

VILLAGE OF BISMARCK

ORDINANCE NO. 2008 - 5

AN ORDINANCE VACATING THE SOUTH STREET
HIGHWAY-RAIL GRADE CROSSING OF THE CSX TRANSPORTATION'S
TRACK IN THE VILLAGE OF BISMARCK, VERMILION COUNTY

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE
VILLAGE OF BISMARCK

DECEMBER 16, 2008

Published in pamphlet form by authority of the President and Board of
Trustees of the Village of Bismarck, Vermilion County, Illinois, the 16th day of
December, 2008.

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**AN ORDINANCE VACATING THE SOUTH STREET
HIGHWAY-RAIL GRADE CROSSING OF THE CSX TRANSPORTATION'S
TRACK IN THE VILLAGE OF BISMARCK, VERMILION COUNTY**

WHEREAS, the Village of Bismarck, Vermilion County has determined that the public interest will be subserved by vacating a portion of South Street at the point that such street is crossed by the CSX Transportation's track, such intersection being:

The intersection of CSX Transportation's track and South Street, identified as AAR/DOT#353 699P, railroad milepost 114.32-L.

WHEREAS, the Village of Bismarck, Vermilion County has determined the statutorily dedicated portion of South Street serves no current or future purpose and is currently a hazard to public health and safety;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BISMARCK, VERMILION COUNTY, ILLINOIS AS FOLLOWS:

1. That the recitals contained in the preamble to this Ordinance are incorporated by reference as if set out in full herein.
2. That the Village of Bismarck, Vermilion County shall, and hereby does vacate:

The intersection of CSX Transportation's track and South Street, identified as AAR/DOT#353 699P, railroad milepost 114.32-L.

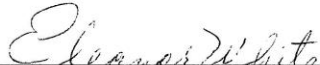
3. That final vacation shall not take place until an Illinois Commerce Commission Order has been issued authorizing an incentive payment from the Grade Crossing Protection Fund for closure of the South Street highway-rail grade crossing.
 4. That the ownership of the property vacated by virtue of this Ordinance shall be vested in the adjoining property owner, CSX Transportation, pursuant to the provisions of Section 11-91-2 of the Illinois Municipal Code (65 ILCS 5/11-91-2).
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5. That this Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

Adopted this 16th day of December, 2008, pursuant to roll call vote by the Corporate Authorities of the Village of Bismarck, Illinois, as follows, to wit:

Julie Boersma	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Dwayne Gettleman	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Mike Pundt	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input checked="" type="checkbox"/> Absent
Eldridge Dolin	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Lee High	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent
Karel Volpert	<input checked="" type="checkbox"/> Aye	<input type="checkbox"/> Nay	<input type="checkbox"/> Absent

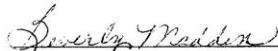
Approved December 16, 2008.



Eleanor White, Village President

ATTEST:

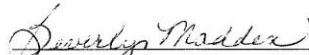
(SEAL)



Beverly Madden, Village Clerk

December 16, 2008

Published in Pamphlet form December 16, 2008.



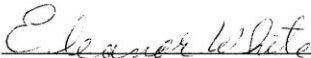
Beverly Madden, Village Clerk

RESOLUTION NO. 2008 - 6

**RESOLUTION REGARDING ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT 1363**

The Village Board of Bismarck meeting on December 16, 2008, Resolved to authorize Mayor Eleanor White to act as its designated agent in the processing of Illinois Commerce Commission Stipulated Agreement 1363 and that the Village of Bismarck is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of Illinois Commerce Commission Stipulated Agreement 1363.

PRESENTED and ADOPTED this 16th day of December 2008.


Eleanor White,
President of the Village of Bismarck

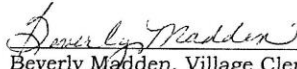
Attest:


Bev Madden, Village Clerk

**CERTIFICATION OF THE VILLAGE CLERK
OF THE
VILLAGE OF BISMARCK**

The undersigned, duly elected, qualified and acting Clerk of the Village of Bismarck, Vermilion County, Illinois, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2008-5 Vacating the South Street Highway-Rail Grade Crossing of the CSX Transportation's Track in the Village of Bismarck, Vermilion County, Illinois, passed by the Board on the 16th day of December, 2008, and approved and attested to on the same date by the Village President, Eleanor White, and the undersigned Village Clerk, Beverly Madden, as evidenced by the signatures thereon.

Dated this 16th day of December, 2008.


Beverly Madden, Village Clerk
