

**MOULTRIE COUNTY
HIGHWAY DEPARTMENT
10 S MAIN, COURTHOUSE
SULLIVAN, IL 61951**

**DOUG DELONG
COUNTY ENGINEER**

RECEIVED TELEPHONE
FEB 10 2003 728-4142

**Illinois Commerce Commission
RAIL SAFETY SECTION**

To: Bob Berry
From: Moultrie County Highway Dept.
Subject: Section 99-07003-00-FP – Crossings # 167274P, 167275W, 167276D
Date: February 6, 2003

Enclosed are the legal documents for the closure of Black Dog Crossing.
The Kirksville crossing has language that the crossing is to be vacated effective when the
warning devices at County Highway 11 are in service. If you have any questions, please call.

702-0108
TR/137

DOCKETED

ELDER AND ELDER

ATTORNEYS AT LAW

101 WEST HARRISON

P.O. Box 345

SULLIVAN, ILLINOIS

61951-0345

AREA CODE 217

TELEPHONE 728-4374

FAX 217-728-8413

ROBERT V. ELDER

OLIVER D. ELDER

VERNON E. ELDER

(1912-1994)

February 3, 2003

Mr. Doug DeLong
Moultrie County Highway Department
10 S. Main
Moultrie County Courthouse
Sullivan, IL 61951

Re: Sullivan Township Road District Blackdog and
Kirksville Railroad Crossing Vacation

Dear Doug:

Enclosed for your records are the following:

1. Copy of Transcript of Road Vacation Proceedings for Crossing # 167274P (Blackdog North) which has been recorded on Card No. 03-MS-019 as Document No. 267060 in the Recorder's Office of Moultrie County, Illinois.
2. Copy of Transcript of Road Vacation Proceedings for Crossing # 167275W (Blackdog South) which has been recorded on Card No. 03-MS-020 as Document No. 267061 in the Recorder's Office of Moultrie County, Illinois.
3. Copy of Transcript of Road Vacation Proceedings for Crossing # 167276D which has been recorded on Card No. 03-MS-021 as Document No. 267062 in the Recorder's Office of Moultrie County, Illinois.
4. Copy of Survey Plat of road vacated at Crossing # 167274P which has been recorded as Document No. 267063 in the Recorder's Office of Moultrie County, Illinois.
5. Copy of Survey Plat of road vacated at Crossing # 167275W which has been recorded as Document No. 267064 in the Recorder's Office of Moultrie County, Illinois.

Mr. Doug DeLong
Moultrie County Highway Department
February 3, 2003
Page 2

6. Copy of Survey Plat of road vacated at Crossing # 167276D which has been recorded as Document No. 267065 in the Recorder's Office of Moultrie County, Illinois.

Very truly yours,

ELDER AND ELDER



Robert V. Elder

RVE/hls
Enclosures

STATE OF ILLINOIS
MOULTRIE COUNTY
Filed for record

Date 01/31/03

Hour 10:21 o'clock A M

Doc. # 267060

Recorded As 03MS-019

of Miscellaneous
George C. England
Recorder

TRANSCRIPT OF ROAD VACATION PROCEEDINGS

SULLIVAN TOWNSHIP ROAD DISTRICT

CROSSING # 167274P
(BLACK DOG NORTH)

CERTIFICATE FOR VACATION OF A ROAD

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, hereby certifies that the following described road in said township should be vacated, to-wit:

A part of the Southeast Quarter of the Southwest Quarter of Section Nine, Township Thirteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Nine; thence South 89 degrees 33 minutes 09 seconds West along the South line of the Southwest Quarter of said Section Nine, a distance of 595.99 feet to the existing Southerly right of way line of the Union Pacific Railroad and the point of beginning; thence continuing South 89 degrees 33 minutes 09 seconds West, a distance of 182.76 feet to the existing Northerly right of way line of the Union Pacific Railroad; thence North 56 degrees 22 minutes 46 seconds East along the existing Northerly right of way line of the Union Pacific Railroad, a distance of 86.18 feet; thence South 86 degrees 32 minutes 00 seconds East, a distance of 165.83 feet to the existing Southerly right of way line of the Union Pacific Railroad; thence South 56 degrees 22 minutes 46 seconds West along the existing Southerly right of way line of the Union Pacific Railroad, a distance of 65.49 feet to the point of beginning.

The road proposed to be vacated is a part of TR 72 and is known as Crossing #167274P.

A copy of the plat of the road proposed to be vacated is attached hereto as Exhibit "A".

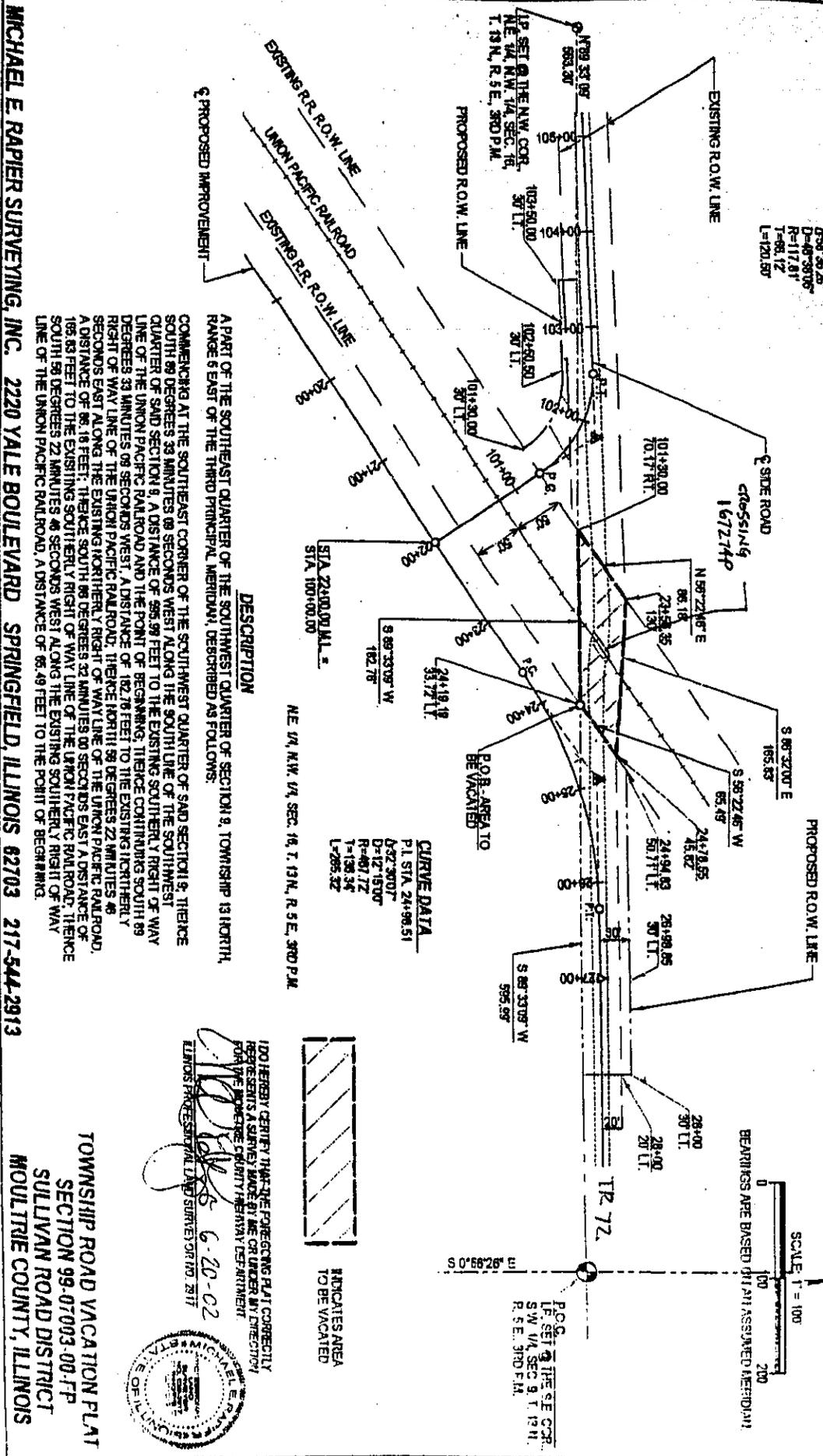
DATED this 3rd day of January, 2003.

Elmo H. Weaver
ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois

FILED this 3rd day of January, 2003.

Gary W. Bruce
Gary Bruce, Clerk of
Sullivan Township Road
District of Moultrie
County, Illinois

CURVE DATA, S.R.
 P.I. STA. 101+98.12
 Δ=58°32'26"
 D=48°38'05"
 R=117.81'
 T=68.12'
 L=120.50'



DESCRIPTION
 A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 13 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE SOUTH 89 DEGREES 33 MINUTES 08 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 595.99 FEET TO THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 33 MINUTES 08 SECONDS WEST A DISTANCE OF 182.78 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 58 DEGREES 22 MINUTES 46 SECONDS EAST ALONG THE EXISTING NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 65.18 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 08 SECONDS EAST A DISTANCE OF 185.63 FEET TO THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 59 DEGREES 22 MINUTES 46 SECONDS WEST ALONG THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 65.49 FEET TO THE POINT OF BEGINNING.

CURVE DATA
 P.I. STA. 24+98.51
 Δ=58°32'26"
 D=48°38'05"
 R=117.81'
 T=68.12'
 L=120.50'

I DO HEREBY CERTIFY THAT THE FOREGOING PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION FOR THE PURPOSES OF THE COUNTY HIGHWAY DEPARTMENT.
 MICHAEL E. RAPIER
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2817

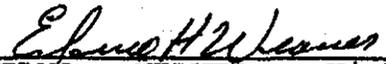


MICHAEL E. RAPIER SURVEYING, INC. 2220 YALE BOULEVARD SPRINGFIELD, ILLINOIS 62703 217-544-2913

TOWNSHIP ROAD VACATION PLAT
 SECTION 99-07093-00-1FP
 SULLIVAN ROAD DISTRICT
 MOULTRIE COUNTY, ILLINOIS

ORDER FOR HEARING

A hearing shall be held on the above Certificate for Vacation of a Road on the 22nd day of January, 2003, at 10:00 a.m. at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in Sullivan, Illinois, to examine the route of the road and hear reasons for or against the vacation of the road.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District
of Moultrie County,
Illinois

**NOTICE OF HEARING
ON CERTIFICATE BY
HIGHWAY COMMISSIONER
FOR VACATION OF ROAD**

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 22nd day of January, 2003, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Southeast Quarter of the Southwest Quarter of Section Nine, Township Thirteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Nine; thence South 89 degrees 33 minutes 09 seconds West along the South line of the Southwest Quarter of said Section Nine,

a distance of 595.99 feet to the existing Southerly right of way line of the Union Pacific Railroad and the point of beginning; thence continuing South 89 degrees 33 minutes 09 seconds West, a distance of 182.76 feet to the existing Northerly right of way line of the Union Pacific Railroad; thence North 56 degrees 22 minutes 46 seconds East along the existing Northerly right of way line of the Union Pacific Railroad, a distance of 86.18 feet; thence South 86 degrees 32 minutes 00 seconds East, a distance of 165.83 feet to the existing Southerly right of way line of the Union Pacific Railroad; thence South 56 degrees 22 minutes 46 seconds West along the existing Southerly right of way line of the Union Pacific Railroad, a distance of 65.49 feet to the point of beginning.

The road proposed to be vacated is a part of TR 72 and is known as Crossing #167274P.

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 6th day of January, 2003.

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District of Moultrie County, Illinois

PUBLISHED 1/8/2003

Publisher's Certificate

State of Illinois
Moultrie County

I, Marion E. Best, do hereby certify that I am the Publisher of the NEWS-PROGRESS, a secular newspaper of general circulation published in the City of Sullivan, County of Moultrie, Illinois. The NEWS-PROGRESS is a newspaper as defined in "An Act to revise the law in relation to notices" eff. July 1, 1874 as amended. (Illinois Revised Statutes, Chap. 100, Section 1 through 5).

The notice hereto annexed, relating to the matter of

ELDER & ELDER

CROSSING 167274P

has been published in the total circulation of the NEWS-PROGRESS for

ONE weeks successively, beginning JANUARY 8, 2003

and ending JANUARY 8, 2003

which are the dates of the first and last issues containing the notice.

Dated: JANUARY 8, 2003



Publisher

The "NEWS-PROGRESS" is published by Best Newspapers in Illinois, Inc.,
100 West Monroe Street, Sullivan, Illinois 61951. PH 217/728-7381

AFFIDAVIT OF MAILING

The undersigned on oath states that on behalf of Elmo Weaver, Highway Commissioner of Sullivan Township Road District, a copy of the attached Notice of Hearing on Certificate by Highway Commissioner for Vacation of Road was served on:

William Roy
R.R. #3, Box 373
Sullivan, IL 61951

Charlotte Emel
814 E. Jackson
Sullivan, IL 61951

Dorothea Roy
R.R. #3, Box 373
Sullivan, IL 61951

Wright Living Trust
dated October 31, 1991
c/o Robert A. Wright
1180 Katy Court
Upland, CA 91784

Kenneth D. Roy
R.R. #3, Box 372
Sullivan, IL 61951

Doug DeLong
Moultrie County
Superintendent of Highways
Moultrie County Courthouse
10 S. Main
Sullivan, IL 61951

Janet Roy
R.R. #3, Box 372
Sullivan, IL 61951

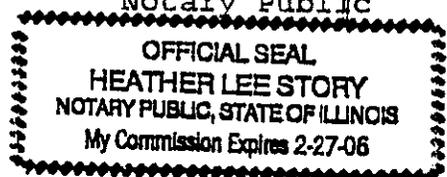
Stanely Emel
814 E. Jackson
Sullivan, IL 61951

by mailing a copy of same to them at the addresses shown above with postage fully prepaid and by depositing same in a U.S. Post Office Box in Sullivan, Illinois, this 6th day of January, 2003.


Robert V. Elder

Subscribed and Sworn to before me this 6th day of January, 2003.


Notary Public



NOTICE OF HEARING ON CERTIFICATE BY
HIGHWAY COMMISSIONER FOR VACATION OF ROAD

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 22nd day of January, 2003, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

A part of the Southeast Quarter of the Southwest Quarter of Section Nine, Township Thirteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Nine; thence South 89 degrees 33 minutes 09 seconds West along the South line of the Southwest Quarter of said Section Nine, a distance of 595.99 feet to the existing Southerly right of way line of the Union Pacific Railroad and the point of beginning; thence continuing South 89 degrees 33 minutes 09 seconds West, a distance of 182.76 feet to the existing Northerly right of way line of the Union Pacific Railroad; thence North 56 degrees 22 minutes 46 seconds East along the existing Northerly right of way line of the Union Pacific Railroad, a distance of 86.18 feet; thence South 86 degrees 32 minutes 00 seconds East, a distance of 165.83 feet to the existing Southerly right of way line of the Union Pacific Railroad; thence South 56 degrees 22 minutes 46 seconds West along the existing Southerly right of way line of the Union Pacific Railroad, a distance of 65.49 feet to the point of beginning.

The road proposed to be vacated is a part of TR 72 and is known as Crossing #167274P.

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 6th day of January, 2003.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois

MEMORANDUM OF DECISION

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, having conducted a hearing on a Certificate for Vacation of a Road for the Vacation of part of TR 72 known as Crossing # 167274P described as:

A part of the Southeast Quarter of the Southwest Quarter of Section Nine, Township Thirteen North, Range Five East of the Third Principal Meridian, Moultrie County, Illinois, described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of said Section Nine; thence South 89 degrees 33 minutes 09 seconds West along the South line of the Southwest Quarter of said Section Nine, a distance of 595.99 feet to the existing Southerly right of way line of the Union Pacific Railroad and the point of beginning; thence continuing South 89 degrees 33 minutes 09 seconds West, a distance of 182.76 feet to the existing Northerly right of way line of the Union Pacific Railroad; thence North 56 degrees 22 minutes 46 seconds East along the existing Northerly right of way line of the Union Pacific Railroad, a distance of 86.18 feet; thence South 86 degrees 32 minutes 00 seconds East, a distance of 165.83 feet to the existing Southerly right of way line of the Union Pacific Railroad; thence South 56 degrees 22 minutes 46 seconds West along the existing Southerly right of way line of the Union Pacific Railroad, a distance of 65.49 feet to the point of beginning,

does hereby find:

1. That Notice of this hearing has been given in writing at least 10 days prior to the hearing:
 - A. To the Moultrie County Superintendent of Highways;

B. By publication in a newspaper published in the Township as shown by a copy of the Certificate of Publication annexed hereto;

C. To all person owning property located within 200 feet of the Road proposed to be vacated by mail as set forth in the Affidavit of Mailing annexed hereto.

2. That the vacation of the Road is in the public and economic interest.
3. That any person residing or owning land within 2 miles of any portion of the Road proposed to be vacated shall have reasonable access by way of a motor vehicle or other portable farm machinery commonly used in the area to farmland such person owns or operates and to community trade centers after the Road is vacated.
4. That no damages will result from the vacation of the Road.
5. That a survey of the Road has been made and a Plat of the Road as attached to the Certificate for Vacation of a Road.
6. That there are no objectors to the vacation of the Road.
7. That the names of all persons present at the hearing are:

Elmo Weaver,
Robert V. Elder
Doug DeLong
Ed Riley
Francis Drummard
8. That the Road proposed to be vacated should be vacated.
9. That based on the above findings this hearing shall also be a final hearing on the Certificate for Vacation.

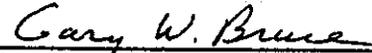
IT IS THEREFORE ORDERED that the Road described in the Certificate for Vacation of a Public Road filed herein for the vacation of the Road described above in this Memorandum of Decision be and the same is hereby vacated.

DATED this 22nd day of January, 2003.



ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District
of Moultrie County,
Illinois

FILED this 22nd day of January, 2003.



Gary W. Bruce, Clerk of
Sullivan Township Road
District of Moultrie
County, Illinois

Received a copy of the above and foregoing Memorandum of Decision the 22nd day of January, 2003.



Doug DeLong, Moultrie
County Superintendent of
Highways

**NOTICE OF HEARING
ON CERTIFICATE BY
HIGHWAY COMMISSIONER
FOR VACATION OF ROAD**

ELMO WEAVER, as Highway Commissioner of Sullivan Township Road District in Moultrie County, Illinois, under the provisions of 605 ILCS 5/6-303 and Section 6-303 of the Illinois Highway Code, gives notice that a hearing on a Certificate for Vacation of a Road filed in the office of the Clerk of Sullivan Township Road District shall be held at the Sullivan Township office at the Northeast corner of Market Street and Eden Street in the City of Sullivan, Illinois, on the 22nd day of January, 2003, at 10:00 a.m. at which time the Highway Commissioner will examine the route of the road proposed to be vacated and will hear reasons for or against the proposed vacation pursuant to statute. The road proposed to be vacated is described as:

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The road proposed to be vacated is a part of TR 72 and is known as Crossing #167274P.

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 6th day of January, 2003.

ELMO WEAVER, Highway Commissioner of Sullivan Township Road District of Moultrie County, Illinois

PUBLISHED 1/8/2003

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State of Illinois
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The notice hereto annexed, relating to the matter of

ELDER & ELDER

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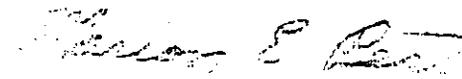
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Wright Living Trust
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Kenneth D. Roy
R.R. #3, Box 372
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Doug DeLong
Moultrie County
Superintendent of Highways
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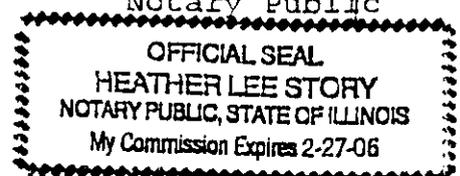
by mailing a copy of same to them at the addresses shown above with postage fully prepaid and by depositing same in a U.S. Post Office Box in Sullivan, Illinois, this 6th day of January, 2003.



Robert V. Elder

Subscribed and Sworn to before me this 6th day of January, 2003.


Notary Public



NOTICE OF HEARING ON CERTIFICATE BY
HIGHWAY COMMISSIONER FOR VACATION OF ROAD

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The road proposed to be vacated is a part of TR 72 and is known as Crossing #167274P.

If at the hearing all damages have been released, all surveys and plats are made, and there are no objections, a final hearing will be held as provided for under the provisions of 605 ILCS 5/6-311 and Section 6-311 of the Highway Code.

DATED this 6th day of January, 2003.


ELMO WEAVER, Highway
Commissioner of Sullivan
Township Road District of
Moultrie County, Illinois

CERTIFICATE

GARY BRUCE, Clerk of Sullivan Township Road District in Moultrie County, Illinois, does hereby certify the above and foregoing to be a true and correct copy of a transcript of the proceedings for the vacation of a road known as Crossing # 167274P in Sullivan Township Road District including the following:

Certificate for Vacation of Road
Order for Hearing
Publisher's Certificate of Publication of Notice of Hearing
Affidavit of Mailing Notice of Hearing
Memorandum of Decision Ordering Vacation of Road

as the same appear of record and on file in my office.

IN WITNESS WHEREOF I have set my hand this 22nd
day of January, 2003.

Gary W. Bruce
Gary / Bruce, Clerk of
Sullivan Township Road
District in Moultrie
County, Illinois

STATE OF ILLINOIS
MOULTRIE COUNTY
Filed for record

Date 01/31/03
Hour 10:24 o'clock A M
Doc. # 267063
Recorded As SU-597 CAB. B-47
of Plats
Georgia C. England
Recorder

PLAT OF ROAD VACATED IN
SULLIVAN TOWNSHIP ROAD DISTRICT

CROSSING #167274P
(BLACK DOG NORTH)

Part of SE SW Sec 9 T13N R5E