

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

BNSF RAILWAY COMPANY AND)
DUNLIETH TOWNSHIP in JO DAVIESS)
COUNTY, ILLINOIS,)

Petitioners,)

vs.)

No. T07-0091

CANADIAN NATIONAL RAILWAY)
COMPANY and STATE OF ILLINOIS)
DEPARTMENT OF TRANSPORTATION,)

Respondents.)

RECEIVED

SEP 2 2008

Illinois Commerce Commission
RAIL SAFETY SECTION

RESPONSE TO PETITION

Now comes, the CITY OF EAST DUBUQUE, by its attorneys, Ward, Murray, Pace & Johnson, P.C., and respectfully represents to the Illinois Commerce Commission as follows:

1. A petition was previously filed in this cause by BNSF Railway Company (BNSF) and Dunlieth Township in Jo Daviess County seeking certain determinations as to a certain grade crossing formed by the intersection of Barge Harbor Road and the intersection of two main line railroad tracks of BNSF, as more fully appears of record.

2. At the time of the institution of the petition, Petitioner Dunlieth Township had improved and had dedicated as a public highway the public road commonly known as Barge Harbor Road, as more fully appears from paragraph 2 of the petition.

3. In the interim since the initiation of the described petition, the City of East Dubuque has annexed certain property in the area of and surrounding Barge Harbor Road, with the effect that Barge Harbor Road is now controlled and maintained by the City of East Dubuque. A copy of a series of annexation ordinances with respect to the subject property marked Group Exhibit A is attached hereto and incorporated herein by reference.

DOCKETED

SEP - 2 2008

12

4. The City of East Dubuque supports the petition on file in this cause but does not have funding available to contribute to the cost of any improvements to the crossings on Barge Harbor Road.

WHEREFORE, the CITY OF EAST DUBUQUE prays that this honorable Commission will grant the relief requested in the petition on file in this cause, and for such other and further relief as may be deemed just and proper.

Respectfully submitted,

CITY OF EAST DUBUQUE

By WARD, MURRAY, PACE & JOHNSON, P.C.,
Its Attorneys,

By 
Thomas L. Sanders

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


Thomas L. Sanders

WARD, MURRAY, PACE & JOHNSON, P.C.
Attorneys for the City of East Dubuque
202 East Fifth Street, P.O. Box 400
Sterling, Illinois 61081-0400
Telephone: (815) 625-8200



343143

JEAN DIMKE, RECORDER
JO DAVIESS COUNTY, IL
07/08/2008 09:24:24AM

REC FEE: 45.00

Prepared and Recorded by Albert Griffiths, City Manager, 303 Sinsinawa Avenue, East Dubuque, Illinois 61025

**CITY OF EAST DUBUQUE
ORDINANCE NO. 08-0607**

**An Ordinance Authorizing the Execution of an Annexation
Agreement with Michael and Marlene Schmalz for Certain
Property to the City of East Dubuque,
Jo Daviess County, Illinois**

**Adopted by the Mayor and City Council
of the
City of East Dubuque
This 2nd day of
June, 2008**

**Published in pamphlet form by authority of the
Mayor and City Council of the City of East
Dubuque, Jo Daviess County, Illinois, this 2nd
day of June, 2008.**

Group Exhibit A

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH MICHAEL AND MARLENE SCHMALZ FOR CERTAIN PROPERTY TO THE CITY OF EAST DUBUQUE, JO DAVIESS COUNTY, ILLINOIS

ORDINANCE NO. 08-0607

WHEREAS, a written petition, signed by Michael and Marlene Schmalz, as legal owners of record of all land within the territory hereinafter described, has been filed with the City Clerk of the City of East Dubuque, Jo Daviess County, Illinois, requesting that said territory be annexed to the City of East Dubuque; and,

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 City of East Dubuque; and,

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

WHEREAS, a copy of such notice required to be recorded has been recorded in the Office of the Recorder of Jo Daviess County; and,

WHEREAS, the legal owner of record of said territory and the City of East Dubuque 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 the annexation agreement and with the statutes of the State of Illinois, specifically Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8; and,

WHEREAS, it is in the best interest of the City of East Dubuque that the territory be annexed thereto,

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of East Dubuque, Jo Daviess County, Illinois as follows:

Section 1. THAT the following described territory, being indicated on an accurate map of the annexed territory (which is attached to and made a part of this Ordinance), is hereby annexed into the City of East Dubuque, Jo Daviess County, Illinois. Parcel 43-05-001-830-10

Exhibit A: Legal Description
Exhibit B: Plat

being indicated on an accurate map of the annexed territory (which is appended to and made a part of this Ordinance, is hereby annexed to the City of East Dubuque, Jo Daviess County, Illinois.

Section 2. THAT the City Manager is hereby directed to record with the Recorder and to file with the County Clerk a certified copy of this Ordinance, together with the accurate map of the territory annexed appended to the Ordinance.

Section 3. THAT this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

YEAS: Degenhardt, Hanley, Melton, Shireman, Welp

NAYS:

ABSENT: Roepke

ABSTAIN:

PASSED and APPROVED this 2nd day of June, 2008



[Signature]
City Clerk

[Signature]
Geoff Barklow, Mayor

This document was prepared by
City Manager Al Griffiths

Please return to:
East Dubuque City Hall
303 Sinsinawa Avenue
East Dubuque, IL 61025

Exhibit A

PLAT OF ANNEXATION
TO THE CITY OF
EAST DUBUQUE,
JO DAVIESS COUNTY, ILLINOIS

A TRACT OF LAND IN SECTION 34, TOWNSHIP 29 NORTH, RANGE 2 WEST OF THE 4TH PRINCIPAL MERIDIAN, JO DAVIESS COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE BALANCE OF LOT 2 OF ROY JONES PLACE NO. 2 AS SHOWN ON A PLAT OF SURVEY FILED IN PLAN HOLD D, NO. 146, ALSO THE POINT OF BEGINNING:

THENCE SOUTH 61 DEGREES 05 MINUTES 00 SECONDS EAST, 1,090.39 FEET ALONG THE NORTHERLY LINE OF THE WEST BOUND TRACK OF THE RAILROAD RIGHT OF WAY;

THENCE NORTH 25 DEGREES 05 MINUTES 55 SECONDS EAST, 111.35 FEET;

THENCE NORTH 54 DEGREES 04 MINUTES 25 SECONDS WEST, 322.41 FEET;

THENCE NORTH 53 DEGREES 51 MINUTES 23 SECONDS WEST, 479.16 FEET;

THENCE NORTH 24 DEGREES 54 MINUTES 29 SECONDS EAST, 30.79 FEET;

THENCE NORTH 53 DEGREES 51 MINUTES 23 SECONDS WEST, 309.54 FEET;

THENCE SOUTH 24 DEGREES 27 MINUTES 59 SECONDS WEST, 281.34 FEET TO THE POINT OF BEGINNING, CONTAINING 4.72 ACRES MORE OR LESS; SITUATED IN THE TOWNSHIP OF DUNLEITH, COUNTY OF JO DAVIESS AND STATE OF ILLINOIS; SUBJECT TO ALL EASEMENTS OF RECORD OR WHICH ARE VISIBLE ON SAID PREMISES.

PREPARED BY: IW ENGINEERS & SURVEYORS, P.C. 4155 PENNSYLVANIA AVE. DUBUQUE, IOWA 52002-3484

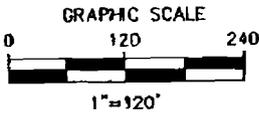
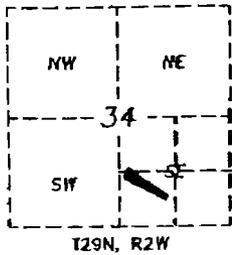


IW ENGINEERS & SURVEYORS, P.C. STABILITY EXPERTS SOLUTIONS	
<small>QUINCY, ILLINOIS 405 PENNSYLVANIA AVE. DUBUQUE, ILLINOIS 562-5568-3484 FAX 562-5568-3485 www.iweng.com</small>	
DRAWN TJO	PLAT NO. 13-JL-08
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DATE 07-02-08	SHEET 2 of 2
FILENAME: P:\08\001\001-04\DRAWINGS\CIVIL\08001-04L7	

PLAT OF ANNEXATION
TO THE CITY OF
EAST DUBUQUE,
JO DAVIESS COUNTY, ILLINOIS

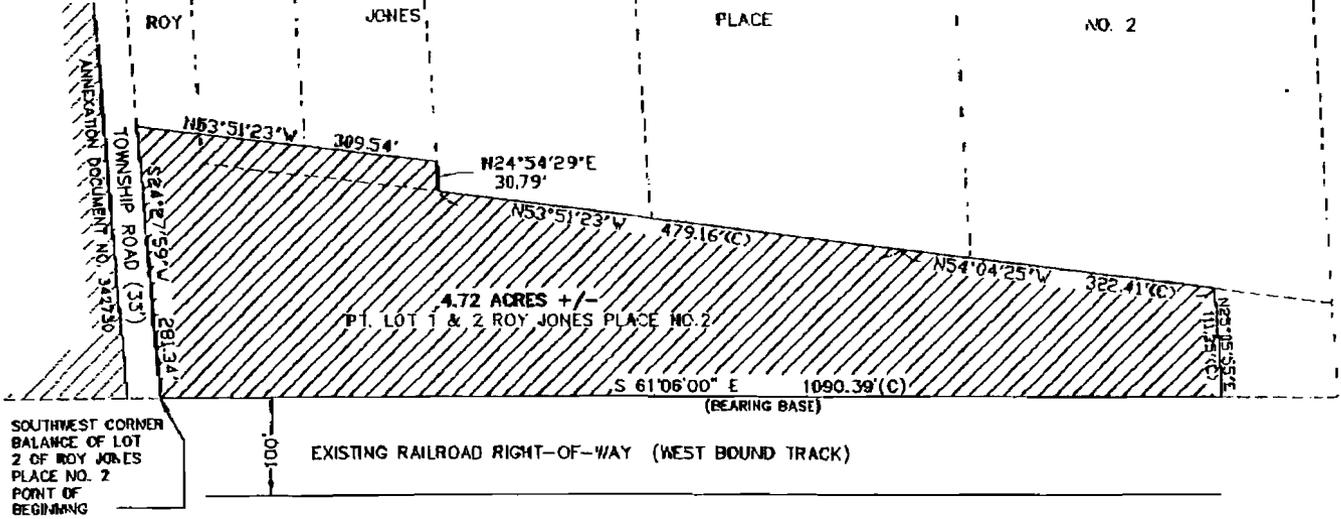
U.S. HIGHWAY 20 - EAST BOUND

FRONTAGE ROAD



DRAWING MAY HAVE BEEN REDUCED
NOTE

THE BEARINGS AND DISTANCES SHOWN AROUND THE PERIMETER OF THE AREA BEING ANNEXED WERE DEVELOPED FROM PLATS AND DEEDS OF RECORD AND IS NOT THE RESULT OF A PRESENT SURVEY.



PREPARED FOR: CITY OF EAST DUBUQUE, ILLINOIS (C)=CALCULATED
ILLINOIS DESIGN FIRM REG. NO. 184-00951



FOR THE ENGINEERS & SURVEYORS, P.C.
Thomas J. Oster 07/02/08
THOMAS J. OSTER DATE
LICENSE NO. 035-003333 MY LICENSE RENEWAL DATE IS 11/30/2008
PAGES ON SHEET'S COVERED BY THIS SEAL 102 of 242



JTW ENGINEERS & SURVEYORS, P.C. <small>INTEGRITY. EXCELLENCE. PRECISION.</small>	
<small>BUSINESS A</small>	<small>REGISTERED PROFESSIONAL ENGINEERS</small>
<small>1577 PENNSYLVANIA AVE. DUBUQUE, IL 62206</small>	<small>PHONE 314-282-1100</small>
<small>FAX 314-282-1100</small>	<small>WWW.JTW.COM</small>
DRAWN TJO	PLAT NO. 13-IL-08
CHECKED TJO	PROJ. NO. 08001-04
DATE 07-02-08	SHEET 1 of 2
P:\08\001\001-04\DRAWINGS\CIVIL\08001-04L	

PREPARED BY: JTW ENGINEERS & SURVEYORS, P.C. 4155 PENNSYLVANIA AVE. DUBUQUE, IOWA 565.556.2444

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342728

JEAN DIMKE, RECORDER
JO DAVIESS COUNTY, IL
06/17/2008 10:37:51AM

REC FEE: 45.00

Prepared and Recorded by Albert Griffiths, City Manager, 303 Simons Avenue, East Dubuque, Illinois 61025

**CITY OF EAST DUBUQUE
ORDINANCE NO. 08-0606**

**An Ordinance Authorizing the Execution of an Annexation
Agreement with Joe Culbertson, Toby Culbertson, and Tyler Culbertson,
aka Cub Properties, for Certain Property to the City of East Dubuque,
Jo Daviess County, Illinois**

**Adopted by the Mayor and City Council
of the
City of East Dubuque
This 2nd day of
June, 2008**

**Published in pamphlet form by authority of the
Mayor and City Council of the City of East
Dubuque, Jo Daviess County, Illinois, this 2nd
day of June, 2008.**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION
AGREEMENT WITH JOE CULBERTSON, TOBY CULBERTSON,
AND TYLER CULBERTSON, AKA CUB PROPERTIES, FOR CERTAIN
PROPERTY TO THE CITY OF EAST DUBUQUE,
JO DAVIESS COUNTY, ILLINOIS**

ORDINANCE NO. 08-0606

WHEREAS, a written petition, signed by Joe Culbertson, Toby Culbertson, and Tyler Culbertson, aka Cub Properties, as legal owners of record of all land within the territory hereinafter described, has been filed with the City Clerk of the City of East Dubuque, Jo Daviess County, Illinois, requesting that said territory be annexed to the City of East Dubuque; and,

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 City of East Dubuque; and,

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

WHEREAS, a copy of such notice required to be recorded has been recorded in the Office of the Recorder of Jo Daviess County; and,

WHEREAS, the legal owner of record of said territory and the City of East Dubuque 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 the annexation agreement and with the statutes of the State of Illinois, specifically Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8; and,

WHEREAS, it is in the best interest of the City of East Dubuque that the territory be annexed thereto,

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of East Dubuque, Jo Daviess County, Illinois as follows:

Section 1. THAT the following described territory, being indicated on an accurate map of the annexed territory (which is attached to and made a part of this Ordinance), is hereby annexed into the City of East Dubuque, Jo Daviess County, Illinois. Parcel 43-05-001-920-00

Exhibit A: Legal Description
Exhibit B: Plat

being indicated on an accurate map of the annexed territory (which is appended to and made a part of this Ordinance, is hereby annexed to the City of East Dubuque, Jo Daviess County, Illinois.

Section 2. THAT the City Manager is hereby directed to record with the Recorder and to file with the County Clerk a certified copy of this Ordinance, together with the accurate map of the territory annexed appended to the Ordinance.

Section 3. THAT this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

YEAS: Degenhardt, Hanley, Melton, Shireman, Welp

NAYS:

ABSENT: Roepke

ABSTAIN:

PASSED and APPROVED this 2nd day of June, 2008



Nancy A. Roepke
Nancy Roepke, City Clerk

Geoff Barklow
Geoff Barklow, Mayor

This document was prepared by
City Manager Al Griffiths

Please return to:
East Dubuque City Hall
303 Sinsinawa Avenue
East Dubuque, IL 61025

PLAT OF ANNEXATION TO THE CITY OF EAST DUBUQUE, JO DAVIESS COUNTY, ILLINOIS

A TRACT OF LAND IN SECTION 34, TOWNSHIP 29 NORTH, RANGE 2 WEST OF THE 4TH PRINCIPAL MERIDIAN, JO DAVIESS COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 2 WEST OF THE FOURTH PRINCIPAL MERIDIAN; THENCE NORTH 35.6 FEET; THENCE SOUTH 63 DEGREES, 57 MINUTES EAST 1522.6 FEET; THENCE SOUTH 2 DEGREES, 33 MINUTES WEST 175.2 FEET; THENCE SOUTH 19 DEGREES WEST 89.8 FEET; THENCE NORTH 68 DEGREES WEST 1437.4 FEET TO THE POINT OF BEGINNING, CONTAINING 9.9 ACRES MORE OR LESS; SITUATED IN THE TOWNSHIP OF DUNLEITH, COUNTY OF JO DAVIESS AND STATE OF ILLINOIS; SUBJECT TO ALL EASEMENTS OF RECORD OR WHICH ARE VISIBLE ON SAID PREMISES.

AND

COMMENCING AT A FOUND IRON PIPE SURVEY MONUMENT AT THE SOUTHWEST CORNER OF LOT 1 IN ROY JONES PLACE, IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 2 WEST OF THE FOURTH PRINCIPAL MERIDIAN, DUNLEITH TOWNSHIP, JO DAVIESS COUNTY, ILLINOIS; THENCE SOUTH 24 DEGREES 28 MINUTES 31 SECONDS WEST A DISTANCE OF 160.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD WESTBOUND TRACK; THENCE NORTH 60 DEGREES 58 MINUTES 34 SECONDS WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 41.61 FEET TO A SET IRON ROD SURVEY MONUMENT AT THE POINT OF BEGINNING; THENCE SOUTH 04 DEGREES 10 MINUTES 31 SECONDS WEST A DISTANCE OF 173.78 FEET TO A SET IRON ROD SURVEY MONUMENT; THENCE SOUTH 20 DEGREES 37 MINUTES 31 SECONDS WEST A DISTANCE OF 95.33 FEET TO A SET IRON ROD SURVEY MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD EASTBOUND TRACK; THENCE NORTH 63 DEGREES 40 MINUTES 33 SECONDS WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 10.05 FEET TO A FOUND IRON ROD SURVEY MONUMENT ON THE WEST LINE OF A 50 FEET WIDE PRIVATE ROADWAY PARCEL; THENCE NORTH 20 DEGREES 37 MINUTES 31 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 92.88 FEET TO A FOUND IRON ROD SURVEY MONUMENT; THENCE NORTH 04 DEGREES 10 MINUTES 31 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 178.96 FEET TO A FOUND IRON ROD SURVEY MONUMENT ON THE SOUTHERLY RIGHT OF WAY LINE ON SAID WESTBOUND RAILROAD; THENCE SOUTH 60 DEGREES 58 MINUTES 34 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 11.02 FEET TO THE POINT OF BEGINNING CONTAINING 2,694 SQUARE FEET, MORE OR LESS, SITUATED IN TOWNSHIP OF DUNLEITH, COUNTY OF JO DAVIESS AND STATE OF ILLINOIS, SUBJECT TO ALL EASEMENTS OF RECORD OR WHICH ARE VISIBLE ON SAID PREMISES.

PREPARED BY: IIV ENGINEERS & SURVEYORS, P.C. 4155 PENNSYLVANIA AVE. DUBUQUE, IOWA 52002-2444



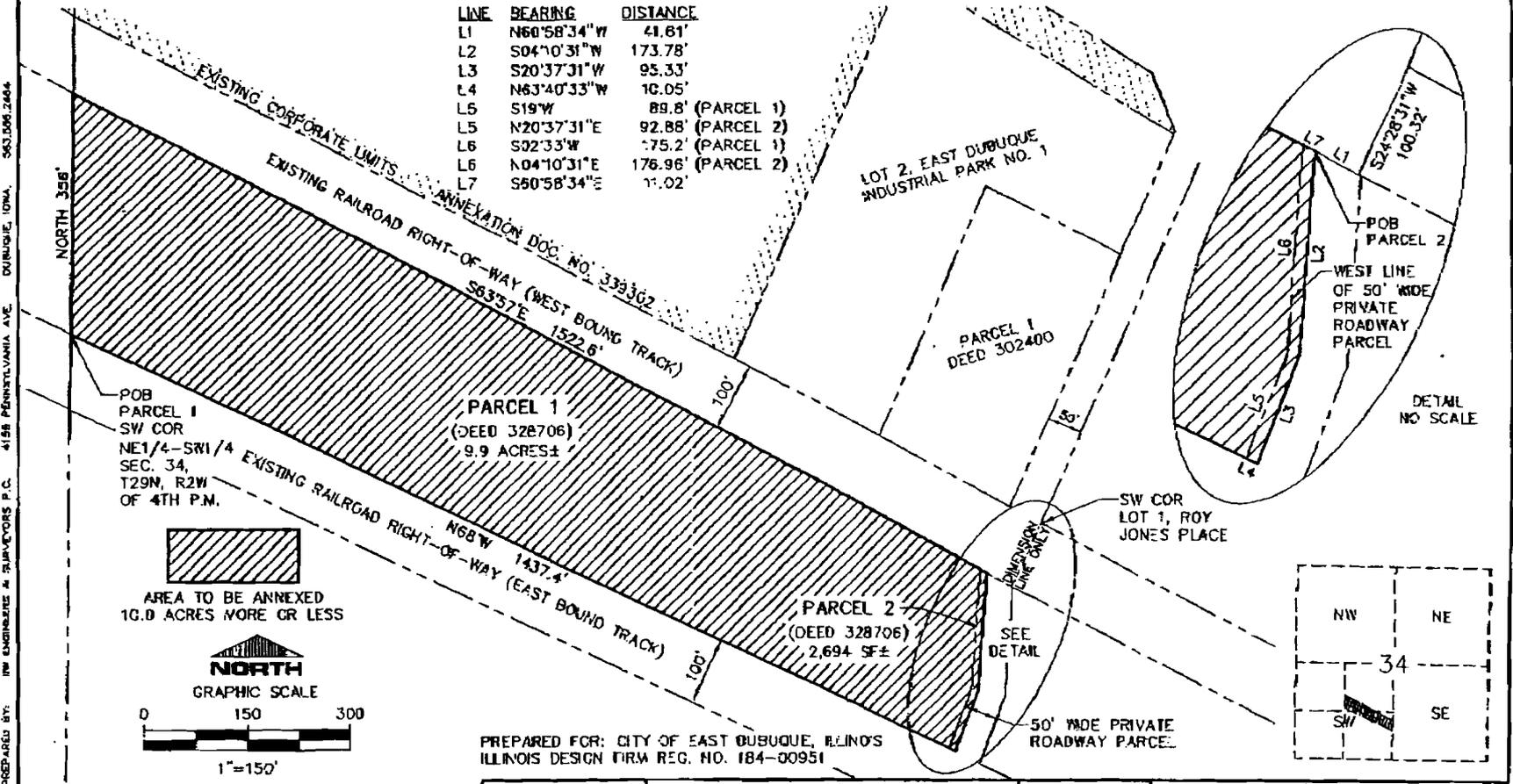
**IIV ENGINEERS &
SURVEYORS, P.C.**

INTEGRITY EXPERTISE SOLUTIONS
 4155 PENNSYLVANIA AVE. DUBUQUE, IA 52002
 TEL: 563-244-2444 FAX: 563-244-2444
 WWW.IIVENGINEERS.COM

DRAWN: ARC	PLAT NO. 12-11-08
CHECKED: TJO	PROJ. NO. 08001-03
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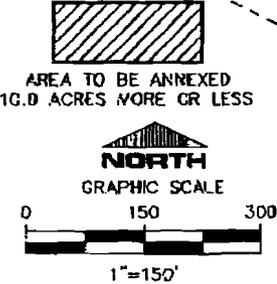
PLAT OF ANNEXATION TO THE CITY OF EAST DUBUQUE, JO DAVIESS COUNTY, ILLINOIS

LINE	BEARING	DISTANCE
L1	N60°58'34"W	41.81'
L2	S04°10'31"W	173.78'
L3	S20°37'31"W	95.33'
L4	N63°40'33"W	10.05'
L5	S19°W	89.8' (PARCEL 1)
L5	N20°37'31"E	92.88' (PARCEL 2)
L6	S02°33'W	75.2' (PARCEL 1)
L6	N04°10'31"E	176.96' (PARCEL 2)
L7	S60°58'34"E	17.02'



PREPARED BY: J.W. ENGINEERS & SURVEYORS P.C. 4156 PENNSYLVANIA AVE. DUBUQUE, IOWA. 563.006.2404

POB
PARCEL 1
SW COR
NE1/4-SW1/4
SEC. 34,
T29N, R2W
OF 4TH P.M.



DRAWING MAY HAVE BEEN REDUCED

NOTE
THE BEARINGS AND DISTANCES SHOWN AROUND THE PERIMETER OF THE AREA BEING ANNEXED WERE DEVELOPED FROM PLATS AND DEEDS OF RECORD AND IS NOT THE RESULT OF A PRESENT SURVEY.

PREPARED FOR: CITY OF EAST DUBUQUE, ILLINOIS
ILLINOIS DESIGN FIRM REG. NO. 184-00951



J.W. ENGINEERS & SURVEYORS, P.C.
Thomas J. Oster May 30 2008
DRAWN BY: TJO
CHECKED BY: TJO
DATE: 05-28-08
PAGES OF SHEETS COVERED BY THIS SEAL: 1 of 2 and 2 of 2



J.W. ENGINEERS & SURVEYORS, P.C. <small>PROFESSIONAL ENGINEERS & SURVEYORS</small>	
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CHECKED: TJO	PROJ. NO. 0802-03
DATE: 05-28-08	SHEET 1 of 2
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339302

JEAN DIMKE, RECORDER
JO DAVIESS COUNTY, IL
12/20/2007 11:38:53AM

REC FEE: 53.00

Prepared and Recorded by Albert Griffiths, City Manager, 303 Sinsinawa Avenue, East Dubuque, Illinois 61025

**CITY OF EAST DUBUQUE
ORDINANCE NO. 07-1011**

An Ordinance Authorizing the Execution of an Annexation
Agreement with ART Mortgage Borrower Propco 2006 – 1B L.P., for Certain
Property to the City of East Dubuque,
Jo Daviess County, Illinois

Adopted by the Mayor and City Council
of the
City of East Dubuque
This 15th day of October, 2007

Published in pamphlet form by authority of the
Mayor and City Council of the City of East
Dubuque, Jo Daviess County, Illinois, this 15th
day of October, 2007.

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH ART MORTGAGE BORROWER PROPCO 2006 – 1B L.P., FOR CERTAIN PROPERTY TO THE CITY OF EAST DUBUQUE, JO DAVIESS COUNTY, ILLINOIS

ORDINANCE NO. 07-1011

WHEREAS, a written petition, signed by ART Mortgage Borrower Propco 2006 – 1B L.P., a/k/a AmeriCold Freezer Services, as legal owners of record of all land within the territory hereinafter described, has been filed with the City Clerk of the City of East Dubuque, Jo Daviess County, Illinois, requesting that said territory be annexed to the City of East Dubuque; and,

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 City of East Dubuque; and,

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

WHEREAS, a copy of such notice required to be recorded has been recorded in the Office of the Recorder of Jo Daviess County; and,

WHEREAS, the legal owner of record of said territory and the City of East Dubuque 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 the annexation agreement and with the statutes of the State of Illinois, specifically Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8; and,

WHEREAS, it is in the best interest of the City of East Dubuque that the territory be annexed thereto,

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of East Dubuque, Jo Daviess County, Illinois as follows:

Section 1. THAT the following described territory, being indicated on an accurate map of the annexed territory (which is attached to and made a part of this Ordinance), is hereby annexed into the City of East Dubuque, Jo Daviess County, Illinois. Parcel 05-001-870-09

A tract of land in Section 34, Township 29 North, Range 2 West of the 4th Principal Meridian, Jo Daviess County, Illinois, More Particularly Described as follows:

Commencing at a Found Iron Pipe at the Southwest Corner of the Southeast one-quarter of the Southwest one-quarter of Section 34, Township 29 North, Range 2 West of the 4th Principal Meridian; thence North 00°47'00" East, 1868.81 feet along the Easterly line of the West half of the Southwest one-quarter of said Section 34 to the Northerly Railroad right-of-way line and the point of beginning; thence North 62°07'05" West, 215.11 feet along said Railroad right-of-way line; thence North 27°54'10" East, 686.24 feet to the Southerly right-of-way line of U.S. Highway No. 20 (SBI Route No. 5); thence South 65°03'40" East, 305.64 feet along said highway right-of-way line; thence 796.15 feet along the arc of a 14258.60 foot radius curve, chord bearing South 61°16'25" East, 796.04 feet along said highway right-of-way line; thence South 30°10'30" West, 135.00 feet; thence South 59°09'55" East, 46.83 feet; thence North 30°53'20" East, 135.34 feet to said highway right-of-way line; thence 488.39 feet along the arc of a 14258.60 foot radius curve, chord bearing South 58°29'55" East, 488.37 feet along said highway right-of-way line; thence South 21°17'50" East, 92.47 feet along said highway right-of-way; thence South 21°24'25" West, 4.36 feet along the Easterly line of Lot 1 of East Dubuque Industrial Park No. 1; thence North 58°18'05" West, 458.62 feet along the Northerly line of Lot 2 of said East Dubuque Industrial Park No. 1; thence South 23°25'10" West, 624.82 feet along the Easterly line of Lot 1 to the said East Dubuque Industrial Park No. 1 to the said Northerly Railroad right-of-way line; thence North 62°07'05" West, 1082.76 along said Northerly Railroad right-of-way line to the point of beginning.

being indicated on an accurate map of the annexed territory (which is appended to and made a part of this Ordinance, is hereby annexed to the City of East Dubuque, Jo Daviess County, Illinois.

Section 2. THAT the City Manager is hereby directed to record with the Recorder and to file with the County Clerk a certified copy of this Ordinance, together with the accurate map of the territory annexed appended to the Ordinance.

Section 3. THAT this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

YEAS: Degenhardt, Hanley, Melton, Shireman, Welp

NAYS:

ABSENT: Roepke

ABSTAIN:

PASSED and APPROVED this 15th day of October 2007



Gregory A. Roepke

Roepke, City Clerk

Geoff Barklow

Geoff Barklow, Mayor

This document was prepared by
City Manager Al Griffiths

Please return to:
East Dubuque City Hall
303 Sinsinawa Avenue
East Dubuque, IL 61025

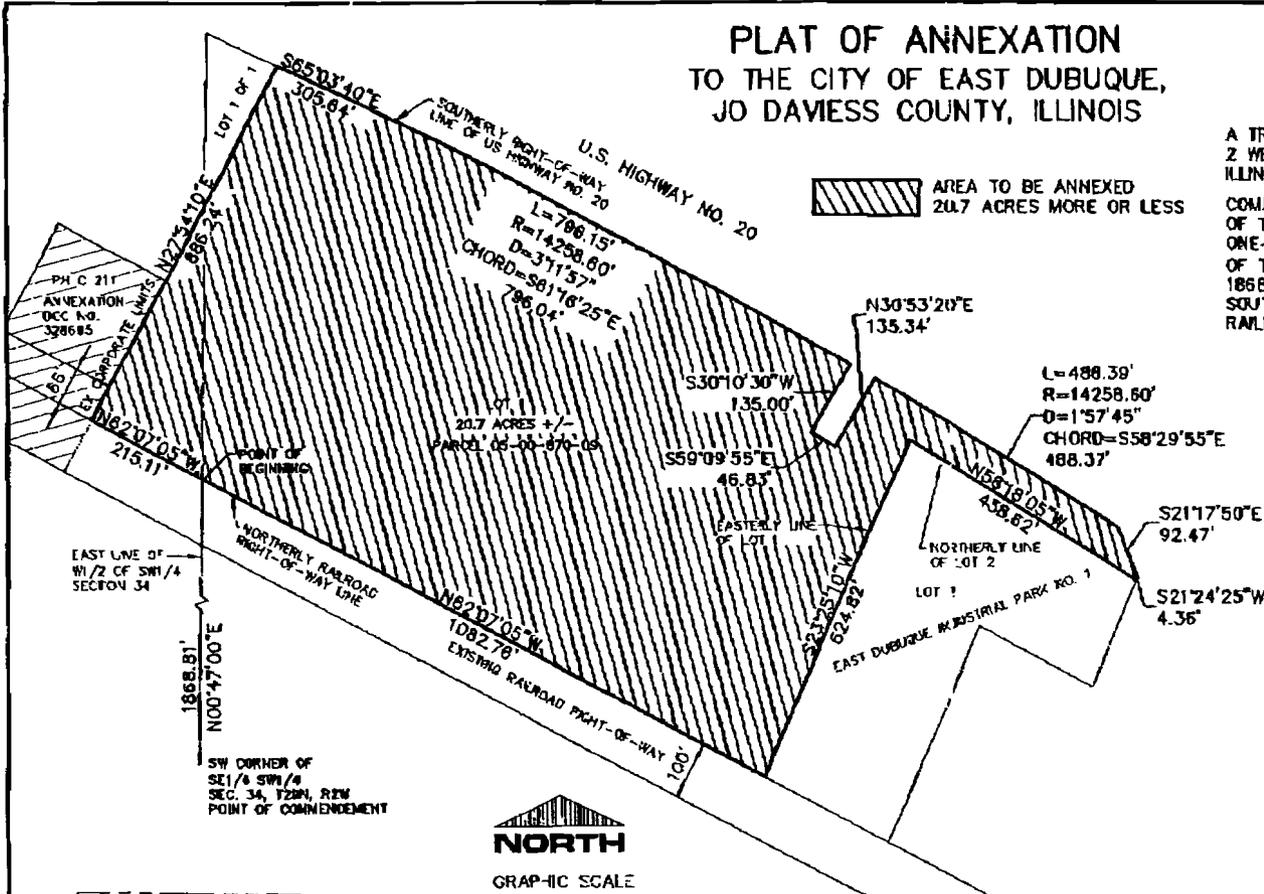
PLAT OF ANNEXATION TO THE CITY OF EAST DUBUQUE, JO DAVIESS COUNTY, ILLINOIS

A TRACT OF LAND IN SECTION 34, TOWNSHIP 29 NORTH, RANGE 2 WEST OF THE 4TH PRINCIPAL MERIDIAN, JO DAVIESS COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIPE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 2 WEST OF THE 4TH PRINCIPAL MERIDIAN; THENCE NORTH 00°47'00" EAST, 1868.81 FEET ALONG THE EASTERLY LINE OF THE WEST HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 34 TO THE NORTHERLY RAILROAD RIGHT-OF-WAY LINE AND THE POINT OF BEGINNING;

THENCE NORTH 62°07'05" WEST, 215.11 FEET ALONG SAID RAILROAD RIGHT-OF-WAY LINE; THENCE NORTH 27°54'10" EAST, 686.24 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 20 (SBI ROUTE NO. 5); THENCE SOUTH 85°03'40" EAST, 305.64 FEET ALONG SAID HIGHWAY RIGHT-OF-WAY LINE; THENCE 796.15 FEET ALONG THE ARC OF A 14258.60 FOOT RADIUS CURVE, CHORD BEARING SOUTH 61°16'25" EAST, 796.04 FEET ALONG SAID HIGHWAY RIGHT-OF-WAY LINE; THENCE SOUTH 30°10'30" WEST, 135.00 FEET; THENCE SOUTH 59°09'55" EAST, 46.83 FEET; THENCE NORTH 30°53'20" EAST, 135.34 FEET TO SAID HIGHWAY RIGHT-OF-WAY LINE; THENCE 488.39 FEET ALONG THE ARC OF A 14258.60 FOOT RADIUS CURVE, CHORD BEARING SOUTH 58°29'55" EAST, 488.37 FEET ALONG SAID HIGHWAY RIGHT-OF-WAY LINE; THENCE SOUTH 21°17'50" EAST, 92.47 FEET ALONG SAID HIGHWAY RIGHT-OF-WAY LINE; THENCE SOUTH 21°24'25" WEST, 4.36 FEET ALONG THE EASTERLY LINE OF LOT 1 OF EAST DUBUQUE INDUSTRIAL PARK NO. 1; THENCE NORTH 58°18'05" WEST, 458.82 FEET ALONG THE NORTHERLY LINE OF LOT 2 OF SAID EAST DUBUQUE INDUSTRIAL PARK NO. 1; THENCE SOUTH 23°25'10" WEST, 624.82 FEET ALONG THE EASTERLY LINE OF LOT 1 OF SAID EAST DUBUQUE INDUSTRIAL PARK NO. 1 TO THE SAID NORTHERLY RAILROAD RIGHT-OF-WAY LINE; THENCE NORTH 62°07'05" WEST, 1082.76 ALONG SAID NORTHERLY RAILROAD RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

AREA TO BE ANNEXED
20.7 ACRES MORE OR LESS



PH C 211
ANNEXATION
DCC NO.
328685

1868.81'
N00°47'00"E

EAST LINE OF
W 1/2 OF SW 1/4
SECTION 34

SW CORNER OF
SE 1/4 SW 1/4
SEC. 34, T29N, R2W
POINT OF COMMENCEMENT



GRAPHIC SCALE



DRAWING MAY HAVE BEEN REDUCED

NOTE

THE BEARINGS AND DISTANCES SHOWN AROUND THE PERIMETER OF THE AREA BEING ANNEXED WERE DEVELOPED FROM PLATS OF RECORD AND OFFICE CALCULATIONS AND IS NOT THE RESULT OF A PRESENT SURVEY.

PREPARED FOR: CITY OF EAST DUBUQUE, ILLINOIS
ILLINOIS DESIGN FIRM REG. NO. 184-009951



I, THOMAS J. CARTER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY WAS MADE BY THE DRAWING, THAT THIS PLAT ACCURATELY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT APPLICABLE ILLINOIS PROFESSIONAL LAND SURVEYING ASSOCIATION STANDARDS.

FOR THE ENGINEER & SURVEYORS, P.C.
Thomas J. Carter August 31, 2007
DESIGNER & DRAFTER DATE

LICENSE NO. 030-082533 BY LICENSE RECEIVED DATE 11/30/2004
PAGE(S) OF SHEETS COMPLETED BY THIS SURVEY SHEET 1 OF 1



HW ENGINEERS & SURVEYORS, P.C. PRECALCITY EXTENSIVE SOLUTIONS	
SURVEYOR: THOMAS J. CARTER 415 BENTLEY AVENUE, DEERFIELD, IL 60015 PHONE: 847.934.2400 FAX: 847.934.2411 WWW.HWENR.COM	PROJECT: PLAT OF SECTION 34 TOWNSHIP 29 NORTH, RANGE 2 WEST JO DAVIESS COUNTY, ILLINOIS
DRAWN: SAF	PLAT NO. 6-I-07
CHECKED: TJC	PROJ. NO. E700-C5
DATE: 08-28-07	SHEET 1 of 1
P:\07\031\031-05\DRAWINGS\CIVIL\07D01-05L	

Prepared and Recorded by Albert Griffiths, City Manager, 303 Sinsinawa Avenue, East Dubuque, Illinois 61025

**CITY OF EAST DUBUQUE
ORDINANCE NO. 08-0804**

**An Ordinance Authorizing the Execution of an Annexation
Agreement with Frenress LLC for Certain
Property to the City of East Dubuque,
Jo Daviess County, Illinois**

**Adopted by the Mayor and City Council
of the
City of East Dubuque
This 4th day of
August, 2008**

**Published in pamphlet form by authority of the
Mayor and City Council of the City of East
Dubuque, Jo Daviess County, Illinois, this 4th
day of August, 2008.**

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH FRENTRESS LLC FOR CERTAIN PROPERTY TO THE CITY OF EAST DUBUQUE, JO DAVIESS COUNTY, ILLINOIS

ORDINANCE NO. 08-0804

WHEREAS, an Annexation Agreement, signed by Frentress LLC, as legal owners of record of all land within the territory hereinafter described, has been filed with the City Clerk of the City of East Dubuque, Jo Daviess County, Illinois, requesting that said territory be annexed to the City of East Dubuque; and,

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 City of East Dubuque; and,

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

WHEREAS, a copy of such notice required to be recorded has been recorded in the Office of the Recorder of Jo Daviess County; and,

WHEREAS, the legal owner of record of said territory and the City of East Dubuque 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 the annexation agreement and with the statutes of the State of Illinois, specifically Section 7-1-8 of the Illinois Municipal Code, 65 ILCS 5/7-1-8; and,

WHEREAS, it is in the best interest of the City of East Dubuque that the territory be annexed thereto,

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of East Dubuque, Jo Daviess County, Illinois as follows:

Section 1. THAT the following described territory, being indicated on an accurate map of the annexed territory (which is attached to and made a part of this Ordinance), is hereby annexed into the City of East Dubuque, Jo Daviess County, Illinois. Parcel **43-05-001-830-10**

Exhibit A: Legal Description and Plat

being indicated on an accurate map of the annexed territory (which is appended to and made a part of this Ordinance, is hereby annexed to the City of East Dubuque, Jo Daviess County, Illinois.

Section 2. THAT the City Manager is hereby directed to record with the Recorder and to file with the County Clerk a certified copy of this Ordinance, together with the accurate map of the territory annexed appended to the Ordinance.

Section 3. THAT this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

YEAS: Degenhardt, Melton, Roepke, Shireman, Welp

NAYS:

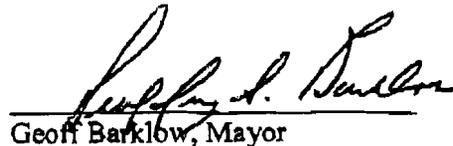
ABSENT: Hanley

ABSTAIN:

PASSED and APPROVED this 4th day of August, 2008

ATTEST:


Nancy Roepke, City Clerk


Geoff Barklow, Mayor

This document was prepared by
City Manager Al Griffiths

Please return to:
East Dubuque City Hall
303 Sinsinawa Avenue
East Dubuque, IL 61025

CERTIFICATE OF SERVICE

Thomas L. Sanders, states that he is one of the attorneys for the CITY OF EAST DUBUQUE, a municipal corporation, in the foregoing cause and that he served the foregoing Appearance and Response to Petition, on the parties by mailing a true and exact copy thereof to the following attorneys/parties of record:

Joseph VonDeBur
Railroad Section
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Thomas J. Healey
Attorney Counsel Regulatory CN
17641 South Ashland Avenue
Homewood, Illinois 60430

Vincent Hasken
Dunlieth Township – Supervisor
18 North J.F. Kennedy Drive
East Dubuque, Illinois 61025

Lance T. Jones
Deputy Chief Counsel – IDOT
2300 S. Dirksen Parkway, Rm. #300
Springfield, Illinois 62764

Jeremy Berman
Fletcher & Sippel
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606

Milton Sees, P.E.
Director of Highways
Illinois Dept. of Transportation
Attn: Jeff Harpring, Rm. #205
2300 South Dirksen Parkway
Springfield, Illinois 62764

Mr. Robert J. Prendergast
Daley & Mohan, P.C.
150 North Wacker Drive, Suite 1550
Chicago, Illinois 60606

by forwarding same to the addresses indicated above before 5:00 p.m. on the 29th day of August, 2008.



Thomas L. Sanders