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Karen A. Yarbrough
Cook County Recorder of Deeds
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IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT - FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

MER-CAR, CORP., ET AL.,

Defendants.

Case Number: 14 M1 400944

Re: 3402-06 W. North Ave.

Courtroom 1111

ORDER OF DEMOLITION

This cause coming to be heard on 9/2/14, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

MER-CAR, CORP.; 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: 3402-06 W. North Ave., Chicago, Cook County, Illinois ("subject property"), legally described as:

PARCEL 1: LOT 18 (EXCEPT THAT PART OF LOT 18 TAKEN FOR ROAD PURPOSES ON MAY 10, 1966 BY DEPARTMENT OF PUBLIC WORKS AND BUILDINGS AND STATE OF ILLINOIS CASE 66-L-6655 CIRCUIT COURT OF COOK COUNTY) IN JAMESON'S RESUBDIVISION OF BLOCK 21 IN E. SIMONS SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 19 IN JAMESON'S SUBDIVISION OF BLOCK 21 IN E. SIMONS SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THAT PART MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING

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AT THE EAST LINE OF SAID LOT 19 WITH THE NORTH LINE OF NORTH AVENUE; THENCE WEST ALONG SAID NORTH LINE OF NORTH AVENUE; A DISTANCE OF 25 FEET TO THE SOUTHWEST CORNER OF SAID LOT 19; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE A DISTANCE OF 85.15 FEET TO A POINT ON THE EAST LINE OF SAID LOT 19; THENCE SOUTH ALONG SAID EAST LINE OF LOT 19, A DISTANCE OF 81.40 FEET TO THE POINT OF BEGINNING) ALL IN COOK COUNTY, ILLINOIS.

PARCEL 3: LOT 20 IN JAMESON'S SUBDIVISION OF BLOCK 21 OF SIMONS SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4: LOT 21 IN JAMESON'S SUBDIVISION OF BLOCK 21 OF SIMONS SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 5: LOT 22 IN JAMESON'S SUBDIVISION OF BLOCK 21 OF SIMONS SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Numbers: 13-35-420-041, 13-35-420-042, 13-35-420-043, 13-35-420-044, 13-35-420-045.

2. Located on the subject property is a one-story brick building. The last known use of the subject building was store/commercial.
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:
 - a. The building(s) located on the subject property ("the building") is vacant and open.
 - b. Commonwealth Edison terminated electrical services to the building.
 - c. The building's electrical systems are stripped and inoperable.
 - d. The building's electrical systems are missing fixtures and have exposed wiring.
 - e. The building's heating systems are stripped and inoperable.
 - f. The building's heating systems have been vandalized.
 - g. The building's heating systems are missing a furnace and ductwork.
 - h. The building's plumbing systems are stripped and inoperable.
 - i. The building's plumbing systems are missing fixtures.
 - j. ~~The building's glazing is broken or missing.~~
 - k. ~~The building's glazing has cracked panes.~~

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- l. The building's masonry has missing sections.
- m. The building's masonry has step or stress fractures and washed out mortar joints.
- n. The building's plaster is broken or missing.
- o. The building's plaster has smoke, fire, and/or water damage.
- p. The building's rafters are cracked and fire damaged.
- q. The building's roof has a damaged membrane.
- r. The building's roof has fire damage.
- s. The building's sashes are broken, missing, or inoperable.
- t. The building's sashes have smoke, fire, and/or water damage.
- u. _____
- v. _____
- w. _____
- x. _____
- y. _____
- z. _____

4. 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. 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. 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.
- B. The remaining counts of the City's complaint are voluntarily withdrawn.
- C. 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.

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- D. The authority granted in Paragraph C. above shall become effective immediately.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: Nina Yabes
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ENTERED:

