

APPLICATION FOR CONSENT DECREE **IN DEMOLITION CASE**

WHAT IS A CONSENT DECREE?

A consent decree is a settlement agreement signed by both the City of Chicago and the owner of property that is the subject of a case pending in housing court. A consent decree requires the owner to correct the building code violations existing at the property in question by a specified completion date. The owner agrees to rehabilitate the property according to a construction schedule provided in the consent decree, and agrees to undertake certain obligations related to the property. The owner also agrees to pay fines if the work is not completed by the specified date. In exchange, the City agrees not to seek demolition of the building(s) at the property, so long as the owner complies with the terms of the consent decree.

A consent decree is a court order, signed by a judge. If an owner fails to comply with the terms of a consent decree, the owner may be subject to additional penalties imposed by the court, and may be held in contempt of court for failing to follow the judge's order.

PLEASE READ THE FOLLOWING CONDITIONS CAREFULLY:

The City may agree to enter into a consent decree with a party if the following conditions are met. Please be aware that a consent decree is not an automatic right. In certain circumstances, the City may choose not to enter into a consent decree with a party, even if the owner meets all of the following conditions:

1. The party seeking the consent decree owns the property in question, has full control over the property, and the party's interest is recorded with the Cook County Recorder of Deeds. As a general rule, the City will not enter into a consent decree with a party who has title to the property but has not recorded its interest. Similarly, the City will not enter into a consent decree with a party who has signed a contract to purchase property but has not yet obtained title to that property.
2. The property in question is secure (in compliance with Department of Buildings Rules and Regulations) and free of both exterior and interior junk and debris, with no imminently dangerous or hazardous conditions present at the property.
3. The assigned inspector from the City of Chicago Department of Buildings has conducted a recent exterior and interior inspection of the property. (Inspections may be arranged by contacting the Department of Buildings at 312/744-7878, Monday-Friday, between the hours of 8:00 a.m. and 9:00 a.m., and asking for the inspector assigned to the case.)
4. The party seeking the consent decree has sufficient financing to correct the building code violations existing at the property. The financing must be approved and allocated solely to the property in question. The City will not enter into a consent decree with a party whose financing is contingent, or with a party whose financing is allocated to any additional property aside from the property in question.

(If you are having difficulty obtaining a loan to rehabilitate a property because of a pending legal action filed by the City, you may be eligible to obtain a subordination agreement from the City. Applications for subordination agreements are available at the City of Chicago Department of Law, 30 North LaSalle Street, Suite 700, at the reception desk. Please note that completing an application for a subordination agreement does not guarantee that the City will grant a subordination, nor does it guarantee that the City will enter into a consent decree.)

5. The party seeking the consent decree has insurance sufficient to insure the City against any and all claims, demands and actions arising from the property, for personal injury, death or property damage, in the amount of \$300,000 for residential buildings or \$1,000,000 for commercial buildings.
6. The party seeking the consent decree must register the property with the Department of Buildings as required by the Vacant Building Ordinance, Municipal Code of Chicago §13-12-125 (2001), and comply with all requirements of that ordinance and the Watchman Ordinance, Municipal Code of Chicago §13-12-140 (2001).
7. The party seeking the consent decree has obtained all permits necessary for the rehabilitation of the property, has applied for all necessary permits, or, in rare cases, is in the process of preparing plans and/or drawings necessary to complete an application for the necessary permits.
8. The party seeking the consent decree has prepared a reasonable and appropriate construction schedule that encompasses repair of all building code violations and that specifies both a construction start date and completion date for the entire rehabilitation project, as well as interim dates on which specific portions of the rehabilitation will be completed.
9. In certain cases, including, but not limited to, all cases involving a subordination agreement, the party seeking the consent decree agrees to provide the City with a surety bond or irrevocable letter of credit as security for the estimated cost of demolition of the building(s) at the property, or to provide an actual deposit into an approved escrow account of an amount equal to the estimated cost of demolition.
10. The party seeking the consent decree must pay all litigation costs incurred by the City with respect to this case, including the cost of recording the consent decree with the Cook County Recorder of Deeds, at or before the time of entry of the consent decree.
11. If the party seeking the consent decree has additional matters pending in housing court, the properties that are the subject of the party's other cases are secure and free of debris, with no imminently dangerous or hazardous conditions. The City will not enter into a consent decree with a party who has a petition for rule to show cause in a contempt matter pending in any housing court case, until the condition giving rise to the petition for rule to show cause has been corrected.

IF YOU MEET ALL OF THE ABOVE CONDITIONS. PLEASE COMPLETE THE FOLLOWING APPLICATION:

1. Case number: _____
2. Address of subject property: _____
3. When did you acquire title to the property? _____
How did you obtain title to the property (warranty deed, trust, judicial sale, tax sale, etc.)? _____
When was your interest in the property recorded? _____
(If the property is held in a land trust, please attach a copy of the trust documents. If you acquired title to the property after the present lawsuit was filed, please attach a copy of the recorded deed.)**
4. Has the assigned building inspector conducted a recent exterior and interior inspection of the property? _____ On what date? _____
5. Source of financing: _____
Amount: _____ **(** Attach relevant documentation.)**
Name/ address/ telephone number of lender, if applicable: _____

6. Do you have insurance on the property? _____
(Attach relevant documentation.)**
7. Is the property registered with the Department of Buildings? _____
(Attach copy of registration.)**
8. Have you obtained all required permits? _____ **(** Attach copy of all permits issued.)** If not, have you applied for all required permits? _____
(Attach copy of all pending applications.)** If you have not submitted all required permit applications, explain why: _____

9. Date construction will start: _____
Date property will be in compliance with building code: _____
Estimated cost of rehabilitation: _____
(Attach construction schedule.)**

10. Name/ address/ phone number of architect, if applicable: _____

11. Name/ address/ phone number of contractor, if applicable: _____

12. Have you obtained a surety bond or irrevocable letter of credit in the amount of, or deposited in an approved escrow account, the estimated cost of demolition of the building(s) on the property? _____ (****Attach relevant documentation.**)

13. Have you paid all litigation costs, including the cost of recording the consent decree, incurred by the City with respect to this case? _____ (****Attach copy of receipt.**)

14. List all properties in the City of Chicago in which you have an ownership or other proprietary interest: (****Attach additional pages if necessary.**)

15. Do you have any other cases pending in housing court? _____
If so, list the case number, property address, current status, and the next court date, for each case. (****Attach additional pages if necessary.**)

RETURN THIS FORM, WITH THE REQUIRED ATTACHMENTS, TO:

Assistant Corporation Counsel
City of Chicago Department of Law
Building and Land Use Litigation Division
30 North LaSalle Street, Suite 700
Chicago, IL 60602

CHECKLIST OF REQUIRED ATTACHMENTS:

Recorded deed or trust documents (if required above): _____

Proof of financing: _____

Proof of insurance: _____

Proof of vacant building registration: _____

Copies of permits and/or permit applications: _____

Construction schedule: _____

Surety bond, letter of credit or proof of escrow: _____

Receipt for litigation costs paid: _____

Signature of applicant

Date

Printed or typed name of applicant

Address

Daytime telephone number

Facsimile number

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements are set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

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

CITY OF CHICAGO,
A Municipal Corporation,

Counter-Plaintiff

v.

et al.

Counter-Defendants

No. M1

Re: ("subject property")

Courtroom: 1109/1111

BILL OF COSTS

The City of Chicago, by its attorney, Mara S. Georges, Corporation Counsel, respectfully submits its Bill of Costs for litigation expenses and costs incurred to date and payable against:

1.	Title Search	\$100.00	X =
	Update	\$15.00	X =
2.	Publication	\$225.00	X =
3.	Service of Process	\$50.00	X =
	Out of county	\$	X =
	Out of state	\$	X =
4.	Lis Pendens	\$38.00	X =
5.	Fast Track	\$	X =
6.	Recording of Consent Decree	\$36.00 (for 1 page \$2 each add. page)	X =
7.	Recording of MOFC/PI	\$38.00 (for 2 pages \$2 each add. page)	X =
8.	Other	\$	X =

TOTAL LITIGATION COSTS \$

TOTAL FINE \$

TOTAL DUE \$

DATE DUE:

PAID AS EVIDENCED BY COURT RECEIPT #

By:

Assistant Corporation Counsel
Attorney for City of Chicago, #90909
30 North LaSalle Street, Suite 700
Chicago, Illinois 60602
Phone (312)744-8791 Fax (312)744-1054

Make check payable to "City of Chicago" - pay by business check, certified check, or money order. Send or deliver to 30 N. LaSalle Street, Suite 700, Chicago, IL 60602, Attention: Kristina Mokrzycki