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Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 12/19/2011 03:45 PM Pg: 1 of 4

Reserved for Recorder

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

CITY OF CHICAGO,)	
a municipal corporation,)	No. 11M1402393
Plaintiff,)	
v.)	Re: 5949 S. Marshfield
)	Chicago, IL
PARTNERS IN CHARITY, INC. et al.,)	PIN: 20-18-407-018-0000
Defendants.)	

ORDER OF DEMOLITION

This cause coming on to be heard on 12/15/11, on the Plaintiff's, City of Chicago, a municipal corporation ("City"), Complaint seeking demolition, by Stephen Patton, Corporation Counsel of the City of Chicago, against the following named defendants:

- PARTNERS IN CHARITY, INC., and
- UNKNOWN OWNERS AND NON-RECORD CLAIMANTS.

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

1. The Court has jurisdiction of the subject matter, which is the premises located at the following address: **5949 S. Marshfield** Chicago, Illinois, and legally described as follows:

LOT 29 IN BLOCK 1 IN DEMAREST'S SUBDIVISION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: **20-18-407-018-0000.**

2. Located on the subject property is a two-story building of brick type construction with multiple residential dwelling units. The last known use of the building was residential.
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 building's window glazing is broken or missing.

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- c. The building's exterior masonry wall has holes.
- d. Sections of siding of the building's rear exterior enclosed porch are missing.
- e. The building's exterior masonry has step or stress fractures.
- f. The building's masonry has washed out mortar joints.
- g. A section of the building's rear masonry exterior wall is partially collapsed.
- h. The roof has a damaged membrane.
- i. The roof is water damaged.
- j. ComEd has terminated electrical service to the building.
- k. The electrical bank meter box and meters have been vandalized and damaged.
- ~~l. There is evidence of an illegal electrical hook up supplying power to the building.~~
- m. The building's electrical system and fixtures have been stripped and are therefore inoperable.
- n. There are exposed electrical wires at the building.
- o. The building's heating system, ductwork, and furnace have been stripped and are therefore inoperable.
- p. There is no heating device in the building.
- q. The building's plumbing system and fixtures have been stripped and are therefore inoperable. *8
- r. The joists have smoke, fire, or water damage. w. The front + rear porches are in danger of collapse due to rotted members
- s. There are multiple roof leaks at the second floor apartment.
- t. There is an active water leak inside the basement.
- u. Squatters present at both the first and second floor apartments.
- ~~v. The basement floor joists are water damaged.~~
4. The Court finds that it would take major reconstruction by a responsible owner to bring the building into full compliance with the Municipal Code of Chicago. Further, the Court finds that the building located thereon poses a dangerous and hazardous threat to the public health, safety and welfare, and is beyond reasonable repair. Accordingly, the Court finds that demolition of the building is the least restrictive means available as of 12/15/11 to abate the dangers and hazards posed by the building.
5. Defendant, _____, shall demolish the subject property on or before _____ pursuant to a valid wreck and level permit issued by the

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City of Chicago Department of Buildings, and shall obtain final approval and written sign-offs on all permits by the City of Chicago Department of Buildings.

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. Accordingly, the City is authorized to demolish the building located on the subject property pursuant to Counts I and IV of the City's complaint.
- B. The judgment entered on 12 / 15 /2011 in the amount of \$ _____ plus \$ _____ .00 court costs for a total of \$ _____ .00 against Defendant(s) _____, which consists of \$ _____ .00 in litigation costs, \$ _____ .00 in board up/independent access authority costs, and a fine of \$ _____ .00 pursuant to Count(s) _____ of the City's complaint, shall stand as final judgment. Leave to enforce said judgment is stayed until ___/___/ 2011. Execution shall issue on the judgment thereafter. If payment is mailed it must be postmarked on or before the above date and sent ATTN: Kristina Mokryzki, 30 N. LaSalle St., Ste. 700, Chicago, IL 60602.
- C. The judgment entered on 12 / 15 /2011 in the amount of \$ 21,550 plus \$ _____ .00 court costs for a total of \$ 21,550 .00 against Defendant(s) Turners in OWNY, which consists of \$ 550 .00 in litigation costs, \$ 21,000 .00 in board up/independent access authority costs, and a fine of \$ 21,000 .00 pursuant to Count(s) 11 of the City's complaint, shall stand as final judgment. Execution shall issue on the judgment immediately. If payment is mailed it must be postmarked on or before the above date and sent ATTN: Kristina Mokryzki, 30 N. LaSalle St., Ste. 700, Chicago, IL 60602.
- D. Counts III, V, VI, and _____ are voluntarily withdrawn without prejudice.
- E. Pursuant to 65 ILCS 5/11-31-1 and the City's police powers under Article VII of the Illinois Constitution, and Section 13-12-130 of the Municipal Code of Chicago, the City is authorized to immediately demolish the building situated on the subject property on an emergency basis and is entitled to a lien for the costs of demolition, court costs and other costs enumerated by statute. Thus, the City's performance under this order will result in a statutory in rem lien that attaches only to the subject parcel of real estate. If the City seeks a personal judgment against any individual party to this action, it will proceed by separate motion directed to that party.
- F. Defendants with either possession or control of the subject property and their successors and assigns shall be permanently enjoined from renting, using, leasing, or occupying the Subject Property until demolition of the subject property commences.
- G. Defendants with either possession or control of the subject property 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. The City's Department of Human Services is authorized to assist in the relocation of any tenants.

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- H. Pursuant to Illinois Supreme Court Rule 304(a), as to the order of demolition, this is a final and appealable order and judgment, the Court finding no just reason to delay the enforcement or appeal of this final order and judgment.
- I. 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.

ENTERED:

Pamela Gillette

Associate Judge Pamela Hughes Gillette

DEC 15 2011

Circuit Court - 1957

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