

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
5.0 ACRES OF LAND, More or Less,)	No. 04 C 4325
Situated in Grundy County, State of Illinois,)	
STANDARD BANK & TRUST COMPANY,)	Judge Gottschall
as Trustee, under the Provisions of a Trust)	
Agreement Dated the 28th Day of January)	
1992, Known as Trust Number 13162, and)	
UNKNOWN OWNERS,)	
)	
Defendants.)	

MOTION FOR JUDGMENT ON VERDICT

Plaintiff United States of America, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, moves pursuant to Fed. R. Civ. P. 58(d) and 40 U.S.C. §3114(c) for entry of judgment following the bench trial and pursuant to the court’s memorandum opinion and order returned herein on September 30, 2008, and in support thereof, states as follows:

1. This action in condemnation was commenced on June 29, 2004, by the filing of a Declaration of Taking and Complaint in Condemnation on behalf of the United States of America. On July 1, 2004, the Court directed the Clerk to accept the United States’ deposit of \$26,000 into the registry of the court, as the estimated just compensation for the taking of fee simple title to said lands, pursuant to 40 U.S.C. § 3114.

2. Fee simple title to said lands vested in the United States of America on July 1, 2004, after the date of the filing of the Declaration of Taking herein and the date of deposit of estimated just compensation in the registry of the court; and the right to just compensation for the same was immediately vested in the persons entitled thereto.

3. The use for which the properties are taken is in connection with the operation and maintenance of the nine-foot channel for the Illinois River, Illinois, and for the disposal of dredged material, and has been acquired by means of condemnation under judicial process in conformity and in compliance with the various provisions of the Acts of Congress set out in the complaint filed herein.

4. All parties' interests directly or indirectly in the lands herein concerned have been properly served with process, or have otherwise appeared in this action.

5. After a bench trial, the court issued a memorandum opinion on September 30, 2008, finding the sum of \$199,375.00 to be full compensation for the taking of defendants' lands. Defendants filed a motion for reconsideration, which was denied on April 1, 2009.

6. In order to complete the United States' acquisition of the defendant property by condemnation, 40 U.S.C. §3114(c) requires the issuance of a judgment order establishing compensation, specifying the difference between the amount deposited with the clerk of court as estimated just compensation, and the amount found by the court to be compensation. Such an order has not yet been entered in this case.

7. The United States therefore moves for entry of judgment establishing compensation as required by 40 U.S.C. §3114(c).

WHEREFORE, plaintiff United States of America requests entry of Judgment on Verdict, as required by 40 U.S.C. §3114(c). A proposed judgment order is submitted herewith.

Respectfully submitted,

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United States Attorney

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