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Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 11/14/2007 09:06 AM Pg: 1 of 4

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

City of Chicago, a municipal corporation, )  
Plaintiff, )

No. 06 M1 402211

v. )

Re: 8700-36 S. South Chicago Ave.

Courtroom 1107

CHESTER BORSUK, CHESTER )  
BORSUK, d/b/a UNION AUTO SALES, )  
and COLE TAYLOR BANK, as Successor )  
Trustee under Trust No. 2116, dated )  
June 6, 1980, )  
Defendants. )

Agreed Order of Settlement with Permanent Injunction

This case coming 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 Chester Borsuk, Chester Borsuk d/b/a Union Auto Sales, and Cole Taylor Bank, as Successor Trustee under Trust No. 2116, dated June 6, 1980, (collectively referred to as "Defendants").

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 8700-36 S. South Chicago Avenue, Chicago, Illinois ("the subject property"), and legally described as:

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PARCEL 1: THAT PART OF LOTS 26 TO 40, INCLUSIVE, IN BLOCK 4 OF A.B. MEEKER'S ADDITION TO SOUTH CHICAGO, SAID ADDITION BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, NORTH OF INDIAN BOUNDARY LINE, OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS; AND A PORTION OF AN ALLEY 20 FEET IN WIDTH VACATED BY AN ORDINANCE OF THE CITY OF CHICAGO DATED JULY 11, 1910, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL THAT PART OF LOTS 26 TO 40, BOTH INCLUSIVE, IN SAID BLOCK 4 AND THAT PART OF SAID 20 FOOT VACATED ALLEY LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER (BEING THE MOST NORTHERLY CORNER) OF LOT 27 IN SAID BLOCK 4, SAID POINT BEING 400.7 FEET SOUTHEASTERLY, MEASURED ALONG THE SOUTHWESTERLY LINE OF SOUTH CHICAGO AVENUE, FROM ITS INTERSECTION WITH THE SOUTH LINE OF 87<sup>TH</sup> STREET, AS NOW LOCATED; THENCE, NORTHWESTERLY IN A STRAIGHT LINE, 335 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF YATES AVENUE, 146 FEET SOUTHERLY, MEASURED ALONG THE EAST LINE OF YATES AVENUE, FROM ITS INTERSECTION WITH THE SOUTH LINE OF 87<sup>TH</sup> STREET; SAID LINE IS ALSO THE SOUTHWESTERLY LINE OF A PARCEL CONVEYED BY THE NEW YORK CENTRAL RAILROAD COMPANY TO CHAD PAYOVICH BY QUIT CLAIM DEED DATED JULY 11, 1961, AND RECORDED AS DOCUMENT NO. 18345999, AND LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHEAST CORNER (BEING THE MOST EASTERLY CORNER) OF LOT 26 OF SAID BLOCK 4; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 26 A DISTANCE OF 360 FEET; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE EAST LINE OF YATES AVENUE, 166 FEET SOUTHERLY, MEASURED ALONG THE EAST LINE OF YATES AVENUE, FROM ITS INTERSECTION WITH THE SOUTH LINE OF 87<sup>TH</sup> STREET.

AND ALSO, PARCEL 2:

THAT PART OF LOTS 28 TO 42, INCLUSIVE, IN BLOCK 4 OF A.B. MEEKER'S ADDITION TO SOUTH CHICAGO, SAID ADDITION BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, NORTH OF THE INDIAN BOUNDARY LINE, OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS FOLLOWS: ALL THAT PART OF LOTS 28 TO 42, BOTH INCLUSIVE, IN SAID BLOCK 4, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER (BEING THE MOST NORTHERLY CORNER) OF LOT 27 IN SAID BLOCK 4, SAID POINT BEING 400.7 FEET SOUTHEASTERLY, MEASURED ALONG THE SOUTHWESTERLY LINE OF SOUTH CHICAGO AVENUE, FROM ITS INTERSECTION WITH THE SOUTH LINE OF 87<sup>TH</sup> STREET AS NOW LOCATED; THENCE NORTHWESTERLY IN A STRAIGHT LINE 335 FEET; MORE OR LESS, TO A POINT IN THE EAST LINE OF YATES AVENUE, 146 FEET SOUTHERLY, MEASURED ALONG THE EAST LINE OF YATES

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AVENUE, FROM ITS INTERSECTION WITH THE SAID SOUTH LINE OF 87<sup>TH</sup> STREET; ALL IN COOK COUNTY, ILLINOIS.

Permanent index number of 26-06-100-033-0000

2. The subject property is located in an M1-2 Limited Manufacturing/Business Park District.
3. Defendant Chester Borsuk is the sole legal beneficiary of the land trust, Trust No. 2116, that owns legal title to the subject property. Defendant Chester Borsuk also does business as Union Auto Sales, which is licensed by the City to sell motor vehicles at the subject property. Defendant Cole Taylor Bank was the Trustee of the land trust, Trust No. 2116, that owns legal title to the subject property.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about January 23, 2006, Defendants have used the subject property to: a) park motor vehicles outdoors; and b) erect and/or construct a sign without a permit, in violation of the Chicago Zoning Ordinance.
5. Defendants admit to these allegations and agree to plead liable to Counts I through III of the City's Complaint. Judgment is entered in favor of the City on each of these counts and Defendants agree to pay a \$1,000.00 fine to the City and shall reimburse the City for the City's litigation costs in the amount of \$150.00. Payment of the \$1,150.00 shall be made by certified check or money order payable to the "City of Chicago," and delivered by hand delivery or U.S. Mail to Kimberly Miller at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602 no later than December 1, 2007.
6. Defendants, along with their successors, heirs, assignees, agents, and/or other person(s) working in concert with them or under their control, are permanently enjoined from using the subject property, or allowing it to be used, : a) park or store motor vehicles outdoors; and b) maintain or erect any sign without a permit issued by the City. As part of this injunction, Defendants shall keep the subject property clear of all motor vehicles. This injunction shall be effective January 1, 2008.
7. If any party subject to this injunction submits a plan that is approved by the City's Department of Zoning to bring the subject property's off-street parking area into compliance with the Municipal Code of Chicago, and brings the subject property's off-street parking area into compliance with the Municipal Code of Chicago, leave shall be granted with proper notice to the City to file a motion seeking to vacate the permanent injunction enjoining the parking of motor vehicles on 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.

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9. A violation of any of this Order's provisions shall result in:
  - a. A fine to the City in the amount of \$500 to \$1,000 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.
10. This is a final 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.

Agreed to by:

Defendants Chester Borsuk, Chester Borsuk d/b/a Union Auto Sales, and Cole Taylor Bank, as Successor Trustee under Trust No. 2116, dated June 6, 1980

By: Ronald Buoscio  
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Plaintiff City of Chicago:

Mara S. Georges, Corporation Counsel  
City of Chicago

By: Amanda E. Basil  
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 Attorney No. 90909

Assoc. Judge ANN HOUSER

NOV 02 2007

ENTERED:

**Circuit Court - 227**

Date

Judge