

UNOFFICIAL COPY

92521392

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

(#90909)
 CITY OF CHICAGO, a Municipal Corporation,

 Plaintiff,

 . vs.

 GROT CONSTRUCTION COMPANY, INC.
 ZBIGNEW GROT, ANTONI DANILOWSKI,
 JADWIGA DANILOWSKI, NORTHWESTERN
 SAVINGS AND LOAN,

DEPT-01 RECORDING 133.00
 7:33:33 TRAN 9526 07/16/92 10:59:00
 10713 * - 92 - 521392
 COOK COUNTY RECORDER

No. 90 M1 404702

RE: 2973 North Ridgeway Avenue

AGREED JUDGMENT ORDER

This cause having come on to be heard at court supervised pre-trial; the court having jurisdiction over the parties and the subject property; all parties being represented by counsel; and the court having considered all evidence presented by the parties at pretrial and being fully advised in the premises,

DOES HEREBY FIND AS FOLLOWS:

92521392

1. That a justifiable controversy exists between the plaintiff and defendants.

2. That the defendants Antoni Danilowski and Jadwiga Danilowski are titleholders to the property legally described as and commonly known as 2973-77 North Ridgeway Avenue, Chicago, Illinois:

Lots 12 and 13 in John B. Dawson's Sub of the Southeasterly 1/2 of Lot 8, together with Lots 4 and 5 in Dawson's Sub of Lot 9, in Davlin, Kelly and Carroll's Sub of the Northwest 1/4 of Section 26, Township 40 North, Range 13, lying East of the Third Principal Meridian, in Cook County, Illinois.

BX 136

33⁰⁰ -

UNOFFICIAL COPY

9 2 5 2 1 3 9 2

3. That both lots are currently improved, each with a two-dwelling unit apartment building, in general conformance with the R-4 General Residence District requirements of the Zoning Ordinance of the City of Chicago.

4. That the property commonly known as 2977 North Ridgeway Avenue is improved with a two-dwelling unit building of great age which has side yards which do not meet the requirements of the Chicago Zoning Ordinance which is a preexisting, nonconforming building.

92521392

5. That the two-dwelling unit building on each lot is characteristic of the land uses in the area with each lot on the block between the next intersecting streets, save one, being improved with a building containing at least two dwelling units.

6. That the property is currently zoned R-3 General Residence District under the terms of the Chicago Zoning Ordinance.

7. That the land uses of the surrounding properties are in substantial conformance, except for side yards, with the R-4 General Residence District requirements of the City of Chicago Zoning Ordinance.

8. That the newly constructed two-dwelling unit building at 2973 North Ridgeway Avenue was built without a permit issued by the City of Chicago by Grot Construction Company, Inc. and Zbignew Grot without fault of Antoni Danilowski and Jadwiga Danilowski, which building requires a building permit and the completion of certain items of construction before a City Certificate of Occupancy can be issued.

UNOFFICIAL COPY

9 2 5 2 1 3 9 2

9. That a certain case, entitled City of Chicago v. Grot, et al., 90 M1 401169, has certain parties defendants the same as this matter.

10. That the City of Chicago is a municipal corporation duly organized and existing under the laws of the State of Illinois and has the authority to enter into this agreed order.

92521392

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the court finds that Antoni Danilowski and Jadwiga Danilowski have no liability in this matter.

2. That a finding of liability is issued in this matter against Zbigniew Grot and Grot Construction Company, Inc. (Grot) and in favor of the City of Chicago and that a fine is assessed in favor of the City of Chicago and against the defendants Grot Construction Company, Inc. and Zbigniew Grot in the amount of Thirty Thousand Dollars (\$30,000.00). Payment in each instance shall be made payable to the Circuit Court of Cook County and shall be made in the following manner:

a. within thirty (30) days from the entry of this agreed order, Grot shall tender to Marc Gaynes, counsel for the plaintiff, a bank certified check, cashier's check or money order, in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00);

b. each month thereafter, for the subsequent ten (10) months, from October 1, 1991 until July 1992, Grot shall tender to counsel for plaintiff a bank certified check, cashier's check or money order, in the amount of

UNOFFICIAL COPY

92521392

Five Hundred Dollars (\$500.00) on or before the last day of the calendar month;

c. on or prior to the last day of August 1992, Grot shall tender to counsel for plaintiff a bank certified check, cashier's check or money order, in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00);

92521392

d. each month thereafter, for the subsequent eleven (11) months, Grot shall tender to counsel for plaintiff a bank certified check, cashier's check or money order, in the amount of Five Hundred Dollars (\$500.00) on or before the last day of the month; and

e. on or prior to the last of September 1993, Grot shall tender to counsel for plaintiff a bank certified check, cashier's check or money order, in the amount of Four Thousand Five Hundred Dollars (\$4,500.00).

f. Should the defendant Zbigniew Grot fail to tender any payment specified in paragraph one (1) above within five (5) days of the due date of that payment, the payment plan specified herein shall be considered voided. Upon proper notice to the parties, plaintiff shall immediately petition the court for and shall receive a judgment in the full amount of the unpaid balance.

3. That the City of Chicago, a municipal corporation, agrees to waive any judgment interest in this matter.

UNOFFICIAL COPY

7 2 5 4 1 5 7 2

4. That given the recitals in paragraphs one through seven (1-7) herein and given that the requirements of the Zoning Ordinance of the City of Chicago which apply to an R-4 General Residence District classification, except for side yard requirements, are more appropriate, the R-4 General Residence District classification shall be applied to each lot on the subject property for use as a two-dwelling unit apartment building. 92521392

5. That should the defendants, or any persons, claiming by, through or under them, apply to the City of Chicago for licenses or permits to complete or alter the construction of the currently existing new two-flat building at 2973 North Ridgeway Avenue, the City of Chicago and all of its agents, servants and employees charged with the duty of receiving such applications, agree that if said applications substantially comply with applicable provisions of the Municipal Code of the City of Chicago and the R-4 General Residence District provisions of the Zoning Ordinance of the City of Chicago, agree to promptly review and award approval of said applications in keeping with the spirit and intent of this agreed order.

6. Grot shall complete all construction on the building at 2973 North Ridgeway Avenue pursuant to the contract previously executed between Grot, Antoni Danilowski and Jadwiga Danilowski so as to enable the City of Chicago to issue a Certificate of Occupancy. Such construction shall include, but not be limited to:

UNOFFICIAL COPY

92521392

- a. submission of accurate plans for the construction within seven (7) days of entry of this decree;
- b. completion of sewer hookups within thirty (30) days of permit issuance;
- c. connection of gutters and downspouts with thirty (30) days of permit issuance;
- d. perform any and all work necessary to provide sufficient bearings as per approved plans within thirty (30) days of permit issuance; and
- e. completion, within thirty (30) days, of all other work necessary for the issuance of a Certificate of Occupancy.

92521392

7. Upon completion of the construction of the building, and upon the issuance of the Certificate of Occupancy, and upon submittal to Antoni Danilowski and Jadwiga Danilowski of documentation reasonably required to establish that there are no mechanics' lien claims against the subject property, Antoni Danilowski and Jadwiga Danilowski shall execute a release of all claims in favor of Zbignew Grot.

8. Within fourteen (14) days of the entry of this agreed order, Zbignew Grot shall execute a release of all claims in favor of Antoni Danilowski and Jadwiga Danilowski.

9. The City of Chicago and the parties agree that the findings contained herein shall be determinative regarding the matter captioned Antoni Danilowski and Jadwiga Danilowski v. City, 91 CH 4334, and City v. Coss, et al., 90 MI 401169, and the parties