

UNOFFICIAL COPY

Prepared By and
After recording, return to:

Derke J. Price, Esq.
Ancel, Glink, Diamond, Bush,
DiCianni & Krafthefer, P.C.
1979 Mill Street, Suite 207
Naperville, Illinois 60563



1517645043

Doc#: 1517645043 Fee: \$56.00
RHSP Fee:\$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/25/2015 11:49 AM Pg: 1 of 10

STIPULATION AND ORDER OF JUDGMENT
VESTING FEE SIMPLE TITLE IN PLAINTIFF

Property of Cook County Clerk's Office

Bm

UNOFFICIAL COPY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, LAW DIVISION

NORTHEASTERN ILLINOIS UNIVERSITY,
A State of Illinois Institution of Higher Education,

Plaintiff,

v.

CHICAGO TITLE LAND TRUST COMPANY as
successor to PARK NATIONAL BANK, successor to
COSMOPOLITAN BANK AND TRUST COMPANY, as
Trustee under Trust Agreement dated October 21, 1997
and known as Trust Number 30718; *et al.*

Defendants.

3432 W. HENDERSON BUILDING, LLC, as Assignee
of North CRE Venture 2010-2, LLC, as successor in
interest to the Federal Deposit Insurance Corporation, as
receiver for Citizens Bank & Trust Co. of Chicago,

Plaintiff,

v.

NORTH STAR TRUST CO., successor to Park National
Bank, Successor to Cosmopolitan Bank and Trust
Company, as Trustee under Trust Agreement dated
October 21, 1997 and known as Trust Number 30718;
et al.

Defendants.

Case No. 13 L 50956

CONDEMNATION-FULL TAKE

**CONSOLIDATED WITH AND
INCLUDING:**

No.: 09 CH 20706

Property address:
3432 W. Henderson
Chicago, IL 60618

STIPULATION AND ORDER OF JUDGMENT VESTING FEE SIMPLE TITLE IN PLAINTIFF

Plaintiff, Northeastern Illinois University ("NEIU") and Defendant Chicago Title Land
Trust Company as Successor to Park National Bank, as successor to Cosmopolitan Bank and
Trust Company, as Trustee under Trust Agreement dated October 21, 1997, and known as Trust

UNOFFICIAL COPY

Number 30718 (“Trustee” or (“Land Trust”)) together with Wieslaw Gizynski, owner of record of the beneficial interest in the Land Trust (“Gizynski”) (“Trustee” and “Gizynski” are collectively referred to as “Owner”), by and through their attorneys, hereby stipulate to the following facts and respectfully request that this Court grant the Judgment requested herein as set forth below vesting fee simple title to the Property (defined below) in Plaintiff. The Parties stipulate as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff Northeastern Illinois University (“NEIU” or “Plaintiff”) is an Illinois institution of higher education located in Cook County, Illinois. NEIU was created by the Northeastern Illinois University Law, 110 ILCS 680/25-1 et seq. Plaintiff commenced this action by filing its Verified Complaint for Condemnation on October 16, 2013. Plaintiff filed this action to ascertain the just compensation for the taking of certain property for public purposes.

2. Defendant Chicago Title Land Trust Company, as successor to Park National Bank, as successor to Cosmopolitan Bank and Trust Company, as Trustee under Trust Agreement Dated October 21, 1997 and known as Trust Number 30718 (hereafter “Trustee”), is the owner of record of the legal interest in that property commonly known as 3432 W. Henderson Street and more accurately and legally described in Exhibit A hereto (hereinafter the “Subject Property”) and Wieslaw Gizynski is the owner of record of the beneficial interest in the Subject Property. Granite Gallery is a dissolved Illinois Corporation. Owner and Granite Gallery were properly served and have appeared and answered the Complaint.

3. Defendant 3432 W. Henderson Building, LLC, as assignee of NORTH CRE VENTURE 2010-2, LLC, as assignee of CITIZENS BANK AND TRUST OF CHICAGO

UNOFFICIAL COPY

(hereafter "Building LLC") possesses a mortgage interest in the Subject Property as follows: Citizens Bank and Trust Company of Chicago under Mortgage dated April 28, 2005 and recorded May 18, 2005 as Document 0513835129 to secure a note in the amount of \$1,400,000.00; assigned to North CRE Venture 2010-2, LLC, a Delaware Limited Liability Company, by instrument recorded March 8, 2011 as Document 1106735049; assigned to 3432 W. Henderson Building, LLC by Instrument Recorded April 12, 2012 as Document No. 1210331094, as well as being the holder of a collateral assignment of the beneficial interest in the Trust Agreement Dated October 21, 1997 and known as Trust Number 30718. Building LLC was properly served and has appeared and filed its Verified Answer to the Complaint (Ex. C).

4. 3432 W. Henderson Street, LLC as successor in interest to MB Financial Bank, N.A., as successor in interest to INBANK, f/k/a INTERSTATE BANK under Mortgage dated September 1, 2006 and recorded October 20, 2006 as Document 0629333029 to secure a note for \$1,000,000.00 (hereafter "Street LLC") possesses a mortgage interest in the Subject Property. Street LLC was properly served and has appeared.

5. Defendant Home Gallery Products, LLC also does business as Chicago Porch People, and Cameleon Sign and is a leaseholder in the Subject Property (hereafter referred to as "Tenants of Record"). Home Gallery Products, LLC, and Home Gallery Products, LLC d/b/a Chicago Porch People, and Cameleon Sign, was properly served and has appeared and answered asserting its rights against NEIU under the Uniform Relocation Act to storage and moving costs.

6. Defendants CR Realty and BCL Huron are parties that had recorded interests against the Subject Property. In addition to persons designated by name herein, there are or may be other persons who are interested in this action and who have or claim some right, title, lien, leasehold or other interest in the Subject Property or some parts thereof, or who may be

UNOFFICIAL COPY

occupying or in possession of all or part of the Subject Property, and the name of each is unknown and all such persons are made parties Defendant to this action by the name and description of "Unknown Owners and Non-Record Claimants." In addition to persons designated by name in this cause, there are or may be other persons who are interested in this action as guardians, conservators, spouses, trustees, beneficiaries, mortgagees, contract purchasers or otherwise, and who have or claim some right, title or interest in or to the Subject Property or any part thereof, that the names of such persons are unknown to Plaintiff and upon due and diligent inquiry cannot be ascertained, and all such person, therefore, have been made party defendants to this action by the name and description of "Unknown Owners and Non-Record Claimants."

7. On October 7, 2014, the Court granted default judgment against CR Realty and BCL Huron and all Unknown Owners and Non-Record Claimants.

8. David Orr, as Cook County Clerk, and Maria Pappas, as Cook County Treasurer and Tax Collector were properly served and have appeared in this matter.

9. NEIU has authority, pursuant to Sections 25-40 and 25-42 of the Northeastern Illinois University Law (110 ILCS 680/25-40, 25-42) to exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the Constitution and the Illinois Eminent Domain Act for the acquisition of property useful, advantageous or desirable for the University's purposes or public welfare.

10. There is a public necessity and it is in the public interest that NEIU acquire title in fee simple to the "Subject Property" for a public use and in order to carry out a public purpose including but not limited to expansion of the University's El Centro Facility including additional classrooms, laboratories, and other amenities so that NEIU may continue to offer such courses of

UNOFFICIAL COPY

instruction, to conduct such research and to offer such public services as prescribed by the Board of Trustees of Northeastern Illinois University. None of the Defendants filed a traverse to the Complaint.

11. The Plaintiff has complied with all requirements of the Eminent Domain Act and this Court has subject matter jurisdiction.

12. The Owner and Plaintiff have exchanged appraisals. The Plaintiff's appraisal dated January 29, 2014, appraised the Subject Property at \$4,330,000.00. The Owner's appraisal dated September 9, 2014 appraised the Subject Property at \$5,300,000.00. The Owner and Plaintiff have agreed and hereby stipulate that the fair market price to be paid as just compensation for the acquisition of fee simple title to the Subject Property is \$5,200,000.00.

13. The Court accepts the stipulation of the Plaintiff and Owner and finds and determines that the fair market value of, and just compensation for, fee simple title to the Subject Property is \$5,200,000.00.

14. The Plaintiff, NEIU, shall deposit \$5,200,000.00 with the Cook County Treasurer within 10 business days of the entry of this Order.

JUDGMENT RENDERED IN FAVOR OF PLAINTIFF AND FEE SIMPLE TITLE VESTED IN PLAINTIFF

Judgment is hereby rendered in favor of the Plaintiff and against all Defendants as to its claim for condemnation of the fee simple title to the Subject Property. **Fee Simple Title is hereby vested in Northeastern Illinois University, an arm and agency of the State of Illinois, and such title includes all improvements and appurtenances thereto, the streets and alleys which abut upon the Subject Property, and all interests therein and right incident thereto of every kind and nature, free and clear of all claims, liens, easements, leases and all other rights of any character.** Possession is immediately granted to Plaintiff for only those portions

UNOFFICIAL COPY

of the Property not occupied as of the date of this Order by the Tenants of Record. This Order may be recorded in the Office of the Cook County Recorder of Deeds upon the filing of a Notice with the Court that the sum of \$5,200,000.00 has been deposited with the Cook County Treasurer.

ISSUES RESERVED FOR FURTHER DETERMINATION AND FUTURE JUDGMENT OR RESOLUTION

- A. Distribution of the proceeds among the Defendants.
- B. Rights of the Tenants of Record and the amounts due to them from Plaintiff under the Uniform Relocation Act (e.g., moving costs, storage costs) 310 ILCS 40/0.01 et seq..
- C. Possession to those portions of the Subject Property currently occupied by the Tenants of Record, including their use and occupancy of all buildings and occupancy solely for storage.

AUTHORIZATION TO DEPOSIT FUNDS

4220

Plaintiff Northeastern Illinois University is hereby authorized and ordered to deposit \$5,200,000.00 by wire transfer with the Cook County Treasurer by close of business no later than 10 business days from the date of this Order, and the Cook County Treasurer is hereby authorized to accept a deposit of \$5,200,000.00 by wire transfer from the Plaintiff for this matter.

SUPREME COURT RULE 304(a) FINDING

9208

The Court finds that there is no just reason for delaying either enforcement or appeal or both.

DATED: October 15, 2014 SO ORDERED:

I hereby certify that the foregoing is a true and correct copy.
 Distribution is affixed to which this
 JUN 25 2015
 Dorothy Brown
 Clerk of the Circuit Court
 of Cook County, IL
 Judge

ENTERED
 JUDGE CARL ANTHONY WALKER-1913
 OCT 15 2014
 DOROTHY BROWN
 CLERK OF THE CIRCUIT COURT
 OF COOK COUNTY, IL
 DEPUTY CLERK

UNOFFICIAL COPY

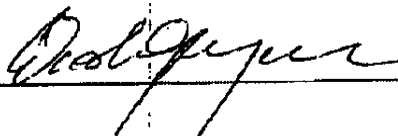
NORTHEASTERN ILLINOIS UNIVERSITY

By 
One of its Attorneys

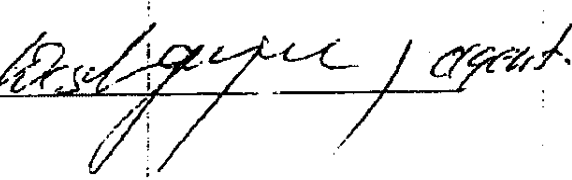
CHICAGO TITLE LAND TRUST COMPANY
as successor to PARK NATIONAL BANK,
successor to COSMOPOLITAN BANK AND
TRUST COMPANY, as Trustee under
Trust Agreement dated October 21, 1997
and known as Trust Number 30718

By: Adolf Czajkowski, as attorney, by authority of
Wieslaw Gizynski, sole beneficiary.

WIESLAW GIZYNSKI

By: 

GRANITE GALLERY, INC., a dissolved corporation,

By:  agent.

Prepared by and should be returned to:

Derke J. Price
Ancel Glink Diamond Bush DiCianni & Krafthefer PC
140 S Dearborn, Suite 600
Chicago, IL 60603
312-782-7606 Phone
312-782-0943 Fax
Firm ID #42783

8/7

UNOFFICIAL COPY

EXHIBIT A: LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

4816-9176-6303, v. 1

13-23-405-039-0000

13-53-405-055-0000

Property of Cook County Clerk's Office

UNOFFICIAL COPY

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A (CONTINUED)

ORDER NO.: 1409 008923020 VH

5. THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

THAT PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 40, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED ON THE NORTHEAST BY THE SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE; ON THE EAST BY THE WEST LINE OF NORTH KIMBALL AVENUE; ON THE SOUTH BY THE NORTH LINE OF WEST HENDERSON STREET; AND ON THE WEST BY A LINE EXTENDING FROM SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE TO SAID NORTH LINE OF WEST HENDERSON STREET, AT A DISTANCE OF 589.49 FEET EAST OF AND PARALLEL TO THE EAST LINE OF NORTH DRAKE AVENUE IN THE CITY OF CHICAGO; COMPRISING ALL OF LOTS IN BLOCK 1 IN THE SUBDIVISION (BY DADA AND OTHERS) OF PART OF THE SAID WEST 1/2 OF THE SOUTHEAST 1/4, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 1185671; ALSO COMPRISING THAT PART OF LOTS 2 TO 13 INCLUSIVE (TAKEN AS A TRACT) WHICH LIES SOUTHERLY OF SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE TOGETHER WITH THE EAST 1/2 OF THAT PART OF THE VACATED ALLEY LYING SOUTHERLY OF SAID SOUTHWESTERLY STREET LINE WHICH LIES WEST OF SAID LOTS 2 TO 13 INCLUSIVE IN HALLS SUBDIVISION OF LOT 10 IN ASSESSOR'S DIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED IN RECORDER'S OFFICE SEPTEMBER 10, 1869 AS DOCUMENT 25138 TOGETHER WITH SO MUCH OF THE VACATED STREET LYING WEST OF SAID BLOCK 1 AND EAST OF SAID HALL'S SUBDIVISION AS LIES SOUTH OF SAID SOUTHWESTERLY LINE OF NORTH AVONDALE AVENUE, EXCEPT THAT PART OF LOTS 2 TO 7 INCLUSIVE, IN BLOCK 1 IN SUBDIVISION (BY DADA AND OTHERS) ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 1185671 OF PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF AVONDALE AVENUE AND THE WEST LINE OF NORTH KIMBALL AVENUE; RUNNING THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID AVONDALE AVENUE, 184.42 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF AVONDALE 15.05 FEET; THENCE SOUTHERLY 26.11 FEET TO A LINE WHICH IS 38 FEET SOUTHWESTERLY AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID AVONDALE AVENUE; THENCE SOUTHEASTERLY ALONG LAST MENTIONED LINE 99.15 FEET TO A LINE WHICH IS 80 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF NORTH KIMBALL AVENUE; THENCE SOUTH ALONG LAST MENTIONED LINE 24.17 FEET TO THE NORTH LINE OF THE WEST HENDERSON STREET; THENCE EAST ALONG THE NORTH LINE OF SAID WEST HENDERSON STREET 80 FEET TO THE WEST LINE OF NORTH KIMBALL AVENUE; THENCE NORTH ALONG THE WEST LINE OF SAID NORTH KIMBALL AVENUE 9.60 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

