held in contempt of court for failing to comply with the Court's orders to keep the property secure from access and to abate the dangerous rear porch condition is withdrawn without prejudice and subject to payment of the aforementioned judgment plus costs of demolition with statutory interest, if any. Any motion or pleading filed by Chase or its successors or assigns contesting any portion of this order shall act to reinstate the aforementioned Rule to Show Cause and set same for hearing at whatever date such contesting motion or pleading is noticed for hearing.

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- C. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, the City is authorized to demolish the building on the subject property and is entitled to a lien on the subject property and a personal judgment against Counter-defendants/owners for the costs of demolition, court costs and other costs enumerated by statute, separate and distinct from the monetary judgment entered in paragraph A above.
- D. The Court reserves jurisdiction of this cause to enforce the terms of this order and contempt thereof, for the purpose of ascertaining the demolition costs and personal judgments for said costs and for any hearing on any reinstated Rule to Show Cause versus Chase.
- E. This is a final and appealable order pursuant to Supreme Court Rule 304(a) and there is no just cause to delay the enforcement or appeal thereof.
- F. The City authorized to record this order with the Cook County Recorder of Deeds and otherwise publish this order to the maximum extent allowable by law.

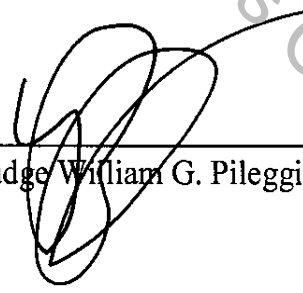
Hearing Date: April 16, 2002
Room 1109

By:


Scott Sachnoff

Assistant Corporation Counsel #90909
Building and Land Use Litigation Division
30 N. LaSalle Street, Suite 700
Chicago, Illinois 60602 (312) 744- 6979/1054 FAX

ENTERED:


Judge William G. Pileggi

Assoc. Judge WILLIAM G. PILEGGI
APR 16 2002

Circuit Court - 1764

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