

UNOFFICIAL COPY



99408628

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

DEPARTMENT OF TRANSPORTATION,
STATE OF ILLINOIS,

Plaintiff,

vs.

GOLF PLAZA II PARTNERSHIP, an
Illinois general partnership, U/A/D
October 1, 1992; JERRY H. BIEDERMAN,
as Trustee, under a Trust Agreement
dated the 1st day of January 1983
and known as Trust Number 11;
MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY; LUNAN FAMILY
RESTAURANTS, INC., an Illinois
corporation; BC CHICAGO, INC.,
an Illinois corporation; BOSTON
CHICKEN, INC., a Delaware
corporation; CONTINENTAL BANK, now
known as BANK OF AMERICA ILLINOIS;
ALL AMERICAN ROOFING, INC., an
Illinois corporation; DIMUCCI
CONSTRUCTION CO., an Illinois
corporation; HOST MARRIOTT
CORPORATION, a Delaware
corporation; WALGREEN CO., an
Illinois corporation;
HMH RESTAURANTS, INC., a Delaware
corporation; and UNKNOWN OWNERS,
GENERALLY

Defendants.

NO. 98 L 50464

CONDEMNATION

PARCEL OC2 0014

99408628

4675/0148 90 001 Page 1 of 7
1999-04-28 15:26:27
Cook County Recorder 63.50

FINAL JUDGMENT ORDER

This matter coming on to be heard on the Complaint For
Condemnation of Plaintiff DEPARTMENT OF TRANSPORTATION, STATE OF
ILLINOIS, For and On Behalf of the People of the State of Illinois,
for the ascertainment of the just compensation for the taking by
Plaintiff of property sought to be taken for public purposes, as
set forth in the Complaint For Condemnation, and on Plaintiff's
Motion For Entry Of Final Judgment Order By Stipulation;

And Plaintiff DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, appearing by James E. Ryan, Attorney General of the State of Illinois, and Mark A. Spadoro, Special Assistant Attorney General;

And Defendants GOLF PLAZA II PARTNERSHIP, an Illinois general partnership, U/A/D October 1, 1992, and DIMUCCI CONSTRUCTION CO., an Illinois corporation, by attorney Timothy J. Ryan of Burke and Ryan;

And it appearing to the Court that all Defendants to this proceeding have been served by process as provided by statute, have entered their appearances or have been defaulted or have disclaimed any right, title or interest in the subject property and been dismissed, and that the Court has jurisdiction of the subject matter of this proceeding and of all parties thereto;

And it further appearing to the Court that due notice of this hearing has been given, and that the demand for trial by jury has been waived by the Plaintiff and all Defendants hereto, and the Court having considered the Stipulation Of Settlement And For Entry Of Final Judgment Order, the Complaint For Condemnation, the record, and being fully advised in the premises, finds and adjudges the just compensation for the property taken and damaged as follows:

To the owner or owners of and party or parties interested in Parcel OC2 0014, legally described in Exhibit "A" attached hereto and incorporated herein by reference, as full and final just compensation for the fee simple title to said Parcel OC2 0014, for the taking and uses and purposes set forth in the Complaint For

99408628
UNOFFICIAL COPY

Condemnation, and for damages to the remainder, the total sum of \$21,000.00;

And it further appearing to the Court that by Order entered on August 28, 1997 upon hearing of Plaintiff's Motion For The Immediate Vesting Of Title in Plaintiff to said Parcel OC2 0014, the amount of preliminary just compensation for the taking of fee simple title to said Parcel OC2 0014 was determined by this Court to be \$21,000.00; that on November 3, 1997, Plaintiff deposited with the Cook County Treasurer the money preliminarily found by the Court to be just compensation; that by Order Vesting Title entered on December 18, 1997, Plaintiff was vested with the fee simple title to said Parcel OC2 0014, and authorized to take immediate possession of said Parcel OC2 0014;

And it further appearing to the Court that by Stipulation of Settlement and for Entry of Final Judgment Order the parties have agreed that for the subject property and its existing improvements, of which Parcel OC2 0014 is a part, the driveway located on Elmhurst Road shall be relocated in accordance with Plaintiff's plan marked DWG. No. pp 13, dated on the margin April 10, 1998, marked Exhibit "B", and attached hereto and incorporated herein by reference; and the parties agree that for the aforesaid driveway location for the subject property and its existing improvements, of which Parcel OC2 0014 is a part, the driveway location on Elmhurst Road is subject to the rules, regulations, and specifications adopted by the Department of Transportation, State of Illinois for exit and entrance driveways and its issuance of a permit therefor,

and the Illinois Highway Code, 605 ILCS 5/4-210. Nothing contained in the stipulation of the parties shall constitute a waiver by Defendants of any future claim of damage in the event that Plaintiff's plan marked DWG. No. pp 13 and dated on the margin April 10, 1998, marked Exhibit "B" is not followed, or a waiver by Plaintiff of any defense to any such claim by the aforesaid Defendants, wherefore:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of TWENTY-ONE THOUSAND AND NO/100 (\$21,000.00) DOLLARS is the full and final just compensation to the owner or owners of and party or parties interested in said Parcel OC2 0014 and the remainder of the tract of land of which said Parcel OC2 0014 is a part, for the fee simple title to said Parcel OC2 0014, as legally described in Exhibit "A" attached hereto, for the taking and damaging of said real property, and for damages to the remainder property, and judgment is hereby entered accordingly.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that interest shall not be paid by Plaintiff under 735 ILCS 5/2-1303, nor shall interest be paid under any other statute or provision; and the parties shall each bear their own attorney's fees and costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Order Vesting Title entered on December 18, 1997 is confirmed; Plaintiff is vested with the fee simple title to said Parcel OC2 0014, as

(continued)

legally described in Exhibit "A" attached hereto, and Plaintiff is authorized and empowered to be in possession and use of said property.

_____, 1999

ENTER:

JUDGE JOANNE L. LANIGAN

Joanne L. Lanigan
MAR 26 1999
Judge
Circuit Court - 1682
1602



Mark A. Spadaro
Special Assistant Attorney General
29 S. LaSalle, Suite 425
Chicago, IL 60603
(312) 782-9700
Attorney No. 11110 OC20014\FINJUD.ORD

~~EVERY COPY OF THE ABOVE IS TO BE DEPOSITED~~

~~MAR 26 1999~~

Joanne Lanigan

~~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~~

OWNER:

Golf, Inc. II Partnership

UNOFFICIAL COPY

ROUTE:

FAP 344 (Illinois Route 83)

99408628

SECTION:

COUNTY:

Cook

JOB NO.:

R-90-021-95

PARCEL NO.:

0014

Station 10 + 390.763

to Station 10 + 399.628

INDEX NO.:

08-14-204-022

That part of Lot 1 in DiMucci's Resubdivision of Lots 3 through 7, both inclusive, in Junke's Subdivision of part of the Northeast Quarter of Section 14, Township 41 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof registered in the Office of the Registrar of Titles of Cook County, Illinois on February 27, 1979, as Document Number 3077963, described as follows:

Beginning at the Northeast corner of said Lot 1; thence on an assumed bearing of South 0 degrees 38 minutes 59 seconds East along the East line of said Lot 1, a distance of 9.163 meters (30.06 feet); thence North 51 degrees 18 minutes 29 seconds West 13.983 meters (45.88 feet) to the North line of said Lot 1; thence North 87 degrees 46 minutes 21 seconds East, along said North line of Lot 1, a distance of 10.819 meters (35.49 feet) to the Point of Beginning.

Said parcel contains 49.544 square meters, more or less, or 0.012 acre, more or less.

Prepared 12/4/95

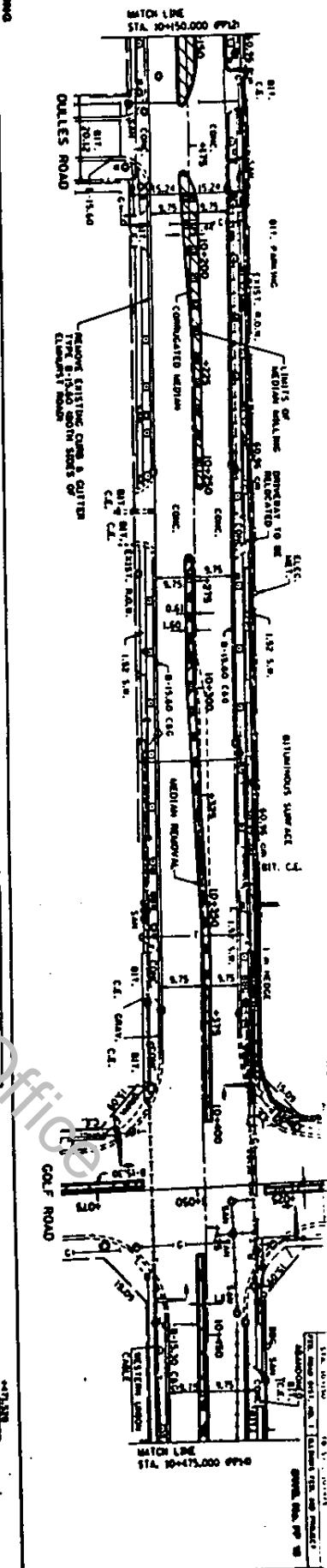
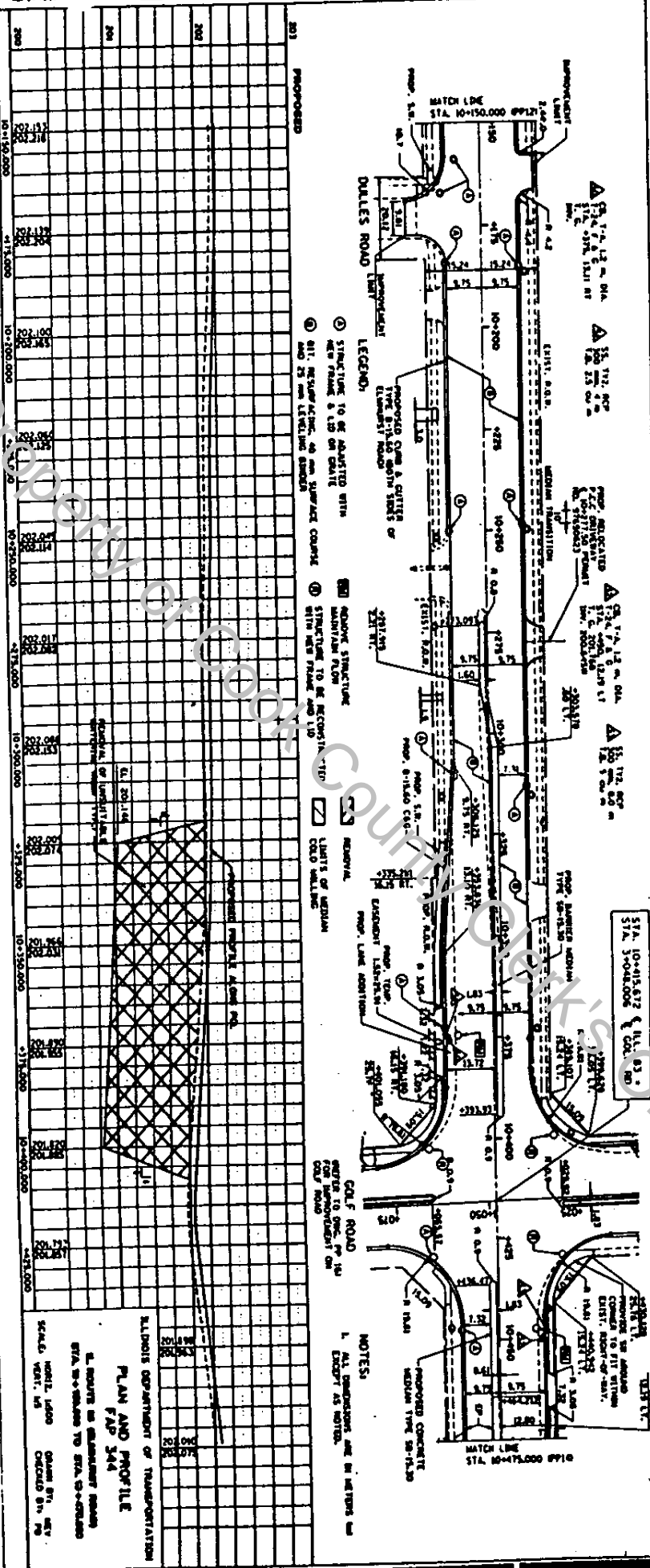
Revised 2/27/97

211-1182p18

DATE	10/15/67
BY	...
CHECKED	...
APPROVED	...

99408628

LIARZA ENGINEERING COMPANY



99408628

99408628