

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.

T01-0060

Illinois Central Railroad Company,  
Respondent.

Petition for approval to take property owned by a public utility in Logan County, Illinois by exercising the right of eminent domain.  
Parcel Number 6131115.

ORDER

By the Commission:

On October 1, 2001, the Department of Transportation of the State of Illinois ("Petitioner"), filed the above referenced Petition with the Illinois Commerce Commission ("Commission") naming as Respondent Illinois Central Railroad Company ("Respondent") to approve the taking of certain property in Logan County, Illinois, by exercising the power of eminent domain (Parcel Number 6131115).

Pursuant to Notice as required by law and by the rules and regulations of the Commission, this matter came on for hearing on November 27, 2001, before a duly authorized Administrative Law Judge of the Commission at the Commission's offices in Springfield, Illinois. Appearances were entered on behalf of Petitioner and by a staff member of the Railroad Section of the Transportation Division of the Commission ("Staff"). At the conclusion of the hearing the case was marked "Heard and Taken." On November 19, 2001, the Administrative Law Judge received correspondence from Respondent stating that it had no objection to the Petition.

Ms. Laura Rakers, Condemnation Engineer, employed by District 6 of Petitioner, testified that Petitioner seeks fee simple title to the property depicted on Petitioner's Exhibit No. 1. The property, 0.163 acres required for right-of-way, is needed as a part of an improvement of FAP Route 717 (Illinois Route 10) from the Mason County line to the east corporate limits of New Holland, Illinois, which Route is under the control and jurisdiction of Petitioner. Ms. Rakers further testified that the improvement is approximately 2.05 miles in length and includes resurfacing, reconstruction and intersection improvements, all for the purposes improving safety, improving the roadway and to assist the motoring public. The is necessary for the reconstruction and resurfacing of an intersection on and in close proximity thereto. The project has been funded for the current fiscal year. Petitioner will be

unable to complete the improvement without obtaining fee simple title to Parcel No. 6131115. Ms. Rakers further testified that the planned construction work will have no impact on the operations of Respondent. Ms. Rakers also testified that Petitioner had attempted to obtain title to the Parcel sought in this proceeding from Respondent but an agreement on compensation had not been reached.

The Commission, after a review of the entire record, finds that:

- (1) the Commission has jurisdiction of the subject matter hereof and the parties hereto;
- (2) the recitals of fact set forth in the prefatory portion of this Order are supported by the evidence of record and are hereby adopted as findings of fact;
- (3) Petitioner seeks to acquire fee simple title to Parcel No. 613115, legally described in Appendix "A" attached hereto, presently owned by Respondent, for an improvement of FAP Route 717 (Illinois Route 10) in Logan County, Illinois, to better serve the traveling public and to enhance the public safety and convenience;
- (4) Petitioner presented evidence as to the ownership by Respondent or the subject property to which fee simple title is sought and to its efforts to obtain the desired property by voluntary negotiations with Respondent;
- (5) the evidence shows that construction can be carried out without interfering with Respondent's of its rail carrier operations;
- (6) the desired property interest is reasonably necessary for the proposed project;
- (7) the prayer of the Petition herein is in the public interest and should be granted.

IT IS THEREFORE ORDERED that the approval of the Commission be, and it is hereby, granted to the Department of Transportation of the State of Illinois, for the purpose of exercising its power of eminent domain to acquire fee simple title to Parcel No. 6131115, legally described in Appendix "A" attached hereto.

IT IS FURTHER ORDERED that subject to sections 18c-2201 and 18c-2206 of the Law, this is a final decision, subject to the Administrative Review Law.

By Order of the Commission this 24<sup>th</sup> day of January, 2002.

*Richard L. Mathias*<sup>3</sup>

Chairman

|                   |                    |
|-------------------|--------------------|
| JUDGE             | <i>[Signature]</i> |
| SECTION CHIEF     |                    |
| ORDERS SUPERVISOR | <i>[Signature]</i> |

T01-0060  
APPENDIX "A"

Route FA 717 (IL-10)  
Section 101RS-3, 102RS-2, 103 RS-1  
Logan County 6131115  
Station 708+12.35 to Station 712+51.62  
Job No. R-96-013-01

Part of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 20, Township 20 North, Range 3 West of the Third Principal Meridian, Logan County, Illinois, being more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 20; thence South 89 degrees 40 minutes 38 seconds East along the South line of said Southwest Quarter (SW $\frac{1}{4}$ ) a distance of 1322.64 feet to a found railroad spike at the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 20; thence continuing South 89 degrees 40 minutes 38 seconds East along the South line of said Southwest Quarter (SW $\frac{1}{4}$ ) a distance of 799.64 feet to the Southeast corner of a tract of land, as shown on a plat of survey recorded in Volume 201, Page 102, and filed for record on September 8, 1992 as Document No. 366202 in the Office of the Recorder of Logan County, Illinois; thence North 09 degrees 57 minutes 43 seconds East along the Easterly line of said surveyed tract of land a distance of 25.36 feet to a point on the existing North right-of-way line of a public road (740 Avenue), said point being the True Point of Beginning;

Thence continuing North 09 degrees 57 minutes 43 seconds East along the Easterly line of abovesaid surveyed tract of land a distance of 49.01 feet to a point on the existing Southerly right-of-way line of FA Route 717 (IL Route 10); thence South 80 degrees 04 minutes 04 seconds East along said Southerly highway right-of-way line a distance of 289.48 feet to the intersection with the existing North right-of-way line of abovesaid public road (740 Avenue); thence North 89 degrees 40 minutes 38 seconds West along said existing North right-of-way line a distance of 293.63 feet to the True Point of Beginning.

Said parcel containing 0.163 acre, more or less.