

COPY

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

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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AUG 21 2001

Illinois Commerce Commission
RAIL SAFETY SECTION

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

Petitioner

Case No. T01-0049

vs.

Parcel No. OE 80001 TE-A
OE 80001 TE-B

THE INDIANA HARBOR BELT RAILROAD
COMPANY, an Indiana Corporation, acquiring title
as the Hammond and Blue Island Railroad Company
CONRAIL CORPORATION; 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

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
INDIANA HARBOR BELT RAILROAD COMPANY, an Indiana Corporation, acquiring title as

DOCKETED

the Hammond and Blue Island Railroad 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 reconstruction and improvement of I-57 from I-80 to the Little Calumet River in Cook County, Illinois.

2 Under the Illinois Highway Code, I-57 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 I-57 from I-80 to the Little Calumet River is a public improvement project. The improvement project constitutes a public purpose, namely reconstruction and improvement of the roadway, structures and intersections at or adjacent to I-57 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 I-57 in Cook County and the Petitioner has deemed it necessary

to improve the roadways, structures and intersections at and along I-57 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 a temporary construction easement for three years or the completion of construction, whichever occurs first, as to Parcel OE 8001TE-A and Parcel OE 8001TE-B legally described in Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway reconstruction and improvement of the structures at and along I-57 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.

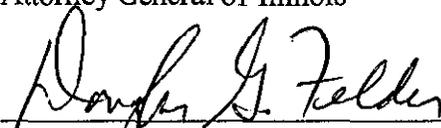
9 Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Commission prior to the taking of the Railroad's property described in Exhibit A or the damaging of any remainder property.

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, requests the Commission to approve the taking or damaging of the

abovedescribed 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

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

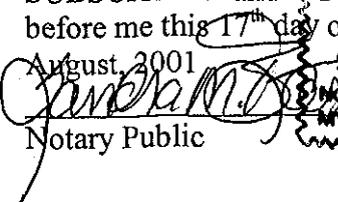
Illinois Commerce Commission
527 East Capital
Springfield, Illinois 62708
(original and three copies)

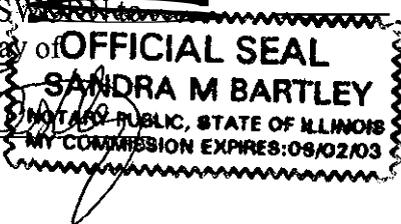
Indiana Harbor Belt Railroad Company
acquiring title as the Hammond and Blue Island Railroad Company
2721 161st Street
P.O. Box 389
Hammond, IN 46323
Attention: Tom Dinger

Conrail Corp

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 Drop Box at 20 South Clark Street, **Chicago**, Illinois, before 5:00 p.m. on the 17th day of August, 2001



SUBSCRIBED and SWORN to
before me this 17th day of
August, 2001

Notary Public



Owner: Indiana Harbor Belt Railroad
Route: FAI 57 (I-57)
Section:
County: Cook
Job No. : R-90-007-01
Parcel No.: OE 80001TE-A
Station 363+34.13 To Station 369+57.08
Index No.: 29-06-401-001

Parcel OE 80001TE-A

That part of the Southeast Fractional Quarter of Section 6, Township 36 North, Range 14 East of the Third Principal Meridian, North of the Indian Boundary line, in Cook County, Illinois, described as follows: commencing at the Southeast corner of said Southeast Fractional Quarter; thence on an assumed bearing of South 45 degrees 03 minutes 20 seconds West, on said Indian Boundary line, 205.40 feet to the Northeast line of Block 1 in Young's Addition to Harvey, being a subdivision in said Southeast fractional quarter; thence North 44 degrees 56 minutes 40 seconds West, on said Northeast line, 147.07 feet to the East line of the parcel conveyed to County of Cook as Document No. 20022370, and to the point of beginning; thence North 6 degrees 31 minutes 00 seconds East, on said East right of way line, 566.44 feet to the South right of way line of the Indiana Harbor Belt Railroad; thence North 27 degrees 48 minutes 00 seconds East, on the East right of way line of F.A.I. Route 57, as it exists within the Right of Way of said Indiana Harbor Belt Railroad, 68.87 feet, to a point 25.00 feet East of, as measured perpendicular to, the east line of said parcel; thence South 6 degrees 31 minutes 00 seconds West, on a line parallel with said east line, 414.22 feet; thence North 84 degrees 44 minutes 19 seconds East, 168.24 feet to the West right of way line of Ashland Avenue; thence South 00 degrees 43 minutes 01 second East, on said West right of way line, 30.10 feet; thence South 84 degrees 44 minutes 19 seconds West, 172.12 feet, thence South 06 degrees 31 minutes 00 seconds West, 205.67 feet to said Northeast line of Block 1 in Young's Addition to Harvey; thence North 44 degrees 56 minutes 40 seconds West, on said Northeast line, 31.96 feet to the point of beginning.

Said parcel containing 0.466 acres, more or less.

April 12, 2001

20002666 par oe80001te-a

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PLATS & LEGALS

EXHIBIT A

1 of 2

Owner: Indiana Harbor Belt railroad
Route: F.A.I. 57 (I 57)
Section:
County: Cook
Job No.: R-90-007-01
Parcel No.: OE 80001TE-B
Station 362+27.04 To Station 368+93.65
Index No.: 29-06-401-001

Parcel OE 80001 TE-B

That part of the Southeast Fractional Quarter of Section 6, Township 36 North, Range 14 East of the Third Principal Meridian, North of the Indian Boundary line, in Cook County, Illinois, described as follows: commencing at the Southeast corner of said Southeast Fractional Quarter; thence on an assumed bearing of South 45 degrees 03 minutes 20 seconds West, on said Indian Boundary line, 205.40 feet to the Northeast line of Block 1 in Young's Addition to Harvey, being a subdivision in said Southeast Fractional Quarter; thence North 44 degrees 56 minutes 40 seconds West, on said Northeast line, 406.07 feet to the West line of the parcel conveyed to County of Cook as Document No. 20022373, and to the point of beginning; thence South 08 degrees 15 minutes 54 seconds West, on said West line, 271.80 feet to the Northeast Right of Way line of Thornton Road; thence North 51 degrees 42 minutes 01 second West, on said Northeast right of way line, 28.88 feet to a point 25.00 feet West of, as measured perpendicular to, said West line; thence North 08 degrees 15 minutes 54 seconds East, parallel with said West right of way line, 638.63 feet to the West line of F.A.I. Route 57 as it exists within the Right of Way of the Indiana Harbor Belt Railroad; thence South 32 degrees 44 minutes 46 seconds East, on said West Right of Way line, 38.10 feet to the Northwest corner of the parcel conveyed to County of Cook as Document No. 20022370; thence South 08 degrees 15 minutes 54 seconds West, on the west line of said parcel, 352.54 feet to the point of beginning.

Said parcel containing 0.362 acres, more or less.

April 12, 2001

20002666 par oe80001 te-b

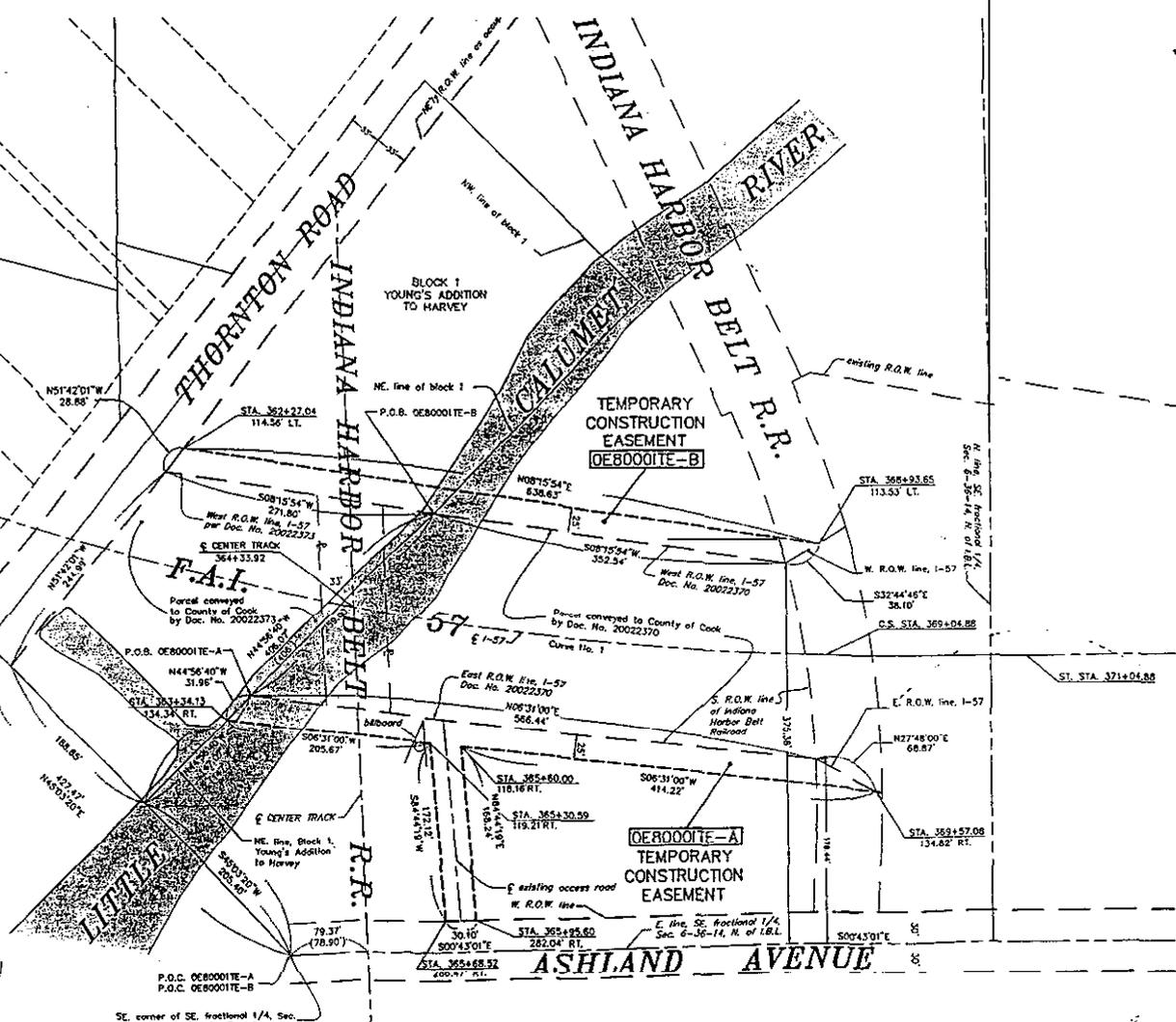
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APR 12 2001
PLATS & LEGALS

EXHIBIT A

2 of 2

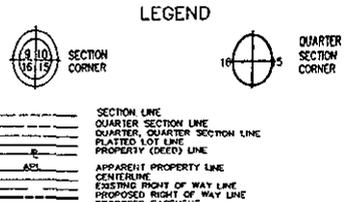
Curve No. 1	
A	5100'00"
L	200'00"
T	1486.79
C	309.85
O	2'00'00"
X	199.90'
A	2.33'
D	4700'00"
L	2'00'00"
R	2350.00
S	2864.93
	0.041

PARCEL NO.	OWNER	TOTAL HOLDING ACRES	PART TAKEN ACRES	REMAINDER ACRES	PREV. INT. ACRES	EASEMENT ACRES	EASEMENT PURPOSE	PERMANENT TAX INDEX NUMBER
0E80001	INDIANA HARBOR BELT RAILROAD	N/A	N/A	N/A	N/A	2.14	FOR YOUNG'S ADDITION TO HARVEY	297-06-401-001



SE corner of SE fractional 1/4, Sec. 6-36-14, N. of Indian Boundary Line

- 0 IRON PIPE OR ROD FOUND REPLACED AFTER CONSTRUCTION
- 1 CIST CROSS FOUND OR SET
- 71 THESE STAKES REFERENCE FOUND OR SET MONUMENTATION SET 3/8 INCH IRON ROD FLUSH WITH GROUND TO THE FOUND IRON STAKE IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- 72 IRON ROD FLUSH WITH GROUND TO THE FOUND IRON STAKE IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- 73 THESE STAKES, IN CULTIVATED AREAS, REFERENCE FOUND OR SET MONUMENTATION, BURIED 3/8 INCH IRON ROD 20 INCHES BELOW GROUND TO THE FOUND IRON STAKE IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- 871 STAKES OF PROPOSED RIGHT OF WAY, SET IN VIEW OF HIGHWAYS SURVEY MARKER TO MONUMENT THE POSITION SHOWN, IDENTIFIED BY INSCRIPTION DATA AND SURVEYORS REGISTRATION NUMBER.



STATE OF ILLINOIS }
COUNTY OF ILL. }
THIS IS TO CERTIFY THAT RUEITIGER, TONELLI & ASSOCIATES, INC., AN ILLINOIS PROFESSIONAL LAND SURVEYOR CORPORATION, HAVE SURVEYED THE PLAT OF HIGHWAYS SHOWN HEREON IN SECTION 6, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF ITS KNOWLEDGE AND BELIEF; THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY; THAT ALL MONUMENTS SHOWN THEREON AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE REITRACED, MADE FOR THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS.

DATED AT JOLIET, ILLINOIS THIS _____ DAY OF _____ A.D.

ILLINOIS PROFESSIONAL LAND SURVEYOR: [Signature]
BY [Signature] CLERK OF THE BOARD OF SURVEYORS
TO BE OPERATIONAL ON [Date] UNLESS OTHERWISE SPECIFIED BY THE SURVEYOR.

RUEITIGER, TONELLI & /
Land Surveyors/Engineers/Planners/Land
774 WOOD STREET JOLIET, ILLINOIS 61798
PH (815) 741-2800 FAX (815) 744-0901 PH (618) 741-2800

PLAT OF HIG.
STATE OF ILL.
DEPARTMENT OF TRA.
F.A.I. 57 (1-
SECTION PROJECT

EXHIBIT B