



Doc#: 0429945098
Eugene "Gene" Moore Fee: \$28.50
Cook County Recorder of Deeds
Date: 10/25/2004 10:45 AM Pg: 1 of 3

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#90909 (Zoning)

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

DAGOBERTO BAHENA,

Defendant.

No. ⁰³ M1-404840

Re: 2947 N. Mont Clare Ave.

Courtroom 1107

Agreed Order of Settlement with a 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 Defendant Dagoberto Bahena ("Defendant").

The parties wish to resolve this case without a trial, and have read and agreed to the terms of this Order. The Court makes the following findings of fact and law, and orders Defendant to comply with each of the agreements listed in this Agreed Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property located at 2947 North Mont Clare Avenue, Chicago, Illinois, ("subject property") which has a permanent index number of 13-30-120-005-0000 and is legally described as:

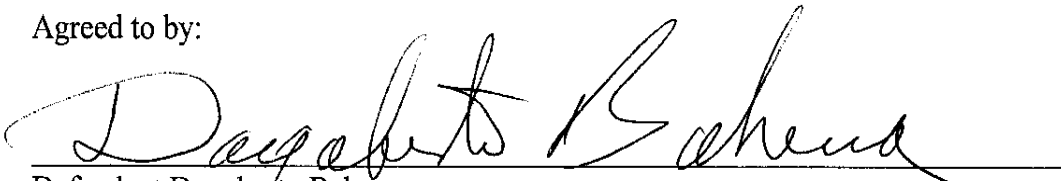
THE NORTH 30 FEET OF THE SOUTH 80 FEET OF LOT 48 IN JOHN J. RUTHERFORD'S THIRD ADDITION TO MONT CLARE, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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2. The subject property contains a one-and-a-half-story residential building with a basement (“the subject building”), and is located in an R2 Single-Family Residence District.
3. Defendant is the owner of the subject property.
4. The City alleges in its complaint that beginning on or about July 10, 2003, Defendants maintained two dwelling units in an R2 Single-Family Residence District in violation of the Municipal Code of Chicago Sections 17-7.3-2 (2002).
5. Defendant Dagoberto Bahena admits these allegations and agrees to plead liable to Counts I and II in the City’s Complaint. Judgment is entered in favor of the City on each of these counts and Defendant shall pay a fine of \$200 to the City under Count I of the City’s Complaint. Defendant shall reimburse the City for its litigation costs in the amount of \$135.00. Payment of the fine and litigation costs, which total \$335.00, shall be made by certified check or money order, payable to “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 November 22, 2004.
6. The Court enters a finding that the subject property currently contains only one dwelling unit.
7. Defendant, along with his successors, heirs, assignees, agents, and/or other person(s) working in concert with him or under his control, shall be permanently enjoined from maintaining, arranging, designing, or using more than one dwelling unit at the subject property.
8. The Court shall retain jurisdiction of the injunctive portions of this Agreed Order solely for the purposes of enforcement or modification of the injunctions, upon proper motion. The Court shall retain jurisdiction of all other portions of this Agreed Order solely for the purpose of enforcement of the terms of this Agreed Order.
9. The parties agree and understand that the penalty for violating any of this Order’s provisions will 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 Defendant or any other party subject to this Order should not be held in contempt of court for violation of this Agreed Order.
10. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds no just reason for delaying enforcement. All parties waive their right to appeal this Order.
11. This case is taken off the Court’s call.

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Agreed to by:



Defendant Dagoberto Bahena
2947 N. Mont Clare Ave.
Chicago, IL 60634

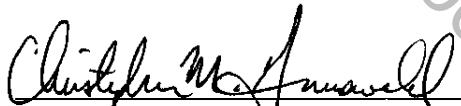
Phone: 773-637-7403

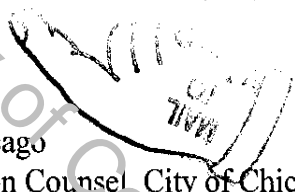


Jorge A. Marrero, Attorney for Defendant Dagoberto Bahena
134 N. LaSalle St. Suite 2112
Chicago, IL 60602

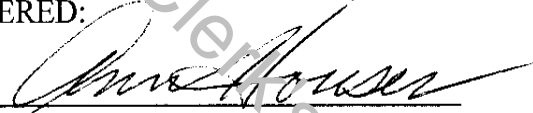
Phone: (312) 641-1344

Attorney for the City of Chicago
Mara S. Georges, Corporation Counsel, City of Chicago

By: 
Christopher M. Grunewald, Assistant Corporation Counsel
Building and Land Use Litigation Division
30 N. LaSalle Street, Suite 700
Chicago, IL 60602
#90909



ENTERED:



Judge

Assoc. Judge ANN HOUSER ~~Assoc. Judge ANN HOUSER~~

Date OCT 22 2004 OCT 22 2004

Circuit Court - 227 Circuit Court - 227