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ILLINOIS COMMERCE COMMISSION  
STATE OF ILLINOIS

COUNTY OF C O O K ) SS  
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ORIGINAL

ILLINOIS COMMERCE COMMISSION

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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.

WESTERN UNITED GAS AND ELECTRIC  
COMPANY, A/K/A COMMONWEALTH  
EDISON COMPANY, an  
Illinois 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

Parcel No. 1CW0036TE-A  
Parcel No. 1CW0036TE-B

Case No. 01-0784

**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), requests approval of the Illinois Commerce

Commission for the taking and/or damaging of certain properties owned by WESTERN UNITED GAS AND ELECTRIC COMPANY, A/K/A COMMONWEALTH EDISON COMPANY, an Illinois corporation, (the "Utility"), 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, 2000), Petitioner is engaged in a project to widen and improve IL 53 from Caton Farm Road to IL 7 in Will County.

2 Under the Illinois Highway Code, IL 53 from Caton Farm Road to IL 7 in Will County 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, 2000) 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 project to widen and improve IL 53 from Caton Farm Road to IL 7 in Will County constitutes a public purpose, namely construction and improvement of the roadway, structures and intersections at or adjacent to IL 53 from Caton Farm Road to IL 7 in Will County.

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

6 The Utility is title holder to certain real property, said property being located in Will County, the legal description of which is attached hereto and marked as Exhibit A. This real

property is located at or adjacent IL 53 from Caton Farm Road to IL 7 in Will County and the Petitioner has deemed it necessary to improve the structures and intersections at IL 53 from Caton Farm Road to IL 7 in Will 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 No. 1CW0036TE-A and Parcel No. 1CW0036TE-B, legally described as Exhibit A, and it is necessary for Petitioner to acquire said property for the above-described highway construction and improvement of the structures at IL 53 from Caton Farm Road to IL 7 in Will 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 Utility although Petitioner has attempted to effect such an agreement. 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 or damaging of the Utility's property described in Exhibit A.

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 Utility 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  
55 West Monroe Street  
32nd Floor  
Chicago, Illinois 60603  
312/634-3509

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 Utility 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*  
Douglas G. Felder  
Special Assistant Attorney General

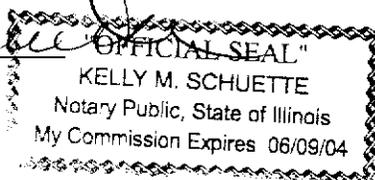
STATE OF ILLINOIS     )  
  ) SS  
COUNTY OF C O O K     )

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 Petition 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*  
Douglas G. Felder  
Special Assistant Attorney General

SUBSCRIBED and SWORN  
to before me this 26<sup>th</sup> day of  
November, 2001.

*Kelly M. Schuette*  
Notary Public



**AFFIDAVIT OF SERVICE**

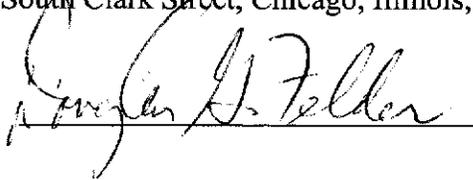
I, Douglas G. Felder, an attorney, certify that I served the foregoing Petition upon the following addresses at their respective addresses set forth:

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

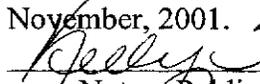
Illinois Commerce Commission  
527 East Capital  
Springfield, Illinois 62708  
(original and three copies)

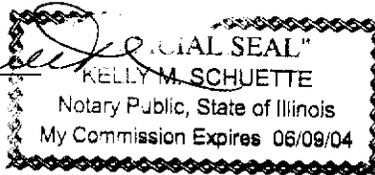
Commonwealth Edison Company  
a/k/a Western United Gas And Electric Company  
Real Estate Services  
4<sup>th</sup> Floor  
PO Box 805379  
Chicago, Illinois 60680-5379  
Attention: Craig Dixon

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 20 South Clark Street, Chicago, Illinois, before 5:00 p.m. on the 19<sup>th</sup> day of November, 2001.



SUBSCRIBED and SWORN  
to before me this 26<sup>th</sup> day of  
November, 2001.

  
Notary Public



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