



Doc#: 1323941161 Fee: \$42.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/27/2013 03:18 PM Pg: 1 of 3

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

ZUB Enterprises, Inc.,

Defendants.

**No. 08 M1 401492
(transferred to Chancery)
Re: 817 North Winchester**

Judge Kathleen M. Pantle

AGREED ORDER OF SETTLEMENT

This case is before the Court to approve the terms of this Agreed Order of Settlement between Plaintiff City of Chicago ("City") and Defendant ZUB Enterprises, Inc., ("Defendant" or "ZUB").

The parties wish to resolve this case without a trial, and have read and voluntarily agreed to the terms of this Order. The Court makes the following findings of fact and law, and orders Defendant to comply with each of the terms stated in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 817 North Winchester, Chicago, Illinois ("subject property"), and legally described as:

THE NORTH 27.5 FEET OF THE SOUTH 55 FEET OF THE NORTH 160 FEET IN THE SUBDIVISION OF BLOCK 7 IN THE SUPERIOR COURT PARTITION OF BLOCKS 2, 4, 7 AND THE WEST 1/2 OF BLOCK 3 AND THE SOUTH 1/2 OF BLOCK 8 IN COCHRAN AND OTHERS SUBDIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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Permanent index number: 17-06-434-012-0000.

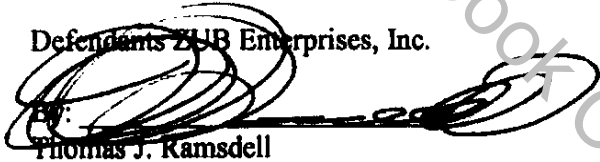
2. The subject property contains a three-story, residential building with a basement and attic ("subject building") and is located in an RT4 Residential District.
3. Defendant is the record owner of the subject property, having obtained title by trustee's deed dated September 2, 2004, recorded as document number 0428718179.
4. The City alleges in its First Amended Complaint for Equitable and Other Relief that beginning on or about October 19, 2007, the subject building exceeded the height standard for its RT4 zoning district and was built contrary to approved plans, in violation of various provisions of the Municipal Code of Chicago.
5. On June 28, 2007, the City approved Defendant's plans and issued permit number 1011858 for the construction of a three unit apartment building with a building height of 38 feet. On May 29, 2012, and June 11, 2012, the City approved Defendant's revised plans and issued permit numbers 100442592 and 100442790, respectively. The revised plans and permits required the removal of the fourth floor level to comply with zoning and reinstated permit number 1011858.
6. The parties agree and stipulate that the fourth floor level was removed and that the subject building now meets zoning height requirements.
7. In settlement of all counts of the City's Complaint, Defendant agrees to pay the City a settlement of \$6,500.00 no later than November 1, 2013, or such other date as the parties may agree. Payment of the \$6,500.00 shall be made by a certified check or money order payable to the "City of Chicago" and delivered to Kimberly White at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602, no later than November 1, 2013, or such other date as the parties may agree.
8. Defendant agrees to bring the subject building into full compliance with the Municipal Code of Chicago no later than **October 18, 2013**. Specifically, Defendant shall obtain final approval, (i.e. permit sign-offs), from each of the following bureaus of the Department of Buildings: New Construction, Electrical, Plumbing, Ventilation, Refrigeration and Zoning. Defendant shall provide a copy of the permit with all sign offs to the City's attorney at the address listed below.
9. Should Defendant require additional time to comply with any of the terms of this agreement, Defendant shall, with notice to the City, petition the Court for an extension of time.
10. The Court shall retain jurisdiction of the terms of this Agreed Order for the purposes of enforcement or modification, upon proper motion.

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11. The parties agree and understand that any violation of this Agreed Order's provisions shall result in:
 - a. A fine to the City in the amount of \$500.00 to \$1,000.00 per day of violation;
 - b. Upon petition by the City, a hearing as to why Defendant, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order; and
 - c. Upon petition by the City, the appointment of a receiver to make any necessary repairs to bring the subject property into full compliance with the Municipal Code of Chicago.
12. This agreement resolves all claims and matters pending between the parties.
13. This case is dismissed pursuant to this agreement. All parties to this agreement waive their right to appeal this agreed order.

Agreed to by:

Defendants ZUB Enterprises, Inc.



Thomas J. Ramsdell
 Howard & Howard
 200 S. Michigan Ave, Suite 1100
 Chicago, Illinois 60604
 (312) 456-3642

Plaintiff City of Chicago:
 Stephen R. Patton, Corporation Counsel

By: 

Amanda Basil
 City of Chicago Department of Law
 30 N. LaSalle St., Suite 700
 Chicago, IL 60602
 (312) 744-6648
 #90909

ENTERED:

_____ Date

_____ Judge

ENTERED
 JUDGE KATHLEEN M. PANTLE-1775
 AUG 14 2013
 DONUT P. DRUWEN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK