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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

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

VILLAGE OF LYONS, a municipal corporation)
)
) Plaintiff)
)
) v.)

No. 92 CH 03661

JOSEPH KUBICIK, CHARMAINE STRAUB,)
UNKNOWN OWNERS, OR HOLDERS OF)
INDEBTEDNESS SECURED BY TRUST DEED)
recorded October 10, 1991, as)
Document No. 92530441, AMERICAN)
GENERAL FINANCE, and INTERNAL)
REVENUE OF THE UNITED STATES OF)
AMERICA,)
) Defendants)

DEPT-01 RECORDING \$33.00
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COOK COUNTY RECORDER

CONSENT DECREE

This matter coming to be heard before the Honorable Judge Edward C. Hofert, all parties being represented by counsel, it is hereby agreed and consented by the parties and ordered by the Court the following:

1. That defendant Kubicik will be granted building and occupancy permits to renovate and occupy the subject property located at 7325 Pershing Road, Lyons, Cook County, Illinois, and legally described in Exhibit A attached hereto and made a part hereof, in the following manner:

- a) The second floor of said premises may contain no more than 11 separate rooms for habitation, each with an enclosed closet and full bathroom.
- b) The first floor of said premises will contain a kitchen, dining area, and recreation area for the use and enjoyment of the inhabitants of the second floor, their guests and service personnel of the facility. The first floor shall also contain an enclosed closet and two (2) bathrooms. Said kitchen shall provide three meals per day seven days per week. There shall be no residential rooms or other

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facilities permitted on the first floor other than described in this paragraph.

- c) There shall be only one inhabitant of each room on the second floor. Each inhabitant shall be at least 55-years of age.
- d) No building permit shall be issued until an application with plans has been submitted to the Building Department of the Village of Lyons and it is determined that said application and plans comply with all building codes and regulations of the Village, including but not limited to the requirements for a fire alarm system which is connected to a central system or police dispatch.
- e) All construction shall comply with all codes and regulations of the Village of Lyons, including, but not limited to, all relevant BOCA, electrical, plumbing and building codes and regulations.
- f) There shall be at least 16 parking spaces on a paved and striped parking area behind the subject building.
- g) All building permit fees shall be paid at the time said building permit is received by the applicant.
- h) Said building permit application and plans shall be submitted to the Village within 45 days of the date hereof. If said permit application is not received by the Village by the 45th day after the date hereof, defendant Kubicik or any subsequent owner forfeits his right to redevelop or use the subject property in accordance with this paragraph 1.
- i) The Village of Lyons shall have the right to, at any reasonable time, inspect the premises to ensure that there is no more than one inhabitant in any room and not more than a total of 11 inhabitants of the building. In addition, the Village may seek proof and the defendant Kubicik, or any subsequent owner of the property, shall provide evidence that no inhabitant is under the age of 55 years old. All inspections will be in conformance with all Village and State codes and regulations.
- j) Defendant Kubicik or any subsequent owner of the property shall also maintain records regarding applications to live in the building and shall provide said records to the Village upon its request.

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k) The repair and renovation of the subject premises shall comply with the Americans With Disabilities Act, the Illinois Accessibility Code and any other federal, state or local regulation which may be applicable. Prior to initial occupancy and as a condition to continued occupancy, defendant Kubicik, or any subsequent owner of the subject premises, shall receive approval from any state or federal agency for which said approval may be necessary for the operation of the subject premises as described above.

2. In the event that defendant Kubicik finds that it is not practical or feasible to repair and renovate the subject premises as described above, defendant Kubicik shall within 120 days from the entry of this Consent Decree submit a building permit application, including plans which comply with all codes and regulations of the Village of Lyons, for the repair and renovation of the subject premises as an apartment building, which will be in full compliance with the Village Zoning Code and all zoning regulations in force at the time said plans are submitted.

3. Construction on the subject building shall be completed and certificates of occupancy sought within 6 months of receiving building permits. Failure to complete construction and seek occupancy permits within 6 months shall result in a fine of one hundred dollars (\$100.00) per day with each and every day being deemed a complete and separate offense.

4. The pay telephone located on the subject property shall be removed and shall not be replaced with an outdoor telephone.

5. Should 120 days from the entry of this Consent Decree lapse without defendant Kubicik's submission of a building

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permit application and plans in compliance with all codes and regulations of the Village of Lyons as described above, defendant Kubicik shall then within 30 days thereafter cause the demolition and removal of said building. Demolition shall include the removal of the foundation and all hard surfaces and fine grading and seeding the property so that it is mowable. If said premises is not demolished and the debris therefrom removed within 30 days from the expiration of the permit period described above, the Village of Lyons at its option may cause the demolition of the subject premises. In such event, this Consent Decree shall serve as an order for demolition, pursuant to 65 ILCS 5/11-31-1, including the right to file a lien on the property for the costs of demolition, removal of the debris, and attorney's fees in the entire prosecution of this matter.

6. This Order shall be recorded in the Office of the Cook County Recorder of Deeds as a covenant running with the land on the subject property. No subsequent owner of the property shall have the right to operate the subject property in a manner inconsistent with any condition of paragraph 1 or 2 above.

7. Should defendant Kubicik or any subsequent owner of the property, after reconstruction of the premises in conformance with paragraph 1 above, refuse or become unable to operate the subject premises in conformance with all conditions of paragraph 1 above for a period of 120 days, defendant Kubicik or any subsequent owner shall immediately cease and desist from using or otherwise occupying said premises until the use of the premises is converted

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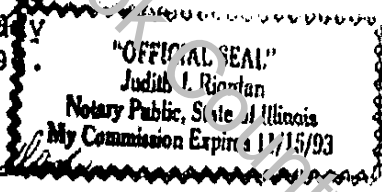
to a use permitted in the zoning district in which the subject property is located in conformance with all applicable codes and regulations of the Village of Lyons. The use of the property as described in paragraph 1 above shall not be considered a legal nonconforming use under the Zoning Code of the Village of Lyons. The Village shall allow the above described use of the subject property so long as it conforms with the terms and conditions in this Consent Decree.

8. The Court will retain jurisdiction in this matter to enforce the provisions of this Consent Decree.

Joseph Kubicik

Joseph Kubicik

Subscribed and Sworn to before me this 24th day of March, 1993.



Judith J. Riordan

Notary Public

VILLAGE OF LYONS

ATTEST:

By: *Frank B. Peterson*

Village President
JUDGE EDWARD E. HOFERT

Village Clerk

ENTER:

MAR 15 1993
Circuit Court - 1st

J U D G E

DATED: _____

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I HEREBY CERTIFY THE ABOVE TO BE CORRECT.

DATE 3-18-93

Annalisa Nucanetti

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILL.
THIS ORDER IS THE COMMAND OF THE CIRCUIT
COURT AND VIOLATION THEREOF IS SUBJECT TO THE
PENALTY OF THE LAW.

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EXHIBIT A

Lots 12, 13, 14 and 15 in Block 6 in Passarro's Resubdivision of Lots 1 to 5 and 36 to 40 and vacated alley in Block 6 and Resubdivision of Block 6 and 8 of Haas and Powell's addition to Riverside in Section 1, Township 38 North, Range 12, lying east of Third Principal Meridian in Cook County, Illinois.

Address: 7325 West 39th Street, Lyons, Illinois

PIN: 18-01-202-004-0000

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