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

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

vs.

DAVIS JONES, et al.

Defendants.

No. 86 MI 406782

Re: 5438 S UNION

CONSENT DECREE

The plaintiff, the city of Chicago ("City"), a municipal corporation, by Brian L. Crowe, corporation counsel of the city of Chicago, and his assistant, and the defendant, acting X__ pro se or __ by counsel, hereby agree and stipulate to the Court's in personam jurisdiction over the parties and to the Court's in rem jurisdiction over the subject property commonly known as 5436 S. Union, Chicago, Illinois and identified by Permanent Index Number (PIN) 20-09-328-035 (the "subject building").

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THIS MATTER coming before the Court for hearing, the parties having due notice when the hearing date was previously set, and the defendant desiring to resolve this case and prevent the City's demolition of the subject building, **THE PARTIES HEREBY STATE THE FOLLOWING:**

1. Defendant Bill Curry is the record owner of the subject building, having full control over the subject building, and is legally authorized to enter into this consent decree without the participation of any other defendant to this lawsuit.
2. Defendant understands that the City's complaint charged that violations of the Municipal Code of Chicago (MCC) and Illinois law existed at the subject building, and that after a trial on the merits of the complaint the Court on 5/05/93 entered an order authorizing the City to demolish the subject building.
3. Defendant admits that the subject building is dangerous and unsafe and requires substantial reconstruction, and that the following violations of the MCC exist:
 - a. The subject building is vacant and open at 23% depreciation;
 - b. The electrical, plumbing and heating systems are missing, stripped or damaged;
 - c. The carpentry, flooring, studding, partitions and walls are damaged or missing;
 - d. The rear porch walls and stair systems have missing members;
 - e. The sashes, frames, doors and trim are missing or damaged throughout;
 - f. There is no sign on the building identifying the owner and manager of the subject building;

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f. There is no watchman monitoring the subject building between the hours of 4:00 p.m. and 8:00 a.m.

These conditions violate Sections 13-12-125, 13-12-130, 13-12-140, 13-168-010 and following, 13-176-010 and following, 13-180-010 and following, 13-196-340 through -730, 14-8-010 through 14-72-010 and following, 4-332-010 and following, 11-8-010 and following of the MCC.

4. Defendant understands that upon defendant's pleading guilty and signing this consent decree there will be a stay of execution of the order of demolition entered on 5/05/93 against the subject building until further order of Court based on defendant's performance of the compliance schedule and other obligations set forth in this consent decree.
5. Defendant understands that there is a factual basis for this consent decree in that the City's inspectors inspected the subject building on 7/31/86 and other occasions including 3/26/98 and found the violations described in paragraph 2 to exist.
6. Defendant desires to settle this case and agrees to correct the building code violations described in paragraph 3 of this consent decree.

COMPLIANCE SCHEDULE

7. Defendant agrees and stipulates that in correcting the violations described in paragraph 3 of this consent decree all employees, agents and other persons working on defendant's behalf will timely apply for and obtain all the permits required to perform the necessary work, and will apply for and obtain a Certificate of Occupancy if one is required, and that defendant

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and its employees and agents are solely responsible for obtaining the proper permits and for producing proof of the required permits upon the City's request.

8. Defendant agrees and stipulates that in correcting the violations described in paragraph 3 of this consent decree all necessary repair, renovation and construction will be done by licensed contractors and that the work shall meet or exceed the requirements of the MCC. Defendant further agrees that the determination of the extent of compliance with the MCC shall be made solely by the City's building inspectors. Defendant further agrees to allow the City's inspectors to conduct all necessary inspections (both interior and exterior) and to contact the City's inspectors at 312/744-7878 within one week of the completion date set forth in paragraph 9 of this consent decree to arrange for an inspection to determine the status of compliance with the provisions of the MCC.

9. To correct the violations of the MCC set forth in paragraph 3 of this consent decree, defendant shall start work by 4/2/98 and shall complete work by 10/6/98. The reconstruction of the subject building shall occur generally according to the following schedule:

- a. As of 3/27/98, the roof, rear porches and exterior masonry of the subject building are in substantial compliance with the MCC;
- b. Not later than 5/31/98 the remaining windows necessary to complete the building shall be installed;
- c. As of 3/27/98, the reconstruction of the plumbing, heating and electrical systems is in progress;

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- d. Not later than 7/15/98, all plumbing and electrical fixtures will be completely installed;
- e. Not later than 6/1/98 the interior framing for single rooms will be removed
- f. Between 6/1/98 and 7/15/98 the drywall, flooring and trim carpentry will be completely installed;
- g. Not later than 8/1/98 the subject building will be in substantial compliance with the MCC;
- h. Defendant agrees to give the City's inspector access for an interior inspection during the second week of every month, upon the inspector's dropping by the subject building;

DEFENDANT'S OTHER OBLIGATIONS

10. Defendant agrees to pay, in addition to its own costs, all outstanding litigation costs incurred by the City to date in this action in the amount of \$745, payable to the City on or before 8/1/98.
11. Defendant agrees and stipulates that the subject building shall be monitored daily.
12. Defendant agrees and stipulates that the subject building shall be maintained in a secure, sanitary and reasonably debris-free condition at all times and at defendant's own expense. If, at any time before the subject building is determined to be in substantial compliance with the MCC, the City's inspectors find that dangerous or unsafe or imminently hazardous conditions exist at the subject building, defendant shall, at its own expense, correct those

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conditions or cause them to be corrected within forty-eight (48) hours after receiving notice from the City. The City shall give notice of violations and/or unsafe conditions under this paragraph by facsimile transmission and U.S. Mail to one or more of the following persons:

Bill Curry
5443 S. Union Ave.
Chicago, IL 60609
Tel: 773- 285-2939

Defendant and these persons agree and stipulate that they shall not deny notice of any dangerous or unsafe conditions when the persons listed above have been contacted.

13. Defendant agrees to notify the City if, at any time before the subject building is determined to be in substantial compliance with the MCC, there is any change or modification in the ownership of the subject building, or if defendant ceases to have full control over the subject building for any reason whatsoever (including but not limited to the granting of a mortgage or other security interest in the subject building, the introduction of new investors in the building, receipt of a notice of sale of delinquent real estate taxes, or the placement of the subject building in a land trust), or if any legal proceedings are instituted affecting defendant's ownership or ability to comply with this consent decree (including but not limited to assignments, bankruptcies, and liens on the property). Notice shall be given by facsimile transmission and U.S. Mail directed to:

Joan D. Boman
City of Chicago Law Department
30 North LaSalle St., Suite 700
Chicago, IL 60602
Telephone: 312/ 744-7683

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Facsimile: 312/744-1054.

REMEDIES AND PENALTIES

14. Should an unforeseeable independent act, force or occurrence or the like prevent or delay the completion of the work in the time scheduled in paragraph 9 of this consent decree, defendant shall, with notice to the City, petition the Court for an extension of time. The petition for an extension must be filed within ten (10) working days of the act causing the delay. Failure to apply for an extension within the 10 working days shall constitute a waiver of this right to extend the time schedule and shall subject defendant to the penalties set forth in paragraph 16 of this consent decree.
15. If defendant fails to correct each of the violations of the MCC set forth in paragraph 3 of this consent decree according to the schedule set forth in paragraph 9, the penalty for violation of this consent decree will be:
- A. A fine of \$200.00/per day of violation commencing on the first day after the completion date stated in paragraph 9 of this consent decree, OR a fine of \$10,000.00, whichever is higher, AND/OR
 - B. Upon motion of the City, a hearing as to why defendant should not be held in contempt of court and punished accordingly for violation of this consent decree, AND/OR
 - C. Upon motion of the City, the re-instatement of this case and the entry of any appropriate relief, including but not limited to the removal of the stay of execution of the demolition order against the subject building.

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16. After the completion date set forth in paragraph 9 of this consent decree or any later date ordered by the court, or after the City's inspector determines that the subject building is in substantial compliance with the MCC, upon motion of defendant with notice to the City, the Court will enter an order vacating the order of demolition entered 5/05/93.

DISMISSAL

17. This case is dismissed subject to compliance with the terms of this consent decree. Each party waives its right to an appeal in this matter. This Court retains jurisdiction of this case to enforce the terms of this consent decree.
18. Either party may record this order with the office of the Recorder of Deeds of Cook County or register this order with the Cook County Registrar of Torrens, as appropriate.

FOR THE DEFENDANT

Signature of defendant's attorney, if any

Printed name and address of defendant's attorney

[Handwritten Signature]

Signature of defendant entering consent decree or owner of the subject building

[Handwritten Address]

Printed name and present residential address of defendant or owner

Dated: 7-11-93

FOR THE CITY OF CHICAGO

BRIAN L. CROWE, Corporation Counsel, City of Chicago (#90909)

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By: _____

JOAN D. BOMAN, Assistant Corporation Counsel
30 N. LaSalle St., Suite 700
Chicago, IL 60602
312/744-7683

Dated: _____

ENTERED:

Date

Judge

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672-1100 URGENT
MAR 27 1998
JUDGE ROBERT HEASTON

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

*** LEGAL DESCRIPTION *** FRONT

RE: 5438 5438 S UNION AV
PI# 20-09-328-035

LOTS 29 30 AND 31 IN BLOCK 7 IN H. B. BRYANT ADDITION TO CHICAGO,
A SUB. IN THE W 1/2 OF THE SW 1/4 OF
SECTION 9, TOWNSHIP 38 NORTH, RANGE 14
LYING EAST OF THE 3RD PRINCIPAL MERIDIAN
IN COOK COUNTY ILLINOIS

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