

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

CITY OF CHICAGO,)
a municipal corporation,)
Plaintiff,)
v.)
111 EAST CHESTNUT GARAGE)
CONDOMINIUM ASSOCIATION;)
AND UNKNOWN OWNERS AND)
NON-RECORD CLAIMANTS,)
Defendants.)

No. 21-1111 21M1 400690
Re: 111 E. Chestnut
Chicago, IL 60611

Amount Claimed: \$5,000 (+)

Courtroom: 1109

S U M M O N S

111 East Chestnut Garage Condo Association
c/o CHARLES M. KEOUGH
114 E VAN BUREN
NAPERVILLE , IL 60540

YOU ARE HEREBY SUMMONED and required to file an appearance and answer to the Complaint, a copy of which is attached. If you fail to answer or appear, a judgment by default may be entered against you for the relief sought in the complaint. This cause will be heard on July 26, 2021, at 9:30 AM virtually via Zoom at <https://zoom.us/join>. To join, enter Meeting ID: **997 7936 4780 Password: 652062**

TO THE OFFICER:

This summons with endorsement of service and fees, if any, immediately after service, must be returned by the officer, or other person to whom it was given for service not less than 3 days before the day of appearance. If service cannot be made this summons shall be returned so endorsed.

Date summons issued: _____

Dorothy Brown
Clerk of Court

By: IRIS MARTINEZ JUL 14 2021
Deputy Clerk

BY: /s/ Greg Janes
Greg Janes
Assistant Corporation Counsel
Celia Meza, Corporation Counsel #90909
2 North LaSalle, Suite 320
Chicago, Illinois 60602
(312) 744-9555
Greg.janes@cityofchicago.org

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COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff City of Chicago ("City"), by its attorney, Celia Meza, Corporation Counsel,
complains of the Defendants as follows:

GENERAL ALLEGATIONS

Nature of the Case

1. The City brings this action pursuant to its police power as a home rule unit under Article VII of the Illinois Constitution, which includes "the power to regulate for the protection of the public health, safety, morals and welfare." Ill. Const. art. VII, par. 6(a). As a further grant of authority, the City brings this action pursuant to the Unsafe Property Statute, 65 ILCS 5/11-31-1(a) et seq. (2004), as amended, the Injunction Statute for Building and Zoning Violations, 65 ILCS 5/11-13-15 (2012), the Illinois Municipal Code, 65 ILCS 5/11-31-2 (2004), and Chicago Municipal Code ("Code"). By bringing this action, the City seeks to abate the dangerous and unsafe conditions at the property in question and obtain

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CLERK OF THE CIRCUIT COURT
SIXTH JUDICIAL DISTRICT
2021 JUL 14 AM 11:58
DOROTHY BENOIN
CLERK

equitable relief, civil penalties, attorney's fees and costs.

The Parties and the Property at Issue

2. The City is a municipal corporation organized and existing under the laws of the State of Illinois.
3. Within the corporate limits of Chicago, there is a parcel of real estate legally described as:
 - a. PIN: 17-03-225-079-1001 THROUGH 17-03-225-079-1455

b. LEGAL DESCRIPTION:

LOTS 2, 2*, 2A, 2A*, 2B, 2C, 2D, 2E, 2G, 2H*, 2I*, 2J*, 2K*, AND 2L* IN THE LARIA GOULETAS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTH FRACTIONAL 4 OF SECTION 3, TOWNSHIP 39, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS SUBJECT TO A CONDOMINIUM DECLARATION RECEORDED UNDER DOCUMENT NUMBER 08193114 ON DECEMBER 31, 1998 AS AMENDED.

This parcel is commonly known as **111 East Chestnut Parking Garage, Chicago, IL 60611** (“subject property”).

4. On information and belief, located on the subject property is a 8 story parking garage building with approximately 400 parking spaces. This complaint does not include the residential condominium located at the same address.
5. That at all times pertinent thereto on information and belief the following named Defendants owned, managed, controlled, collected rents from, had a legal or equitable interest in, or contributed to the ongoing violations at, the Subject Property:
 - a. The current owner of the parking garage is 111 East Chestnut Garage Condominium Association.
 - b. Unknown Owners and Non-Record Claimants.
6. That Matthew Beaudet is the Commissioner of the Department of Buildings of City of

Chicago, and as such and pursuant to the Building Code of City of Chicago, caused inspection(s) to be conducted by inspectors of the Department of Buildings of City of Chicago, who have knowledge of the facts stated in this complaint.

Violations of the Chicago Municipal Code

7. That on July 9, 2021, and on each succeeding day thereafter and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago as follows:

1. CN061064 BUILDING IN DISREPAIR
Loc: OTHER:

Loc2: Interior

Description: Interior of parking structure floors 1 through 8 -

- (1) first through fifth floors ceilings west end counterlevered concrete slabs - horizontal cracks observed spanning from north to south along the west edge of the columns drop panels
- (2) northwest columns at first, second and third floors - concrete drop panels above exhibit wide cracks where they connect to the concrete slab
- (3) various columns upper drop panels - wide open structural fractures spanning from column to edge of panel
- (4) three locations at ceilings - approximately 36 inches long by 24 inches wide severely spalled concrete with exposed steel tension reinforcement bars
- (5) north and south exterior walls adjacent to central cantilevered slab edges - spalled concrete corners with exposed steel reinforcement bars
- (6) all levels drive aisle floors in various locations - potholes recently filled with asphalt
- (7) all levels drive aisle and parking floors at various locations - cracks with broken and loose asphalt
- (8) level 7B ceiling at drain pipe penetration below the boiler room - cracked and spalling concrete with liquid dripping from pipe
- (9) various slab edges above ramps - cracks
- (10) various ramp exposed concrete edges - cracks
- (11) drawings required to obtain a permit for immediate temporary structural shoring of all parking levels

Building Code sections 14X-3-305.1, 14X-3-305.1.1

2. Violation: CNO60001 SUBMIT 2
COPIES CRITICAL EXAM Loc:
OTHER :

Loc2: General

Description: Submit Critical Exam report for the existing high-rise parking garage section of building by a registered design professional. The exam is a close-up visual examination of the entire exterior envelope is to identifying deficiencies and determine if repair is required. Exterior envelope to include but not limited to roof, exterior walls, windows, doors, balconies, fire

escapes, chimneys, mechanical equipment, marquees, canopies, signs, flag poles and exterior maintenance systems. A signed and sealed report, detailing the scope and findings of the examination, together with recommendations for repair where deficiencies are found, shall be provided to the owner and filed with the Building Department. It is the owner's responsibility to obtain required permits, accompanied by supporting documents and construction document plans. The owner must keep a copy of the recent report, permit and construction documents on file at the premises and make available for inspection review and approval. See Maintenance of High-Rise Exterior Walls and Enclosures Rules and Regulations. Submit to Department of Buildings, Attention: Exterior Wall Program 3rd floor, 2045 W. Washington Blvd. 60612 (14A-6-603.2 through 14A-6-603.2.6, 14A-4-401.1 and 14A-4-411.1)

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3. Violation: CN061024 SUBMIT 2
COPY STRUCTURAL RPT Loc:
OTHER:
Loc2: General
Description: Submit condition assessment report for entire parking structure floors 1 thru 8. Report shall be signed and sealed by a registered design professional, and based on a critical, comprehensive, and detailed physical inspection of the premises identified and detailed in the violation. The condition report must identify the date, nature, scope, findings, and deficiencies of the inspection/investigation. The report must identify each technical principle or standard that is the basis of any professional judgment and comprehensive recommendations for repairs expressed in the report. Recommendation of repairs must include photos, drawings, details, and calculations which can be submitted for a repair permit if necessary. The condition report, permit, and construction documents must be kept on file at the premises and made available for field inspection review and approval by all related trades. Submit electronic report for review and approval to: DOB_CAR@cityofchicag.com (14X-1-104.1 thru 14X-1-104.4, 14A-6-603.5, and 14A-4-411.1)
4. Violation: CN031023 FIRE
EXTNGSHR RECHARGE & TAG
Loc: OTHER:
Loc2: Interior
Description: Various locations throughout the parking garage- Fire Extinguisher recharge tags expired - Building Code sections (14X-5-504.5, 14B-9-906.2 and NFPA 10)
5. Violation: CN107035 MAINTAIN
EXIT SIGN ILLUMINATED Loc:
OTHER:
Loc2: Interior
Description: Exit signs and directional signs not illuminated - Building code sections (14X-5-505.13 and 14B-10-1013)

****End of Violations****

Count I - Civil Penalties Against the Owners

8. The City re-alleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 8 of Count I.
9. Section 13-12-020 of the Municipal Code of Chicago provides that: “the owner, his agent for the purpose of managing, controlling or collecting rents and any other person managing or controlling a building or premises in any part of which there is a violation of the provisions of this Code . . . shall be liable for any violation therein, existing or occurring, or which may have existed or occurred, at or during any time when such person is or was the person owning or managing, controlling, or acting as agent in regard to said buildings or premises and is subject to injunctions, abatement orders or other remedial orders.” Municipal Code of Chicago, Ill. (“MCC”) § 13-12-020.
10. Section 13-12-040 further states: “Any violation of . . . any of the provisions of this code . . . shall be punishable by a fine of not less than \$200.00 and not more than \$500.00, and each day such violation shall continue shall constitute a separate and distinct offense for which a fine herein provided shall be imposed.” MCC § 13-12-040.
11. The City seeks the maximum fine for each day defendants,
111 East Chestnut Garage Condominium Association
Unknown Owners and Non-Record Claimants

(“Owners”), have maintained the building on the subject property, or allowed the building on the subject property to remain, in violation of the Chicago Municipal Code.

WHEREFORE, the City prays for a fine against the defendant Owners, as provided under 13-12-020, for each day said violations have existed and/or exist, said fine computed in accordance with Section 13-12-040 of the Municipal Code of Chicago.

Count II- Injunctive Relief

12. The City re-alleges and incorporates paragraphs 1 through 7 of the General Allegations as paragraph 12 of Count II.

13. All buildings in the City of Chicago must meet the minimum requirements for electrical, plumbing, heating and ventilation and general building requirements. Municipal Code of Chicago § 13-196-010 (2000) (“Every existing building shall comply with the code requirements in force and applicable to such building. . .”).

~~14. The subject property fails to meet the minimum requirements of the Code as described in the preceding paragraphs.~~

15. The Injunction Statute for Building and Zoning Violations provides, in pertinent part, that:

In case any building or structure, including fixtures, is constructed . . . or maintained, or any building or structure, including fixtures, or land, is used in violation of an ordinance or ordinances . . . the proper local authorities of the municipality . . . in addition to other remedies, may institute any appropriate action or proceeding . . . (4) to restrain, correct or abate the violation.

See 65 ILCS 5/11-31-2(a) (2004); see also Municipal Code of Chicago § 13-12-070 (2000) (City may obtain an injunction requiring compliance with the provisions of the Building Code.).

16. The Illinois Municipal Code provides, in pertinent part, that:

If the appropriate official of any municipality determines, upon due investigation, that any building or structure therein fails to conform to the minimum standards of health and safety as set forth in the applicable ordinances of such municipality, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality may make application to the circuit court for an injunction requiring compliance with such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance.

See 65 ILCS 5/11-31-2 (2004)

17. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the requirements of the Municipal Code of Chicago.

18. Moreover, the failure of the defendants who own, control or otherwise manage the subject property to maintain the subject property according to the minimum requirements of the Municipal Code of Chicago constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. See Municipal Code of Chicago §13-12-010 (2000) ("In interpreting and applying said provisions of this code, such provisions shall in every instance be held to be the minimum requirements adopted for the protection and promotion of the public health, safety and welfare."). The prosecution and fining alone of these defendants will not promptly abate the nuisance.

19. Where a statute or ordinance authorizes injunctive relief, a municipality need only show that the statute or ordinance was violated to obtain injunctive relief. See Allied Waste Trans., 334 Ill. App. 3d at 228-29; Krisjon, 246 Ill. App. 3d at 959; Piotrowski, 215 Ill. App. 3d at 834-35.

WHEREFORE, the City prays:

- A. For a temporary and permanent injunction requiring the defendant owners to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11-31-1 (a), 5/11-31-2, 5/11-13-15 and 13-12-170 of the Municipal Code

- B. For the appointment of receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended.

- C. For an order authorizing the City to demolish, repair, enclose or clean up said premises, if necessary, and a judgment against the defendant unit owners and a lien on the subject property for these costs in accordance with Section 5/11-31-1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended.

- D. If appropriate and under proper petition, for an order declaring the property abandoned under Section 5/11-31-1 (d) of Chapter 65 of the Illinois Compiled Statutes, as amended, and for an order granting City of Chicago a

judicial deed to the property if declared abandoned.

- E. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended, for an order permitting foreclosure of said lien in this proceeding.
- F. For reasonable attorney fees and litigation and court costs.
- G. For such other and further relief as may be necessary in the premises and which the court shall deem necessary.

Respectfully submitted,
Celia Meza
Corporation Counsel

By: /s/ Greg Janes
Greg Janes
Senior Corporation Counsel

Attorney for Plaintiff
2 N. LaSalle, #320
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(312) 744-9555
Atty No. 90909
gregjanes@cityofchicago.org

VERIFICATION BY CERTIFICATION

Pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that he/she is an assistant corporation counsel for the City of Chicago and that he/she is the duly authorized agent of the Plaintiff for the purpose of making this certification, and that the statements set forth in this Petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters he certifies as aforesaid that he/she believes the same to be true.

 /s/ Greg Janes
Greg Janes
Senior Corporation Counsel

EXHIBIT 1



