

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

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. ANITA ALVAREZ, State's Attorney of
Cook County,

Plaintiff,

v.

Village of Lemont, Unknown Owners, and Unknown
Tenants,

Defendants.

No. 16 CH

2016CH08752
CALENDAR/ROOM 14
TIME 00:00
Pet Quo Warranto

SUMMONS



To: Village of Lemont
c/o: Charlene Smollen, Village Clerk
418 Main Street
Lemont, Illinois 60439

YOU ARE SUMMONED and required to file an answer to the complaint in this case, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location: Richard J. Daley Center, 50 West Washington, Room 802, Chicago, Illinois 60602 on or before July 29, 2016, unless the summons is served less than five days before that date, then you must file your answer or appearance no later than 5 days after service of summons. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than the above referenced date.

Atty. No. 10295
Name: Jayman A. Avery III, A.S.A.
Atty. for: People
Address: 500 Richard J. Daley Center
City: Chicago, IL 60602
Telephone: (312) 603-7780

DOROTHY BROWN JUL 01 2016
WITNESS, _____

Dorothy Brown, Clerk of Court

Date of service: _____
(To be inserted by officer on copy left with
defendant or other person)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS
ex rel. ANITA ALVAREZ, State's Attorney
of Cook County,

Plaintiff,

vs.

VILLAGE OF LEMONT, ILLINOIS, an Illinois municipal
corporation; UNKNOWN OWNERS; and UNKNOWN TENANTS.

Defendants.

FILED-1
2016 JUL 17 AM 11:02
CIRCUIT COURT OF COOK
COUNTY, ILLINOIS
CHANCERY DIVISION
DOROTHY BROWN
2016CH08752
CALENDAR/ROOM 14
TIME 00:00
Pet Quo Warranto
No. 16 CH _____

COMPLAINT IN QUO WARRANTO

The People of the State of Illinois *ex rel.* ANITA ALVAREZ, State's Attorney of Cook County ("People"), by their attorney Anita Alvarez, State's Attorney of Cook County ("State's Attorney"), through her assistant, Jayman A. Avery III, pursuant to 735 ILCS 5/18-101 *et seq.* of the Illinois Code of Civil Procedure, complain of the Defendants, the Village of Lemont, Illinois, an Illinois municipal corporation; Unknown Owners; and Unknown Tenants as follows:

PARTIES

1. Anita Alvarez is the duly elected State's Attorney of Cook County, Illinois, and is authorized to bring this action in the name of the People pursuant to 735 ILCS 5/18-102.
2. The Village of Lemont, Illinois ("Lemont") is an Illinois municipal corporation located in Cook, DuPage, and Will Counties, Illinois.

BACKGROUND/FACTUAL INFORMATION

3. There is real property commonly known as 12150 Bell Road, Lemont, Illinois and identified as parcel 1 on **Exhibit A** attached hereto that, upon information and belief, is owned by Equestrian Meadows Development Company, LLC.

4. There is real property commonly known as 12801 McCarthy Road, Lemont, Illinois and identified as parcel 2 on Exhibit A that, upon information and belief, is owned by Standard Bank and Trust Company, as Trustee Under Trust Agreement Dated November 17, 1989 and known as Trust Number 12402.

5. There is real property commonly known as 12300 Bell Road, Lemont, Illinois and identified as parcel 3 on Exhibit A that, upon information and belief, is owned by Standard Bank and Trust Company, as Trustee Under Trust Agreement Dated July 28, 2014, and known as Trust Number 21744.

6. There are real properties commonly known as 12705, 12725, and 12845 Bell Road, Lemont, Illinois and identified as parcels 4-7 on Exhibit A that, upon information and belief, are owned by First Church of the Nazarene of Lemont Township, an Illinois not-for-profit corporation.

7. There is real property commonly known as 12920 Bell Road, Lemont, Illinois, and identified as parcels 8 and 9 on Exhibit A that, upon information and belief, is owned by West Shore Pipeline Company, a Delaware corporation.

8. There is real property commonly known as 12900 Bell Road, Lemont, Illinois and identified as parcel 10 on Exhibit A that, upon information and belief, is owned by Northern Border Pipeline Company, a Texas general partnership.

9. There is real property commonly known as 12902 Bell Road, Lemont, Illinois and identified as parcel 11 on Exhibit A that, upon information and belief, is owned by Peoples Gas Light and Coke Company, an Illinois corporation.

10. There is real property commonly known as 13090 Bell Road, Lemont, Illinois and identified as parcel 12 on Exhibit A that, upon information and belief, is owned by Chicago Title

and Land Trust Company, an Illinois corporation, as Trustee Under Trust Agreement Dated February 24, 2014 and known as Trust Number 8002364111.

11. There is real property commonly known as 12990 131st Street, Lemont, Illinois and identified as parcel 13 on Exhibit A that, upon information and belief, is owned by Howard J. Heatherwick, as Successor Trustee under Trust Agreement Dated March 31, 1994 and known as the James R. & Viola Heatherwick Revocable Living Trust as to an undivided ½ interest and Howard J. Heatherwick, as Trustee of the Heatherwick Family Trust, as to an undivided ½ interest.

12. There is real property commonly known as 12990 131st Street, Lemont, Illinois and identified as parcel 14 on Exhibit A that, upon information and belief, is owned by Lemont Township High School District #210, an Illinois school district.

13. There is real property commonly known as 12940 S. Bell Road, Lemont, Illinois and identified as parcel 15 on Exhibit A that, upon information and belief, is owned by Lemont Fire Protection District, an Illinois fire protection district.

14. Parcels 1-15 on Exhibit A are, collectively, the “East Isolated Parcels” and are also depicted on **Exhibit B** attached hereto.

15. Based upon information and belief, there may be persons and/or entities that own, reside on, or occupy the East Isolated Parcels who are not known to the People and who cannot reasonably be identified by the People who are, therefore, joined as interested adverse party defendants as Unknown Owners and Unknown Tenants.

16. The East Isolated Parcels are all located east of the Commonwealth Edison right of way (running north and south) that is depicted on Exhibits A and B.

17. The East Isolated Parcels are located in Cook County, Illinois.

18. There are real properties that are subdivisions commonly known as the Glens of Connomara and the Kettering Estates (collectively, the “West Isolated Parcels”) that are located west of the Commonwealth Edison right of way (running north and south) that is depicted on Exhibits A and B.

19. Glens of Connomara is located on the north side of 131st Street, west of the Commonwealth Edison right of way (running north and south), that is depicted on Exhibits A and B, and on both sides of the Commonwealth Edison right of way (running east and west) that is depicted on Exhibits A and B, and is identified as parcel 16 on Exhibit A.

20. Kettering Estates is located on the south side of 131st Street, roughly between Parker Road and Derby Road, and is identified as parcel 17 on Exhibit A.

21. Based upon information and belief, there may be persons and/or entities that own, reside on, or occupy the West Isolated Parcels who are not known to the People and who cannot reasonably be identified by the People who are, therefore, joined as interested adverse party defendants as Unknown Owners and Unknown Tenants.

22. The West Isolated Parcels are located in Cook County, Illinois.

VENUE & JURISDICTION

23. Venue and jurisdiction is appropriate before the Circuit Court of Cook County because the defendants are located, reside, or operate with the County of Cook, and because the East and West Isolated Parcels (collectively, “the Isolated Parcels”) are located within the County of Cook.

COUNT I: QUO WARRANTO

24. Article XVIII of Illinois Code of Civil Procedure authorizes the People, through the State’s Attorney, to bring a *quo warranto* action when:

Any person usurps, intrudes into, or unlawfully holds or executes any office, or franchise, or any office in any corporation created by authority of this State.

735 ILCS 5/18-101(1).

25. The *quo warranto* statute provides the basis for challenges to improper or unlawful annexations.

26. Lemont purports to have annexed the Isolated Parcels by various ordinance adopted at various times.

27. Lemont's purported annexations of the Isolated Parcels are unlawful because at the time of the annexations, and currently, there was and is no lawfully recognized contiguity between any of the Isolated Parcels and territory validly in Lemont. *See* 735 ILCS 65/7-1-1.

28. Therefore, Lemont is exercising jurisdiction over the Isolated Parcels through its purported annexations without lawful authority.

29. By this Complaint, the People call upon Lemont to show by what warrant and right it exercises jurisdiction over the Isolated Parcels through its purported annexations, and also to supply copies of all the ordinances purporting to annex the Isolated Properties to the People for inspection and copying.

WHEREFORE, the People pray to this Court that:

- A. Lemont be required to justify and set forth all facts which show the lawful authority of Lemont to annex and exert jurisdiction over the Isolated Parcels (*see* 735 ILCS 5/18-103);
- B. In the absence of any justification, the Court declare that: 1) Lemont has not lawfully annexed the Isolated Parcels; 2) any ordinance adopted by Lemont purporting to annex

the Isolated Parcels is void; and 3) the Isolated Parcels are located in unincorporated Cook County, Illinois;

- C. In the absence of any justification, the Court enter a judgment of ouster against Lemont as to the Isolated Parcels (*see* 735 ILCS 5/18-108);
- D. In the absence of any justification, the Court fine Lemont and award the People their costs (*see id.*); and
- E. The Court grant such other and further relief that it deems just, equitable, and appropriate under the circumstances.

Respectfully submitted,

The People of the State of Illinois *ex rel.*
ANITA ALVAREZ, State's Attorney of
Cook County

ANITA ALVAREZ
State's Attorney of Cook County

By: /s/ Jayman A. Avery III
Jayman A. Avery III
Assistant State's Attorney

Jayman A. Avery III
Assistant Cook County State's Attorney
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Chicago, IL 60602
Tel. No.: 312-603-7780
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Attorney Number 10295
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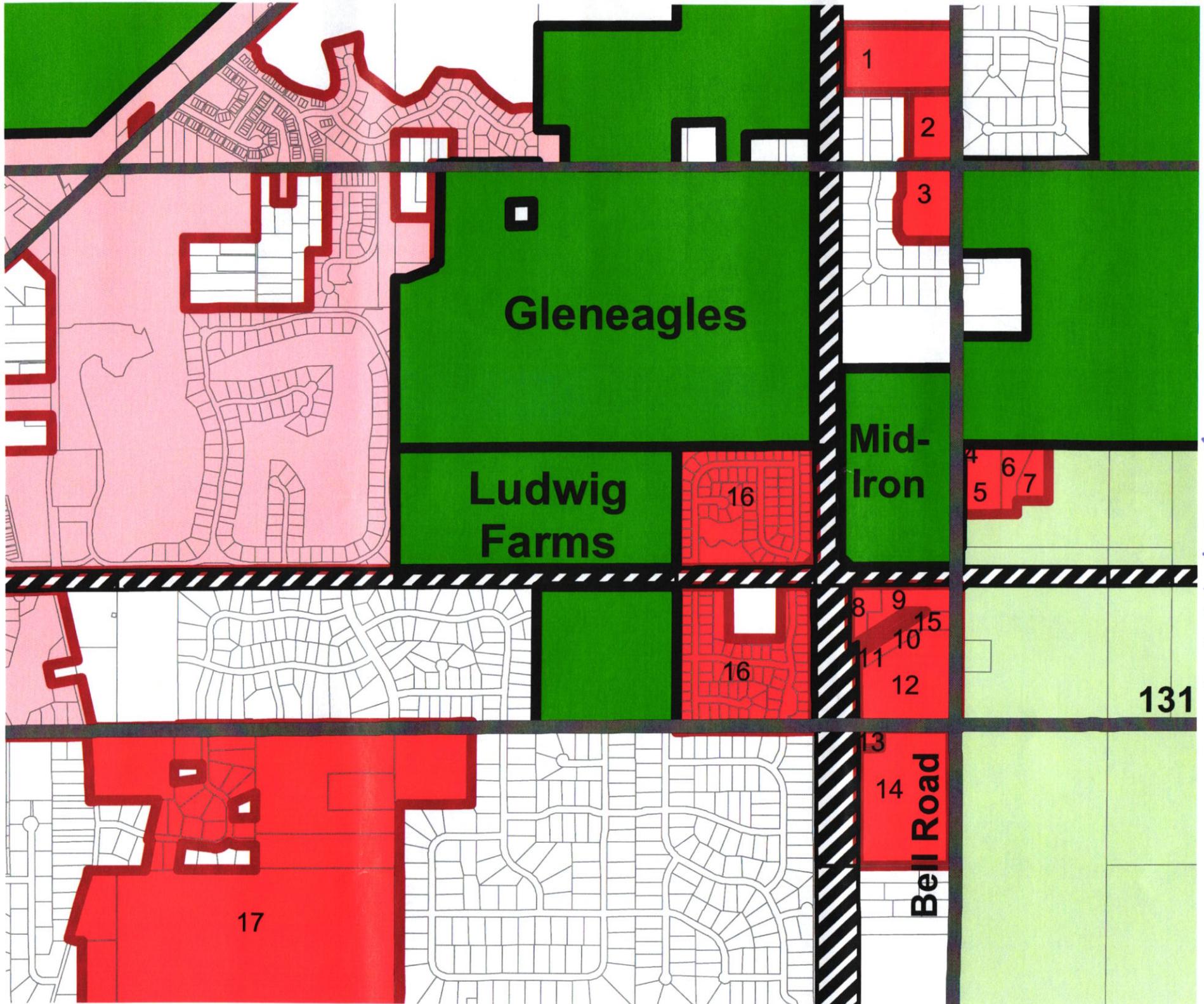


Exhibit A

THE VILLAGE OF
PALOS PARK, ILLINOIS
 Boundary Map



VILLAGE OF
PALOS PARK

Legend

-  Village of Palos Park
-  Public Utility ROW
-  Village of Lemont
-  Village of Lemont Isolated Parcels
-  Forest Preserves of Cook County (Unincorporated)

Building Department
 11111 S. Main St., Palos Park, IL 60465
 708.385.1000 ext. 4447
 708.385.1000 ext. 4448



Updated 08/27/16

THE VILLAGE OF PALOS PARK IS A COMMUNITY OF VILLAGES OF COOK COUNTY, ILLINOIS. THE VILLAGE OF PALOS PARK IS A COMMUNITY OF VILLAGES OF COOK COUNTY, ILLINOIS. THE VILLAGE OF PALOS PARK IS A COMMUNITY OF VILLAGES OF COOK COUNTY, ILLINOIS. THE VILLAGE OF PALOS PARK IS A COMMUNITY OF VILLAGES OF COOK COUNTY, ILLINOIS.

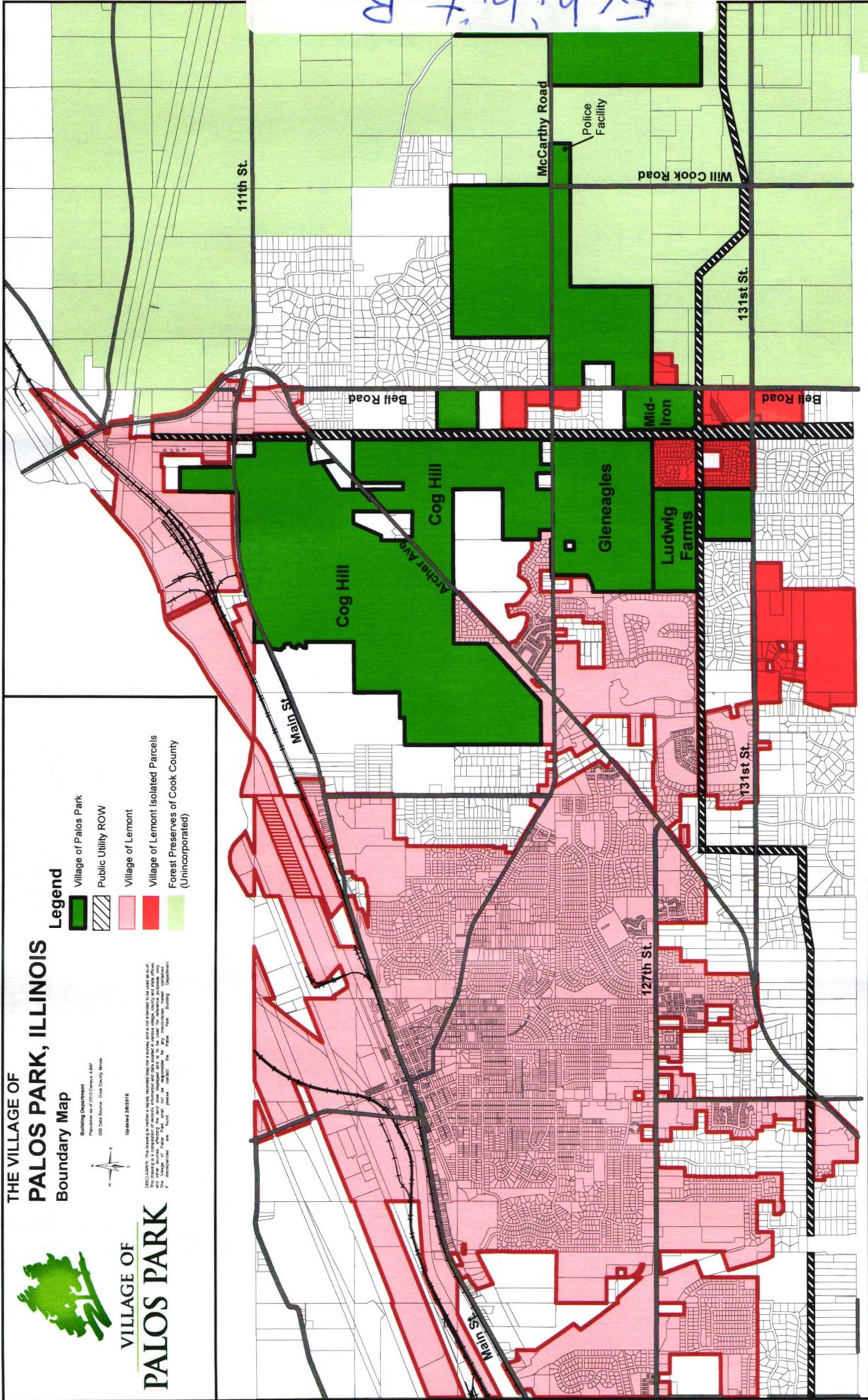


Exhibit B