

DOUGLAS G. FELDER, P.C.
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Waukegan, Illinois 60085
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June 1, 2010

RECEIVED

JUN 8 2010

Joseph O'Brien, Administrative Law Judge
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62764
Attention: Rebecca S. Crask

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Re: IDOT v. Keokuk Junction Railway Company, Pioneer Resources, Inc., *et al.*
Route: IL Route 96 @ Railroad Creek
County: Hancock
Job No.: R-96-013-06
Parcels: 6136106, 6136106TE, 6136109, and 6136109TE
Our File: 1-10032
Case No.: T09-0139

Dear Ms. Crask:

Enclosed find the following documents that the Department of Transportation may use or offer as exhibits at the hearing scheduled for June 8, 2010 in the above-captioned matter:

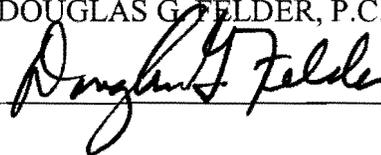
1. Construction Plan Sheet – Parcel 6136106 & TE – Exhibit 1
2. Right of Way Plat -- Parcel 6136106 & TE – Exhibit 2
3. Construction Plan Sheet – Parcel 6136109 & TE – Exhibit 1
4. Right of Way Plat -- Parcel 6136109 & TE – Exhibit 2
5. Proposed Highway Improvement Program FY 2011-2016 - Spring 2010

These documents are provided to supplement the documents attached as exhibits to the Petition filed by the Department on December 8, 2009. In addition, I am enclosing a courtesy copy of the Department's Motion To File Substitute Exhibit "D" Instantly To Correct Legal Description. This motion was e-filed with the Illinois Commerce Commission on June 1, 2010.

Very truly yours,

DOUGLAS G. FELDER, P.C.

By:



DGF/nkh

cc: John R. Saladino, Rail Safety Specialist
Daniel Lakemper, Esq.

DOCKETED

JUN - 8 2010

JG
JOB

Parcel No 6136106 & TE

Exhibit 1

Case T09-0139

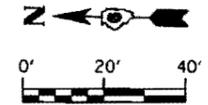
Date:

NOTE:

THE CONTRACTOR SHALL STAKE OUT THE CONSTRUCTION LIMITS PRIOR TO ANY TREE REMOVAL. THE ENGINEER WILL THEN IDENTIFY ANY TREES TO BE SAVED. NO TREES SHALL BE REMOVED UNTIL THE ENGINEER HAS IDENTIFIED ALL TREES TO BE SAVED.

NE 1/4 SECTION 32, T 5 N, R 8 W, 4TH PM

PIONEER RESOURCES, INC.



STA. 35+82.45, (22.85° SKEW - LTFWD)
PR PIPE CULVERTS, TYPE 1, REINFORCED CONCRETE ELLIPTICAL, EQUIVALENT ROUND-SIZE 24" = 63' FOOT
+91.61, 21.75' LT, USFL = 557.55
+72.97, 22.48' RT, DSFL = 557.34
PR PRC FLARED END SECTIONS ERS 24" = 2 EACH

STA. 37+32, 18.0' LT
TY C INLET BOX, STANDARD 609001
TOG = 564.01
INV = 562.51
PIPE DRAINS 12" = 10 FOOT
SEE "BRIDGE SHOULDER APPROACH PAVEMENT DRAIN DETAIL".

STA. 37+32, 28.5' LT
TYPE A INLET, W TY I FRAME, CLOSED LID
TOP FRAME = 562.0
INV = 560.0
PIPE DRAIN 12" = 50 FOOT
METAL END SECTIONS 12" = 1 EACH
OUTLET INV = 557.5

PR FLEXIBLE PVMT CONNECTOR
STA. 37+36 TO STA. 37+42

TRAFFIC BARRIER TERMINAL, TYPE 6 (SPECIAL)

37+90.00
44.20' LT (EX ROW)

TRAFFIC BARRIER TERMINAL, TYPE 1 (SPECIAL) TANGENT

36+59.64
12.50' LT

36+39.34
34.50' LT

36+24.31
33.00' RT

36+34.31
45.00' RT

38+13.82
102.88' LT

37+90.00
44.20' LT (EX ROW)

38+05.00
80.00' LT

38+00.00
45.00' LT

38+63.83
80.00' LT

38+50.00
120.00' LT

37+75.65
90.00' RT

37+00.00
45.00' RT

37+81.00
70.00' RT

38+50.00
90.00' RT

38+29.50
70.00' RT

38+50.00
90.00' RT

38+63.83
80.00' LT

38+13.82
102.88' LT

38+05.00
80.00' LT

38+00.00
45.00' LT

38+63.83
80.00' LT

38+50.00
120.00' LT

38+29.50
70.00' RT

38+50.00
90.00' RT

38+63.83
80.00' LT

38+13.82
102.88' LT

38+05.00
80.00' LT

38+00.00
45.00' LT

38+63.83
80.00' LT

38+50.00
120.00' LT

38+29.50
70.00' RT

38+50.00
90.00' RT

6136107
CRAK, A. WEAR & ANITA M. REGO

39+00.00
80.00' LT

39+25.00
120.00' LT

39+00.00
80.00' LT

BEGIN PROJECT STA. 34+00

MATCH LINE STA. 39+50

LEGEND

- PAVEMENT / APPROACH REMOVAL
- SHOULDER REMOVAL

NW 1/4 SECTION 32, T 5 N, R 8 W, 4TH PM

FILE NAME G:\S86007\CD\3007\PL181.SHT	USER NAME IE Consultants	DESIGNED -	REVISED -	STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION	PLAN SHEET	F.A.P. RTE. 506	SECTION 123 B-1	COUNTY HANCOCK	TOTAL SHEETS 46	SHEET NO. 15
	PLOT SCALE = 48,2880' / IN.	DRAWN AAD	REVISED -			SHEET NO. OF SHEETS STA. 33+50 TO STA. 39+50	FED. ROAD DIST. NO. ILLINOIS FED. AID PROJECT	CONTRACT NO. 72992		
	PLOT DATE = 3/17/2018	CHECKED -	REVISED -							
	DATE 10-22-07	REVISOR -	REVISED -							

Parcel No 6136106 & TE

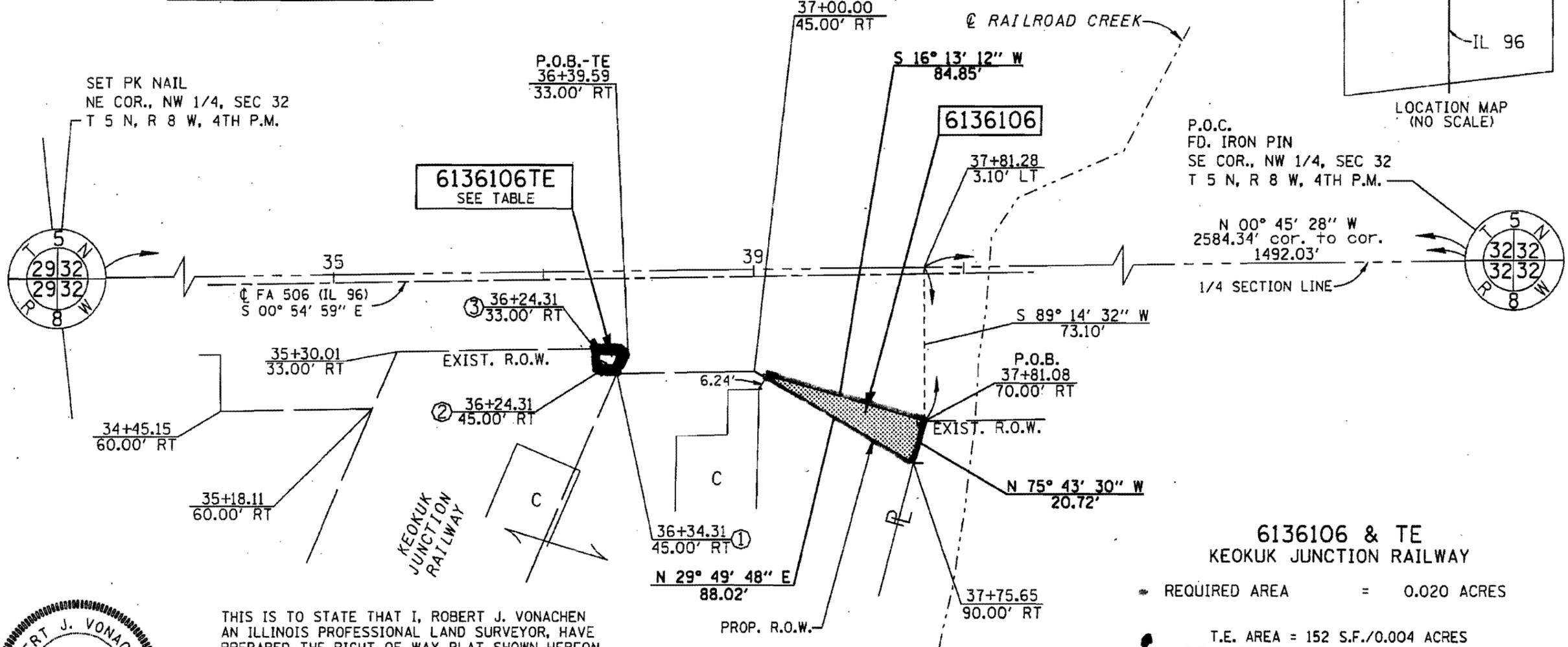
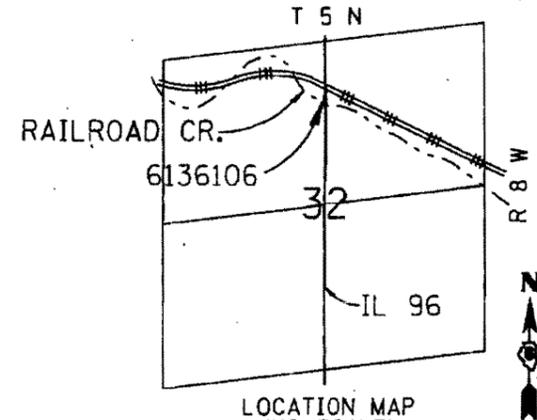
Exhibit 2

Case T09-0139

Date:

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

6136106TE		
COURSE	BEARINGS	DIST.
P.O.B.-1	N 67° 08' 12" W	13.11'
1-2	N 00° 54' 59" W	10.00'
2-3	N 89° 05' 01" E	12.00'
3-P.O.B.	S 00° 54' 59" E	15.28'



P.O.C.
FD. IRON PIN
SE COR., NW 1/4, SEC 32
T 5 N, R 8 W, 4TH P.M.

N 00° 45' 28" W
2584.34' cor. to cor.
1492.03'
1/4 SECTION LINE

6136106 & TE
KEOKUK JUNCTION RAILWAY

• REQUIRED AREA = 0.020 ACRES

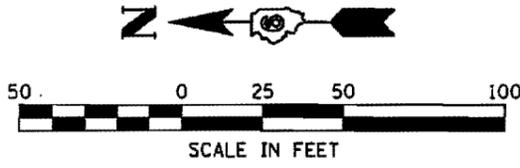
• T.E. AREA = 152 S.F./0.004 ACRES
T.E. PURPOSE = DRIVEWAY CONSTRUCTION

THIS IS TO STATE THAT I, ROBERT J. VONACHEN AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE PREPARED THE RIGHT OF WAY PLAT SHOWN HEREON FOR THE ILLINOIS DEPARTMENT OF TRANSPORTATION FROM SURVEY DATA PROVIDED BY OTHERS.

DATE 5/1/08 SIGNED Robert J. Vonachen
ROBERT J. VONACHEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2786
DISTRICT 6 CHIEF OF PLATS AND PLANS

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

NOTES:
BEARINGS ARE ASSUMED.
FIELD WORK COMPLETED 7-06.



PART OF THE NW 1/4, SECTION 32
TOWNSHIP 5 NORTH, RANGE 8 WEST, FOURTH PRINCIPAL MERIDIAN
HANCOCK COUNTY

RIGHT OF WAY PLAT
FA ROUTE 506 (IL 96) SECTION 123 BR
SCALE 1" = 50' AUGUST, 2006 JOB NO. R-96-013-06
T.C. NO.-1-436 PARCEL NO. 6136106, & TE



DATE	BY	REVISION

Parcel No 6136109 & TE

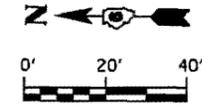
Exhibit 1

Case T09-0139

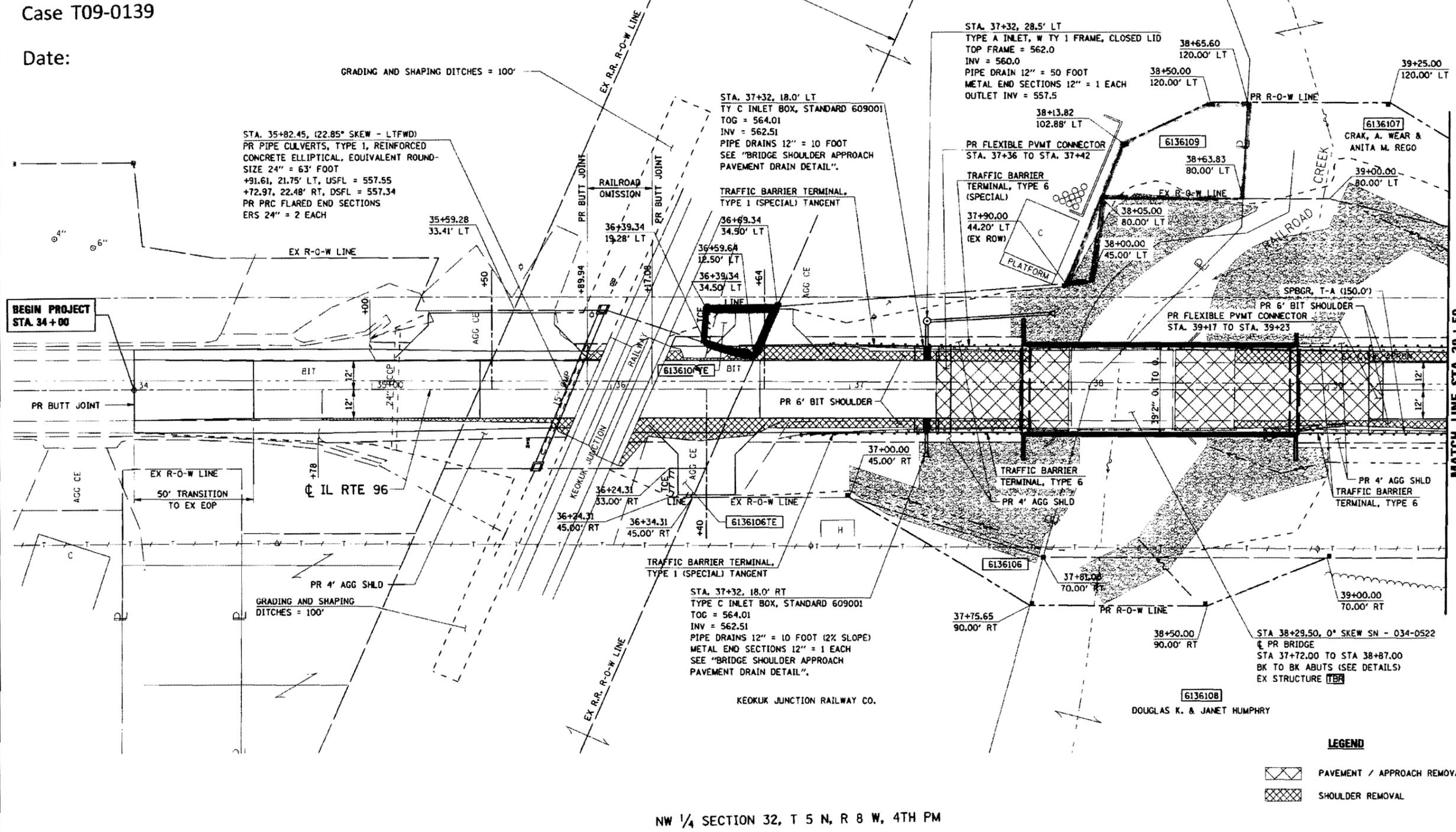
Date:

NOTE:
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NE 1/4 SECTION 32, T 5 N, R 8 W, 4TH PM



PIONEER RESOURCES, INC.



LEGEND

	PAVEMENT / APPROACH REMOVAL
	SHOULDER REMOVAL

NW 1/4 SECTION 32, T 5 N, R 8 W, 4TH PM

FILE NAME G:\580007\CAD\1987P\11.SHT	USER NAME = TE Consultants	DESIGNED -	REVISED -	STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION	PLAN SHEET			F.A.P. RTE. 506	SECTION 123 B-1	COUNTY HANCOCK	TOTAL SHEETS 46	SHEET NO. 15
	PLOT SCALE = 1/8" = 1'	DRAWN AAD	CHECKED -		REVISED -	SCALE: 1" = 20'	SHEET NO. OF SHEETS	STA. 33+50 TO STA. 39+50	CONTRACT NO. 72992		ILLINOIS FED. AID PROJECT	
	PLOT DATE = 3/17/2008	DATE = 10-22-07	REVISED -									

Parcel No 6136109 & TE

Exhibit 2

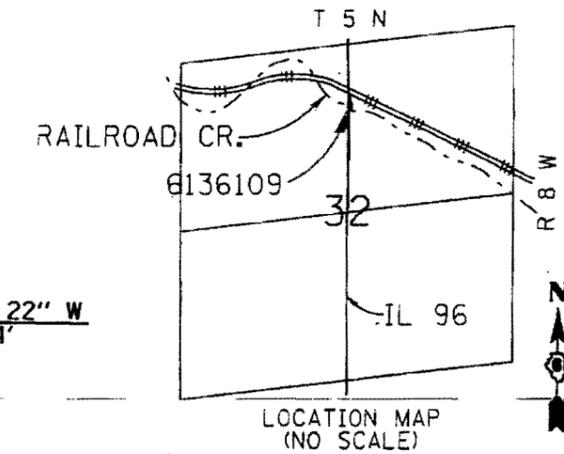
Case T09-0139

Date:

6136109TE		
COURSE	BEARINGS	DIST.
P.O.B.-1	N 89° 05' 01" E	15.22'
1-2	S 00° 54' 59" E	30.00'
2-3	N 67° 08' 12" W	24.04'
3-P.O.B.	N 17° 32' 48" E	21.40'

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

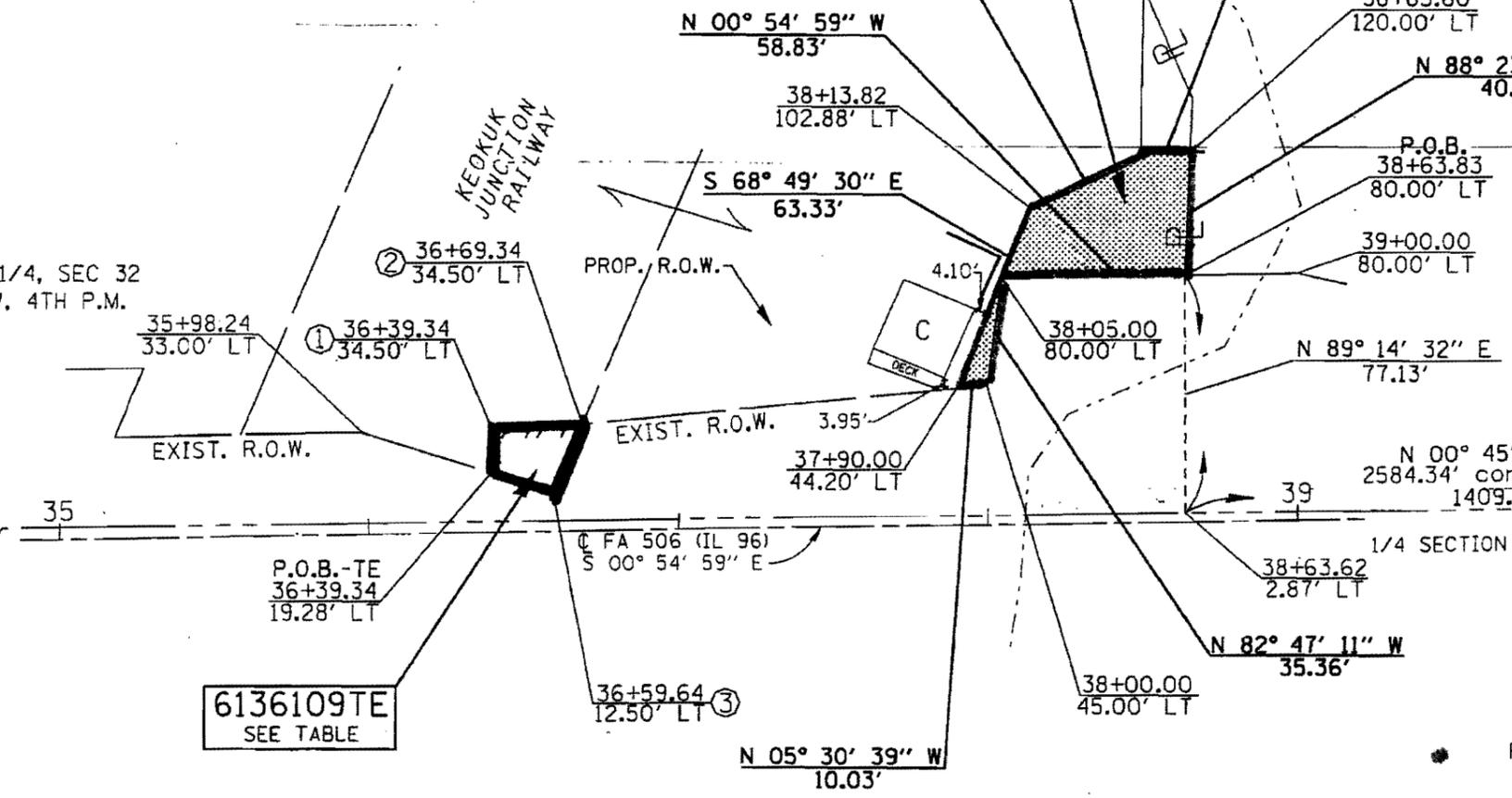
6136109



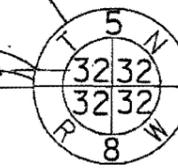
DATE	BY	REVISION



SET PK NAIL
NW COR., NE 1/4, SEC 32
T 5 N, R 8 W, 4TH P.M.



P.O.C. ...
FD. IRON PIN
SW COR., NE 1/4, SEC 32
T 5 N, R 8 W, 4TH P.M.



6136109TE
SEE TABLE

6136109, & TE
PIONEER RESOURCES INC.

REQUIRED AREA = 0.046 ACRES

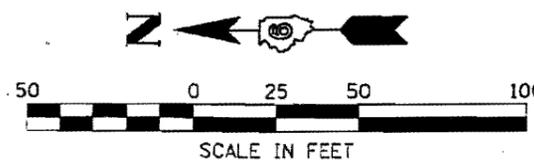
T.E. AREA = 485 S.F./0.011 ACRES
T.E. PURPOSE = DRIVEWAY CONSTRUCTION

THIS IS TO STATE THAT I, ROBERT J. VONACHEN
AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE
PREPARED THE RIGHT OF WAY PLAT SHOWN HEREON
FOR THE ILLINOIS DEPARTMENT OF TRANSPORTATION
FROM SURVEY DATA PROVIDED BY OTHERS.

NOTES:
BEARINGS ARE ASSUMED.
FIELD WORK COMPLETED 7-06.

DATE 10/10/08 SIGNED Robert J. Vonachen
ROBERT J. VONACHEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2786
DISTRICT 6 CHIEF OF PLATS AND PLANS

THIS PROFESSIONAL SERVICE CONFORMS TO THE
CURRENT ILLINOIS MINIMUM STANDARDS FOR A
BOUNDARY SURVEY.



PART OF THE NE 1/4, SECTION 32
TOWNSHIP 5 NORTH, RANGE 8 WEST, FOURTH PRINCIPAL MERIDIAN
HANCOCK COUNTY

RIGHT OF WAY PLAT
FA ROUTE 506 (IL 96) SECTION 123 BR
SCALE 1" = 50' AUGUST, 2006 JOB NO. R-96-013-06
T.C. NO.-i-464 PARCEL NO. 6136109, & TE

FY 2011-2016 Proposed Highway Improvement Program

Including Accelerated Construction Program

Spring 2010

**Published by the
Illinois Department of Transportation
Springfield, Illinois 62764**

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This document is printed on recycled paper. This document is available on-line at
www.dot.il.gov/opp/publications.html.

FY 2011-2016 Highway Improvement Program

District 6

State Highways

Route/Street	Location	Improvements	Est. Cost	County	MYP Years	
					Past	Current
ILL 94 ILL 9	AT ILL 9 W OF LAHARPE	INTERSECTION IMPROVEMENT	\$500,000	HANCOCK	1	2012-2016
ILL 94	ILL 9 TO POWELLTON RD Miles = 4.12	RESURFACING	\$1,300,000	HANCOCK	1	2012-2016
ILL 94	1.1 MI N OF OH 29 (FERRIS RD) TO US 136 IN CARHAGE Miles = 4.20 ACCELERATED CONSTRUCTION PROGRAM	RESURFACING	\$1,400,000	HANCOCK		2012-2016
ILL 96	BRANCH RILEY CREEK 1.3 MI S OF NAUVOO	BRIDGE REPLACEMENT VERTICAL REALIGNMENT	\$1,325,000	HANCOCK	4	2011
ILL 96	RILEY CREEK 1.2 MI S OF NAUVOO	BRIDGE REPLACEMENT	\$925,000	HANCOCK	5	2011
ILL 96 GRR	FERRIS RD GRN 159 1.4 MI N OF HAMILTON TO S OF NAUVOO ACCELERATED CONSTRUCTION PROGRAM	GUARDRAIL	\$500,000	HANCOCK		2012-2016
ILL 96	INLET 1.4 MI N OF US 136 IN HAMILTON	BRIDGE REPLACEMENT	\$1,600,000	HANCOCK	1	2012-2016
ILL 96	RAILROAD CREEK 0.7 MI S OF US 136 IN HAMILTON	BRIDGE REPLACEMENT RR FLAGGER	\$1,225,000	HANCOCK	6	2011
ILL 96	US 136 (KEOKUK ST IN HAMILTON TO 0.7 MI N OF ELEN CREEK Miles = 4.16 ACCELERATED CONSTRUCTION PROGRAM	RESURFACING	\$1,250,000	HANCOCK		2012-2016
ILL 96	2 MI NW OF PAYSON TO 0.1 MI E OF PAYSON Miles = 3.87 ACCELERATED CONSTRUCTION PROGRAM	RESURFACING	\$800,000	ADAMS		2012-2016

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED

JUN 08 2010

Illinois Commerce Commission
RAIL SAFETY SECTION

The Department of Transportation of the State of Illinois, for and on behalf of the People of the State of Illinois,)
)
)
Petitioner,)
)
)
vs.)
)
KEOKUK JUNCTION RAILWAY COMPANY, an Illinois Corporation, *et al.*; and)
)
UNKNOWN OWNERS generally;)
)
)
Respondents.)
)
Petition for approval of the taking or damaging of certain properties owned by a public utility in Hancock County, Illinois)
by exercising the right of eminent domain)

Docket No. T09-0139

Parcel No. 6136106
Parcel No. 6136106TE
Parcel No. 6136109
Parcel No. 6136109TE

Job. No. R-96-013-06

PETITIONER'S MOTION TO FILE SUBSTITUTE EXHIBIT "D"
INSTANTER TO CORRECT LEGAL DESCRIPTION

NOW COMES the Department of Transportation ("the Department") through its attorneys, Lisa Madigan, Attorney General, and Douglas G. Felder, Special Assistant Attorney General, and for its Motion to File Substitute Exhibit "D" to the Petition filed herein, states as follows:

1. On December 8, 2009, the Department filed its Petition seeking to acquire title to certain property owned by the Respondents and situated in Hancock County, Illinois.
2. The property sought to be acquired by the Department is legally described in Exhibits A-D attached to the Department's Petition.
3. During negotiations with and at the request of the Respondents, the Department agreed to modify its proposed taking of property by reducing the amount of the temporary easement taking designated as Parcel 6136109TE. The original legal description for the larger

taking associated with Parcel 6136109TE-1 and 2 was inadvertently attached as Exhibit D to the original Petition filed herein. The legal description for Parcel 6136109TE as revised and reduced by agreement during negotiations is set forth and attached to this Motion as Substitute Exhibit "D."

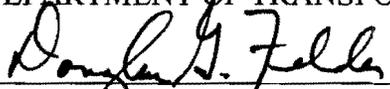
4. The Department and the Respondents have negotiated throughout these proceedings based upon the reduced taking and the property legally described in Substitute Exhibit "D."

5. To correct this ministerial error, the Department seeks leave to file *instanter* its Substitute Exhibit "D" attached hereto and requests the entry of an order to be spread of record reflecting that Substitute Exhibit "D" attached hereto shall substitute and supersede Exhibit D attached to the Department's original Petition filed on December 8, 2009.

WHEREFORE, the Department requests the entry of an order granting this motion and for an order that Substitute Exhibit "D," attached hereto, substitutes and supersedes Exhibit D attached to the Department's original Petition filed on December 8, 2009.

Dated: June 1, 2010

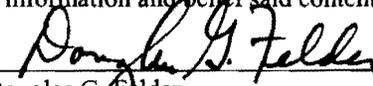
Respectfully submitted,
DEPARTMENT OF TRANSPORTATION



Douglas G. Felder

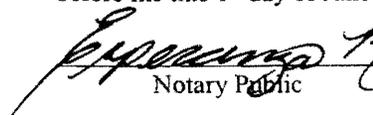
STATE OF ILLINOIS)SS
COUNTY OF COOK)

I, Douglas G. Felder, being first duly sworn, upon oath, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Motion by me subscribed, I have knowledge of the contents thereof, and that on information and belief said contents are true and correct.

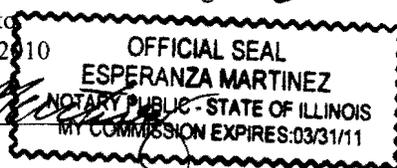


Douglas G. Felder

SUBSCRIBED and SWORN to
before me this 1st day of June 2010



Notary Public



CERTIFICATE OF SERVICE

I, Douglas G. Felder, an attorney, certify that I served the foregoing Motion upon the following addresses at their respective addresses set forth:

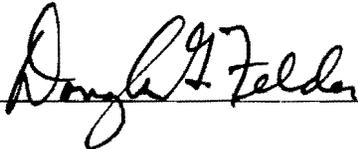
David Lazarides
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62708
(e-file)

Keokuk Junction Railway Company
Dan LaKemper, Staff Attorney
1318 S. Johanson Road
Peoria, IL 62607
lakemper@mtco.com

John R. Saladino, Rail Safety Specialist
Railroad Section
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
jsaladino@icc.illinois.gov

Michael Carr, President/CFO
Pioneer Resources, Inc.
1318 S. Johanson Road
Peoria, IL 61607
jm1carr@aol.com

by e-filing and enclosing a copy of said Motion in an envelope correctly addressed with sufficient first class postage affixed thereto, sealed and deposited said envelopes in the U.S. Mail Chute at 203 North LaSalle Street, Chicago, Illinois, before 5:00 p.m. on the 1st day of June 2010.



Douglas G. Felder
Douglas G. Felder, P.C.
Special Assistant Attorney General
203 North LaSalle Street
Suite 2300
Chicago, Illinois 60601
(312) 634-3509

**SUBSTITUTE EXHIBIT "D" TO PETITION FILED
DECEMBER 8, 2009**

Docket T09-0139

Legal Description

FA Route 506
Section 123BR
Job No. R-96-013-06
Hancock County

Pioneer Resources, Inc.
Parcel 6136109TE

Sta. 36+24.31 to 37+95.54
Purpose: TE- Driveway Reconstruction

A part of the North Half of Section 32, Township 5 North, Range 8 West of the Fourth Principal Meridian, Hancock County, Illinois, described as follows:

6136109TE Beginning at a point 19.28 feet left of F. A. Route 506 (Illinois Route 96) Centerline Station 36+39.34 ; thence North 89 degrees 05 minutes 01 seconds East, 15.22 feet to a point 34.50 feet left of Station 36+39.34; thence South 00 degrees 54 minutes 59 seconds East, 30.00 feet to a point 34.50 feet left of Station 36+69.34; thence North 67 degrees 08 minutes 12 seconds West, 24.04 feet to a point 12.50 feet left of Station 36+59.64; thence North 17 degrees 32 minutes 48 seconds East, 21.40 feet to the Point of Beginning, containing 485 square feet (0.011 acre), more or less.