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Doc#: 0829831089 Fee: \$44.00
Eugene "Gene" Moore RHSP Fee:\$10.00
Cook County Recorder of Deeds
Date: 10/24/2008 02:49 PM Pg: 1 of 5

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

CITY OF CHICAGO, a municipal
corporation,

Plaintiff,

v.

JIM BERLES a/k/a JAMES BERLES,
UNKNOWN OWNERS

Defendants.

PROJECT: PILSEN TIF

CONDEMNATION

NO. 04 L 51264

PARCEL: 126-1

CALENDAR 4

AGREED JUDGMENT ORDER PURSUANT TO STIPULATION

THIS MATTER COMING ON TO BE HEARD upon the Complaint of the CITY OF CHICAGO, a municipal corporation, for the ascertainment of just compensation to be paid for the taking by said Plaintiff, for the uses and purposes in its Complaint mentioned and set forth, of the property described therein, being Parcel 126-1, the said Complaints to Condemn having been heretofore filed on December 17, 2004, and the Plaintiff, the CITY OF CHICAGO, a municipal corporation ("PLAINTIFF"), appearing by MARA S. GEORGES, Corporation Counsel; STEVEN J. HOLLER, Deputy Corporation Counsel; and RICK TAYLOR, Assistant Corporation Counsel, its Attorneys; Defendant, JAMES BERLES ("DEFENDANT") appearing by his attorneys, A. BODDIE, ESQ and WILSON FROST, ESQ.

The Court believes that process has been served on all Defendants to this proceeding as provided by statute or the Defendants have entered their appearances, and that the Court has jurisdiction of the subject matter of this proceeding and of all parties thereto; that the PLAINTIFF and all appearing DEFENDANTS hereto have waived the demand for trial by jury.

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That the Court having heard and considered the representation of PLAINTIFF's Counsel that this action to condemn Parcel 126-1 is consistent with the authority granted to the PLAINTIFF, pursuant to Article VII, Section 6, of the Constitution of the State of Illinois of 1970, City of Chicago ordinance authorizing the acquisition of Parcel 126-1 in the Pilsen TIF Redevelopment Area which was approved by the City Council on June 10, 1998, and the action taken by PLAINTIFF's Counsel complies with the "Eminent Domain Act" 735 ILCS Section 5/7-101 et seq.

The Court having heard and considered the representations of both PLAINTIFF and DEFENDANT pursuant to a stipulated agreement between the parties that the owner or owners of and party or parties interested in Parcel 126-1 legally described as follows:

PARCEL 126-1

BLOCK 2 IN S.J. WALKER'S SECOND DOCK ADDITION, BEING A SUBDIVISION OF BLOCKS 6 AND 7 IN MOORE'S SUBDIVISION OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 30 AND THAT PART LYING NORTH OF CHICAGO RIVER OF THE EAST ½ OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION 30, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART LYING EASTERLY OF A LINE DRAWN PARALLEL TO THE EAST LINE OF BLOCK 2; SAID LINE BEING 240 FEET WESTERLY OF THE EASTERLY LINE OF BLOCK 2 AS MEASURED ALONG THE NORTHERLY LINE OF BLOCK 2, ALL IN COOK COUNTY, ILLINOIS.

ADDRESS: 2461 SOUTH BLUE ISLAND
PIN: 17-30-126-001-0000

have agreed to take as just compensation for fee simple title to the above said property the amount of **TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS AND 00/100 (\$2,700,000.00)**.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED

A. That **TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS AND 00/100 (\$2,700,000.00)** is herein awarded by agreement of the parties and approved by the Court to the owner or owners of and party or parties interested in said real property described herein as Parcel 126-1 as full just compensation and judgment is hereby entered for that amount.

B. That the Plaintiff, within (90) days of this Order shall deposit the just compensation award with the County Treasurer of Cook County, Illinois, for the benefit of the Owner or Owners of and parties interested in Parcel 126-01 the sum of **TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS AND 00/100 (\$2,700,000.00)** with 6% statutory interest from the date the Agreed Judgment Order Pursuant to Stipulation is entered by the Court to the date of deposit as full just compensation for the taking of said parcel plus \$188 in court costs.

C. That upon payment of the just compensation award the PLAINTIFF shall be

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immediately vested as fee simple absolute title holder to the subject Property. In addition, upon payment, DEFENDANTS shall immediately turn over possession of said real property to the PLAINTIFF. Also, upon the deposit by the PLAINTIFF of the condemnation award all liens, including tax liens, shall attach to the award and shall be extinguished and void as to the Property.

D. The PARTIES agree pursuant to the Stipulation for Agreed Judgment Order incorporated herein that the DEFENDANT within 30 days of this Order or before withdrawing of the just compensation award shall at his own expense remove all of following items from the Parcel:

- Remove all old motorized vehicles (including but not limited to all trucks, camper, golf carts, car, pontoon boat, lawnmower and cargo van).
- Remove all Truck Trailers (approximately 20 or so trailers disbursed throughout the site).
- Remove all truck and car parts, frames and tires.
- Remove the flammable cabinet that contains 5 tanks (two of which are marked Oxygen).
- Remove the above ground metal storage tank located on a trailer along the south chain link fence.
- Remove the wood support beams piled along the south east corner wall.
- Remove the plastic drum located in the southeast quarter of the site
- Remove the debris piles (including but not limited to concrete materials, bricks, mortar and other building materials) located in the center of the site (four large piles), along the entrance to the site (one small pile), in the lower southeast quarter of the site (one large pile) and along the east wall of the site (one large mound of debris)
- Mow all weeds, grass, tree and other plant growth located on site.

The DEFENDANT further agrees that he will take all of the necessary health and safety precautions to properly remove and dispose of these items.

E. The PARTIES agree that if the DEFENDANT fails to remove all of the items prior to the withdrawal of the just compensation award, the Court shall withhold \$300,000.00 from the just compensation award until either the DEFENDANT removes said items or the PLAINTIFF request the Court reimburse it for its fees and costs to remove these items from the retained funds. If the Court pays from the withheld funds the PLAINTIFF'S expenses associated with removal of the items, the remaining funds shall be paid over to the DEFENDANT. All items found on the Parcel at the time possession is taken by PLAINTIFF shall be deemed abandoned and no compensation or notice is due DEFENDANT.

F. The PARTIES agree that the DEFENDANT shall not be entitle to relocation assistance in accordance with the Uniform Relocation Regulation (49 CFR 24, et seq.) because the Parcel is vacant land. PLAINTIFF must notify the DEFENDANT of its deposit of the just compensation award which shall therein provide the DEFENDANT with the notice of its ownership of the Parcel.

G. The Court shall retain jurisdiction of the matter to enforce the terms of the previously filed Stipulation for Agreed Judgment Order and this Agreed Order Pursuant to Stipulation. If the DEFENDANTS' fail to turn possession over to the PLAINTIFF as stated herein, the PLAINTIFF can request the Court for a Writ or Writs of Assistance to put PLAINTIFF, in immediate possession of the parcel of real property with respect to which PLAINTIFF has acquired the fee simple absolute title and rights of possession, as aforesaid. Further the Court retains jurisdiction if the DEFENDANT fail to satisfy all of the terms and conditions agreed to by the parties in this Agreed Order Pursuant to Stipulation and Stipulation for Agreed Judgment Order. The DEFENDANT agree to satisfy all of the terms of the Stipulation for Agreed Judgment

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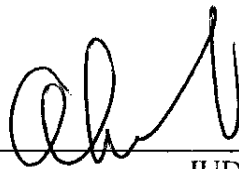
Order and the Agreed Order Pursuant to Stipulation before the PLAINTIFF will agree that the Court shall release any of the just compensation award. PLAINTIFF agrees not to unreasonably withhold its approval.

H. Neither DEFENDANT nor any agent, attorney, employee or representative of DEFENDANT has made any representation whatsoever regarding the Subject Parcel, including the physical nature or condition of the soil or any other portion of the Subject Parcel for the PLAINTIFF'S purpose and the PLAINTIFF agrees that it is taking the Subject Parcel, including any environmental conditions, "AS IS" as of the date of filing the Complaint and has relied solely upon its own inspection of the Parcel.

I. The terms of the Stipulation for Agreed Judgment Order entered concurrently herewith are incorporated herein.

THE COURT FINDS that there is no just reason for delaying the enforcement of, or appeal from, said Judgment.

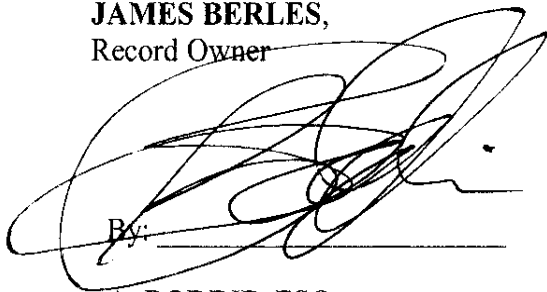
ENTER:



JUDGE

Agreed by:

JAMES BERLES,
Record Owner

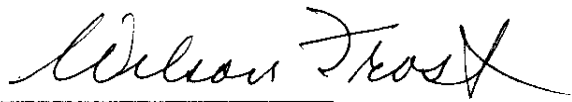


A. BODDIE, ESQ.
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CHICAGO, IL 60628
(773) 928-9551

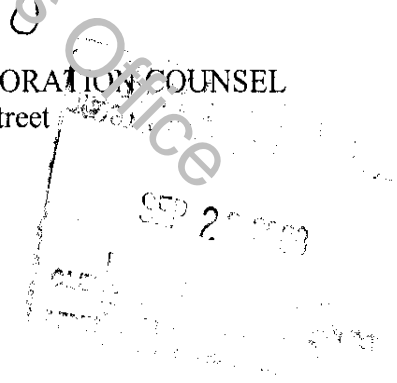
CITY OF CHICAGO, a municipal corporation



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By: 

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Property of Cook County Clerk's Office

Cook County Treasurer
 Maria Pappas
 118 North Clark Street Rm. 112
 Chicago, IL 60602
 312-443-5100
www.cookcountytreasurer.com

10/24/2008 11:54 AM 0113 0010-2050
 Cash Report: 081024-01 10/24/2008

01 - Cook County Building

Case Number 04L51264
 Validation Number: 613368
 Condemnation Deposits \$2,713,946.90

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 Total \$2,713,946.90
 Money Order (\$2,713,946.90)
 Check No. 93156736

Thank You for Your Payment