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Doc#: 1321104015 Fee: \$42.00
Karen A. Yarbrough
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Date: 07/30/2013 08:19 AM Pg: 1 of 3

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

JOSE A. RODRIGUEZ, *ET AL.*,

Defendants.

Case Number: 12 M1 403291

Re: 5212 S. MARSHFIELD AVE.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming on to be heard on, 7/25/13, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

JOSE A. RODRIGUEZ; 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: 5212 S. Marshfield Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 6 IN BLOCK 7 IN ORVIS SUBDIVISION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-07-414-030-0000.

2. Located on the subject property is a two-story, multiple family frame building. 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:

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- a. The building has been found vacant and open.
- b. The building's electrical service has been terminated at the building.
- c. The building's electrical system is stripped and inoperable, with exposed wiring and missing fixtures.
- d. The building's flooring is missing, and warped.
- e. The building's glazing system is broken or missing.
- f. The building's heating system is stripped and inoperable, vandalized, and missing ductwork and a furnace.
- g. The building's joists are over notched.
- h. The building's masonry has holes, and the building's siding is missing.
- i. The building's plaster is broken or missing, and smoke, fire or water damaged.
- j. The building's plumbing system is stripped and inoperable, and missing fixtures.
- k. The building's roof is missing shingles, and is water damaged.
- l. The building's sashes are broken, missing or inoperable.
- m. The building's stair system has damaged handrails and improper handrail height.
- ~~n.~~
- ~~o.~~
- ~~p.~~
- ~~q.~~
- ~~r.~~


- 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. The Court finds that the City has met its obligations under Section 21-410 of the Property Tax Code and that property tax certificate holders are subject, *inter alia*, to Sections 21-95, 21-100, 21-105, and 22-35 of the Property Tax Code. The property tax certificate holder, PPTS, LLC A/K/A PLYMOUTH PARK TAX SERVICES, LLC, is dismissed as a party defendant.

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- 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 B. above shall become effective immediately.
- F. 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. 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.
- 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 and for the purpose of ascertaining the demolition costs for entry of a money judgment against ~~William G. Pileggi~~ ^{Associated Food} defendant owners, as defined by the applicable statutes and ordinances.


 JUL 25 2013
 ENTERED:
 Credit Court - 1764
 Office

PLAINTIFF, CITY OF CHICAGO
 STEPHEN PATTON, Corporation Counsel

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