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KAREN A. YARBROUGH

COOK COUNTY CLERK

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COOK COUNTY RECORDING OF AGREED FINAL JUDGMENT ORDER

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY v.
DAMAR-KAMINSKI FUNERAL HOME, INC., *et al.*

Cook County Case No. 2022 L 050072

P.I.N. Nos.: 18-27-412-009; 18-27-412-010; 18-27-412-013

Common Address: 7861 South 82nd Avenue
Justice, IL 60458

INSTRUMENT PREPARED BY:

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

| | | |
|--|---|----------------------------|
| THE ILLINOIS STATE TOLL HIGHWAY |) | |
| AUTHORITY, an instrumentality and administrative |) | |
| agency of the State of Illinois, |) | Case No. 2022 L 050072 |
| |) | |
| Plaintiff, |) | Condemnation |
| |) | |
| v. |) | |
| |) | Parcel Nos. TW-3A-16-107.1 |
| DAMAR-KAMINSKI FUNERAL HOME, INC., an |) | TW-3A-16-107.2 |
| Illinois corporation; MB FINANCIAL BANK N.A., |) | TW-3A-16-107.T1 |
| as successor-in-interest to American Chartered Bank; |) | TW-3A-16-107.T2 |
| U.S. SMALL BUSINESS ADMINISTRATION; |) | |
| UNKNOWN OWNERS AND NON-RECORD |) | JURY DEMAND |
| CLAIMANTS, |) | |
| |) | CALENDAR 3 |
| Defendants. |) | |

AGREED FINAL JUDGMENT ORDER

THIS CAUSE coming on to be heard upon the Condemnation Complaint of the Plaintiff, the Illinois State Toll Highway Authority ("Plaintiff"), for the ascertainment of just compensation to be paid by the Plaintiff for the taking, uses and purposes stated and set forth therein, to wit, for the taking of fee simple title to fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2, such parcels being legally described in Exhibits "A," "B," "C" and "D" attached hereto, and made a part hereof. The Court being advised as set forth herein.

And the Plaintiff appearing by Karen Kavanagh Mack, Special Assistant Attorney General, Defendant DAMAR-KAMINSKI FUNERAL HOME, INC., an Illinois corporation ("Defendant"), appearing through Bryan P. Lynch of the Law Office of Bryan P. Lynch, P.C., and this matter being before this Court, subject to the *in personam* jurisdiction thereof and agreeing to the entry of this Agreed Final Judgment Order;

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And the Court having jurisdiction over the parties hereto and the cause hereof, and the parties interested herein and such parties being before the Court and having waived a jury, and this Court having considered the Stipulation for Final Judgment Order entered into between Plaintiff and Defendants;

And it appearing to the Court that all defendants have been served with process in the manner provided by statute;

And it being represented to the Court by Defendant it is entitled to the compensation awarded herein and the Court's Order of January 12, 2023 granting Defendant's petition to withdraw the preliminary just compensation award is hereby confirmed in all respects;

And it appearing to the Court that defendants FIFTH THIRD BANK, NATIONAL ASSOCIATION, as successor-in-interest to MB FINANCIAL BANK N.A., as successor-in-interest to American Chartered Bank and U.S. SMALL BUSINESS ADMINISTRATION, have executed disclaimers of interest and were dismissed as parties herein;

And it appearing to the Court that defendants Unknown Owners and Non-Record Claimants were found in default for their failure to file an appearance or otherwise plead in this matter;

And it appearing to the Court from the record of this cause that a Motion was heretofore brought by the Plaintiff for the immediate vesting in the Plaintiff of fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2, such parcels being legally described in Exhibits "A," "B," "C" and "D," pursuant to the statutes of the State of Illinois and, by virtue thereof, this Court found, adjudged and decreed the amount of preliminary just compensation for the taking of fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2 to be One Hundred

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Sixty-Four Thousand Four Hundred and Forty-Six Dollars and No Cents (\$164,446.00); that on July 18, 2022, the Plaintiff deposited said sum with the Treasurer of Cook County, Illinois; that on July 28, 2022, pursuant to the Plaintiff's motion, an Order was entered vesting the Plaintiff with fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2;

And it further being represented to the Court that the Plaintiff and Defendant has entered into a Stipulation providing for the entry of this Agreed Final Judgment Order, premised upon their mutual waiver of a jury trial and their agreement that the sum of One Hundred Sixty-Four Thousand Four Hundred and Forty-Six Dollars and No Cents (\$164,446.00) constitutes final just compensation for the taking of fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2, including any damages to the remainder. (Defendant waiving any claim of interest upon such amount.).

**AND NOW BEING FULLY ADVISED IN THE PREMISES, THE COURT
HEREBY FINDS THAT:**

The amount to be paid by the Plaintiff as full and final just compensation to the owner or owners of and party or parties interested in the property described in Exhibits "A," "B," "C" and "D" attached hereto (i.e. Nos. TW-3A-16-107.1, TW-3A-16-107.1, TW-3A-16-107.T1 and TW-3A-16-107.1-T2), in which the Plaintiff has acquired fee simple title and temporary easements, as final just compensation therefore, is the sum One Hundred Sixty-Four Thousand Four Hundred and Forty-Six Dollars and No Cents (\$164,446.00).

The Court further finds that the payment of said sum to the owner or owners of and party or parties interested in said real property will fully compensate said owner or owners of, and party or parties interested in, said property for the taking by the Plaintiff of fee simple title to Parcel Nos.

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TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2, including any damages to the remainder.

This is an award of final just compensation, inclusive of interest and inclusive of any damages to the remainder, for the taking by the Plaintiff fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2, and not an award of preliminary just compensation relative to the taking thereof.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT:

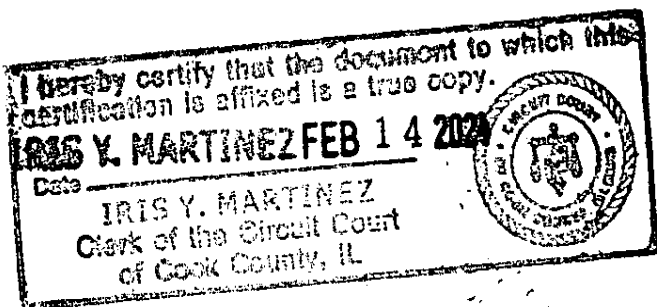
1. The Order of the Court of July 28, 2022, vesting the Plaintiff with fee simple title to Parcel Nos. TW-3A-16-107.1 and TW-3A-16-107.1 and temporary easements across and upon Parcel Nos. TW-3A-16-107.T1 and TW-3A-16-107.1-T2, is hereby confirmed in all respects;
2. The sum of One Hundred Sixty-Four Thousand Four Hundred and Forty-Six Dollars and No Cents (\$164,446.00), was deposited by the Plaintiff with the Treasurer of Cook County on July 18, 2022; therefore, the Plaintiff shall be deemed to have fully satisfied this Final Judgment Order; and
3. This judgment is hereby declared satisfied and this matter is hereby stricken from the call.

DATED: _____

ENTER: 

 JUDGE 1107

Judge Patrick T. Stanton
 FEB 13 2024
 Circuit Court - 2184



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Approved as to form & content:

**ILLINOIS STATE TOLL HIGHWAY
AUTHORITY**

By: **KWAME RAOUL, Attorney General
of the State of Illinois**

By: 
Special Assistant Attorney General

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**DAMAR-KAMINSKI FUNERAL
HOME, INC., an Illinois corporation,**

By: 
One of Its Attorneys

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Firm I.D. 42953

Office of Cook County Clerk's Office

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LEGAL DESCRIPTION TW-3A-16-107.1:

THAT PART OF LOT 1 IN DAMAR SUBDIVISION, BEING A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1997 AS DOCUMENT NO. 97486065 IN COOK COUNTY, ILLINOIS AND THE THAT PART OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011 ADJUSTMENT), WITH A COMBINED SCALE FACTOR OF 0.99997359246, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE NORTH 48 DEGREES 37 MINUTES 57 SECONDS WEST, 54.08 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 (ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF OAK GROVE AVENUE); THENCE SOUTH 70 DEGREES 59 MINUTES 49 SECONDS EAST, 18.47 FEET; THENCE NORTH 79 DEGREES 11 MINUTES 22 SECONDS EAST, 61.92 FEET TO A POINT ON A LINE 35.00 FEET EAST OF AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 1; THENCE SOUTH 03 DEGREES 39 MINUTES 07 SECONDS WEST, 40.36 FEET ALONG SAID PARALLEL LINE TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 79TH STREET, BEING A LINE 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 26; THENCE SOUTH 88 DEGREES 16 MINUTES 23 SECONDS WEST, 35.15 FEET (35.16 FEET RECORD) ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

SAID PARCEL TW-3A-16-107.1 CONTAINING 0.044 ACRES OR 1,935 SQUARE FEET, MORE OR LESS.

EXHIBIT
A

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LEGAL DESCRIPTION TW-3A-16-107.2:

THAT PART OF LOTS 1 AND 2 IN DAMAR SUBDIVISION, BEING A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1997 AS DOCUMENT NO. 97486065 IN COOK COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011 ADJUSTMENT), WITH A COMBINED SCALE FACTOR OF 0.99997359246, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY NORTHWESTERLY CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 13 MINUTES 37 SECONDS WEST, 12.03 FEET ALONG THE NORTHWESTERLY LINE OF SAID LOT 2 TO A POINT ON A LINE 9.00 FEET NORTHEASTERLY OF AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOTS 1 AND 2 (ALSO BEING THE EAST RIGHT-OF-WAY LINE OF OAK GROVE AVENUE, F.K.A. CORK AVENUE); THENCE SOUTH 48 DEGREES 37 MINUTES 37 SECONDS EAST, 217.00 FEET ALONG SAID PARALLEL LINE; THENCE SOUTH 43 DEGREES 50 MINUTES 49 SECONDS EAST, 108.00 FEET TO A POINT ON SAID SOUTHWESTERLY LINE OF LOT 1; THENCE NORTH 48 DEGREES 37 MINUTES 37 SECONDS WEST, 316.93 FEET ALONG SAID SOUTHWESTERLY LINE OF LOTS 1 AND 2 TO THE POINT OF BEGINNING.

SAID PARCEL TW-3A-16-107.2 CONTAINING 0.055 ACRES OR 2,401 SQUARE FEET, MORE OR LESS.

EXHIBIT

B

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LEGAL DESCRIPTION TW-3A-16-107.T1:

THAT PART OF LOTS 1 AND 2 IN DAMAR SUBDIVISION, BEING A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1997 AS DOCUMENT NO. 97486065 IN COOK COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011 ADJUSTMENT), WITH A COMBINED SCALE FACTOR OF 0.99997359246, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY NORTHWESTERLY CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 13 MINUTES 37 SECONDS WEST, 12.03 FEET ALONG THE NORTHWESTERLY LINE OF SAID LOT 2 TO A POINT ON A LINE 9.00 FEET NORTHEASTERLY OF AND PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOTS 1 AND 2 (ALSO BEING THE EAST RIGHT-OF-WAY LINE OF OAK GROVE AVENUE, F.K.A. CORK AVENUE) SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 13 MINUTES 37 SECONDS WEST, 6.69 FEET ALONG SAID NORTHWESTERLY LINE TO A POINT ON A LINE 14.00 FEET NORTHEASTERLY OF AND PARALLEL WITH SAID SOUTHWESTERLY LINE OF LOTS 1 AND 2; THENCE SOUTH 48 DEGREES 37 MINUTES 37 SECONDS EAST, 189.00 FEET ALONG SAID PARALLEL LINE; THENCE NORTH 41 DEGREES 22 MINUTES 23 SECONDS EAST, 23.00 FEET; THENCE SOUTH 48 DEGREES 37 MINUTES 37 SECONDS EAST, 40.62 FEET; THENCE SOUTH 41 DEGREES 22 MINUTES 23 SECONDS WEST, 23.67 FEET; THENCE SOUTH 43 DEGREES 50 MINUTES 49 SECONDS EAST, 124.00 FEET TO A POINT ON A LINE 3.00 FEET NORTHEASTERLY OF AND PARALLEL WITH SAID SOUTHWESTERLY LINE OF LOT 1; THENCE SOUTH 48 DEGREES 37 MINUTES 37 SECONDS EAST, 59.73 FEET ALONG SAID PARALLEL LINE; THENCE NORTH 70 DEGREES 59 MINUTES 49 SECONDS WEST, 7.88 FEET TO A POINT ON SAID SOUTHWESTERLY LINE OF LOT 1; THENCE NORTH 48 DEGREES 37 MINUTES 37 SECONDS WEST, 76.57 FEET ALONG SAID SOUTHWESTERLY LINE OF LOT 1; THENCE NORTH 43 DEGREES 50 MINUTES 49 SECONDS WEST, 105.00 FEET TO A POINT ON SAID LINE 9.00 FEET NORTHEASTERLY OF AND PARALLEL WITH THE SOUTHWESTERLY LINE OF LOTS 1 AND 2; THENCE NORTH 48 DEGREES 37 MINUTES 37 SECONDS WEST, 217.00 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

SAID TEMPORARY EASEMENT TW-3A-16-107.T1 CONTAINING 0.065 ACRES OR 2,840 SQUARE FEET, MORE OR LESS.

EXHIBIT

C

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LEGAL DESCRIPTION TW-3A-16-107.T2:

THAT PART OF LOT 2 IN DAMAR SUBDIVISION, BEING A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1997 AS DOCUMENT NO. 97486065 IN COOK COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011 ADJUSTMENT), WITH A COMBINED SCALE FACTOR OF 0.99997359246, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE SOUTH 44 DEGREES 44 MINUTES 10 SECONDS WEST, 30.51 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2 (ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF ARCHER AVENUE) TO THE POINT OF BEGINNING; THENCE SOUTH 37 DEGREES 40 MINUTES 42 SECONDS WEST, 57.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 2; THENCE NORTH 00 DEGREES 13 MINUTES 37 SECONDS WEST, 10.00 FEET ALONG SAID NORTHWESTERLY LINE TO THE NORTHERLY NORTHWESTERLY CORNER OF SAID LOT 2; THENCE NORTH 44 DEGREES 44 MINUTES 10 SECONDS EAST, 50.00 FEET ALONG SAID NORTHERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

SAID TEMPORARY EASEMENT TW-3A-16-107.T2 CONTAINING 0.004 ACRES OR 177 SQUARE FEET, MORE OR LESS.

Office of Cook County Clerk's Office

EXHIBIT
D