



Doc# 2319115006 Fee \$88.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 07/10/2023 10:54 AM PG: 1 OF 8

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

THE DEPARTMENT OF TRANSPORTATION	)	
OF THE STATE OF ILLINOIS, FOR	)	Calendar 1
AND ON BEHALF OF THE PEOPLE OF	)	
THE STATE OF ILLINOIS,	)	
	)	Case No. 21 L 050116
Plaintiff,	)	
	)	
v.	)	Condemnation
	)	
LJ REMAINDER LLC, a Delaware	)	Parcel OMG0002TE
limited liability company;	)	
LOJON PROPERTY LLC, a Delaware	)	Job No. R-90-019-16
limited liability company;	)	
LONG JOHN SILVER'S, INC.;	)	
JOY ENTERPRISES, INC.;	)	
TOCU II, LLC;	)	
800 IRVING PARK LLC, an Illinois	)	
limited liability company;	)	
UNKNOWN OWNERS AND NON-RECORD	)	<b>JURY DEMAND</b>
CLAIMANTS;	)	
	)	
Defendants.	)	

**FINAL JUDGMENT ORDER AND  
ORDER OF SATISFACTION AND RELEASE OF JUDGMENT**

This matter coming on to be heard on Plaintiff's Motion For Summary Judgment For Entry Of Final Judgment Order and Order of Satisfaction and Release of Judgment;

And Plaintiff THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, appearing by KWAMI RAOUL, Attorney General of the State

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of Illinois, by Mark A. Spadaro, Special Assistant Attorney General;

And Defendant 800 IRVING PARK LLC having filed an Appearance by Ryan & Ryan Law, LLC;

And on December 15, 2022, upon due notice and Plaintiff's Motion For Order of Default for Want of Appearance, an Order of Default for Want of Appearance was entered against Defendants LJ REMAINDER LLC, a Delaware limited liability company, LOJON PROPERTY LLC, a Delaware limited liability company, LONG JOHN SILVER'S, INC., JOY ENTERPRISES, INC., TOCU II, LLC, UNKNOWN OWNERS AND NON-RECORD CLAIMANTS; and said Order of Default has not been vacated;

And all Defendants to this proceeding have been properly served by process as provided by statute, and have either entered an appearance or the time to appear has expired and have been defaulted for want of appearance; the Court does find that it has jurisdiction of the subject matter of this proceeding and of all parties thereto;

And on June 7, 2021, upon due notice and Quick-take proceeding on Plaintiff's Motion for Immediate Vesting of Title, an Order was entered that preliminary just compensation is set in the total amount of \$2,500.00 for Plaintiff taking a **temporary easement** for construction purposes for a period not to exceed five (5) years from the date of vesting of title or until completion of construction operations, whichever occurs first, across and upon

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real property designated as Parcel OMG0002TE, and for any diminution in value within and outside the temporary easement area, and for any costs to cure; that Plaintiff has authority to exercise the right of eminent domain, that the property sought to be taken herein is subject to the exercise of such right, that such right is not being improperly exercised in this proceeding, and that a reasonable necessity exists for taking the property in the manner requested in this case; that pursuant to 735 ILCS 30/20-5-10(b), the parties had thirty days to appeal the statutory findings within said Order setting preliminary just compensation, an appeal was not filed and, therefore, the Court does find that the statutory findings pursuant to 735 ILCS 30/20-5-10(b) are final and non-appealable;

And on August 23, 2021, upon due notice and Plaintiff's Motion for Entry of Order Vesting Title, Plaintiff having timely deposited the preliminarily just compensation with the Cook County Treasurer, an Order Vesting Title was entered that Plaintiff is vested with a **temporary easement** for construction purposes for a period not to exceed five (5) years from the date of vesting of title or until completion of construction operations, whichever occurs first, across and upon real property designated as Parcel OMG0002TE, and legally described on Exhibit 1 to the Order Vesting Title and incorporated herein by reference, and authorized Plaintiff to take immediate possession of said property;

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And due notice of this hearing having been given, and the Court having considered Plaintiff's Motion For Summary Judgment For Entry Of Final Judgment Order And Order Of Satisfaction and Release Of Judgment, the supporting Affidavit and Appraisal Report of Plaintiff's Appraiser which Affidavit the Court finds is in compliance with Illinois Supreme Court Rule 191(a), the Complaint For Condemnation, the First Amendment to Complaint For Condemnation, the Order of Default for Want of Appearance and the Order of Default has not been vacated, the record, and no party appearing in opposition at this hearing or having filed a counter-affidavit; and the Court being fully advised in the premises, does find that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law, and that summary judgment is proper and shall be rendered; and does find and adjudge that the final just compensation for the property taken and damaged as follows:

To the owner or owners of and party or parties interested in Parcel OMG0002TE, legally described on Exhibit 1 attached hereto and incorporated herein by reference, as full and final just compensation for Plaintiff taking a **temporary easement** for construction purposes for a period not to exceed five (5) years from the date of vesting of title or until completion of construction operations, whichever occurs first, over, across and upon Parcel OMG0002TE, legally described on Exhibit 1 attached

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hereto and incorporated herein by reference, and for any diminution of value within and outside the temporary easement area of said parcel due to impressment of the temporary easement, and for any costs to cure, by right of eminent domain for a necessary public use and public purpose, as set forth in the Complaint for Condemnation, and the record in this case, and for any and all damages, the total sum of \$2,500.00; wherefore:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of TWO THOUSAND FIVE HUNDRED AND 00/100 (\$2,500.00) DOLLARS is the full and final just compensation to the owner or owners of and party or parties interested in Parcel OMG0002TE, legally described on Exhibit 1 attached hereto and incorporated herein by reference, for Plaintiff taking a **temporary easement** for construction purposes for a period not to exceed five (5) years from the date of vesting of title or until completion of construction operations, whichever occurs first, over, across and upon Parcel OMG0002TE, legally described on Exhibit 1 attached hereto and incorporated herein by reference, and for any diminution of value within and outside the temporary easement area of said parcel due to impressment of the temporary easement, and for any costs to cure, and for the taking by Plaintiff of said property by right of eminent domain for a necessary public use and public purpose, and for any and all damages, and judgment is hereby entered accordingly.

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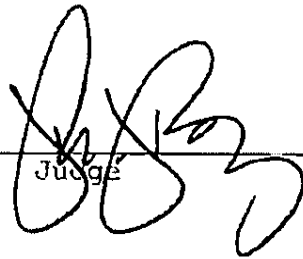
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that interest shall not be paid by Plaintiff nor be due from Plaintiff under 735 ILCS 5/2-1303; that interest shall not be paid by Plaintiff nor be due from Plaintiff under 735 ILCS 30/20-5-30; that interest shall not be paid by Plaintiff nor be due from Plaintiff under any other statute or provision; and that the parties shall each bear their own attorney's fees, expenses, and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Order Vesting Title entered on August 23, 2021 is confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the amount of final just compensation awarded herein being the amount of preliminary just compensation previously deposited by Plaintiff with the Cook County Treasurer, this Final Judgment Order is hereby declared fully satisfied by Plaintiff and said judgment against Plaintiff is hereby released.

Attorney No. 11110  
Mark A. Spadaro  
Spec. Asst. Attorney General  
111 E. Wacker Dr., Ste. 2300  
Chicago, IL 60601  
(312) 251-9700  
mspadoro@spadoro.com

ENTER:



Judge

Judge Daniel P. Duffy

JUN 26 2023

Circuit Court - 2103

I hereby certify that the document to which this certification is affixed is a true copy.  
Date: JUN 10 2023  
IRIS Y. MARTINEZ  
Clerk of the Circuit Court  
of Cook County, IL



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**STIPULATED AND AGREED:**

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, Plaintiff,

By: Mark A. Spadaro  
Attorney No. 11110  
Mark A. Spadaro  
Special Assistant Attorney General  
111 East Wacker Drive, Suite 2300  
Chicago, IL 60601  
(312) 251-5700  
mspadoro@spadaro.com

Dated: 5-25-2023

800 IRVING PARK LLC, Defendant,

By: Michael W. Ryan  
Attorney No. 65106  
Michael W. Ryan Esq.  
Ryan & Ryan Law, LLC  
9501 West Devon Avenue, Suite 300  
Rosemont, Illinois 60018  
(847) 825-8600  
mryan@ryanryanlaw.com

Digitally signed by Michael W. Ryan  
DN: cn=Michael W. Ryan, o=Ryan & Ryan Law, LLC,  
ou, email=mryan@ryanryanlaw.com, c=US  
Date: 2023.05.25 10:27:00 -0500

Dated: 5-25-2023

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Route: IL 19 (Irving Park Road)  
 Section:  
 County: Cook  
 Job No.: R-90-019-16  
 Parcel No.: 0MG0002TE  
 Stations: 391+81.20 to 392+36.15  
 Index No.: 07-29-300-003

### Parcel Description

That part of the Southeast Quarter of Section 30, Township 41 North, Range 10 East of the Third Principal Meridian in Cook County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD83 (2011 adjustment), with a combined factor of 0.99994474, described as follows:

Commencing at the intersection of the west line of Olde Salem Circle according to Olde Salem Commercial Park - Unit 1 Subdivision recorded March 13, 1972 as document 21833850 and the north line of Illinois Route 19 (Irving Park Road AKA Chicago Elgin Road) according to the plat of dedication recorded June 9, 1933 as document 11245765; thence South 86 degrees 51 minutes 34 seconds West along said north line, a distance of 141.99 feet to the point of beginning; thence continuing South 85 degrees 51 minutes 34 seconds West along said north line, a distance of 57.95 feet; thence North 00 degrees 01 minutes 15 seconds East, a distance of 4.90 feet; thence North 87 degrees 03 minutes 20 seconds East, a distance of 14.32 feet; thence North 02 degrees 51 minutes 40 seconds West, a distance of 10.97 feet; thence North 88 degrees 21 minutes 13 seconds East, a distance of 43.40 feet; thence South 02 degrees 51 minutes 40 seconds East, a distance of 14.65 feet, to the point of beginning.

Said Parcel containing 0.017 acres, more or less.

800 Olde Salem Rd  
 Hanover Park IL 60133

RECEIVED

AUG 23 2019 *pk*

PLATS & LEGALS

EXHIBIT 1