

ORIGINAL

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June 7, 2010

RECEIVED

JUN 8 2010

ILLINOIS COMMERCE COMMISSION
RAIL SAFETY SECTION

Mr. Myles L. Tobin
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 290
Chicago, IL 60606-2832

Mr. John Saladino
Railroad Safety Specialist III
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701

RE: City of Chenoa v. Toledo, Peoria & Western Railway; T07-0093

Gentlemen:

With reference to the above, please find enclosed a copy of Agreement for Jurisdictional Transfer between the State of Illinois and the City of Chenoa dated June 5, 2000, to be attached as Exhibit "A" to Petitioner's Brief in Response to Respondent's Motion to Dismiss.

If you have any questions, don't hesitate to contact me.

Very truly yours,

CAUGHEY, LEGNER & FREEHILL

By:



JAF/rmm
Encl.

F:\chenoa\kerrine\wp50\CITY Correspondence 2010\lt to john saladino and myles tobin encl copy of Exhibit A to Petitioner's Brief - Jurisdictional Transfer Agreement.wpd

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JS
LKM



Local Agency		Type of Systems Transfer	
Municipality:	Chenoa	Type 1	Type 2
Township/Road District:		From: State Highway System	From: Local Highway System
County:	(of McLean County)	To: Local Highway System	To: State Highway System
		Indicate Type of Systems Transfer : 1	

This agreement is made and entered into between the above local agency, hereinafter referred to as "LA", and the State of Illinois, acting by and through its Department of Transportation, hereinafter referred to as "State", to transfer the jurisdiction of the designated location in the manner indicated above under **Type of Systems Transfer**.

Location Description

Name Old Route 66 Route FA 5 (Abandoned Former OR 66 SB Lanes Only) Length 15,946' KM (3.02 Miles)
 Termini Limited to the existing abandoned former southbound lanes of FA 5/OR 66 and segments of its former roadbed, beginning at the south termination of pavement of the abandoned southbound lanes (located 1.71 miles south of U.S. 24) and extending northeasterly 3.02 miles to the north terminus of abandoned former southbound lanes (located 1.31 miles north of U.S. Route 24 at the McLean-Livingston County line) in its entirety and being approximately 80' in width from a point on the inside shoulder 6' from the east edge of pavement of the abandoned southbound lanes and extending outward westerly to the west right of way line, in its entirety (see plan sheet attached as Addendum 3). Any future vacation of the transferred pavement section requires the city of Chenoa to first obtain prior Concurrence from the State.

This transfer does does not include Structure No. _____

WHEREAS, the authority to enter into this contract is granted the STATE by Section 4-409 of the Illinois Highway Code and the authority to make changes in the State Highway System is granted the State under Section 2-101 of the Illinois Highway Code.
Include for Municipalities Only

WHEREAS, the authority to make changes to the Municipal Street System is granted to the Municipality by Section 7-101 of the Illinois Highway Code

NOW THEREFORE IT IS AGREED that the corporate authority of said municipality will pass an ordinance providing for the transfer of the above location and shall attach hereto and make a part hereof a copy of a location map as Addendum No. 1 and a copy of the ordinance as Addendum No. 2, and

IT IS MUTUALLY AGREED, that this jurisdictional transfer will become effective 21 calendar days after the execution of this agreement.

Supplements

Additional information and/or stipulations, if any, are hereby attached and identified below as being a part of this agreement

Supplement Location Map & City Ordinance of Road Transfer
 (Insert supplement numbers of letters and page numbers, if applicable.)

APPROVED

Name: Walt Hetman

Title: Mayor

Signature

APPROVED

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By
Director of Highways

Date 6-15-00