

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL
CHIEF CLERK'S OFFICE
JUL 2 07 PM '02

IN THE MATTER OF:

THE PETITION OF THE CITY OF PEKIN, A }
MUNICIPAL CORPORATION, FOR APPROVAL }
PURSUANT TO 735 ILCS 5/7-102 TO CONDEMN }
A CERTAIN PORTION OF THE WATERWORKS }
SYSTEM OF ILLINOIS-AMERICAN WATER }
COMPANY. }

NO. 02-0352

PETITION

The CITY OF PEKIN, a municipal corporation, by Patrick E. Oberle, and William P. Streeter, of Elliff, Keyser, Oberle & Dancey and Edward D. McNamara, Jr., of McNamara & Evans, hereby submits this Petition to the Illinois Commerce Commission and alleges as follows:

1. That the CITY OF PEKIN is a municipal corporation duly incorporated and acting pursuant to the terms of 65 ILCS 5/1-1-1, et seq.
2. That ILLINOIS-AMERICAN WATER COMPANY is a public utility subject to the jurisdiction of the Illinois Commerce Commission owning and operating a waterworks plant and property relating to the operation of a waterworks plant serving the citizens of the CITY OF PEKIN and the surrounding area, as well as other areas within the State of Illinois.
3. That pursuant to 65 ILCS 5/11-130-1, et seq., the CITY OF PEKIN is authorized to purchase or construct waterworks or construct improvements to its waterworks and, pursuant to 65 ILCS 5/11-130-9, has the right of eminent domain for the purpose of purchasing any waterworks.
4. That attached hereto is Ordinance No. 2289 of the CITY OF PEKIN authorizing the duly elected officers of the CITY OF PEKIN and the City Manager to proceed with the purchase and condemnation, if necessary, of the waterworks and related properties of ILLINOIS-

AMERICAN WATER COMPANY now utilized in the furnishing of water service to the residents of the CITY OF PEKIN and surrounding area.

5. That prior to the filing of this Petition, the CITY OF PEKIN attempted in good faith, but without success, to negotiate the purchase of the waterworks and related property which are the subject matter of this proceeding.

6. That pursuant to the terms of 735 ILCS 5/7-102, Petitioner seeks prior approval of the Illinois Commerce Commission to institute eminent domain proceedings against ILLINOIS-AMERICAN WATER COMPANY in order that the CITY OF PEKIN might acquire and operate said waterworks and related property and furnish water service to those residents of the CITY OF PEKIN and the surrounding area now being served by ILLINOIS-AMERICAN WATER COMPANY.

7. That the CITY OF PEKIN currently owns and operates a sewerage system serving those customers now being furnished water service by ILLINOIS-AMERICAN WATER COMPANY and utilizing property sought to be condemned herein.

8. As supported by the attached affidavits, that the granting of this petition would best serve the public interest and would be in the best interests of the water customers now served by ILLINOIS-AMERICAN WATER COMPANY in the CITY OF PEKIN and surrounding area and the sewage customers now served by the CITY OF PEKIN.

WHEREFORE, the CITY OF PEKIN hereby petitions that the Illinois Commerce Commission enter an Order as follows:

A. That an Order be entered by the Illinois Commerce Commission pursuant to the terms of 735 ILCS 5/7-102 granting approval to the CITY OF PEKIN to commence eminent domain proceedings against ILLINOIS-AMERICAN WATER COMPANY and relating to the

property hereinabove described.

B. For such other and further relief as this Honorable Commission may deem just under the circumstances.

CITY OF PEKIN, Petitioner

By: 

One of Its Attorneys

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CERTIFICATE OF SERVICE

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the MOTION FOR CONSOLIDATION on the individuals shown on the attached Service List, via electronic mail and First Class U.S. Mail delivery, postage prepaid and properly addressed, on Friday, May 10, 2002.


Edward D. McNamara, Jr.

STATE OF ILLINOIS)
) ss
COUNTY OF TAZEWELL)

Richard Hierstein, upon his oath being first duly sworn, states that he is the City Manager of the City of Pekin, that he has read the foregoing Petition, and that the facts contained therein are true and correct to the best of his information, knowledge and belief.


RICHARD HIERSTEIN

SUBSCRIBED AND SWORN TO before me this 8 day of May,
2002.




Notary Public

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