



98892368

98892368

2141/0006 96 001 Page 1 of 9

1998-10-05 12:26:11

Cook County Recorder

71.50

IDOT 71

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

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

Plaintiff,

THOMAS LEE DUNAWAY; LORETTA
DUNAWAY; CATHERINE MARIE KIRLEY;
SUZANNE LOUISE DUNAWAY; LAURA LEE
GRUSECKI, JAMES P. GRUSECKI;
SHELL OIL COMPANY, a Delaware corporation;
JESSE WHITE, REGISTRAR OF TITLES;
UNKNOWN OWNERS AND NON-RECORD
CLAIMANTS,

Defendants.

Parcel Nos. OBX0063 and
OBX0063 TE

Job No. R-90-008-94

No. 96 L 50560

Return to:

**Wheatland Title Guaranty Co
39 Mill Street
Montgomery, IL 60538**

FINAL JUDGMENT ORDER

THIS CAUSE coming on to be heard upon the Condemnation Complaint of the Plaintiff,
the DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, for and on behalf of
the People of the State of Illinois, for the ascertainment of just compensation to be paid by the Plaintiff
for the taking, uses and purposes stated and set forth therein, to wit: the taking of the fee simple title
to certain real estate owned by Defendants Thomas Lee Dunaway, Loretta Dunaway, Catherine Marie
Kirley, Suzanne Louise Dunaway, Laura Lee Grusecki and James P. Grusecki and Shell Oil Company
namely Parcel No. OBX0063, as is more fully described in the Complaint and in Exhibit "A" attached
hereto, and for the taking of temporary easements in, to and over certain real estate also owned by
Defendants, namely Parcel OBX0063TE, for a period of three years from the date of commencement
of construction, or at completion of construction operations, whichever occurs first, as are more fully

PIN: 07-10-300-010

described in the Complaint and in Exhibit "B" attached hereto. The Court being advised that the parties have settled their claims as set forth herein.

And the Plaintiff appearing by Michael J. Devine, Thomas W. Goedert and Stephen A. Viz, Special Assistant Attorneys General, and Defendants, Thomas Lee Dunaway, Loretta Dunaway, Catherine Marie Kirley, Suzanne Louise Dunaway, Laura Lee Grusecki and James P. Grusecki by their attorney Alvin Becker of the law firm of Beermann, Swerdlove, Woloshin, Barezky, Becker, Genin & London, and Defendant Shell Oil Company, by its attorney, William Ryan of the law firm of Burke & Ryan, (collectively "Defendants") and being before this Court, subject to the in personam jurisdiction thereof and agreeing to the entry of the Final Judgment Order;

And the Court having jurisdiction over the parties hereto and the cause hereof, and the parties interested herein and such parties being before the Court and having waived a jury, and this Court having considered the Stipulation entered into between the Plaintiff and Defendants.

And it being represented to the Court that all party Defendants herein other than Unknown Owners and Non-Record Claimants have been served with process in the manner provided by statute or have duly entered their appearances;

And it being represented to the Court by Defendants that no other person or entity has a compensable interest in Parcel Nos. OBX0063 and OBX0063TE, as more fully described in Exhibits "A" and "B" attached hereto;

And Unknown Owners and Non-Record Claimants having been served by publication as provided by statute;

And Defendants and UNKNOWN OWNERS and NON-RECORD CLAIMANTS, Generally, having failed to file appearances herein or otherwise respond to the Complaint, an Order of Default was entered against these Defendants on May 14, 1998.

And it appearing to the Court from the record of this cause that a Motion was heretofore brought by the Plaintiff for the immediate vesting in the Plaintiff of fee simple title to Parcel No. OBX0063 and for temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of commencement of construction or at completion of construction operations, whichever occurs first, pursuant to the statutes of the State of Illinois and, by virtue thereof, this Court found, adjudged and decreed the amount of preliminary just compensation for the taking of fee simple title to Parcel No. OBX0063 and for the taking of temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first, to be SIX HUNDRED EIGHTY-FOUR THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$684,800.00); that Plaintiff has deposited said sum with the Treasurer of Cook County, Illinois; that pursuant to Plaintiff's motion, an Order was entered vesting in Plaintiff fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first;

And it further being represented to the Court that the Plaintiff and Defendants have entered into a Stipulation providing for the entry of this Final Judgment Order, such stipulation and exhibits being merged and become part of the final judgment order as if set forth verbatim therein, premised upon their mutual waiver of a jury trial and their agreement that the sum of SIX HUNDRED EIGHTY-FOUR THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$684,800.00) inclusive of interest and inclusive of any damages to the value of any remainder property, constitutes full, final and just compensation for the taking of fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first; (Defendants waiving any claim of interest upon such amount).

And said Parcel Nos. OBX0063 and OBX0063TE being legally described in Exhibits "A" and "B" appended hereto and made a part hereof;

And it further being represented to the Court, The Illinois Department of Transportation hereby stipulates it will construct on the remainder of Parcel OBX0063, in conjunction with the roadway improvements of Roselle and Golf Roads, one 28 foot driveway on Roselle Road and one 32 foot driveway on Golf Road in accordance with the construction plans attached here to Exhibits "C" and "D" respectively.

And now being fully advised in the premises, the Court finds that the amount to be paid by the Plaintiff as final and full just compensation to the owner or owners of and party or parties interested in the property described in Exhibit "A" hereto in which the Plaintiff has acquired fee simple title, and in the property described in Exhibit "B" hereto in which the Plaintiff has acquired temporary easements, is as follows; based upon the agreement and stipulation of the parties hereto;

To the owner or owners of and party or parties interested in said Parcels for the taking of the interests as stated herein, as final and full compensation therefor to the owner or owners of and party or parties interested therein, the sum of SIX HUNDRED EIGHTY-FOUR THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$684,800.00), inclusive of interest.

The Court further finds that the parties hereto have agreed that such compensation is inclusive of damage, if any, to any remainder or adjacent real estate, as a consequence of the taking of fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first:

The Court further finds that the payment of said amounts to the owner or owners of and party or parties interested in said real property will fully compensate said owner or owners of, and

UNOFFICIAL COPY

98892368 Page 5 of 9

party or parties interested in, said property for the taking by the Plaintiff of fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first,

And the Court being fully advised in the premises, Orders and Adjudges that the sums of money herein awarded by the Court to the owner or owners of and party or parties interested in said real property described herein is agreed among the parties as final and full just compensation, inclusive of interest, to the owner or owners thereof and party or parties interested therein for the taking of fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first;

This is an award of final and full just compensation, inclusive of interest, for the taking of fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first, and not an award of preliminary just compensation relative to the taking thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff deposited with the Treasurer of Cook County, Illinois, for the benefit of the owner or owners of and the party or parties interested in Parcel No. OBX0063 AND OBX0063TE the sum of SIX HUNDRED EIGHTY-FOUR THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$684,800.00) as final just compensation for the taking of the subject parcels, as per the Stipulation of the parties having been withdrawn by Defendants on November 4, 1996, for the taking of fee simple title to Parcel No. OBX0063 and temporary easements in, to and over Parcel No. OBX0063TE, for a period of three

UNOFFICIAL COPY

98892368 Page 6 of 9

years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first, without interest upon any portion of such sum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Order of the Court of October 15, 1996 vesting the Plaintiff with fee simple title to Parcel No. OBX0063 and with temporary easements in, to and over Parcel No. OBX0063TE, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first, is hereby confirmed in all respects.

JUDGE RANDYE A. KOGAN
MAY 26 1998

ENTER:

Randy A. Kogan
Circuit Court - 1509
JUDGE

Approved as to form and content:

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

THOMAS LEE DUNAWAY,
LORETTA DUNAWAY,
CATHERINE
MARIE KIRLEY, SUZANNLOUISE
DUNAWAY, LAURALEE GRUSECKI
and JAMES P. GRUSECKI

By: James E. Ryan
Attorney General of the
State of Illinois

By: *Thomas W. Goedert*
Special Assistant Attorney General

By: _____

Their: _____

SHELL OIL COMPANY

By: _____

Its: _____

Michael J. Devine, Esq.
Thomas W. Goedert, Esq.
Stephen A. Viz, Esq.
Special Assistant Attorneys General
225 W. Washington Street - Suite 1700
Chicago, Illinois 60606
(312) 346-1460/Attorney Code 90235

UNOFFICIAL COPY

years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first, without interest upon any portion of such sum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Order of the Court of October 15, 1996 vesting the Plaintiff with fee simple title to Parcel No. OBX0063 and with temporary easements in, to and over Parcel No. OBX00631'E, for a period of three years from the date of the commencement of construction, or at completion of construction operations, whichever occurs first, is hereby confirmed in all respects.

Approved as to form and content:

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 the
State of Illinois

By: *Thomas W. Goeden*
Special Assistant Attorney General
Thomas W. Goeden (sig)

Michael J. Devine, Esq.
Thomas W. Goeden, Esq.
Stephen A. Viz, Esq.
Special Assistant Attorneys General
225 W. Washington Street - Suite 1700
Chicago, Illinois 60606
(312) 346-1460/Attorney Code 90235

ENTER:

Randy A. Kogan
JUDGE
MAY 26 1998
Circuit Court - 1509
JUDGE RANDY A. KOGAN

THOMAS LEE DUNAWAY,
LORETTA DUNAWAY,
CATHERINE
MARIE KIRLEY, SUZANNE LOUISE
DUNAWAY LAURA LEE GRUSECKI
and JAMES P. GRUSECKI

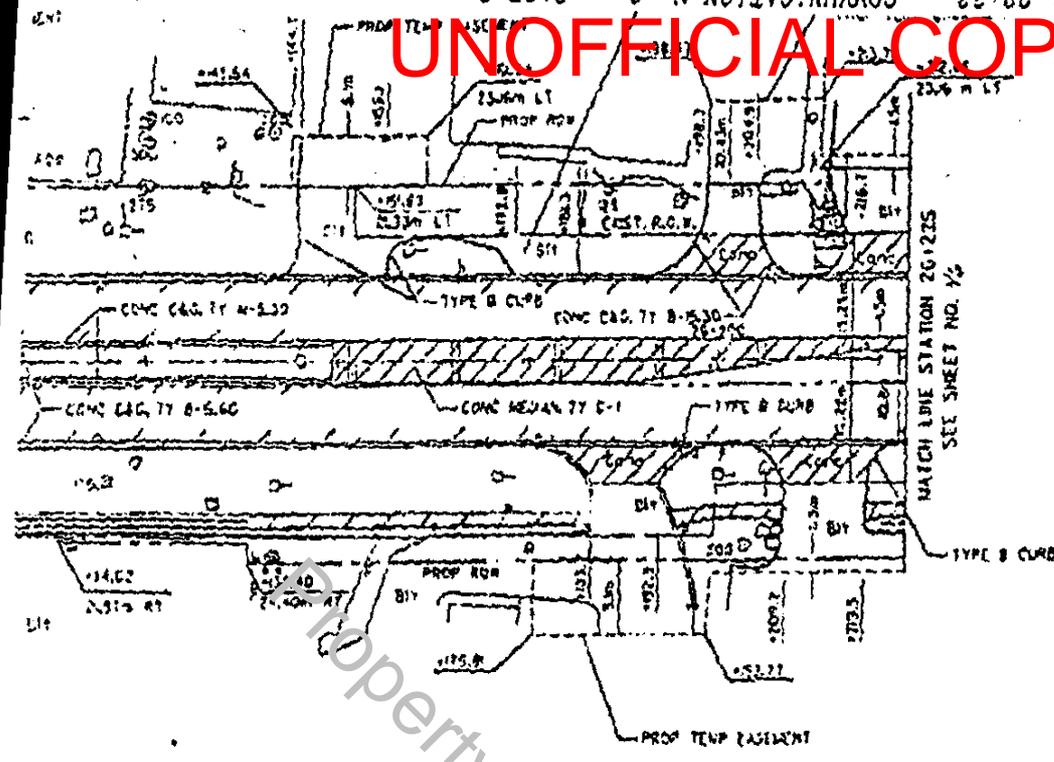
By: *[Signature]*

Their: *[Signature]*

SHELL OIL COMPANY

By: *Michael P. Buntz*

Its: *Area Real Estate Representative*



GOLF ROAD

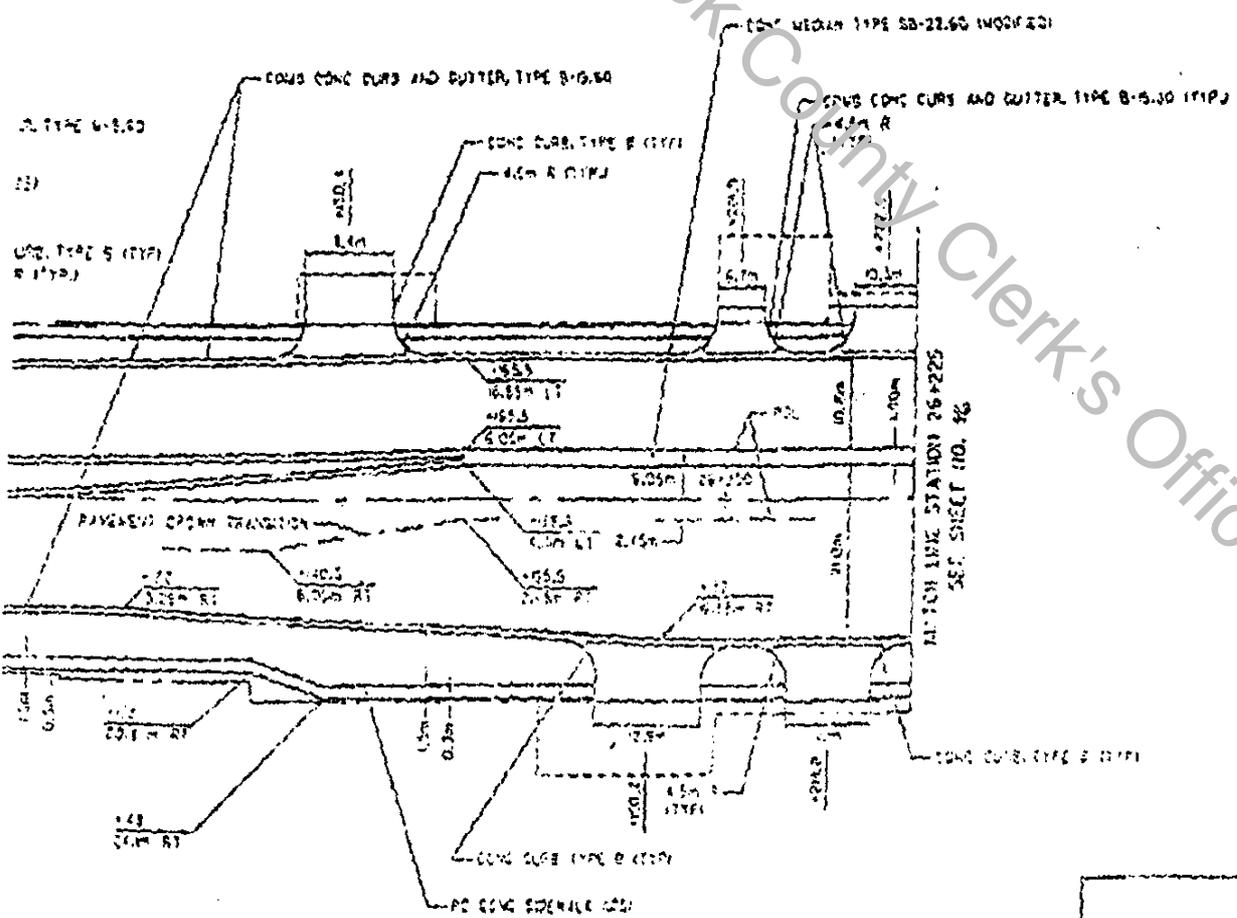


EXHIBIT
 'D'

SCALE IN METERS
 4500

COUNTY OF COOK DEPARTMENT OF HIGHWAY	
ROADWAY PLAN ILLINOIS ROUTE 50	
STATION 25+950 TO STATION 26+	
COMPUTED BY	APPROVED
DRAWN BY	DATE
CHECKED BY	DRAWING NO.

Exhibit "B"

Job No. R-90-008-94 Parcel No. OBX0063TE

That part of Lot 1 in Withaeger Heights, being a subdivision of part of the South 60 acres of the East 1/2 of the Southwest 1/4 of Section 10, Township 41 North, Range 10, East of the Third Principal Meridian, according to the Plat registered September 15, 1958, as Document No. 1817779, Cook County, Illinois, described as follows:

Commencing at the southwest corner of said Lot 1; thence along the west line of said Lot 1 on an assumed bearing of North 00 degrees 15 minutes 26 seconds East, 26.06 feet to a point on a line that is 26.00 feet North of and parallel with the south line of said Lot 1, said south line also being the north line of Golf Road and the point of beginning; thence North 86 degrees 31 minutes 02 seconds East along said parallel line, 73.05 feet; thence easterly along a tangential curve concave to North, radius 75.00 feet, central angle 86 degrees 15 minutes 26 seconds, 112.91 feet to a point on a line that is 22.00 feet West of and parallel with the east line of said Lot 1, said east line also being the west line of Roselle Road (as dedicated per Document No. 1090692, recorded May 20, 1931); thence North 00 degrees 15 minutes 26 seconds East along said parallel line, 80.11 feet to a point on the north line of said Lot 1; thence westerly along said north line South 86 degrees 30 seconds 21 minutes West, 5.01 feet to a point on a line that is 27.00 feet west of and parallel with said east line Lot 1; thence South 0 degrees 15 minutes 26 seconds West along said parallel line, 30.0 feet; thence North 89 degrees 44 minutes 24 seconds West, 10.0 feet; thence South 00 degrees 15 minutes 26 seconds West, 40.0 feet; thence South 89 degrees 44 minutes 34 seconds East, 10.0 feet to said line being 27.00 feet West of and parallel with said east line Lot 1; thence South 00 degrees 15 minutes 26 seconds West along said parallel line, 9.78 feet; thence southerly along a curve concave to the North, radius 70.00 feet, central angle 86 degrees 15 minutes 36 seconds, 105.39 feet to a point on a line that is 31.00 feet North of and parallel with said south line of Lot 1; thence South 86 degrees 31 minutes 02 seconds West along said parallel line, 72.72 feet to a point on the west line of said Lot 1; thence South 00 degrees 15 minutes 26 seconds West along said west line of Lot 1, 5.01 feet to the point of beginning.

Said parcel containing 0.039 acres (1710 sq. ft.), more or less

P.I.N. #07-10-300-010

22 2

UNOFFICIAL COPY

Property of Cook County Clerk's Office