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Case Number 11 M1 403452

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

Case Number: 11 M1 403452

GABRIELLA C. TARTAR ET AL.,

Re: 6441 S. HONORE

Defendants.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on **AUGUST 16, 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:

GABRIELLA C. TARTAR; and

NATIONAL CITY MORTGAGE CO. A/K/A NATIONAL CITY MORTGAGE INC; 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: 6441 S. HONORE, Chicago, Cook County, Illinois ("subject property"), legally described as:

THE NORTH 12 FEET OF LOT 31 AND LOT 32 (EXCEPT THE NORTH 7 FEET THEREOF) IN THE RESUBDIVISION OF BLOCKS 27 AND 28 OF SOUTH LYNNE, A SUBDIVISION OF THE NORTH 1/2 OF SECTION 19, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-19-211-015.

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

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- a. The building is vacant.
 - b. The building's roof is water damaged.
 - c. The building's exterior wall is missing siding in various locations.
 - d. The building's glazing is broken or missing.
 - e. The building's sashes are broken, missing or inoperable.
 - f. The building's plaster is broken or missing.
 - g. The building's plaster has developed mold and mildew at the basement level.
 - h. The building's studding is missing in various locations.
 - i. The building's flooring is missing in various locations.
 - j. The building's flooring is warped in various locations.
 - k. The building's electrical system is inoperable.
 - l. The building's electrical fixtures have been removed, exposing electrical wiring.
 - m. The building's heating system has signs of vandalism.
 - n. The building's heating system is inoperable and is missing a furnace.
 - o. The building's plumbing system is inoperable and is missing fixtures.
 - p. The building's stair system has damaged handrails and damaged decking.
 - q. The building's stair system has improper tread and risers.
 - r. The building's stair system has handrails of an improper height.
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 8/16/11 to abate the dangers and hazards posed by the building.

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'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.
- B. Counts II, III, V, VI, and VIII are voluntarily withdrawn without prejudice

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- C. 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.
- 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. 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.
- 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.

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: 

Keith Martin
Assistant Corporation Counsel
Building and License Enforcement Division
30 N. LaSalle Street, Room 700
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Atty No. 90909

Associate Judge William G. Pilegy
ENTERED
AUG 16 2012
Circuit Court - 1764