

UNOFFICIAL COPY



001067/041

Doc#: 0810622045 Fee: \$40.00
Eugene "Gene" Moore

Cook County Recorder of Deeds

Date: 04/15/2008 11:59 AM Pg: 1 of 3

This space reserved for Recorder of Deeds

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

**CITY OF CHICAGO, a Municipal
Corporation,**

Plaintiff,

v.

JOSE M. DURAN and ZULEIKA M. DURAN,

Defendants.

No. 07 M1 403161

Re: 5410 West Warwick Avenue

Courtroom 1107

Agreed Order of Settlement with Permanent Injunction

This case is before the Court to approve the terms of this Agreed Order of Settlement with Permanent Injunction between Plaintiff City of Chicago ("City") and Defendants Jose M. Duran and Zuleika M. Duran, ("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 5410 West Warwick Avenue, Chicago, Illinois ("subject property"), and legally described as:

Lot 13 in Radosta's Resubdivision of Lots 5 to 24 Both Inclusive in Block 5 also Lots 1 to 12 Both Inclusive, in Block 6 in David L. Frank's Subdivision of Lot 1 in the East ½ of the West ½ of the Northwest 1/4 of Section 21, Township 40 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

04/07/2008

14:36

UNOFFICIAL COPY

Permanent Index Number: 13-21-117-036-0000.

2. The subject property contains a two-story residential building with a basement and is located in an RS-3 District.
3. Defendants are the owners of the subject property.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about August 15, 2007, and continuing to the present, Defendants have used the subject property to maintain multiple dwelling units, in violation of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.
5. Defendants admit these allegations and agree to plead liable to all counts alleged in the Complaint. Defendants also agree to pay the City a fine in the amount of \$500.00 and reimburse the City of the City's litigation costs in the amount of \$150.00. Payment of the \$650.00 shall be made by a certified check or money order payable to the "City of Chicago" and delivered to Kimberly Miller at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602, no later than was delivered to the city in open court.
6. Defendants agree to the entry of a permanent injunction enjoining them, their successors, heirs, assignees, agents, and/or other person(s) working in concert with them or under their control, from maintaining more than one dwelling unit (as defined under Municipal Code of Chicago Section 17-17-0248) in subject building. This prohibits use of the subject building's basement as a separate dwelling unit.
7. The parties subject to this Agreed Order shall allow City inspectors access to the full interior of the subject building for periodic inspections to be conducted during regular business hours (Monday through Friday) to determine compliance, and continued compliance, with the terms of this Agreed Order and the Municipal Code of Chicago. If City inspectors are unable to gain access to the full interior of the subject building during any inspection, Defendants, or any other party subject to this Order, shall contact the City's attorney to schedule an immediate reinspection.
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 any violation of this Order's provisions shall result in:
 - a. A fine to the City in the amount of \$500.00 to \$1,000.00 per day of violation; and

UNOFFICIAL COPY

- 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. All parties to this agreement waive their right to appeal this Order.

11. This case is taken off the Court's call.

Agreed to by:

Defendants, Jose M. Duran and Zuleika M. Duran;

Jose M. Duran 4/7/08
 Jose M. Duran
 3268 East Park Avenue
 Gilbert, Arizona 85234
 (480) 539-4817

Zuleika M. Duran
 Zuleika M. Duran
 3268 East Park Avenue
 Gilbert, Arizona 85234
 (602) 576-4100

For the City of Chicago:

Mara S. Georges
 Corporation Counsel
 City of Chicago

By: *B. Handelman*
 Jacob B. Handelman
 Assistant Corporation Counsel
 30 N. LaSalle Suite, Suite 700
 Chicago, Illinois 60602
 (312) 744-5526
 #90909

ENTERED:

Date

Judge

Assoc. Judge ANN ROUSSE
 APR 11 2008
 Circuit Court - 227