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

CITY OF CHICAGO, a municipal corporation,)

Plaintiff,)

vs.)

L.C. PHILLIPS, et al.,)

Defendants.)

No. 04 M1 450494

Re: 5613 S. Fairfield

Courtroom 1109

AGREED ORDER OF DEMOLITION
EFFECTIVE 06/01/05

This cause was heard on April 22, 2005, for trial on the Complaint For Equitable And Other Relief ("Complaint") of the plaintiff, City of Chicago, a municipal corporation ("City"), by Mara S. Georges, Corporation Counsel of the City of Chicago, against the following defendants:

- L.C. PHILLIPS
- FREMONT INVESTMENT & LOAN
- OCWEN FEDERAL BANK, FSB (present at trial by counsel)
- UNKNOWN OWNERS AND NON-RECORD CLAIMANTS.

The Court having heard testimony, having received exhibits into evidence, and being fully advised in the premises finds that:

- The Court has jurisdiction of the parties and the subject matter which is the building located at the common address of: **5613 South Fairfield**, Chicago, Illinois, and legally described as follows:

LOT 4 IN MINNIE SIEVER'S SUBDIVISION OF LOT 7 IN CHICAGO TITLE AND TRUST COMPANY'S SUBDIVISION OF THE EAST 1/2 OF THE WEST 1/2 OF THE

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NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTHWEST 1/4 OF
THE NORTHEAST 1/4 SECTION 13, TOWNSHIP 38 NORTH, RANGE 13,
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N. 19-13-206-005. Located at the subject property is two-story frame multiple use building with a connected garage. The last known use of the building was commercial/residential.

2. The subject building is dangerous, unsafe and beyond reasonable repair under the terms of the Illinois Municipal Code, 65 ILCS 5/11-31-1 (2002)(Unsafe Buildings) in that:
 - a. the building is vacant and fire-damaged;
 - b. the heating, plumbing, and electrical systems are fire damaged or inoperable;
 - c. the roof and rafters have fire damage;
 - d. the floor, joists, and partitions have fire and water damage;
 - e. the wall framing has been fire-damaged;
 - f. the sashes, frames, doors, and trim are broken, loose and/or missing;
 - g. the plaster has been fire damaged;
 - h. the glazing is broken, loose, and/or missing;
 - i. the front porch is fire damaged;
 - j. the garage is vacant and open;
 - k. the garage's electrical system is inoperable; and
 - l. the garage's service door is damaged.
3. The subject property has been open on more than one occasion.
4. The subject property is located in a residential neighborhood with occupied structures adjacent to the subject property.
5. The Court finds that the subject property is beyond reasonable repair and has a deterioration level of 19% and the garage has a deterioration level of 6%.
6. The Court finds that there has been no evidence - i.e. permits or work in progress - of any attempt to rehabilitate the subject property.
7. The Court also finds that the mortgagee, Ocwen Federal Bank, FSB, agrees that the subject property must be demolished and does not object to its demolition by the City of Chicago after June 1, 2005. However, Ocwen Federal Bank, FSB wishes to demolish the subject property itself by contracting a licensed and bonded demolition company before June 1, 2005 to wreck and raze the building.
8. The Court also finds that demolition of the buildings on the subject property is the least restrictive alternative as of April 22, 2005.

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WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Judgment is entered in favor of plaintiff City of Chicago and against the defendants on Count I of the City's Complaint for Equitable And Other Relief, which seeks demolition of the main building (the garage is not subject to this demolition order) on the subject property, and on Count IV, which seeks a finding that the subject property constitutes a statutory public nuisance.
- B. Counts II, III and V of the City's Complaint are voluntarily dismissed without prejudice.
- 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 main building only (the garage is not subject to this demolition order) on the subject property as of **June 1, 2005**, and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute.
- D. Defendants must immediately secure the building on the subject property and keep it secure until such time as demolition is commenced.
- E. Defendants shall immediately remove any and all persons occupying the subject property and all personal property from said premises immediately so that said premises will be completely vacant and free of personal property before demolition is commenced on **June 1, 2005**. The City's Department of Human Services is authorized to assist in the relocation of any tenants.
- F. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order. The Court finds no just reason for delay in enforcement or appeal of this judgment.
- G. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining the demolition and litigation costs for entry of a money judgment against the defendant(s) and the subject property, as defined by the applicable statutes and ordinances.

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Assoc. Judge WILLIAM G. PILEGGI

APR 25 2005

ENTERED:

Circuit Court - 1764

Judge Willaim G. Pileggi

Date

Atty. #90909

MARA S. GEORGES, Corporation Counsel

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