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Doc# 2303034017 Fee \$88.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 01/30/2023 11:55 AM PG: 1 OF 14

This document is a copy of the original document to which this certification is attached.

**DARIS MARTINEZ** JAN 30 2023  
MAY MARTINEZ  
Clerk, First Circuit Court  
of Cook County, IL



*This space reserved for the Recorder of Deeds*

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

804  
4241  
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THE CITY OF CHICAGO, a municipal corporation,  
Plaintiff,

No: 16 MI 403542

Re: 2433-39 W. 59th St.

v. Discount Realty Services, Ltd

Courtroom 11 07, Richard J. Daley Center

et al.,  
Defendant(s).

### Agreed COMPLIANCE DISMISSAL ORDER + Permanent Injunction

This cause coming to be heard by the Court, the Court having heard evidence and testimony and having made a finding of:

Full Compliance

Substantial Compliance

IT IS HEREBY ORDERED THAT:

This cause is dismissed and off call:

- without prejudice
- with no fines and no court costs
- subject to the following settlement:

~~Plaintiff, City of Chicago, agrees to accept \$ \_\_\_\_\_ .00 in full settlement of the judgment entered below if payment is made to the City of Chicago on or before \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_. If payment is mailed it must be postmarked on or before the above date and sent ATTN: Kimberly White, 30 N. LaSalle St., Suite 600, Chicago, IL 60602.~~

~~A judgment is entered in the amount of \$ \_\_\_\_\_ .00 plus \$ \_\_\_\_\_ .00 court costs for a total of \$ \_\_\_\_\_ .00 against Defendant(s) \_\_\_\_\_.~~

~~Leave to enforce said judgment is stayed until \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.~~

~~Execution shall issue on the judgment thereafter.~~

Defendant Discount Realty Services, Ltd. shall not park any vehicles on the subject property until further order of court.

Pursuant to Ill. S.Ct. Rule 304(a), this order is final and appealable, there being no just reason for delaying enforcement or appeal.

HEARING DATE: 8 / 24 / 18

AUG 24 2018

By: [Signature]  
Attorney for Plaintiff Anderson  
Corporation Counsel #90909  
30 N. LaSalle, Room 700  
Chicago, IL 60602 (312) 744-8791  
FORM CONS.9010 rev. 4/2012

[Signature]  
Attorney for Discount Realty Services, Ltd

[Signature]  
Associate Judge  
Circuit Court - 191  
Courtroom 11 07 5

Yellow Copy for City of Chicago Department of Law  
White Original for Court Records  
Pink Copy for Defendant(s) (photocopy if required)

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CORPORATION COUNSEL  
DEPARTMENT OF LAW

**16M1 403542**

**ZONING**  
**DAILY COURT CASE TRANSMITTAL SHEET**

<u>ROOM</u>	<u>COURT CASE</u>	<u>COURT DATE/TIME</u>
1107	2433 - 39 W. 59 <sup>th</sup> Street	January 13, 2017/9:30 am.

PROPERTY ADDRESS: 2433 - 39 W. 59<sup>th</sup> Street

DEFENDANTS: Discount Realty Services, Ltd.  
c/o: Peter Burdi, Registered Agent  
431 S. Dearborn #203  
Chicago, IL 60605

INDEX NO.: 19-13-406-010-0000, 19-13-406-008-0000 and  
19-13-406-009-0000

**PLEASE RETURN FILE TO JAMIE SERRANO**

**Jamie Serrano**  
ASSISTANT CORPORATION COUNSEL  
BUILDING AND LICENSE ENFORCEMENT DIVISION  
30 N. LaSALLE St., 7<sup>TH</sup> FLOOR  
CHICAGO, ILLINOIS 60602  
(312) 744-5679

DOROTHY BROWN  
CLERK OF CIRCUIT COURT  
CIVIL DIVISION

2016 NOV -4 AM 7:40

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016 NOV -14 AM 7:40  
#90909 (Zoning)  
CLERK OF CIRCUIT COURT  
CIVIL DIVISION

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

CITY OF CHICAGO, a Municipal Corporation,

Plaintiff,

v.

DISCOUNT REALTY SERVICES, LTD.,

Defendant.

16N1 403542

No.

Re: 2433 - 39 W. 59<sup>th</sup> Street

Courtroom 1107

### PLAINTIFF CITY OF CHICAGO'S COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff City of Chicago ("City"), by its attorney Stephen R. Patton, Corporation Counsel, complains of Defendants Discount Realty Services, Ltd. ("Defendant") as follows:

#### GENERAL ALLEGATIONS

##### Nature of the Case

1. The City alleges that the property located at 2433 - 39 W. 59<sup>th</sup> Street, contains outdoor vehicle storage, a sign, and other violations of Title 17 ("Zoning Ordinance") and various other provisions of the Municipal Code of Chicago.

2. The City brings this action pursuant to its police power as a home rule unit of local government under Article VII of the Illinois Constitution, which includes "the power to regulate for the protection of the public health, safety, morals and welfare." Ill. Const. Art. VII §6(a). As a further grant of authority, the City brings this action pursuant to Chapter 65, Sections 5/11-13-15, 5/11-31-1 and 5/11-31-2 of the Illinois compiled statutes, as amended, which expressly authorizes the City to maintain an action for injunctive relief to restrain, correct or abate a violation of the City's zoning laws. By bringing this action, the City seeks, among other

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relief, a finding that Defendant's activities are illegal and an injunction requiring Defendant to cease all illegal activities immediately.

## The Parties and the Property at Issue

3. The City is a municipal corporation and a home rule unit of local government organized and existing pursuant to the laws of the State of Illinois.

4. Within the county of Cook and the corporate limits of the City is a parcel of real estate legally described as:

LOT 1, 2, 3 IN BLOCK 10 IN COBE AND MCKINNON'S 59<sup>TH</sup> STREET AND WESTERN AVENUE SUBDIVISION IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

The property has an address of 2433 - 39<sup>TH</sup> W. 59<sup>TH</sup> Street, Chicago, Illinois and permanent index numbers of 19-13-406-010-0000, 19-13-406-008-0000 and 19-13-406-009-0000 ("subject property").

5. At all times relevant to this complaint, the subject property was an unimproved vacant lot.

6. The subject property's lot area is approximately 10,407 square feet.

7. At all times relevant to this Complaint, Defendant Discount Realty Services, Ltd., an Illinois Corporation, was the record owner of the subject property, having obtained title by Quit Claim Deed on July 29, 2004 and recorded as document number 0422332119 on August 10, 2004.

8. At all times relevant to this Complaint, the subject property was located in a B3-2 Community Shopping District. See Municipal Code of Chicago §§17-3-0100 *et seq.* (2016).

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## Activities in Violation of the Municipal Code of Chicago

9. Beginning on or about July 19, 2016, and continuing to the present, the subject property contained outdoor vehicle storage, a sign, and other violations of Title 17 (“Zoning Ordinance”) and various other provisions of the Municipal Code of Chicago.
10. On or about July 19, 2016, the subject property contained approximately eleven vehicles, stored outdoors.
11. On or about July 19, 2016, the vacant lots did not contain any fencing.
12. On or about July 19, 2016, the subject property contained a four foot high mound of dirt as well as low areas that were retaining water.
13. On or about July 19, 2016, the subject property contained two six foot by twelve foot signs, both on an eight foot high pole, that stated “Sigue Corp. ENVIOS DE DINERO.”
14. To date, no permits have been issued by the City for the two signs.

## COUNT I

### Prohibited Use – Outdoor Vehicle Storage – Civil Penalties

15. The City realleges paragraphs 1-14 of this Complaint and incorporates them in this Count as if fully set forth herein.
16. Sections 17-3-0200 *et seq.* of the Zoning Ordinance designates the permitted and prohibited uses in a B3-2 District. See Municipal Code of Chicago §§17-3-0204 and 17-3-0207 (2016).
17. More specifically, Section 17-3-0304-A provides that all allowed business, service, and commercial activities in a B3 District must be conducted in a completely enclosed building. See id.; Municipal Code of Chicago §17-3-0304-A (2016).

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18. Beginning on or about July 19, 2016, and continuing to the present, Defendant violated Sections 17-3-0204 and 17-3-0304-A of the Zoning Ordinance in that the subject property contained approximately eleven motor vehicles stored outdoors.

19. The penalty for violating Sections 17-3-0204 and 17-3-0304-A of the Zoning Ordinance is a fine “not less than \$500.00 and not more than \$1,000.00. Each day such a violation or failure to comply exists after notice constitutes a separate and distinct offense.” Municipal Code of Chicago §17-16-0511 (2016).

WHEREFORE, the City requests that this Court grant the following relief:

- A. Find that Defendant violated Sections 17-3-0204 and 17-3-0304-A of the Zoning Ordinance;
- B. Fine Defendant in the amount of \$1,000.00 for each day this violation has existed and continues to exist, pursuant to Section 16-0511 of the Zoning Ordinance; and
- C. Grant any other relief that this Court deems appropriate.

## COUNT II

### Erecting and/or Constructing Signs without a Permit – Civil Penalties

20. The City realleges paragraphs 1-14 of this Complaint and incorporates them in this Count as if fully set forth herein.

21. Section 17-12-0709 of the Zoning Ordinance prohibits any sign that is erected, constructed, or altered without a permit issued by the City. See Municipal Code of Chicago §17-12-0709 (2016).

22. The requirement for a permit is provided in Section 13-20-550 of the Municipal Code of Chicago, which states that “unless a valid permit has been obtained from the Department of Buildings, it shall be unlawful for any person (1) to own, maintain, erect, install, alter, repair

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or enlarge any sign, or associated sign structure covered by the provisions of this article.” See Municipal Code of Chicago §13-20-550 (2016).

23. Beginning on or about July 19, 2016, and continuing to the present, Defendant violated Sections 17-12-0709 and 13-20-550 of the Municipal Code of Chicago, in that the subject property contains two six foot by twelve foot signs, both on an eight foot high pole, that stated “Sigue Corp. ENVIOS DE DINERO,” that were erected without obtaining a permit from the City.

24. The penalty for violating Section 17-12-0709 of the Zoning Ordinance is contained in Section 13-20-520 of the Municipal Code which provides that any person who violates the ordinance:

shall be fined not less than \$7,500.00 nor more than \$10,000.00. Each day such a violation or failure to comply exists constitutes a separate and distinct offense. If Defendant can show that the square footage of the sign is between 200 and 499 square feet per face, the fine is not less than \$2,000.00 nor more than \$5,000.00. If Defendant can show the sign is between 100 and 199 square feet, the fine is not less than \$750.00 nor more than \$1,500.00. If Defendant can show the sign is between zero and 99 square feet, the fine is not less than \$350.00 nor more than \$750.00. See Municipal Code of Chicago §17-16-0511, §13-20-520 (2016).

WHEREFORE, the City requests that this Court:

- A. Find that Defendant violated Section 17-12-0709 and 13-20-550 of the Municipal Code;
- B. Fine Defendant in the amount of \$10,000.00 for each day this violation existed and continues to exist, pursuant to Section 16-0511 of the Zoning Ordinance; and
- C. Grant any other relief that this Court deems appropriate.

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## COUNT III

### Building Code Violations - Civil Penalties

25. The City realleges paragraphs 1-14 of this Complaint and incorporates them into this Count as if fully set forth herein.

26. On or about July 19, 2016, and on each succeeding day thereafter the Defendant failed to comply with the Municipal Code of Chicago as follows:

- A. The vacant lots did not contain any fencing, in violation of Section 7-28-750 of the Municipal Code; and
- B. The subject property contained a four foot high mound of dirt as well as low areas that are retaining water, in violation of Section 13-196-600 of the Municipal Code;

27. The penalty for violating the above cited code sections is not less than \$200.00 and not more than \$1,000.00 per violation per day for each day said violations have existed. See Municipal Code of Chicago §§13-12-020, 13-12-040 and 17-16-0511 (2016).

WHEREFORE, the City requests that this Court:

- A. Find that Defendant violated Sections 7-28-750 and 13-196-600 of the Municipal Code;
- B. Fine Defendant in the amount of \$500.00 for each day these violations have existed and continue to exist, pursuant to Sections 13-12-020 and 13-12-040 of the Municipal Code; and
- C. Grant any other relief that this Court deems appropriate.



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## COUNT IV

### Public Nuisance - Equitable Relief

28. The City realleges paragraphs 1-27 of this Complaint and incorporates them in this Count as if fully set forth herein.

29. Defendant's violations of the Municipal Code may be enjoined under 65 ILCS 5/11-13-15, 5/11-31-1(a) and 5/11-31-2 which expressly authorizes the City to maintain an action for injunctive relief to restrain, correct or abate a violation of the City's zoning laws. See 65 ILCS 5/11-13-15, 5/11-31-1(a) and 5/11-31-2 (2011). See also Municipal Code of Chicago §17-16-0508 (2014) (City may seek an injunction to abate a violation of the Zoning Ordinance) and §13-12-070(2014) (City may seek an injunction requiring compliance with the minimum standards of health and safety of the Municipal Code).

30. Because 65 ILCS 5/11-13-15 grants the City a statutory basis for injunctive relief, Defendant's violations of the Zoning Ordinance may be enjoined without the traditional showing for obtaining such relief. See Village of Riverdale v. Allied Waste Trans., Inc., 334 Ill. App. 3d 224, 228-29 (1<sup>st</sup> Dist. 2002); City of Chicago v. Krisjon Construction Co., 246 Ill. App. 3d 950, 959 (1<sup>st</sup> Dist. 1993); City of Chicago v. Piotrowski, 215 Ill. App. 3d 829, 834-35 (1<sup>st</sup> Dist. 1991).

31. Nonetheless, the City is able to make the traditional showing for such relief, as Defendant's violations constitute a continuing and ongoing injury to the public health, safety, and welfare of the residents of the City in that Defendant's use and maintenance of the subject property:

- a. threaten the character, stability, and beneficial enjoyment of the area, which the ordinances of the City have been enacted to protect;
- b. are incompatible with the character of development of the area, and thus are an unlawful interference with the use and enjoyment of the surrounding properties, which are protected by law;

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- c. have an adverse and deleterious effect upon the adjacent area and contribute to the blighting and downgrading of the area; and
- d. constitute a deliberate and willful disregard for the lawfully enacted ordinances of the City, enacted to protect the public health, safety, and welfare.

32. Defendant's illegal use of the subject property constitutes immediate and irreparable damage to the public health, safety, and welfare in that Defendant continues to ignore the ordinances of the City and interfere with the enjoyment of property by surrounding property owners.

33. There is no adequate remedy at law in that prosecuting and fining Defendant for violating the Municipal Code of Chicago will not adequately remedy Defendant's continuous intrusions upon the rights of residents of the City.

34. A permanent injunction is necessary to stop Defendant's continuing violations of the Municipal Code of Chicago.

WHEREFORE, the City requests that this Court grant the following relief:

- A. Find that Defendant violated the sections of the Municipal Code of Chicago as alleged herein;
- B. Find that Defendant created and maintained the common law public nuisance as alleged herein;
- C. Issue a mandatory injunction requiring Defendant to correct and abate the above violations of the Municipal Code of Chicago;
- D. Alternatively, authorize the City to abate any violation of the Municipal Code of Chicago, pursuant to 65 ILCS 5/11-13-15, the costs of which are to be assessed as a judgment against the Defendant;
- E. Appoint a receiver, if necessary, to correct the conditions alleged in this Complaint with the full powers of receivership including the right to issue and sell receiver's certificates in accordance with 65 ILCS 5/11-31-2;
- F. Issue a permanent injunction enjoining the Defendant, its agents, employees, successors, assignees, and other persons acting in concert with it, or under its

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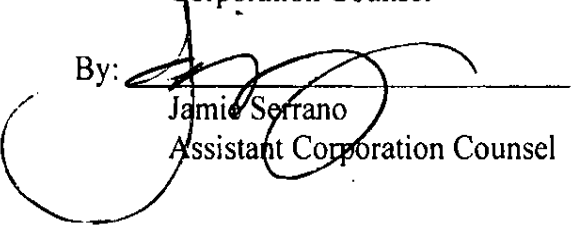
control, from engaging in or maintaining the violations of the Municipal Code as alleged herein; and

- G. Grant any other relief that this Court deems appropriate.

Respectfully submitted,

STEPHEN R. PATTON  
Corporation Counsel

By:

  
\_\_\_\_\_  
Jamie Serrano  
Assistant Corporation Counsel

City of Chicago Department of Law  
Building and License Enforcement Division  
30 North LaSalle St., Suite 700  
Chicago, Illinois 60602  
(312) 744-5679  
jamie.serrano@cityofchicago.org

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#90909(Zoning)

**LIST OF DEFENDANTS/SERVICE LIST**  
2433 - 39 W. 59<sup>th</sup> Street

Discount Realty Services, Ltd.  
c/o: Peter Burdi, Registered Agent  
431 S. Dearborn #203  
Chicago, IL 60605

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COOK COUNTY CLERK OFFICE  
RECORDING DIVISION  
118 N. CLARK ST. ROOM 120  
CHICAGO, IL 60602-1387

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CHICAGO, IL 60602-1387

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CLERK OF THE CIRCUIT COURT - COOK COUNTY  
 00382124 Civil-01 11/7/2016 8:05AM  
 ATTY: 90909 118 SFORDES  
 AD DAMNIN: \$15,001.00  
 CASE NO: 20161403542 COURTROOM:1107  
 RETURN DATE: 1/13/2017  
 CASE TOTAL: \$368.00

Arbitration	\$10.00
Dispute Resolution	\$1.00
Automation	\$25.00
Document Storage	\$25.00
Law Library	\$21.00
Base Filing Fee 6	\$240.00
Court Services	\$25.00
Children Waiting Rm	\$10.00
Access Justice Fund	\$2.00
e-Business	\$9.00
NO FEE	\$368.00
CHANGE	\$0.00
TRANSACTION TOTAL:	\$368.00

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RETURN TO BULK FILING

CASHIERING

ATTORNEY NUMBER 90909

REGISTER NUMBER 118

NAME OF CASHIER PROCESSING: Storke

DATE PROCESSED: 11/7/10

# OF CASES: 1

NAME OF CLERK STAMPING CASE NUMBERS:

# OF CASES: 1

NAME OF CLERK: U. Taylor

DATA ENTRY

DATE COMPLETED: 11/8/10

# OF DOCS: 1