



Doc#: 0324719166  
Eugene "Gene" Moore Fee: \$30.50  
Cook County Recorder of Deeds  
Date: 09/04/2003 11:46 AM Pg: 1 of 4

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

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

**Plaintiff,**

**v.**

**FRED MONTANO, et al.**

**Defendants.**

**No. 02 M1 404929**

**Re: 1949 West Chicago Ave.**

**Courtroom 1107**

**Agreed Order of Settlement with Permanent Injunction**

This case is before the Court to approve the terms of this Agreed Order of Settlement with Permanent Injunction between the plaintiff City of Chicago ("City"), and Defendants Fred Montano, Kirstin Rogers, Mark Booska, Swan Tran and the 1949 West Chicago Condominium Association.

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 Defendants to comply with each of the agreements stated in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 1949 West Chicago Avenue, Chicago, Illinois ("the subject property"), and legally described as:

**1949 West Chicago - Unit 1**

Parcel 1: Unit 1 in 1949 West Chicago Condominiums, as delineated on a Plat of Survey of the following described real estate: LOT 21 IN H.M. THOMPSON'S RESUBDIVISION IN BLOCK 4 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39

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NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, which survey is attached as Exhibit B to the Declaration of Condominium recorded as document number 0010688062, and as amended, together with its undivided percentage interest in the common elements, all in Cook County, Illinois.

## 1949 West Chicago - Unit 2

Parcel 1: Unit 2 in 1949 West Chicago Condominiums, as delineated on a Plat of Survey of the following described real estate: LOT 21 IN H.M. THOMPSON'S RESUBDIVISION IN BLOCK 4 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, which survey is attached as Exhibit B to the Declaration of Condominium recorded as document number 0010688062, and as amended, together with its undivided percentage interest in the common elements, all in Cook County, Illinois.

Parcel 2: The exclusive right to the use of G-2, limited common elements, as delineated on the survey attached to the delineation aforesaid recorded as document number 0010688062.

## 1949 West Chicago - Unit 3

Parcel 1: Unit 3 in 1949 West Chicago Condominiums, as delineated on a Plat of Survey of the following described real estate: LOT 21 IN H.M. THOMPSON'S RESUBDIVISION IN BLOCK 4 IN CANAL TRUSTEE'S SUBDIVISION OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, which survey is attached as Exhibit B to the Declaration of Condominium recorded as document number 0010688062, and as amended, together with its undivided percentage interest in the common elements, all in Cook County, Illinois.

Parcel 2: The exclusive right to the use of G-3, limited common elements, as delineated on the survey attached to the delineation aforesaid recorded as document number 0010688062.

Permanent Index Number: 17-07-200-004-0000.

2. The subject property contains a three-story brick building with a basement ("the subject building"), and is located in an B4-2 Restricted Service District.
3. Defendant Fred Montano is the owner of Unit 1 of the subject property. Defendant Kirstin Rogers is the owner of Unit 2 of the subject property. Defendants Mark Booska and Swan Tran are the owners of Unit 3 of the subject property. Defendant 1949 West Chicago Condominium Association is the owner of the common elements of the subject property.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about July 11, 2002, and continuing to the present, Defendant Fred Montano has maintained a dwelling unit, as defined in Title 17 of the Municipal Code of Chicago, below the second

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floor in a Business District without a special use permit authorized by the Zoning Board of Appeals, in violation of Municipal Code of Chicago Sections 17-8.3-4, 17-8.4-4 and 7-28-060 (2001).

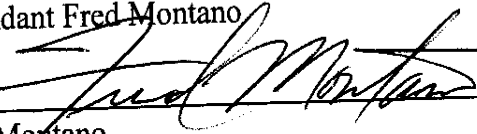
5. Defendant Fred Montano admits these allegations and agrees to plead liable to Counts I and III in the Complaint. The City agrees to dismiss Count II. Defendant agrees to pay a \$5,000 fine and reimburse the City of its litigation costs in the amount of \$279. Payment of the \$5,000 fine shall be made by a certified check or money order payable to the "City of Chicago," and hand delivered or mailed to Tina Zvanja at 30 North LaSalle Street, Suite 700, Chicago, Illinois, no later than March 1, 2004. Payment of the litigation costs of \$279 shall be made by a certified check or money order payable to the "City of Chicago," and hand delivered or mailed to Tina Zvanja at 30 North LaSalle Street, Suite 700, Chicago, Illinois, no later than October 1, 2003.
6. Defendant Fred Montano will obtain a permit to deconvert the dwelling unit, as defined in Title 17 of the Municipal Code of Chicago, on the ground floor and basement of the subject property from the City's Department of Buildings no later than January 1, 2004. Defendant Fred Montano will complete the deconversion of the dwelling unit on the ground floor and basement of the subject property no later than March 1, 2004. Defendant Montano agrees to deliver a copy of this permit to the City's attorney at the address listed below. Defendant Montano will allow an interior inspection of the entire subject property to an inspector from the City's Department of Zoning to occur on March 4, 2004, between the hours of 11:00 a.m. and 2:00 p.m. and will have a copy of all plans and permits issued at the inspection.
7. Defendant 1949 West Chicago Condominium Association agrees to allow access to any common element of the subject property for the purposes of effecting any work to be performed consistent with this order.
8. Defendant Montano, along with his successors, heirs, assignees, agents, and/or other person(s) working in concert with him or under his control are permanently enjoined from maintaining, using, or designing a separate dwelling unit below the second floor in the subject building until further order of Court.
9. The Court shall retain jurisdiction to enforce the terms of this Agreed Order. The penalty for violating any of this Order's provisions will be:
  - a. A fine to the City in the amount of \$200 per day of violation; and
  - b. Upon petition by the City, a hearing as to why Defendant, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.
10. Pursuant to Illinois Supreme Court Rule 304(a), this is a final order and the Court finds no just reason for delaying the enforcement of this Order. All parties waive their right to appeal this Order.

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11. This case is taken off the Court's call.

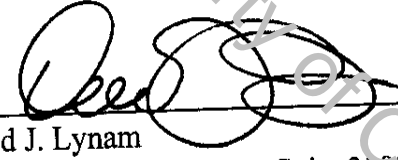
Agreed to by:

Defendant Fred Montano

By: 

Fred Montano  
c/o Robert A. Boron  
30 North LaSalle Street, Suite 3400  
Chicago, IL 60602  
(312) 263-7825

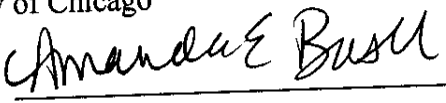
Defendants 1949 West Chicago Condominium Association, Kristin Rogers, Mark Booska, and Swan Tran

By: 

David J. Lynam  
One North LaSalle Street, Suite 3100  
Chicago, IL 60602  
(312) 641-1500

Attorney for the City of Chicago:

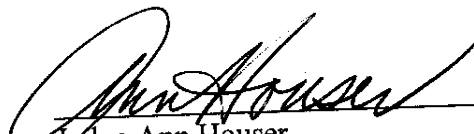
Mara S. Georges  
Corporation Counsel  
City of Chicago

By: 

Amanda E. Basil  
Assistant Corporation Counsel  
30 N. LaSalle St., Suite 700  
Chicago, IL 60602  
(312) 742-0344  
#90909

ENTERED:

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Judge Ann Houser

Assoc. Judge ANN HOUSER  
AUG 29 2003  
Circuit Court - 227