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Date: 07/06/2012 11:53 AM Pg: 1 of 4

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

USAA, LP, ET AL.,

Defendants.

Case Number: 11 M1 402928

Re: 5140 S. Wolcott

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on June 28, 2012, on the Plaintiff, City of Chicago, a municipal corporation's ("City"), complaint seeking demolition authorization, by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

CIRCLE B, LLC; and

UNKNOWN OWNERS, and NONRECORD CLAIMANTS.

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

- 1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 5140 S. Wolcott, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 36 IN BLOCK 3 IN WHITE AND COLEMAN'S SUBDIVISION OF BLOCKS 41 TO 44 INCLUSIVE IN STONE AND WHITNEY'S SUBDIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, AND THE NORTH 1/2 AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-07-401-039.

- 2. Located on the subject property is a two-story ^{frame} ~~frame~~ _{brick} building. The last known use of the subject 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) (Unsafe Buildings), in that:
- a. The building located on the subject property is vacant and open at multiple entry points.
 - b. Sections of the building's exterior wall siding are missing at various locations.
 - ~~c. Sections of the building's exterior wall have holes at various locations.~~
 - d. The building's window glazing is broken or missing, with cracked panes.
 - e. ~~Con Ed disconnected electrical service to the building at the utility pole.~~
 - f. The building's electrical and heating systems have evidence of vandalism.
 - g. The building's electrical system is inoperable.
 - h. The building's electrical fixtures are missing, exposing electrical wiring.
 - i. The building's heating system is inoperable.
 - j. The building's ductwork is missing.
 - k. The building is missing a furnace.
 - l. The building's plumbing fixtures are missing.
 - m. Sections of the building's flooring are missing at various locations, posing a dangerous and hazardous condition.
 - n. Sections of the building's flooring are warped at various locations.
 - o. Portions of the building's flooring have ~~smoke, fire, or water damage.~~
 - p. Sections of the building's plaster are broken or missing *due to extensive water damage.*
 - q. Portions of the building's plaster have ~~smoke, fire, or water damage.~~
 - r. The building's joists are cracked.
 - s. The building's joists are over-notched.
 - t. The building's joists have ~~smoke, fire, or water damage.~~ *and have severe rotting, compromising the building's structural integrity.*
 - u. The building's joists have collapsed at various locations, posing a dangerous and hazardous condition.
 - v. *The property is severely water damaged.*
 - w. *The property is across the street from a high school.*

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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 6/28/11 to abate the dangers and hazards posed by the building.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendant(s), WHEELER-DEALER LTD D/B/A WHEELER-FINANCIAL, INC., the holder(s) of property tax certificates, was properly notified of this action pursuant to §21-410 of the Property Tax Code, 35 ILCS 200/21-410). Accordingly, Defendant, WHEELER-DEALER LTD D/B/A WHEELER-FINANCIAL, INC., is dismissed as a party-defendant from this cause of action.
- B. 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.
- C. Counts II, III, V, VI, and VIII are voluntarily withdrawn without prejudice
- D. 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.
- E. 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
- F. 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.
- G. 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.

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H. 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.

Associate Judge Pamela Hughes Gillespie

JUN 28 2012

ENTERED:

Circuit Court - 1953

Pamela Hughes Gillespie

PLAINTIFF, CITY OF CHICAGO

STEPHEN PATTON, Corporation Counsel

By:

Keith Martin
Keith Martin
Assistant Corporation Counsel
Building and License Enforcement Division
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602 / (312) 744-7634
Atty No. 90909

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