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EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

DARLENE SMITH, et al.,

Defendants.

Case Number: 19M1400501

Re: 5301 South Bishop Street, Chicago, IL 60609

Courtroom 1109

**ORDER AUTHORIZING DEMOLITION
BY THE CITY OF CHICAGO**

This cause coming to be heard on 2/13/20 on the complaint of THE CITY OF CHICAGO (“the City”), by and through its attorney, Mark Flessner, Corporation Counsel, against the following:

DARLENE SMITH,
WILLIE SMITH, and
UNKNOWN OWNERS AND NONRECORD CLAIMANTS.

The Court having heard evidence and testimony and being fully advised in the premises finds that:

1. The Court has jurisdiction of the subject matter, which is the real estate located at 5301 SOUTH BISHOP STREET, CHICAGO, COOK COUNTY, ILLINOIS (“subject property”), legally described as:

LOT 48 IN BLOCK 1 IN THE SUBDIVISION OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 20-08-315-001-0000.

2. Located on the subject property is a TWO STORY FRAME MULTIPLE UNIT DWELLING BUILDING (“subject building”). *AND REAR COACH HOUSE* 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, in that the following violations of the Municipal Code of Chicago exist at the subject property:

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- a. The building's ComEd service has been terminated at the building.
 - b. The building's electrical system is missing fixtures and is stripped and inoperable.
 - c. The building's window glazing has cracked panes, is broken or missing, and is boarded.
 - d. The building's masonry is partially collapsed and smoke, fire or water damaged.
 - e. The building's roof is water damaged and deteriorating and has damaged membrane.
 - f. The building's sashes are broken, missing or inoperable, smoke, fire or water damaged, and boarded.
 - g. The rear coach house plumbing has no cover for plywood, and is fire damaged.
 - h. The rear coach house heating system is fire damaged.
 - i. The rear coach house roof is fire and water damaged.
 - j. The rear coach house rafters are fire damaged.
 - k. The coach house floors are fire damaged.
 - l. The coach house joists are fire damaged.
 - m. The coach house studs are fire damaged.
 - n. The coach house walls are fire damaged and missing siding.
 - o. The coach house windows and doors are boarded, broken, or missing.
 - p. The rear coach house stairs system and porch are collapsed in the front.
 - q. The rear coach house has fire damaged plaster.
 - r. The glazing is boarded and broken or missing.
4. The subject building is beyond reasonable repair and it would take major reconstruction by a responsible owner to bring the subject building into full compliance with the Municipal Code.
 5. Demolition of the subject building is the least restrictive alternative available to effectively abate the dangerous and unsafe conditions at the subject property as of Immediately.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- A. As the City has met its obligations with respect to property tax sale certificate holders under the Property Tax Code (35 ILCS 200/21-410) and property tax sale certificate holders are subject to, inter alia, Sections 21-95, 21-100, 21-105, and 22-35 of the Property Tax Code, COUNTY OF COOK D/B/A COOK COUNTY LAND BANK AUTHORITY is dismissed as defendant(s) in this case and shall not be included in the term "Defendants" as used in this Order.

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- B. Defendant(s) DARLENE SMITH and WILLIE SMITH have failed to answer the complaint and are in default and the complaint herein is confessed against said defendant(s).
- C. Defendant(s) UNKNOWN OWNERS AND NONRECORD CLAIMANTS, having been notified by publication and having failed to answer, appear, or otherwise plead as of the default date of August 30, 2019 are in default and all allegations in the complaint are deemed admitted against said defendants.
- D. An *in rem* judgment on Counts I and IV of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- E. All other Counts of the Complaint are voluntarily dismissed, on the City's oral motion.
- F. Pursuant to the judgment entered above, 65 ILCS 5/11-31-1, Municipal Code of Chicago § 13-12-130, and the City's police powers under Article VII of the Illinois Constitution, the City is granted authorization to demolish the subject 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. Such authority shall be effective immediately.
- G. The City's performance under this order shall result in a statutory *in rem* lien that attaches to the subject property only. If the City seeks a personal judgment against any Defendant(s), it shall proceed by separate civil action.
- H. Any and all Defendants with either possession or control of the subject property shall immediately remove any and all persons occupying the subject building, and any and all personal property from the subject property so that the subject property is completely vacant and free of persons and personal property before demolition is commenced.
- I. All Defendants and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, occupying, selling or otherwise transferring, in whole or in part, the ownership or controlling interest in the entire premises until the same has / have established full compliance with the Municipal Code of the City of Chicago as stated in this cause and further order of court. Defendant(s) and his / her / their / its agents, heirs, legatees, successors, and assigns shall maintain the subject property in a sanitary, boarded, and secure condition while it remains subject to this injunction or until the property is demolished.
- J. The Court reserves jurisdiction of this cause to enforce the terms of this Order and for the purpose of ascertaining demolition costs and other costs for the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.
- K. This matter is off-call.

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ENTERED:



By: _____

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Judge Michael A. Strom
FEB 13 2020
Circuit Court-2248

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