



Doc#: 0921534007 Fee: \$40.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 08/03/2009 08:32 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,	)	
	)	
	)	No. 08 M1 401763
Plaintiff,	)	
	)	Re: 6130 South Western Avenue
v.	)	
	)	Courtroom 1107
MER-CAR CORPORATION,	)	
	)	
Defendant.	)	

**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 Mer-Car Corp., ("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 terms stated in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 6130 South Western Avenue, Chicago, Illinois ("subject property"), and legally described as:

Lot 7 (except the North 1.00 foot thereof) and Lots 8 through 15, inclusive, in Block 1 in Cobe and McKinnon's 63<sup>rd</sup> St. Subdivision, of the South East Quarter of the South East Quarter of Section 13, and of the North East Quarter of the North East Quarter of Section 24, all in Township 38 North, Range 13 East of the 3<sup>rd</sup> Principal Meridian, according to the plat thereof recorded June 20, 1911, as Document No. 4780010, described as follows:

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Commencing at the intersection of the South line of 61<sup>st</sup> Street and the West line of S. Western Avenue, said point being also the Northeast corner of Lot 1 in said Block 1 of Cobe and McKinnon's 63<sup>rd</sup> Subdivision; thence S. 1°41' 32" E. along the East line of said Block 1, a distance of 150.87 feet to a point on the East line of said Lot 7, which point is 1.00 foot S. 1°41' 32" E. Of the Northeast corner of said lot 7 said point being the place of beginning; thence continuing S. 1°41' 32" E. along the East line of said Block 1, a distance of 224.00 feet to the Southeast corner of said Lot 15; thence S. 88°18' 48" W. Along the South line of said Lot 15, a distance of 110.00 feet to the Southwest corner of said Lot 15; thence N. 1°41' 32" W. along the West lines of Lots 15 through 7, inclusive, a distance of 224.00 feet to a point on the West line of said lot 7, which point is 1.00 foot S. 1°41' 38" E. of the Northwest corner of said Lot 7; thence N. 88°18' 48" parallel with the North line of said Lot 7, a distance of 110.00 feet to the place of beginning, in Cook County, Illinois.

Permanent Index Numbers: 19-13-423-026-0000, -027-0000, -028-0000, -029-0000, -030-0000, and -039-0000.

2. The subject property contains a commercial building and an open, unimproved area bordered by Western Avenue to the east. This area was used to park motor vehicles. The subject property is located in a B3-1 Community Shopping District
3. Defendant Mer-Car Corporation was the owner of the subject property having obtained title by warranty deed dated July 23, 1990.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about August 29, 2007, and continuing to the present, the subject property has been used to park motor vehicles outdoors, and had insufficient paving, no interior landscaping, no ornamental fencing, and no striping for parking spaces or designated access aisles in violation of the Chicago 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 further agrees 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 \$193.00. Payment of the \$693.00 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 August 28, 2009.
6. Defendant, along with its successors, heirs, assignees, agents, and/or other person(s) working in concert with it or under its control, are permanently enjoined from using the subject property, or allowing it to be used to park or store motor vehicles outdoors. As part of this injunction, Defendant shall keep the subject property clear of all motor vehicles and junk and debris.
7. If any party subject to this injunction submits a plan that is approved by the City's Department of Zoning to bring the subject property's off-street parking area into compliance with the Municipal Code of Chicago, and brings the subject property's off-street parking area into

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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 and outdoor storage of items on the subject property.

8. The Court shall retain jurisdiction of this Agreed Order solely for the purpose of enforcement of the terms of this Agreed Order.

9. Each violation of any of this Order's provisions shall 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 Defendant, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.

10. This Agreed Order of Settlement constitutes the entire agreement between Plaintiff and Defendant.

11. This is a final order and the Court finds no just reason for delaying enforcement. All parties waive their right to appeal this Order.

12. This case is taken off the Court's calendar.

Agreed to by:

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

Defendant Mer-Car Corp.:

By: Erin K McGraw  
Erin K. McGraw  
Assistant Corporation Counsel  
30 N. LaSalle St., Suite 700  
Chicago, IL 60602  
(312) 744-5526  
#90909

Leonard Blum  
Leonard Blum  
Attorney for Defendant  
77 W. Washington Ave., Suite 1506  
Chicago, Illinois 60602  
(312) 236-6151

ENTERED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

Assoc. Judge ANN HOUSEH

JUL 24 2009

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