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KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 02/06/2024 11:15 AM 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.

UNKNOWN HEIRS AND LEGATEES OF
MARTHA E CLARK,
COUNTY OF COOK D/B/A COOK COUNTY
LAND BANK AUTHORITY,
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS,

Defendants.

Case Number: 22M1401309

Re: 5406 W WALTON ST.
CHICAGO, IL 60651

Courtroom 1111

ORDER AUTHORIZING DEMOLITION BY THE CITY OF CHICAGO

This cause coming to be heard on 1/22/24 on the complaint of THE CITY OF CHICAGO ("the City"), by and through its attorney, Corporation Counsel, against the following:

UNKNOWN HEIRS AND LEGATEES OF MARTHA E CLARK,
COUNTY OF COOK D/B/A COOK COUNTY LAND BANK AUTHORITY,
UNKNOWN OWNERS, and NONRECORD CLAIMANTS,
("Defendants").

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 5406 W WALTON ST. CHICAGO, IL 60651, CHICAGO, COOK COUNTY, ILLINOIS ("subject property"), legally described as:

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THE EAST 15 FEET OF LOT 27 AND THE WEST 10 FEET OF LOT 28 IN BLOCK 7 IN SUBDIVISION OF THE PART OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SECTION 4, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number(s): 16-04-317-036-0000

2. Located on the subject property is a GARAGE FRAME AND ONE-STORY FRAME BUILDING. ("subject building"). The last known use of the subject building was SINGLE FAMILY 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 and the defendants:
 - a. The building was found vacant and open.
 - b. The building's plumbing system is missing fixtures.
 - c. The building's plumbing system is stripped and inoperable.
 - d. The building's stairs are smoke, fire or water damaged.
 - e. The building's rafters are fire damaged.
 - f. The building's electrical system has exposed wiring.
 - g. The building's electrical system is missing fixtures.
 - h. The building's joists are smoke, fire or water damaged.
 - i. The building's heating system is missing ductwork.
 - j. The building's heating system is missing a furnace.
 - k. The building's heating system is stripped and inoperable.
 - l. The building's flooring is missing.
 - m. The building's floor is smoke, fire or water damaged.
 - n. The building's flooring is warped.
 - o. The building's roof is fire damaged.
 - p. The building's roof is missing shingles.
 - q. The building's plaster is broken or missing.
 - r. The building's plaster is smoke, fire or water damaged.

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- s. The building's studs are smoke, fire or water damaged.
 - t. The building's masonry is missing sections.
 - u. The building's masonry is missing siding.
 - v. The building's masonry is smoke, fire or water damaged.
 - w. The building's glazing are broken or missing.
 - x. The building's glazing have cracked panes.
 - y. The building's sashes 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.

WHEREFORE, IT IS HEREBY ORDERED THAT:

- 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, PERCY CLARK, is/are dismissed as defendant(s) in this case and shall not be included in the term "Defendants" as used in this Order.
- B. Defendants UNKNOWN HEIRS AND LEGATEES OF MARTHA E CLARK, 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 10/9/23 are in default and all allegations in the complaint are deemed admitted against said defendants.
- 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. The remaining 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, 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.

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

Prepared by:

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ENTERED:



 Judge Debra Ann Spator

JAN 22 2024

Circuit Court - 2199