

# UNOFFICIAL COPY

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

vs.

FIRST NATIONAL BANK OF EVERGREEN PARK  
AS TRUSTEE UNDER TRUST AGREEMENT DATED  
MARCH 18, 1998 and known as TRUST NUMBER  
15902; MARIA VITOGIANNIS, an individual; PETER  
VITOGIANNIS, an individual; MARIA PAPPAS,  
Treasurer and County Collector of Cook County, Illinois;  
DAVID ORR, County Clerk of Cook County, Illinois;  
and UNKNOWN OWNERS,

Defendants.

No. 05 L 50786

ROOSEVELT/RACINE  
REDEVELOPMENT PROJECT

P.I.N.: 17-20-103-009

FULL TAKING



Doc#: 0629831142 Fee: \$34.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 10/25/2006 03:51 PM Pg: 1 of 8

### AGREED FINAL JUDGMENT ORDER

Plaintiff, City of Chicago, a municipal corporation (the "City"), appears by its attorneys, Shefsky & Froelich, Ltd., and Defendants, First National Bank of Evergreen Park as Trustee under Trust Agreement dated March 18, 1998 and known as Trust No. 15902, Peter Vitogiannis and Maria Vitogiannis (collectively, the "Owners"), appear by their attorneys, Ryan and Ryan. It being presented by the City and the Owners to the Court that the parties hereby agree to the entry of an Agreed Final Judgment Order as follows:

#### THE COURT FINDS:

1. The Complaint for Condemnation was filed on August 23, 2005. All party defendants herein have been served with process in the manner and form provided for by statute and the unknown owners have been found in default.

OK

# UNOFFICIAL COPY

2. The City has the authority to exercise the right of eminent domain. The property sought to be taken is described in Exhibit A attached hereto (the "Subject Property") and is subject to the right of eminent domain. The City's right to exercise eminent domain is not being improperly exercised in these proceedings. All those parties non-defaulted which are interested in the Subject Property are before the Court, or have received due notice of this proceeding and have chosen not to appear, and the Court has jurisdiction over all parties to this lawsuit, the Subject Property and the subject matter hereof. This cause has been set for hearing on the ascertainment of just compensation to be paid for the taking of the Subject Property which real property is set forth in the Complaint for Condemnation.

3. The City and Owners have obtained appraisals, and the parties, through their respective attorneys, have waived the right to the impaneling of a jury for the viewing of the Subject Property and for the determination of just compensation.

**IT IS HEREBY ORDERED:**

4. The final just compensation, based on the agreement of the parties as expressed herein, to be paid by the City to the Owners and party or parties interested in the Subject Property which the City seeks to acquire as set forth in its Complaint for Condemnation and described in Exhibit A hereto to be the sum of ONE HUNDRED SIXTY-FOUR THOUSAND AND 00/100 DOLLARS (\$164,000.00) (hereinafter, the "Compensation Award") for fee simple title to and all other interests in the Subject Property.

5. Further, the Compensation Award to be paid by the City to the Owners and party or parties interested in the Subject Property with the other consideration and agreements set forth herein be and is final just compensation for the taking of the Subject Property and is full and

# UNOFFICIAL COPY

final satisfaction of all takings, damages, costs and claims, if any, of the Owners, any other defendant, and any person claiming any right, title or interest in the Subject Property, arising out of or resulting from the City's Complaint for Condemnation, acquisition, and use of the Subject Property and judgment is entered accordingly. The Owners are not entitled to any relocation or moving payments from the City because the Subject Property is vacant land. The Owners are required to remove any and all personal property and debris, if any, from the Subject Property.

## IT IS FURTHER ORDERED:

6. By agreement of the parties, the City, on or before December 14, 2006, shall deposit with the Treasurer of Cook County, Illinois the Compensation Award (the "Deposit") for the benefit of the Owners and any party or parties in interest in the Subject Property or entitled to share in the Deposit. No interest shall accrue on the Compensation Award. Upon the Deposit, the Owners may immediately petition the Court for withdrawal of the Compensation Award.

7. Upon the Deposit with the Treasurer of Cook County, the City shall be thereby vested with fee simple absolute title to the Subject Property and all existing tenancies and leasehold interest, if any, are hereby terminated. Further, upon the Deposit, all liens, including without limitation tax liens, judgment liens and utility liens, shall attach to the Compensation Award and shall be extinguished and void as to the Subject Property.

8. Upon the Deposit, the Owners shall vacate the Subject Property and tender to the City full and complete possession of the Subject Property, free and clear of all tenancies and personal property, if any. Possession shall be deemed to have been properly delivered when Owners and their tenants, if any, have completely vacated the Subject Property and delivered all of the Subject Property's keys, if any, to the City's designated agent. City, acting by and through

# UNOFFICIAL COPY

its designated representative, shall have the right to inspect the Subject Property within forty-eight (48) hours prior to the Owners' tender of possession in order to verify that all personal property has been removed from the Subject Property, and the Subject Property is free and clear of all debris.

9. The City and the Owners agree that the property shall be transferred in "as is" condition concerning environmental issues, if any, and that neither party shall seek reimbursement from, nor indemnify the other party for any environmental claims.

**IT IS FURTHER ORDERED:**

10. This Court shall retain jurisdiction of the above-entitled cause to enforce all the terms, provisions and conditions of this Agreed Final Judgment Order and for purposes of issuing writ or writs of assistance with regard to the Subject Property or an order of possession to put the City in possession of the Subject Property pursuant to the terms and conditions contained herein. The City shall not be limited to a remedy at law, but may seek specific performance of the terms, provisions and conditions of this Agreement Final Judgment Order.

11. Each party shall bear its own costs, including attorneys' fees and experts' fees.

*[Remainder of Page Intentionally Left Blank]*

# UNOFFICIAL COPY

12. The Court finds there is no just reason for delaying the enforcement of said judgment. The parties hereto agree not to appeal this judgment.

**ENTERED**  
 JUDGE SHELDON GARDNER-1506  
 OCT 25 2006  
 DOROTHY BROWN  
 CLERK OF THE CIRCUIT COURT  
 OF COOK COUNTY, IL  
 DEPUTY CLERK

ENTERED:

JUDGE

### AGREED AND STIPULATED AS TO FORM AND CONTENT:

THE CITY OF CHICAGO, a municipal corporation

FIRST NATIONAL BANK OF EVERGREEN PARK AS TRUSTEE UNDER TRUST AGREEMENT DATED MARCH 18, 1998 and known as TRUST NUMBER 15902; MARIA VITOGIANNIS, and PETER VITOGIANNIS

By: Steven S. Haccin  
One of its Attorneys

By: William E. Ryan  
One of their Attorneys


By: Peter Vitogiannis  
Peter Vitogiannis

By: Maria Vitogiannis  
Maria Vitogiannis

1018409\_1.DOC

I hereby certify that the document to which this certification is affixed is a true copy.

Date OCT 25 2006  
 Dorothy Brown  
 Clerk of the Circuit Court  
 of Cook County, IL



# UNOFFICIAL COPY

## EXHIBIT A – Legal Description

<b>P.I.N. NOS.:</b>	17-20-103-009
<b>COMMON ADDRESS:</b>	1237 W. Roosevelt Road, Chicago, Illinois
<b>LEGAL DESCRIPTION:</b>	LOT 15 (EXCEPT THE NORTH 42 FEET THEREOF) IN BLOCK 1 IN SAMPSON AND GREENE'S ADDITION TO CHICAGO IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

Property of Cook County Clerk's Office