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Case No. 12 M1 400666



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

CITY OF CHICAGO, a municipal corporation,)
)
Plaintiff,) Case No. 12 M1 400666
vs.)
) Re: 1319 W. 73rd Place
MARY LOGAN,)
)
BIRAN ATWOOD,) COURTROOM: 1111
UNKNOWN OWNERS and NONRECORD CLAIMANTS)
)
Defendants.)

ORDER OF DEMOLITION

This matter coming before the Court on August 6, 2012, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

MARY LOGAN,
UNKNOWN OWNERS and NONRECORD CLAIMANTS

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

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1. The Court has jurisdiction of the parties hereto and the subject matter, which is the premises located at the following address: 1319 W. 73rd Place, Chicago, Cook County, Illinois ("subject property"), legally described as:

LOTS 38 IN S.M. BLOSS AND COMPANY'S SUBDIVISION OF BLOCK 9 IN JONES' SUBDIVISION IN THE WEST 1/2 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN. IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-29-128-007.

2. Located on the subject property is a one-story brick building and garage. The last known use of the subject building was residential.
3. The subject building is dangerous, unsafe and beyond reasonable repair under the terms of the Illinois Municipal Code, 65 ILCS 5/11-31-1 (1996) (Unsafe Buildings), in that:
 - a. The building is vacant and open.
 - b. The building's electrical system is stripped and inoperable, missing fixtures, and has exposed wiring.
 - c. The building's flooring is missing in various locations.
 - d. The building's glazing is broken or missing.
 - e. The building's heating is stripped and inoperable, missing ductwork and a furnace, and has indications of having been vandalized.
 - f. The building's joists are cracked.
 - g. The building's joists are smoke, fire or water damaged.
 - h. The building's masonry is missing siding in various locations.
 - i. The building's plaster is broken or missing.
 - j. The building's plaster is smoke, fire or water damaged.
 - k. The building's plumbing system is stripped and inoperable, and is missing fixtures.
 - l. The building's rafters are undersized.
 - m. The building's roof is missing shingles in various locations.

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- n. The building's roof is water damaged.
 - o. The building's roof has been breached.
 - p. The building's sashes are broken, missing or inoperable.
 - q. The building's stair system has damaged decking and damaged handrails.
 - r. The building's stair system has handrails of improper height.
4. There has been no work in progress since the beginning of this case at the subject property.
5. The Court finds that it would take major reconstruction of a responsible owner to bring the subject building into full compliance with the Municipal Code, and that the subject building is beyond reasonable repair. The Court further finds that demolition of the subject building is the least restrictive alternative available to effectively abate the conditions now existing there.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendants MARY LOGAN, UNKNOWN OWNERS and NONRECORD CLAIMANTS, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default date of July 30, 2012, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- B. An in rem judgment is entered in favor of Plaintiff City of Chicago and against Defendants on Counts I and IV of the City's complaint seeking demolition authority.
- C. Counts II, III, V, VI, VII, and VIII of the City's Complaint are voluntarily withdrawn.
- D. Pursuant to the judgment entered above, 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.
- E. Defendant owners are ordered to keep the property secure until it is demolished.
- F. The City's performance under the 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. 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), this is a final and appealable order and the Court finds that there is no just reason for delaying the enforcement or appeal of this order.

I. The Court reserves jurisdiction of this cause to enforce the terms of this Order, for the purpose of ascertaining demolition costs for entry of money judgments against the defendant owners, and for the purpose of hearing foreclosure proceedings, as defined by the applicable statutes and ordinances.

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ENTERED:

Judge James M. McGing

AUG 06 2012

JUDGE JAMES M. MCGING

Circuit Court 1926

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