



Doc#: 0335010041
Eugene "Gene" Moore Fee: \$28.50
Cook County Recorder of Deeds
Date: 12/16/2003 09:01 AM Pg: 1 of 3

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

ABEL DELGADO, et al.,

Defendants.

No. 03 M1 400774

Re: 5330 West Wrightwood

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 Abel Delgado, Francisca Delgado and Maria G. Maki, counsel for the City and Defendants being present.

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 5330 West Wrightwood, Chicago, Illinois ("the subject property"), and legally described as:

LOT 26 IN HULBERT'S FULLERTON AVENUE HIGHLANDS SUBDIVISION NUMBER 15, BEING A SUBDIVISION IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Permanent Index Number: 13-28-314-030-0000.

2. The subject property is approximately 3,125 square feet in lot area, contains a two-story brick residential building with a basement ("the subject building"), and is located in an R3 General Residence District.
3. Defendants are the owners of the subject property.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about September 23, 2002, and continuing to the present, Defendants have maintained multiple dwelling units at the subject property with less than 2,500 square feet of lot area per dwelling unit, in violation of Municipal Code of Chicago Sections 17-7.5-3 and 7-28-060 (2001).
5. The Court finds that there are two dwelling units in the subject property, one each on the first and second floors.
6. The Court finds that the subject property is in substantial compliance as of December 4, 2003.
7. Defendants admit these allegations and agree to plead liable to Counts I and III in the City's Complaint. The City agrees to dismiss Count II. Defendant shall pay a \$200 fine to the City and shall reimburse the City for its litigation costs in the amount of \$162. Payment of the fine and litigation costs of \$362 shall be made by certified check or money order, payable to the City of Chicago, delivered in person or by mail to Tina Zvanja, at 30 North LaSalle Street, Suite 700, Chicago, Illinois 60602, no later than January 2, 2004. *(Signature)*
8. 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 maintaining, using, or designing a separate dwelling unit in the subject building's basement and from maintaining, using, or designing more than two dwelling units in the subject building.
9. The Court shall retain jurisdiction to enforce, modify, or terminate the terms of this Agreed Order with Permanent Injunction. 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 Defendants, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.

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

Agreed to by:

Abel Delgado
 Abel Delgado
 5330 W. Wrightwood
 Chicago, IL 60639
 (773) 889-5087

Francisca Delgado
 Francisca Delgado
 5330 W. Wrightwood
 Chicago, IL 60639
 (773) 889-5087

Maria G. Maki
 Maria G. Maki
 1754 N. Troy
 Chicago, IL 60647
 (773) 772-4817

Judge Sandra Tristano
 DEC 05 2003
 Circuit Court - 1861

Attorney for the City of Chicago:

Mara S. Georges
 Corporation Counsel
 City of Chicago

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

ENTERED:

 Date

Sandra Tristano
 Judge