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Eugene "Gene" Moore
Cook County Recorder of Deeds
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT

CITY OF CHICAGO,
a municipal corporation,
Plaintiff,

v.

BC HARRIS PROPERTIES, LLC et
al.,
Defendants.

No. 10M1401292

Re: 6838 S. Anthony
Chicago, IL

PIN: 20-22-408-012-0000

ORDER OF DEMOLITION

This cause coming on to be heard on 4/10/12, on the Plaintiff's, City of Chicago, a municipal corporation ("City"), First Amended Complaint seeking demolition, by Stephen Patton, Corporation Counsel of the City of Chicago, against the following named defendants:

- BC HARRIS PROPERTIES, LLC; and
- WHEELER FINANCIAL 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: 6838 S. Anthony Chicago, Illinois, and legally described as follows:

LOT 10 IN BLOCK 9 IN JOHNSTON AND CLEMENT'S SUBDIVISION OF THE WEST 1/2 AND THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-22-408-012-0000.

2. Located on the subject property is a two-story building of brick construction. The last known use of the building was residential.

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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 building located on the subject property is vacant and open.
 - b. The building's masonry has washed out mortar joints *and the bricks are deteriorating.*
 - c. The building's roof membrane is damaged.
 - d. The building's glazing is broken or missing.
 - e. The building's sashes are broken, missing, or inoperable.
 - f. The building's electrical systems have exposed wiring and missing fixtures, creating a dangerous and hazardous condition.
 - g. The building's heating systems are vandalized, stripped, and inoperable.
 - h. The building's ductwork and furnace are missing.
 - i. The building's plumbing systems are missing fixtures, stripped, and inoperable.
 - j. The building's flooring is missing *boarded due to water damage.*
 - k. The building's joists are cracked.
 - l. The building's plaster is broken or missing.
 - m. The building's rear stairs have improper foundations, handrail heights, treads and risers *and rotting members.*
 - n. The building's rear stair system is missing joist hangers and ledger bolts.
 - o. The building's rear stairs are partially collapsed, creating a dangerous and hazardous condition.
 - p. The building's stairs are smoke, fire, or water damaged.
 - q. Located on the subject property is a one-story frame garage *and is in a state of disrepair.*
- ~~r. The City incorporates and re-alleges Count I, paragraph 3, of its Complaint for Equitable and Other Relief filed May 26, 2010~~
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,

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the Court finds that demolition of the building is the least restrictive means available as of 4/10/12 to abate the dangers and hazards posed by the building.

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 First amended 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 first amended complaint.
- B. Counts II, III, V, VI, and VIII are voluntarily withdrawn without prejudice.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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:

APR 10 2012

Circuit Court - 1953
Damela Grillespe

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 City of Chicago Department of Law
 Building and License Enforcement Division
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