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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,)	No. 10 M1 401660
)	
v.)	
)	Re: 2838 W. Madison
DALE SMITH, et al.,)	
)	
Defendants.)	Courtroom: 1111

ORDER OF DEMOLITION

This cause coming to be heard on 5/11/12, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen Patton, Corporation Counsel of the City of Chicago, against the following named Defendants:

Dale Smith
Chicago Title Land Trust, as Trustee for Trust #1114628
MDG Fund-1, L.L.C.
Unknown Owners and Non-record Claimants

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: 2838 W. Madison, Chicago, Illinois, and legally described as follows:

LOT 35 IN BLOCK 2 SUBDIVISION OF BLOCK 28 IN LEE'S SUBDIVISION OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel has a Permanent Index Number of 16-12-331-033.

2. Located on the subject property is a two-story brick multi-unit and storefront building.

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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(s) located on the subject property (“the building”) is vacant and open.
 - b. The building’s electrical systems are stripped or inoperable.
 - c. The building’s plumbing systems are stripped or inoperable.
 - d. The building’s heating systems are stripped or inoperable.
 - e. The building’s floor is open below the window to a flooded basement creating a dangerous and hazardous condition.
 - f. The building has a section of floor missing where board remained at front and exposing rotted joists and loose mortar and bricks.
 - g. The building’s second floor rear door lintel is in a state of collapse.
 - h. The building’s parapet is collapsing.
 - i. The building’s exterior porch system has been removed.
 - j. The building’s stair system to the rear basement is covered in debris.
 - k. The building’s glazing is broken.
 - l. The building’s frames are rotted.
 - m. The building has high weeds at the rear.
4. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the conditions now existing there.

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WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I + 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, 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. The authority granted in Paragraph C. above shall become effective 5/1/12.
- E. 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. Dale Smith is ordered to keep the property secure until it is demolished. Dale Smith is ordered to pay a judgment of \$4,099.00 to the City no later than 8/1/12, ~~based on Count II of the City's complaint.~~ Payment must be by certified check, business check, or money order, made payable to the City of Chicago. Payment must be delivered to 30 N. LaSalle Street, Suite 700, Chicago, IL, 60602, Attn: Kristina Mohrzycki. Payment must include the case number on its face, and be accompanied by a copy of this court order.
- G. Defendants with either possession or control of the subject property 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.
- H. 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.

IN REIMBURSEMENT
OF CITY'S LITIGATION
COSTS + COURT COSTS

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I. The Court reserves jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining and approving the ~~costs~~ litigation and litigation costs.

Judge James M. ~~McCarty~~
 MAY 07 2012
 Circuit Court
 ENTERED
 Judge

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: Maggie Rizzo

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