

COPY

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

DEPARTMENT OF TRANSPORTATION,  
of the STATE OF ILLINOIS, for and in behalf  
of the People of the State of Illinois,

Petitioner,

vs.

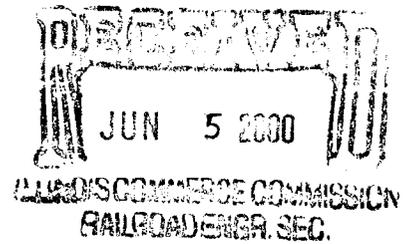
CONSOLIDATED RAIL CORPORATION,  
NORFOLK SOUTHERN RAILWAY CORP., and  
PENNSYLVANIA LINES, LLC,

Respondent.

Petition for approval of the taking or damaging of  
certain properties owned by a railroad in Cook  
County, Illinois by exercising the right of eminent  
domain.

CONDEMNATION

No. T00-0030



**AMENDED**  
**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 CHARLES T. JACQUES, Special Assistant Attorney General, pursuant to Section 102 of the Eminent Domain Act of Illinois (735 ILCS 5/7-102), request approval of the Illinois Commerce Commission for the taking or damaging of certain properties owned by CONSOLIDATED RAIL CORPORATION AND NORFOLK SOUTHERN ROADWAY CORP AND PENNSYLVANIA LINES, LLC. (the "Railroad"), subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION (the "Commission").

1. Pursuant to the "Illinois Highway Code", approved June 3, 1959, as amended (Ill. Compiled Stat. 1996, 605 ILCS 5/2-101 through 5/2-220 and 5/41-101 through 5/4-512) and the "Eminent Domain Act", as amended (Ill. Compiled Stat. 1996, 735 ILCS 5/7-101, et seq.), Plaintiff is engaged in the construction and improvement of ILLINOIS ROUTE 1, from SOUTH OF 16TH STREET TO UNION AVENUE.

2. Under the Illinois Highway Code, ILLINOIS ROUTE 1 is a part of and included in the State Highway System.

**DOCKETED**

3. Section 4-501 of the said Illinois Highway Code (Ill. Compiled Stat. 1996, 605 ILCS 5/4-501) provides:

"The Department, or its name, or any county may acquire the fee simple, 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 designed by the Department as a street to form a part of or 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 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 is a public work, for a public use and constitutes a public purpose, namely, improvement of ILLINOIS ROUTE 1 in Cook County, Illinois.

5. The Railroad is a "rail carrier" as defined in the Illinois Commercial Transportation Law, as amended, effective January 1, 1996 (625 ILCS 5/18c-1101, et seq.) and is subject to the jurisdiction of the Commission under Section 18c-1201 et seq. of that Law (625 ILCS 5/18c-1201 et seq.).

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 adjacent to ILLINOIS ROUTE 1 and the petitioner has deemed it necessary to 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 permanent easement to the property legally described in Exhibit "A" and it is necessary for the Petitioner to acquire said property for the above-described highway improvement of ILLINOIS ROUTE 1 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 the 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.

\_\_\_\_\_

WHEREFORE, Petitioner, THE DEPARTMENT OF TRANSPORTATION of the State of Illinois, requests that the Commission approve the taking or damaging of the above described real property of the Railroad by the exercise of the right of eminent domain.

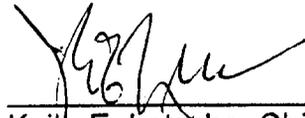
Respectfully submitted,

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:   
\_\_\_\_\_  
Charles T. Jacques  
Special Assistant Attorney General

Reviewed and Approved  
for filing:



\_\_\_\_\_  
Keith E. Letsche, Chief,  
Land Acquisition Bureau,  
Assistant Attorney General

STATE OF ILLINOIS                    )  
  )  
COUNTY OF WILL                    )        SS.

I, Charles T. Jacques, being first 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 forgoing Petition by me subscribed, I have knowledge of the contents thereof, and that on information and belief said comments are true and correct.

  
\_\_\_\_\_  
Charles T. Jacques  
Special Assistant Attorney General

SUBSCRIBED and SWORN  
to before me this \_\_\_\_\_  
day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
Notary Public

James E. Ryan, Attorney General of Illinois  
Charles T. Jacques, Special Asst. Atty. General  
Querrey & Harrow, Ltd.  
116 N. Chicago Street, Suite 401  
Joliet, IL 60432  
(815) 726-1600  
ARDC # 06197349

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner: Chicago Heights National Bank  
Route: FAP 876 (IL 1)  
Section: 3155N  
County: Cook  
Job No.: R-90-010-97  
Station 23+272.636 to Station 23+278.344  
Index No.: 32-20-500-001

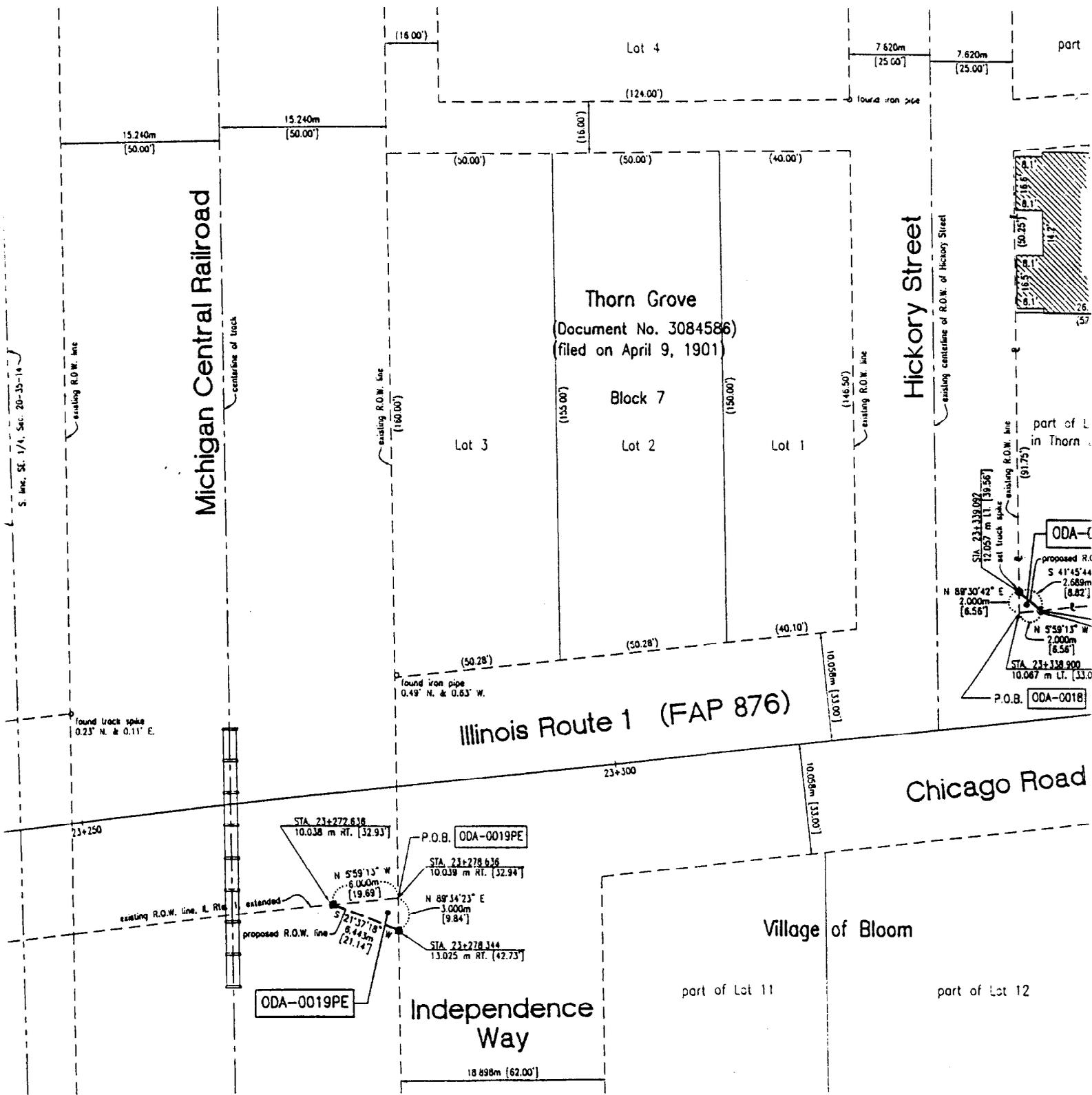
**Parcel ODA-0019PE**

That part of the Southeast Quarter of Section 20, Township 35 North, Range 14 East of the 3rd Principal Meridian, in Cook County, Illinois, described as follows: beginning at the point of intersection of the North right-of-way line of the Michigan Central Railroad being the South right-of-way line of Independence Way and the easterly right-of-way line of Chicago Road as extended across said Michigan Central Railroad right-of-way; thence on an assumed bearing of North 89 degrees 34 minutes 23 seconds East 3.000 meters [9.84 feet] along said North right-of-way line of the Michigan Central Railroad to a 5/8" iron rebar with an allied cap stamped "ILL DEPT OF TRANSPORTATION JAMES ANDERSON COMPANY PLS 3016"; thence South 21 degrees 37 minutes 18 seconds West 6.443 meters [21.14 feet] to a 5/8" iron rebar with an allied cap stamped "ILL DEPT OF TRANSPORTATION JAMES ANDERSON COMPANY PLS 3016" on said easterly right-of-way line of Chicago Road as extended across the Michigan Central Railroad right-of-way 6.000 meters [19.69 feet] southerly of the place of beginning; thence North 5 degrees 59 minutes 13 seconds West 6.000 meters [19.69 feet] along said easterly right-of-way line of Chicago Road as extended across the Michigan Central Railroad right-of-way to the place of beginning

Said parcel containing 9 square meters, more or less, or 0.002 acres, more or less, or 96 square feet, more or less.

06/01/99 2:51 PM





STATE OF ILLINOIS }  
 COUNTY OF LAKE } SS

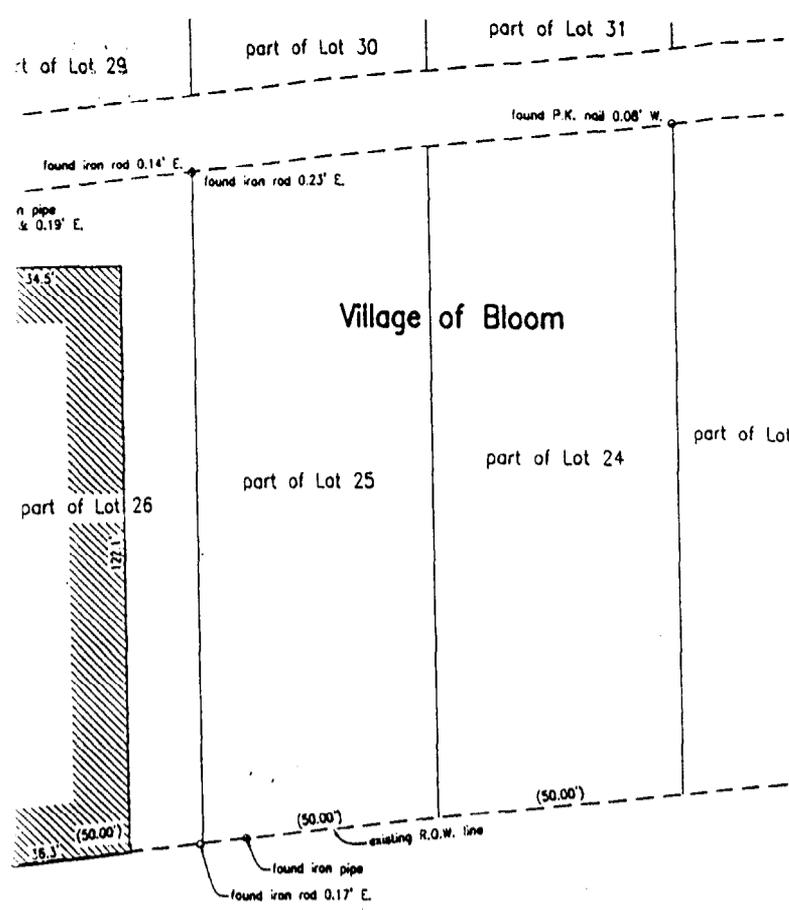
THIS IS TO CERTIFY THAT JAMES ANDERSON COMPANY, INC., AN ILLINOIS CORPORATION, HAS SURVEYED THE PLAT OF HIGHWAYS SHOWN HEREON BETWEEN SECTION 5, TOWNSHIP 34 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, WILL COUNTY AND SECTION 20, TOWNSHIP 35 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF OUR KNOWLEDGE AND BELIEF; THAT THE PLAT CORRECTLY REPRESENTS SAID SURVEY; THAT ALL MONUMENTS FOUND AND ESTABLISHED ARE OF PERMANENT QUALITY AND OCCUPY THE POSITIONS SHOWN THEREON; AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. MADE FOR THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS.

DATED AT LAKE BLUFF, ILLINOIS, THIS 28TH DAY OF MAY, 1998 A.D.

JAMES ANDERSON COMPANY, INC.

BY \_\_\_\_\_  
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3018 AND

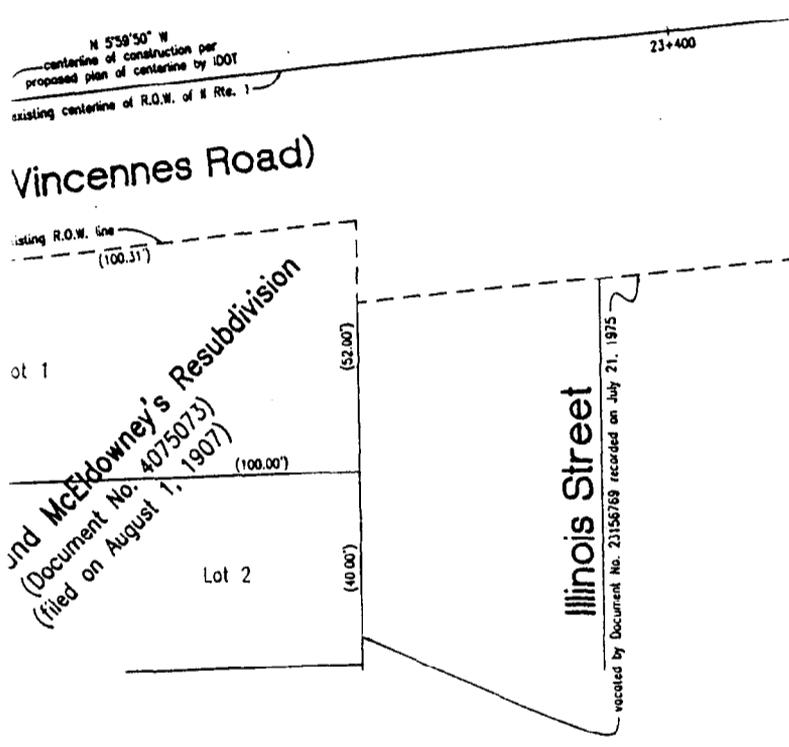
PARCEL NO.	OWNER
ODA-0018	VINCENT AND JUANIE
ODA-0018	Chicago Heights Nation



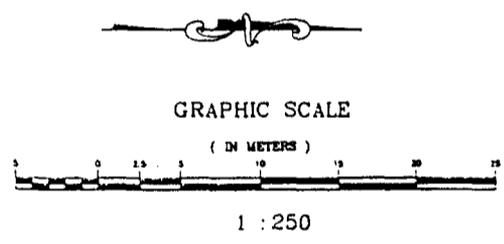
SECTION CORNER

SECTION CORNER

- SECTION LINE
- QUARTER SECTION LINE
- QUARTER, QUARTER SECTION LINE
- PLATTED LOT LINES
- PROPERTY (DEED) LINE
- APPARENT PROPERTY LINE
- CENTERLINE
- EXISTING RIGHT OF WAY LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED EASEMENT
- 129.32' MEASURED DIMENSION
- 129.32' (COMP) COMPUTED DIMENSION
- ( ) RECORD DATA
- EXISTING BUILDING
- IRON PIPE OR ROD FOUND      ● REPLACED AFTER CONSTRUCTION
- + CUT CROSS FOUND OR SET
- T1 THESE STAKES REFERENCE FOUND OR SET MONUMENTATION, SET 5/8 INCH IRON ROD FLUSH WITH GROUND TO THE FOUND IRON STAKE, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- T2
- T3
- B11 THESE STAKES, IN CULTIVATED AREAS, REFERENCE FOUND OR SET MONUMENTATION, BURIED 5/8 INCH IRON ROD 20 INCHES BELOW GRADE TO THE FOUND IRON STAKE, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- B12
- B13
- STAKING OF PROPOSED RIGHT OF WAY, SET DIVISION OF HIGHWAYS SURVEY MARKER TO MONUMENT THE POSITION SHOWN, IDENTIFIED BY INSCRIPTION DATA AND SURVEYORS REGISTRATION NUMBER.
- M STAKING OF PROPOSED RIGHT OF WAY IN CULTIVATED AREAS, BURIED 5/8 INCH METAL ROD 20 INCHES BELOW GROUND TO MARK FUTURE SURVEY MARKER POSITION, IDENTIFIED BY COLORED PLASTIC CAP BEARING SURVEYORS REGISTRATION NUMBER.
- ⊕ PERMANENT SURVEY MARKER, I.D.O.T. STANDARD 2135 (TO BE SET BY OTHERS)
- RIGHT OF WAY STAKING PROPOSED TO BE SET.



- NOTES:
1. DATA IN BRACKETS REPRESENT ENGLISH EQUIVALENT. DATA IN PARENTHESES REPRESENTS RECORD DATA.
  2. COORDINATES SHOWN HEREON ARE GRID COORDINATES ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM IN METERS AND CAN BE CONVERTED TO SURFACE COORDINATES BY MULTIPLYING BY A SCALE FACTOR OF 1.0000250.
  3. BEARINGS SHOWN HEREON ARE GRID BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM.
  4. SURVEYED IN METRIC, DIMENSIONS SHOWN IN ENGLISH HAVE BEEN CONVERTED (1 METER = 3.28083333 FEET).
  5. SHEET 1 IS A COVER SHEET AND IS NOT RECORDED.
  6. SEE SHEETS 14 THRU 19 FOR MONUMENT TIES.



JAMES ANDERSON COMPANY  
 Suite 21  
 910 West Sherwood Drive  
 Lake Bluff, Illinois, 60044  
 (847) 295-3322  
 Order No. 15702  
 May 28, 1999  
 File No. 65 - 1 - 59

SHEET 1 IS A COVER SHEET

PART TAKEN	REMAINDER	PREV. DED.	EASEMENT	EASEMENT PURPOSE	PERMANENT TAX INDEX NUMBER	PROPERTY ACQUIRED BY
ACRES m <sup>2</sup>	ACRES m <sup>2</sup>	ACRES m <sup>2</sup>	ACRES m <sup>2</sup>			
0.001 2 (sq. feet)	0.185 750	N/A	N/A	N/A	32-20-430-036	
N/A	N/A	N/A	0.002 9 (sq. feet)	PERMANENT R.O.W.	32-20-500-001	

**PLAT OF HIGHWAYS**  
 STATE OF ILLINOIS  
 DEPARTMENT OF TRANSPORTATION  
 F.A.P. 876 (IL 1)

SECTION PROJECT: COOK/WILL COUNTIES  
 JOB NO. R-90-010-97  
 STATION 23+250 TO STATION 23+400  
 SCALE 1:250 SHEET NO. 13 of 19

**BUREAU OF LAND ACQUISITION**

# Querrey & Harrow

Querrey & Harrow, Ltd.  
116 North Chicago Street  
Joliet, IL 60432-4204  
TEL (815) 726-1600  
FAX (815) 726-1674  
www.querrey.com

*Other Offices:*  
Chicago, IL  
Waukegan, IL  
Wheaton, IL  
New York, NY  
*Representative*  
U.K. Office:  
London

June 28,2000

**Via Facsimile 1-217-785-7404**

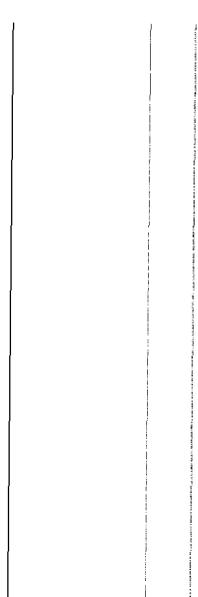
Ms. Kathy Larson  
Illinois Commerce Commission  
527 E. Capital Avenue  
Springfield, IL 62794

Re: Amended Petition  
Illinois Dept of Transportation  
vs. Consolidated Rail Corporation,  
Norfolk Southern Railroad Corporation and  
Pennsylvania Lines, LLC  
Case No. T-00-0030

Dear Ms. Larson:

Pursuant to our conversation of June 28, 2000, please allow this correspondence to confirm that a Hearing was conducted before Commissioner June Tate of the Illinois Commerce Commission on May 24, 2000. At that time we presented our amended Petition to Commissioner Tate, amending the caption to reflect the proper owners, as identified to us by their attorney, Bruce Spitzer. Mr. Spitzer accepted service prior to the Hearing and participated in the Hearing on the amended named defendant's behalf. Present at the Hearing was Bruce Spitzer, myself, on behalf of Illinois Department of Transportation, John Forteman, an Engineer with the Illinois Department of Transportation, and another individual from Mr. Spitzer's office, whose name I cannot recall at this time.

In accordance with the above, since service was personally accepted by Mr. Bruce Spitzer on May 24, 2000, please file the amended complaint and return a copy to us. Also, be advised that I have spoken with Commissioner Tate and advised her that I was forwarding this correspondence to your attention. If you should have any questions or



need any additional information, please do not hesitate to contact myself or my secretary, Margie, at 815-726-1600.

Thank you in advance for your anticipated cooperation in this matter.

Very truly yours,

Charles T. Jacques

CTJ/mbs

cc: J. Tate by US Mail

J. Forteman by facsimile

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record, herein, with postage fully prepaid, and by depositing such envelope in a U. S. Post Office Mail Box in Joliet, Illinois on the 28 day of June, 2000.

Margie Stroup

SUBSCRIBED AND SWORN TO BEFORE me

this 28<sup>th</sup> day of June, 2000.

Rita A. Sterr  
Notary Public



Charles T. Jacques  
#06197349  
QUERREY & HARROW, LTD.  
116 North Chicago Street  
Suite 401  
Joliet, IL 60431  
(815) 726-1600