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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

JAMES CARLTON, ET AL.,

Defendants.

Case Number: 11 M1 403385

Re: 5148 S. EMERALD AVE.

Courtroom 1109

*(Stay for 60 days)
9/16/13*

Agreed

ORDER OF DEMOLITION

This cause coming on to be heard on, 9/17/13, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

JAMES CARLTON; 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: 5148 S. Emerald Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 20 IN BLOCK 4 IN PROVIDENT HOMESTEAD ASSOCIATION, A SUBDIVISION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-09-300-040-0000.

2. Located on the subject property is a two-story, multiple unit, 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 is vacant and has been periodically accessible.
- b. The building is gutted.
- c. The building's electrical system is stripped and inoperable with missing fixtures and exposed wiring.
- d. Commonwealth Edison terminated electric service to the building.
- e. The building's heating system is vandalized, stripped and inoperable, missing duct work, and missing a furnace.
- f. The building's plumbing system is stripped and inoperable with missing fixtures.
- g. The building's floor systems are warped and missing floor covering.
- h. The building's joist system has cracked joists.
- i. The building's studding system has damaged headers and is missing studs.
- j. The building's plaster is broken or missing.
- k. The building's exterior wall system is missing siding.
- l. The building's sashes are broken, missing, or inoperable.
- m. The building's rear stair system is partially collapsed and dangerous with improper foundations, improper handrails, improper tread and riser dimensions, and no joist hangers.

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.

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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 holders ELM LIMITED, LLC and PPTS, LLC A/K/A PLYMOUTH PARK TAX SERVICES, LLC are dismissed as party defendants.
- 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 11/16/13 (60 days).
- 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 the defendant owners, as defined by the applicable statutes and ordinances.

ENTERED:




PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: 
Stuart Miles
Assistant Corporation Counsel

Judge Edward S. Harmening

SEP 17 2013

Circuit Court - 1994


Counsel for James Carlton

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Building and License Enforcement Division
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602 / (312) 744-0210
Atty No. 90909

COOK COUNTY
RECORDER OF DEEDS
SCANNED BY _____

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