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#90909 (Zoning)

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

AFFINITY/JFJ, LLC,

Defendant.

No. 11 M1 401399

Re: 700-706 N. Clark Street

Courtroom 1107

Agreed Order of Settlement with Permanent Injunction

This case coming before the Court to approve the terms of this Agreed Order of Settlement with Permanent Injunction between the Plaintiff City of Chicago ("City"), and Defendant Affinity/JFJ, LLC ("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 the 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 700-706 N. Clark Street, Chicago, Illinois ("the subject property"), and legally described as:

PARCEL 1: LOT 26 (EXCEPT THE NORTH 20 FEET) AND LOT 27 IN BUTLER'S SUBDIVISION OF BLOCK 30 IN WOLCOTT'S ADDITION TO CHICAGO IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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PARCEL 2: THE NORTH 20 FEET OF LOT 26 IN BLOCK 30 IN WOLCOTT'S ADDITION IN SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 3: LOT 25 IN BUTLER'S SUBDIVISION OF BLOCK 30 IN WOLCOTT'S ADDITION TO CHICAGO IN THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent index numbers: 17-09-211-008, 17-09-211-009, and 17-09-211-010.

2. The subject property is an open, unimproved parcel located in a DX-7 Downtown Mixed Use District.
3. Defendant Affinity/JFJ, LLC is the record owner of the subject property, having obtained title under a trustee's deed dated December 22, 2003, known as land trust number 0036547288, recorded December 31, 2003.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about January 13, 2011, the subject property was used to park and store motor vehicles in violation of Title 17 ("Zoning Ordinance") of the Municipal Code of Chicago.
5. Defendant agrees to plead liable to Counts I through III of the City's Complaint. Count IV is dismissed. Judgment is entered in favor of the City on each of these counts and Defendant agrees to pay a \$1,000.00 fine to the City and shall reimburse the City for the City's litigation costs in the amount of \$1,130.00. Payment of the \$1,130.00 shall be made by certified check or money order payable to the "City of Chicago," and delivered by hand delivery or U.S. Mail to Kimberly White at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602 no later than September 5, 2011.
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. As part of this injunction, Defendant shall keep the subject property clear of all motor vehicles and any other items or junk or debris. Defendant also agrees not to use the subject property unless a certificate of occupancy has been issued by the City in accordance with Section 17-13-1400 *et seq.* of the Municipal Code of Chicago.
7. Defendant further agrees to secure all driveways or other access points to prevent access by motor vehicles to the subject property and agrees to maintain the subject property in good condition at all times.

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8. 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 into compliance with the Municipal Code of Chicago, including the off-street parking and landscape provisions, 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. 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.
10. A violation of any of this Order's provisions shall result in:
 - a. A fine to the City in the amount of \$500 to \$1,000 per day of violation; and
 - b. Upon petition of 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.
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 call.

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Agreed to by:

Defendant Affinity/JFJ, LLC :

By: Edward J. Kus

Attorney for Defendant
Edward J. Kus
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Attorney No. 29143

Plaintiff City of Chicago:
Stephen R. Patton, Corporation Counsel

By: Amanda E. Basil

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Attorney No. 90909

ENTERED:

_____ Date

_____ Judge

Judge Pamela Hughes Gillespie
AUG 05 2011
Circuit Court 1953
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