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KAREN A. YARBROUGH

COOK COUNTY CLERK

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

THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

v.

VICTOR GARCIA,  
ISRAEL GARCIA,  
COUNTY OF COOK D/B/A COOK COUNTY  
LAND BANK AUTHORITY,  
UNKNOWN OWNERS, and  
NONRECORD CLAIMANTS,  
Defendants.

Case Number: 22M1400308

Re: 5950 S THROOP ST  
CHICAGO, IL 60636

Courtroom 1109

ORDER AUTHORIZING DEMOLITION  
BY THE CITY OF CHICAGO

This cause coming to be heard on January 5, 2023 on the complaint of THE CITY OF CHICAGO (“the City”), by and through its attorney, Corporation Counsel, against the following:

VICTOR GARCIA,  
ISRAEL GARCIA,  
COUNTY OF COOK D/B/A COOK COUNTY LAND BANK AUTHORITY,  
UNKNOWN OWNERS, and  
NONRECORD CLAIMANTS,  
 (“Defendants”).

The court, having heard the evidence, finds that:

- 1. The Court has jurisdiction of the subject matter, which is the real estate located at 5950 South Throop Street, CHICAGO, COOK COUNTY, ILLINOIS (“subject property”), legally described as:

LOT 25 IN BLOCK 2 IN JAMES U. BORDEN'S SUBDIVISION OF THE  
NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF

S Y  
P 4  
S Y-1  
SC      
INT R

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SECTION 17, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 20-17-305-042-0000.

2. Located on the subject property is a ONE-STORY FRAME BUILDING ("subject building"). The last known use of the subject building was COACH HOUSE.
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 and the defendants:
  - a. THE BUILDING'S HEATING SYSTEM IS MISSING DUCTWORK, STRIPPED AND INOPERABLE, AND VANDALIZED.
  - b. THE BUILDING'S FLOORING IS SMOKE, FIRE, OR WATER DAMAGED, AND WARPED.
  - c. THE BUILDING'S ROOF HAS A DAMAGED MEMBRANE, IS MISSING SHINGLES, WATER DAMAGED, AND HAS HOLES.
  - d. THE BUILDING'S PLASTER IS BROKEN OR MISSING, AND SMOKE, FIRE, OR WATER DAMAGED.
  - e. THE BUILDING'S STUDS ARE SMOKE, FIRE, OR WATER DAMAGED.
  - f. THE BUILDING'S MASONRY IS MISSING SIDING, AND SMOKE, FIRE, OR WATER DAMAGED.
  - g. THE BUILDING'S WINDOW GLAZING IS BROKEN OR MISSING, AND HAS CRACKED PANES.
  - h. THE BUILDING'S WINDOW SASHES ARE BROKEN, MISSING, OR INOPERABLE, AND SMOKE, FIRE, OR WATER DAMAGED.
  - i. THE BUILDING'S PLUMBING SYSTEM IS MISSING FIXTURES, STRIPPED AND INOPERABLE, AND LEAKING WATER INTO THE BASEMENT.
  - j. THE BUILDING'S STAIRS HAVE DAMAGED DECKING, DAMAGED HANDRAILS, IMPROPER FOUNDATIONS, IMPROPER TREADS AND RISERS, NO JOIST HANGERS, NO LEDGER BOLTS, ARE SMOKE, FIRE, OR WATER DAMAGED, AND HAVE UNDERSIZED JOISTS.
  - k. THE BUILDING'S RAFTERS ARE EXPOSED AND ROTTED.
  - l. THE BUILDING'S ELECTRICAL SYSTEM HAS EXPOSED WIRING, AND IS MISSING FIXTURES.

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- m. THE BUILDING'S COSTS ARE SMOKE, FIRE, OR WATER DAMAGED.
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 January 5, 2023.

WHEREFORE, IT IS HEREBY ORDERED THAT:


- A. Defendants ISRAEL GARCIA, and 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 November 7, 2022, are in default and all allegations in the complaint are deemed admitted against said defendants.
- B. Defendant 25 AUGUSTA LLC is dismissed without prejudice.
- C. An *in rem* judgment on Count I and IV of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- D. Counts II, III, V, VI, VII and VIII of the Complaint are voluntarily dismissed, on the City's oral motion.
- E. 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.
- F. 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.
- G. 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.
- H. All Defendants and his / her / their / its agents, heirs, legatees, successors, and assigns shall be permanently enjoined and restrained from renting, using, leasing, or occupying the subject 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.

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- I. 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.
- J. This matter is off-call.

ENTERED:



*Debra Ann Seaton 2/19/99*

Order Prepared By:

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**Judge Debra Ann Seaton**

**JAN 05 2003**

**Circuit Court - 2199**

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