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Date: 01/16/2014 10:40 AM Pg: 1 of 3

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*Dupl. case
Original*

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

CITY OF CHICAGO, a municipal corporation,)	
)	12 M1 400349
Plaintiff,)	
)	RE: 3701 West Diversey
v.)	Chicago, IL 60636
)	
SAMUEL SOTO, et al.,)	Room 1107 Richard J Daley Center
)	
Defendants.)	FIN: 13-26-304-009-0000

EMERGENCY ORDER OF DEMOLITION

This cause having been heard on January 7, 2014 on the First 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:

SAMUEL SOTO and SAMUEL SOTO d/b/a SOMEN LLC, a dissolved Illinois Corporation	Owner and Last Tax Payer of Record
PLAZA BANK	Mortgage Holder
BANK OF AMERICA	Former Mortgage Holder previously dismissed on November 12, 2012
MATTHEW CAVANAGH	As Receiver
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, with the Receiver and its counsel present, and the City taking testimony of the building inspector, and no other Defendants present, finds that:

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1. The Court has jurisdiction over the subject matter and personal jurisdiction over the interested parties involving 3701 West Diversey, Chicago, Illinois, 60647 ("subject property"), and described as follows:

This parcel has a **Permanent Index Number (PIN)** of 13-26-304-009-0000 and is legally described as:

LOT 1 IN BLOCK 1 IN HEAFIELD AND KIMBELL'S SUBDIVISION OF LOT 2 IN KIMBELL'S SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

2. The subject property is located in a residential, along Lawndale Avenue, and mixed residential and commercial, along Diversey Avenue, area. Located on the subject property is: a 3 story brick and masonry building with 5 legal residential units and 1 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 35 % of the vital systems; the exterior wall on the east and west elevation is severely bowing and deteriorated; the east side is bowing out towards the public way and on the west side it has concaved/inward bowing; there are step fractures throughout the exterior wall over the doors and windows; the upper elevations and the parapet wall have eroded mortar joints and step fractures; the chimney has spalling bricks; the north and west exterior walls are shifted in opposite directions from the south and east exterior walls such that the building is twisted; the heavy duty canopy would provide enough protection if some of the parapet wall collapsed but would not be able to withstand the collapse of a wall; the property is currently vacant; the property is being kept secure and the heavy duty canopy being maintained only by the Receiver; the property had been converted to a room housing; the interior stair system is loose and leaning; the residential apartments have been broken and missing doors; some of the plumbing and electrical have been vandalized and damaged there has been ample time and opportunity to repair the buildings and no efforts have been undertaken to commence and finish those repairs and no abatement of the conditions has occurred; and, there have been no permits to make repairs obtained or applied for to correct the violations.

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. The Court finds that an emergency demolition is needed 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, SAMUEL SOTO and SAMUEL SOTO d/b/a SOMEN LLC, a dissolved Illinois Corporation, on Counts I, II and III 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 emergency 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 instant and effective January 7, 2014;

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- C. There is Permanent Injunction against SAMUEL SOTO and SAMUEL SOTO d/b/a SOMEN LLC, a dissolved Illinois Corporation, 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;
- E. SAMUEL SOTO and SAMUEL SOTO d/b/a SOMEN LLC, a dissolved Illinois Corporation, is found liable on Count I and is fined \$120,060.00 (which includes \$60 for court costs);
- F. City's Group Exhibits 1 is entered into evidence, without objections;
- G. MATTHEW CAVANAGH, as Receiver, shall maintain the heavy duty canopy for 30 more days;
- J. 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 Defendants.

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

Judge Laretta Higgins Wolfson

JAN 09 2014

Handwritten signature

ENTERED

Judge Laretta Higgins Wolfson
Courtroom 1107

Circuit Court 1938

DATE: 1/8/2014

By:

Handwritten signature

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Corporation Counsel
Steven Quaintance McKenzie
Senior Assistant Corporation Counsel
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Handwritten note: Duplicate division

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