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

The Department of Transportation of the State of
Illinois, For and On Behalf of the People of the State of
Illinois,

Plaintiff,

v.

Thornton Holdings, LLC, an Illinois Limited Liability
Company; Bottoms Up Lounge, Inc., an Illinois
Corporation; Unknown Owners and Non-Record
Claimants,

Defendants.

Case No. 2015L050814



Doc# 1932416005 Fee \$88.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 11/20/2019 09:59 AM PG: 1 OF 8

FINAL JUDGMENT ORDER

Property Address: 1696 Thornton Lansing Road, Unincorporated Cook County, Illinois

PINs: 29-35-202-015; -016; -017; -018; -019 and 29-35-202-035

Return to:

James R. Carr
Special Assistant Attorney General
Carr Law Firm, LLC
123 N. Wacker Drive, Suite 1600
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(312) 543-8486
jcarr@jcarrlawfirm.com

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

THE DEPARTMENT OF TRANSPORTATION)	
OF THE STATE OF ILLINOIS, FOR AND ON)	
BEHALF OF THE PEOPLE OF THE STATE)	
OF ILLINOIS,)	Case No. 15 L 50814
)	
Plaintiff,)	
)	
v.)	Condemnation
)	
THORNTON HOLDINGS, LLC, an Illinois Limited Liability)	Parcel 0JX0001 & TE
Company; BOTTOMS UP LOUNGE, INC., an Illinois)	
Corporation; UNKNOWN OWNERS and NON-RECORD)	
CLAIMANTS,)	Job No. R-90-005-04
)	
Defendants.)	JURY DEMAND

FINAL JUDGMENT ORDER

This cause coming to be heard on the Complaint For Condemnation filed by The Department of Transportation of the State of Illinois, For and On Behalf of the People of the State of Illinois ("*Department*"), to acquire the full fee simple title to the real property designated in the Complaint For Condemnation as Parcel 0JX0001 and a temporary easement for construction purposes across and upon real property designated therein as Parcel 0JX0001TE, and to ascertain the just compensation to be paid for this acquisition, and the Court having considered the Stipulation and Settlement Agreement of the Parties filed herein and being duly advised in the premises;

THE COURT HEREBY FINDS:

1. The Department is represented by Kwame Raoul, Attorney General of the State of Illinois, by James R. Carr, Special Assistant Attorney General, Carr Law Firm, LLC, 123 N. Wacker Drive, Suite 1600, Chicago, Illinois.

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2. The defendant, Thornton Holdings, LLC, an Illinois Limited Liability Company (“*Thornton Holdings*”) is represented by Bryan P. Lynch, Esq., Law Office of Bryan P. Lynch, 734 N. Wells Street, Chicago, Illinois.

3. Parcel OJX0001 and Parcel OJX0001TE (together, “*Parcels OJX0001 & TE*”), are part of a larger parcel measuring approximately 38,551 sq. ft. which is located at 1696 Thornton Lansing Road, in unincorporated Cook County, Illinois (the “*Subject Property*”).

4. The Court has jurisdiction over the parties and over the Subject Property in this proceeding.

5. On December 12, 2015, the Department filed a Complaint For Condemnation to acquire a fee simple interest in Parcel OJX0001 and a temporary construction easement in Parcel OJX0001TE. On December 12, 2015, fee simple title to the Subject Property was held by defendant, Thornton Holdings.

6. Pursuant to the Department’s Motion for Immediate Vesting of Title, this Court entered an order on January 13, 2016 determining the preliminary just compensation award to be NINETY-EIGHT THOUSAND NINE HUNDRED DOLLARS (\$98,900.00) for the taking of Parcels OJX0001 & TE, inclusive of damage to the remainder.

7. On February 9, 2016, the Department deposited the preliminary just compensation in the amount of \$98,900.00 with the Cook County Treasurer, and on February 25, 2016, the Court entered an Order Vesting Title in the Department to a fee simple interest in the real property designated in the Complaint For Condemnation as Parcel OJX0001 and to a temporary construction easement across and upon the real property designated therein as Parcel OJX0001TE.

8. All defendants have been served with process, and the Court has jurisdiction over the parties to this proceeding and over the Subject Property.

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9. On March 1, 2017, the Court entered a judgment of default in these proceedings against the defendants, Unknown Owners and Non-Record Claimants.

10. On July 18, 2019, the Court entered a judgment of default in these proceedings against the defendant, Bottoms Up Lounge, Inc.

11. The full and final just compensation for the taking of the full fee simple interest in Parcel 0JX0001 and for a temporary construction easement across and upon Parcel 0JX0001TE, including compensation for the property rights being taken and for any or all damage to the remainder, including costs to cure, whether claimed or unclaimed, arising out of the taking that could have been raised in this eminent domain matter is FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00).

12. Pursuant to the Stipulation and Settlement Agreement filed herein, the Department and Thornton Holdings have agreed as follows:

- a. That a refund of \$43,900.00 from the preliminary just compensation award is due to the Department ("*Refund*"), and Thornton Holdings shall remit payment of the Refund to the Department within thirty (30) days following entry of this Order by delivering to counsel of record for Plaintiff a check or money order the amount of \$43,900.00 payable to the Treasurer-State of Illinois;
- b. Upon receipt of the aforesaid check or money order, counsel of record for the Plaintiff will execute a document acknowledging receipt of the \$43,900.00 and will move for the entry of an order declaring the Satisfaction and Release of Judgment Order regarding the obligation of Thornton Holdings to remit payment of the Refund;

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- c. The Department and Thornton Holdings have waived any claims for payment of costs and attorneys' fees;
- d. The Department and Thornton Holdings have waived any claim for interest, statutory or otherwise.
- e. The Department and Thornton Holdings have agreed not to appeal this Final Judgment Order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

A. The full and final just compensation, including compensation for the property rights being taken and for any or all damage to the remainder, including costs to cure, whether claimed or unclaimed, arising out of the taking and for statutory interest thereon is FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00).

B. The Department's deposit of preliminary just compensation award in the amount of \$98,900.00 with the Cook County Treasurer on February 9, 2016 satisfies in full the award provision of this Final Judgment Order, and the judgment against the Department is declared satisfied and is hereby released.

C. Thornton Holdings shall within thirty days (30) following the entry of this Order remit payment of the Refund in the amount of \$43,900.00 by delivering to counsel of record for the Plaintiff in this case, a check or money order in that amount made payable to the Treasurer-State of Illinois. Upon receipt of the check or money order, counsel of record for the Plaintiff shall execute a document acknowledging receipt of the \$43,900.00 and shall move for the entry of an order declaring the Satisfaction and Release of Judgment Order regarding the obligation of Thornton Holdings to remit payment of the Refund to IDOT;

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D. The Order Vesting Title, which was entered herein on February 25, 2016, is confirmed in respect to the property interests acquired by the Department in Parcels 0JX0001 & TE.

E. The legal description of Parcel 0JX0001 is set forth below as Exhibit A; the legal description of Parcel 0JX0001TE is set forth below as Exhibit B; and the signature page follows Exhibits A and B below on Page 7 of this Final Judgment Order.

EXHIBIT A

Parcel 0JX0001

That part of Block 1 in Alles South Chicago Addition, being a subdivision of part of the East Half of the East Half of the Northeast Quarter of Section 35, Township 36 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded March 18, 1875, as Document Number 18484, and the part of Margaret Street as dedicated in said Alles South Chicago Addition, lying south of the southerly line of Block 1 in said Alles South Chicago Addition (being also the northerly right of way line of said Margaret Street as dedicated in Document Number 18484), lying west of the southerly extension of the east line of said Block 1, lying east of the southerly extension of the west line of said Block 1, and lying north of the northerly right of way line of Thornton Lansing Road (Margaret Street) per Resolution dated March 23, 1896, Page No. D 27-31, Public Highways, Cook County, Illinois, Right of Way Property Record in Map Index No. 41, Page 508, in Cook County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD83 (2011 Adjustment), with a combined factor of 1.000004; described as follows:

Commencing at a found railroad spike at the northeast corner of said Section 35 per Monument Record recorded September 10, 2003 as Document Number 0325334015; thence South 00 degrees 47 minutes 24 seconds East along the east line of said Northeast Quarter of Section 35, a distance of 665.99 feet to the easterly extension of said northerly right of way line of Thornton Lansing Road (Margaret Street) per Resolution dated March 23, 1896, Page No. D 27- 31; thence North 81 degrees 44 minutes 13 seconds West along said easterly extension 33.42 feet to the intersection of said northerly right of way line of Thornton Lansing Road (Margaret Street) and said southerly extension of the east line of Block 1, and to the point of beginning; thence continuing North 81 degrees 44 minutes 13 seconds West along said northerly right of way line 49.20 feet; thence North 80 degrees 40 minutes 45 seconds East 29.48 feet; thence North 45 degrees 44 minutes 42 seconds East 26.77 feet to said east line of Block 1; thence South 00 degrees 47 minutes 24 seconds East along said east line of Block 1 and said southerly extension thereof, 30.53 feet to the point of beginning.

Said parcel containing 0.012 Acres, more or less.

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EXHIBIT B

Parcel 0JX0001 TE

That part of Margaret Street as dedicated in Alles South Chicago Addition, being a subdivision of part of the East Half of the East Half of the Northeast Quarter of Section 35, Township 36 North, Range 14 East of the Third Principal Meridian, according to the plat thereof recorded March 18, 1875, as Document Number 18484, lying south of the southerly line of Block 1 in said Alles South Chicago Addition (being also the northerly right of way line of said Margaret Street as dedicated in Document Number 18484), lying west of the southerly extension of the east line of said Block 1, lying east of the southerly extension of the west line of said Block 1, and lying north of the northerly right of way line of Thornton Lansing Road (Margaret Street) per Resolution dated March 23, 1896, Page No. D 27-31, Public Highways, Cook County, Illinois, Right of Way Property Record in Map Index No. 41, Page 508, in Cook County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD83 (2011 Adjustment), with a combined factor of 1.000004; described as follows:

Commencing at a found railroad spike at the northeast corner of said Section 35 per Monument Record recorded September 10, 2003 as Document Number 0325334015; thence South 00 degrees 47 minutes 24 seconds East along the east line of said Northeast Quarter of Section 35, a distance of 665.99 feet to the easterly extension of said northerly right of way line of Thornton Lansing Road (Margaret Street) per Resolution dated March 23, 1896, Page No. D 27- 31; thence North 81 degrees 44 minutes 13 seconds West along said easterly extension and said northerly right of way line of Thornton Lansing Road (Margaret Street) 127.74 feet to the point of beginning; thence continuing North 81 degrees 44 minutes 13 seconds West along said northerly right of way line 173.66 feet to said southerly extension of the west line of Block 1; thence North 00 degrees 47 minutes 19 seconds West along said southerly extension 5.52 feet; thence South 81 degrees 35 minutes 15 seconds East 174.58 feet; thence South 08 degrees 55 minutes 00 seconds West 5.00 feet to the point of beginning.

Said parcel containing 0.021 Acres, more or less.

F. This cause is continued for status of payment of the Refund and entry of an Order of Satisfaction and Release of Judgment regarding same to ^{December 3,} November ____, 2019 in Courtroom 2505 at 1:00 pm without further notice.

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Judge Daniel P. Duffy

OCT 10 2019

Dated: October 10, 2019

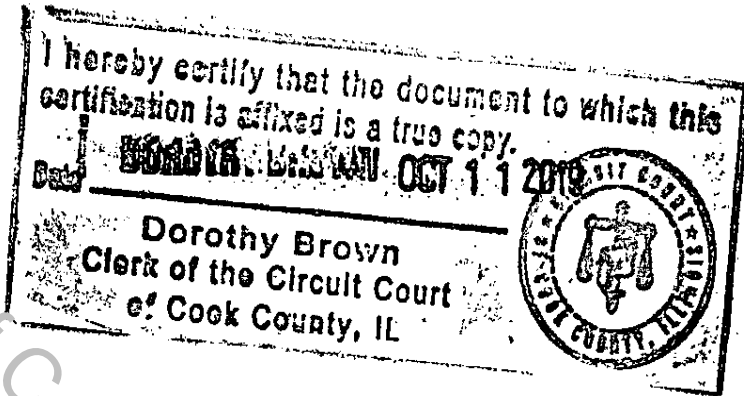
Enter: _____

Circuit Court - 2103

JUDGE

Order Prepared By:

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