

UNOFFICIAL COPY



Doc#: 0827045085 Fee: \$40.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 09/26/2008 12:10 PM 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.)

HAYMARKET SQUARE ASSOCIATES and)
CHICAGO TITLE LAND TRUST)
COMPANY, AS SUCCESSOR TRUSTEE (O)
AMERICAN NATIONAL BANK AND)
TRUST COMPANY OF CHICAGO, AS)
TRUSTEE OF TRUST NUMBER 42883,)
DATED MAY 3, 1978,)

Defendants.)

No. 08 M1 400230

Re: 821 West Lake Street

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 Haymarket Square Associates and Chicago Title Land Trust Company, as Successor Trustee to American National Bank and Trust Company of Chicago, as Trustee of Trust Number 42883, dated May 3, 1978 (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 821 West Lake Street, Chicago, Illinois ("subject property"), and legally described as:

UNOFFICIAL COPY

Lot 5 in Block 36 in Carpenter's Addition to Chicago in Section 8, Township 39 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

Permanent index number: 17-08-434-001-0000.

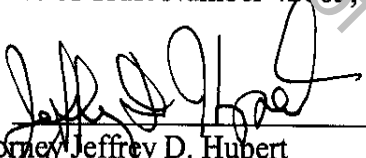
2. The subject property contains open, unimproved area ("open area") and is located in a C3-1 Commercial, Manufacturing and Employment District.
3. Defendant Chicago Title Land Trust Company as the Successor Trustee to American National Bank and Trust Company of Chicago, as Trustee of Trust Number 42883 dated May 3, 1978, that owns legal title to the subject property, having obtained title by Deed in Trust on May 8, 1978.
4. Defendant Haymarket Square Associates is the sole legal beneficiary of the land trust that owns legal title to the subject property.
5. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about October 4, 2005, the subject property has been used to park motor vehicles outdoors on the subject property, in violation of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.
6. Defendants admit to these allegations and agree to plead liable to all counts alleged in the Complaint. Defendants further 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 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 October 17, 2005.
7. Defendants further 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 using the subject property, or allowing it to be used, to park motor vehicles outdoors.
8. If any party subject to this injunction submits an off-street parking plan that is approved by the City's Department of Zoning and brings the subject property 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.
9. Defendants agree to keep the subject property secure at all times and to insure that all entrances are gated and properly locked.
10. 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.

UNOFFICIAL COPY


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.

- 11. Each violation of any of this Order's provisions may result in:
 - a. A fine to the City in the amount of \$500.00-\$1,000.00 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.
- 12. This is a final order and the Court finds no just reason for delaying enforcement. All parties waive their right to appeal this Order.
- 13. This case is taken off the Court's call.

Agreed to by: Defendants Haymarket Square Associates and Chicago Title Land Trust Company, as Successor Trustee to American National Bank and Trust Company of Chicago, as Trustee of Trust Number 42883, dated May 3, 1978:

By: 
 Attorney Jeffrey D. Hupert
 Riordan, Fulkerson, Hupert & Coleman, Attorney for Defendants
 30 North LaSalle St., Suite 2630
 Chicago, Illinois 60602
 (312) 923-2503

Plaintiff City of Chicago:
Mara S. Georges
Corporation Counsel
City of Chicago

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

JUDGE SEBASTIAN T. PATTI
 SEP 19 2008
 Circuit Court - 1863

ENTERED:

Date

Judge ~~Andrew~~