

ORIGINAL

GERALD A. DRENDEL
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December 7, 2007

State of Illinois
Illinois Commerce Commission
Transportation Division/Rail Safety Section
527 E. Capitol Avenue
Springfield, IL 62701

RECEIVED
DEC 10 2007
Illinois Commerce Commission
RAIL SAFETY SECTION

T07-0044

RE: DOT #004 469C, TR 382
MP 83.31, LS 7000
Otter Creek Township, LaSalle County,
Illinois

Dear Mr. Humphries:

Enclosed is a copy of the recorded Order of Vacation. The request for extension of time filed on behalf of Otter Creek Township is now moot. Otter Creek Township has completed all that is required of them with regard to this project.

Very truly yours,



GERALD A. DRENDEL

GAD/lw
Encs.

DOCKETED

DEC 11 2007

AH-MS



* 2 0 0 7 - 2 4 6 1 5 7 *

2007-24615

THOMAS E. LYONS
LASALLE COUNTY RECORDER
OTTAWA, IL
RECORDED ON

10/09/2007 01:54PM

REC FEE: 37.00

PAGES: 7

Doc is a Copy -pg 4-7

ORDER OF VACATION

WHEREAS, a Petition to Vacate was filed with the Township Highway Commissioner, said Petition requesting the vacation of a portion East 23rd Road more particularly described as: A PART OF SECTIONS 23 AND 24, TOWNSHIP 31 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN LASALLE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS, WITH BEARINGS BASED UPON AN ASSUMED NORTH: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 30.94 FEET ALONG THE WEST LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 26.02 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD WITH THE EAST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 1,573.80 FEET ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY; THENCE SOUTH 71 DEGREES 47 MINUTES 49 SECONDS WEST 51.92 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 10 SECONDS WEST 1,590.02 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 28.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.89 ACRES, MORE OR LESS.

along with BNSF Railway Company TR 382A, a copy of which Petition is attached hereto; and

WHEREAS, a hearing on said Petition was held before me on September 27, 2007 at 5:00 p.m. in the Otter Creek Township Hall in Streator, Illinois; and

WHEREAS, said hearing was held pursuant to published notice in The Streator Voice, a newspaper of general circulation in Otter Creek Township and which notice was printed therein on Sept. 14, 2007, a copy of which is attached hereto; and

WHEREAS, no objectors appeared at said hearing; and

WHEREAS, after reviewing the verified Petition the Road Commissioner executed a Memorandum granting the Petition and making certain findings, a copy of said Memorandum being attached hereto; and

WHEREAS, a final hearing was then held, at which no objectors appeared; and

WHEREAS, the undersigned Highway Commissioner expressly finds that the proposed vacation of a portion of East 23rd Road more particularly described as:

A PART OF SECTIONS 23 AND 24, TOWNSHIP 31 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN LASALLE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS, WITH BEARINGS BASED UPON AN ASSUMED NORTH: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 30.94 FEET ALONG THE WEST LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 26.02 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD WITH THE EAST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 1,573.80 FEET ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY; THENCE SOUTH 71 DEGREES 47 MINUTES 49 SECONDS WEST 51.92 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 10 SECONDS WEST 1,590.02 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 28.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.89 ACRES, MORE OR LESS.

along with BNSF Railway Company TR 382A.

will be in the public and economic interest and will not deprive residents or owners of proximate land of reasonable access elsewhere as specified in Section 6-305 of the Illinois Highway Code; and

NOW THEREFORE IT IS ORDERED AND DECLARED that the Petition to Vacate is hereby granted and the portion of East 23rd Road legally described as:

A PART OF SECTIONS 23 AND 24, TOWNSHIP 31 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN LASALLE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS, WITH BEARINGS BASED UPON AN ASSUMED NORTH: COMMENCING

AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 30.94 FEET ALONG THE WEST LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 26.02 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD WITH THE EAST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 1,573.80 FEET ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY; THENCE SOUTH 71 DEGREES 47 MINUTES 49 SECONDS WEST 51.92 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 10 SECONDS WEST 1,590.02 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 28.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.89 ACRES, MORE OR LESS.

along with BNSF Railway Company TR 382A is hereby vacated.

DATED THIS 27 DAY OF September, 2007.



ED BEDEKER, Road Commissioner
Otter Creek Township, LaSalle County,
Illinois

Publisher's Certificate

I, the undersigned, do hereby certify that I am an employee of Hometown News Group, LP, publisher of *The Streator Voice*, duly authorized to make this certificate on its behalf, and I do further certify that Hometown News Group, LP, is a Limited Partnership Company organized in the state of Illinois and that said limited partnership company has its offices and place of business in the City of Streator, LaSalle County, Ill., and that *The Voice* is now a secular weekly newspaper of general circulation regularly printed and published in the City of Streator, LaSalle County and State of Illinois.

I further certify that said newspaper is a newspaper as defined in the Act to revise the law in relation to notices as amended by Act approved July 17, 1959-III Compiled Statutes, Chap. 715, Sec 5/1 and 5/5.

I do further certify that as an employee of Hometown News Group, LP, that the matter of notice, a true copy of which is hereto attached, relating to the matter of

Notice of Public Hearing, Otter Creek Township

was published one time in said newspaper, the first insertion being on the 14th day of September, 2007, and the last insertion being on the 14th day of September, 2007.

Cassandra Mitchell,

Hometown News Group, LP

Signed 14th day of September, 2007

By Cassandra Mitchell

Employee of said Limited Partnership Company

Advertising Fee \$57.38

LEGAL NOTICE OF PUBLIC HEARING

A public hearing is scheduled for the purpose of examining, acting upon, and making a final decision relative to the Petition to Vacate seeking to vacate portions of East 23rd Road in Otter Creek Township legally described as:

TRACT 1
A PART OF SECTIONS 23 AND 24, TOWNSHIP 31 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN, LASALLE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS, WITH BEARINGS BASED UPON AN ASSUMED NORTH: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 30.94 FEET ALONG THE WEST LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 26.02 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD WITH THE EAST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 1,573.90 FEET ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF

RAILWAY; THENCE SOUTH 71 DEGREES 47 MINUTES 49 SECONDS WEST 51.92 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 10 SECONDS WEST 1,590.02 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 28.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.89 ACRE, MORE OR LESS.

along with BNSF Railway Company TR 382A.

The hearing will be held at the Otter Creek Township Hall located at 1607 E. Main Street, Streator, Illinois on Thursday, September 27, 2007 at 5:00 p.m.

ED BEDEKER

Otter Creek Township Road Commissioner

THE ROAD COMMISSIONER MAY, BY WRITTEN NOTICE TO THE COUNTY SUPERINTENDENT OF HIGHWAYS AND ANY AFFECTED MUNICIPALITY, AND BY PUBLIC ANNOUNCEMENT AND BY THE POSTING OF A NOTICE AT THE TIME, AND PLACE NAMED FOR THE FIRST HEARING, ADJOURN SUCH HEARING FROM TIME TO TIME, BUT NOT FOR A LONGER PERIOD THAN 10 DAYS.

MEMORANDUM OF DECISION

A hearing for the purpose of vacating a portion of East 23rd Road in Otter Creek Township, Streator, Illinois was called to order at 5:00 p.m., on September 27, 2007 at the Otter Creek Township Hall located at 1607 E. Main Street, Streator, Illinois, by ED BEDEKER, Otter Creek Township Road Commissioner. Those present at said public hearing were: RON SULLIVAN, VIKI CROUCH, MICHAEL PAVLICK, MARGARET PAVLICK, GENE ANDERSON, RALPH VOIGHTS, LARRY GOERNE, PEGGY GOERNE, JEAN DRENDEL, ED BEDECKER, GERALD DRENDEL, BERNIE JENKINS;

Road Commissioner, ED BEDEKER announced that the purpose of the hearing was to receive comment on the vacation of a portion of the following road in Otter Creek Township, Streator, Illinois: A PART OF SECTIONS 23 AND 24, TOWNSHIP 31 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN LASALLE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS, WITH BEARINGS BASED UPON AN ASSUMED NORTH: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 30.94 FEET ALONG THE WEST LINE OF SAID SECTION 24 TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 26.02 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD WITH THE EAST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE SOUTH 00 DEGREES 07 MINUTES 48 SECONDS WEST 1,573.80 FEET ALONG SAID EAST RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF THE BNSF RAILWAY; THENCE SOUTH 71 DEGREES 47 MINUTES 49 SECONDS WEST 51.92 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF EAST 23RD ROAD; THENCE NORTH 00 DEGREES 04 MINUTES 10 SECONDS WEST 1,590.02 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF NORTH 15TH ROAD; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 28.81 FEET TO THE POINT OF BEGINNING, CONTAINING 1.89 ACRES, MORE OR LESS, along with BNSF Railway Company TR 382A.

The floor was opened for discussion from the public on these road vacations. Discussion followed regarding the exact location of the road and ownership of the property following vacation.

Road Commissioner ED BEDEKER asked for any formal objections to the vacation of the above-described roads. (State whether any objections were made). NONE

A final hearing was then had and again no objections to the road vacation were heard. Road Commissioner ED BEDEKER taking all information into consideration, then made the following findings;

1. That said vacation is in the public and economic interest of the township;
2. That all persons residing or owning land within two miles of any portion of the proposed roadway being vacated still have reasonable access by way of motor vehicle or other portable farm machinery, commonly used in the area to farm land any person owns, to community and trade centers;
3. That no damages would be sustained by any adjoining landowners by reason of the proposed vacation.
4. That part of East 23rd Road and BNSF Railway Company TR 382A situated in Otter Creek Township, LaSalle County, Illinois and more particularly described herein is hereby vacated.

Road Commissioner ED BEDEKER indicated the proper documentation would be filed with the Township Clerk and properly recorded. The hearing was adjourned at 5:41 p.m.

Respectfully Submitted,

ED BEDEKER
Otter Creek Township Road Commissioner

