

COPY

SLM:mkp 102 275 045

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,)
)
Respondent.)

ILLINOIS COMMERCE COMMISSION
MAR 24 3 07 PM '00
TRANSPORTATION DIV.
No. ~~2000-T~~
T00-0026
Parcel No. 3KK0015

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, 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 F.A. Route 68 (IL 23), a State highway under the control and jurisdiction of Petitioner, in LaSalle 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 Exhibit "A" which is attached hereto and incorporated by this

DOCKETED COPY

reference, are required as a part of the improvement of F.A. Route 68 which consists of the addition of left turn lanes and signaling Route 23 (Bloomington Street) at its intersection with Fourth Street in Streator, Illinois. Parcel 3KK0015 is located midway between Third and Fourth Streets, on the west side of and abutting Route 23 in Streator, LaSalle County, Illinois.

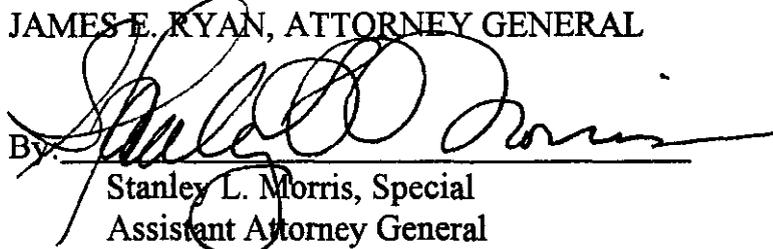
2. Respondent, Norfolk Southern Railway Company, a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.
3. The land, rights, 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 LaSalle County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a perpetual easement for highway purposes in Parcel 3KK0015, more particularly described in Exhibit "A" attached hereto, for the purpose of construction and maintenance.
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 of the 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 perpetual easement for highway purposes in Parcel 3KK0015, more particularly described in Exhibit "A", all 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*

JAMES E. RYAN, ATTORNEY GENERAL

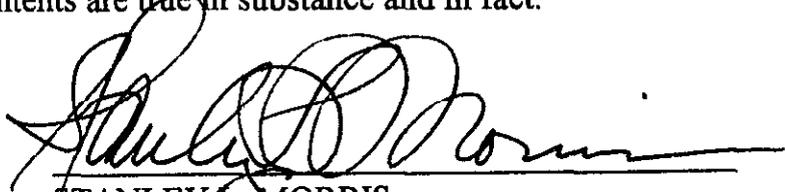
By: 

Stanley L. Morris, Special
Assistant Attorney General

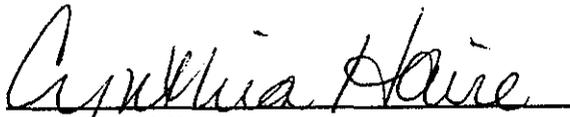
Stanley L. Morris
Special Assistant Attorney General
3 North Old State Capitol Plaza
P.O. Box 255
Springfield, Illinois 62705-0255
Telephone: (217) 753-1133

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 24th day of March, 2000.


Notary Public



PROOF OF SERVICE

The undersigned certifies that on March 24, 2000, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation System
208 S. LaSalle Street
Chicago, IL 60604

Norfolk Southern Railway Corporation
720 Olive Street, Suite 2850
St. Louis, Missouri 63101

Mr. Lou Cataland
Real Estate Counsel
Norfolk Southern Corporation
One Georgia Center, Suite 1702
600 West Peachtree Street, N.W.
Atlanta, Georgia 30308-3603

Cynthia Haue

PARCEL NUMBER 3KK0015

That part of the Southeast Quarter of Section 23, Township 31 North, Range 3 East of the Third Principal Meridian, LaSalle County, Illinois, described as follows:

Commencing at the northwest corner of Lot 1 in Block 15 of Frech Addition to the City of Streator, as recorded in Plat Book F, Page 3 in the LaSalle County Recorder's Office; thence North 89 degrees 51 minutes 13 seconds East, on a bearing referenced to the Illinois State Plane Coordinate System, East Zone (NAD 83), 42.952 meters [140.92 feet] on the north line of said Block 15 to the existing west right of way line of F.A. 68 (Illinois Route 23); thence South 0 degrees 0 minutes 23 seconds West 91.426 meters [299.95 feet] on said right of way line to the south line of Lot 12 in said Block 15 and the POINT OF BEGINNING; thence South 2 degrees 12 minutes 10 seconds West 10.076 meters [33.06 feet] to the north line of Lot 1 in Block 3 of Baker's Second Addition, as recorded in Plat Book D, Page 1 in said Recorder's Office; thence North 89 degrees 51 minutes 13 seconds East 3.906 meters [12.80 feet] on said north line; thence North 0 degrees 12 minutes 44 seconds East 10.067 meters [33.03 feet] to the south line of said Lot 12; thence North 89 degrees 51 minutes 13 seconds East 4.256 meters [13.96 feet] to the POINT OF BEGINNING, containing 41 square meters [441 square feet], more or less.

