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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

DARRYL GREER, ET AL

Defendants.

Case Number: 12 M1 403122

Re: 6738-40 S. Parnell Ave.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on April 2, 2013, 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:

DARRYL GREER; 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: 6738-40 S. Parnell Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

THE EAST 128 FEET OF LOTS 16 AND 17 IN BLOCK 3 IN THE BATES RESUBDIVISION OF THE NORTHEAST 1/4 OF SECTIONS 21, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE EAST 644 FEET OF THE 691 FEET SOUTH OF AND ADJOINING THE NORTH 428 FEET OF SAID TRACT), IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-21-303-015.

- 2. Located on the subject property is a three-story brick 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's electrical, heating and plumbing systems have been vandalized and are therefore inoperable.
 - b. The building's masonry has fractures and washed-out mortar joints.
 - c. The building's joists and rafters are cracked.
 - d. The building's roof has damaged membranes.
 - e. The building's stair system has damaged decking and handrails, as well as improper foundations and handrail heights.
 - f. The building's windows have broken or missing glazing, as well as broken, missing or inoperable sashes.
 - g. Sections of plaster are broken or missing from the interior walls of the building.
 - h. Sections of flooring are warped or missing throughout the interior of the building.
 - i. There is criminal activity on the building's premises, as evidenced by the displays of graffiti therein.
 - j. The building is located close to a park and a high school.
 - k. _____
 - l. _____
 - m. _____
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 4/2/13 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. Defendant(s), **Wheeler-Dealer Ltd. D/B/A Wheeler Financial, Inc.** the holder(s) of property tax certificates, was/were properly notified of this action pursuant to §21-410 of the Property Tax Code, 35 ILCS 200/21-410). Defendant(s) is/are not subject to the judgment of this demolition order.
- C. Counts II, III, V, VI, VII and VIII are voluntarily withdrawn without prejudice

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- 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.
- 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.

ENTERED



Associate Judge William G. Pileggi

APR 02 2013

Circuit Court - 1764

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
 Chicago, Illinois 60602 / (312) 744-7634
 Atty No. 90909