



ILLINOIS COMMERCE COMMISSION

February 14, 2008

The Village of Hartford, Madison County, Illinois,
Petitioners,

Vs.

Norfolk Southern Railway, a Virginia Corporation and State of Illinois,
Department of Transportation
Respondents.

T08-0038

Petition for an Order of the Illinois Commerce Commission authorizing the establishment of a grade crossing inventoried as DOT #328 022K (M.P. 18.85-ITP) at what is commonly known as Robbins Road in Hartford, Madison County, Illinois as a public grade crossing, at their intersection with the main line tracks of Norfolk Southern Railway Company, and for determination by the Illinois Commerce Commission of the appropriate level of warning devices and division of the costs among the parties.

Mr. Merle C. Bassett
Bassett Law Office, P.C.
16 West Lorena Avenue
Wood River, IL 62095

Dear Mr. Bassett:

Receipt is acknowledged of the original and one (1) copy of the Petition filed February 13, 2008 in the above matter.

All future correspondence/pleadings should be filed with an original and addressed to: Mr. Dave Lazarides, Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.illinois.gov and apply for an E-docket account.

Processing and Information Section

KI

Cc: Staff: Mr. Joseph VonDeBur
Ms. Christine Reed, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Lance Jones, IDOT
Mr. Mack Shumate, UP
Mr. Dave McKernan, UP
Mr. William Moore, Village President

Mr. Thomas W. Ambler, NS
Mr. Richard E. Boyle, NS
Mr. Rick Ray, NS
Ms. Nanci K. Scott, NS
Mr. David C. Reeves, KCS
C T Corporation Systems, UP and KCS
Ms. Sherry Smith, Village Clerk

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

THE VILLAGE OF HARTFORD)
MADISON COUNTY, ILLINOIS)
)
Petitioners)
)
vs.)
)
NORFOLK SOUTHERN RAILWAY)
A VIRIGNIA CORPORATION)
AND STATE OF ILLINOIS DEPARTMENT)
OF TRANSPORTATION)
)
Respondents)

NO. *TO 8-0038*

RECEIVED
FEB 13 2008
Illinois Commerce Commission
RAIL SAFETY SECTION

Petition for an Order of the Illinois Commerce Commission Authorizing the establishment of a grade crossing inventoried as DOT #328022K (M.P. 18.85 - 1TP) at what is commonly known as Robbins Road in Hartford, Madison County, Illinois as a public grade crossing, at their intersection with the main line tracks of Norfolk Southern Railway Company, and for determination by the Illinois Commerce Commission of the appropriate level of warning devices and division of the costs among the parties.

PETITION

TO THE ILLINOIS COMMERCE COMISSION:

NOW COMES, The Village of Hartford, Madison County, Illinois (Village), by its attorneys, BASSETT LAW OFFICE, P.C. and respectfully petition the Illinois Commerce Commission as follows:

1. That Petitioner, Village, located in Madison County, Illinois has improved and dedicated as public highway in February, 2002 a road commonly known as Robbins Road which runs, by compass direction, generally in an east-west direction and intersects the mainline railroad track of the Norfolk Southern Railway Company (NSRC) at a distance east of U.S. Route 3 in said County.
2. That NSRC in the operation of its railroad and facilities, operates trains over a mainline railroad track which runs, by compass direction, generally in a north/south direction through the Village.

DOCKETED

3. The grade crossing formed by the intersection of Robbins Road and the main line track is inventoried as DOT#328022K and is located at the railroad milepost 18.85. NSRC owns and maintains said railroad tracks and right of way at or near Robbins Road.

4. The public highway known as Robbins Road is located on both sides of the aforementioned grade crossing and is within the jurisdiction of Petitioner, Village, and is and will be maintained by and at the expense of Village. Proposed improvements thereon will be made and plans showing such are attached hereto and marked "Exhibit A".

5. Koch Pipeline is located east of the main line track and operates a business transloading various commodities between water and trucks at their operation site served by this road. Explorer Pipeline and Illini Pipeline also use this roadway for business purposes.

6. All truck traffic must cross this track in order to travel to the facility east of the crossing and Illinois Route 111 located east of the crossing. There is no alternative roadway to access the facility other than Robbins Road.

7. The number of trains operated over this track is approximately 8 trains per day.

8. The average daily traffic count over this crossing is approximately 50 vehicles per day, 90% of which are trucks.

9. Upon information and belief the Village believes funding will be available to contribute to the cost of any improvement, ordered to the crossing and will have agreements to secure such fundings.

WHEREFORE, Petitioner prays that this Honorable Commission will set the aforesaid matter for hearing with notice to the parties hereto, and after said hearing enter an order:

1. Determining that the crossing inventoried as DOT#328022K is now a public crossing.

2. Determining the nature of the warning devices that are appropriate and required to be installed.

3. Directing that moneys from the Grade Crossing Protection Fund pay a substantial portion of the costs of the installation of the warning devices.

4. Otherwise directing the division of the costs among the parties, including that the agreements in effect between NSRC and Village to govern any costs or expenses ordered by the Commission to be paid.

5. Determining a reasonable time period for completion of any work or improvements to be performed.

6. Directing the hearings be held concurrently with the hearing for the Village and Kansas City Southern and Union Pacific Railways.

Respectfully submitted,

THE VILLAGE OF HARTFORD,
MADISON COUNTY, ILLINOIS, Petitioner

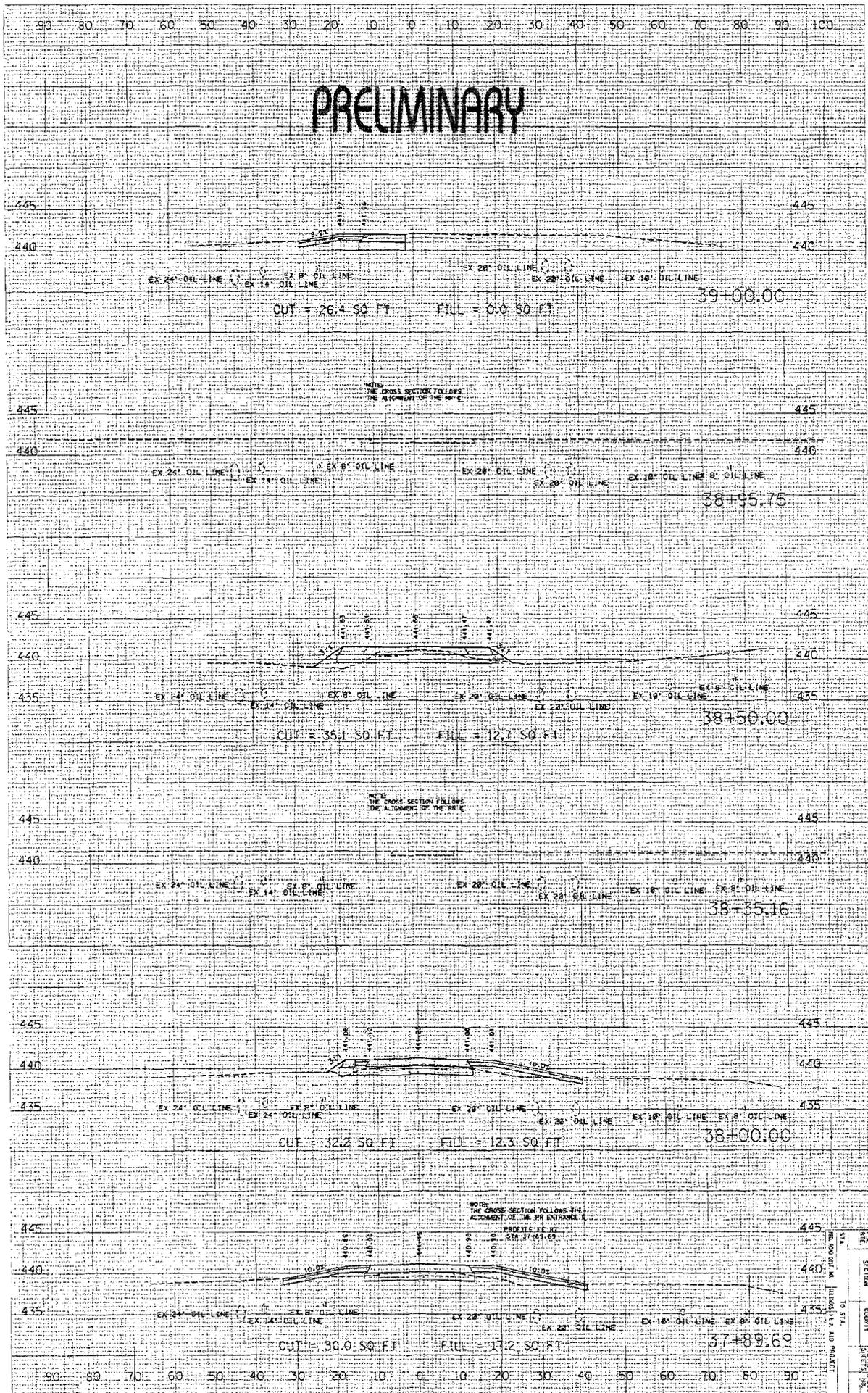
By: 
Merle C. Bassett, attorney

Merle C. Bassett #132462
Rene Bassett Butler #6224435
BASSETT LAW OFFICE, P.C.
16 West Lorena Avenue
Wood River, Illinois 62095
Phone: 618-254-0141
Fax: 618-254-0144
Email: mbassett@bassettlawoffice.com
rbutler@bassettlawoffice.com

PROJECT DATE: 1/7/2009
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 USER NAME: Parly, M.L.

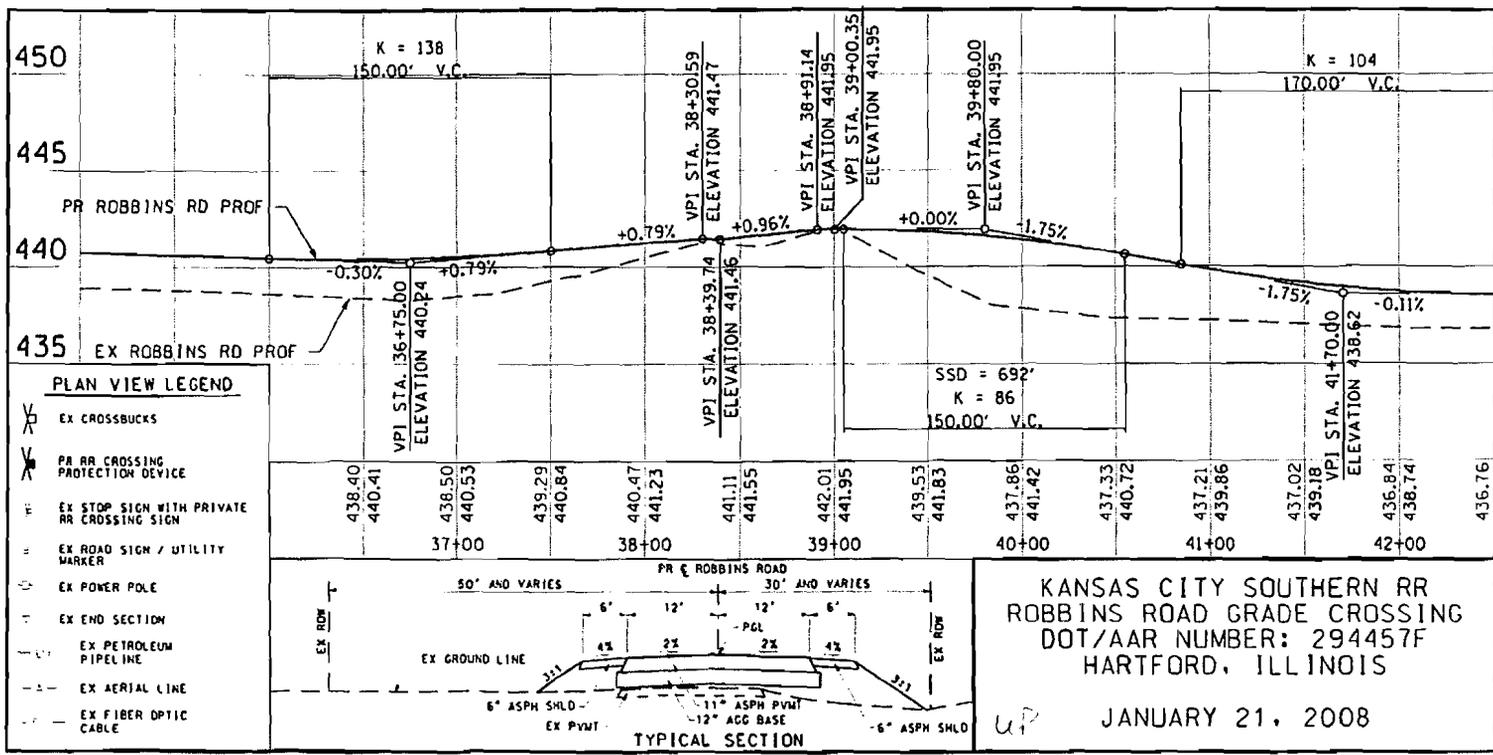
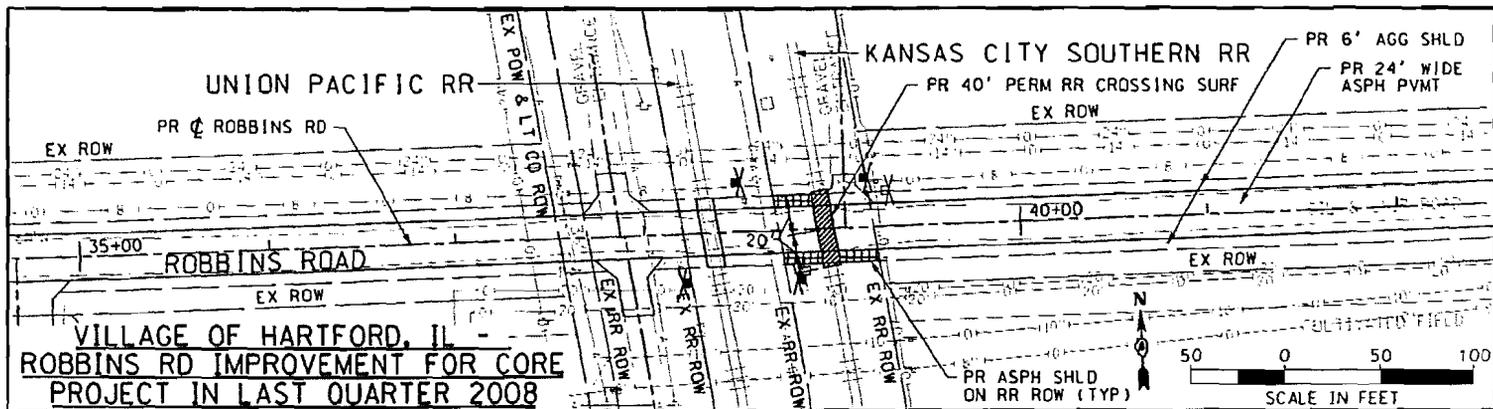
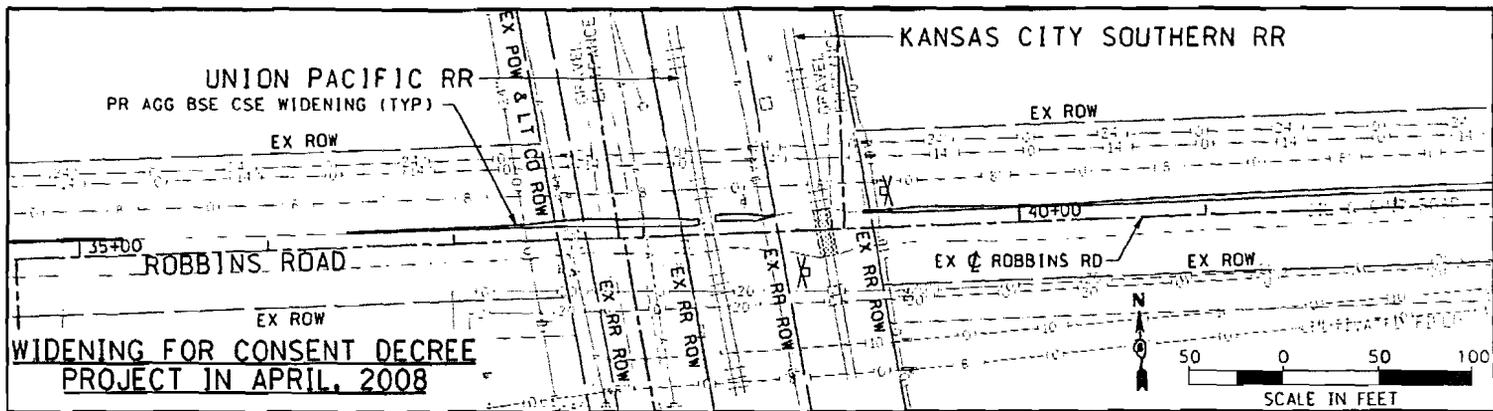
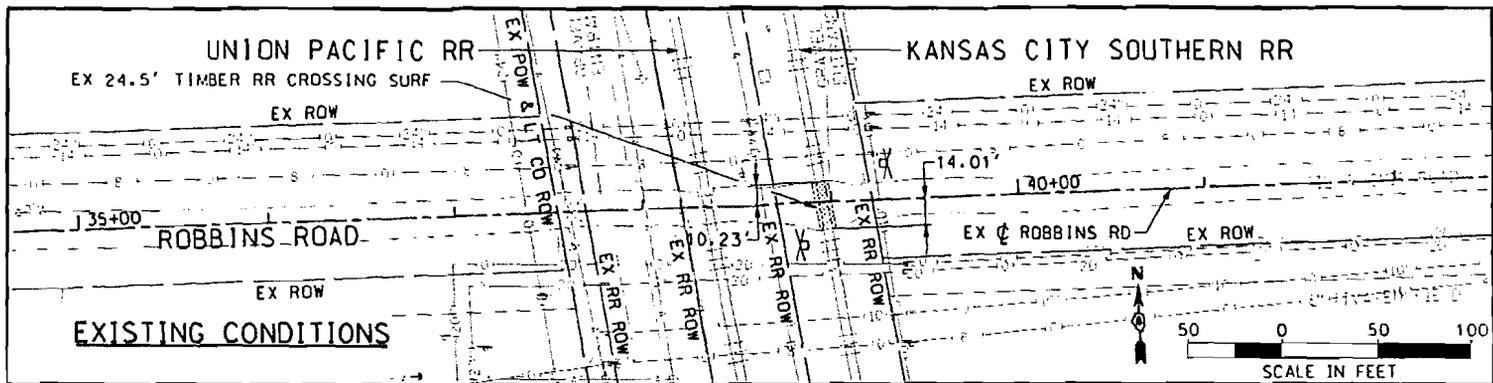
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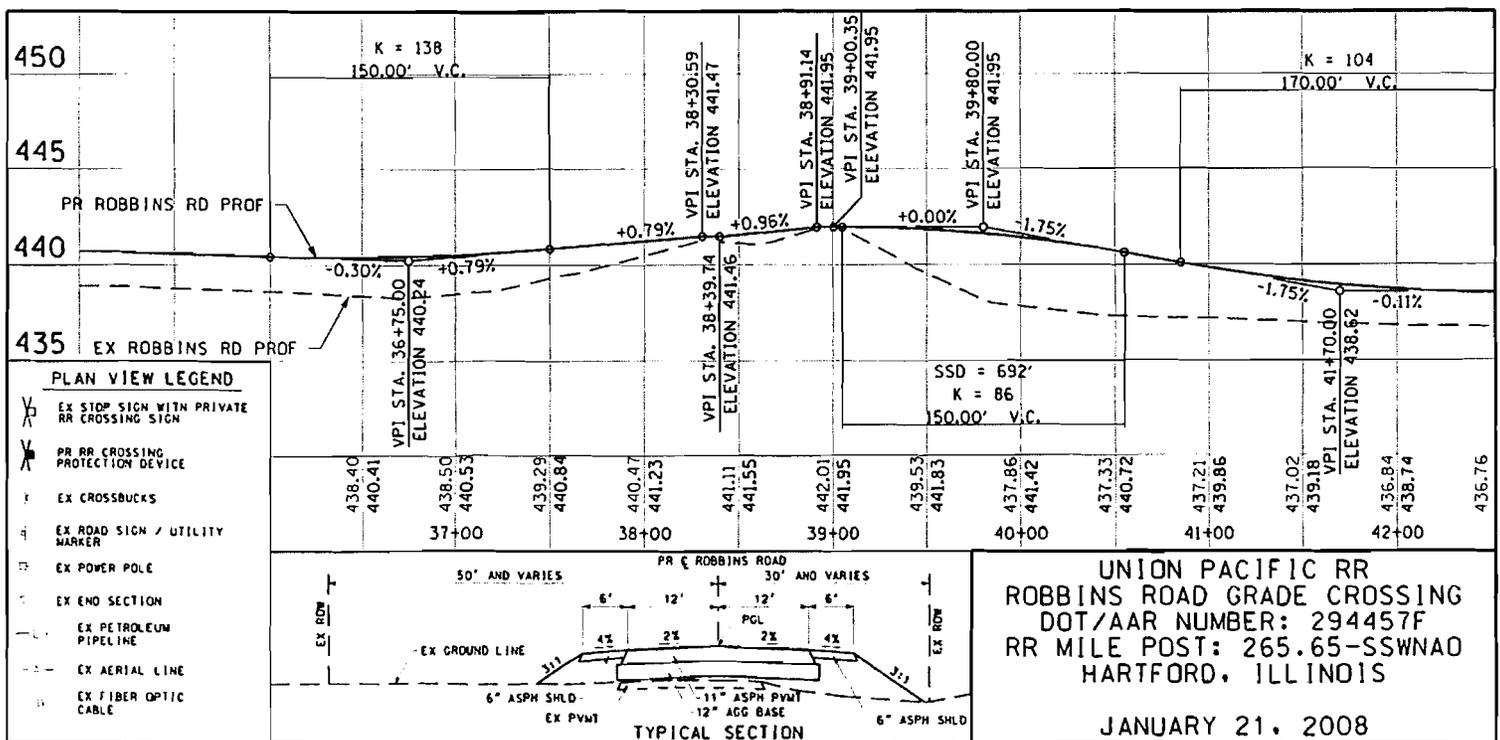
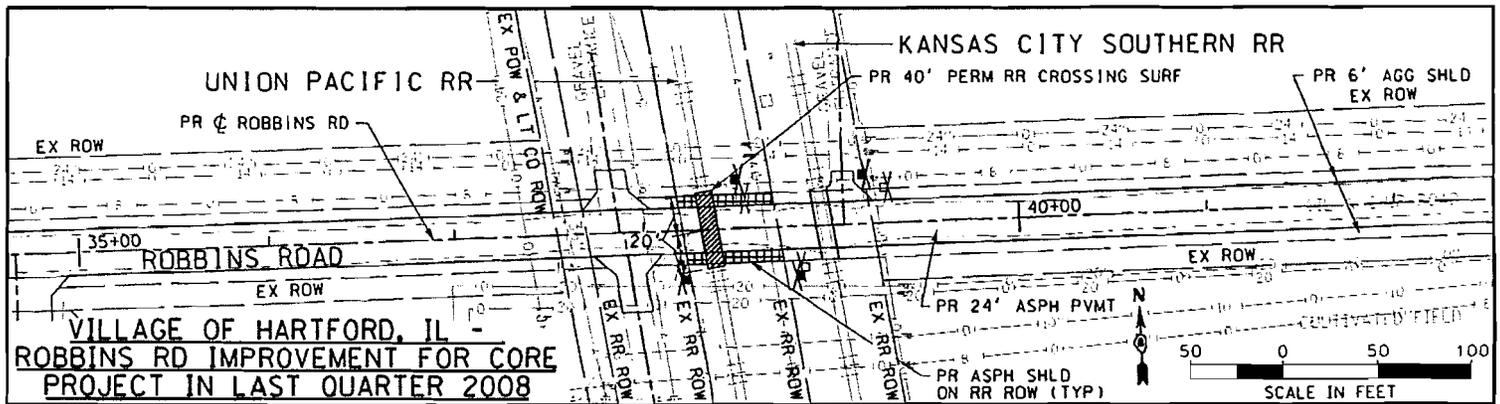
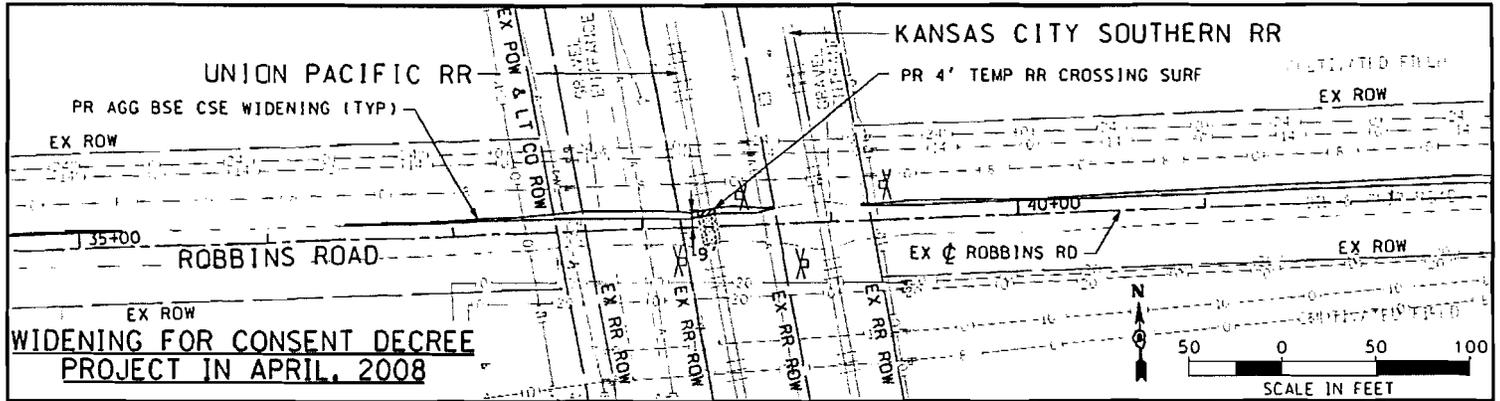
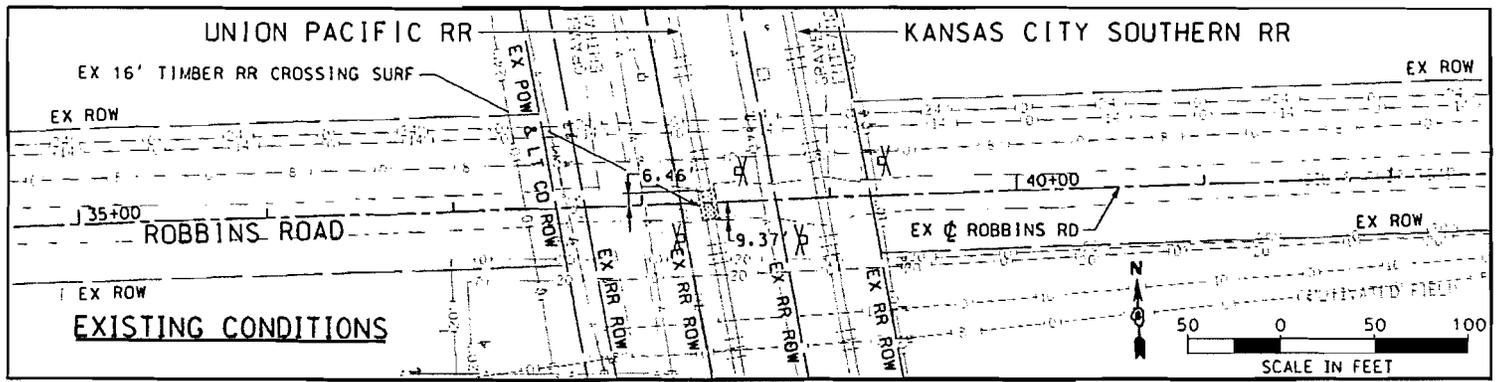
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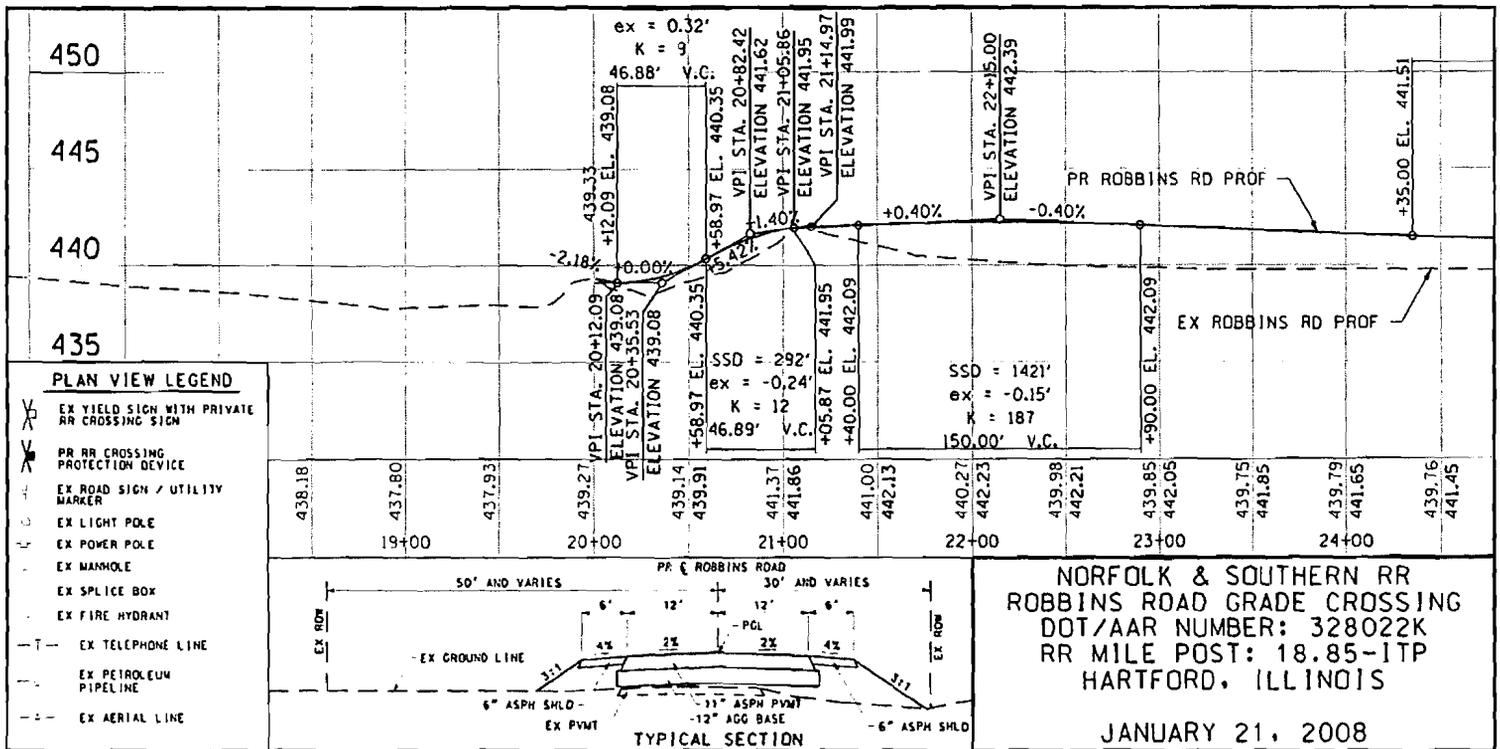
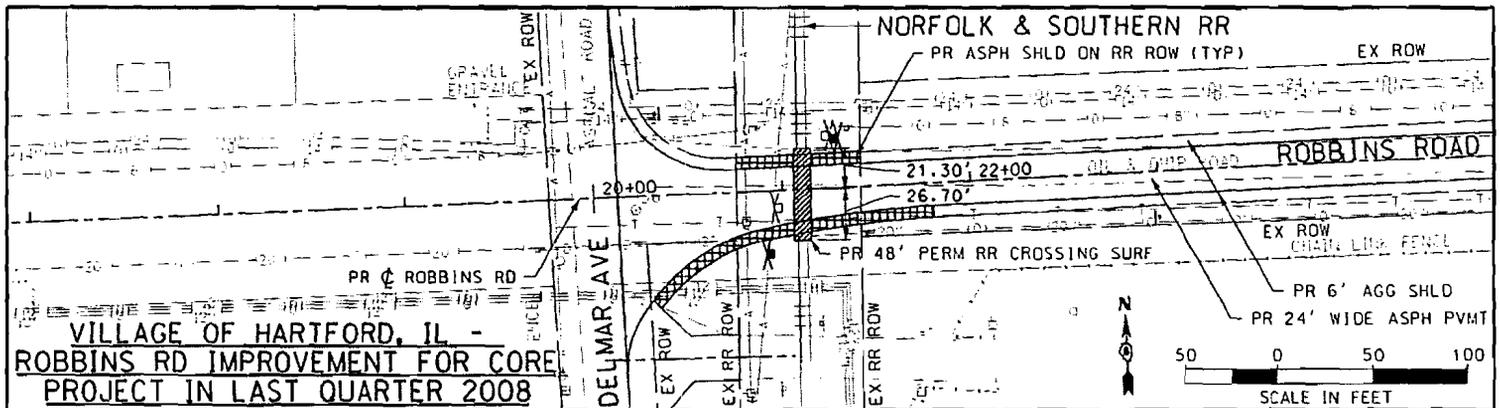
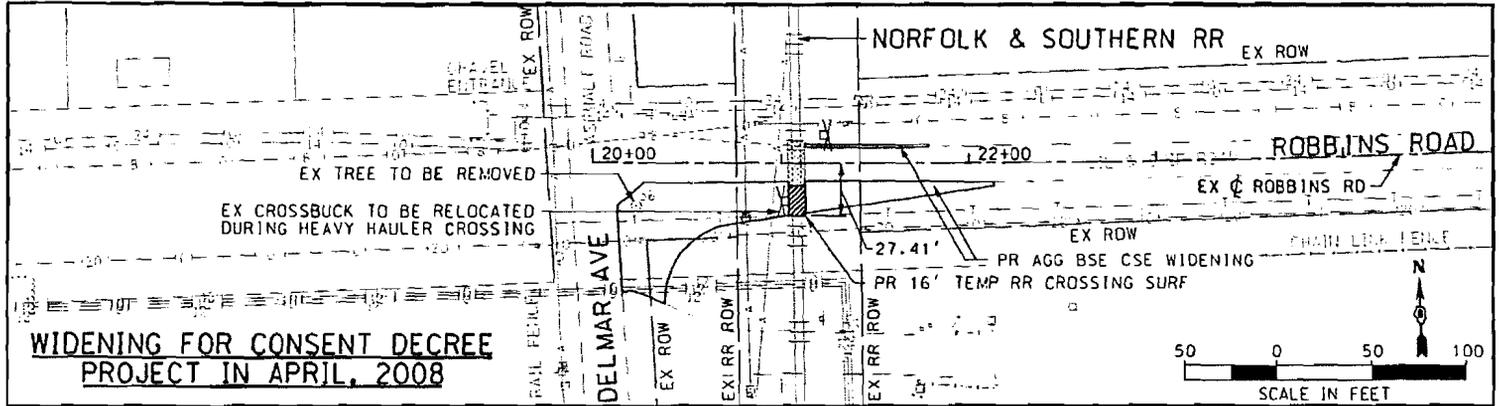
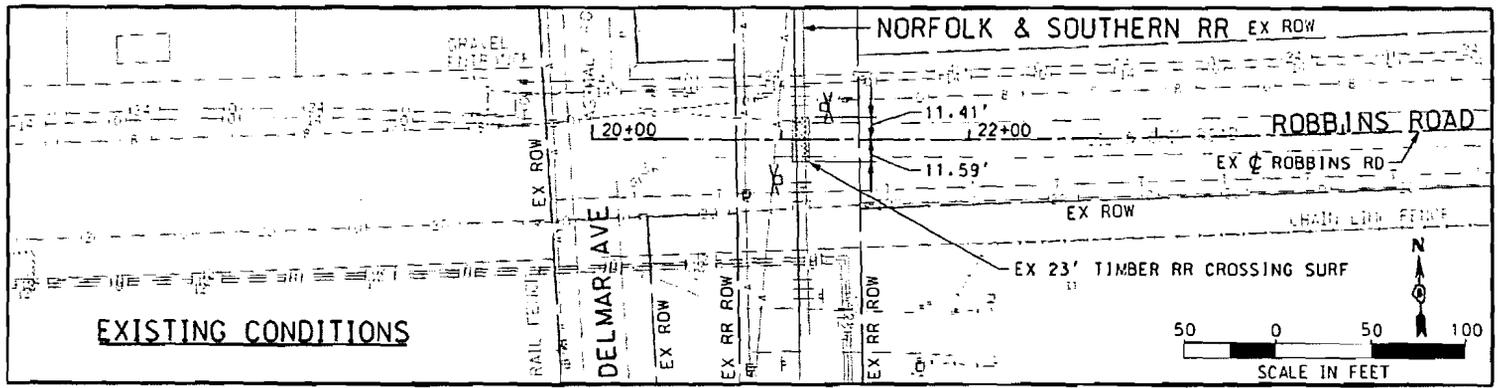


STATION	ELEVATION	TO STA	BY
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38+00.00	440.00	TO STA	BY
38+50.00	440.00	TO STA	BY
39+00.00	440.00	TO STA	BY

CONTRACT NO. _____



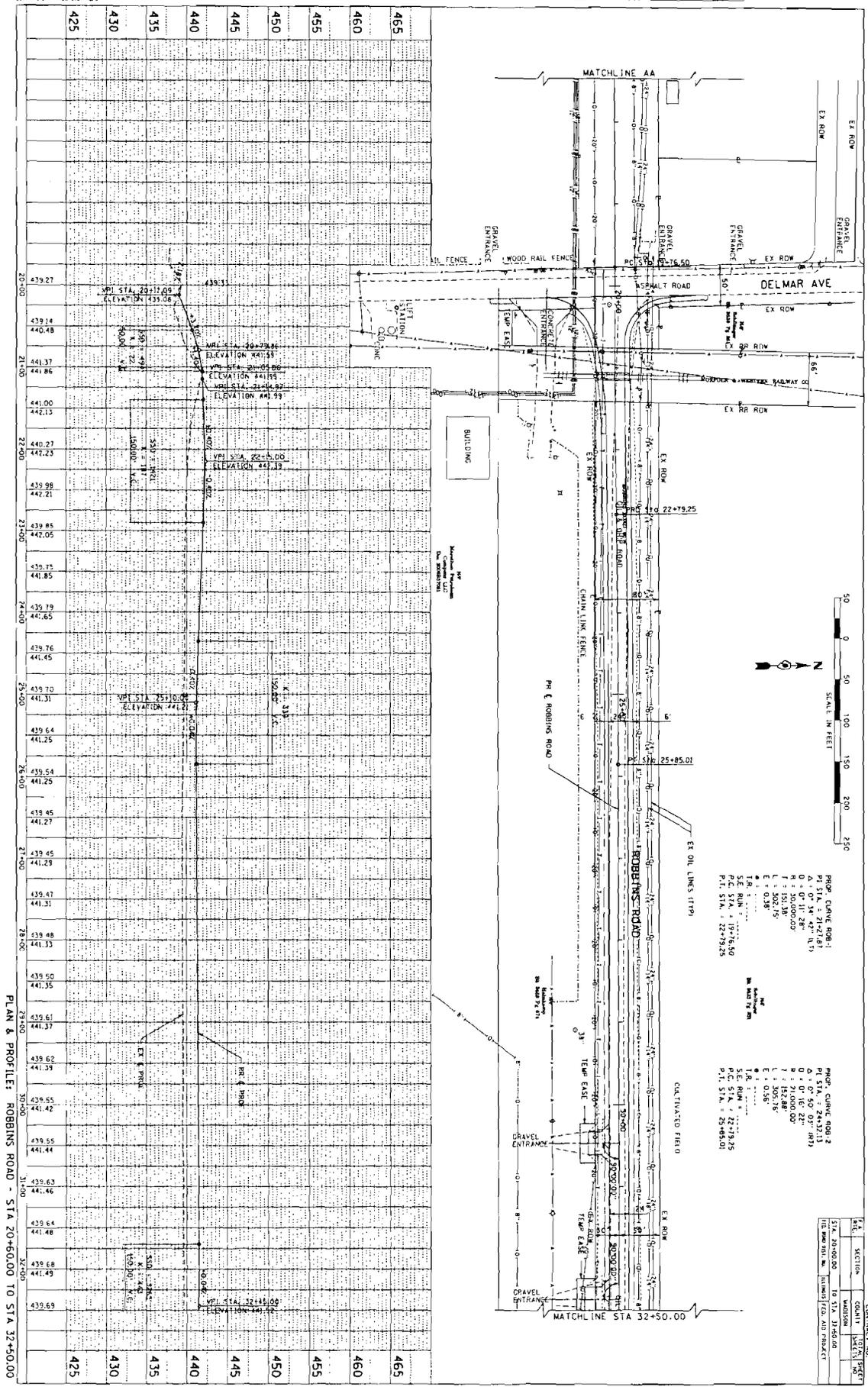




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 PLOT DATE: 1/18/2006 10:58 AM
 PLOT BY: J. R. B.

PROFILE	DATE	BY
10012101	1/18/2006	J. R. B.

PLAN	DATE	BY
10012101	1/18/2006	J. R. B.



PLAN & PROFILE ROBBIINGS ROAD - STA 20+60.00 TO STA 32+50.00

PROP. CURVE ROB. 1
 P.I. STA. 22+27.67
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 $\Delta = 0^\circ 31' 28''$
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 $L = 302.75$
 $E = 0.38$
 T.A. = 11.15
 S.E. RUN = 11.15
 S.T. STA. = 22+79.25
 P.I. STA. = 22+27.67

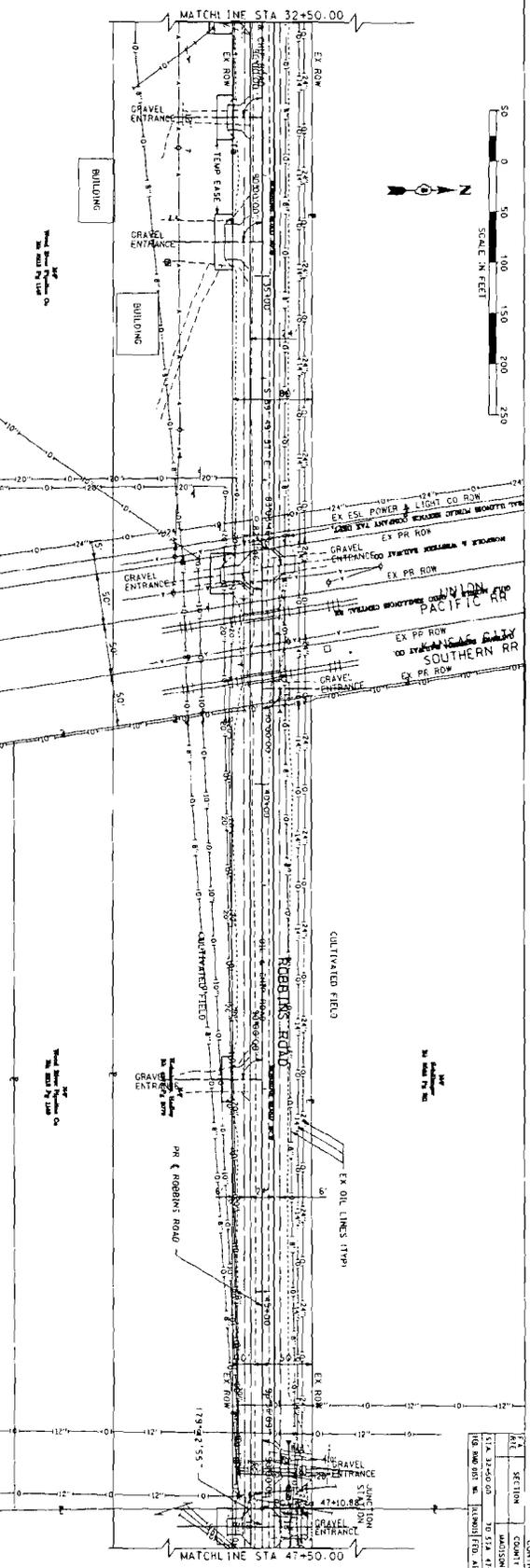
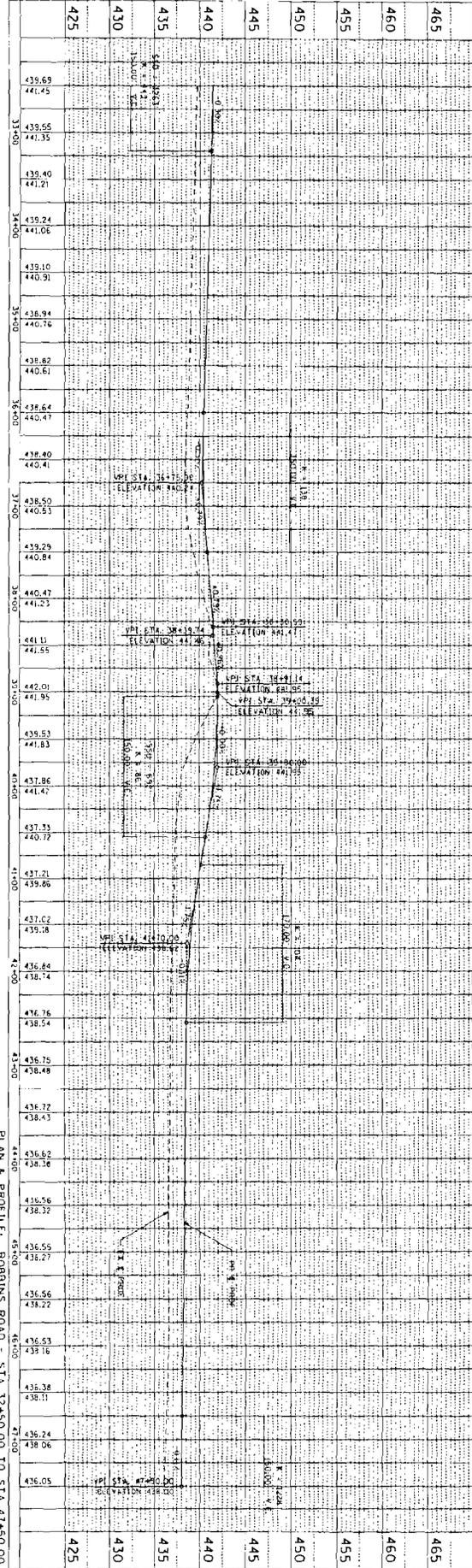
PROP. CURVE ROB. 2
 P.I. STA. 22+43.83
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 $\Delta = 0^\circ 16' 22''$
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 $L = 152.88$
 $E = 0.58$
 T.A. = 11.15
 S.E. RUN = 11.15
 S.T. STA. = 22+19.75
 P.I. STA. = 22+43.83

P.A.	SECTION	COMMIT	DATE	SHEET
10012101	10 STA 20+60.00	10 STA 32+50.00		

PLAN DATE: 1/18/2008
 FILE NAME: I:\Road\2008\274121\Drawings\274121.dwg
 PLOT SCALE: 1/8"=1'-0"
 USER NAME: J. W. Johnson

PROFILE	REVISION	DATE	BY	CHK

PLAN	REVISION	DATE	BY	CHK



PLAN & PROFILE: ROBB ROAD - STA 32+50.00 TO STA 47+50.00

DATE	SECTION	COUNT	CONTRACT NO.

CERTIFICATE OF SERVICES

Rene Bassett Butler, states that she is the Attorney for the Village of Hartford in the foregoing cause and that she served the foregoing PETITION on the parties by mailing a true and exact copy thereof to the following ATTORNEYS/PARTIES OF RECORD.

Glenn T. Hay, P.C.
Design Nine, Inc.
11166 Tesson Ferry Road, Suite 100
St. Louis, MO 63123-3966

Deanna Barnes
Village of Hartford - Project Manager
140 Hawthorne Avenue
Hartford, IL 62048

Tim Martin
Lead Construction Engineer
ConocoPhillips Company
900 South Central Avenue
Roxana, IL 62084

Mike Martin
ConocoPhillips Company
174 Clarkson – Suite 135
Ellisville, MO 63011

Joe Von De Bur
Railroad Safety Specialist
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Richard Daniels
Railroad Safety Specialist
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Ellen J. Schanzle-Haskins
Chief Counsel – IDOT
2300 South Dirksen Parkway, Room 300
Springfield, IL 62764

Lance T. Jones
Deputy Chief Counsel – IDOT
2300 S. Dirksen Parkway, Room 300
Springfield, IL 62764

Jason L. Johnson
Rail Safety Tech.
IDOT – Bur. of Local Roads & Streets
2300 S. Dirksen Parkway Room 305
Springfield, IL 62764

by depositing same in the US Mail at Wood River, Illinois before 5:00 p.m. on the 12th day of February, 2008, with proper postage prepaid.

AND TO:

David W. McKernan
Manage of Industry & Public Projects
Union Pacific RR Co.
100 North Broadway, Suite 1500
St. Louis, MO 63102

Paul T. Gegg
MTM, Engineering
Union Pacific Railroad
811 West Chestnut Street
Bloomington, IL 61701

J.F. Kazmierczak
Engineer Public Improvements
Norfolk Southern Corporation
1200 Peachtree Street
Atlanta, GA 30309

David C. Reeves
Associate General Counsel
The Kansas City Southern Railway Co.
427 West 12th Street
Kansas City, MO 64105

by depositing same in the Federal Express drop box located in Wood River, Illinois before 5:00 p.m. on the 12th day of February, 2008, with proper postage prepaid.



ORDINANCE NO. 2002-0-147AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE
VILLAGE OF HARTFORD, MADISON COUNTY, ILLINOIS.
(THE HELMKAMP PROPERTY - 414 ACRES)

WHEREAS, there are no electors residing within the said territory; and

WHEREAS, the said territory is not within the corporate limits of any municipality but is contiguous to the Village of Hartford; and

WHEREAS, legal notices regarding the intention of the Village to annex said territory have been sent to all public bodies required to receive such notice by State statute; and

WHEREAS, copies of such notices required to be recorded, if any, have been recorded in the Office of the Recorder of Deeds of Madison County, Illinois; and

WHEREAS, the legal owner of record of said territory and the Village of Hartford have entered into a valid and binding annexation agreement relating to such territory; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the terms of said annexation agreement and with the statutes of the State of Illinois, specifically 65 ILCS 5/7-1-18; and

WHEREAS, it is in the best interests of the Village of Hartford that said territory be annexed thereto.

RECEIVED

FEB 13 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HARTFORD, MADISON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That the real estate legally described on Exhibit A attached hereto and made a part hereof is annexed to the Village of Hartford, Madison County, Illinois.

SECTION 2: That the Village Clerk is hereby directed to record with the County Clerk, a certified copy of this Ordinance, together with the accurate map of the territory annexed appended to said Ordinance.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

PASSED THIS 5th DAY OF February, 2002.

AYES: 6

NAYS: 0

ABSENT: 0

William E. Moore Jr
Mayor of the Village of Hartford
Madison County, Illinois

ATTEST:

Alison K. Smith
Clerk, Village of Hartford

A tract of land in the Southwest Quarter of Section 2, in the South Half of Section 3, in the Southeast Quarter of Section 4, in the Northeast Quarter of Section 10, and in the West Half of Section 11, all in Township 4 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Beginning at a point on the Westerly right-of-way line of Illinois Route 111 and the North line of the South Half of the Southwest Quarter of said Section 2, thence South, along the Westerly right-of-way line of said Illinois Route 111, to the South line of said Section 2, being the North line of said Section 11; thence continuing South along the Westerly right-of-way line of said Illinois Route 111, to the South line of said Section 11; thence West along the South line of said Section 11, to the West line of the East Half of the Southwest Quarter of said Section 11; thence North, along the West line of the East half of said Southwest Quarter, to the South line of the Northwest Quarter of said Section 11; thence West along the South line of said Northwest Quarter to the Southwest corner of said Northwest Quarter, being the Southeast corner of the Northeast Quarter of said Section 10; thence continuing West; along the South line of the Northeast Quarter to the Southwest corner of the Southeast Quarter of said Northeast Quarter; thence North along the West line of the Southeast Quarter of said Northeast Quarter, to the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence West along the South Line of the North Half of said Northeast Quarter, to the Southwest corner of the Northwest Quarter of said Northeast Quarter; thence continuing West along the South line of the North Half of the Northwest Quarter of said Section 10, a distance of 593.46 feet; to the East right-of-way line of the Penn Central Railroad; thence North 7 Degrees 23 Minutes West along the East right-of-way line of said Penn Central Railroad, a distance of 404.2 feet, to the South line of a tract of land conveyed to Ashland Oil and Refining Company by Special line of a tract of land conveyed to Ashland Oil and Refining Company by Special Warranty Deed and recorded in Deed Book 1291, Page 341 of the Madison County Recorder of Deeds Office; thence South 89 Degrees 04 Minutes East, along the South line of said Ashland Oil and Refining Company tract, a distance of 645.4 feet; thence continuing South 89 Degrees 04 Minutes East, a distance of 349.76 feet; thence North 00 Degrees 06 Minutes East, a distance of 1042.7 feet; thence North 89 Degrees 02 Minutes West, a distance of 350.24 feet, to the East line of the Southeast Quarter of said Section 3; thence continuing West along the North line of said Ashland Oil and Refining Company tract, to the East right-of-way line of said Penn Central Railroad; thence North 7 Degrees 23 Minutes West along the East right-of-way line of said Penn Central Railroad to a line 200 feet North of the South line of said Section 3; thence East parallel to and 200 feet North of said South line of said Section 3 to the East line of said Section 3, also being the Southwest corner of a tract of land conveyed in Deed Book 2728 on Page 515 and in Book 3027, Page 398 of said Recorders Office; thence South 85 Degrees 43 Minutes 48 Seconds East along said South line and parallel to the South line of said Section 2, a distance of 886.58 feet; thence North 00 Defees 51 Minutes 42 Seconds West parallel with the

West line of said Section 2, a distance of 1153.76 feet, to the North line of the South Half of the Southwest Quarter of said Section 2; thence East along the North line of the South Half of said Southwest Quarter, to the Point of Beginning, containing 414 acres, more or less.

Parcel I.D. No.	18-1-14-02-00-000-003
Parcel I.D. No.	18-1-14-11-00-000-004
Parcel I.D. No.	18-1-14-10-00-000-001
Parcel I.D. No.	18-1-14-03-00-000-016



2 Ginger Creek Parkway
Glen Carbon, IL 62034

Telephone: 618/656-4166
Fax : 618/656-7127
e-mail: bva@plantnet.com

EXHIBIT # 1

**ANNEXATION DESCRIPTION
FOR
JOHN G. HELMKAMP, JR. / 111 WEST FARM**

MAPS & PLATS

Legal Description

Pre-Approved

By: MO
Date: 02-20-02

A tract of land in the Southwest Quarter of Section 2, in the South Half of Section 3, in the Southeast Quarter of Section 4, in the Northeast Quarter of Section 10, and in the West Half of Section 11, all in Township 4 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, described as follows: Beginning at a point on the Westerly right-of-way line of the of Illinois Route 111 and the North line of the South Half of the Southwest Quarter of said Section 2; thence South, along the Westerly right-of-way line of said Illinois Route 111, to the South line of said Section 2, being the North line of said Section 11; thence continuing South along the Westerly right-of-way line of said Illinois Route 111, to the South line of said Section 11; thence West along the South line of said Section 11. to the West line of the East Half of the Southwest Quarter of said Section 11; thence North, along the West line of the East half of said Southwest Quarter, to the South line of the Northwest Quarter of said Section 11; thence West along the South line of said Northwest Quarter to the Southwest corner of said Northwest Quarter, being the Southeast corner of the Northeast Quarter of said Section 10; thence continuing West, along the South line of the Northeast Quarter to the Southwest corner of the Southeast Quarter of said Northeast Quarter; thence North along the West line of the Southeast Quarter of said Northeast Quarter, to the Northwest corner of the Southeast Quarter of said Northeast Quarter; thence West along the South Line of the North Half of said Northeast Quarter, to the Southwest corner of the Northwest Quarter of said Northeast Quarter; thence continuing West along the South line of the North Half of the Northwest Quarter of said Section 10, a distance of 593.46 feet, to the East right-of-way line of the Penn Central Railroad; thence North 7 Degrees 23 Minutes West along the East right-of-way line of said Penn Central Railroad, a distance of 404.2 feet, to the South line of a tract of land conveyed to Ashland Oil and Refining Company by Special Warranty Deed and recorded in Deed Book 1291, Page 341 of the Madison County Recorder of Deeds Office; thence South 89 Degrees 04 Minutes East, along the South line of said Ashland Oil and Refining Company tract, a distance of 645.4 feet; thence continuing South 89 Degrees 04 Minutes East, a distance of 349.76 feet; thence North 00 Degrees 06 Minutes East, a distance of 1042.7 feet; thence North 89 Degrees 02 Minutes West, a distance of 350.24 feet, to the East line of the Southeast Quarter of

said Section 3; thence continuing West along the North line of said Ashland Oil and Refining Company tract, to the East right-of-way line of said Penn Central Railroad; thence North 7 Degrees 23 Minutes West along the East right-of-way line of said Penn Central Railroad to a line 200 feet North of the South line of said Section 3; thence East parallel to and 200 feet North of said South line of said Section 3 to the East line of said Section 3, also being the Southwest corner of a tract of land conveyed in Deed Book 2728 on Page 515 and in Book 3027, Page 398 of said Recorders Office; thence South 85 Degrees 43 Minutes 48 Seconds East along said South line and parallel to the South line of said Section 2, a distance of 886.58 feet; thence North 00 Degrees 51 Minutes 42 Seconds West parallel with the West line of said Section 2, a distance of 1153.76 feet, to the North line of the South Half of the Southwest Quarter of said Section 2; thence East along the North line of the South Half of said Southwest Quarter, to the Point of Beginning, containing 414 Acres, more or less.

Parcel I.D. No. 18-1-14-02-00-000-003

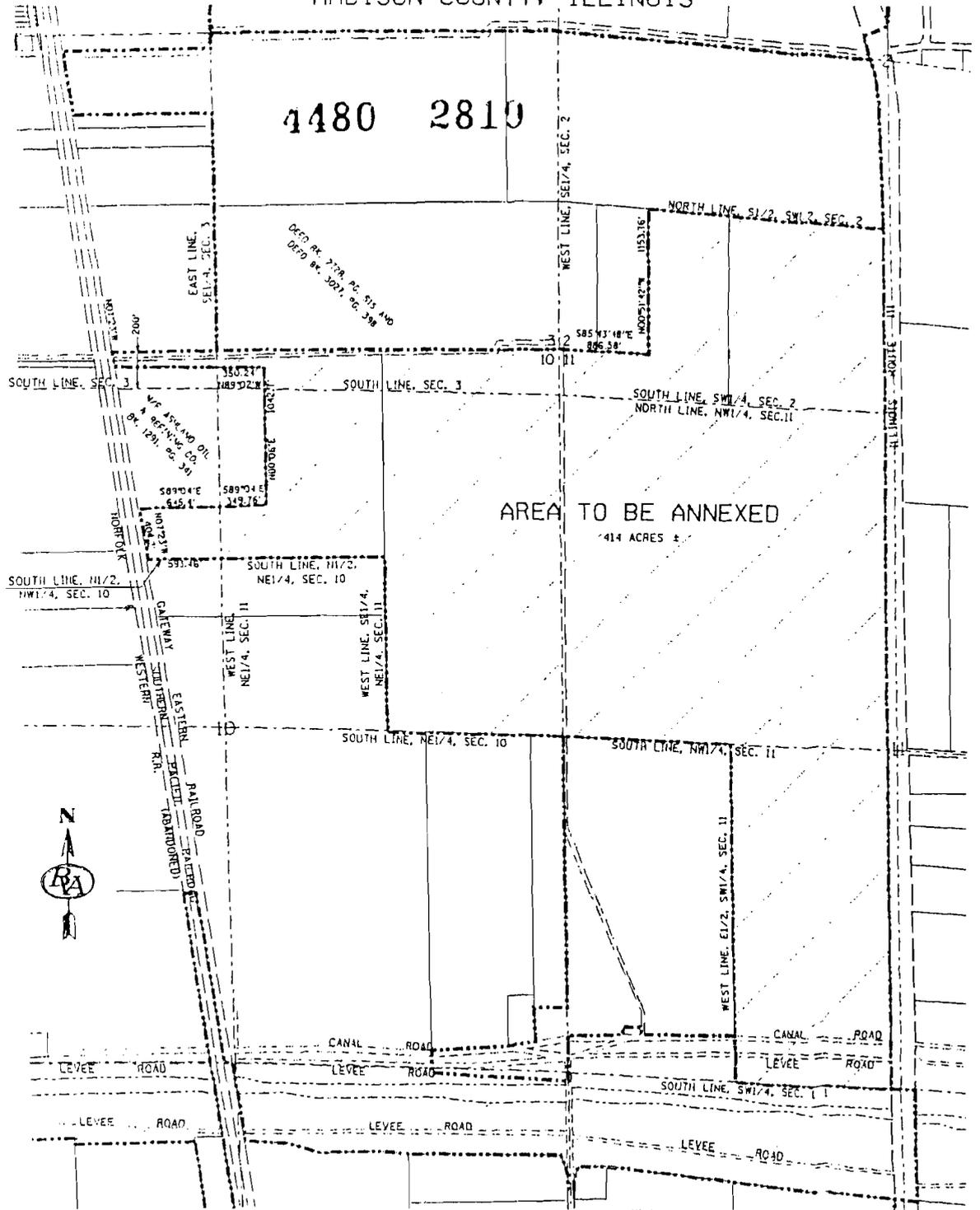
Parcel I.D. No. 18-1-14-11-00-000-004

Parcel I.D. No. 18-1-14-10-00-000-001

Parcel I.D. No. 18-1-14-03-00-000-016

ANNEXATION PLAT

PART OF THE SW1/4 OF SEC. 2, THE S1/2 OF SEC. 3, THE SE1/4 OF SEC. 4, THE NE1/4 OF SEC. 10 & THE W1/2 OF SEC. 11, ALL IN T.4N., R.9W. OF THE 3RD PRIN. MER. MADISON COUNTY, ILLINOIS



THIS IS TO CERTIFY TO THE BEST OF OUR KNOWLEDGE AND BELIEF THAT WE HAVE, AT THE REQUEST OF THE VILLAGE OF HARTFORD, PREPARED THIS ANNEXATION PLAT FROM RECORD SOURCES AS SHOWN HEREON, AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION THEREOF.

6/19/00
DATE

THOMAS M. VARNIS, P.L.S. #2468
PROFESSIONAL SURVEYOR
STATE OF ILLINOIS
GLEN CARBON, ILLINOIS

NOTE: IT IS NOT WARRANTED THAT THIS PLAT CONTAINS INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT OF WAY, OUTLYING LINES, AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.

DRAWN BY: MJS DATE: 06.07.00	BLOTEVOGEL-VARNIS & ASSOCIATES, INC. CONSULTING ENGINEERS • LAND SURVEYORS 2 GINGER CREEK PARKWAY, GLEN CARBON, ILLINOIS 62034 TELEPHONE: 618-656-4166 • FAX: 618-656-7127 • e-mail: blv@amplinet.net	TITLE: ANNEXATION PLAT	JOB NO. 5795 SHEET 1 OF 1
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4480 2811

CERTIFICATION

I, SHARON SMITH, DO HEREBY CERTIFY THAT I am the Village Clerk of the Village of Hartford, Illinois; that the attached is a true and exact copy of Ordinance No. ²⁰⁰²⁻⁰⁻147, "An Ordinance Annexing Certain Territory to the Village of Hartford, Madison County, Illinois (Property of Helmkamp - 414 acres)" which was passed at a regular meeting of the Board of Trustees of the Village of Hartford on the 5th day of February, 2002.

Dated this 7th day of February, 2002.



Sharon Smith, Village Clerk

DEDICATION

The undersigned Owners of the real estate described in Exhibit #1 attached hereto and made a part hereof by this document dedicate for public use to the Village of Hartford, Madison County, Illinois, a municipal corporation, hereafter referred to as "Hartford", the road which runs east and west on and upon the real estate described in Exhibit #1 and which is the subject of an ordinance annexing certain territory to Hartford adopted by Hartford on February 5, 200~~1~~². The common name of the road is Robins Road and the dedication consists of an 80 foot wide right of way running from Delmar Street on the West to State Route 111 on the east. The dedication to Hartford is for the public use as a roadway on and upon the subject property.

The undersigned hereby reserve all rights to grant easements on and upon the dedicated roadway subject to the following provisions:

Granting of all easements shall be conditioned upon the provision of hold harmless agreements by any grantee of an easement. Such agreements shall hold harmless the Village of Hartford, its trustees, its officers and its employees from any and all liability for any damages or claims for property damage or personal injury or death arising out of work on or the use of the property, which is the subject of any easement granted by the undersigned. The undersigned further agree to require and obtain hold harmless agreements as described herein from any and all persons or entities performing work or entering upon the property pursuant to any easement.

The undersigned agree to require all grantees of easements to provide certificates of insurance for personal injury and property damage liability insurance to the Village of Hartford with respect to any easement granted by the undersigned and to require certificates of

insurance from any and all persons or entities performing work or entering upon the property which is the subject of an easement.

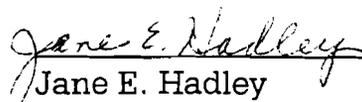
The undersigned agree to require that any and all grantees of easements and persons or entities performing work or entering upon the property pursuant to the easement name the Village of Hartford as a primary insured on any liability insurance policies on the property which is the subject of any easement.

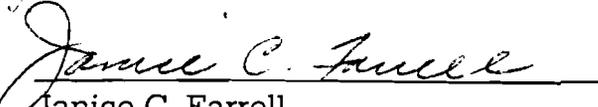
The undersigned agree to require that any and all grantees of easements and persons or entities performing work on or entering upon property pursuant to an easement shall restore the property and the property comprising the easement to the condition in which it was in prior to any work upon the property or easement or any entry upon the property easement.

Notwithstanding any other provision of this Dedication document, the dedication to the Village of Hartford, which is the subject of this Dedication document, is expressly contingent upon the consent by the railroads which own the railroad crossings across Robins Road to the improvements of Robins Road which affect their railroad crossings. Should any or all of the railroads refuse to consent to improvements to Robins Road insofar as Robins Road crosses the railroad crossings owned by the railroads, this Dedication document shall be of no effect whatsoever.

Executed this 5th day of February, 200~~1~~².

OWNERS:


 Jane E. Hadley


 Janice C. Farrell

John G. Helmkamp, Jr.
John G. Helmkamp, Jr

John Gilbert Helmkamp III TRUSTEE
John Gilbert Helmkamp III Trust #2

Ryan Helmkamp TRUSTEE
Ryan Helmkamp, Trust #2

Darren Helmkamp TRUSTEE
Darren Helmkamp, Trust #2

Sarah Hadley Trustee
Sarah Hadley, Trust #2

Angela Hadley Trustee
Angela Hadley, Trust #2

Beth Farrell Elmore Trust
Beth Farrell Elmore Trust

Gregory Farrell Trust
Gregory Farrell Trust

Michael Farrell Trust
Michael Farrell Trust

Bradford Farrell
Bradford Farrell

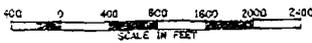
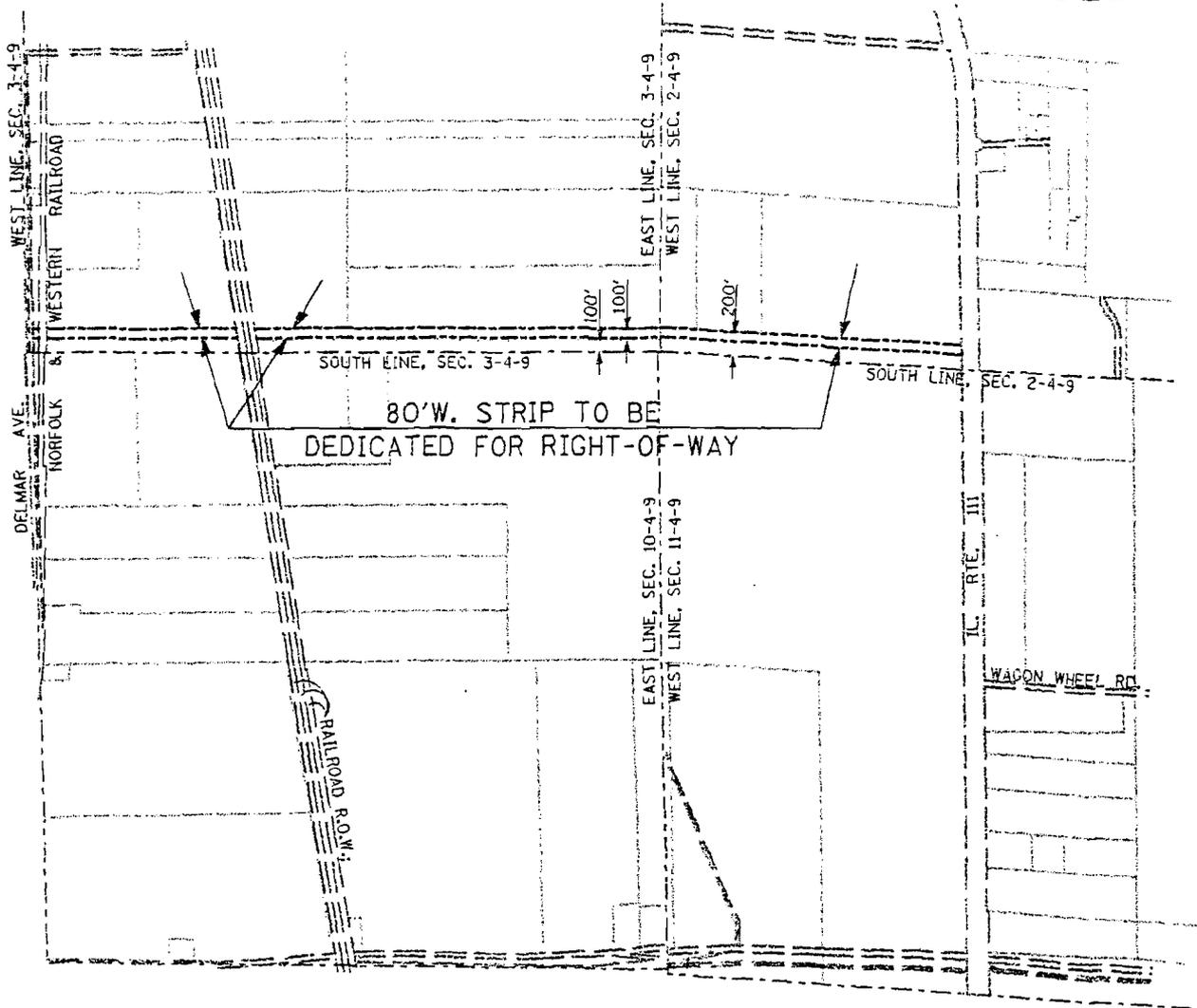
A tract of land located in the South One-Half of Section 2 and the South One-Half of Section 3, all in Township 4 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, being more particularly described as follows: Commencing at the Southwest corner of said Section 3; thence East along the South line of said Section 3 to the East right-of-way line of Delmar Avenue (formerly Alternate U.S. Route 67); thence North along said right-of-way line to a point being 200 feet North of, as measured perpendicular to, the South line of said Section 3, said point being the true point of beginning; thence from said point of beginning, Easterly, a distance of 2,707 feet, more or less, to the East line of said Section 3, said point being 200 feet North of, as measured perpendicular to the South line of said Section 3, the Southeast corner of said Section 3, also being the Southwest corner of a tract of land conveyed in Deed Book 2728, Page 515 and in Book 3027, Page 398 of the Madison County Recorder of Deeds Office; thence South 85 Degrees 43 Minutes 48 Seconds East along a line 200 feet North of, and parallel to, the South line of said Section 2 to the Westerly right-of-way line of Illinois Route 111; thence South along said Westerly right-of-way line of Illinois Route 111 to a point 80 feet South of, as measured perpendicular to, the last described line; thence North 85 Degrees 43 Minutes 48 Seconds West along a line 120 feet North of, and parallel to, the South line of said Section 2 to the East line of said Section 3; thence Westerly along a line 120 feet North of, and parallel to, the South line of said Section 3, a distance of 2,707 feet, more or less, to the Westerly right-of-way line of said Delmar Avenue; thence North along said Westerly right-of-way line of Delmar Avenue to the Point of Beginning.

Excepting from the above tract, the rights-of-way of the former Illinois Terminal Railroad (two lines), the former Gulf, Mobile & Ohio Railroad, the former Cleveland, Cincinnati, Chicago and St. Louis Railroad; and, subject to the rights of East St. Louis Light and Power Company by virtue of the Deed dated February 11, 1914, and recorded in Book 392, Page 411 in the Madison County Recorder of Deeds Office.

EXHIBIT 1

PART OF THE S1/2 OF SEC. 2 & PART OF THE S1/2 OF SEC. 3,
T.4N., R.9W. OF THE 3RD PRIN. MER.
MADISON COUNTY, ILLINOIS

4480 2816



DRAWN BY: **BA** **BLOTEVOGEL ASSOCIATES, INC.**
MJS
DATE: 12/13/01
CONSULTING ENGINEERS • LAND SURVEYORS
2 GINGER CREEK PARKWAY, GLEN CARBON, ILLINOIS 62034
TELEPHONE: 618/356-4166 • FAX: 618/556-7127 • e-mail: aclepiant@com

TITLE:
EXHIBIT 1

JOB NO.
2005795
SHEET 1
OF 1