

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

CITY OF CHICAGO, a Municipal Corporation,
Plaintiff,
v.
ANILROSHI, LLC, *et al.*
Defendants.

15 M 1 403460

No:

Re: 9213-9219 S Baltimore

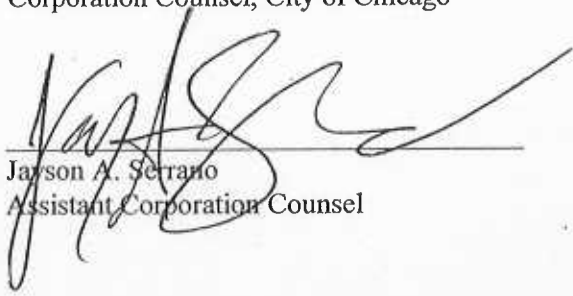
NOTICE OF EMERGENCY MOTION

TO: See Attached Service List

PLEASE TAKE NOTICE that on December 17, 2015, at 2:00 p.m., I shall appear before the Honorable Judge Pamela Gillespie, or any judge sitting in her stead in courtroom 1111 of the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois and present the attached Emergency Motion for Authorization to Demolish Buildings.

STEPHEN R. PATTON
Corporation Counsel, City of Chicago

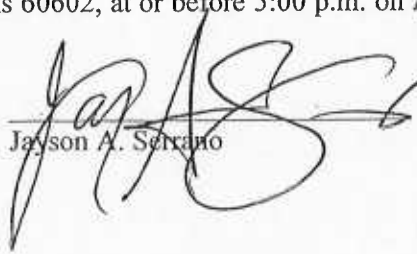
By:


Jayson A. Serrano
Assistant Corporation Counsel

#90909
City of Chicago Law Department
30 N. LaSalle St. - Suite 700
Chicago, IL 60602
(312) 744-3326

CERTIFICATE OF SERVICE

I, Jayson A. Serrano, an attorney, certify that I caused the attached City of Chicago's Emergency Motion for Authorization to Demolish Buildings to be served upon the parties indicated by depositing it in the First Class Mail at 30 North LaSalle Street, Chicago, Illinois 60602, at or before 5:00 p.m. on ~~December 15, 2015~~, and by facsimile and hand delivery where possible. Dec. 15, 2015


Jayson A. Serrano

CLERK OF CIRCUIT COURT
CIVIL DIVISION
2015 DEC 15 PM 1:29

FILED-34

SERVICE LIST

*City of Chicago v. ANILROSHI, LLC, et al.
re: 9213-9219 S Baltimore Ave Chicago, IL 60617*

ANILROSHI, LLC
C/O C/O JAYAL AMIN
1900 E GOLF RD STE 950
SCHAUMBERG, IL 60173

RECORD OWNER

ANILROSHI, LLC
C/O JATIN PATEL
1344 N WESTERN AVE
CHICAGO, IL 60622

RECORD OWNER

ANILROSHI, LLC
C/O AUTHORIZED AGENT/EMPLOYEE
3100 E 92ND ST
CHICAGO, IL 60617

RECORD OWNER

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

CITY OF CHICAGO, a Municipal Corporation,)	
)	
)	
Plaintiff,)	No:
v.)	
)	Re: 9213-9219 S Baltimore
ANILROSHI, LLC, <i>et al.</i>)	
)	
Defendants.)	

**CITY OF CHICAGO’S EMERGENCY MOTION
FOR AUTHORIZATION TO DEMOLISH BUILDINGS**

The City of Chicago (“City”), by its attorney, Stephen R. Patton, Corporation Counsel, moves pursuant to 65 ILCS 5/11-31-1(a) and Circuit Court Rule 2.2, to advance the above-captioned matter and for a hearing *instanter* on its emergency motion for authorization to demolish the buildings described in the City’s complaint and this motion, for the following reasons:

1. The City is a home rule unit of local government and also is authorized by the Illinois Municipal Code, 65 ILCS 5/11-31-1(a) (1996), to demolish dangerous and unsafe buildings.
2. The property commonly known as 9213-9219 S Baltimore is located within the corporate limits of the City of Chicago and the County of Cook. The property is legally described as follows:

THE WEST 118 FEET OF LOTS 38, 39, 40, AND 41 IN BLOCK 86 OF THAT CERTAIN SUBDIVISION MADE BY THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY OF PARTS OF FRACTIONAL SECTION 5 AND SECTION 6, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Permanent Index Number: 26-06-412-005.

3. Located on the subject property is a two-story brick commercial building.

4. An inspection of the subject property on December 14, 2015, revealed the following dangerous and unsafe conditions:

- a. The electrical system has exposed wiring.
- b. The electrical system is missing fixtures.
- c. There is an open electrical panel and open junction boxes.
- d. The floors have gaping holes in sections.
- e. The floors have been cut open along the interior masonry wall.
- f. The window glazing and sashes are broken or missing in sections.
- g. Ceiling hung gas heaters that were installed without a permit.
- h. The load bearing steel beam joist was replaced without approved architectural plans and a permit.
- i. The masonry has step or stress fractures.
- j. The masonry has washed out mortar joints.
- k. The plaster is smoke, fire, or water damaged.
- l. The plumbing system is missing fixtures.
- m. The roof has a large opening.
- n. The stair systems are missing hand and guardrails.
- o. The elevator shaft has been demolished leaving open holes from the second floor through to the basement.
There is construction material and debris throughout the first floor.

5. The building on the subject property poses an immediate and ongoing threat of irreparable harm to the public health, welfare and safety, and an immediate and continuous threat to the community, neighbors, and the public at large. Thus an Order authorizing the City to demolish the building is appropriate.


WHEREFORE, Plaintiff requests that this Honorable Court:

- A. Grant the City's motion for a hearing *instanter*;
- B. Find that the dangerous, hazardous, and unsafe conditions at the subject property create an emergency situation and pose an immediate threat to the public health, welfare and safety;
- C. Enter an order authorizing the City to demolish the buildings on the subject property; and,
- D. Grant such other relief as may be necessary and proper.

Respectfully submitted,

STEPHEN R. PATTON
Corporation Counsel
City of Chicago

By:


Jayson A. Serrano
Assistant Corporation Counsel

City of Chicago Law Department
Building and License Enforcement Division
30 North LaSalle Street, Suite 700
Chicago, Illinois 60602
(312) 744-0210

IN THE CIRCUIT COURT OF COOK COUNTY
MUNICIPAL DEPARTMENT – FIRST DISTRICT

THE CITY OF CHICAGO, a municipal corporation,
Plaintiff,

v.

ANILROSHI, LLC,
UNKNOWN OWNERS, and
NONRECORD CLAIMANTS,

Defendants.

Case Number:

15 M1 403460

Re: 9213-9219 S BALTIMORE AVE
CHICAGO, IL 60617

Courtroom 1111

PLAINTIFF CITY OF CHICAGO'S
COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, THE CITY OF CHICAGO (“the City”), by and through its attorney, Stephen R. Patton, Corporation Counsel, and the undersigned attorney, 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 the Illinois Constitution, article VII, § 6(a), 65 ILCS 5/11-31-1(a) *et seq.* (West 2012), 65 ILCS 5/11-13-15, and provisions of the Municipal Code of Chicago. By bringing this action, the City seeks to abate dangerous and unsafe conditions at the property in question and obtain 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:

THE WEST 118 FEET OF LOTS 38, 39, 40, AND 41 IN BLOCK 86 OF THAT CERTAIN SUBDIVISION MADE BY THE CALUMET AND CHICAGO CANAL AND DOCK COMPANY OF PARTS OF FRACTIONAL SECTION 5 AND SECTION 6, TOWNSHIP 37 NORTH, RANGE 15, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

This parcel is commonly known as 9213-9219 S BALTIMORE AVE, Chicago, Cook County, Illinois (“subject property”), and has a permanent index number of 26-06-412-005.

4. Located on the subject property is a TWO-STORY BRICK BUILDING. The last known use of the building was COMMERCIAL.

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5. At all times relevant to this complaint, the defendants owned, managed, controlled, collected rents from, contributed to the ongoing violations at, or had a legal or equitable interest in the subject property. More specifically:
 - a. Defendant ANILROSHI, LLC has the following interest in the subject property: RECORD OWNER.
 - b. Defendants also include UNKNOWN OWNERS and NONRECORD CLAIMANTS.

Dangerous and Unsafe Conditions

6. On December 14, 2015, and continuing to the present, dangerous and unsafe conditions have existed at the subject premises, including but not limited to:
 - a. The electrical system has exposed wiring.
 - b. The electrical system is missing fixtures.
 - c. There is an open electrical panel and open junction boxes.
 - d. The floors have gaping holes in sections.
 - e. The floors have been cut open along the interior masonry wall.
 - f. The window glazing and sashes are broken or missing in sections.
 - g. Ceiling hung gas heaters that were installed without a permit.
 - h. The load bearing steel beam joist was replaced without approved architectural plans and a permit.
 - i. The masonry has step or stress fractures.
 - j. The masonry has washed out mortar joints.
 - k. The plaster is smoke, fire, or water damaged.
 - l. The plumbing system is missing fixtures.
 - m. The roof has a large opening.
 - n. The stair systems are missing hand and guardrails.
 - o. The elevator shaft has been demolished leaving open holes from the second floor through to the basement.
 - p. There is construction material and debris throughout the first floor.

COUNT I

Unsafe Property Provisions – Equitable Relief

7. The City realleges and incorporates paragraphs 1 through 6 as paragraph 7 of Count I.
8. The Illinois Municipal Code provides that: “The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings.” 65 ILCS 5/11-31-1(a).
9. The Municipal Code of Chicago also authorizes the City to seek a court order authorizing the demolition, repair or enclosure of “any building . . . found in a dangerous and unsafe condition or uncompleted and abandoned” within the city limits. § 13-12-130 (2012).
10. The defendants have violated, and continue to violate, these provisions by allowing the subject property to remain in a dangerous and unsafe condition posing a danger to the public health, safety, and welfare. The building on the subject property would require major reconstruction in order to remedy its dangerous and unsafe condition and is beyond reasonable repair.

11. The levying of a fine is not an adequate remedy for the dangerous conditions at the subject property.
12. Where a statute or ordinance authorizes injunctive relief, a municipality need only show that the statute or ordinance was violated to obtain such relief. *See Village of Riverdale v. Allied Waste Transp., Inc.*, 334 Ill. App. 3d 224, 228-29 (1st Dist. 2002); *City of Chicago v. Krisjon Constr. Co.*, 246 Ill. App. 3d 950, 959 (1st Dist. 1993); *City of Chicago v. Piotrowski*, 215 Ill. App. 3d 829, 834-35 (1st Dist. 1991).

WHEREFORE, the City requests that this Court enter an order:

- A. Requiring the defendants to demolish, repair, enclose or clean-up the subject property under proper permits issued by the City of Chicago;
- B. Alternatively, authorizing the City of Chicago to demolish, repair, enclose or clean up the subject property pursuant to 65 ILCS 5/11-31-1(a) and Municipal Code of Chicago § 13-12-130, the costs of which are to be assessed as a judgment against the defendants, and as a lien against the subject property;
- C. Appointing a receiver to correct the conditions alleged in this Complaint with full powers of receivership, including the power to issue and sell certificates in accordance with 65 ILCS 5/11-31-2;
- D. Permitting foreclosure of any City of Chicago liens entered against the subject property in this proceeding, pursuant to 65 ILCS 5/11-31-1(c);
- E. Awarding to the City court costs, attorney's fees, and other costs related to the enforcement of 65 ILCS 5/11-31-1(a) against the defendants; and
- F. Granting any other relief that this Court deems appropriate.

COUNT II

Unsafe Buildings Ordinance – Civil Penalties

13. The City realleges and incorporates paragraphs 7 through 12 of Count I as paragraph 13 of Count II.
14. The Municipal Code of Chicago provides that an owner of, or any person in management or control of, any building that is found to be “in a dangerous and unsafe condition or uncompleted and abandoned,” who fails to put such building in a safe condition or fails to enclose or demolish it, shall be fined not less than \$200.00 per day and not more than \$1,000.00 per day for each day that such violation exists, upon proper notice as further defined by ordinance. Municipal Code of Chicago § 13-12-020, -130.
15. The City seeks the maximum fine for each day the defendants who own the subject property have maintained the building on the subject property, or allowed the building on the subject property to remain, in a “dangerous and unsafe” or “uncompleted and abandoned” condition.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against all defendants who own, manage, or control the subject property in the maximum amount per day from the date of service of summons in this case until the dangerous and unsafe or uncompleted and abandoned condition is abated; and
- B. Granting any other relief that this Court deems appropriate.

COUNT III

Failure to Meet Minimum Code Requirements - Injunctive Relief

- 16. The City realleges and incorporates paragraphs 1 through 6 as paragraph 16 of Count III.
- 17. 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 .
- 18. The subject property fails to meet the minimum requirements of the Code as described above. .
- 19. Municipal Code of Chicago Chapter 18-27 sets forth electrical requirements for buildings in Chicago. The defendants who own, control, or otherwise manage the subject property have violated, and continue to violate, these provisions by failing to provide operable electricity at the subject property.
- 20. Municipal Code of Chicago Chapter 18-29 sets forth plumbing requirements for buildings in Chicago. The defendants who own, control, or otherwise manage the subject property have violated, and continue to violate, these provisions by failing to provide operable plumbing at the subject property.
- 21. Municipal Code of Chicago Chapters 13-196 and 18-28 set forth heating requirements for buildings in Chicago. The defendants who own, control, or otherwise manage the subject property have violated, and continue to violate, these provisions by failing to provide operable heating at the subject property.
- 22. Municipal Code of Chicago Chapter 18-28 sets forth ventilation requirements for buildings in Chicago. The defendants who own, control, or otherwise manage the subject property have violated, and continue to violate, these provisions by failing to provide adequate ventilation at the subject property.
- 23. The Illinois Municipal Code provides 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.

65 ILCS 5/11-13-15; *see also* Municipal Code of Chicago § 13-12-070 (City may obtain an injunction requiring compliance with the provisions of the Building Code).

- 24. Preliminary and permanent injunctive relief is necessary to compel defendants who own, control, or otherwise manage the subject property to comply with the Municipal Code of Chicago.

25. 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* § 13-12-010 (“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.
26. Where a statute or ordinance authorizes injunctive relief, a municipality need only show that the statute or ordinance was violated to obtain such relief. *See* paragraph 12.

WHEREFORE, the City requests that this Court enter an order:

- A. Granting preliminary and permanent injunctive relief requiring the defendants who own, control, or otherwise manage the subject property to abate the violations of the electrical, plumbing, heating and ventilation, and general building requirements of the Municipal Code of Chicago; and
- B. Granting any other relief that this Court deems appropriate.

COUNT IV

Public Nuisance - Injunctive Relief

27. The City realleges and incorporates paragraphs 1 through 6 as paragraph 27 of Count IV.
28. The Municipal Code of Chicago provides that:

Every building or structure constructed or maintained in violation of the building provisions of this code, or which is in an unsanitary condition, or in an unsafe or dangerous condition, or which in any manner endangers the health or safety of any person or persons, is hereby declared to be a public nuisance.

§ 7-28-060.

29. The defendants who own, control, or otherwise manage the subject property are in continuous violation of this provision because the subject property violates the building provisions of the Municipal Code of Chicago, is unsafe and dangerous, and endangers the health and safety of the people of Chicago.
30. The condition of the subject property constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. The prosecution and fining alone of the defendants who own, control, or otherwise manage the subject property for violation of the Municipal Code will not promptly abate the nuisance.
31. 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 Municipal Code.

32. Where a statute or ordinance authorizes injunctive relief, a municipality need only show that the statute or ordinance was violated to obtain such relief. *See Allied Waste Transp.*, 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 requests that this Court enter an order:

- A. Finding that the subject property constitutes a statutory public nuisance as alleged herein;
- B. Granting preliminary and permanent injunctive relief requiring the defendants who own, control, or otherwise manage the subject property to abate the statutory public nuisance alleged herein; and
- C. Granting any other relief that this Court deems appropriate.

COUNT V

Public Nuisance - Civil Penalties

33. The City realleges and incorporates paragraphs 27 through 32 of Count IV as paragraph 33 of Count V.
34. The Municipal Code of Chicago provides that: "Any person found guilty of violating any of the provisions of this section shall be subject to a penalty of not less than \$200.00 nor more than \$500.00 Each day such violation shall continue shall constitute a separate and distinct offense." § 7-28-060.
35. The City seeks the maximum daily fine against all defendants who own, control, or otherwise manage the subject property, and who have maintained the subject property as a public nuisance.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against all defendants who own, control, or manage the subject property in the maximum amount per day from the date the violation began until the public nuisance is abated; and
- B. Granting any other relief that this Court deems appropriate.

COUNT VI

Improperly Maintained Building or Structure – Injunctive Relief

36. The City realleges and incorporates paragraphs 1 through 6 as paragraph 36 of Count VI.
37. The Municipal Code of Chicago declares that a building is a nuisance subject to abatement if it is:

a building or structure found to be vacant and open after the effective date of an order to secure and enclose issued by a court of competent jurisdiction or the department of administrative hearings within the previous 12 months, unless stayed by a court of competent jurisdiction; (2) a building or structure that contains any violation of a health, fire, electrical, plumbing, building or zoning provision of this code which is imminently dangerous and hazardous; (3) a building or structure for which the costs of the repairs necessary to bring the building or structure into compliance with applicable laws would exceed the market value of the building or structure after the repairs would have been made, or when the owner cannot show that it has readily available and sufficient assets to make such repairs or where such

repairs otherwise are economically infeasible; or (4) a building or structure where an owner has failed to correct the code violation(s) that form the basis of an adverse order or judgment involving that building or structure, issued by a court of competent jurisdiction or a hearing officer of the department of administrative hearings, within 60 days of entry, unless such adverse order or judgment has been stayed by a court of competent jurisdiction.

Municipal Code of Chicago § 13-12-145(a).

38. The building or structure on the subject property is a nuisance as defined by the Municipal Code in that the building or structure contains violations of health, fire, electrical, plumbing, building and/or zoning provisions of the Code which are imminently dangerous and hazardous, and, further, that the owner cannot show that he/she/it has readily available and sufficient assets to make all necessary repairs.
39. The Municipal Code of Chicago authorizes the Corporation Counsel to bring an action in a court of competent jurisdiction to abate a public nuisance as defined in that section. § 13-12-145(c).
40. The levying of a fine is not an adequate remedy to abate the nuisance which exists.

WHEREFORE, the City requests that this Court enter an order:

- A. Declaring the building a nuisance as defined in Section 13-12-145(a) of the Municipal Code of Chicago.
- B. Assigning or forfeiting the Defendants' rights, title and interest in the subject property to the City of Chicago or a third party designated by the City;
- C. Permitting the foreclosure in this proceeding of any liens of the City of Chicago entered against the subject property in this case;
- D. Awarding the City of Chicago the court costs, attorney's fees and other costs related to enforcement of Section 13-12-145(e) against the Defendants; and
- E. Granting any other relief that this Court deems appropriate.

COUNT VII

Improperly Maintained Building or Structure - Civil Penalties

41. The City realleges and incorporates paragraphs 36 to 40 of Count VI as paragraph 41 of Count VII.
42. The Municipal Code of Chicago provides that an owner; the owner's agent who manages, controls, or collects rents on the building or structure; the holder of a mortgage lien with a right to possession; and any person in management or control of any building or structure that is found to be a public nuisance shall be fined not less than \$200.00 per day, nor more than \$1,000.00 per day for each day the nuisance exists, until the nuisance is abated. § 13-12-145(e).

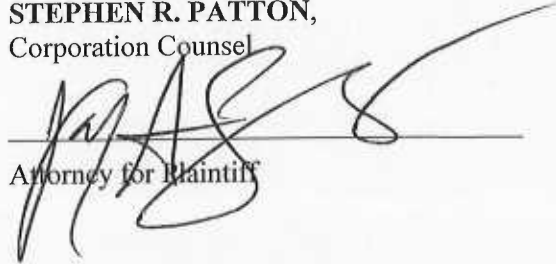
43. The City seeks the maximum fine for each day the Defendants who own, manage, control, collect rent, or who hold a mortgage lien with right to possession on the subject property fail to abate the public nuisance at the property.

WHEREFORE, the City requests that this Court enter an order:

- A. Assessing civil penalties against each Defendant who owns, manages, controls, collects rents, or holds a mortgage lien with right to possession on the subject property in the maximum amount per day for each day that the nuisance existed at the subject property; and
- B. Granting any other relief that this Court deems appropriate.

Respectfully Submitted,
STEPHEN R. PATTON,
Corporation Counsel

By: _____


Attorney for Plaintiff

JAYSON A. SERRANO
Assistant Corporation Counsel

City of Chicago Department of Law
Building and License Enforcement Division
30 N. LaSalle Street, Room 700
Chicago, Illinois 60602
phone: (312) 744-0210
fax: (312) 744-1054

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