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KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 02/24/2022 10:30 AM PG: 1 OF 6

IN THE CIRCUIT COURT OF COOK
COUNTY, ILLINOIS

Department of Transportation, State of
Illinois, *etc.*, Plaintiff,

v.

Burning Bush Condominium
Association, *et al.*, Defendants.

Case No. 2021L050318

FINAL JUDGMENT ORDER

Property Address: 6872-6886 W. Touhy Avenue, Niles, Cook County, Illinois

PINs: 10-30-317-045 (1001-1048):

10-30-317-045-1001	10-30-317-045-1017	10-30-317-045-1033
10-30-317-045-1002	10-30-317-045-1018	10-30-317-045-1034
10-30-317-045-1003	10-30-317-045-1019	10-30-317-045-1035
10-30-317-045-1004	10-30-317-045-1020	10-30-317-045-1036
10-30-317-045-1005	10-30-317-045-1021	10-30-317-045-1037
10-30-317-045-1006	10-30-317-045-1022	10-30-317-045-1038
10-30-317-045-1007	10-30-317-045-1023	10-30-317-045-1039
10-30-317-045-1008	10-30-317-045-1024	10-30-317-045-1040
10-30-317-045-1009	10-30-317-045-1025	10-30-317-045-1041
10-30-317-045-1010	10-30-317-045-1026	10-30-317-045-1042
10-30-317-045-1011	10-30-317-045-1027	10-30-317-045-1043
10-30-317-045-1012	10-30-317-045-1028	10-30-317-045-1044
10-30-317-045-1013	10-30-317-045-1029	10-30-317-045-1045
10-30-317-045-1014	10-30-317-045-1030	10-30-317-045-1046
10-30-317-045-1015	10-30-317-045-1031	10-30-317-045-1047
10-30-317-045-1016	10-30-317-045-1032	10-30-317-045-1048

Return to:

James R. Carr
Special Assistant Attorney General
CARR LAW FIRM LLC
1909 W. Division Street, Unit 3F
Chicago, IL 60622
(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,

Plaintiff,

v.

BURNING BUSH CONDOMINIUM ASSOCIATION;
UNKNOWN OWNERS AND NON-RECORD
CLAIMANTS, generally,

Defendants,

) Case No. 2021 L 050318

) CALENDAR 1

) Condemnation

) Parcel OMD0001

) Job No. R-90-004-19

) 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 ("*Department*") to acquire the full fee simple title to the real property designated as Parcel OMD0001, and to ascertain the just compensation to be paid for this acquisition, and on the Stipulation and Settlement Agreement, and the Court having been 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, 1909 W. Division Street, Unit 3F, Chicago, Illinois.
2. Defendant, Burning Bush Condominium Association ("*Burning Bush*") has appeared and is represented in this action by Mark J. T. Erickson, Erickson Law Office, Ltd., 716 Lee Street, Des Plaines, Illinois.
3. The Department and Burning Bush (together "*Parties*") have entered into a Stipulation and Settlement Agreement, which has been filed with the Clerk of the Circuit Court,

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The Parties waive their right to a trial by jury, incorporate the terms of the Stipulation and Settlement Agreement into this Final Judgment Order by reference, and consent to the entry of this Final Judgment Order.

4. On July 16, 2021, the Department filed a Complaint For Condemnation in this case ("*Complaint*") to acquire the full fee simple title to the real property designated as Parcel OMD0001, and to ascertain the just compensation to be paid for this acquisition.

5. Parcel OMD0001 is part of a larger parcel located at 6872-6886 W. Touhy Avenue, Niles, Illinois ("*Subject Property*").

6. On July 16, 2021, when the Complaint was filed, Burning Bush was the legal representative of the condominium unit owners in title to the Subject Property, including but not limited to Parcel OMD0001.

7. Pursuant to the Department's Motion for Immediate Vesting of Title, this Court entered an Order on October 14, 2021 determining the preliminary just compensation for the taking of Parcel OMD0001 and for any and all claims for damage to the remainder, whether claimed or unclaimed, to be FIFTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$54,600.00).

8. On or about December 17, 2021, the Department deposited the preliminary just compensation amount of \$54,600.00 with the Cook County Treasurer.

9. On January 5, 2022, the Court entered an order vesting the Department with a fee simple interest in Parcel OMD0001 and authorizing the Department to take possession of Parcel OMD0001 and exercise all property rights vested in the Department therein.

10. All defendants in this action have been served with process, and the Court has jurisdiction of the subject matter of this proceeding and all parties.

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11. On October 14, 2021, the Court entered a judgment of default against the defendant Unknown Owners and Non-Record Claimants.

12. The full and final just compensation for the taking of the full fee simple interest in Parcel OMD0001, as agreed upon by the Parties to the Stipulation and Settlement Agreement, 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 is FIFTY-FOUR THOUSAND SIX HUNDRED DOLLARS (\$54,600.00).

13. The Department, having previously deposited the full and final just compensation with the Cook County Treasurer, as set forth above, shall be entitled to a Satisfaction and Release of Judgment upon entry of this Final Judgment Order.

14. The Parties have waived any claims for payment of costs and attorneys' fees.

15. Burning Bush has waived any claim for interest, statutory or otherwise.

16. The Parties 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-FOUR THOUSAND SIX HUNDRED DOLLARS (\$54,600.00).

B. The Department's deposit of \$54,600.00 with the Cook County Treasurer on December 17, 2021 satisfies the award provision of this Final Judgment Order in full, and the final judgment entered herein against the Department is declared satisfied and is hereby released.

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C. The Order Vesting Title, which was entered herein on January 5, 2022 is confirmed in respect to the full fee simple interest acquired by the Department in Parcel 8001 OMD0001.

D. This is a final judgment order, and there is no just reason for delaying enforcement or appeal of this order. 9208

E. Exhibit A below is the legal description of Parcel OMD0001.

EXHIBIT A

Parcel OMD0001

That part of Lot 4 in Circuit Court Partition of Lot 2 per Document 3771419 Recorded on December 20, 1905 and part of Lot 12 in William West and Others Subdivision, in the Southwest Quarter of Section 30, Township 41 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, bearings and distances are based on the Illinois State Plane Coordinate System, East Zone, NAD83 (2011 Adjustment), with a combined factor of 0.999975381; described as follows:

Commencing at a Southerly corner of land that is 24.75 feet Northerly of the Northerly right of way line of Touhy Avenue as shown on the Plat of Survey as depicted in Exhibit "A" per Document No. 24644710, also filed as Document No. LR2018728, both recorded on September 26, 1978; thence South 15 degrees 25 minutes 37 seconds East along an Easterly line of said land, 11.25 feet to the Point of Beginning; thence continuing along said Easterly line, South 15 degrees 25 minutes 37 seconds East, 13.71 feet to the Northerly line of W. Touhy Avenue per said Exhibit "A" and per Plat of Dedication for Public Highway recorded on April 4, 1935 as Document No. 11068761; thence 105.65 feet Westerly along said Northerly line, being a curve to the left, having a radius of 1,041.51 feet and a chord that bears North 89 degrees 38 minutes 11 seconds West and chord length of 105.60 feet; thence North 02 degrees 32 minutes 32 seconds West, radially with the previously described curve, 13.00 feet to a line that is 13.00 feet Northerly of and parallel with said Northerly line; thence 102.57 feet Easterly along said parallel line, being a curve to the right, having a radius of 1,054.51 feet and a chord that bears South 89 degrees 45 minutes 21 seconds East and chord length of 102.53 feet to the Point of Beginning.

Said parcel containing 0.031 acres, more or less.

Dated: 2/2/22

ENTER: 2103

JUDGE

Judge Daniel P. Duffy

FEB 02 2022

Circuit Court - 2103

I hereby certify that the document to which this certification is affixed is a true copy.

IRIS Y. MARTINEZ FEB 04 2022

Date

IRIS Y. MARTINEZ
Clerk of the Circuit Court
of Cook County, IL



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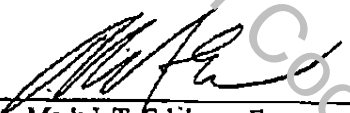
ACCEPTED AND AGREED:

DEPARTMENT OF TRANSPORTATION OF THE
STATE OF ILLINOIS, FOR AND ON BEHALF OF
THE PEOPLE OF THE STATE OF ILLINOIS

By: Kwame Raoul, Attorney General of the State
of Illinois

By: 
James R. Carr
Special Assistant Attorney General

BURNING BUSH CONDOMINIUM
ASSOCIATION

By: 
Mark J. T. Erickson, Esq.
Its duly authorized agent

Prepared by:

James R. Carr
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