

T09-0037

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Relocation Agreement

WHEREAS, Hennepin Road District, County of Putnam, Illinois and ArcelorMittal Hennepin, INC. are parties in relation to a pending amended Petition to Relocate.

Illinois Commerce Commission
SAFETY SECTION

WHEREAS, the parties have reached an agreement pertaining to the proposed relocation of a certain grade level railroad crossing.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. The Petitioner, and one of the parties hereto, Hennepin Road District, County of Putnam, Illinois, shall relocate the current grade level crossing now located at 1190 North on 875 East (ESK Road) pursuant to specifications outlined in Exhibit A attached hereto and in compliance with all laws.
2. The cost of the aforesaid change shall be paid by Hennepin Road District, County of Putnam, Illinois including specifically: approach pavement, railroad crossing signs, crossing material, pavement markings and advanced warning signs.
3. The Respondent, and one of the parties hereto, ArcelorMittal Hennepin, INC. shall and does hereby agree to maintain, repair and replace the railroad crossing signs as needed after said relocation.
4. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which taken together shall constitute one Agreement. Each person executing this Agreement represents that such person has full authority and legal power to do so and bind the party on whose behalf he or she has executed this Agreement. Any counterpart to this Agreement may be executed by facsimile copy and shall be binding on the parties.
5. If, in connection with the parties' performance under this Agreement, any injury or death occurs to any person as a result of the negligent acts or negligent omissions of the Petitioner or its contractors or agents, the Petitioner agrees to indemnify and hold harmless the Respondent, and its officers, directors, employees and contractors from any and all liability of the Respondent. The Petitioner shall not be obligated to indemnify and hold harmless the Respondent from any liability for injury or death proximately caused by the negligence of any employee or agent of the Respondent.

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6. Petitioner, or its contractor performing the work, shall furnish acceptable proof of insurance policies evidencing Workers Compensation, commercial general liability coverage, including contractual liability coverage, employer's liability coverage, motor vehicle liability coverage for Petitioner's work hereunder, all in amounts not less than \$1,000,000 per occurrence. The commercial general liability, employer's liability, and motor vehicle liability shall cover Respondent as an additional insured.
7. Petitioner will perform all work in a manner that does not disrupt Respondent's business activities.

THIS AGREEMENT made on this 6th day of July 2009.



Hennepin Road District, County of Putnam, Illinois
JOHN URNIKUS

BY ITS ROAD COMMISSIONER



ArcelorMittal Hennepin, INC.
Rw RUPCICH

BY ITS MGR. INFORMATION CONTROL

BOYLE & BOLIN
ATTORNEYS AT LAW
227 E. COURT STREET
HENNEPIN, ILLINOIS 61327-0140

ROGER C. BOLIN

CHRISTINA K. JUDD

WALTER DURLEY BOYLE
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Predecessor Firms

Boyle & Goldsmith
Boyle, Goldsmith & Shore
Boyle, Goldsmith, Shore & Bolin

July 13, 2009

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Illinois Commerce Commission
RAIL SAFETY SECTION

Mr. Dave Lazarides
Director of Processing
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Dear Mr. Lazarides:

RE: HENNEPIN ROAD DISTRICT V.
ACELORMITTAL, HENNEPIN, INC.

Enclosed please find the original executed Relocation Agreement. Please file in Case No. T09-0037.

Sincerely yours,



CHRISTINA JUDD MENNIE

CKJ:ch

enclosure
cc: See attached list

Thomas W. Ambler
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-2191

Richard E. Boyle
Gundlach, Lee, Eggmann, Boyle & Roessler
5000 West Main Street, Box 23560
Belleville, IL 62223-0560

Richard H. Ray, Administrator
Highway Grade Crossings
Norfolk Southern Corporation
1200 Peachtree Street, NE
Atlanta, GA 30309-3579

Mike Stariha, Operations Manager
ArcelorMital Steel Inc.
1 Steel Drive
Hennepin, IL 61327

George P. Meister
Putnam County Highway Engineer
6203 IL Highway 26
Hennepin, IL 61327

Nanci K. Scott, Manager
Contract Services
Norfolk Southern Railway Company
1200 Peachtree Street, NE, Suite 1245
Atlanta, GA 30309-3579

John Urnikis
Highway Commissioner
Hennepin Township Road District
P. O. Box 252
Hennepin, IL 61327

Mr. Gary Hannig, Secretary
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, IL 62764