

Docket No: 13-0185
Bench Date: 5/1/13
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Terrance Hilliard, Administrative Law Judge

DATE: March 28, 2013

SUBJECT: Department of Transportation, of the State of Illinois, for and on behalf of the People of the State of Illinois
-vs-
Commonwealth Edison, an Illinois Corporation; Unknown Owners and Non-Record Claimants, generally;

Petition for approval of the taking or damaging of certain properties owned by a public utility in Lake County, Illinois by exercising the right of eminent domain Parcel No.1JV0008PE & TE;Parcel No. 1JV0017PE A & B & TE-A & B; Job R-91-023-12

RECOMMENDATION: Grant the Petition for Approval to Take Property.

On March 4, 2013, the Department of Transportation of the State of Illinois ("IDOT") filed a verified petition with the Illinois Commerce Commission ("Commission"), pursuant to Section 735 ILCS 30/10-5-10 of the Eminent Domain Act of Illinois ("the Act"), (220 ILCS 30/10-5-10), for approval to take and/or damage certain properties owned by Commonwealth Edison. ("ComEd"). IDOT is engaged in a project to improve Rollins Road in Lake County.

IDOT and ComEd agree that IDOT may acquire fee simple title to Parcel No.1JV0008PE & TE;Parcel No. 1JV0017PE A & B & TE-A & B; Job R-91-023-12. The parties seek approval from the Commission in order for IDOT to acquire the property by exercise of the right of eminent domain. The work to be done on Rollins road is within the public interest and clearly constitutes a public purpose as contemplated by Sections 10/5-5-5(a) and (b) and Section 30/5-5-5(a) of the Act.

I recommend the Commission enter the attached Order approving the Petition thereby enabling the Petitioner to acquire the property by exercise of the right of eminent domain.

TAH:fs