

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

2013CH19311
CALENDAR ROOM 11
TIME 00:00
INJUNCTION

The 3565 N Pine Grove Condominium
Association,

)

Case No.

)

)

Plaintiff,

)

VERIFIED COMPLAINT
FOR INJUNCTIVE AND
OTHER RELIEF

)

vs.

)

)

Chicago Department of Transportation and
Alderman James Cappleman

)

)

Defendants.

Plaintiff the 3565 N. Pine Grove Condominium Association (“Pine Grove” or the “Association”), based on knowledge as to itself and its own actions and on information and belief as to all other matters, alleges as follows for its complaint against the Chicago Department of Transportation (“CDOT”) and Alderman James Cappleman (“Cappleman”):

INTRODUCTION

1. On Tuesday, August 20, 2013 traffic cones and “No Parking” signs were set up along the parkway bordering 3565 N Pine Grove Avenue. See Exhibits A, B and C. Resident members of Pine Grove inquired as to what construction was going to occur. The person setting the cones and signs stated that a DIVVY Bike Sharing Station (“Station”) was going to be installed at this location. The “No

Parking” signs indicate that construction will occur between August 21 and August 23, 2013. Installation of the Station at the front door of Pine Grove, a residential side street, will destroy thousands of dollars of improvements made by the resident members of Pine Grove and will bring strangers to our front door at all hours of the night and day. Residents are concerned that strangers can easily follow minors through the front doors of the building. Furthermore, the Station is not appropriately placed in our neighborhood. Pine Grove is a 3 unit condominium structure with 3 families. It is a small building with no doorman.

PARTIES

2. Pine Grove is the condominium association for a 3 unit condominium building located at 3565 N. Pine Grove Avenue, Chicago, Illinois on a small section of Pine Grove Avenue bordered on the north by Addison, the south by Brompton. Immediate street to the East is Lake Shore Drive and to the west, Broadway. 3 families reside there including 3 minors. Two of the families have resided there for over twenty years. There is no door man and the front door would be immediately adjacent to the Station.

3. The defendants are Alderman James Cappleman of the 46th Ward, within whose ward the plaintiff property resides. Chicago Department of Transportation runs the DIVVY Bike Share program and decides in which locations the Stations should be placed.

JURISDICTION AND VENUE

4. This Court has personal jurisdiction over this action because, among other reasons, the defendant Cappleman is a citizen and resident of the State of Illinois, is employed in Cook County, Illinois, and is an elected public official in Cook County. CDOT operates throughout Cook County and the acts giving rise to this Complaint occurred within this county.

5. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101.

FACTS GIVING RISE TO THE COMPLAINT

6. On Tuesday, August 20, 2013 traffic cones and “No Parking” signs were set up along the parkway bordering 3565 N Pine Grove Avenue. See Exhibits A, B and C. Residents of Pine Grove inquired as to what construction was going to occur. The person setting the cones and signs stated that the Station was going to be installed at this location. The “No Parking” signs indicate that construction in a residential neighborhood will occur between August 21 and August 23, 2013. Although numerous calls and emails were placed to the office of Cappleman, no assistance ensured and no information was shared.

Installation of the Station at the front door of Pine Grove will bring traffic of strangers to the front door at all hours of the day and night while destroying thousands of dollars of improvements made by the residents. Residents are concerned that strangers can easily follow minors through the front doors of the building. Furthermore, the Station is not appropriately placed in our neighborhood. Pine Grove is a 3 unit condominium structure with 3 families. It is a small building with no doorman, located on a small side street in a congested area. In addition, already scarce parking will be further diminished. The Station should be installed in a higher trafficked area, near public transportation lines and not on a quiet, residential street seeking to retain some calm in an already busy area. In addition, the owners of the condominium unit will be harmed because the condominium units will be devalued as a result of the destruction of the parkway improvements, and the addition of a substantial commercial presence adjacent to the residential building and as a result of the presence of public commercial activity 24 hours a day outside the front door of the building bringing trash, noise and commerce and other problems.

Lastly, CDOT and Cappleman failed to give Pine Grove due process – proper notice of such installation. On the DIVVY map displayed on its website, the station in our area was to be located at Addison and Lake Shore Drive, not on Pine Grove. See Exhibit D. Other than the cones and “No Parking” signs set up on Tuesday, August 20, 2013, no prior notice was presented to the residents of Pine Grove.

COUNT I
PINE GROVE HAS A PROTECTABLE RIGHT AND INTEREST.

7. Pine Grove alleges that the installation of the Station at the front door of Pine Grove will threaten home and hearth. Strangers will be at the front door, 24 hours a day and children who come and go from the building, which has no doorman, will be at risk. Further, property values will be diminished as thousands of dollars in recent parkway improvements financed by plaintiff are destroyed by the construction and as units will be less desirable because of public invasion, noise, trash and vulnerability, as well as more congestion and less available parking in an already too congested neighborhood. See Exhibits A, B, and C attached hereto as an illustration of the close proximity to the front door of Pine Grove.

COUNT II
DUE PROCESS HAS BEEN VIOLATED

8. Pine Grove was never notified of any intent to install a Station at its door until cones were set up and signs were posted by workers at its premises, therefore depriving Plaintiff the opportunity to challenge the appropriateness of the placement of the Station and to discuss related issues with the Defendants.

9. Plaintiff alleges on knowledge and belief that CDOT's agreed point of installation in the neighborhood was at Lake Shore Drive and Addison as shown on its map at its website, <http://divvybikes.com/stations>. A copy of which is attached as Exhibit D. Plaintiff has not been provide an opportunity to determined the reasons that the location of the Station has been changed to the parkway immediately adjacent to the front door of the Pine Grove building on a residential side street from a location seemingly more appropriate for the proposed Station's high volume use.

10. By installing the Station in front of an intimate building with minors, on a quiet residential street, the Plaintiff breached their duty to the Plaintiffs and the community to find a

suitable location for the Station. North Pine Grove Avenue is small, already congested street, with limited parking. Citizens will be put in further danger of harm with more congestion.

WHEREFORE, Pine Grove prays that this Court:

- (a) Grant a temporary restraining order and/or preliminary and permanent injunction restraining the defendant from installing a Station at 3565 N. Pine Grove;
- (b) Require the defendants to show why the Station is not going to be installed as shown on its public map.
- (c) Award Pine Grove equitable remedy a locate the Station in some other area;
- (d) Award Pine Grove compensatory damages;
- (e) Award Pine Grove attorneys' fees;
- (f) Award Pine Grove its costs of suit; and
- (g) Grant such other relief as the Court deems just and equitable.

JURY DEMAND

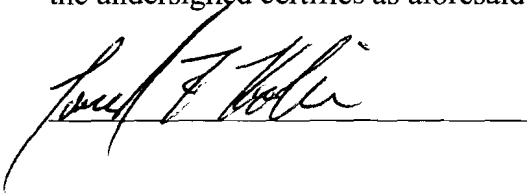
Plaintiff hereby demands trial by jury pursuant to 735 ILCS 5/2-1105.

3565 N Pine Grove Avenue Condominium Association

By: Jeannine M. Cordero
Jeannine M. Cordero
No. 6203366
3565 N. Pine Grove Avenue
Chicago, IL 60657
773-525-6546

VERIFICATION

I hereby verify that I have read the attached Verified Complaint for Injunctive and Other Relief. Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this Complaint 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.

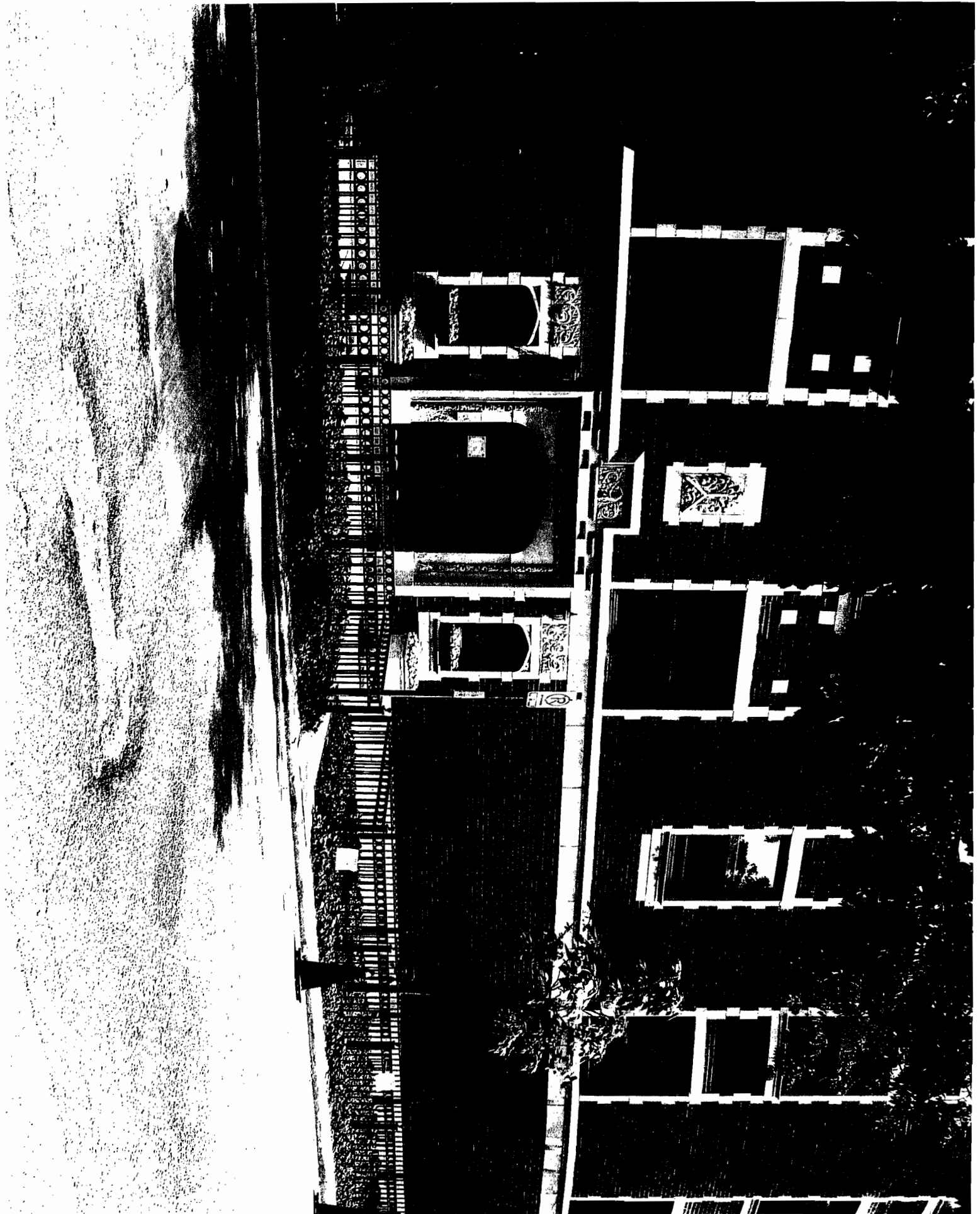
A handwritten signature in cursive script, appearing to read "David F. Kolin", is written over a horizontal line.

David F. Kolin
President
3565 N. Pine Grove Condominium Association
Chicago, IL 60657
Dated: This 21st day of August, 2013



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EXHIBIT C





In Service

Coming Soon
(click to hide)



Cut of Service

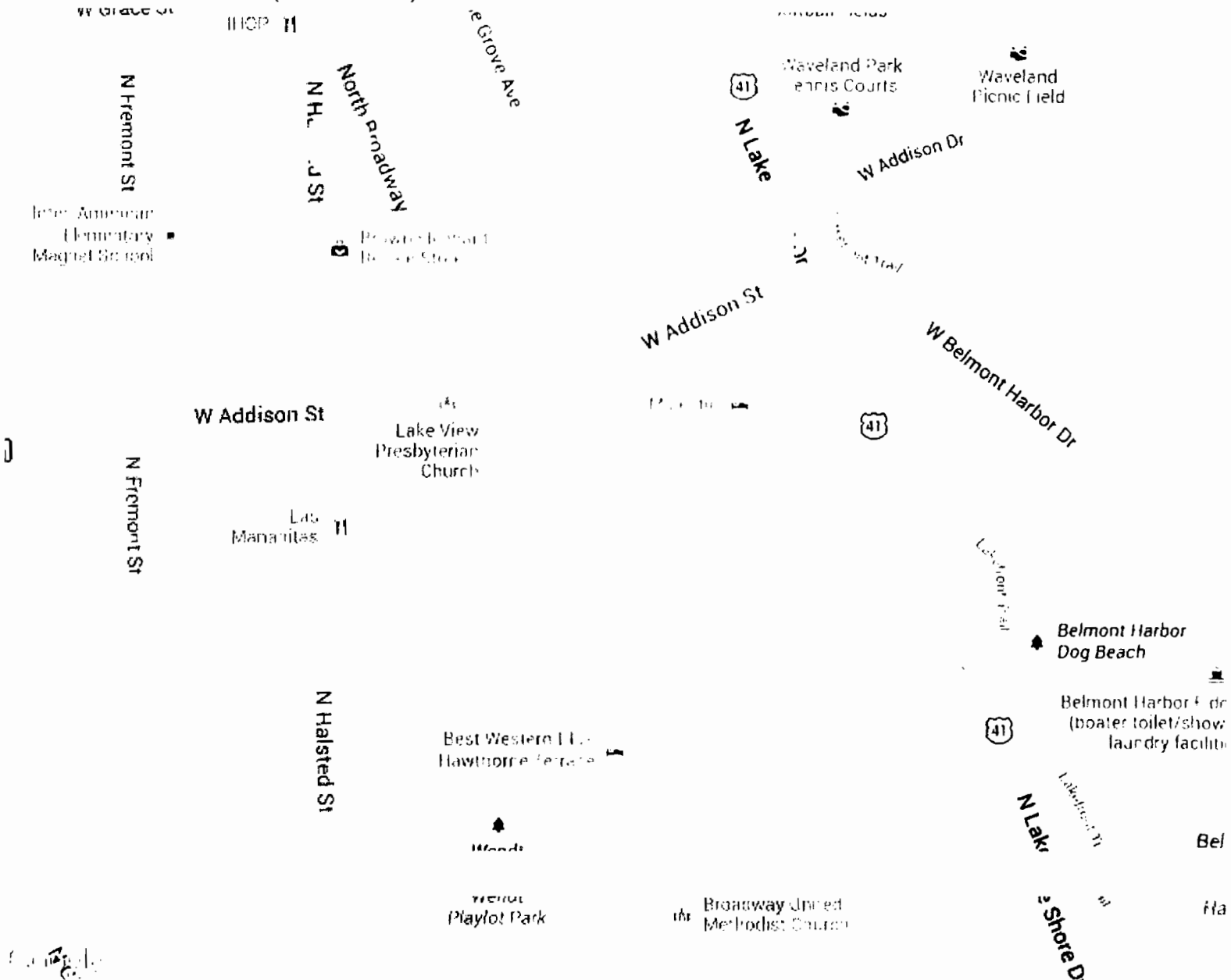


EXHIBIT B

