

UNOFFICIAL COPY

Box space reserved for Recorder's
Office only



Doc#: 1317241116 Fee: \$80.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/21/2013 03:40 PM Pg: 1 of 12

*Duplicate
Signed*

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS MUNICIPAL DEPARTMENT, FIRST DISTRICT

CITY OF CHICAGO, a municipal
corporation,

Plaintiff,

v.

FRESH START DEVELOPMENT LLC, et al.,

Defendants.

Case No. 10 M1 402616

RE: 4016 West Lexington, Chicago, IL 60624

Room 1107

PIN: 16-15-412-043-0000

ORDER OF DEMOLITION

This cause having been heard on June 11, 2013 on the City's Second Amended Complaint for Equitable and Other Relief of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R Patton, Corporation Counsel, against the following named Defendants:

FRESH START DEVELOPMENT, LLC

Owner and Tax Payers of Record

CHICAGO TITLE LAND TRUST CO.

Mortgage Holder

UNKNOWN OWNERS AND NON-RECORD CLAIMANTS

The Court, being fully advised in the premises and having heard the evidence after having the case called for a set trial, finds that:

1. The Court has jurisdiction over the subject matter and personal jurisdiction over the interested parties involving **4016 West Lexington St., Chicago, IL 60624** ("subject property"), and legally described as follows:

UNOFFICIAL COPY

This parcel has a **Permanent Index Number (PIN)** of **16-15-412-043-0000** and is legally described as:

LOT 13 (EXCEPT THE NORTH 16 FEET THEREOF) IN BLOCK 1 IN BUTLER, CUMMINGS AND SCULLY'S SUBDIVISION OF PART OF MUNSON'S ADDITION TO CHICAGO, IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. The subject property is located in a residential area. Located on the subject property is: a 2 story brick and masonry building with 2 legal residential units and 0 commercial unit.

3. That the building located on the subject property is dangerous, hazardous, unsafe and is also a public nuisance and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 *et seq.* The Defendant City of Chicago has proven by a preponderance of the evidence that the building on the property should be demolished.

The Court specifically finding that: the building is an ongoing public nuisance and structurally unsound and is a danger to the public; the property is deteriorated by at least 37 % of the vital systems; the property is vacant and open; all of the plumbing, electrical and ventilation/heating systems are vandalized, damaged and missing throughout the property; drywall and plaster is missing throughout; the first floor has damaged flooring and damaged joists; the roof rafters are exposed; the rear porch is in a deteriorated condition, is missing guard rails, lacks footings for the columns and is missing bolts and brackets, held together primarily by nails and is not supported properly with the lockouts being over notched and in poor condition; the interior stairs are in poor condition and unstable, no person has completed the registration of the property as vacant; the cost of repairs to rehabilitate the property would be a minimum of \$60,000 and could exceed \$150,000; and, there have been no permits to make repairs obtained or applied for during the pendency of this case.

4. Major reconstruction would be necessary to correct the conditions that currently exist at the subject property and that costs of the rehabilitation is not feasible or appropriate as the value of the property is not worth the construction costs.

5. Demolition of the subject property, as a whole, is the least restrictive alternative available to effectively abate the dangerous and hazardous conditions now existing there and is necessary to protect the health, safety and welfare of the public.

WHEREFORE, IT IS ORDERED THAT:

- A. Judgment is entered in favor of Plaintiff City of Chicago and against Defendants, FRESH START DEVELOPMENT, LLC, on Counts I and II of the City's Complaint for Equitable and Other Relief;
- B. Pursuant to 65 ILCS 5/11-31-1, and the City's police powers under Article VII of the Illinois Constitution, the City shall engage in the demolition of 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, this authority is granted instanter and effective June 11, 2013;
- C. There is Permanent Injunction against FRESH START DEVELOPMENT, LLC and all defendants to not Rent, Use, Lease or Occupy the Property, keep it vacant, boarded and secured and to immediately register it as vacant pursuant to 13-12-125-128 of the Chicago Municipal Code and also to not Sell, Transfer or Alienate Title until further Order of Court or the demolition is completed;
- D. The City shall contact all utility companies and have all utilities terminated to the property;

UNOFFICIAL COPY

- E. FRESH START DEVELOPMENT, LLC are found liable on Count I, Paragraph 3c and are fined \$25,460.00 (which includes \$60 for court costs);
- F. The Court retains jurisdiction of this cause to enforce the terms of this order and for the purpose of ascertaining the demolition and litigation costs for entry of a liens against the Defendant(s).

THIS MATTER is off call the Court finding no just reason to delay enforcement.

Judge Lauretta Higgins Wolfson

JUN 17 2013

Circuit Court 1938

ENTERED

Judge Lauretta Higgins Wolfson

Courtroom 1107

DATE: _____

By: _____

Stephen R. Patton
Corporation Counsel
Steven Quaintance McKenzie
Senior Assistant Corporation Counsel
City of Chicago Department of Law
Building and License Enforcement Division
30 North LaSalle Street, Suite 700
Chicago, Illinois 60602
(312) 744-8710
ATTY NO. 90909

Duplicate signed

UNOFFICIAL COPY

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

CITY OF CHICAGO, a municipal corporation,
Plaintiff

v.

FRESH START DEVELOPMENT, LLC
CHICAGO TITLE LAND TRUST COMPANY

UNKNOWN OWNERS AND NON-RECORD CLAIMANTS,
DEFENDANTS

Case No. 10 M1 402616

Amount claimed per day: \$24,000.00

Address: 4016 W. LEXINGTON ST.
CHICAGO, IL
60624-

PLAINTIFF'S SECOND AMENDED CONSOLIDATED COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, City of Chicago, a municipal corporation, by Stephen Patton, Corporate Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of Defendants as follows:

Count I

1. Within the corporate limits of said city there is a parcel of real estate legally described as follows:

16-15-412-043-0000

LOT 13 (EXCEPT THE NORTH 16 FEET THEREOF) IN BLOCK 1 IN BUTLER, CUMMINGS AND SCULLY'S SUBDIVISION OF PART OF MUNSON'S ADDITION TO CHICAGO, IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as

4016 - 4016 W LEXINGTON ST CHICAGO IL 60624-

and that located thereon is a

2 Story(s) Building

2 Dwelling Units

0 Non-Residential Units

2. That at all times pertinent thereto on information and belief the following named defendants owned, maintained, operated, collected rents for, or had an interest in the said property on the date(s) herein set forth.

FRESH START DEVELOPMENT, LLC, OWNER

CHICAGO TITLE LAND TRUST COMPANY, MORTGAGE HOLDER

Unknown owners and non-record claimants

UNOFFICIAL COPY

3a. That on 06/17/2010 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

1 CN062024

Failed to maintain parapet wall in good repair and free from cracks and defects. (13-196-530 and 13-196-641)

Parapet at west elevation has brick and mortar washed out.

Location: OTHER : :

SEQ #: 001

2 CN063014

Failed to maintain chimney in safe and sound working condition. (13-196-590, 13-196-530(b) and (c), 13-196-641)

Chimney at east elevation bricks and mortar are washed out.

Location: OTHER : :

SEQ #: 002

3 CN063024

Failed to cap masonry chimney with non-combustible, water proof materials. (13-152-250 B, 13-152-240, 13-196-590)

Chimney at east elevation is missing cap.

Location: OTHER : :

SEQ #: 003

4 CN067014

Failed to maintain roof in sound condition and repair, watertight and free from defects. (13-196-530, 13-196-530(c) and 13-196-641)

Roof leaks causing extensive damage to 2nd and 1st floor ceilings and walls.

Location: OTHER : :

SEQ #: 004

5 CN070024

Failed to repair or replace defective or missing members of porch system. (13-196-570, 13-196-641)

Rear 2 story wood porch; rails are 36" toe nailed and loose at 2nd floor. 2x3 joist span 12'. Foundation is unknown. 6x6 columns are stacked column-beam-column. Hatch cover missing. Submit plans and obtain permit.

Location: OTHER : :

SEQ #: 005

6 CN073014

Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e), 13-196-641)

Basement door is missing doorway is boarded.

Location: EXTERIOR:W :

SEQ #: 006

7 CN073024

Failed to maintain exterior door frames to exclude rain and wind from entering building and otherwise in sound condition and repair. (13-196-550, 13-196-550(f), 13-196-641)

Front entrance door to 1st, frame is broken.

Location: OTHER : :

SEQ #: 007

UNOFFICIAL COPY

8 CN073044

Failed to maintain exterior door hardware in good condition and repair. (13-196-550(d), 13-196-641)

Front entrance door to 1st and 2nd locks are loose.

Location: EXTERIOR:S :

SEQ #: 008

9 CN101015

Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c))

1st and 2nd floors; ceiling and walls have extensive water damage throughout apartment - front room, hallway, west bedroom, bathroom and kitchen.

Location: OTHER : :

SEQ #: 009

10 CN104015

Failed to replace broken, missing or defective window panes. (13-196-550 A)

Broken windows at 1st front and rear.

Location: OTHER : :

SEQ #: 010

11 CN105015

Failed to repair or replace defective door. (13-196-550)

Front bedroom door is broken.

Location: INTERIOR:001 :

SEQ #: 011

12 CN105035

Failed to repair or replace door hardware. (13-196-550)

Various doors throughout have loose and hanging locks.

Location: INTERIOR:001 :

SEQ #: 012

13 CN106015

Failed to maintain interior stairway system in safe condition and sound repair. (13-196-570)

Front stairs 1st to 2nd missing handrail also one tread (diamond shape) towards the top end is split and weak.

Location: OTHER : :

SEQ #: 013

14 CN131026

Failed to repair or replace defective screen. (13-196-560 B)

Window screens are torn at various locations.

Location: OTHER : :

SEQ #: 014

15 CN140016

Failed to keep premises clean, sanitary, and safe. (13-196-620 A, 13-196-630)

Mildew on walls at 1st floor west bedroom and bathroom.

Location: INTERIOR:001 :

SEQ #: 015

UNOFFICIAL COPY

16 NC2011

Performed or allowed work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work. (13-32-010, 13-32-040, 13-40-020, 13-12-050)

Erected 1 story wood porch at front, no permit on record.

Location: OTHER : :

SEQ#:016

3b. That on 01/21/2011 and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of City of Chicago as follows:

17 CN061014

Failed to maintain the exterior walls of a building or structure free from holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the walls. (13-196-530(b), 13-196-641)

FRONT EXTERIOR MASONRY – WASHED OUT MORTAR JOINTS.

18 CN105035

Failed to repair or replace door hardware. (13-196-550)

VESTIBULE ENTRY DOOR TO STAIRS MISSING HARDWARE.

19 CN101025

Failed to maintain interior ceilings and walls reasonably smooth, clean and tight and free from chipped or loose plaster or structural material. (13-196-540(d) and (e))

1ST FLOOR CEILING – WATER DAMAGED FRACTURED PLASTER/DRYWALL.

20 CN104075

Failed to maintain windows in relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the premises. (13-196-550(f))

1ST FLOOR WINDOWS DRAFTY.

21 CN197019

Failed to install and maintain approved smoke detectors. (13-196-100 thru 13-196-160) Install a smoke detector in every dwelling unit. Install one on any living level with a habitable room or unenclosed heating plant, on the uppermost ceiling of enclosed porch stairwell, and within 15 feet of every sleeping room. Be sure the detector is at least 4 inches from the wall, 4 to 12 inches from the ceiling, and not above door or window.

NO SMOKE DETECTORS OBSERVED THROUGHOUT BUILDING.

22 PR070024-J2

Failure to repair or replace defective or missing members of porch system. (13-196-570).

REAR EXTERIOR PORCH – BOLTS AND BRACKETS MISSING ON ALL BEAM TO COLLUM CONNECTIONS 1ST TO 3RD FLOORS, STRINGERS MISSING HANGERS – LOOKOUTS ARE 1/2 LAP MORTICED INTO UPRIGHTS AND NEED REPLACEMENT, PLANS AND PERMIT REQUIRED FOR ALL PORCH REPAIRS.

23 CN106015

Failed to maintain interior stairway system in safe condition and sound repair. (13-196-570)

FRONT STAIRS 1ST TO 2ND FLOOR, WINDER TREADS LOOSE AND PULLING FROM

UNOFFICIAL COPY

STRINGER – DANGEROUS AND HAZARDOUS

24 CN108015

Failed to maintain skylight in sound condition and good repair. (13-196-530)

STAIRWELL SKYLIGHT LEAKING

25 CN101015

Failed to maintain interior walls and ceilings free from holes or cracks. (13-19-540(c))

STAIRWELL CEILING, WATER DAMAGED PLASTER

26 CN138056

Failed to remove accumulation of refuse and debris and keep premises clean. (13-196-580, 13-196-630)

BASEMENT AND YARD ACCUMULATIONS OF GARBAGE AND DEBRIS

27 CN076014

Install and connect roof gutter and downspout to sanitary sewer. (13-168-600)

REAR DOWNSPOUT MISSING

28 NC3042

Failed to provide and maintain uninterrupted means of egress to outside exit at grade level. (13-160-070, 13-160-100, 13-196-080)

REAR GATE PADLOCKED

29 CN073014

Failed to maintain exterior door in sound condition and repair. (13-196-550(d) and (e), 13-196-641)

REAR BASEMENT DOOR BROKEN FROM HINGES

30 CN135016

Failed to exterminate rodents in building and seal openings through which they gain access. (13-196-530 D, 13-196-630 C, 7-28-660)

BASEMENT, RODENT FECES. YARD, RODENT HARBORAGE AND FOUNDATION AS RODENT HOLES.

31 CN063014

Failed to maintain chimney in safe and sound working condition. (13-196-590, 13-196-530(b) and (c), 13-196-641)

CHIMNEY – WASHED OUT MORTAR

32 CN196019

Failed to post address of building in conspicuous place on or near entrance with figures at least 3 inches long for residential, or 6 inches long for commercial building. (10-4-050, 10-4-090, 10-4-100)

ADDRESS NOT POSTED. love

33 CN196029

Failed to post name, address, and telephone of owner, owner's agent for managing, controlling or collecting rents, and any other person managing or controlling building conspicuously where accessible or visible to public way. (13-12-030)

UNOFFICIAL COPY

OWNER I.D. NOT POSTED.

34 CN046013

Failed to stop using cooking or water heating device as heating device. (13-196-400)

1ST FLOOR FURNACE INOPERABLE, TENANTS USING ELECTRIC SPACE HEATERS –
SITUATION IS DANGEROUS AND HAZARDOUS.

35 PL154027

Failed to supply adequate hot water with minimum temperature of 120 degrees F. (13-196-430)

NO HOT WATER OR HEAT DUE TO NON-PAYMENT OF GAS.

36 PL239020

Failed to protect plumbing system pipes from freezing. (18-29-305.6)

PIPES NOT PROTECTED FROM FREEZING

37 PL232010

Failed to submit plans to Building, Water, and Sewer Depts for approval and permit before constructing, altering, or using plumbing system. (13-12-080, 13-32-010)

PROVIDE PLANS AND PERMITS FOR 8 PLUMBING FIXTURES AND TWO WATER HEATERS,
WATER PIPING, REPLACEMENT OF FIXTURES

38 PL239010

Failed to engage licensed and bonded plumbing contractor to install plumbing. (18-29-106.1)

A LICENSED AND BONDED PLUMBING CONTRACTOR IS REQUIRED.

39 PL155027

Failed to supply enough cold water for plumbing fixtures to keep them sanitary. (18-29-604)

NO WATER DUE TO FROZEN PIPES.

40 EL0095

Failed to use branch circuit conductor to supply only 1 apartment or dwelling unit. (18-27-570.10, 18-27-560.23)

PROVIDE SEPARATE PANEL AND METERING TO SECURE BUILDING COMMON AREA LOADS.

41 EL0005

Failed to replace defective distribution equipment. (18-27-384.13, 18-27-384.15, 18-27-384.16, 18-27-384.17)

BOTH EXISTING PANELS LACK COVERS – EXPOSED WIRING (DANGEROUS AND
HAZARDOUS)

42 EL0006

Failed to install proper size grounding conductor. (18-27-250.20, 18-27-250.66)

GROUND IS NOT ATTACHED TO WATER PIPE (DANGEROUS & HAZARDOUS)

UNOFFICIAL COPY

43 EL0004

Failed to replace defective feeder. (18-27-215.2, 18-27-215.3, 18-27-215.4, 18-27-215.5, 18-27-215.6, 18-27-215.7, 18-27-215.8, 18-27-215.10, 18-27-215.11)

MAIN SERVICE CONDUCTORS IMPROPERLY ATTACHED AT MAIN BREAKERS. ONE PHASE CONNECTED AND JUMPED TO OTHER PHASE (DANGEROUS AND HAZARDOUS)

44 EL0029

Failed to remove exposed wiring. (18-27-300.4)

EXTERIOR FRONT AT BROKEN/SEVERED LIGHTING POLE AND BASEMENT (DANGEROUS AND HAZARDOUS)

45 EL0023

Failed to install cover on outlet or junction box. (18-27-370.25)

FIRST FLOOR SWITCH PLATE

46 EL0019

Failed to replace defective light fixture. (18-27-410.22, 18-27-410.23, 18-27-410.24, 18-27-410.27, 18-27-410.36, 18-27-410.37, 18-27-410.38, 18-27-410.39)

DEFECTIVE LIGHT FIXTURES THROUGHOUT BASEMENT, EXTERIOR, AND FIRST FLOOR

47 EL0066

Failed to remove unapproved flexible cord. (18-27-400.8)

EXCESSIVE EXTENSION CORD USE THROUGHOUT PROPERTY

3c. On January 25, 2013, and on each succeeding day, and on numerous other occasions, Defendants have failed to comply with the Municipal Code of Chicago as follows:

48 Failed to repair or wreck dangerous and vacant residential premises. (13-8-100, 13-12-125, 13-12-130).

THIS IS A 2 STORY BUILDING WITH TWO DWELLING UNITS AND ZERO NON-RESIDENTIAL UNITS.

THE DETERIORATION IS MEASURED AT A MINIMUM OF 37% OF THE VITAL SYSTEMS OF THE BUILDING (ELECTRICAL – INCLUDING SERVICE, WIRING, AND FIXTURES – 6%; PLUMBING – INCLUDING SERVICE, STOCKS, PIPING, AND FIXTURES – 8%; HEATING SYSTEM – 7%; CARPENTRY AND FLOORS – 2%; JOISTS – 4%; STAIRS & PORCHES (INTERIOR AND EXTERIOR) – 3%; PLASTER – 7%).

INTERIOR OF THE BUILDING HAS MOST OF THE ELECTRICAL MISSING. THE HEATING PLANT AND DUCT WORK IS MISSING. ALL PLUMBING IS MISSING. SECTIONS OF DRYWALL OR PLASTER ON THE FIRST FLOOR IS MISSING. THE SECOND FLOOR HAS ALL DRYWALL OR PLASTER MISSING THRU-OUT. THERE ARE EXPOSED ROOF RAFTERS. THE REAR PORCH AT FIRST FLOOR FLOOR IS MISSING ITS GUARD RAIL. THERE ARE NO FOOTINGS FOR COLUMNS. THE LOOK-OUTS ARE NOTCHED AND NAILED ONLY.

*** End of Violations ***

UNOFFICIAL COPY

4. That Richard Monocchio is the Commissioner of the Department of Buildings of City of Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(s) to be conducted by inspectors of the Department of Buildings of City of Chicago, who have knowledge of the facts stated in this complaint.

5. That this proceeding is brought pursuant to the provisions of the Municipal Code of Chicago, and Chapter 65, Section 5/11 -31 -1, 5/11 -31 -2, and 5/11 -13-15 of the Illinois Compiled Statutes, as amended.

Wherefore, plaintiff prays for a fine against the defendants, as provided under 13-12-020 of the Municipal Code of Chicago, in the amount indicated on the heading of the Complaint for each day said violations have existed and/or exist, said fine computed in accordance with Section 13-12-040 of the Municipal Code of Chicago.

Count II

Plaintiff, City of Chicago, a municipal corporation, realleges the allegations of paragraphs one through five of Count I as paragraphs one through five of Count II and further alleges:

6. That the levying of a fine is not an adequate remedy to secure the abatement of the aforesaid municipal code violations and the public nuisance which they constitute, and that it is necessary that a temporary and permanent injunction issue and, if necessary, that a receiver be appointed, to bring the subject property into compliance with the Municipal Code of Chicago.

7. That Richard Monocchio, the Commissioner of the Department of Buildings, City of Chicago, has determined said building does not comply with the minimum standards of health and safety set forth in the Building Code.

WHEREFORE, PLAINTIFF PRAYS:

- a. For a temporary and permanent injunction requiring the defendants to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11 -31 -1 (a), 5/11 -31 -2 and 5/11-13-15 and 13-12-070 of the Municipal Code.
- b. For the appointment of receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11 -31 -2 of Chapter 65 of the Illinois Compiled Statutes, as amended.
- c. For an order authorizing the plaintiff to demolish, repair, enclose or clean up said premises, if necessary, and a judgment against defendants and a lien on the subject property for those costs in accordance with Section 5/11 -31 -1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended.
- d. If appropriate and under proper petition, for an order declaring the property abandoned under Section 5/11 -31 -1 (d) of Chapter 65 of the Illinois Compiled Statutes as amended and for an order granting City of Chicago a judicial deed to the property if declared abandoned.
- e. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11 -31 -2 of Chapter 65 of the Illinois Compiled Statutes, as amended, for an order permitting foreclosure of said lien in this proceeding.
- f. For reasonable attorney fees and litigation and court costs.
- g. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

CITY OF CHICAGO, a municipal corporation

By: _____

ASSISTANT CORPORATION COUNSEL

UNOFFICIAL COPY

VERIFICATION BY CERTIFICATION

Under the penalties provided by law pursuant to 735 ILCS 5/1-109, the undersigned certifies that he is an Assistant Corporation Counsel for the City of Chicago and that he is the duly authorized agent of Plaintiff for the purpose of making this Certification, and that the statements set forth in this motion are true and correct, except as to matters therein stated to be on information and belief, and as to such matters he certifies as aforesaid that he believes the same to be true.

Steven Q. McKenzie
Assistant Corporation Counsel

30 N. LaSalle, Room 700
Chicago, IL 60602
(312) 744-7596
Atty No. 90909

Stephen R Patton
Corporation Counsel

by: _____

Assistant Corporation Counsel
30 N LaSalle St. 7th floor
Chicago, Illinois 60602
Atty. No 90909
(312) 744-8791

Property of Cook County Clerk's Office