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Doc# 2310813203 Fee \$88.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 04/18/2023 02:40 PM PG: 1 OF 4

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

STEVEN GARRETT, JR.,
COUNTY OF COOK D/B/A COOK COUNTY
LAND BANK AUTHORITY,
UNKNOWN OWNERS and NONRECORD
CLAIMANTS,

Defendants.

Case Number: 21M1400828

Re: 9696 SOUTH OGLESBY AVE.
Chicago, IL

Courtroom 1109

ORDER AUTHORIZING DEMOLITION BY THE CITY OF CHICAGO

This cause coming to be heard on 3/22/2023 on the complaint of THE CITY OF CHICAGO (“the City”), by and through its attorney, Celia Meza, Corporation Counsel, against the following:

STEVEN GARRETT, JR.,
COUNTY OF COOK D/B/A COOK COUNTY LAND BANK AUTHORITY,
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 9696 SOUTH OGLESBY AVE., CHICAGO, COOK COUNTY, ILLINOIS (“subject property”), legally described as:

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LOT 1 IN BLOCK 5 OF MERRIONETTE MANOR FIRST ADDITION, BEING A SUBDIVISION OF PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 12, NORTH OF THE INDIAN BOUNDARY LINE, TOWNSHIP 37 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 25-12-231-046-0000

2. Located on the subject property is a FRAME GARAGE AND ONE-STORY, BRICK, SINGLE FAMILY BUILDING. 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:
 - a. The garage is vacant and open.
 - b. The building's roof has a damaged membrane.
 - c. The building's roof is missing shingles.
 - d. The building's roof is water damaged.
 - e. The building's masonry has holes.
 - f. The building's masonry is missing siding.
 - g. The building's masonry has washed out mortar joints.
 - h. The building's glazing is broken or missing.
 - i. The building's sash is broken, missing or inoperable.
 - j. ComED has terminated electrical service at the building.
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 3/22/2023.

WHEREFORE, IT IS HEREBY ORDERED THAT:

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- 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. The property tax certificate holder(s) 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.
- B. 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 March 7, 2023 are in default and all allegations in the complaint are deemed admitted against said defendants.
- C. An *in rem* judgment on Count(s) I and IV of the Complaint is entered in favor of Plaintiff, the City of Chicago, and against Defendants.
- D. All other Counts 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, 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, including the garage structure, 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, 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.
- 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 for the purposes of hearing foreclosure proceedings as defined by the applicable statutes and ordinances.

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J. This matter is off call.

ENTERED:

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Judge Pamela Reaves-Harris

MAR 22 2023

Circuit Court - 2287

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