

ORIGINAL

TO 9-0133

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1418**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Illinois Central Railroad Company ("Company"), North Muddy Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application to the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the 1200th Avenue highway-rail grade crossing of the Company's track near Wheeler, Jasper County, designated as crossing AAR/DOT #313 640R, railroad milepost 160.02; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Transportation Division, Railroad Section, of the Commission; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to close the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that the crossing be closed as hereinafter stated and that the cost for the proposed closure be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All work encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following work, in the interest of public safety at the aforesaid crossing, should be:

- (a) Vacation of the existing 1200th Avenue roadway within the Illinois Central Railroad Company Right-of-Way ("ROW") limits, by the Road District.
- (b) Closure of the roadway within the Company ROW limits, by the Road District.

DOCKETED

- (c) Removal of the existing grade crossing within the limits of the vacated roadway and the Company ROW, by the Company.
- (d) Payment, as detailed below, to the Road District for voluntary closure of the crossing, by IDOT and the Company.

Section 3 The Road District shall pass a local ordinance vacating 1200th Avenue adjacent to the existing grade crossing, with a stipulation that final vacation of the roadway shall not take place until a Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the 1200th Avenue highway-rail grade crossing. Upon passage of a Commission Order the Road District shall erect temporary barricades to prevent vehicular access to the 1200th Avenue crossing. The temporary barricades shall be erected within three (3) business days from the date of the Commission Order. The Road District will be responsible for all costs to erect and maintain the temporary barricades.

Section 4 The Company shall upon Order, according to the requirements contained therein, remove the crossing surface and passive warning signs at the 1200th Avenue highway-rail grade crossing. The work shall be completed within sixty (60) days after the Company receives a notice from the Road District that the crossing has been closed. Company shall provide all parties with notice that the work has been completed within five (5) business days of completion.

The Road District shall upon Order, according to the requirements contained therein, install permanent traffic barriers on both sides of the 1200th Avenue grade crossing at the Company's right of way (ROW) limits. The work shall be completed within thirty (30) days after the Road District receives a copy of the Order. The Road District shall provide all parties with notice that the work has been completed within five (5) business days of completion.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	ROAD DISTRICT	COMPANY	IDOT
Vacate 1200 th Ave. by Local Ordinance, Close Roadway	No Estimate Required	\$0	100% ²	\$0	\$0
Remove Crossing	No Estimate Required	\$0	\$0	100% ³	\$0
Provide GCPF Incentive Payment for Voluntary Closure of the Crossing.	\$50,000	(100%) \$50,000 ¹	\$0	\$0%	\$0
Provide Incentive Payment for Voluntary Closure of the Crossing.	\$15,000	\$0	\$0	\$7,500 ⁴	\$7,500 ⁵
TOTALS	\$65,000	\$50,000¹	\$0²	\$7,500^{3,4}	\$7,500⁵

[Totals do not reflect costs where no estimates were provided.]

Notes:

1. Total Grade Crossing Protection Fund (GCPF) payment shall be \$50,000 for voluntary closure of the 1200th Avenue crossing.
2. The Road District shall be responsible for all costs associated with the formal vacation and closure of the roadway within the Company ROW, including all costs associated with installing and maintaining any necessary permanent traffic barriers and/or signage.
3. The Company shall be responsible for all costs associated with removal of the existing crossing surface, Crossbuck warning signs, and roadway approaches and appurtenances, and matching of the adjacent profiles within the limits of the vacated roadway and the Company ROW.
4. When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Road District shall submit a request to the Company for the \$7,500 voluntary crossing closure incentive payment; the Company shall issue the payment within 60 days of that request (see Section 7 of the Agreement).
5. When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, Road District shall submit a request to the Department for the \$50,000 Grade Crossing Protection Fund crossing closure incentive payment; the Department shall issue the payment within 60 days of that request (see Section 5 of the Agreement). When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Road District shall submit a request to the Department for the \$7,500 voluntary crossing closure incentive payment; the Department shall issue the payment within 60 days of that request (see Section 7 of the Agreement).

Section 6 The Road District is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit B.

Section 7 Special Provisions: The Road District shall submit a certified copy of the Vacation Ordinance at the same time as the Execution Page of this Agreement is submitted to the Commission. Within three (3) business days of the Commission Order, the Road District shall place temporary barricades for closure of 1200th Avenue within the limits of the Company ROW. The Road District shall provide all parties with notice that the roadway has been closed within five (5) business days of the roadway closure. Notification may be by regular mail, electronic mail, facsimile, or phone.

Upon receipt of the Commission Order, the Road District shall be responsible for closure

of 1200th Avenue within the limits of the Company ROW. Closure shall include any necessary temporary traffic barricade(s) and/or permanent traffic barrier(s) and removal of the existing roadway surface and appurtenances and any necessary grading to match the adjacent profiles. Any necessary permanent traffic barriers shall conform to the requirements of 92 Ill. Adm. Code 1535.701 and the MUTCD. The Road District shall also be responsible for installation of the appropriate regulatory and warning signs conforming to the requirements of the MUTCD. All traffic barricade(s), traffic barrier(s) and signage are to be maintained by the Road District. The permanent closure shall be completed within thirty (30) days after the Road District receives a copy of the Order. The Road District shall provide all parties with notice that the roadway has been permanently closed within five (5) days of the closure. Notification may be by regular mail, electronic mail, facsimile, or phone. The Road District will be responsible for all costs to vacate and close the roadway.

Upon notification from the Road District of the roadway closure, the Company shall remove the crossing within the limits of the vacated roadway and the Company ROW. Crossing removal shall include removal of the existing crossing surface, crossbuck warning signs, roadway approaches and appurtenances, and any grading necessary to match the adjacent profiles. The work shall be completed within sixty (60) days after the Company receives a notice from the Road District that the roadway has been closed. The Company shall provide all parties notice that their work has been completed within five (5) business days. Notification may be by regular mail, electronic mail, facsimile, or phone. The Company will be responsible for all costs for the crossing removal.

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Road District may submit a request to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, IL 62764 (See Exhibit C1, page 2) for a \$50,000 voluntary crossing closure incentive payment from the Grade Crossing Protection Fund. Subject to availability, within sixty (60) days from receipt of a Road District request, the Department shall issue a payment of \$50,000 from the GCPF to the Road District. The Department shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone. The Road District must deposit the payment into its Motor Fuel Tax Account and may use the GCPF payment for any purpose that meets IDOT requirements for permissible uses of Motor Fuel Tax Funds. The \$7,500 payment by the Department shall be used by the Township for a roadway safety related expense.

The Road District shall also submit its request for the \$7,500 federal voluntary crossing closure incentive payment to the Department's Region 4, District 7 Office at the following address: Roger Driskell, Region Engineer, Attn: Maureen Kastl, Local Roads Engineer, 400 West Wabash, Effingham, IL 62401(See Exhibit C1, page 2). The request for payment shall include the location and ICC Order number, as well as the IDOT Section # (09-06120-00-SP), IDOT Project # (RRP-079(138)), and IDOT Job # (C-97-099-09).

When the crossing is permanently inaccessible to vehicular traffic and vehicular traffic has been properly diverted from the crossing, the Road District may submit a request to the Company for a \$7,500 voluntary crossing closure incentive payment. Within sixty (60)

days from receipt of the request, the Company shall issue a payment of \$7,500 to the Road District. The Company shall notify all parties when the payment has been completed. Notification may be by regular mail, electronic mail, facsimile, or phone.

The Company and the Road District shall each complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibits C (Company) and C1 (Road District), along with this executed Agreement.

Upon completion of the required work, the Company and the Road District shall submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits C and C1. Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number(s), facsimile number, and electronic mailing address of the Company or Road District Project Manager.

The Company shall, within ten (10) days of the completion of the work required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

All requests for payment shall be submitted no later than twelve (12) months from the execution date of the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the execution date of the Commission Order approving this Agreement, or any Supplemental Order(s) issued for this project, conduct a review to determine if any unused assistance from the Grade Crossing Protection Fund should be deobligated. Upon completion of the review, the Commission shall notify the Department to deobligate all residual funds accountable for costs for this project. Notification may be by regular mail, electronic mail, fax, or phone.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days, accepting or rejecting such stipulation according to the provisions contained herein.

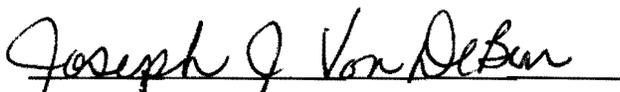
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 20th day of August 2009.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Joseph J. Von De Bur
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement 1418, executed by Commission Staff on August 20, 2009, concerning improvements at the 1200th Avenue (TR 173C) highway-rail grade crossing of the Illinois Central Railroad Company's track near Wheeler, Jasper County, Illinois, designated as crossing AAR/DOT #313 640R, railroad milepost 120.02.

Executed by North Muddy Road District this 26 day of Aug 2009.

NORTH MUDDY ROAD DISTRICT

By: Robert Wagner

Attest:

Dennis Meinhardt

Illinois Commerce Commission Stipulated Agreement 1418, executed by Commission Staff on August 20, 2009, concerning improvements at the 1200th Avenue (TR 173C) highway-rail grade crossing of the Illinois Central Railroad Company's track near Wheeler, Jasper County, Illinois, designated as crossing AAR/DOT #313 640R, railroad milepost 120.02.

Executed by the Illinois Department of Transportation this 22nd day of September 2009.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: *Christine M. Reed*
Christine M. Reed, Director of Highways / Chief Engineer

Illinois Commerce Commission Stipulated Agreement 1418, executed by Commission Staff on August 20, 2009, concerning improvements at the 1200th Avenue (TR 173C) highway-rail grade crossing of the Illinois Central Railroad Company's track near Wheeler, Jasper County, Illinois, designated as crossing AAR/DOT #313 640R, railroad milepost 120.02.

Executed by the Illinois Central Railroad Company this 19 day of Nov 2009.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E Ladue

Witness:



**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Illinois Central Railroad Company
USDOT#, MILEPOST	313 640R, 160.02
STREET, CITY, COUNTY	1200 th Avenue (TR173C), near Wheeler, Jasper County
JURISDICTION (RDWY)	North Muddy Road District
LOCATION	Rural, Agricultural
STREET SURFACE	1-Lane, 2-Way (East-West), 12 Ft. Wide, Aggregate Roadway

CROSSING DATA: See Location Sketch for roadway profile and track centers

TRACK	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
Main	Unconsolidated	24 Ft	Fair-Poor

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	Illinois Route 33, 100 ft. East
TRAFFIC CONTROL	Stop Sign for 1200 th Ave. traffic
ADT & SPEED	29 (estimated) Vehicles Per Day @ 55 MPH (Not Posted)
TRAFFIC TYPE	TYPES: Passenger, Agricultural/Farm Equipment, Utility Maintenance Vehicles with possible Hazardous Materials, and Emergency Response
ADVANCE WARNING	None
PAVEMENT MARKING	None

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	2 Per day @ 25-35 MPH, Day & Night, Switching
PASSENGER TRAFFIC	None
WARNING DEVICES	R15-1 (Crossbucks)
OTHER	ENS

NOTES:

Road District has agreed to voluntarily close the crossing in exchange for a \$50,000 incentive payment from the Grade Crossing Protection Fund.

VISIBILITY STUDY: See Location Sketch

Train Speed	35	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	483	FEET
Along Tracks	352	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	832	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	*	Good	*	Good
NW	*	Good	*	Good
SE	*	Good	*	Trees & Brush
SW	*	Good	*	Good

APPROACH GRADES: See Location Sketch

DIRECTION: WEST			DIRECTION: EAST		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
0	100.0	---	0	100.0	---
25	98.7	-5.2	25	99.1	-3.6
50	97.3	-5.6	50	98.3	-3.2
100	97.6	+0.6	100	98.4	+0.2

Distance measured from outermost rail.

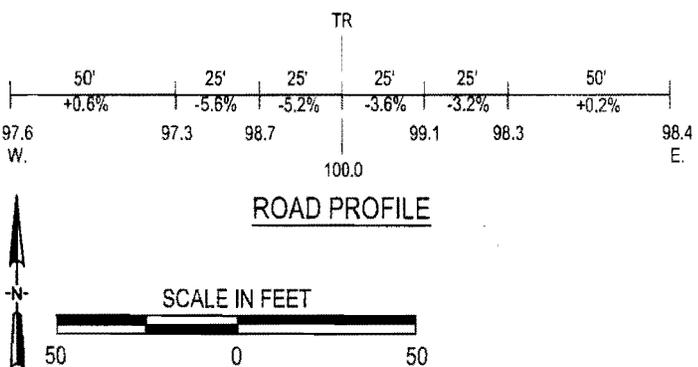
COMMENTS:

PROPOSED COST DIVISION

IMPROVEMENT	GCPF	IDOT (FEDERAL INCENTIVE)	ICRR (Matching Incentive)	ROAD DISTRICT
CLOSURE	\$50,000	\$7,500	\$7,500 ¹	\$0 ²

1. The Railroad will be responsible for removal of the crossing surface and crossbucks.
2. The Road District will be responsible for roadway removal and any necessary signage on the remaining roadway.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #:	313640R
Location:	Jasper Co., City of Wheeler (N)
Lat/Long:	39°01'27" / 88°16'10"
Railroad:	Illinois Central Railroad Company
Street:	1200N / TR173C
Railroad Milepost:	160.02
Crossing Protection:	Crossbucks

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1418

Date 8-26-09

The North Muddy Road District meeting on
(Township Board or Council)

April 14, 09, Resolved to authorize Robert Wagner, Road Comm
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the North Muddy Road District is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION	<input type="checkbox"/>

DATE	11-24-09
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PROJECT INFORMATION:

Reporting Party:	Illinois Central Railroad Company
Docket/Order #; Date:	709-0133
Ordered Completion Date:	Within 60 days of notification of closure by the North Muddy Road District
Completion Report Due:	Within 5 business days of Completion
USDOT Inventory Form Due ¹ :	Within 10 days of Completion
AAR/DOT#, Milepost:	313 640R, 160.02
Street, (in/near) City, County:	1200 th Avenue (TR173C), Near Wheeler, Jasper Co.
Railroad Company:	Illinois Central Railroad Company

1. Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form to be submitted by the Company.

PROJECT MANAGER INFORMATION:

Name:	Mr. John M. Henriksen
Title:	Manager, Public Works
Representing:	Canadian National (ICRR)
Street Address:	17641 South Ashland Avenue
City, State, Zip:	Homewood, Illinois 60430
Office Phone:	(708) 332-3557
Office Fax:	(708) 332-3514
Cellular Phone:	
E-Mail Address:	john.henriksen@cn.ca

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Removal of the crossing surface and crossbucks, by the Railroad.
- Incentive payment of \$7,500 to the Road District, by the Railroad.

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe VonDeBur, Rail Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/forms/results.aspx?st=4>

The billing addresses for **Grade Crossing Protection Fund** and **Federal Incentive** reimbursement are:

GCPF INCENTIVE (\$50,000)

Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764

FEDERAL INCENTIVE (\$7,500)

Mr. Roger Driskell
Region 4 Engineer
Attn: Maureen Kastl, Local Roads Engineer
400 West Wabash
Effingham, IL 62401

Information regarding the crossing inventory and the **United States Department of Transportation Inventory Form #6180.71** can be obtained on the web at:

<http://www.fra.dot.gov/us/content/801>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety, MS25 1200 New Jersey Avenue SE Washington, DC 20590-0001	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION
PROJECT STATUS REPORT:**

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION	<input type="checkbox"/>

DATE	11-24-09
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PROJECT INFORMATION:

Reporting Party:	North Muddy Road District
Docket/Order #; Date:	TD9-0133
Closure:	Temporary Barricades to be in place within 3 business days of Order. Permanent closure within 30 days of Order Date.
Status Reports Due ¹ :	Notification of Temporary Barricade placement within 8 business days of Order Date.
Ordered Completion Date:	Within 30 days of Order Date
Completion Report Due ¹ :	Notification within 5 business days of Completion Date
AAR/DOT#, Milepost:	313 640R, 160.02
Street, City, County:	1200 th Avenue (TR173C), Near Wheeler, Jasper Co.
Railroad Company:	Illinois Central Railroad Company

1. All parties must be notified.

PROJECT MANAGER INFORMATION:

Name:	Robert Wagner
Title:	Road Commissioner
Representing:	North Muddy Road District
Street Address:	4591 East 900 th Avenue
City, State, Zip:	Newton, IL 62448
Office Phone:	(618) 925-5510
Office Fax:	
Cellular Phone:	
E-Mail Address:	

DESCRIPTION OF IMPROVEMENT(S) ORDERED:

- Vacation by ordinance and closure of the roadway within the railroad right-of-way, by the Road District.

STATUS OF WORK:

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Joe VonDeBur, Rail Safety Specialist
Phone: (217) 557-1286
Email: jvondebu@icc.illinois.gov

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The billing addresses for **Grade Crossing Protection Fund** and **Federal Incentive** reimbursement are:

GCPF INCENTIVE (\$50,000)

Illinois Department of Transportation
Fiscal Control Unit
Bureau of Local Roads and Streets
2300 South Dirksen Parkway
Springfield, Illinois 62764

FEDERAL INCENTIVE (\$7,500)

Mr. Roger Driskell
Region 4 Engineer
Attn: Maureen Kastl, Local Roads Engineer
400 West Wabash
Effingham, IL 62401

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<http://www.fra.dot.gov/us/content/801>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety, MS25 1200 New Jersey Avenue SE Washington, DC 20590-0001	And	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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ROADWAY VACATION ORDINANCE/RESOLUTION

T09-0133

An Ordinance vacating a portion of North Muddy Road District Road, 1200th Ave., which lies between Illinois Route 33 and the south ROW line of Illinois Central Railroad Company in North Muddy Township, Jasper County, Illinois

WHEREAS, North Muddy Road District has determined that the public interest will be served by vacating a portion of 1200th Ave. at the point where 1200th Ave. is crossed by the Illinois Central Railroad Company's track, such intersection being:

The intersection of Illinois Central Railroad Company's track and 1200th Ave. identified as Crossing Inventory #313-640R, railroad milepost 160.02.

WHEREAS, North Muddy Road District has determined the statutorily dedicated portion of 1200th Ave. serves no current or future public purpose and is currently a hazard to public health and safety;

NOW THEREFORE, BE IT ORDAINED/RESOLVED BY NORTY MUDDY TOWNSHIP BOARD, JASPER COUNTY, ILLINOIS AS FOLLOWS:

1. That the North Muddy Road District, Jasper County shall, and hereby does, vacate:
The intersection of Illinois Central Railroad Company's track and 1200th Ave. identified as Inventory #313-640R, railroad milepost 160.02.
2. That the ownership of that portion of the property vacated lying within the existing right-of-way of the Illinois Central Railroad Company shall be vested to said Railroad Company. Any fees incurred by North Muddy Road District, pertaining to the transferring of this property to the Illinois Central Railroad Company, shall be reimbursed to North Muddy Road District by said railroad company.
3. The ownership of the property being vacated lying outside the existing railroad right-of-way, being that portion of the existing road lying between the north right-of-way of the railroad and the south right-of-way of Illinois State 33, shall be vested to the appropriate adjacent landowners. Any fees incurred by North Muddy Road District, pertaining to the transferring of this property to the adjacent landowner shall be reimbursed to North Muddy Road District by said landowner.
4. This vacation will take effect upon an Illinois Commerce Commission order authorizing the crossing closure has been issued and the Grade Crossing Protection Fund incentive payment has been received by North Muddy Road District.

DOCKETED

PRESENTED, PASSED, AND ADOPTED at a meeting of the North Muddy Road District, Jasper County, Illinois, by and aye and nay roll call vote, with 4 Voting aye, 0 voting nay, 1 absent, and 4 passing, which meeting was held on April 14, 2009

DATED: April 14, 2009

Robert Wagner
North Muddy Road District Commissioner

ATTEST:

Steve Minkot
North Muddy Township Clerk