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

CITY OF CHICAGO, a municipal corporation,)

Plaintiff,)

vs.)

KENNETH J. NOWAKOWSKI, et al.)

Defendant(s).)

No. 96 M1 406432 .

Re 2533 WEST WALTON ST.

Room 1111

CONSENT DECREE

The plaintiff, the city of Chicago ("City"), a municipal corporation, by Brian L. Crowe, corporation counsel of the city of Chicago, and his assistant, and the defendants STANLEY WROBEL and ANNA WROBEL, represented by counsel, hereby agree and stipulate to the Court's in personam jurisdiction over the parties and to the Court's in rem jurisdiction over the subject property commonly known as 2533 WEST WALTON STREET, Chicago, Illinois and identified by Permanent Index Number (PIN) 16-01-422-009 (the "subject building"). The property's legal description is:

LOT 14 IN BLOCK 2 IN DEMAREST AND KAMERLING'S COLUMBIAN SUBDIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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THIS MATTER coming before the Court for hearing, the parties having due notice when the hearing date was previously set, and the defendants desiring to resolve this case without a trial, the defendants desiring to resolve this case and prevent the City's demolition of the subject building, **THE PARTIES HEREBY STATE THE FOLLOWING:**

1. Defendants Stanley Wrobel and Anna Wrobel are the record owners of the subject building, having full control over the subject building, and are legally authorized to enter into this consent decree without the participation of any other defendant to this lawsuit.
2. Defendants understand that the City's complaint charges defendants with violations of the Municipal Code of Chicago (MCC) and Illinois law.
3. Defendants understand that defendants have the right to plead not guilty and the right to a trial on the City's charges, but defendants wish to waive that right and admit the violations contained in the complaint. Defendants admit that the subject building is dangerous and unsafe and requires substantial reconstruction to repair in order to meet the requirements of the MCC. The defendant admit that the following violations exist or existed during the pendency of this complaint:
 - a. the building is vacant and open;
 - b. the flooring is warped, vandalized and damaged;
 - c. the rear exterior stair enclosure is open;
 - d. the siding is damaged or missing;
 - e. the plumbing system is vandalized and damaged;
 - f. the electrical system is damaged, and the heating system is missing;
 - g. the fireplace and rear porch area are vandalized and damaged;
 - h. the rear porch is missing hand rails;
 - i. the doors are damaged;
 - j. the masonry has washed out mortar, and there is some damage to plaster walls;
 - k. there is junk and debris on the lot of the subject building;
 - l. when assessing the vital systems of the building, its masonry, floors, walls, sashes, frames, doors, trim, stairs, plaster and glazing, the subject building has a 18% level of depreciation.
 - m. there is no sign on the building identifying the owner and manager of the subject building;
 - n. there is no watchman monitoring the subject building between the hours of 4:00 p.m. and 8:00 a.m.

The conditions listed above violate Sections 13-12-125, 13-12-130, 13-12-140, 13-168-010 and following, 13-176-010 and following, 13-180-010 and following, 13-196-340 through

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-730, 14-8-010 through 14-72-010 and following, 4-332-010 and following, 14-8-010 and of 7 following of the MCC.

4. Defendants admit liability and admit the violations contained in the complaint. Defendants understand that by signing this consent decree, there will not be a trial of any kind on the building code violations described in paragraph 3 of this consent decree, and that by this admission defendants waive the right to a bench or jury trial and waive the right to be confronted with witnesses.
5. Defendants understand that there is a factual basis for this consent decree in that the City's inspectors inspected the subject building on September 16, 1996, and other occasions including October 26, 1998, and found the violations described in paragraph 3 to exist.
6. Defendants desire to settle this case and agree to correct the building code violations described in paragraph 3 of this consent decree.

COMPLIANCE SCHEDULE

7. Defendants agree that in correcting the violations described in paragraph 3 of this consent decree all employees, agents and other persons working on defendants' behalf will timely apply for and obtain all the permits required to perform the necessary work, and will apply for and obtain a Certificate of Occupancy if one is required, and that defendants and their employees and agents are solely responsible for obtaining the proper permits and for producing proof of the required permits upon the City's request.
8. Defendants agree that:
 - A. in correcting the violations described in paragraph 3 of this consent decree all necessary repair, renovation and construction will be done by licensed contractors and that the work shall meet or exceed the requirements of the MCC;
 - B. the determination of the extent of compliance with the MCC shall be made solely by the City's building inspectors;
 - C. defendants will contact the City's inspectors at (312)744-7878 within one week of the completion date set forth in paragraph 9 of this consent decree to arrange for an inspection to determine the status of compliance with the provisions of the MCC; and
 - D. defendants will allow the City's inspectors to conduct all necessary inspections (both interior and exterior) of the subject building.

9. To correct the violations of the MCC set forth in paragraph 3 of this consent decree, defendants will complete all work on the subject building by **April 20, 1999**. The reconstruction of the subject building shall occur generally according to the following schedule:
- A. on or before November 20, 1998, defendants will complete all replacement of windows and all repairs to the porch;
 - B. on or before December 15, 1998, defendants will complete all rough installation work for the HVAC, electrical and plumbing systems;
 - C. on or before February 20, 1999, defendants will complete all installation of drywall;
 - D. on or before March 1, 1999, defendants will complete all finishing trim work for the HVAC, electrical and plumbing systems;
 - E. on or before April 20, 1999, defendants will complete all painting and carpentry work, and all other finishing and cleaning work.

DEFENDANTS' OTHER OBLIGATIONS

10. Defendants agree to pay, in addition to its own costs, all outstanding litigation costs incurred by the City to date in this action in the amount of \$525 *instanter*, as evidenced by receipt number 000003.
11. Defendants agree to maintain insurance sufficient to insure the City from and against any and all claims, demands and actions for personal injury, death or property damage in an amount not less than \$500,000, combined single limit. Defendants further agree to furnish or cause to be furnished to the City a certificate or certificates of insurance evidencing the insurance required by this paragraph, issued by a company or companies reasonably satisfactory to the City, and in form and content reasonably satisfactory to the City, on or before November 24, 1998.
12. Defendants agree to monitor daily the subject building until the completion date set forth in paragraph 9 of this consent decree.
13. Defendants agree that the subject building shall be maintained in a secure, sanitary and reasonably debris-free condition at all times and at defendants' own expense. If, at any time before the subject building is determined to be in substantial compliance with the MCC, the City's inspectors find that dangerous or unsafe or imminently hazardous conditions exist at

the subject building, defendants shall, at their own expense, correct those conditions or cause them to be corrected within forty-eight (48) hours after receiving notice from the City. The City shall give notice of violations and/or unsafe conditions under this paragraph by facsimile transmission and U.S. Mail to one or more of the following persons:

Stanley and Anna Wrobel
2533 W. Walton St.
Chicago, Illinois 60622
Phone: (773) 276-6003

Frank Weiss
55 West Monroe St. - 32nd Fl.
Chicago, IL 60601
Phone: (312) 346-4444
FAX: (312) 346-4455

Defendants and those persons agree that they shall not deny notice of any dangerous or unsafe conditions when the persons listed above have been contacted.

14. Defendants agree to notify the City if, at any time before the subject building is determined to be in substantial compliance with the MCC, there is any change or modification in the ownership of the subject building, or if defendants cease to have full control over the subject building for any reason whatsoever (including but not limited to the granting of a mortgage or other security interest in the subject building, the introduction of new investors in the building, receipt of a notice of sale of delinquent real estate taxes, or the placement of the subject building in a land trust), or if any legal proceedings are instituted affecting defendants' ownership or ability to comply with this consent decree (including but not limited to assignments, bankruptcies, and liens on the property). Notice shall be given by facsimile transmission and U.S. Mail directed to:

Daniel E. Fernández
City of Chicago Law Department
30 North LaSalle St., Suite 700
Chicago, IL 60602
Telephone: (312) 744-1052; FAX: (312) 744-1054.

REMEDIES AND PENALTIES

15. Should an unforeseeable independent act, force or occurrence or the like prevent or delay the completion of the work in the time scheduled in paragraph 9 of this consent decree, defendants shall, with notice to the City, petition the Court for an extension of time. The petition for an extension must be filed within ten (10) working days of the act causing the delay. Failure to apply for an extension within the 10 working days shall constitute a waiver of this right to extend the time schedule and shall subject defendants to the penalties set forth in paragraph 16 of this consent decree.

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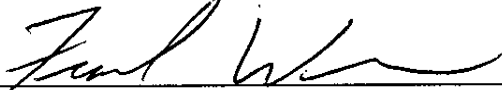
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16. If defendants fail to correct each of the violations of the MCC set forth in paragraph 3 of this consent decree according to the schedule set forth in paragraph 9, the penalty for violation of this consent decree will be:
- A. A fine of \$200 /per day of violation commencing on the first day after the completion date stated in paragraph 9 of this consent decree, OR a fine of \$10,000, whichever is higher;
 - B. Upon motion of the City, a hearing as to why defendants should not be held in contempt of court and punished accordingly for violation of this consent decree;
 - C. Upon motion of the City, the reinstatement of this case and the entry of any appropriate relief, including but not limited to an order of demolition of the subject building.

DISMISSAL

17. This case is dismissed subject to compliance with the terms of this consent decree. Each party waives its right to an appeal in this matter. This Court retains jurisdiction of this case to enforce the terms of this consent decree. Either party may record this order with the office of the Recorder of Deeds of Cook County.

FOR THE DEFENDANT



Signature of defendant's attorney, if any

Printed name and address of defendant's attorney



Signature of defendant(s) entering consent decree or owner of the subject building

175 MARINA ST. DES PLAINES IL 60016

Printed name and present residential address of defendant(s) or owner(s)

Dated: 11/10/98

FOR THE CITY OF CHICAGO

BRIAN L. CROWE, Corporation Counsel, City of Chicago (#90909)

By: D. E. Fernandez

Daniel E. Fernández, Assistant Corporation Counsel
30 N. LaSalle St., Suite 700
Chicago, IL 60602
(312) 744-1052

Dated: 11/10/98

ENTERED:

JUDGE SEBASTIAN T. PATTI Judge

Date

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Circuit Court - 1663

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