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Doc#: 0426804086
Eugene "Gene" Moore Fee: \$30.00
Cook County Recorder of Deeds
Date: 09/24/2004 10:08 AM Pg: 1 of 4

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

THE CITY OF CHICAGO,
a Municipal Corporation,

Plaintiff,

v. Illinois Bell Telephone Co., et.al.

Defendant(s).

Case No: 04 MI 400122

Address: 3325-3337 W. Lake Street

Courtroom 1105, Daley Center

AGREED ORDER OF INJUNCTION AND JUDGMENT

THIS CAUSE COMING to be heard on the set call, the Court being fully advised in the premises:

Defendant(s) Illinois Bell Telephone Company d/b/a SBC Illinois and the City of Chicago have reached agreement as to the resolution of this case, stipulate to the following facts and agree to entry of the following order(s):

Stipulations

1. The premises contains, and at all times relevant to this case contained, the violations of the Chicago Municipal Code set forth in Plaintiff's Complaint and notice of violations. Defendant has a right to contest these facts, but knowingly and voluntarily stipulates to said facts and waives the right to trial, including the right to a jury trial, if any, as to each, any and all of the stipulated facts. *All items are complied except #1 and 5 which are subject to the terms of this order.*

2. Plaintiff agrees to accept \$1,000.00 as a settlement if payment is made to the City of Chicago by November 1, 2004. If payment is mailed it must be postmarked within the aforesaid time limit and mailed to the attention of Tina Zvanja at 30 N. LaSalle St., Room 700, Chicago, IL 60602.

3. Defendant, Illinois Bell Telephone Company d/b/a SBC Illinois must:
[] Bring the subject premises into full compliance with the Municipal Code of the City of Chicago by May 1, 2005.
[] Immediately implement the recommendations for pedestrian protection as outlined in facade evaluation report submitted to City by the Defendant on or about June 4, 2004.

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Produce a written report to the Building Commissioner, Stan-Lee Kaderbek, with a copy to the undersigned City attorney as to the status of permits and contracts for all the violations by November 1, 2004.

The property will not be fully complied unless Defendant has obtained all necessary permits for work done at the property.

4. Defendant shall schedule and permit interior inspections of the subject premises to verify compliance with the terms of this Agreed Order. Defendant shall call Inspector David Perez at 746- 8064 to schedule an inspection.

The provisions of this agreement shall be binding on the parties, partners and managing partners, successors, heirs and assigns of the Defendant. If Defendant intends to sell or otherwise transfer ownership of the premises before the repairs required by this Agreed Order are completed and approved by the Department of Buildings, Defendant must notify the City and the Court of the change in ownership by way of motion duly filed with the Court with notice given to the City. **DEFENDANT IS FULLY RESPONSIBLE FOR FULFILLING ALL REQUIREMENTS UNDER THIS AGREED ORDER, REGARDLESS OF OWNERSHIP OF THE PREMISES.**

Penalties

5. Should Defendant fail to comply with any of the provisions of this Agreed Order, the City will petition the Court to enforce the Agreed Order. Defendant may be subject to any or all of the following penalties for failure to comply. This list is not exclusive, and the Court may order other appropriate action upon petition by the City, including the appointment of a receiver to make repairs and reinstatement of the case.

(a) **Default fines.**

(i) Defendant will comply with the compliance schedule set forth above, and will be subject to fines of \$500 per day for each violation of the Municipal Code that exists as back to the original date of the violations. The fines will be calculated from the original date of inspection, September 17, 2003, and will continue to run until Defendant complies the violations. The above settlement will then be considered as payment on the fine.

(b) **Contempt of Court.**

(i) **Civil Contempt.** If upon petition by the City, the Court finds that Defendant has failed to comply with the Agreed Order, Defendant shall be subject to fines and/or incarceration for indirect civil contempt until Defendant purges the contempt by complying with the Agreed Order.

(ii) **Criminal Contempt.** If upon petition by the City for indirect criminal contempt, Defendant is found beyond a reasonable doubt to have wilfully refused to comply with the Court's order, Defendant will be subject to a fine and/or incarceration, which fine or period of incarceration will not be affected by Defendant's subsequent compliance with the Agreed Order.

Proceedings on Request for Relief

6. If the City files a motion or petition pursuant to paragraph 5, Defendant waives the right to a trial or hearing as to all issues of law and fact, except whether or not Defendant has violated the provisions of this Agreed Order, whether or not said violation(s) constitute civil or criminal contempt, and whether or not the requested relief is appropriate and/or feasible.

7. The court reserves jurisdiction of this matter for the purposes of modification, enforcement or termination of this order to comply, including the adjudication of proceedings for contempt or default fines, which could result in the imposition of a fine and/or incarceration, and reinstatement of the Plaintiff's Complaint.

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8. This matter is hereby dismissed by agreement of the parties, without prejudice, subject to the agreement detailed above. This order is final, appealable, and enforceable, the court finding no just cause or reason to delay its enforcement or appeal.

9. The Rule to Show Cause entered June 22, 2004 is quashed..

THE PARTIES HAVE READ AND HEREBY AGREE TO THE ABOVE TERMS AND CONDITIONS:

Mara S. Georges, Corporation Counsel #90909
By: Judy Frydland
Senior Counsel
30 N. LaSalle, Room 700
Chicago, IL 60602
(312) 744-6998

Don Kyhambi
Defendant or Attorney for Defendant
SBC Law Dept.
225 W. Randolph, 25th Fl.
Chicago, IL 60606
(312) 727-3995

Assoc. Judge ABISHI C. CUNNINGHAM
SEP 14 2004
Circuit Court - 223

HEARING DATE; September 14, 2004

SO ORDERED:

Judge A. C. Cunningham Courtroom 1105

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

*** LEGAL DESCRIPTION *** FRONT

Address: 3325 3337 W LAKE ST
PI# 16-11-412-063

FRONT

LOTS 1 TO 15 (BOTH INCLUSIVE) IN BLOCK 1 IN PECK'S SUBDIVISION OF THE
WEST 19.48 ACRES OF THE PART LYING SOUTH OF LAKE STREET IN THE SOUTH
EAST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 11, TOWNSHIP 39 NORTH, RANGE 13,
LYING EAST OF THE 3RD PRINCIPAL MERIDIAN
IN COOK COUNTY ILLINOIS

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