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Doc#: 0903631003 Fee: \$40.00
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Date: 02/05/2009 09:27 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.

CARL GARCIA, et. al.,

Defendants.

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No. 07 M1 401988

Re: 5621 S. Halsted St.

Courtroom: 1109

ORDER OF DEMOLITION

Effective 3/5/09

This cause coming to be heard on February 3, 2009, on the Plaintiff's, City of Chicago, a municipal corporation ("City"), emergency motion and accompanying complaint seeking immediate demolition authorization, by Mara S. Georges, Corporation Counsel of the City of Chicago, against the following named defendants:

CARL GARCIA
COLE TAYLOR BANK as trustee of TRUST # 83046
MANDILE
UNKNOWN OWNERS
NON-RECORD CLAIMANTS

The Court, being fully advised of the premises of this proceeding, having heard evidence at hearing, finds that:

1. The Court has jurisdiction of the subject matter, which is the premises located at the following address: 5621 S. Halsted Street, Chicago, Illinois ("subject property"), and legally described as follows:

LOT 9 IN BLOCK 1 IN ELSTON'S SUBDIVISION OF THE SOUTHWEST 1/4 OF LOT 40 OF SCHOOL TRUSTEES SUBDIVISION OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

The permanent index number of the property is 20-16-100-022.

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2. Located on the subject property is a one-story brick building. The last known use of the building was commercial.

3. The Court having heard testimony and evidence finds that the building located on the subject property is dangerous, hazardous, unsafe and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996) in that:
 - a. The building is vacant and open.
 - b. The electrical systems are stripped, missing, or inoperable.
 - c. The plumbing systems are stripped or inoperable.
 - d. The heating systems are stripped or inoperable.
 - e. There is broken and loose plaster in the walls and ceilings.
 - f. The interior floors are buckled and loose.
 - g. There are holes in the interior floors.
 - h. There are loose or missing treads in the interior stairs.
 - i. The window sashes and frames are loose and rotten.
 - j. The window glazing is broken or missing.
 - k. The door frames are loose, rotten, broken or missing.
 - l. The mortar in the brickwork is washed out or missing.
 - m. There is a hole or holes and leakage in the roof.
 - n. There is water damage to the interior of the building.
 - o. There is trash and debris in the interior of the building.
 - p. There is trash and debris surrounding the exterior of the building.
 - q. The interior of the building has been vandalized.
 - r. The exterior of the building has been vandalized.
 - s. The rafters are broken or missing.
 - t. The sheathing are rotting or damaged.

4. The Court finds that it would take major reconstruction of a responsible owner to bring the building into full compliance with the Municipal Code, and that the building is beyond reasonable repair. The Court further finds that demolition of the building on the subject property is the least restrictive alternative as of Feb. 3, 2009.

WHEREFORE, IT IS HEREBY ORDERED:

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City's complaint seeking demolition authority.

- B. Judgment in the amount of \$ 107,776.00 is entered against Defendants **Cole Taylor Bank as Trustee of Trust # 83046 and Carl Garcia**, trust beneficiary, pursuant to Count II of the City's Complaint with execution to issue. The payment must be by certified check, business check, or money order, made payable to the City of Chicago. Payment must be delivered to 30 N. LaSalle Street, Suite 700,

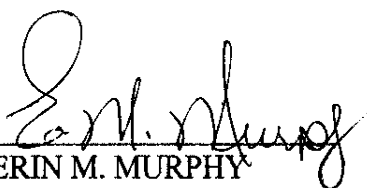
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Chicago, IL, 60602, Attn: Kristina Mokrzycki. Payment must include the case number on its face, and be accompanied by a copy of this court order.

- C. Counts III and V of the City's complaint are voluntarily withdrawn without prejudice.
- D. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, the City is granted authorization to demolish the building on the subject property and is entitled to a lien for the costs of demolition.
- E. Defendants shall immediately remove any and all persons occupying the subject property and all personal property from said premises instanter so that said premises will be completely vacant and free of personal property before demolition is commenced.
- F. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order and the Court finds there is no just reason for delaying the enforcement or appeal of this order.
- G. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining the demolition costs for entry of a money judgment against the defendant owners, as defined by the applicable statutes and ordinances.

Assoc. Judge WILLIAM G. PILEGGI
ENTERED FEB 03 2009
Circuit Court
Judge

By:


ERIN M. MURPHY

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