

UNOFFICIAL COPY

Case Number 12 M1 400603



Doc#: 1520941061 Fee: \$44.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 07/28/2015 12:54 PM Pg: 1 of 4

Duplicate Original

Space Reserved for Reco

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

**THE CITY OF CHICAGO, a municipal
corporation,
Plaintiff,**

v.

**DEVON STREET INVESTMENTS, LTD., ET
AL.,**

Defendants.

Case Number: 12 M1 400603

Re: 4037 W. Adams St.

Courtroom 1111

ORDER OF DEMOLITION

This cause coming on to be heard on 7/24/15, ~~2015~~, on the Plaintiff, City of Chicago, a municipal corporation's ("City"), complaint seeking demolition authorization, by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

DEVON STREET INVESTMENTS, LTD.,
LIAM BEN-DAVID
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: 4037 W. Adams St., Chicago, Cook County, Illinois ("subject property"), legally described as:

LOTS 14 AND 15 IN BLOCK 8 IN DERBY'S SUBDIVISION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 16-15-215-010 and 16-15-215-011.

Located on the subject property is a **brick garage and four-story brick building**. The last known use of the subject building was multi-family residential.

2. The Court having heard testimony and evidence finds that the building located on the subject property is dangerous, hazardous, unsafe and beyond reasonable repair under the Unsafe Buildings Statute, 65 ILCS 5/11-31-1 (1996) (Unsafe Buildings), in that:

UNOFFICIAL COPY

Case Number 12 M1 400603

- a. ~~The building has been found vacant and open, with evidence of drug, prostitution and squatter activity.~~
- b. The building's masonry has washed out and missing mortar joints, and spalled and shifted bricks.
- c. The building's roof has holes and leaks. *portions have collapsed*
- d. The building's glazing system is broken and missing.
- e. The building's sashes, doors, frames and trim are broken, missing or damaged.
- f. The building's rear porch system is missing stairs, and rotted/weak.
- g. The building's front interior stair system ~~is damaged.~~ *has been removed*
- h. The building's plaster is broken and missing.
- i. The building's interior partitions are damaged and missing.
- j. The building's flooring is damaged, and missing sections.
- k. The building's joists are rotted and overnotched.
- l. The building's electrical, plumbing and heating systems are defective and inoperable throughout.
- m. The garage has been found vacant.

The walls of the garage are ~~bowed and leaning,~~ and has washed out and missing mortar joints, and spalled bricks.

- n. _____
- o. _____
- p. _____
- q. _____
- r. _____
- s. _____
- t. _____
- u. _____
- v. _____
- w. _____
- x. _____
- y. _____

UNOFFICIAL COPY

Case Number 12 M1 400603

3. The Court finds that it would take major reconstruction by a responsible owner to bring the building into full compliance with the Municipal Code of Chicago. Further, the Court finds that the building located thereon poses a dangerous and hazardous threat to the public health, safety and welfare, and is beyond reasonable repair. Accordingly, the Court finds that demolition of the building is the least restrictive means available to abate the dangers and hazards posed by the building.

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. Accordingly, the City is authorized to demolish the building located on the subject property pursuant to Counts I and IV of the City's complaint.
- 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.
- D. The authority granted in Paragraph C above shall be effective Immediately
- E. Defendants with either possession or control of the subject property and their successors and assigns shall be permanently enjoined from renting, using, leasing, or occupying the Subject Property until demolition of the subject property commences
- 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 instant 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.

UNOFFICIAL COPY

Case Number 12 M1 400603

H. The Court reserves jurisdiction of this cause to enforce the terms of this Order, for the purpose of ascertaining demolition costs for entry of money judgments against the defendant owners, and for the purpose of hearing foreclosure proceedings, as defined by the applicable statutes and ordinances.

Associate Judge Pamela Hughes Gillespie
ENTERED:
JUL 21 2015
Pamela Gillespie
Circuit Court - 1953

PLAINTIFF, CITY OF CHICAGO
STEPHEN PATTON, Corporation Counsel

By: *[Signature]*
Senior *RA* Assistant Corporation Counsel
MENA AZOR-ZAS
Building and License Enforcement Division
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602 / (312) 742-0342
Atty No. 90909

Property of Cook County Clerk's Office