



Doc#: 1126334001 Fee: \$40.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 09/20/2011 08:16 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.
MER-CAR CORP.,
Defendant.

No. 09 M1 400613
Re: 600 W. Pershing Rd.
Courtroom 1107

AGREED ORDER OF SETTLEMENT

This case is before the Court to approve the terms of this Agreed Order of Settlement 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 600 West Pershing Road, Chicago, Illinois ("subject property"), and legally described as:

THE EAST 75 FEET OF THE SOUTH 90 FEET OF LOTS 21 TO 24 INCLUSIVE AS A TRACT IN SUBBLOCK ONE OF BATE'S SUBDIVISION OF THE SOUTH 1/2 OF BLOCK 26 IN CANAL TRUSTEES' SUBDIVISION OF THE WEST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

Permanent index number: 17-33-324-039-0000

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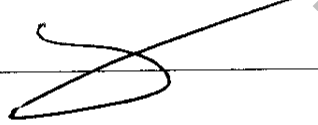
2. The subject property contains a one-story, commercial building with an off-street parking area and is located in a M1-2 Limited Manufacturing/Business Park District.
3. Defendant Mer-Car Corp., is the record owner of the subject property, having obtained title by trustee's deed dated October 21, 1986.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about May 12, 2008, the subject property has been used to park motor vehicles outdoors, in violation 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 \$1,000.00 and reimburse the City of the City's litigation costs in the amount of \$228.00. Payment of the \$1,228.00 shall be made by a certified check or money order payable to the "City of Chicago" and delivered to Kimberly A. White at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602, no later than October 15, 2011.
6. Defendant shall bring the subject property's off-street parking area into compliance with the approved plans and permit issued by the City on September 29, 1988, permit number 701945, no later than December 1, 2011. Alternatively, Defendant shall submit a new off-street parking plan to the City's Department of Housing and Economic Development ("HED") and shall bring the off-street parking area into compliance with the new approved plan, no later than December 1, 2011.
7. Beginning December 1, 2011, Defendant further agrees to maintain the off-street parking area in accordance with either 1) the plan and permit approved by the City on September 29, 1988, or 2) any new landscape and off-street parking plan approved by HED.
8. Defendant shall contact Michael Hoskins, a zoning investigator with the City's Department of Buildings, at (312) 743-3587 to schedule an inspection of the subject property no later than December 15, 2011, to verify compliance with the Municipal Code of Chicago. Defendant shall have a copy of all plans and permits on site at the time of the inspection.
9. If Defendant requires additional time to complete the work in the time scheduled in paragraphs 6 and 7 of this Agreed Order, Defendant shall, with notice to the City, petition the Court for an extension of time. The petition for an extension of time shall be filed at least 14 days before the compliance date scheduled in paragraphs 6 and 7.
10. The parties subject to this Agreed Order shall allow City inspectors access to the subject property 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.

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- 11. The Court shall retain jurisdiction of this Agreed Order solely for the purpose of enforcement of the terms of this Agreed Order. 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.
- 12. Each violation of any of this Order's provisions shall result in:
 - a. A fine to the City in the amount of \$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.
- 13. This is a final order and the Court finds no just reason for delaying enforcement. All parties to this agreement waive their right to appeal this Order.
- 14. This case is taken off the Court's call.

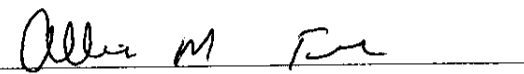
Agreed to by:

Defendant Mer-Car Corp.:

By: 
 Howard Kilberg
 Kilberg & Assoc.
 1 N. LaSalle St., Suite 2200
 Chicago, Illinois 60602
 (312) 236-7723

Plaintiff City of Chicago:

Stephen R. Patton
 Corporation Counsel City of Chicago

By: 
 Allison M. Fink
 Assistant Corporation Counsel
 30 N. LaSalle St., Suite 700
 Chicago, IL 60602
 (312) 742-0466 #90909

Judge Laoretta Higgins Wolfson

SEP 16 2011

Circuit Court 1938

ENTERED:

Date

Judge