

# UNOFFICIAL COPY

Case Number 12 M1 400955



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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

v.

RODNEY L. JOHNSON, ET AL.,  
Defendants.

Case Number: 12 M1 400955

Re: 100-02 E. 71<sup>st</sup> Street

Courtroom 1109

### ORDER OF DEMOLITION

This cause coming on to be heard on 8/22, 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:

RODNEY L. JOHNSON,  
WHEELER FINANCIAL, 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: 100-02 E. 71<sup>st</sup> Street, Chicago, Cook County, Illinois ("subject property"), legally described as:

**THE WEST 40 FEET OF LOTS 13 AND 14 IN BLOCK 12 IN N. LANCASTER'S  
SUBDIVISION OF THE WEST ½ OF THE SOUTHWEST 1/4 OF SECTION 22,  
TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.**

Permanent Index Number: 20-22-322-032-0000.

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

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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(s) located on the subject property ("the building") is vacant.
- b) The building's electrical systems are stripped or inoperable with exposed wiring and missing fixtures.
- c) The building's plumbing systems have missing fixtures.
- d) The building's floors have portions that are missing.
- e) The building's glazing is broken or missing with cracked panes.
- f) The building's joists are cracked and/or missing.
- g) The building's masonry has holes with loose or missing brick.
- h) ~~The building's masonry has washed out mortar joints.~~
- i) The building's plaster is broken or missing.
- j) The building's rafters are cracked.
- k) The building's sash are broken, missing, or inoperable.
- l) The building's studding has smoke, fire, and/or water damage.
- m) The building has studding that is missing.

n. The building's roof is collapsed

b. \_\_\_\_\_

c. \_\_\_\_\_

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.

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WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. Defendants, Rodney L. Johnson, and unknown owners and non-record claimants, having been notified by publication, and having failed to appear, answer, or otherwise plead as of the default date of August 2, 2012, are in default and all allegations in the complaint are deemed admitted against Defendants in default.
- B. 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. The remaining Counts 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. The authority granted in Paragraph D. above shall become effective 8/22/12.

~~F. Defendant(s) \_\_\_\_\_ is/are ordered to keep the property secure until it is demolished. Defendant \_\_\_\_\_ is ordered to pay a judgment of \_\_\_\_\_ in reimbursement of the City's litigation costs no. Defendant \_\_\_\_\_ is ordered to pay a judgment in the amount of \_\_\_\_\_ pursuant to 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, Illinois, 60602, Attn: Kristina Mokrzycki. The payment instrument must include the case number on its face, and be accompanied by a copy of this court order.~~

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- G. 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.
- H. 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.
- I. 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.
- J. 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 ~~landlords~~ <sup>the claimant</sup> ~~owners~~ <sup>M. McShane</sup>, as defined by the applicable statutes and ordinances.

ENTERED:

AUG 22 2012

Circuit Court 1926

**W. Rizzo**

PLAINTIFF, CITY OF CHICAGO

STEPHEN PATTON, Corporation Counsel

30 N. LaSalle Street, Room 700

Chicago, Illinois 60602 / (312) 744-8791

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