



Doc#: 1618841052 Fee: \$42.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 07/06/2016 11:22 AM Pg: 1 of 3

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#90909 (Zoning)

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

DAVID ALCANTAR,

Defendant.

No. 16 M1 400558

Re: 4204 S. California Avenue

Courtroom 1107

Agreed Order of Settlement with Permanent Injunction

This case coming before the Court to approve the terms of this Agreed Order of Settlement with Permanent Injunction between the Plaintiff City of Chicago ("City"), and Defendant David Alcantar ("Defendant").

The parties wish to resolve this case without a trial, and have read and voluntarily agreed to the terms of this Order. The Court makes the following findings of fact and law, and orders Defendant to comply with each of the terms stated in this Order:

1. The Court has *in personam* jurisdiction over the parties and *in rem* jurisdiction over the property commonly known as 4204 S. California Avenue, Chicago, Illinois ("the subject property"), and legally described as:

LOT 44 (EXCEPT THE SOUTH 20 FEET) AND LOT 45 IN BLOCK 7 IN MCBRIDE, SPENCER AND UNDERWOOD'S SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SOUTH ARCHER ROAD OF

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SECTION 1, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent index number: 19-01-132-044-0000

2. The subject property contains a two-story, masonry, multi-family residence with a basement ("subject building). The subject building is a legal, non-conforming, multi-family residence with two dwelling units, one each on the first and second floors. The subject property's lot area is approximately 3,780 square feet, and is located in an RS2 Residential District.
3. Defendant David Alcantar was the record owner of the subject property, having obtained title by Warranty Deed on March 9, 2011 and recorded as document number 1108118015 on March 22, 2011.
4. The City alleges in its Complaint for Equitable and Other Relief that beginning on or about July 10, 2015, Defendant used the subject property to maintain a separate dwelling unit in the basement in an RS3 District, in violation of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.
5. Defendant agrees to plead liable to all Counts of the City's Complaint. Judgment is entered in favor of the City on each of these counts and Defendant agrees to reimburse the City for the City's litigation costs in the amount of \$132.00 and court costs of \$60.00. Payment of the \$192.00 shall be made by certified check or money order payable to the "City of Chicago," and delivered by hand delivery or U.S. Mail to Kimberly White at 30 North LaSalle Street, Suite 700, Chicago, Illinois, 60602 no later than July 31, 2016.
6. Defendant further agrees to the entry of a permanent injunction enjoining him, his successors, heirs, assignees, agents, and/or other person(s) working in concert with him or under his control, from maintaining a separate dwelling unit (as defined under Municipal Code of Chicago Section 17-17-0248) in the basement of the subject building. As part of this injunction, Defendant also agrees not to maintain more than two dwelling units in the subject building.
7. The parties subject to this Agreed Order shall allow City inspectors access to the full interior of the subject building for periodic inspections to be conducted during regular business hours (Monday through Friday) to determine compliance, and continued compliance, with the terms of this Agreed Order and the Municipal Code of Chicago. If City inspectors are unable to gain access to the full interior of the subject building during any inspection, Defendant, or any other party subject to this Order, shall contact the City's attorney to schedule an immediate reinspection.
8. The Court shall retain jurisdiction of the injunctive portions of this Agreed Order solely for the purposes of enforcement or modification of the injunctions, upon proper motion. The Court shall retain jurisdiction of all other portions of this Agreed Order solely for the purpose of enforcement of the terms of this Agreed Order.

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- 9. A violation of any of this Order's provisions shall result in:
 - a. A fine to the City in the amount of \$500.00 to \$1,000.00 per day of violation; and
 - b. Upon petition by the City, a hearing as to why Defendant, or any other party subject to this Agreed Order, should not be held in contempt of court for violation of this Order.
- 10. This is a final order and the Court finds no just reason for delaying enforcement. All parties waive their right to appeal this Order.
- 11. This case is taken off the Court's call.

Agreed to by:
Defendant:

By: David Alcantar
 David Alcantar
 4204 S. California Ave.
 Chicago, IL 60632
 (773) 354-2443 (Phone)

Plaintiff:
 City of Chicago:
 Stephen R. Patton, Corporation Counsel
 City of Chicago

By: Amanda E. Basil
 Amanda E. Basil / Attorney No. 90909
 Senior Counsel
 30 N. LaSalle St., Suite 700
 Chicago, Illinois 60602
 (312) 744-6648 (Phone)

Circuit Court - 2013

JUN 24 2010

Judge

ENTERED:

Date

Judge