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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/26/2016 09:57 AM PG: 1 OF 4

Space Reserved for Recorder of Deeds

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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

v.

THE BANK OF NEW YORK MELLON FKA THE  
BANK OF NEW YORK, A/T/F THE  
CERTIFICATE HOLDERS OF CWMB5 INC.,  
CWMB5 REPERFORMING LOAN REMIC  
TRUST, CERTIFICATES, SERIES 2005-R1, ET  
AL.,

Defendants.

Case Number: 16 M1 401560

Re: 3454 W. 65<sup>TH</sup> St.

Courtroom 1109

ORDER OF DEMOLITION

This cause coming to be heard on 9/15/16, on the complaint of the Plaintiff, City of Chicago, a municipal corporation ("City"), by Stephen R. Patton, Corporation Counsel, against the following named Defendants:

THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, A/T/F THE CERTIFICATE HOLDERS OF CWMB5 INC., CWMB5 REPERFORMING LOAN REMIC TRUST, CERTIFICATES, SERIES 2005-R1;

MAGDALENO OCON;

UNKNOWN HEIRS AND LEGATEES OF THOMAS FERRARINI; 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: 3454 W. 65<sup>TH</sup> St., Chicago, Cook County, Illinois ("subject property"), legally described as:

16M1401560

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LOTS 73, 74 AND 75 IN BLOCK 6 IN JOHN F. EBERHART'S SUBDIVISION OF THE  
NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 13, EAST OF THE  
THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 19-23-213-018-0000 AND 19-23-213-019-0000.

2. Located on the subject property is a garage and two-story frame 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:

### FRONT BUILDING

- A. The building(s) located on the subject property ("the building") is vacant.
- B. The building's sashes are broken, missing or inoperable.
- C. The building's sashes are smoke, fire or water damaged.
- D. The building's masonry has holes and is missing siding.
- E. The building's masonry is smoke, fire or water damaged.
- F. The building's roof is fire and water damaged.
- G. The building's rafters are fire damaged.
- H. The building's stairs have damaged decking and handrails.
- I. The building's stairs are partially collapsed and have improper tread and riser.
- J. The building's studding is smoke, fire or water damaged.
- K. The building's window glazing is broken or missing.
- L. The building's joists are undersized and are smoke, fire or water damaged.
- M. The building's flooring is missing and warped.
- N. The building's flooring is smoke, fire or water damaged.
- O. The building's heating system is vandalized, stripped, and inoperable.
- P. The building's heating system is missing its boiler and radiators.
- Q. The building's plumbing system is missing fixtures.
- R. The building's electrical system has exposed wiring and is missing fixtures.
- S. The building's electrical system is fire and water damaged.

### GARAGE

- T. The building's garage is vacant.
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.

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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.
- 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.

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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.

ENTERED:



PLAINTIFF, CITY OF CHICAGO  
STEPHEN PATTON, Corporation Counsel

By:   
Daniel O'Keeffe  
Assistant Corporation Counsel  
Building and License Enforcement Division  
30 N. LaSalle Street, Room 700  
Chicago, Illinois 60602 / (312) 744-7634  
Atty No. 90909

**ENTERED**  
JUDGE MARK BALLARD-1742  
  
SEP 15 2016  
  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL  
DEPUTY CLERK

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