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NOTICE OF DISMISSAL PURSUANT TO AGREED ORDER



Doc# 2324057010 Fee \$88.00

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 08/28/2023 10:30 AM PG: 1 OF 6

THIS DOCUMENT HAS BEEN
PREPARED BY, AND AFTER
RECORDATION SHOULD BE
RETURNED TO:

David Sugar
Saul Ewing LLP
161 N. Clark Street- Suite 4200
Chicago, IL 60601

IN THE OFFICE OF THE CLERK OF COOK COUNTY, ILLINOIS

City of Chicago, a municipal corporation
Plaintiff,

Imperial Towers Condominium Association,
Defendant

Case No. 2022 M1- 400955

Please take notice that *City of Chicago v. Imperial Towers Condominium Association*, Case No. 2022 M1-400955 in the Circuit Court of Cook County, Illinois, has been dismissed without prejudice pursuant to the Agreed Order entered on August 23, 2023 by Judge Lisa Marino, a true copy of which is attached hereto as Exhibit 1. The property affected by the said lawsuit and its dismissal is legally described on Exhibit 2 attached hereto.

DATED: August 28, 2023

IMPERIAL TOWERS CONDOMINIUM ASSOCIATION

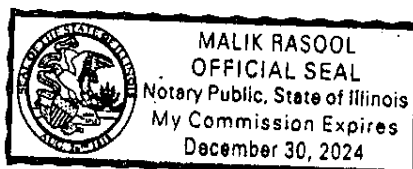
By: _____

One of its Attorneys

David Sugar, being first duly sworn, certifies, that he is an attorney for Imperial Towers Condominium Association, that he is authorized to make this certification, that he has read the foregoing Notice of Dismissal Pursuant to Consent Order, that he knows the contents thereof, and that the facts contained in the foregoing Notice are true and correct to the best of his knowledge and belief.

SUBSCRIBED AND SWORN to
before me this 28 day
of August, 2023

Notary Public



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EXHIBIT 1

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

Property of Cook County Clerk's Office

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

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This space reserved for the Recorder of Deeds

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

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

Imperial Towers Condominium Association, et al,

et al.,

Defendant(s).

No: 2022 M1-400955

Re: 4250 N. Marine Drive, Chicago, IL.

Courtroom 1107, Richard J. Daley Center

AGREED ORDER OF INJUNCTION

This cause coming to be heard on the set call, the Court having jurisdiction over the subject matter and being advised in the premises,
THIS COURT FINDS:

1. Defendant Imperial Towers Condominium Association ("Association") and the City of Chicago ("City") have reached agreement as to the resolution of this case, stipulate to the following facts and agree to entry of the order(s) set forth below.
2. The premises contain, and at all times relevant to this case contained, the violations of the Chicago Municipal Code set forth in City's Complaint. Defendant(s) has/have a right to contest these facts, but knowingly and voluntarily stipulate(s) to said facts and waive(s) the right to trial, including the right to a jury trial, if any, as to each, any and all of the stipulated facts.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. Defendant Imperial Towers Condominium Association, and his/her/its/their heirs, legatees, successors, and assigns shall:
 - [X] Remedy the violations set forth in City's Complaint by tuckpointing diagonal cracks in the non load bearing CMU walls and small open joints around MEP penetrations at the south tower corridor near the shipping receiving corridor and garage entrance; prior to December 31, 2024, replacing the east-west running expansion joint over the garage upper level ceiling and repairing the concrete beam; repairing concrete slab deterioration near the drain in the south tower mechanical room; repairing spalled concrete ceiling slab in the storage room near the north tower; and repairing the underside of ceiling slab in the south tower phone room.
 - [X] Shall provide the Building Department (c/o Inspector Telly Jefferson at Telly.Jefferson@cityofchicago.org) with quarterly written reports as to the status of the repairs, until all work is completed.
3. Defendant(s) shall permit, and be present for an exterior and interior inspection of the subject premises with the Department of Buildings to allow City to verify compliance with the terms of this Agreed Order. Defendant shall email Inspector Telly Jefferson at Telly.Jefferson@cityofchicago.org to schedule this inspection by January 10, 2025.
4. The premises shall not be in full compliance unless Defendant(s) or owner(s) has/have obtained all necessary permits for work done at the premises. The provisions of this agreement shall be binding on Defendant(s), partners, managing partners, and all successors, heirs, legatees, and assigns of the Defendant(s). DEFENDANT(S) IS/ARE FULLY RESPONSIBLE FOR

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FULFILLING ALL REQUIREMENTS UNDER THIS AGREED ORDER, REGARDLESS OF OWNERSHIP OF PREMISES.

Penalties

5. Should Defendant(s) fail to comply with any provision of this Agreed Order, City may petition the Court to enforce this Agreed Order. Defendant(s) shall be subject to the following specified penalties for failure to comply as determined by this Court. This list is not exclusive, and the Court may order other appropriate remedies upon petition by City, including the appointment of a receiver to make repairs and/or reinstatement of the case.
- (a) **Default Fines**
- [X] Defendant(s) shall follow the compliance schedule set forth above and shall be subject to fines of \$500.00 per day for each violation of the Municipal Code of Chicago that exists past the due date provided herein. Such fines shall be calculated from the first day Defendant(s) violate(s) the compliance schedule, and shall continue to run until Defendant(s) bring(s) the violation(s) into compliance.
- [] Further, if the premises are found not to be secured (as required by the Municipal Code of Chicago) after entry of this Agreed Order, Defendant(s) shall be subject to a lump-sum default fine in the amount of \$5,000.00.
- (b) **Contempt of Court**
- (i) **Civil Contempt** If upon petition by City, the Court finds that Defendant(s) has/have failed to comply with this Agreed Order, Defendant(s) shall be subject to fines and/or incarceration for indirect civil contempt until Defendant(s) purge(s) the contempt by complying with the Agreed Order.
- (ii) **Criminal Contempt** If upon petition by City for indirect criminal contempt, Defendant(s) is/are found beyond a reasonable doubt to have willfully refused to comply with the Court's order, Defendant(s) will be subject to a fine and/or incarceration. Such fine or period of incarceration shall not be affected by subsequent compliance with the Agreed Order.


Proceedings on Request for Relief

6. If City files a motion or petition pursuant to paragraph 5, Defendant(s) waive(s) the right to a trial or hearing as to all issues of law and fact, except whether or not Defendant(s) has/have violated the provisions of this Agreed Order, whether or not said violation(s) constitute(s) civil or criminal contempt, and whether or not the requested relief is appropriate and/or feasible.
7. The court reserves jurisdiction of this matter for the purposes of modification, enforcement, or termination of this Agreed Order, including the adjudication of proceedings for contempt or default fines, which could result in the imposition of a fine and/or incarceration against Defendant(s), and reinstatement of City's Complaint.
8. This matter is hereby dismissed by agreement of the parties, without prejudice, subject to the agreement detailed above. This order is final and enforceable pursuant to Illinois Supreme Court Rule 304(a), the court finding no just cause or reason to delay its enforcement. All parties to this agreement waive their right to appeal this Agreed Order.

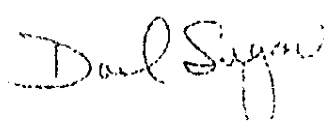
9. The 9-19-2023 court date is stricken.

HEARING DATE: August 23, 2023

8-23-2023
THE PARTIES HAVE READ AND AGREE TO ALL
OF THE ABOVE TERMS AND CONDITIONS.

By: 
Attorney for Plaintiff
Corporation Counsel #90909
2 N. LaSalle, Room 320
Chicago, IL 60602 (312) 744-8791
amanda.wyzykowski@cityofchicago.org

IMPERIAL TOWERS CONDOMINIUM ASSOCIATION,
Defendant

By: 

Judge Lisa A. Marinic

AUG 23 2023

Judge Circuit Court - 208 Courtroom 1107

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One of Its Attorneys

David Sugar
Saul Ewing LLP
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312 876-7100
david.sugar@saul.com
Atty No. 62702

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EXHIBIT 2 **Legal Description**

THAT PART OF LOT 25 AND ACCRETIONS THERETO LYING WEST OF THE WEST LINE OF LINCOLN PARK AS FIXED AND ESTABLISHED BY DECREE IN CASE 274470 CIRCUIT COURT OF COOK COUNTY, ILLINOIS (PLAT THEREOF RECORDED OCTOBER 11, 1906 AS DOCUMENT 3937332), IN C.U. GORDON'S ADDITION TO CHICAGO, BEING A SUBDIVISION OF LOTS 5, 6, 23 AND 24 AND VACATED STREET LYING BETWEEN SAID LOTS IN SCHOOL TRUSTEES SUBDIVISION OF FRACTIONAL SECTION 16, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THAT PART OF LOT 7 AND ACCRETIONS THERETO LYING WEST OF THE WEST LINE OF LINCOLN PARK AS FIXED AND ESTABLISHED BY DECREE IN CASE 274470, CIRCUIT COURT OF COOK COUNTY, ILLINOIS (PLAT THEREOF RECORDED OCTOBER 11, 1906 AS DOCUMENT 3937332) IN SCHOOL TRUSTEES SUBDIVISION AFORESAID IN COOK COUNTY, ILLINOIS.

4250 NORTH MARINE DRIVE
CHICAGO, ILLINOIS

PINs: 14-16-301-041-1001 through 14-16-301-041-1877