



ILLINOIS COMMERCE COMMISSION

March 21, 2003

The Department of Transportation of the State of Illinois, for and in behalf of
the People of the State of Illinois,
Petitioner,

Vs.

Burlington Northern and Santa Fe Railway Company,
Respondent.

Petition for approval of the taking or damaging of certain property in Madison
County, Illinois, by exercising the right of eminent domain. Parcel 8238016.

T03-0021

Mr. Stanley L. Morris
Quinn, Johnston, Henderson &
Pretorius, Chartered
205 S. Fifth St., Ste. 900
Springfield, IL 62701

Dear Mr. Morris:

Receipt is acknowledged of the original and three (3) copies of the Petition filed March 20, 2003 in the
above matter.

Processing and Information Section

kl
cc: Mr. James Easterly, IDOT
Mr. W. Douglas Werner, BNSF
Ms. Cheryl Townlian, BNSF
CT Corporation System, BNSF
Mr. David Dietzel, Madison County

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.)

BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY,)

Respondent.)

No.

703-0021

TRANSPORTATION DIV

2003 MAR 20 P 3:46

ILLINOIS COMMERCE
COMMISSION

(Parcel 8238016)

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by LISA MADIGAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner is engaged in the construction and improvement of FAP Route 310 (Ill. Route 255), a State highway under the control and jurisdiction of Petitioner, in Madison 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 land and premises hereinafter described, located south of Wood Station Road approximately 0.14 miles, Foster Township, and legally described as set out in Exhibit "A", attached hereto and incorporated by this reference, is required for Petitioner's construction of FAP Route 310 over West Fork of Wood River

DOCKETED

MAR 21 2003

Creek (hereafter the "Project").

2. Respondent, BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, is 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 Madison County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire fee simple title in Parcel No. 8238016, described in attached Exhibit "A."

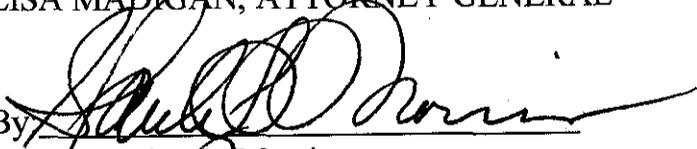
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain 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, BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY, fee simple title in Parcel No. 8238016, more particularly described in attached 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

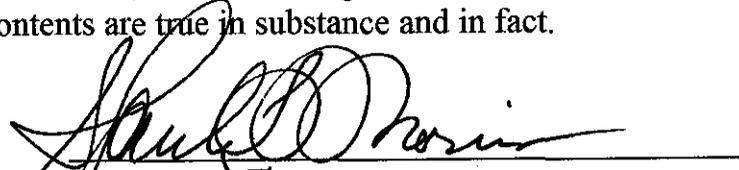
LISA MADIGAN, ATTORNEY GENERAL

By 
Stanley L. Morris
Special Assistant Attorney General

Stanley L. Morris
Special Assistant Attorney General
205 South Fifth Street, Suite 900
Springfield, IL 62701
Telephone: (217) 753-1133

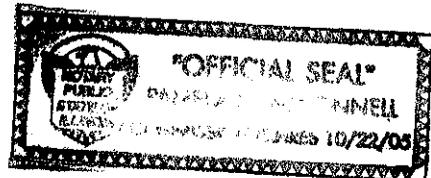
STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

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 20th day of March, 2003.


Notary Public



PROOF OF SERVICE

The undersigned certifies that on March 20, 2003, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

Burlington Northern and Santa Fe Railway Company
c/o CT Corporation
208 South LaSalle Street
Chicago, IL 60604

Burlington Northern and Santa Fe Railway Company
c/o Mr. Douglas Werner
P.O. Box 961039
Ft. Worth, TX 96161-0039

Burlington Northern and Santa Fe Railway Company
c/o Mr. Robert Fowler
Rail Property Management
57 Ogden Avenue
Clarendon Hills, IL 60514

Samuel L. McCreel

EXHIBIT "A"

PARCEL 8238016 - LEGAL DESCRIPTION OF LAND ACQUIRED IN FEE SIMPLE

That part of a strip of land as described in deeds to the Chicago, Burlington and Quincy Railroad Company as recorded on June 17, 1899 in Book 266, Page 143 and as recorded on March 15, 1870 in Book 111, Page 111, lying and being in the Southeast Quarter of Section 29, Township 6 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Commencing at an iron pin at the southwest corner of said Southeast Quarter; thence on an assumed bearing of North 88 degrees 48 minutes 59 seconds East on the south line of said Southeast Quarter, 1,141.61 feet to the westerly right of way line of said railroad; thence North 26 degrees 16 minutes 03 seconds East on said westerly railroad right of way, 1,021.71 feet to the Point of Beginning.

From said Point of Beginning; thence continuing North 26 degrees 16 minutes 03 seconds East on said westerly railroad right of way, 56.32 feet; thence northerly on said westerly railroad right of way line 243.28 feet on a curve to the left, having a radius of 2,834.79 feet, the chord of said curve bears North 23 degrees 48 minutes 29 seconds East, 243.20 feet; thence South 32 degrees 19 minutes 17 seconds East, 74.06 feet to the easterly railroad right of way line; thence southerly on said easterly railroad right of way line 204.55 feet on a curve to the right, having a radius of 2,894.79 feet, the chord of said curve bears South 24 degrees 14 minutes 32 seconds West, 204.51 feet; thence South 26 degrees 16 minutes 03 seconds West, 92.96 feet on said easterly railroad right of way line; thence North 32 degrees 19 minutes 17 seconds West, 70.30 feet to the Point of Beginning.

Parcel 8238016 herein described contains 0.4112 acre or 17,912 square feet, more or less.