



ILLINOIS COMMERCE COMMISSION

March 23, 2006

The Department of Transportation of the State of Illinois, for and in behalf of the People of the State of Illinois, Petitioner,

Vs.

Norfolk Southern Railway Company, a/k/a Norfolk Southern Corporation, Respondent.

T06-0015

Petition for approval of the taking or damaging of certain properties in Christian County, Illinois by exercising the right of eminent domain for a permanent easement in Parcel No. 6114105PE, and temporary easements in Parcel Nos. 6114105TE-1 and TE-2.

Mr. Stanley L. Morris
Special Assistant Attorney General
205 South Fifth Street, Suite 900
Springfield, IL 62701

Dear Mr. Morris:

Receipt is acknowledged of the original and three (3) copies of the Petition filed March 21, 2006 in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.state.il.us and apply for an E-docket account.

Processing and Information Section

KI

- Cc: Mr. Milton R. Sees, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Thomas W. Ambler, NS
Mr. Richard E. Boyle, NS
Mr. Rick Ray, NS
Mr. Clifford D. Frye, Christian County Highway Engineer

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ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION )  
OF THE STATE OF ILLINOIS, for and in )  
behalf of the People of the State of Illinois, )

Petitioner, )

vs. )

NORFOLK SOUTHERN RAILWAY COMPANY, )  
a/k/a NORFOLK SOUTHERN CORPORATION, )

Respondent. )

No.

T06-0015  
TRANSPORTATION DIV  
2006 MAR 21 P 1:34  
ILLINOIS COMMERCE  
COMMISSION

(Parcel Nos. 6114105PE and 6114105TE-1 and TE-2)

**PETITION FOR APPROVAL TO TAKE PROPERTY**

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by LISA MADIGAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FA Route 714 (IL 48), a State highway under the control and jurisdiction of Petitioner, in Christian County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibits "A", "B" and "C" attached hereto and incorporated by this reference, are required for Petitioner's construction and future

**DOCKETED**

MAR 23 2006

maintenance of a culvert replacement at Buckhart Creek at the Southwest edge of Stonington in Christian County, Illinois (hereafter the "Project").

2. Respondent, NORFOLK SOUTHERN RAILWAY COMPANY, a/k/a NORFOLK SOUTHERN CORPORATION, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, in Christian County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a permanent easement in Parcel No. 6114105PE and temporary easements in Parcel Nos. 6114105TE-1 and TE-2, all of which are more particularly described in Exhibit "A", "B" and "C", respectively, attached hereto. The temporary easements are sought for the lesser of three years from entry of an order vesting title in Petitioner or until completion of construction.

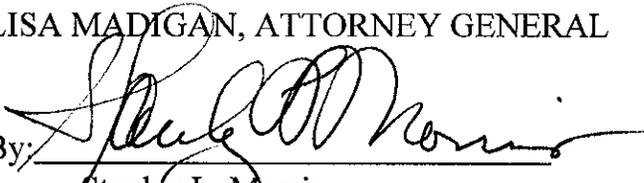
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial

approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, NORFOLK SOUTHERN RAILWAY COMPANY, a/k/a NORFOLK SOUTHERN CORPORATION, a permanent easement in Parcel No. 6114105PE, temporary easements in Parcel Nos. 6114105TE-1 and TE-2, all as more particularly described in attached Exhibits "A", "B" and "C", respectively, in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF TRANSPORTATION,  
STATE OF ILLINOIS, Petitioner

LISA MADIGAN, ATTORNEY GENERAL

By: 

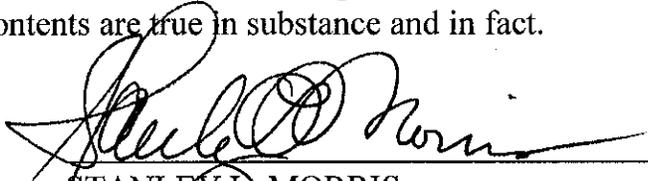
Stanley L. Morris

Special Assistant Attorney General

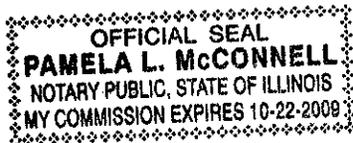
Stanley L. Morris  
Special Assistant Attorney General  
205 South Fifth Street, Suite 900  
Springfield, IL 62701  
Telephone: (217) 753-1133

STATE OF ILLINOIS            )  
  )  
COUNTY OF SANGAMON        )        SS

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.

  
\_\_\_\_\_  
STANLEY L. MORRIS  
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 20th day of March, 2006.



  
\_\_\_\_\_  
Notary Public

**PROOF OF SERVICE**

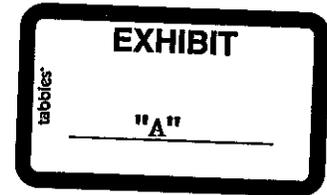
The undersigned certifies that on March 21, 2006, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

Norfolk Southern Railway Company  
c/o Richard Boyle  
Gundlach, Lee, Eggman, Royal & Roessler  
5000 West Main Street  
Box 23560  
Belleville, IL 62223-0560

Thomas Ambler  
Norfolk Southern Railway Company  
3 Commercial Place  
Norfolk, VA 23510-2191

\_\_\_\_\_

FA Route 714  
Section 134B  
Christian County  
Job No. R-96-011-04

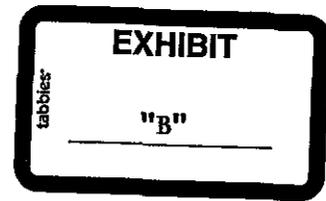


Parcel 6114105PE  
Norfolk Southern Corporation

Sta. 401+03.00 to 402+59.00  
Purpose: maintenance of rip-rap

A part of the Southwest Quarter of the Northwest Quarter of Section 27 and a part of the Southeast Quarter of the Northeast Quarter of Section 28, all in Township 14 North, Range 1 West of the Third Principal Meridian, Christian County, Illinois, described as follows:

Commencing at a stone found at the southwest corner of the Northwest Quarter of said Section 27; thence along the west line of said Section 27, North 00 degrees 53 minutes 53 seconds West, 565.16 feet to a point on the northeasterly existing right of way line of F. A. Route 714 (IL route 48) also being a point on the southeasterly existing right of way line of the railroad, said point being the Point of Beginning; thence along said right of way line, South 38 degrees 27 minutes 33 seconds West, 41.69 feet; thence North 51 degrees 30 minutes 12 seconds West, 32.37 feet; thence North 38 degrees 32 minutes 49 seconds East, 156.32 feet; thence South 51 degrees 09 minutes 31 seconds East, 32.13 feet to the aforesaid right of way line; thence along said right of way line, South 38 degrees 27 minutes 33 seconds West, 114.44 feet to the Point of Beginning, containing 5038 square feet (0.116 acre) more or less.



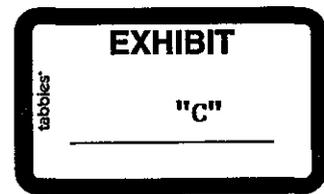
6114105TE-1  
Sta. 399+45 to 401+03  
Purpose: grading

A part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 14 North, Range 1 West of the Third Principal Meridian, Christian County, Illinois, described as follows:

Beginning at a point on the northeasterly existing right of way line of F. a. Route 714 (IL Route 48) also being a point on the southeasterly existing right of way line of the railroad, said point being 21.63 feet left of Centerline F. A. Route 714 Station 401+03; thence along said right of way line, South 38 degrees 27 minutes 33 seconds West, 158.00 feet to a point 21.53 feet left of Station 399+45; thence North 51 degrees 30 minutes 12 seconds West, 32.47 feet to a point 54.00 feet left of Station 399+45; thence North 38 degrees 29 minutes 49 seconds East, 158.00 feet to a point 54.00 feet left of Station 401+03; thence South 51 degrees 30 minutes 12 seconds East, 32.37 feet to the Point of Beginning, containing 5112 square feet (0.118 acre) more or less.

6114105TE-2  
Sta. 402+59 to 403+32

Purpose: Grading



A part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 14 North, Range 1 West of the Third Principal Meridian, Christian County, Illinois, described as follows:

Beginning at a point on the northeasterly existing right of way line of F. a. Route 714 (IL Route 48) also being a point on the southeasterly existing right of way line of the railroad, said point being 21.87 feet left of Centerline F. A. Route 714 Station 402+59; thence North 51 degrees 09 minutes 31 seconds West, 32.13 feet to a point 54.00 feet left of Station 402+59; thence North 39 degrees 07 minutes 09 seconds East, 73.52 feet to a point 54.00 feet left of Station 403+32; thence South 50 degrees 36 minutes 11 seconds East, 31.29 feet to the aforesaid existing right of way line being 22.71 feet left of Station 403+32; thence along said right of way line, South 38 degrees 27 minutes 33 seconds West, 73.22 feet to the Point of Beginning, containing 2326 square feet (0.053 acre) more or less.