



Doc#: 0902934005 Fee: \$40.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 01/29/2009 08:22 AM Pg: 1 of 3

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

CITY OF CHICAGO, a Municipal Corporation,  
Plaintiff,  
v.  
GASPAR CABRERA,  
Defendant.

No. 07 M1 403146  
Re: 3518 N. Neva Ave.  
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 Defendant Gaspar Cabrera ("Defendant").

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 Defendant 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 3518 North Neva Avenue, Chicago, Illinois ("subject property"), and legally described as:

LOT 35 IN BLOCK 4 IN H.O. STONE AND COMPANY'S BELMONT AVENUE TERRACE SUBDIVISION OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 19, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent index number: 13-19-300-036-0000.

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2. The subject property is a two-story residential building with a basement and attic ("subject building") and is located in an RS2 Residential District.
3. Defendant is the record owner of the subject property, having obtained title by warranty deed dated October 22, 2002.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about May 22, 2007, Defendant had used the subject property to maintain multiple dwelling units in an RS2 District, in violation of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.
5. Defendant admits to these allegations and agrees to plead liable to all counts alleged in the City's Complaint. Defendant also agrees to pay the City a fine in the amount of \$250.00 and reimburse the City of the City's litigation costs in the amount of \$150.00. Payment of the \$400.00 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 February 27, 2009.
6. Defendant further agrees to the entry of a permanent injunction enjoining him, his successors, heirs, assignees, agents, and/or other person(s) working in concert with him or under his control, from maintaining more than one dwelling unit (as defined under Municipal Code of Chicago Section 17-17-0248) in the 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, Defendant, 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

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- b. Upon petition by the City, a hearing as to why Defendant, 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:

Defendant Gaspar Cabrera:

*Gaspar Cabrera*  
 Gaspar Cabrera  
 3518 N. Neva Ave.  
 Chicago, IL 60634  
 (773) 726-4022

Plaintiff City of Chicago:  
 Mara S. Georges  
 Corporation Counsel

By: *Amanda Basil*  
 Amanda Basil  
 Senior Counsel  
 30 N. LaSalle St., Suite 700  
 Chicago, IL 60602  
 (312) 744-6648  
 #90909

ENTERED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

Assoc. Judge ANN HOUSER  
 JAN 23 2009  
 Circuit Court - 227