

**COPY**

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Illinois Commerce Commission  
RAIL SAFETY SECTION

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF C O O K     )

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF ILLINOIS, for an on behalf  
of the People of the State of Illinois,

-           Petitioner

vs.

UNION PACIFIC RAILROAD COMPANY,  
holding title as the Illinois & Wisconsin Rail Road  
Company; and  
UNKNOWN OWNERS

-           Respondents

Petition for approval of the taking or damaging  
of certain properties owned by a public utility in  
Cook County, Illinois by exercising the right of  
eminent domain

Case No.

T 01-0010

Parcel No.

OD60216  
OD60216PE  
OD60216TE

**PETITION FOR APPROVAL TO TAKE PROPERTY**

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, a  
Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State  
of Illinois, and Douglas G. Felder, Special Assistant Attorney General, pursuant to Section 102 of  
the Eminent Domain Act of Illinois (735 ILCS 5/7-102) (West 1998), requests approval of the  
Illinois Commerce Commission for the taking and/or damaging of certain properties owned by the  
UNION PACIFIC RAILROAD COMPANY, holding title as the Illinois & Wisconsin Rail Road

**DOCKETED**

Company (the "Railroad"), a public utility subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION.

1 Under Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101; 5/2-220; and, §§5/4-101 through 5/4-512, West 1998), Petitioner is engaged in the construction and improvement of the structures and highways at U.S. Route 14 (Northwest Highway) from Lake-Cook Road to Plum Grove Road in Cook County, Illinois.

2 Under the Illinois Highway Code, U.S. Route 14 (FAP 305) is a part of and included in the State Highway System.

3 Section 4-501 of the said Illinois Highway Code (605 ILCS 5/4-501, West 1998) provides:

"The Department, or its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond."

4 The improvement of U.S. Route 14 from Lake-Cook Road to Plum Grove Road is a public improvement project. The improvement project constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to U.S. Route 14 in Cook County.

5 The Railroad is subject to the jurisdiction of the Commission.

6        The Railroad is title holder to certain real property, said property being located in Cook County, the legal description of which is attached hereto and marked as Exhibit A. This real property is located at or adjacent to U.S. Route 14 in Cook County and the Petitioner has deemed it necessary to improve the roadways, structures and intersections at U.S. Route 14 from Lake-Cook Road to Plum Grove Road in Cook County, and improve vehicular traffic and safety of the motoring public. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibit B attached hereto.

7        Petitioner has been authorized to acquire fee simple title to Parcel OD60216, a permanent easement title to Parcel OD60216PE, and a temporary construction easement for three years or the completion of construction, whichever occurs first, as to Parcel OD60216TE legally described in Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at U.S. Route 14 in Cook County for the use of the People of the State of Illinois.

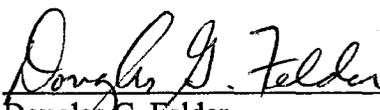
8        The terms of the compensation to be paid by the Petitioner for the property hereinafter described cannot be agreed upon between the Petitioner and the Railroad although Petitioner has attempted to effect such an agreement, or the Petitioner has not otherwise been able to acquire title to the property . Petitioner, therefore, is authorized and desires to proceed to acquire the property under the eminent domain laws of this State.

9        Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking of the Railroad's property described in Exhibit A or damaging of any remainder property.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the above described real property of the Railroad by the exercise of the right of eminent domain.

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

By: JAMES E. RYAN  
Attorney General of Illinois

By:   
Douglas G. Felder  
Special Assistant Attorney General

Douglas G. Felder  
Douglas G. Felder, P.C.  
Special Assistant Attorney General  
20 South Clark Street  
Suite 2000  
Chicago, Illinois 60603  
312/634-3509

**AFFIDAVIT OF SERVICE**

I, Douglas G. Felder, being first duly sworn, on oath, states that he served the foregoing Petition upon the following addresses at their respective addresses set forth:

**VIA CERTIFIED MAIL AND U.S. MAIL**

Illinois Commerce Commission  
527 East Capital  
Springfield, Illinois 62708  
(original and three copies)

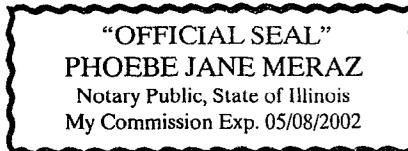
Union Pacific Railroad Company  
holding title as Illinois & Wisconsin Rail Road Company  
1800 Farnham Street  
Omaha, NE 68102  
Attention: James Harrel

by enclosing a copy of said Petition, together with Exhibits A and B to said Petition, in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at Chicago, Illinois, before 5:00 p.m. on the 25 day of January, 2001

Douglas G. Felder

SUBSCRIBED and SWORN to  
before me this 25 day of  
January, 2001

Phoebe Jane Meraz  
Notary Public



Route : F.A.P. 305 (U.S. Route 14)  
Section: 70X-2-R & 70 HB-BR  
County : Cook  
Job No.: R-90-004-95  
Parcel : 0D60216  
Sta. 14+127.420 To Sta. 14+229.870  
Owner : Union Pacific Railroad Company,  
who acquired title as the  
Illinois & Wisconsin Rail Road  
Company

Index No. 02-08-500-006(pt.)

That part of the Illinois & Wisconsin Rail Road Company right of way situated in the Southeast Quarter of Section 8, Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Commencing at the point of intersection of the west line of the Northeast Quarter of said Section 8 with the southwesterly right of way line of Northwest Highway (U.S. Route 14) according to quit claim deed recorded April 2, 1968 as document number 20448107, being also the northeasterly right of way line of the Illinois & Wisconsin Rail Road Company right of way, said point being 35.00 feet normally distant Northeasterly of the centerline of the main railroad line; thence on an assumed bearing of South 59 degrees 21 minutes 12 seconds East along the said northeasterly railroad right of way line, being also the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being 35.00 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 262.60 feet; thence South 62 degrees 12 minutes 09 seconds East along the said northeasterly railroad right of way line, being also the said southwesterly right of way line of Northwest Highway (U.S. Route 14), a distance of 341.75 feet to the point of beginning; thence South 60 degrees 38 minutes 00 seconds East, a distance of 336.24 feet to a point on the northeasterly railroad right of way line, being also a point on the southwesterly right of way line of Northwest Highway (U.S. Route 14), said point being 59.50 feet normally distant Northeasterly of the centerline of the main railroad line; thence North 59 degrees 21 minutes 12 seconds West along the said northeasterly railroad right of way line, being also the southwesterly right of way line of Northwest Highway (U.S. Route 14), said right of way line being 59.50 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 185.22 feet to the southeasterly corner of said quit claim deed recorded as document number 20448017; thence North 62 degrees 12 minutes 09 seconds West along the northeasterly railroad right of way line, being also the southwesterly right of way line of Northwest Highway (U.S. Route 14) according to said quit claim deed, a distance of 151.12 feet to the point of beginning.

Said parcel containing 0.016 acre, more or less.

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STATS & LIT

Route : F.A.P. 305 (U.S. Route 14)  
Section: 70X-2-R & 70 HB-BR  
County : Cook  
Job No.: R-90-004-95  
Parcel : 0D60216P.E.  
Sta. 13+934.990 To Sta. 15+384.802  
Owner : Union Pacific Railroad Company,  
who acquired title as the  
Illinois & Wisconsin Rail Road  
Company

Index No. 02-08-500-006(pt.)  
02-09-500-003(pt.)

That part of the Illinois & Wisconsin Rail Road Company right of way situated in the Northwest Quarter of Section 8, in the East Half of Section 8 and in the Southwest Quarter of Section 9, all in Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Beginning at the point of intersection of the west line of the Northeast Quarter of said Section 8 with the southwesterly right of way line of Northwest Highway (U.S. Route 14) according to quit claim deed recorded April 2, 1968 as document number 20448107, being also the northeasterly right of way line of the Illinois & Wisconsin Rail Road Company right of way, said point being 35.00 feet normally distant Northeasterly of the centerline of the main railroad line; thence on an assumed bearing of South 59 degrees 21 minutes 12 seconds East along the said northeasterly railroad right of way line, being also the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being 35.00 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 262.60 feet; thence South 62 degrees 12 minutes 09 seconds East along the said northeasterly railroad right of way line, being also the said southwesterly right of way line of Northwest Highway (U.S. Route 14), a distance of 341.75 feet; thence South 60 degrees 38 minutes 00 seconds East, a distance of 336.24 feet to a point on the northeasterly railroad right of way line, being also a point on the southwesterly right of way line of Northwest Highway (U.S. Route 14), said point being 59.50 feet normally distant Northeasterly of the centerline of the main railroad line; thence South 59 degrees 21 minutes 12 seconds East along the said northeasterly railroad right of way line, being also the southwesterly right of way line of Northwest Highway (U.S. Route 14), said right of way line being 59.50 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 3789.14 feet; thence South 30 degrees 38 minutes 48 seconds West, a distance of 9.82 feet to a point 9.82 feet normally distant Southwesterly of the said northeasterly railroad right of way line; thence North 59 degrees 21 minutes 12 seconds West along a line 9.82 feet normally distant Southwesterly of and parallel with the said northeasterly railroad right of way

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Route : F.A.P. 305 (U.S. Route 14)  
 Section: 70X-2-R & 70 HB-BR  
 County : Cook  
 Job No.: R-90-004-95  
 Parcel : OD60216P.E.  
 Sta. 13+934.990 To Sta. 15+384.802  
 Owner : Union Pacific Railroad Company,  
 who acquired title as the  
 Illinois & Wisconsin Rail Road  
 Company

Index No. 02-08-500-006 (pt.)  
 02-09-500-003 (pt.)

line, a distance of 770.34 feet; thence South 30 degrees 37 minutes 01 second West, a distance of 16.42 feet to a point 26.24 feet normally distant Southwesterly of the said northeasterly railroad right of way line; thence North 59 degrees 21 minutes 12 seconds West along a line 26.24 feet normally distant Southwesterly of and parallel with the said northeasterly railroad right of way line, a distance of 984.25 feet; thence North 30 degrees 37 minutes 01 second East, a distance of 6.59 feet to a point 19.65 feet normally distant Southwesterly of the said northeasterly railroad right of way line; thence North 59 degrees 21 minutes 12 seconds West along a line 19.65 feet normally distant Southwesterly of and parallel with the said northeasterly railroad right of way line, a distance of 951.44 feet; thence North 30 degrees 37 minutes 01 second East, a distance of 11.45 feet to a point 8.20 feet normally distant Southwesterly of the said northeasterly railroad right of way line; thence North 59 degrees 21 minutes 12 seconds West along a line 8.20 feet normally distant Southwesterly of and parallel with the said northeasterly railroad right of way line, a distance of 754.59 feet; thence South 30 degrees 37 minutes 01 second West, 18.04 feet; thence North 59 degrees 22 minutes 59 seconds West, 661.45 feet; thence North 60 degrees 38 minutes 06 seconds West, 330.20 feet; thence North 69 degrees 38 minutes 46 seconds West, 104.47 feet; thence North 54 degrees 31 minutes 33 seconds West, 101.34 feet; thence North 57 degrees 28 minutes 11 seconds West, 119.21 feet; thence North 39 degrees 40 minutes 09 seconds East, a distance of 16.16 feet to the northeasterly railroad right of way line, being also the southwesterly right of way line of Northwest Highway (U.S. Route 14) according to quit claim deed recorded April 2, 1968 as document number 20448017; thence South 56 degrees 48 minutes 20 seconds East along the said northeasterly railroad right of way line, being also the said southwesterly right of way line of Northwest Highway (U.S. Route 14), a distance of 5.94 feet to a point 35.00 feet normally distant Northeasterly of the centerline of the main railroad line; thence South 59 degrees 21 minutes 12 seconds East along the said northeasterly railroad right of way line, being also the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being 35.00 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 37.40 feet to the point of beginning.

Said permanent easement containing 1.970 acres, more or less. AUG 12 1999  
 Said permanent easement to be used for highway purposes.

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STATS &amp; LEGAL

Route : F.A.P. 305 (U.S. Route 14)  
Section: 70X-2-R & 70 HB-BR  
County : Cook  
Job No.: R-90-004-95  
Parcel : OD60216T.E.  
Sta. 9+972.416 To Sta. 9+938.554  
Sta. 13+844.365 To Sta. 13+934.990  
Owner : Union Pacific Railroad Company,  
who acquired title as the  
Illinois & Wisconsin Rail Road  
Company

Index No. 02-08-500-006(pt.)

That part of the Illinois & Wisconsin Rail Road Company right of way situated in the Northwest Quarter of Section 8, Township 42 North, Range 10 East of the Third Principal Meridian, lying Southwesterly of the southwesterly right of way line of Northwest Highway (U.S. Route 14) according to quit claim deed recorded April 2, 1968 as document number 20448017, in Cook County, Illinois, described as follows:

Commencing at the point of intersection of the east line of the Northwest Quarter of said Section 8 with the southwesterly right of way line of Northwest Highway (U.S. Route 14) according to said quit claim deed recorded April 2, 1968 as document number 20448107, being also the northeasterly right of way line of the Illinois & Wisconsin Rail Road Company right of way, said point being 35.00 feet normally distant Northeasterly of the centerline of the main railroad line; thence on an assumed bearing of North 59 degrees 21 minutes 12 seconds West along the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being also the said northeasterly railroad right of way line, being 35.00 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 37.40 feet; thence North 56 degrees 48 minutes 20 seconds West along the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being also the said northeasterly railroad right of way line, a distance of 5.94 feet to the point of beginning; thence South 39 degrees 40 minutes 09 seconds West, 16.16 feet; thence North 56 degrees 44 minutes 39 seconds West, 217.29 feet; thence North 60 degrees 57 minutes 24 seconds West, a distance of 319.27 feet to the southerly right of way line of Dundee Road (Illinois Route 68), being a permanent easement for highway purposes; thence North 66 degrees 07 minutes 48 seconds East along the said southerly right of way line of Dundee Road (Illinois Route 68), being a permanent easement for highway purposes, a distance of 34.37 feet to a point on the southwesterly right of way line of Northwest Highway (U.S. Route 14) recorded April 2, 1968 as document number 20448107, being also a point on the northeasterly right of way line of the Illinois & Wisconsin Rail Road Company right of way, said point being 45.00 feet radially distant Northeasterly of the centerline of the main

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Route : F.A.P. 305 (U.S. Route 14)  
Section: 70X-2-R & 70 HB-BR  
County : Cook  
Job No.: R-90-004-95  
Parcel : OD60216T.E.  
Sta. 9+972.416 To Sta. 9+938.554  
Sta. 13+844.365 To Sta. 13+934.990  
Owner : Union Pacific Railroad Company,  
who acquired title as the  
Illinois & Wisconsin Rail Road  
Company

Index No. 02-08-500-006 (pt.)

railroad line; thence southeasterly 212.91 feet along the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being also the said northeasterly railroad right of way line, being 45.00 feet radially distant Northeasterly of and concentric with the centerline of the main railroad line, on a curve to the left having a radius of 6970.87 feet, the chord of said curve bears South 58 degrees 28 minutes 42 seconds East, 212.90 feet; thence South 59 degrees 21 minutes 12 seconds East along the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being also the said northeasterly railroad right of way line, being 45.00 feet normally distant Northeasterly of and parallel with the centerline of the main railroad line, a distance of 87.11 feet; thence South 56 degrees 48 minutes 20 seconds East along the said southwesterly right of way line of Northwest Highway (U.S. Route 14), being also the said northeasterly railroad right of way line, a distance of 219.03 feet to the point of beginning.

Said temporary easement containing 0.229 acre, more or less.  
Said temporary easement to be used for grading purposes.

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