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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,
v.
2600 ROOSEVELT ASSOCIATES LLC, et al.,

Defendants.

No. 10 M1 402006
Re: 1105 S. Washtenaw

ORDER OF DEMOLITION

This cause coming to be heard on January 3, 2012, pursuant to an Emergency Motion for Hearing on the First Amended Complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel of the City of Chicago, against the following named Defendants:

2600 ROOSEVELT ASSOCIATES, LLC.
AMERICAN PACIFIC FINANCIAL CORP
ELM LIMITED, LLC
SALTA GROUP, INC
FNA ELM, LLC
COAST BUSINESS CREDIT, A DIVISION OF SOUTHERN PACIFIC BANK
PEOPLE'S CAPITAL AND LEASING CORP.
BANCORP BANK

The Court being fully advised of the premises of this proceeding and having heard the testimony of the City's inspector, finds that:

1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: **1105-35 S. Washtenaw**, Chicago, Illinois, and legally described as follows:

PARCEL 1: THE SOUTH 264.19 FEET OF BLOCK 4, (EXCEPTING FROM SAID TRACT, THE EAST 19.00 FEET OF THE NORTH 162.25 FEET THEREOF HEREAFTER CONVEYED TO ALLIS-CHALMERS MANUFACTURING COMPANY BY DEED DATED MAY 12, 1919 AND EXCEPTING ALSO ALL THAT PART OF THE NORTH 147.00 FEET OF

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SAID TRACT, LYING WEST AND NORTHWESTERLY OF A CURVED LINE WHICH IS 8.50 FEET NORTHWESTERLY FROM THE CENTERLINE OF AN INDUSTRIAL RAILROAD TRACK OVER AND ACROSS SAID TRACT, SAID CENTERLINE INTERSECTING THE NORTH LINE OF THE SOUTH 264.19 FEET OF SAID BLOCK 4 AT A POINT 31.58 FEET WEST OF THE EAST LINE OF SAID BLOCK 4 AND INTERSECTING THE SOUTH LINE OF THE NORTH 147.00 FEET OF THE SOUTH 264.19 FEET OF BLOCK 4 AFORESAID AT A POINT 188.31 FEET WEST OF THE EAST LINE OF SAID BLOCK 4, HEREAFTER CONVEYED TO SIMON KRULEWITCH BY DEED DATED MAY 21, 1924) IN THE RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼, (EXCEPT THE EAST 100.00 FEET THEREOF) OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 147.00 FEET OF THE SOUTH 264.19 FEET OF BLOCK 4, (EXCEPT ALL THAT PART LYING SOUTHEASTERLY OF A CURVED LINE, WHICH IS 8 ½ FEET NORTHWESTERLY FROM CENTERLINE OF AN INDUSTRIAL RAILROAD TRACK OVER AND ACROSS SAID PREMISES, THE CENTERLINE INTERSECTING THE NORTH LINE OF THE SOUTH 264.19 FEET AFORESAID AT A POINT 31.58 FEET WEST OF THE EAST LINE OF SAID BLOCK 4 AND ALSO INTERSECTING THE SOUTH LINE OF THE NORTH 147.00 FEET OF THE SOUTH 264.19 FEET AFORESAID AT A POINT 188.31 FEET WEST OF THE EAST LINE OF SAID BLOCK 4 IN RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼, (EXCEPT THE EAST 100.00 FEET THEREOF) OF THE SOUTHEAST ¼ OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1908 AS DOCUMENT 4301729, IN COOK COUNTY, ILLINOIS.

PARCEL 3: THAT PORTION OF LOTS 3 AND 4 IN THE RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, (EXCEPT THE EAST 100.00 FEET) OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED DECEMBER 14, 1908 AS DOCUMENT 4301729 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN A LINE 264.19 FEET NORTH OF THE SOUTH LINE OF LOT 4, A DISTANCE OF 464.55 FEET EAST OF THE WEST LINE OF LOT 4; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID LOTS 3 AND 4, A DISTANCE OF 82.54 FEET; THENCE WEST PARALLEL WITH SAID SOUTH LINE OF LOT 4, A DISTANCE OF 218.63 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID LOTS 3 AND 4, A

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DISTANCE OF 82.54 FEET; THENCE EAST, A DISTANCE OF 218.63 FEET TO POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

PARCEL 4: THAT PART OF LOTS 3 AND 4 IN THE RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, (EXCEPT THE EAST 100.00 FEET THEREOF) OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 145.62 FEET SOUTH OF THE NORTH LINE OF SAID LOT 3 AND 141.14 FEET EAST OF THE WEST LINE OF SAID LOT 3; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 105.92 FEET; THENCE SOUTH, A DISTANCE OF 202.69 FEET TO A POINT, WHICH LIES 245.90 FEET EAST OF THE WEST LINE OF SAID LOTS 3 AND 4 AND 264.19 FEET NORTH OF THE NORTH LINE OF 12TH STREET, THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 105.92 FEET; THENCE NORTH, A DISTANCE OF 202.69 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

PARCEL 5: THAT PART OF LOTS 3 AND 4 IN THE RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, (EXCEPT THE EAST 100.00 FEET THEREOF) OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 1908 IN BOOK 101 PAGE 41 AS DOCUMENT 4301729, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID BLOCK 3, (BEING THE EAST LINE OF WASHTENAW AVENUE) A DISTANCE OF 45.62 FEET SOUTH OF THE NORTH LINE OF SAID BLOCK 3; THENCE EAST ON LINE PARALLEL WITH THE NORTH LINE OF SAID BLOCK 3, A DISTANCE OF 142.42 FEET, MORE OR LESS TO THE CENTERLINE OF A PARTY WALL FORMING THE EAST WALL OF THE BUILDING LOCATED ON THE LAND HEREBY CONVEYED; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID PARTY WALL, A DISTANCE OF 81.62 FEET, MORE OR LESS TO THE POINT OF ITS INTERSECTION WITH THE CENTERLINE OF PARTY WALL FORMING THE SOUTH WALL OF THE BUILDING LOCATED ON THE LAND HEREBY CONVEYED; THENCE WEST ALONG THE CENTERLINE OF SAID LAST DESCRIBED PARTY WALL, A DISTANCE OF 142.42 FEET, MORE OR LESS TO THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 81.62 FEET, MORE OR LESS TO THE PLACE OF BEGINNING, IN COOK COUNTY ILLINOIS.

PARCEL 6: THAT PART OF LOTS 3 AND 4 IN THE RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, (EXCEPT THE EAST 100.00 FEET THEREOF) OF

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SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 17, 1908 IN BOK 101 PAGE 41 AS DOCUMENT 4301729, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 142.42 FEET EAST OF THE WEST LINE OF SAID LOT 3 AND 45.62 FEET SOUTH OF THE NORTH LINE OF SAID LOT 3, (WHICH POINT OF BEGINNING LIES IN THE CENTERLINE OF THE BRICK WALL, WHICH STANDS AS THE WEST WALL OF A BRICK AND STEEL FACTORY BUILDING KNOWN AS THE ALLIS-CHALMERS MACHINE SHOP); THENCE RUNNING EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 104.52 FEET TO A POINT IN THE CENTERLINE OF THE EAST WALL OF SAID BRICK AND STEEL FACTORY BUILDING; THENCE RUNNING SOUTH, A DISTANCE OF 100.00 FEET TO A POINT IN THE CENTERLINE OF SAID EAST WALL, WHICH LIES 145.62 FEET SOUTH OF THE NORTH LINE OF SAID LOT 3 AND 245.26 FEET EAST OF THE WEST LINE OF SAID LOT 3; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT 3, A DISTANCE OF 105.22 FEET TO A POINT ON THE OUTSIDE OF SAID WEST BRICK WALL, WHICH LIES 141.14 FEET EAST OF THE WEST LINE OF SAID LOT 3; THENCE NORTH ALONG THE OUTSIDE OF SAID WEST WALL, A DISTANCE OF 18.38 FEET TO THE OUTSIDE SOUTH WALL OF A BRICK BUILDING KNOWN AS THE "SHIPPING ROOM"; THENCE EAST 0.7 OF A FOOT TO THE CENTER OF SAID WEST WALL OF SAID ALLIS-CHALMERS MACHINE SHOP; THENCE NORTH, A DISTANCE OF 81.62 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 7: THAT PORTION OF LOTS 3 AND 4 IN THE RESUBDIVISION OF STARR'S SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, (EXCEPT THE EAST 100.00 FEET) OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE EAST LINE OF WASHTENAW AVENUE 127.24 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 3 AFORESAID; THENCE SOUTH ALONG EAST LINE OF WASHTENAW AVENUE, A DISTANCE OF 221.07 FEET, MORE OR LESS TO A POINT 264.19 FEET NORTH OF THE NORTH LINE OF ROOSEVELT ROAD (AS WIDENED); THENCE EAST OF LINE PARALLEL TO THE NORTH LINE OF LOT 3 AFORESAID, A DISTANCE OF 139.98 FEET TO THE WEST LINE OF LAND CONVEYED TO JULIAN S. JACKSON BY DEED DOCUMENT 7967449; THENCE NORTHERLY ALONG SAID JACKSON'S WEST LINE, A DISTANCE OF 221.09 FEET TO A POINT, WHICH IS 127.24 FEET SOUTH OF THE NORTH LINE OF LOT 3 AND 141.24 FEET EAST OF THE EAST LINE OF WASHTENAW AVENUE; THENCE WEST ON LINE PARALLEL TO THE NORTH LINE OF LOT 3 AFORESAID, A DISTANCE OF 141.24 FEET, MORE OR LESS TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS

This parcel has Permanent Index Numbers of 16-13-418-004; 16-13-418-005; 16-13-418-007; 16-13-418-008; 16-13-418-009; 16-13-418-011; 16-13-418-012;

2. Located on the subject property is a 4 STORY FRONT BRICK BUILDING AND A 2 STORY REAR BRICK building. The last known use of the building was INDUSTRIAL.

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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 front building's southeast wall is cracked and leaning with open mortar joints as well as loose and missing bricks.
 - b. The front building's parapet wall is bowed.
 - c. The front building's coping is damaged at the east and west elevations.
 - d. The front building's chimney has loose and missing bricks.
 - e. The front building's roof and eaves are damaged, with missing sheathing and flashing.
 - f. There are open mortar joints at the front building's foundation wall.
 - g. The front building's window glazing is broken.
 - h. The front building is marked with graffiti.
 - i. The rear building's glazing is cracked, broken or missing.
 - j. The rear building's heating system is stripped or inoperable, and the furnace is missing.
 - k. The rear building's masonry is missing sections and partially collapsed.
 - l. The rear building's masonry has washed out mortar joints and evidence of shear or stress fractures at all four corners.
 - m. The rear building's plaster is broken or missing.
 - n. The rear building's plumbing is stripped or inoperable with missing fixtures.
 - o. The rear building's truss cords are sagging.
 - p. The rear building's roof is water damaged with a damaged membrane.
 - q. The rear building's roof sashes are water damaged and broken.

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r. The rear building's stairs are missing handrails.

4. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City of Chicago's complaint for demolition.
- B. The remaining counts of the City's complaint for demolition are voluntarily dismissed.
- C. 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, effective immediately and is entitled to a lien for the costs of demolition, court costs, and other costs enumerated by statute, and/or other statutory remedies.
- D. Defendants shall remove any and all persons, if any, occupying the subject property and all personal property from said premises no later than the effective date so that said premises will be completely vacant and free of personal property before demolition is commenced.
- E. Pursuant to Illinois Supreme Court Rule 304(a), this is a final and appealable order. The Court finds no just reason for delay in the enforcement or appeal of this order.
- F. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining and approving the demolition and litigation costs.

Amelia Gillespie

 Judge
 ENTERED
 2012
 Clerk's Office

PLAINTIFF, CITY OF CHICAGO
Stephen R. Patton, Corporation Counsel

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