



Doc#: 1516741001 Fee: \$42.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/16/2015 10:22 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.

MARVIN BURKS, ET AL.,

Defendants.

Case Number: 14 M1 403800

Re: 5210 S. Wells St.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming to be heard on 6/9/2015, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

- MARVIN BURKS;
- MARCHUN B. BURKS a/k/a MARCHUN B. HOLYFIELD;
- CHICAGO TITLE LAND TRUST CO., LAND TRUST NO. 1059320;
- NORTH COMMUNITY BANK, SUCCESSOR TO COMMERCIAL NATIONAL BANK OF BERWYN;
- 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: 5210 S. Wells St., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOT 55 AND THE NORTH 6 FEET OF LOT 56 IN LARNED RANKIN AND BREARLY'S SUBDIVISION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST QUARTER 1/4 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 20-09-410-028.

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2. Located on the subject property is a two-story brick 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:

BUILDING

- A. The building(s) located on the subject property ("the building") is vacant.
 - B. The building has no working mechanical systems, including electrical, plumbing, and heating.
 - C. The building's electrical fixtures are missing, exposing electrical wiring.
 - D. The building's electrical system is stripped and is therefore inoperable.
 - E. The building has no ductwork or a furnace.
 - F. The building's heating system is vandalized, stripped, and inoperable.
 - G. The building's plumbing fixtures are missing, stripped, and inoperable.
 - H. The building's window sashes are broken, missing, and inoperable.
 - I. Sections of the building's flooring are missing.
 - J. The building's window glazing is broken or missing.
 - K. The building's masonry has washed out mortar joints, step or stress fractures, and missing siding.
 - L. Sections of the building's plaster are broken or missing.
 - M. The building's stair system has damaged handrails.
 - N. The building's studs are missing and have damaged headers.
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, 1742 defined by the applicable statutes and ordinances.

I. This matter is off-call

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

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