

Box space reserved for
Recorder's Office Only

Property of Cook County Clerk's Office

#90909

9

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

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

vs.

ROY EARLEY, CHICAGO TITLE & TRUST, SEAWAY NATIONAL BANK

Defendants.

No. 94 M1 405286

Re: 6445-47 S. St. Lawrence

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, Scott Sachnoff and the defendant, Roy Earley, by his attorney, Mark Rudis, 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 6445-47 S. St. Lawrence Avenue and identified by Permanent Index Number

410

UNOFFICIAL COPY

Property of Cook County Clerk's Office

(PIN) 20-22-212-017 with a legal description of:

LOTS 18 & 19 IN BLOCK 5 IN LORING & GIBBS' SUBD. OF PART OF NE 1/4 OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(the "subject building").

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 Earley 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.
3. Defendant admits that the subject building remains dangerous and unsafe and requires substantial reconstruction, and that the following violations of the MCC still exist:
 - there is uncompleted electrical, plumbing and heating systems in the building;
 - there is uncompleted drywall throughout the building;
 - *. When assessing the vital systems of the building, its masonry, floors, walls, sashes, frames, doors, trim, stairs, plaster and glazing, the building had an 24% level of depreciation when the case was transferred to the demolition calendar;
 - *. there is no sign on the building identifying the owner and manager of the

UNOFFICIAL COPY

Property of Cook County Clerk's Office

subject building;

These conditions violate Sections 13-12-125, 13-12-130, 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 acknowledges the existence of the above violations and that by signing this consent decree there will not be a trial of any kind on the building code violations described in paragraph 3 of this consent decree, and that by pleading guilty there will be a stay of execution of the order of demolition entered on March 24, 1998, 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 September 22, 1994, and other occasions including August 3, 1998, and found the violations described in paragraph 3 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 and its employees and agents are solely responsible for obtaining the proper

UNOFFICIAL COPY

Property of Cook County Clerk's Office

permits and for producing proof of the required permits upon the City's request. City acknowledges that defendant has already obtained repair permit #97-840807 issued February 13, 1997 for the subject property.

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, arrange for and accomplish by the City's inspectors, all necessary inspections (both interior and exterior) and to contact the City's inspectors at 312/744-7878 within one week of all dates 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 complete all necessary work by November 30, 1998. The reconstruction of the subject building shall occur generally according to the following schedule:
 - A. Apply for any and all permits not already obtained to date including electrical and plumbing permits by August 31, 1998;
 - B. 50% completion of all rehab work remaining to be done as of the date of the entry of this order by no later than October 15, 1998
 - C. Substantial compliance/completion by November 30, 1998.

DEFENDANT'S OTHER OBLIGATIONS

10. Defendant agrees to pay its own costs and all outstanding litigation costs incurred by the

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

City to date in this action in the amount of \$466.50, as well as a reduced fine in the amount of \$4,300.00 within 14 days of the entry of this order. Upon payment of these amounts, all other previously entered judgments and fines are hereby released and vacated.

11. Defendant agrees to maintain insurance and has current liability coverage via binder sufficient to insure the City from and against any and all claims, demands and actions for personal injury, death or property damage in an amount not less than \$500,000.00, combined single limit. Defendant shall furnish to the City a certificate or certificates of insurance evidencing the insurance required by this paragraph, issued by a company or companies reasonably satisfactory to the City, and in form and content reasonably satisfactory to this City within 30 days of the entry of this order.
12. Pursuant to the Municipal Code of Chicago, Illinois, Ch. 13-12-140, defendant agrees and stipulates the subject building shall be monitored daily and shall be surrounded by a secure fence to be completed within 30 days of the entry of this order and to be maintained until the completion date set forth in paragraph 9 of this consent decree.
13. 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 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 both of the

UNOFFICIAL COPY

Property of Cook County Clerk's Office

following persons:

Mark A. Rudis
8 West Division #301
Chicago, IL 60610
(312) 642-3332 FAX

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

14. 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, petitions for tax deed, bankruptcies, and liens on the property). Notice shall be given by facsimile transmission and U.S. Mail directed to:

Scott Sachnoff
City of Chicago Law Department
30 North LaSalle St., Suite 700
Chicago, IL 60602
Telephone: 312/ 744-6979
Facsimile: 312/ 744-1054.

REMEDIES AND PENALTIES

15. 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,

UNOFFICIAL COPY

Property of Cook County Clerk's Office

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.

16. 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.
17. 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 making such a finding.

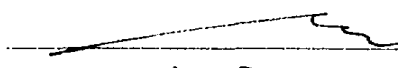
DISMISSAL

UNOFFICIAL COPY

Property of Cook County Clerk's Office

18. This case is dismissed subject to compliance with the terms of this consent decree. Either party may record this order with the Cook County Recorder of Deeds. The court retains jurisdiction of this case to enforce the terms of this order. Each party waives its right to appeal.

FOR THE DEFENDANT


Signature of ~~defendant~~ ^{Attorney} entering consent decree/owner of the subject building

Printed name, present residential address and Social Security number of defendant or owner

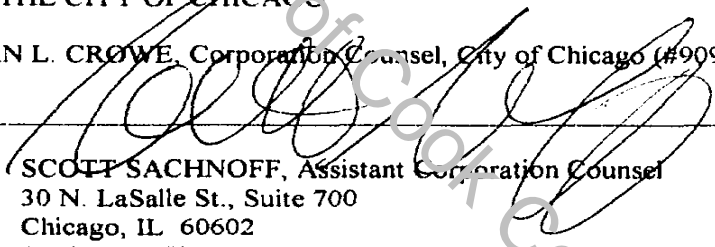
Att Mark A. Rudis 8 West Division #301 Chicago, IL 60610 (312) 587-8880/642-3332 FAX

Dated: August 4, 1998

FOR THE CITY OF CHICAGO

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

By:


SCOTT SACHNOFF, Assistant Corporation Counsel
30 N. LaSalle St., Suite 700
Chicago, IL 60602
312/744-6979

Dated: August 4, 1998

JUDGE CURTIS HEASTON

ENTERED:

AUG 04 1998

CIRCUIT COURT - 225

Date August 4, 1998

410

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office

UNOFFICIAL COPY

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

* * * LEGAL DESCRIPTION * * *

FRONT

98717957

Page 9 of 9

RE: 6445 6447 S ST LAWRENCE AV
PI# 20-22-212-017

FRONT

LOTS 18 AND 19 IN BLOCK 5 IN LORING AND GIBB'S
SUBDIVISION OF PART OF THE NE 1/4 OF
SECTION 22, TOWNSHIP 38 NORTH, RANGE 14,
LYING EAST OF THE 3RD PRINCIPAL MERIDIAN
IN COOK COUNTY ILLINOIS

Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office