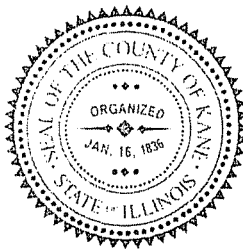


COUNTY OF KANE

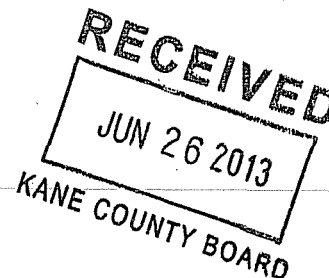
Christopher J. Lauzen
Kane County Board Chairman



Kane County Government Center
719 South Batavia Avenue
Geneva, IL 60134
P: (630) 232-5930
F: (630) 232-9188
clauzen@kanecoboard.org
www.countyofkane.org

DOCUMENT VET SHEET

for
Christopher J. Lauzen
Chairman, Kane County Board



Name of Document: Highway Grant Resolution No.: 12-236

Between County of Kane and Union Pacific Railroad regarding
Anderson Road, Kane County Sec. #01-00274-00-BR

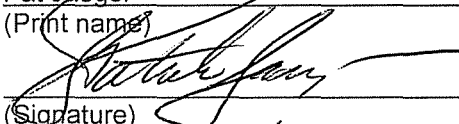
Submitted by: Joy Yehnert

Dept. Head Signature: 

Date Submitted: June 25, 2013

Dept. Head Sign-off Date: JUNE 25, 2013

Examined by: Pat Jaeger
(Print name)


(Signature)

06/26/13
(Date)

Post on the Web: YES NO Atty. Initials 

Comments:

Chairman signed: YES NO _____
(Date)

Document returned to: _____
(Name/Department)

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 12 - 236

**APPROVING AN AGREEMENT WITH THE UNION PACIFIC RAILROAD COMPANY AND THE
BLACKBERRY TOWNSHIP ROAD DISTRICT
ANDERSON ROAD EXTENSION GRADE SEPARATION
KANE COUNTY SECTION NO. 01-00274-00-BR**

WHEREAS, the County of Kane (County) desires to cooperate with the Union Pacific Railroad Company (UP) in the construction and maintenance of a grade separation over the UP's railroad tracks known as the Anderson Road Extension Grade Separation Project, (hereinafter the "Project"); and

WHEREAS, in order to accomplish the Project it is necessary that the County enter into an agreement with the UP and the Blackberry Township Road District (District); and

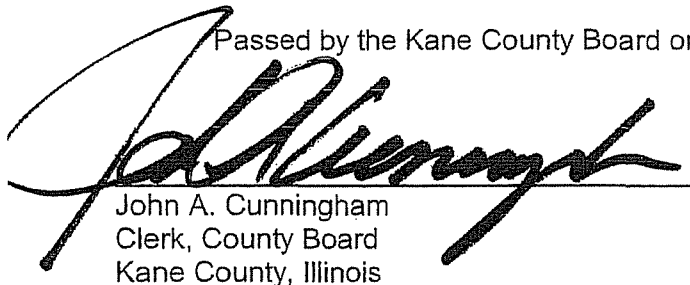
WHEREAS, the County and the UP have determined a mutually satisfactory allocation of responsibilities and costs for the Project; and

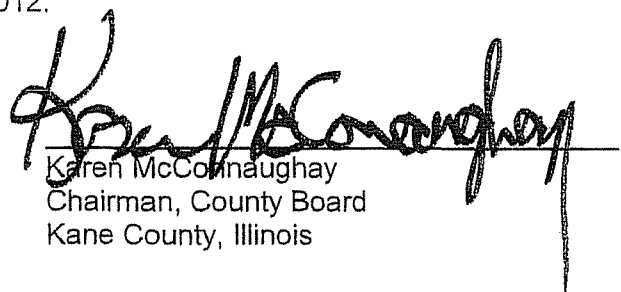
WHEREAS, the UP desires the closure of the at grade crossing of the UP's railroad tracks and Pouley Road, a highway under the jurisdiction of the Blackberry Township Road District; and

WHEREAS, the proposed improvements are deemed by the County and the Commissioner to be of benefit to the residents of the Blackberry Township, the County of Kane and the State of Illinois in that the Project is public in nature and shall facilitate safe and efficient transportation.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement(s) with the Union Pacific Railroad Company and the Blackberry Township Highway Commissioner for the construction and maintenance of the Anderson Road Grade Separation.

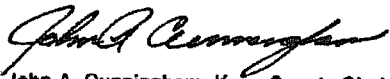
Passed by the Kane County Board on July 10, 2012.


John A. Cunningham
Clerk, County Board
Kane County, Illinois


Karen McConaughay
Chairman, County Board
Kane County, Illinois

Vote:
Yes 22
No -
Voice -
Abstentions -

7ANDRSNUPRR.4PJ

STATE OF ILLINOIS
COUNTY OF KANE
DATE JUL 18 2012
I, John A. Cunningham, Kane County Clerk and Keeper of the Records in Kane County, Illinois do hereby certify that the attached is a true and correct copy of the original record on file. In witness whereof, I have hereunto set my hand and affix the Seal of the County of Kane at my office in Geneva, Illinois

John A. Cunningham, Kane County Clerk

Folder: 2809-69

June 18, 2013

PAT JAEGER
KANE COUNTY DIVISION OF TRANSPORTATION
41W011 BURLINGTON RD.
ST. CHARLES, ILLINOIS 60175

RE: Highway Grant pursuant to Public Hwy Overpass Crossing Agreement Folder 2694-00 regarding Anderson Rd., DOT 440526H, Railroad MP 43.06 on the Geneva Subdivision in or near Elburn, Kane County, Illinois.

Dear Shawn:

Attached are duplicate originals of a Highway Grant. Please and return an original copy with the \$7,450.00 fee. Please return to me the following:

1. **ALL** of the executed documents. If a Contractor's Right-of-Entry Agreement is attached hereto, you may submit the executed Contractor's Right-of-Entry documentation upon selection of a contractor.
2. Certificate of Insurance, if required.
3. Resolution for document execution, if required.
4. Check made payable to the Union Pacific Railroad Company in the amount of **\$7,450.00**. If you require formal billing, you may consider this letter as a formal bill. In compliance with the Internal Revenue Services' new policy regarding their Form 1099, I certify that 94-6001323 is the Railroad Company's correct Federal Taxpayer Identification Number and that Union Pacific Railroad Company is doing business as a corporation.



Sincerely,

A handwritten signature in black ink, appearing to read "David LaPlante". The signature is written in a cursive style with a large initial "D".

David C. LaPlante

Asst. Manager – Contracts

Union Pacific Railroad - Real Estate

(402) 544-8563

DCLAPLANTE@UP.COM

After Recording, Return To:

Space Above This Line for County Recorder's Use

UPRR Folder No.: 2809-69

HIGHWAY GRANT

THIS INSTRUMENT is made this 17 day of June, 2013, by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, formerly known as Southern Pacific Transportation Company, a Delaware corporation (the "Grantor"), and the **COUNTY OF KANE**, a municipal corporation of the State of Illinois (the "Grantee"):

1. Grantor, for and in consideration of the sum of **SEVEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$7,450.00)** and in consideration of the mutual covenants contained herein, hereby grants to Grantee, its successors and assigns, subject to the conditions herein contained, the right to construct, use, maintain, repair, reconstruct and renew a public highway bridge over the portion of Grantor's property and trackage described in **Exhibit A-2**, attached hereto, which only includes the permanent easement referred to as parcel 0006PE, and is hereby made a part hereof, with such property hereinafter referred to as the "Property" and being located near Grantor's Mile Post 43.06, DOT No. 440516H on its Geneva Subdivision in or near Elburn, Kane County, Illinois.

2. This grant is subject to (i) the terms and conditions of a separate agreement between the Grantor and Grantee dated October 17, 2012, and (ii) all prior and outstanding licenses, leases, easements, restrictions, conditions, covenants, liens and claims of title which may affect the Property, whether recorded or unrecorded, and the word "grant" as used herein shall not be construed as a covenant against the existence of any thereof.

3. This grant is made subject to the prior and continuing right and obligation of Grantor, its successors and assigns, to use all the Property in the performance of its duty as a common carrier, and there is reserved unto Grantor, its successors and assigns, the right (consistent with the rights herein granted) to construct, reconstruct, maintain, repair, use and operate existing and future transportation, communication and pipeline facilities and appurtenances in, upon, over, under, across and along the Property. Grantor may move equipment of all types on, along and over the grant area.

4. If the Property, or any portion thereof, shall cease to be needed for public highway purposes, then and in that event, the rights herein granted shall, as to such portion(s), thereupon cease and terminate and Grantor, its successors and assigns, shall resume possession thereof of such portion(s) of the Property. In such circumstances, the Grantee, if so requested by Grantor, shall execute and deliver to Grantor a quitclaim and release document in recordable form that releases the grant of rights contained herein.

IN WITNESS WHEREOF, the Grantor and Grantee have each duly executed this instrument as of the date first herein written.

ATTEST:

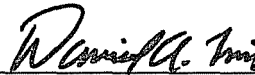
UNION PACIFIC RAILROAD COMPANY

(Federal Tax ID #94-6001323)



BEVERLY J. KUBAT
Assistant Secretary

By

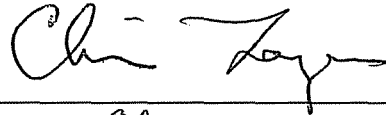


DANIEL A. LEIS
General Director Contracts

(Seal)

Accepted:

COUNTY OF KANE



By

Title:

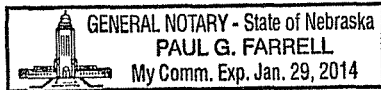
Chairman

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

On this 17th day of June, 2013, before me, *Paul G. Farrell*, a Notary Public in and for said County and State, personally appeared **Daniel A. Leis** and **Beverly J. Kubat** who are the *General Director Contracts* and the *Assistant Secretary*, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.



↑(Affix Seal Here)↑

Paul G. Farrell

Paul G. Farrell
Notary Public for and in said State

My commission expires: January 29, 2014

ACKNOWLEDGMENT

STATE OF ILLINOIS)
) ss:
COUNTY OF KANE)

On this 26th day of JUNE, 2013, before me, a Notary Public in and for said County and State, personally appeared

CHRISTOPHER LAZZER

(Name of Individual Executing Agreement for the Political Body)

who is the COUNTY BOARD CHAIRMAN OF KANE COUNTY

(Title of Individual Executing Agreement for the Political Body)

of the Name of Political Body, and who is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to in the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



J. Patrick Jaeger

(Signature of Notary of the Public)
Notary Public for and in said State

My commission expires: 10-21-14

PIN: 11-05-502-003

Owner: Union Pacific Railroad Company,
Successor to Chicago & Northwestern
Transportation Company

Route: F.A.U. 0126

Section: 01-00274-00-BR

County: Kane

Parcel: 0006PE

Station: 1030+67.09 to 1031+68.29

Part of the 100 foot wide railroad right of way in the East Half of the Northeast Quarter of Fractional Section 5, Township 39 North, Range 7 East of the Third Principal Meridian, in Kane County, Illinois, more particularly described as follows: Commencing at the Southerly most corner of Lot 3 in said Metra Elburn Yard and Station Subdivision, according to the plat thereof recorded April 28, 2004 as Document 2004K052644; thence North 84 degrees 23 minutes 56 seconds West, along the Southerly line of said Lot 3, 700.07 feet; thence North 05 degrees 20 minutes 40 seconds East, 421.52 feet to the Southerly right of way line of the Union Pacific Railroad right of way, as monumented and occupied, for a Point of Beginning; thence North 84 degrees 05 minutes 09 seconds West, along said Southerly right of way line, 120.01 feet; thence North 05 degrees 20 minutes 40 seconds East, 100.00 feet to the Northerly right of way line of said railroad right of way; thence South 84 degrees 05 minutes 09 seconds East, along said Northerly right of way line, 120.01 feet; thence South 05 degrees 20 minutes 40 seconds West, 100.00 feet to the Point of Beginning, in Kane County, Illinois.

Said parcel contains 0.276 acres (12,001 square feet), more or less.

Exhibit A-2
to Public Highway Overpass Crossing Agreement
Legal Descriptions
Folder No. 2694-00