

Conservation Plan  
Application for Incidental Take  
of  
Franklin Ground Squirrel

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**Illinois Department of Natural Resources**  
**CONSERVATION PLAN**  
*(Application for an Incidental Take Authorization)*  
Per 520 ILCS 10/5.5 and 17 Ill. Adm. Code 1080

**150-day minimum required for public review, biological and legal analysis, and permitting**

PROJECT APPLICANT:      Level 3 Communications  
PROJECT NAME:            St Louis to Chicago Fiber Optic Network  
COUNTY:                 Sangamon County, Illinois  
AMOUNT OF IMPACT AREA:

The incidental taking of endangered and threatened species shall be authorized by the Illinois Department of Natural Resources (IDNR) only if an applicant submits a conservation plan to the IDNR Incidental Take Coordinator that meets the following criteria:

1. A **description of the impact likely to result** from the proposed taking of the species that would be covered by the authorization, including but not limited to -

A) Identification of the **area to be affected** by the proposed action, include a legal description and a detailed description including street address, map(s), and GIS shapefile. Include an indication of ownership or control of affected property. Attach photos of the project area.

In accordance with the “grandfathered” terms of the existing agreement between Level 3 Communications (Level 3) and Union Pacific Railroad, which are now in effect with the Department of Natural Resources, as per the rights described in the excerpt below, Level 3 has proposed the placement of new cable into the existing Level 3 Communications underground duct facilities.

Section 1. GRANT OF RIGHTS BY RAILROAD AND LEVEL 3.

a. Railroad hereby grants to LEVEL 3 and LEVEL 3 hereby accepts, the rights, at LEVEL 3's sole cost and expense:

1. To construct, operate, maintain the Fiber System as shown and in the locations shown on Exhibit "A"; and

2. To enter upon the System Segment(s) shown on Exhibit "A" for the purpose of constructing, operating and maintaining the Fiber System, subject to and during the term of this Agreement. When used in this Agreement, the term "construct" shall mean construct, reconstruct, rebuild or reinstall.

Level 3 is proposing to place one 216-ct fiber optic cable through existing conduit throughout The Illinois Department of Natural Resources (IDNR) and The Sangamon Valley Trail (SVT) from approximately 1.16 miles Northeast of Hickox St in the City of Nilwood, in Macoupin County to The City of Barr in Sangamon County. From Northeast of Nilwood Level 3 will leave the Railroad Right-of-Way and enter the IDNR corridor and proceed North along the corridor through Macoupin County, Sangamon County, Menard County and back into Sangamon County. Level 3 will leave the IDNR and enter the SVT from Bunker Hill Road (Co Rd 3 S) in Berlin, Il North to Cantrall Creek Rd (Hwy 1) in Cantrall, Il. From this point, Level 3 will exit the SVT and

re-enter the IDNR corridor and continue to proceed North to the City of Barr where we will exit the IDNR corridor and proceed East to complete our project.

In accordance to maps provided by the IDNR, there are several areas of concern, in regard to the Franklin Ground Squirrel (FGS), starting from approximately 2,000 feet South of Ackerman Rd and North 3.2 miles to approximately 500 feet South of Auburn Rd. Also, approximately 100 feet North of Snell Rd heading North 2.1 miles to approximately .5 miles South of Treat Rd, which is all inside the IDNR corridor. As we continue North, in which our last encounter of the FGS, according to the maps provided by the IDNR is at approximately 500 feet South of I-36 heading North approximately 1.7 miles to approximately 200 feet North of W Iles Ave. However, at Bunker Hill Rd we will exit the IDNR corridor at which point we will enter the SVT.

The area affected will be the immediate area of soil above and around hand holes that have been previously constructed below grade within the right-of-way of the County Highway known as Sangamon Valley Trail from the intersection of Bunker Hill Road to the intersection of County Road 400 North. This right of way is within the area that was previously a railroad corridor.

Please see the Level 3 Perpetual Easement Deed attachments on sheet 33-35.

**B) Biological data on the affected species including life history needs and habitat characteristics. Attach all pre-construction biological survey reports.**

Franklin Ground Squirrel (FGS) prefer tallgrass habitats, savannah-like habitats, woodland edges, as well as, alternate habitat types such as fencerows, abandoned/fallow fields, roadsides, and railroad right-of-way. In Illinois, it has been found that cover of smooth brome (*Bromus Inermis*) is positively related to the presence of FGS. FGS are typically found in areas where there is an absence of disturbance, particularly an absence of mowing. FGS will not use areas that have been recently mowed. The species also requires a place in which to construct an adequate burrow system. Burrow systems may be extensive with multiple entrance holes. Burrows are often found in areas with a noticeable berm or embankment, and are concealed in dense vegetation. Burrows tend to be deep and well-drained to provide protection from the elements and extreme temperatures. FGS are strictly active during the daytime and spend 90 percent of their lifetime underground in burrows.

FGS hibernates. Hibernation typically occurs from September to April, allowing FGS to survive the winter months. Once FGS come out of hibernation they establish home ranges and search for mates. Activity range size has been recorded in Sangamon County at an average of 41.5 acres for juvenile males and an average of 2.89 acres for juvenile females. Males emerge from hibernation first, with breeding occurring soon after females emerge. Yearly, FGS have a single litter of 6-9 pups usually between late May and mid-June. Young of the year first appear aboveground during late June. Adults may enter hibernation as early as July, with adult males doing so before adult females. The young then remain active until late September or October.

Time outside of their burrows is typically spent searching for food. FGS eat green plants, roots, seeds, fruit, insects, amphibians, bird eggs and young birds, young mammals, and carrion. They feed heavily on green plants during spring, animal food in mid-summer, then seeds and fruits during late summer. Predators of FGS include badger, coyote, red fox, dogs, mink, long-tailed weasel, striped skunk, red-tail hawk, and snakes. Automobiles are also a threat to this species.

The life expectancy of FGS is typically longer for females at 4 to 5 years, and shorter for males at 1 to 2 years. Illinois lies at the southern extent of the species' range, and FGS can be found in the northern two-thirds of the state. FGS live in small, loosely knit colonies. The largest known colony of FGS in Sangamon County is located along the Sangamon Valley Trail (SVT) near Centennial Park. Given the distance of this project site to the colony along the SVT, and due to the limited nature of the construction activity, it is possible that the overall impact of the proposed project on that colony would be limited.

**C) Description of project activities** that will result in taking of an endangered or threatened species, including practices and equipment to be used, a timeline of proposed activities, and any permitting reviews, such as a USFWS biological opinion or USACE wetland review. Please consider all potential impacts such as noise, vibration, light, predator/prey alterations, habitat alterations, increased traffic, etc.

The Level 3 St Louis to Chicago Fiber Network project will include the placement of new 216-count fiber optic cable into an existing duct system previously installed underground in the right of way by Level 3. There are ten 1.25" existing ducts that are at a min. depth of 48" and lower depending on where the utilities and other structures were at the time of the original build.

Active Franklin's ground squirrels would obviously be at a greater risk of being injured or killed during the time that construction activities are in progress, however, the construction noise would serve as a deterrent and unless the animal would just freeze, most of the equipment moves at a slow pace, allowing for escape. There is a possibility that a Franklin's ground squirrel could be directly killed, injured or disturbed by the movement of the heavy machinery. Or indirectly harassed by the noise of heavy machinery, including noise related to the movement of personnel and machinery, in that these activities could also interrupt their search for foraging or cause unexpected dispersal of individuals which could indirectly impact the health and fitness of individual FGS due to interruption or limitation of foraging. However, the noise introduced by the proposed excavation activity will be less than or equal to the noise produced daily by the existing farming activities that are conducted on lands immediately adjacent to the right-of-way. Also, depending on the specific time of the year in which construction activity takes place, indirect impacts to the mating cycle could occur through dispersal of male and female individuals. However, this should have very limited actual real-world impact to the reproduction activities of the species in the region due to the fact that FGS are polygamous and the dispersal of the small number of FGS male and female individuals will not prevent the dispersed females from mating activities with male individuals in near proximity which have not been impacted directly or indirectly by the construction activity. Once construction begins, fragmenting habitat areas may occur in very limited instances and beyond direct and indirect impacts to the individual FGS, burrows could inadvertently be crushed or disturbed by the movement of personnel and machinery. Such disturbance, as well as, the abandonment of a small portion of the FGS territory due to the noise and other activity could occur. If such case does occur, it should only be temporary in nature due to the very limited physical area that will be impacted by the planned activities. Due to these factors, it is very likely that any impacts on the FGS population will be indirect and non-lethal in nature.

To accomplish the goals of this project, the following activities must be undertaken:

- An ingress and egress path must be plotted between the public roadway and the specific location within the Railroad right of way that contains the previously installed, below grade, hand hole system. The right-of-way in most location is immediately adjacent to private farm lands which are routinely mowed and maintained. Also in most locations, the hand hole that must be accessed is located on the edge of the right-of-way, immediately adjacent these mowed areas. As such, every effort will be made to secure landowner permission to traverse their property during ingress and egress and completely avoid the need to bring trucks or equipment into the FGS

habitat area of the right-of-way. ½ ton to 1 ton service trucks, flatbed trucks and utility trailers must traverse the identified ingress/egress pathway and be positioned for excavation. The service trucks and trailers may carry loads inclusive of construction crew personnel, various hand tools, a mini-excavator, backhoe, reels of fiber optic cable and fiber blowing equipment. Wherever possible, equipment will be placed on the private mowed property in a position parallel to the hand hole allowing access to the hand hole for excavation, but limiting the area of impact to the specific 4ft X 4ft area directly above the hand hole. After the excavation equipment is unloaded from the trucks and trailers, the excavation equipment will be utilized to remove 8 to 12 inches of top soil as necessary to uncover the tops of the existing below grade hand holes. In areas where the hand hole is not located on the edge of the right-of-way, and the trucks and equipment must actually traverse a path that is outside of the mowed private property area, the path will be plotted to take the shortest distance and wherever practical, shovels and hand tools will be used for the excavation which will reduce the number of trucks and equipment that must be brought into the FGS area.

- Once the hand hole lids are uncovered, the lid of each hand hole will be opened to expose the duct system contained within.
  - A reel of fiber optic cable and cable blowing machine will be positioned in such a manner as to allow the installation of the new cable into the existing duct between the two open hand holes. This process will be repeated until the new fiber optic cable has been installed in the existing duct throughout the length of the route.
  - The reels of fiber will each contain approximately 25,000 feet of cable. Due to the fact, that the distance of the entire route is greater than can be served by one reel of cable, upon exhaustion of a reel of fiber cable, a new reel of fiber cable will be introduced at logical hand hole locations and sufficient length of cable will be left as slack to allow the splicing of reel ends at a later point.
  - The soil and surrounding terrain for all exposed hand holes will be restored to as good or better condition than they were prior to excavation. At hand hole locations that do not require splicing, restoration will be conducted in a timely fashion, in most cases during the same day as that the installation is complete, but not more than 24 hours of the completion of the work for each particular location. Special care will be taken to avoid the accumulation of soil into piles on the opposite of FGS habitat, that could attract FGS for burrowing. Soil will be scattered if conditions do not allow for immediate restoration to be completed. For hand holes requiring splicing, restoration will be conducted upon completion of splicing and testing. As described previously, special care will be taken to avoid the accumulation of soil into piles that could attract FGS for burrowing at any time the full restoration will be delayed due to splicing and testing activity. In the unusual circumstance, where the existing duct between hand holes has collapsed or is otherwise damaged, excavation will be required to allow corrective action. The process will be the same as that utilized to uncover the hand holes, except that the actual duct must be exposed to allow for repair. The repair will consist of the removal of the damaged section of duct and its replacement with new duct, using couplers. Restoration will be performed immediately upon completion of the corrective action and successful installation of the fiber cable between hand holes.
  - To address these issues, Level 3 has consulted with Dr. Tih-Fen Ting, Ph.D. of the Department of Environmental Studies at University of Illinois Springfield, Illinois and she has visited each site and worked with Level 3 to identify the least impactful ingress and egress path, providing direct consultation on the most beneficial minimization and mitigation techniques. Please find attached color coded plans with the existing locations and coordinates where the existing hand holes/hand holes are to be accessed.

D) Explanation of the anticipated **adverse effects on listed species**;

- How will the proposed actions impact each of the species' life cycle stages? Describe potential impacts to individuals and the population. Include information on the species life history strategy (life span, age at first reproduction, fecundity, recruitment, survival) to indicate the most sensitive life history stages.

It is possible that the proposed construction activity will have an impact on FGS near the proposed excavation locations. The planned activity may disrupt mating, deter gravid females from obtaining adequate nutrition to develop and nurse their young, and may result in the loss of one or more female FGS through dispersal, predation, injury, or death, with the consequent loss of their potential offspring. However, the proposed construction activity will be conducted during the September thru October time-period of 2017. The current schedule has construction being completed during the month of September, but the extended period is given to cover unexpected delays due to material, weather, permits and other items beyond our control. As a result, his timing will put the proposed construction activity to fall after the time when the FGS typically come out of hibernation and begins foraging for food and begins the mating process. In fact, the beginning of the construction period should be after the birthing season in late May to early June. As a result, while there may be some small risk to early hibernating adults, the dispersal of the year's offspring will have already begun and therefore the risk to birthing females should be insignificant.

The noise of the machinery could be a deterrent and should keep FGS from foraging near the construction sites. One potential beneficial aspect of the construction activity is that the noise of the machinery could also deter the predators that typically feed on the FGS. However, the noise introduced by the proposed excavation activity will be less than or equal to the noise produced daily by the existing farming activities that are conducted on lands immediately adjacent to the right-of-way.

The construction will be completed before the hibernation season. Other impacts could include the reduced fitness of some individual FGS due to limited foraging opportunities in areas near the construction activity, both directly in the case where construction does happen to overlap or intersect a foraging area, and indirectly due to the stress of unexpected dispersal of the individual FGS's resulting from fear of the noise produced by construction or the movement of construction equipment and/or personnel. This reduced fitness should be a very minor impact due to the very limited areas of construction activity and the fact that the construction will occur after the mating and breeding season. In any event, due to the specific nature of the construction activity, there will be no permanent loss of habitat due to the construction plan.

Considering these factors, the estimate for the actual taking of FGS is as follows:

Taking: According to the Maps of known areas for FGS (see attached document entitled "SVT Level 3\_Combined DOQ.pdf"), the FGS population is not evenly distributed across the proposed construction area. Our estimation, after consultation with Dr. Ting, is that in the areas where the FGS are present, it is estimated that approximately 1 FGS individual will be impacted in a lethal manner by the proposed excavation activity. We further assume this is equally likely to be a female or a male. This is due to the unlikely, but possible lethal impact to individuals through being crushed by machinery as it is moved into and out of the area, or inadvertently being trapped in a burrow that is crushed or otherwise damaged due to the ingress and egress or parking of machinery.

We further estimate that while it is possible that FGS individuals could have a temporary non-lethal impact due to the noise and disturbance of the proposed construction, the existing level of noise produced by the farming activities in the private mowed areas immediately adjacent to the FGS areas is equal to or greater than the noise that will be created by the excavation activity. As a result, and upon further consultation with Dr. Ting, we project the non-lethal impact to the FGS population to be approximately 10 for the cumulative impact area of the project.

The entire habitat potential affected in this project is approximately 7.1 miles, with actual excavation consisting of only the soil directly above the 3ft X 3ft lid of each hand hole in question. As a result, the area of construction activity (actual excavation + parking area for equipment) is planned for very specific 4ft X 4ft section centered upon each of the eleven hand holes within the construction corridor that are in areas where FGS have been known to exist, as depicted in the attached drawings. As seen in the table below, the site visit with Dr. Ting identified that all but one of the sites are in areas where the equipment can be placed on private mowed land in reach of the hand hole. In one case, hand hole 00113024, the exact location of the hand hole could not be determined prior to the construction period so a worst-case situation where ingress and egress would have to be performed inside the FGS habitat and a larger 10ft X 10ft space planned directly around the hand hole to allow for a minimum amount of equipment. Upon mobilization of equipment to the adjacent handholes, non-invasion air pressure methods can be used to confirm the exact location of the handhole and it is possible that if it is near enough to the edge of the Right of Way, that the excavation footprint can be reduced back down to the 4ft X 4ft size. Also, during the site work involved in preparing this report it was determined that the site for hand hole 00113027, which was previously thought to be within the FGS habitat, is actually located outside the FGS habitat in a mowed area. As a result, no impact will be experienced for this site. In all cases, to minimize the impact to the FGS, under the guidance of Dr. Ting, we have plotted the shortest possible path to each hand hole within the specific areas where FGS are known to be located. The result is that the square footage of impact for each hand hole is listed in chart below.

Hand Hole	Ingress / Egress Pathway Width (ft)	Ingress / Egress Pathway Length (ft)	Nearest Public Road	Ingress / Egress Pathway Total (Sq ft)	Construction Width (ft)	Construction Length (ft)	Construction Total (Sq ft)	Overall Impact (Sq ft)
00113007	-	-	W Iles Ave	-	4.00	4.00	16.00	16.00
00113008	-	-	Lenhart Road	-	4.00	4.00	16.00	16.00
00113009	-	-	I-72	-	4.00	4.00	16.00	16.00
00113022	-	-	Hemberger Road	-	4.00	4.00	16.00	16.00
00113023	-	-	Emerald Road	-	4.00	4.00	16.00	16.00
00113024	8.00	8.00	Snell Road	64.00	10.00	10.00	100.00	164.00
00113026	-	-	Auburn Road	-	4.00	4.00	16.00	16.00
00113027	-	-	IL-104	-	-	-	-	-
00113028	-	-	IL-104	-	4.00	4.00	16.00	16.00
00113029	-	-	King Road	-	4.00	4.00	16.00	16.00
00113030	-	-	Ackerman Road	-	4.00	4.00	16.00	16.00
<b>Total</b>								<b>308.00</b>

It is estimated that the total area of impact will be 308 square feet of land within the Railroad Right of Way where FGS are known to exist. Fortunately, only one of the 11 hand hole sites are in locations where an ingress and egress path and the construction equipment must be located in the un-mown FGS area. These assumptions lead us to estimate that the cumulative impact area of the project will result in 1 FGS lethal impact and 10 FGS will be temporarily impacted by non-lethal taking. This quantity is insufficient to result in any significant or long-term harm to the FGS population in the areas in and around the proposed construction corridor.

- Identify where there is uncertainty, place reasonable bounds around the uncertainty, and describe how the bounds were determined. For example, indicate if it is uncertain how many individuals will be taken, make a reasonable estimate with high and low bounds, and describe how those estimates were made.

It is impossible to know exactly how many FGS will be impacted by the proposed construction activity. However, the impact will be minimized due to the fact that the onsite work is going to be limited to minor excavation at existing Level 3 hand hole locations. Also, Level 3 has consulted with Dr. Tih-Fen Ting, Ph.D. of the Department of Environmental Studies at University of Illinois Springfield, Illinois and she has visited each site and worked with Level 3 to identify the least impactful ingress and egress path, as well as, providing direct consultation on the most beneficial minimization and mitigation techniques. Nevertheless, ingress and egress to these hand hole location will potentially create a negative impact on the FGS population in the immediate vicinity.

2) Measures the applicant will take to **minimize and mitigate** that impact and the **funding** that will be available to undertake those measures, including, but not limited to -

A) Plans to **minimize the area affected** by the proposed action, the estimated **number of individuals** of each endangered or threatened species that will be taken, and the **amount of habitat** affected (please provide an estimate of area by habitat type for each species).

According to the publication "Finding Franklin's, by Jenny Duggan, Ed Heske, Bob Schooley and Aimee Hurt, provided to us by the Illinois Department of Natural Resources, the habitat of the FGS consists of areas of "tall grass, shrub lands and woodland edges, disturbed areas with tall grass or weeds, as long as, the soil is well drained, such as railroad rights-of-way. Will vacate mowed areas." Therefore, due to the fact that the proposed ingress and egress and placement of equipment necessary to support the proposed excavation activity will primarily be performed exclusively on private farm lands, which are routinely mowed, the likelihood of there being active FGS in the specific areas of construction is greatly reduced. Even so, all personnel associated with the proposed project will be provided with information regarding the identification of FGS and their burrows. In addition, Level 3 has consulted with Dr. Tih-Fen Ting, Ph.D. of the Department of Environmental Studies at University of Illinois Springfield, Illinois and she has visited each site and worked with Level 3 to identify the least impactful ingress and egress path, as well as, providing direct consultation on the most beneficial minimization and mitigation techniques. Even so, at the time of the proposed onsite excavation activity, visual inspection of the specific paths of ingress and egress will be performed again and the paths will be redirected if necessary, to avoid any areas where visual evidence of FGS or FGS activity exists. To minimize the area affected by ingress and egress, the transportation routes from the roadway to the specific site of the access point of the underground cable will be routed at 90 degrees to the roadway, wherever possible, rather than following the path of the original underground construction/cable route. They will also avoid any traffic or driving the machinery on the embankments of the FGS habitat corridor. All workers will be further instructed to make note of any FGS that are taken and document photographic evidence and location information of each incident.



**B) Plans for management of the area** affected by the proposed action that will **enable continued use** of the area by endangered or threatened species by maintaining/re-establishing suitable habitat (for example, native species planting, invasive species control, use of other best management practices, restored hydrology, etc.).

1. **Pre-Construction Observance:** In advance of construction, a pre-construction walk out of the proposed construction area has been performed with the intention of identifying any likely areas of FGS habitat that could be impacted by the planned construction activities or the necessary ingress and egress to and from the construction area. Level 3 has consulted with Dr. Tih-Fen Ting, Ph.D. of the Department of Environmental Studies at University of Illinois Springfield, Illinois and she has visited each site and worked with Level 3 to identify the least impactful ingress and egress path, as well as, providing direct consultation on the most beneficial minimization and mitigation techniques. Routes for vehicles and machinery to use in transit from the public roadways to the area of each subsurface hand hole have been carefully plotted to avoid any observable habitat. In addition, the areas immediately surrounding the subsurface hand holes will be carefully inspected again at the time of the excavation activity to ensure that no vehicle or equipment is parked in or on any location that will have a likely impact. This will ensure that the proposed construction activity can be carried out without encroaching into the natural habitat.
2. **Avoidance:** As shown on the attached Google map, the Franklin's ground squirrels are located on the perimeter of our proposed construction areas. With the majority of the work taking place in private mowed land, immediately adjacent to the Right of Way we will avoid direct contact with their burrows and habitat.
3. **Timing:** The proposed construction activity will be conducted during the September thru October time period of 2017. The current schedule has construction being completed during the month of September, but the extended period is given to cover unexpected delays due to material, weather, permits and other items beyond our control. This timing will put the proposed construction activity to fall after the period of time when the FGS typically comes out of hibernation and begins foraging for food and also begins the mating process. The beginning of the construction period should be after the birthing season in late May to early June. As a result, while there may be some small risk to early hibernating adults, the dispersal of the year's offspring will have already begun and therefore the risk to birthing females should be insignificant.
4. **Taking:** According to the Maps of known areas for FGS (see attached document entitled "SVT Level 3\_Combined DOQ.pdf"), the FGS population is not evenly distributed across the proposed construction area. Our estimation, after consultation with Dr. Ting, is that in the areas where the FGS are present, it is estimated that approximately 1 FGS individual will be impacted in a lethal manner by the proposed excavation activity. We further assume this is equally likely to be a female or a male. This is due to the unlikely, but possible lethal impact to individuals through being crushed by machinery as it is moved into and out of the area, or inadvertently being trapped in a burrow that is crushed or otherwise damaged due to the ingress and egress or parking of machinery.

We further estimate that while it is possible that FGS individuals could have a temporary non-lethal impact due to the noise and disturbance of the proposed construction, the existing level of noise produced by the farming activities in the private mowed areas immediately adjacent to the FGS areas is equal to or greater than the noise that will be created by the excavation activity. As a result, and upon further consultation with Dr. Ting, we project the non-lethal impact to the

FGS population to be approximately 10 for the cumulative impact area of the project.

The entire habitat potential affected in this project is approximately 7.1 miles, with actual excavation consisting of only the soil directly above the 3ft X 3ft lid of each hand hole in question. As a result, the area of construction activity (actual excavation + parking area for equipment) is planned for very specific 4ft X 4ft section centered upon each of the eleven hand holes within the construction corridor that are in areas where FGS have been known to exist, as depicted in the attached drawings. As seen in the table below, the site visit with Dr. Ting identified that all but one of the sites are in areas where the equipment can be placed on private mowed land in reach of the hand hole. In one case, hand hole 00113024, the exact location of the hand hole could not be determined prior to the construction period so a worst-case situation where ingress and egress would have to be performed inside the FGS habitat and a larger 10ft X 10ft space planned directly around the hand hole to allow for a minimum amount of equipment. Upon mobilization of equipment to the adjacent handholes, non-invasion air pressure methods can be used to confirm the exact location of the handhole and it is possible that if it is near enough to the edge of the Right of Way, that the excavation footprint can be reduced back down to the 4ft X 4ft size. Also, during the site work involved in preparing this report it was determined that the site for hand hole 00113027, which was previously thought to be within the FGS habitat, is actually located outside the FGS habitat in a mowed area. As a result, no impact will be experienced for this site. In all cases, to minimize the impact to the FGS, under the guidance of Dr. Ting, we have plotted the shortest possible path to each hand hole within the specific areas where FGS are known to be located. The result is that the square footage of impact for each hand hole is listed in chart below.

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00113023	-	-	Emerald Road	-	4.00	4.00	16.00	16.00
00113024	8.00	8.00	Snell Road	64.00	10.00	10.00	100.00	164.00
00113026	-	-	Auburn Road	-	4.00	4.00	16.00	16.00
00113027	-	-	IL-104	-	-	-	-	-
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It is estimated that the total area of impact will be 308 square feet of land within the Railroad Right of Way where FGS are known to exist. Fortunately, only one of the 11 hand hole sites are in locations where an ingress and egress path and the construction equipment must be located in the un-mown FGS area. These assumptions lead us to estimate that the cumulative impact area of the project will result in 1 FGS lethal impact and 10 FGS will be temporarily impacted by non-lethal taking. This quantity is insufficient to result in any significant or long-term harm to the FGS population in the areas in and around the proposed construction corridor.

5. Description of **all measures to be implemented to avoid, minimize, and mitigate** the effects of the proposed action on endangered or threatened species.

Avoidance and Minimization efforts intended to minimize the effects of the proposed construction to the FGS population in and nearby the proposed construction area have already begun. Level 3 has consulted with Dr. Tih-Fen Ting, Ph.D. of the Department of Environmental Studies at University of Illinois Springfield, Illinois and she has visited each site, along with Level 3's Project Manager and Construction Manager, to identify the least impactful ingress and egress path, as well as, providing direct consultation on the most beneficial minimization and mitigation techniques. These visits were completed on Wednesday, June 28, 2017, and the results have been utilized in the creation of this report and the proposed excavation plan.

The ingress and egress paths, and the placement of equipment, are the most likely project elements to have an impact on the FGS. As a result, the actual construction/excavation will be limited to an approximate 4ft X 4ft area directly above the existing below grade hand holes. In all but one location, the ingress and egress path and the placement of equipment will be limited to the private mowed farm lands immediately adjacent area of right of way where the hand holes are located. In the one location where this cannot be accomplished, the ingress and egress path and the placement of equipment locations have been mapped under the guidance of Dr. Ting to minimize any possible impact. In the unlikely event that at the time of the actual excavation activity, any FGS individuals or burrows are observed within the proposed footprint of construction, IDNR assistance will be requested for information on the least impactful method of relocation. The taking of FGS individuals will be only performed as a last resort. Even with this plan, there is the potential for the inadvertent taking of FGS. In which case, if identified and known to any individual associated with the project, documentation of each instance of taking will be performed and the results included in the bi-weekly progress reports. In addition, before and after the excavation activity, photographs will be taken of the specific hand hole sites and the nearby areas within the right of way where likely ingress and egress paths for workers and equipment are located. In the event, that evidence of FGS, FGS burrows or FGS activity is found to exist at that time, ingress and egress paths and equipment placement locations will be specifically re-plotted to avoid areas of impact to the FGS.

To minimize the impact on FGS, construction fencing with an embedded silt screen will be placed in a square approximately 4ft X 4ft directly around the area of construction activity to prevent any individual FGS from entering the area. This fencing will be erected immediately upon arrival at each site and will remain in place until all activity at the site has been completed.

Below, is a site by site detailed description of the ingress, egress and excavation plan that was created under the guidance of Dr. Tih-Fen Ting during the site visit. This plan was designed to minimize and mitigate the impact of the proposed excavation activity on the local FGS population and habitat. During the site walk Dr. Ting walked along with the Level 3 representatives to each site. After careful review of all relevant factors, she indicated the preferred paths to and from each location. It was determined that many sites can be accessed by traveling outside of the FGS habitat, along the edge of the DNR right of way on private property. Due to her many years of study in the particular area of the proposed excavation, Dr. Ting has developed strong relationships with the adjoining landowners. As such, she was able to introduce Level 3 personnel to key property owners who have agreed to allow access to these points through their property to minimize the impact on the FGS habitat.

The description of each site along with correlating property owner contact info is as follows:

1. **00113007** - 540' south of W. Iles Ave. Enter along the west side of the DNR ROW, travel south 540' to handhole. Handhole is located just inside the habitat area @ 24" depth. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area. Vehicles and support equipment will remain west of the habitat area. Property contact: % Swinger Farm Management 2283 N 1000 East Rd. Edinburg, IL. 62531. 217-623-4288
2. **00113008** – Enter Centennial Park from the Lenhart Rd entrance. From the parking area east of DNR ROW. Use the access point to the bike path to cross over to the west side of the DNR ROW, turn to the south, stay on mowed path going south for 150' to HH. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area in mowed path. Vehicles and support equipment will remain west of the habitat area. Property contact: Chuck Smith, email is csmith@springfieldparks.org.
3. **00113009** – From Hannah Ln. travel east through private property to DNR ROW, turn south and follow path for approx. 150' along the west side of DNR ROW to HH. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area in mowed path. Vehicles and support equipment will remain west of the habitat area. Property contact: Darrin Wood 217-638-4822, 3234 Hannah Ln.
4. **00113022** – From Hemberger Rd. travel south along the east side of DNR ROW 116' in mowed strip to HH. Excavate a 4'x4 area to expose HH lid, placing spoil pile east of the habitat area in mowed path. Vehicles and support equipment will remain east of the habitat area. Property contact: Robert Snell & Don Ladage 217-879-3956 .
5. **00113023** – From Emerald Rd. enter on the west side of the DNR ROW following the mowed strip between crops and DNR ROW approx. 1500' to the mowed crossing. Cross over to the east side of the DNR ROW following the mowed path continue north along the east side of DNR approx. 200' to HH. HH is located in the mowed strip. Vehicles and support equipment will remain on the mowed strip at all times. Property contact: Kyle Lamar 217-361-4402
6. **00113024** – From Snell Rd. travel north along the east side of DNR ROW 70' to GPS coordinates. Coordinates place the HH approx. 8' inside FGS habitat area. We were unable to verify location of HH so air pressure will be used to locate exact location at time of installation. Assuming the hand hole is located in this area, enter directly into location from the east, excavate a 4'x4 area to expose HH lid. Vehicles and support equipment will remain east of the habitat area. Property contact: Don Ladage 217-879-3956.
7. **00113026** – From Auburn Rd. travel south along the west side of the DNR ROW 1480' using the mowed strip between the crops and habitat area. HH is located at the west edge of the habitat area. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area in mowed path. Vehicles and support equipment will remain west of the habitat area. Property contact: Gary Niemeyer 217-341-0648.
8. **00113027** – From IL 104 travel north along the west side of DNR ROW, HH is located 86' north of IL 104. Area is mowed and over 40' from FGS habitat area. Property contact: Gary Nemeyer 217-341-0648.

9. **00113028** – Using private (south) entrance at 15250 Hunley Rd. travel east to DNR ROW, turn north along the west side of DNR using the mowed strip between DNR and crops for 450' to HH. HH is in mowed strip. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area in mowed path. Vehicles and support equipment will remain west of the habitat area. Property contact: Brett Hunley 217-415-3606.
10. **00113029** - Using private (south) entrance at 15250 Hunley Rd. travel east to DNR ROW, turn south along the west side of DNR using the mowed strip between DNR and crops for 2500' to HH. HH is in west edge of FGS habitat. A drainage ditch will need to be straddled with equipment. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area in mowed path. Vehicles and support equipment will remain west of the habitat area. Property contact: Brett Hunley 217-415-3606.
11. **00113030** – From Ackerman Rd. travel north along the west side of the DNR ROW 78' using the mowed strip. HH is in the west edge of FGS habitat area. Excavate a 4'x4 area to expose HH lid, placing spoil pile west of the habitat area in mowed path. Vehicles and support equipment will remain west of the habitat area. Property contact: Fred Reichert 217-652-3486.

C) Plans for **monitoring** the effects of the proposed actions on endangered or threatened species, such as monitoring the species' survival rates, reproductive rates, and habitat before and after construction, include a plan for follow-up **reporting to IDNR**. Monitoring surveys should be targeted at reducing the uncertainty identified in Section 1.d.

The Engineer and the Construction Manager will monitor the specific areas of proposed construction activity at a period within 30 days of the proposed start of construction, and at a period within 30 days of the completion of construction. Any observance of FGS, evidence of their burrows or evidence of FGS activity in or nearby the specific areas of construction will be noted with photographs, narrative descriptions, dates and frequency of observation. Dr. Ting will be consulted and at her discretion may schedule additional site visits if such visit is determined by her to be warranted.

The Construction Superintendent will monitor the areas of the proposed construction, on a daily basis, during construction and document in the same manner. Such documentation or notation of the lack of observance of any FGS or FGS burrows or activity, will be provided in the form of bi-weekly progress reports. These reports will be forwarded to IDNR immediately upon receipt by Level 3's project manager.

D) **Adaptive management practices** that will be used to deal with changed or unforeseen circumstances that may affect the endangered or threatened species.

- Adaptive management is a way to make decisions in the face of uncertainty by monitoring the uncertain element over time and adjusting to the new information. Adaptive management requires identifying objectives and uncertainties, thinking through a range of potential outcomes, developing triggers that will lead to different actions being taken, and monitoring to detect those triggers.

Level 3 and its contractors will alter plans accordingly if new information is discovered prior to or during construction that it is likely to impact the effectiveness of this plan. Any changed circumstances or new information will be reported to IDNR by the onsite supervisor, along with proposed modifications to the conservation plan. If at any point, it is determined that more than the estimated number of FGS have been taken, plans will be made to adjust the mitigation activities to reduce potential take rates during the remainder of the construction period.

- Consider environmental variables such as flooding, drought, and species dynamics as well as other catastrophes. Management practices should include contingencies and specific triggers. Note: Not foreseeing any changes does not qualify as an adaptive management plan.

Due to the limited nature of the construction activities in the areas that have potential impact on the FGS, and the fact that the majority of the activity will be focused on installing new fiber optic cable into duct that has previously been installed along right of way routes that have been fully restored, the impact to the FGS associated with extreme or catastrophic environmental variables will be minimal and not substantially more impactful than those same events would be in areas outside the construction corridor. If an extreme weather events, involving above normal water saturation, such as storms, flooding or other non-drought type events were to occur during the time at which a below grade hand hole is exposed, or is in the process of being exposed, for construction activity, Level 3 and its contractors will take the appropriate steps to create berms or barriers to prevent excess runoff from the area of disturbed earth, in order to avoid undue impact on the FGS and its habitat. Drought, wind, or other non-water based environmental barriers will have no impact beyond that which would naturally occur as the particular construction activities to be performed would not be affected other than to temporarily cease activity during time of high wind.

E) **Verification that adequate funding exists** to support and implement all minimization and mitigation activities described in the conservation plan. This may be in the form of bonds, certificates of insurance, escrow accounts, or other financial instruments adequate to carry out all aspects of the conservation plan.

The proposed project will be fully funded by Level 3 and, as such, Level 3 will fully incorporate the Conservation Plan into its construction plans, training programs, and onsite supervision and monitoring programs. This section of the Level 3 construction plan is part of a fiber optic expansion route that has cleared the budgeting and funding processes internal to Level 3 and all funds have been set aside, allotted to this project, and are readily available as per the project plan and construction schedule. The additional efforts described in this document associated with the FGS will not create any significant impact on funding.

3) A description of **alternative actions** the applicant considered that would reduce take, and the reasons that each of those alternatives was not selected. A **“no-action” alternative** shall be included in this description of alternatives. Please describe the economic, social, and ecological tradeoffs of each action.

- Consideration of **alternative actions** is an important tool in conservation planning as it allows for thinking of other options and evaluating the potential outcomes in terms of all relevant objectives. However, to be useful it requires creativity in developing alternatives and systematic analysis in evaluating the alternatives.

Regarding alternative actions to the construction that is being proposed. There are two alternatives. The first is to cancel the planned construction. The second is to construct new underground facilities on a route that will avoid the FGS population.

- In evaluating alternatives, describe the economic, social, and ecological tradeoffs of each.

The first alternative of cancelling the proposed project, is not feasible due to the fact that Level 3's business would be materially affected by the cancellation of this project in that cancellation may significantly negative economic tradeoffs as it could result in breach of contract with numerous Level 3 customers and substantial loss of revenue, to Level 3 and to numerous customers associated with the absence of the proposed new fiber. Social repercussions would also be negative because access to high speed broadband to numerous businesses and households would result from the lack of availability to the proposed new fiber. Ecologically the FGS population would benefit from cancellation in that all impact would be avoided.

The second alternative is not feasible due to the financial time schedule implications associated with it in that the cost of constructing a new plant containing sufficient duct and fiber optic cable along an alternate route, especially in light of the fact that Level 3 vacant duct already exists along the proposed route of the existing project, would create extreme economic hardship to Level 3 and its customers. The financial burden of constructing a new plant along an alternate route would be overwhelming and as a result the project would be cancelled, which would also cause significant financial hardship to Level 3 and its customers. As a result, the social and ecological impacts would be the same as described in the first alternative of cancelling the project.

4) Data and information to indicate that the proposed taking **will not reduce the likelihood of the survival** of the endangered or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species existence in Illinois.

Populations of FGS fluctuate greatly from year to year and are likely influenced by occurrences of local disturbance. Such disturbances may be natural or human-caused. The winter survival rate of hibernating FGS was documented at 33-42 percent, and juvenile survival lower than that of adults. Pending the aforementioned disturbances, and considering a typical litter size, any adverse impact to individual FGS could be made up within one to two breeding cycles. Although the litter size of the local FGS population is unknown, litter size documented in the reviewed literature ranges between 6-9 pups per year.

With implementation of this Conservation Plan, incidental taking of FGS, in connection to the proposed construction project, most likely will not reduce the likelihood of the survival or recovery of FGS in the wild within the state of Illinois, the biotic community of which the FGS is a part of, or the habitat essential to the existence of FGS in Illinois, since they can be found in other locations in Illinois.

5) An **implementing agreement**, which shall include, but not be limited to (on a separate piece of paper containing signatures):

- A) Names and signatures of all participants in the execution of the conservation plan;
- B) The obligations and responsibilities of each of the identified participants with schedules and deadlines for completion of activities included in the conservation plan and a schedule for preparation of progress reports to be provided to the IDNR;
- C) Certification that each participant in the execution of the conservation plan has the legal authority to carry out their respective obligations and responsibilities under the conservation plan;
- D) Assurance of compliance with all other federal, State and local regulations pertinent to the proposed action and to execution of the conservation plan;
- E) **Copies of any final federal authorizations for a taking already issued to the applicant, if any.**

**SEE DRAFT IMPLEMENTATION AGREEMENT ON THE FOLLOWING PAGE**



**Level 3 Communications**

**Implementation**

**Agreement June 30, 2017**

**A) Names and signatures of all participants in the execution of the Implementation Plan.**

- a. **Bret Vincent, Project Manager, Level 3**



**Signature**

7-6-2017

**Date**

B) The obligations and responsibilities of each of the identified participants with schedules and deadlines for completion of activities included in the conservation plan and a schedule for preparation of progress reports to be provided to the IDNR;

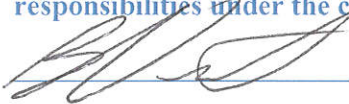
a. Bret Vincent, Project Manager, Level 3

Obligation & Responsibility: Overall Project Management inclusive of ensuring compliance with the conservation plan and adherence to the published schedule.

Schedule: Duration of project.

C) Certification that each participant in the execution of the conservation plan has the legal authority to carry out their respective obligations and responsibilities under the conservation plan;

As overall project manager for Level 3 Communications, I Bret Vincent do hereby certify that each participant in the execution of the conservation plan has the legal authority, as per contractual agreement, to carry out their respective obligations and responsibilities under the conservation plan.



Signature

7-6-17

Date

D) Assurance of compliance with all other federal, State and local regulations pertinent to the proposed action and to execution of the conservation plan.

As overall project manager for Level 3 Communications, I Bret Vincent do hereby provide assurance that all activities associated with the proposed Level 3 Communications construction project will be performed in compliance with all applicable federal, State and local regulations pertinent to the proposed action and the execution of the conservation plan.



Signature

7-6-17

Date

E) Copies of any final federal authorizations for a taking already issued to the applicant, if any.

a. No final federal authorizations for a taking have been issued to the applicant as of this time.

**PLEASE SUBMIT TO: Incidental Take Authorization Coordinator, Illinois Department of Natural Resources, Division of Natural Heritage, One Natural Resources Way, Springfield, IL, 62702 OR [DNR.ITAcordinator@illinois.gov](mailto:DNR.ITAcordinator@illinois.gov), July 2016**

## REFERENCES

- Dr. Tih-Fen Ting, Ph.D. of the Department of Environmental Studies at University of Illinois Springfield, Illinois; Direct communication, correspondence and site visits June & July 2017
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- Ostroff, A. C. and E. J. Finck. 2003. *Spermophilus franklinii*. *Mammalian Species* 724: 1-5.
- Sowls, L. K. 1948. The Franklin ground squirrel, *Citellus franklinii* (Sabine), and its relationship to nesting ducks. *Journal of Mammalogy* 29: 113-137.
- Young, C. L. 2012. Response of the Franklin's ground squirrel to recreational trail

Known FSG Area

Proposed Driving Path

Handhole Locations

W Illes Ave

496' from W Illes Ave along mowed area

GPS Location  
39.769625°, -89.748865°  
- 16 sqft excavation

GPS Location  
39.761858°, -89.756997°  
- 16 sqft excavation

64' from Bike Path along mowed area

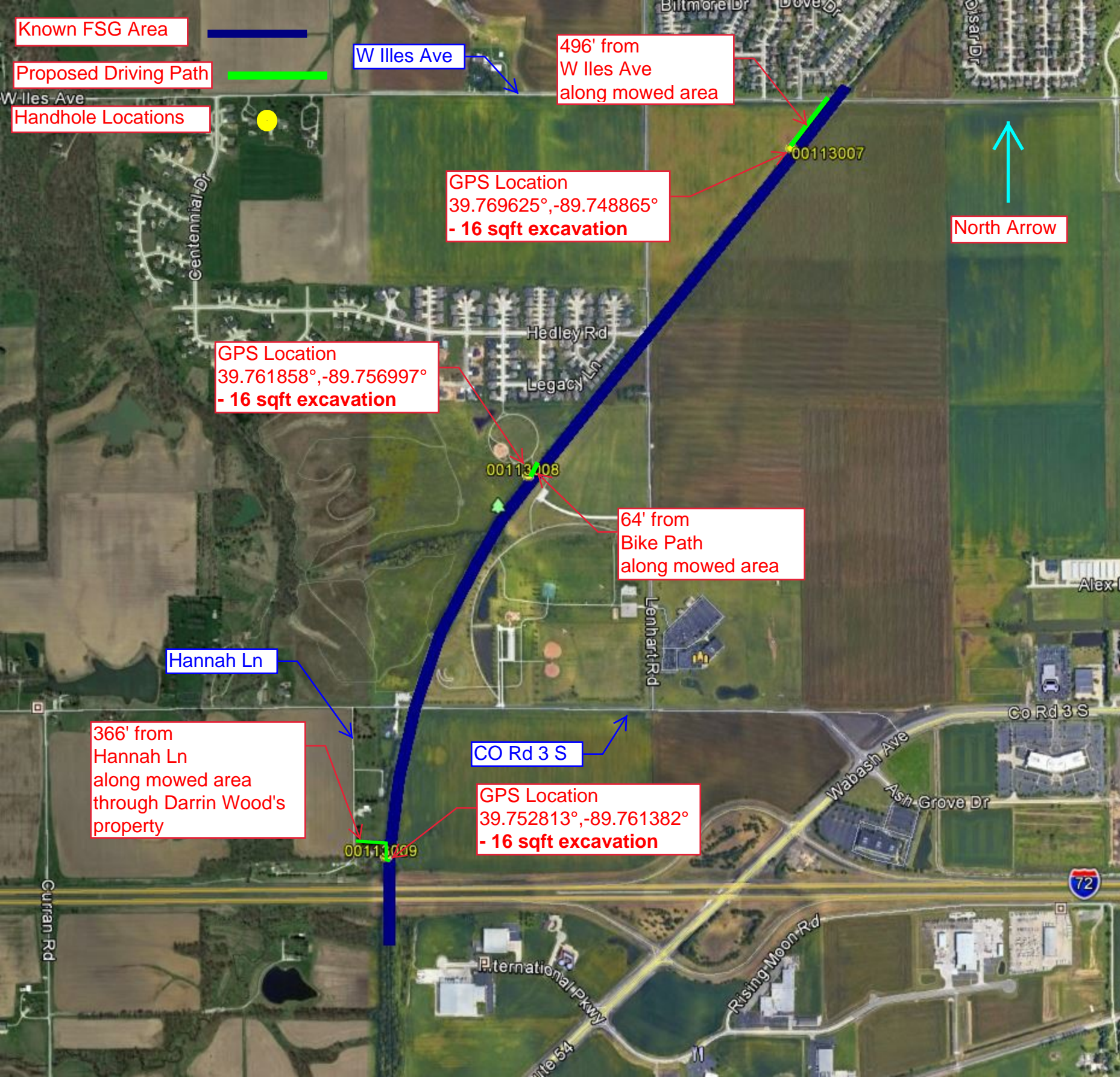
Hannah Ln

366' from Hannah Ln along mowed area through Darrin Wood's property

CO Rd 3 S

GPS Location  
39.752813°, -89.761382°  
- 16 sqft excavation

North Arrow



Centennial Dr

Hedley Rd

Legacy Ln

00113108

Lenhart Rd

Co Rd 3 S

Wabash Ave

Ash Grove Dr

Rising Moon Rd

International Pkwy

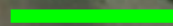
Curran Rd



Known FSG Area

Proposed Driving Path

Handhole Locations



00113039

Treat Rd

00113021

North Arrow



96' from Hemberger Rd along mowed area

GPS Location  
39.639340°,-89.772657°  
- 16 sqft excavation

00113022

Hemberger Rd

Clinton Rd

GPS Location  
39.629310°,-89.774605°  
- 16 sqft excavation

1,648' from Emerald Rd along mowed area and path

00113023

Emerald Rd

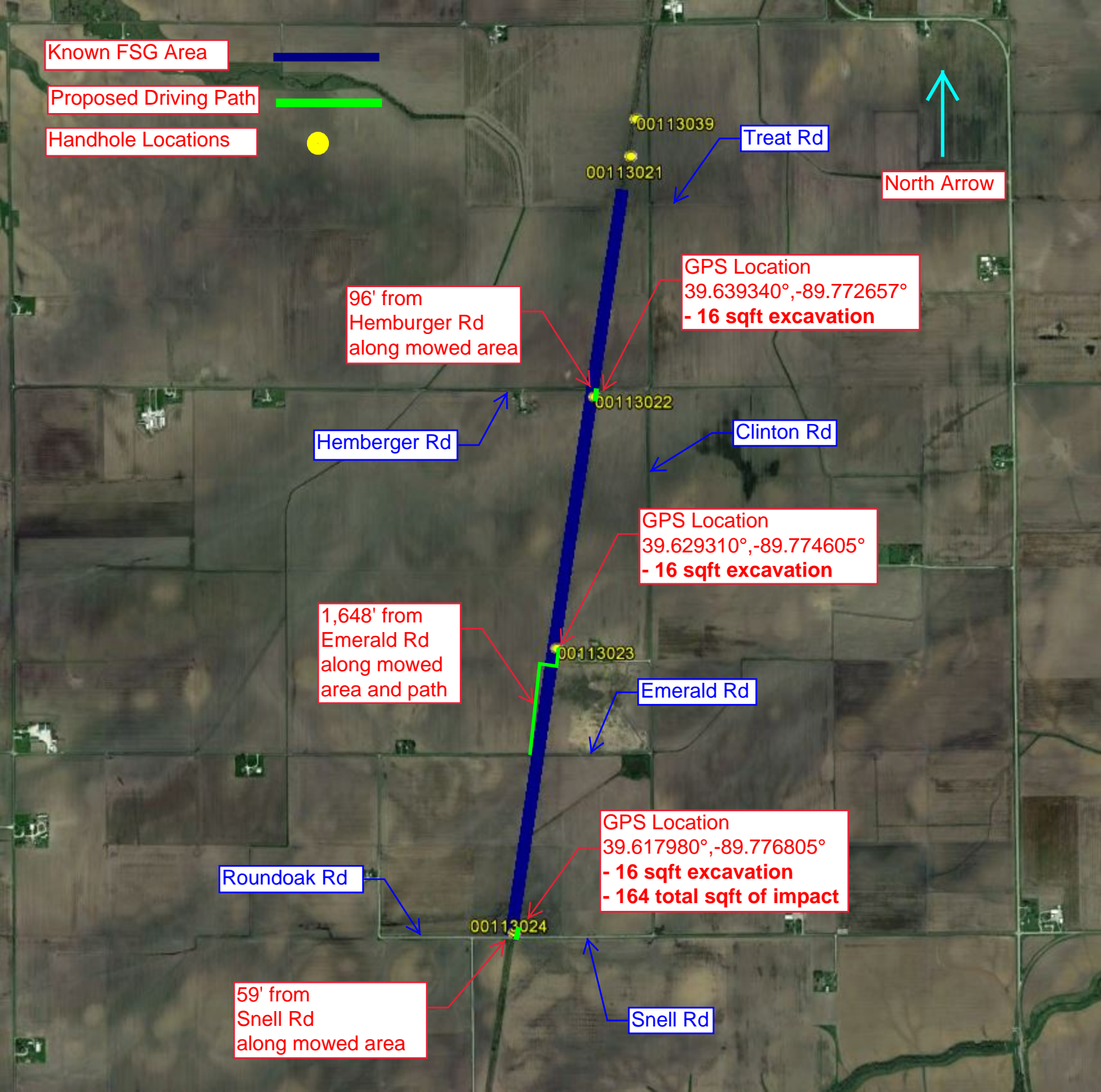
GPS Location  
39.617980°,-89.776805°  
- 16 sqft excavation  
- 164 total sqft of impact

00113024

Roundoak Rd

Snell Rd

59' from Snell Rd along mowed area



Known FSG Area

Proposed Driving Path

Handhole Locations

1,485' from Auburn Rd along mowed area

Auburn Rd

North Arrow

GPS Location  
39.598655°,-89.780825°  
- 16 sqft excavation

00113026

GPS Location  
39.588500°,-89.782817°  
- 0 sqft excavation

59' from IL-104 along mowed area

104

00113027

Hunley Rd

1,027' from Hunley Rd along mowed area from Bret Hunley's Property

00113028

GPS Location  
39.578615°,-89.784730°  
- 16 sqft excavation

GPS Location  
39.570293°,-89.786345°  
- 16 sqft excavation

00113029

1,319' from Hunley Rd along mowed area

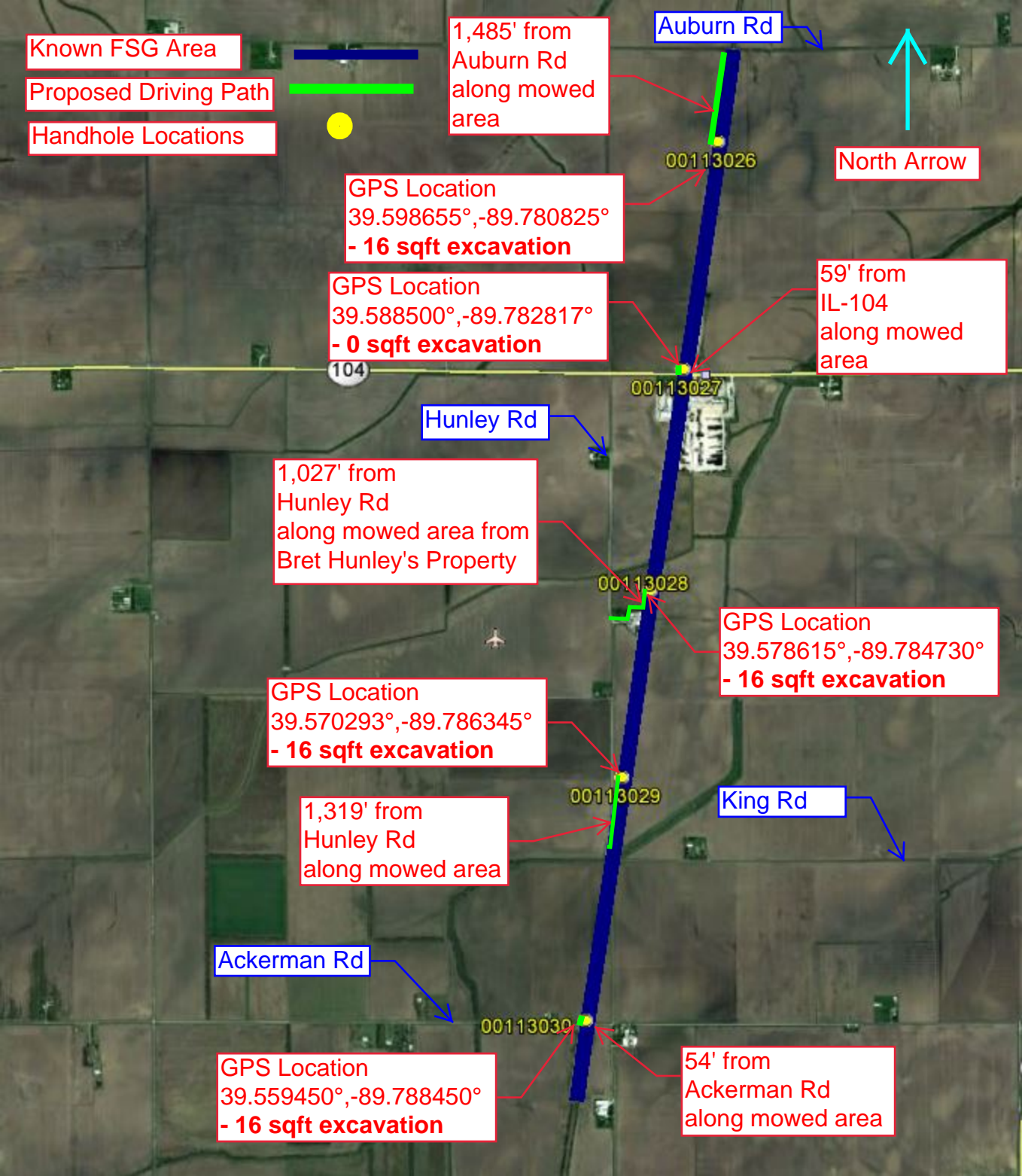
King Rd

Ackerman Rd

GPS Location  
39.559450°,-89.788450°  
- 16 sqft excavation

00113030

54' from Ackerman Rd along mowed area



INFORMATION RE: LAND ACQUIRED FOR THE  
DEPARTMENT OF NATURAL RESOURCES

PROJECT Sangamon Valley Trail COUNTY Macoupin, Sangamon, and Menard PARCEL NO. 476-03-1

LEGAL DESCRIPTION Abandoned Railroad from Milepost 51.39 to Milepost 89.26 that starts just east of Athens and ending just southwest of Girard (see attached map)

PROPERTY ADDRESS None (see above)

TITLE INSURANCE POLICY NUMBER 219503 (covers purchased property only - except bridges and crossings)

ACQUIRED BY DEEDS dated March 27, 2001 and recorded March 30, 2001, in Sangamon County, Illinois, as Document Nos. 2001R13573 and 2001R13574; and recorded April 3, 2001, in Menard County, Illinois, as Document Nos. 171463 and 171464; and recorded April 6, 2001, in Macoupin County, Illinois, as Document Nos. 391871 and 291872.

ACQUIRED FROM: Union Pacific Railroad Company, a Delaware Corporation

<u>BREAKDOWN OF COST</u>		<u>BREAKDOWN OF ACREAGE</u>	
IMPROVEMENT COST\$	_____	TIMBER ACRES	_____
			GRASS ACRES _____
LAND COST	\$ <u>1,100,000.00</u>		TILLABLE ACRES _____
			RESIDENTIAL LOT _____
MISC. COST	\$ _____	WATER	_____
		OTHER (RR ROW)	<u>599.59 ac.</u>
TOTAL COST	\$ <u>1,100,000.00</u>	TOTAL ACRES	<u>599.59</u>
			ac. _____
			(478.61 acres purchased and 120.98

acres gifted)

ACQUIRED BUILDINGS None

Information relative to any verbal or written commitments or rights retained by Seller(s) or other parties, in regard to crops, pasture, possession, building occupancy, etc. (If none, so state): (See back of page)

cc: Jim Hoffman COUNTY PERMANENT PROPERTY TAX  
 Concession & Lease Mgmt (Tim Werner, Bill Taft & Tracy Blackburn) NO. (see back of page and Exhibit A)  
 Division of Public Lands (Jerry Beverlin)  
 Property Inventory Section (Keith Strubbe)  
 Planning (Dick Westfall, Scott Schuett, Mike Collins) Appropriation Code and Amount:  
 Department of Agriculture (Steve Frank) 141-42211-6900-0020  
 Natural Heritage (Glen Kruse & Brian Reilly) DNR#00-134  
 Leonard Schmohe \_\_\_\_\_  
 Mary Sue Dahlkoetter \_\_\_\_\_  
 Lisa Dowson \_\_\_\_\_  
 Ren Moore City: \_\_\_\_\_

Michelle Gunterman  
Wildlife (Jeff VerSteeg)  
Law Enforcement (Larry Closson)  
Agri. Lease Program (Marilyn McKirgan)  
Review & Coordination (Hal Hassen)

Representative District: \_\_\_\_\_  
Senate District: \_\_\_\_\_  
Congressional District: \_\_\_\_\_

DATE SENT OUT 2/11/02

RESTRICTIONS/CONDITIONS: Seller reserved perpetual 5 foot easement for fiber optic lines, together with the right of ingress or egress; IDNR cannot construct any buildings, structures or other improvements on or over the reserved easement area other than gravel, asphalt paving, or other similar surfacing materials for recreational trail purposes. If trail surfacing is damaged or destroyed as result of the easement rights reserved, Grantor, its successors or assigns, shall, at its cost and expense, repair any such damage.

PINS

Menard County  
18-06-400-004  
18-07-200-003  
18-07-300-004  
18-18-100-006  
18-18-300-008

Sangamon County (see attached Exhibit "A")

Macoupin County (have not received list of PINS from Macoupin County yet)

(Note: Larry McDaniel, Macoupin County Assessor told us to file for tax exemption using the legal description only and he would fill in PINS on application after he figured them out. The last time I checked with him was the middle of January 2002, and he hadn't had a chance to work on it yet, but he assured me we would get no tax bills on the property)



## EXHIBIT A

date 9-20-00

Exhibits A and A-1 describing the Purchased Property and the Donated Property.

UNION PACIFIC RAILROAD COMPANY  
Macoupin, Sangamon and Menard Counties, Illinois

### **EXHIBIT "A" Purchased Property**

All right, title and interest in and to the right of way and appurtenances of the abandoned portion of the Madison Subdivision of Union Pacific Railroad Company (formerly the Chicago and North Western Transportation Company) as line extends in a northerly direction from the northwesterly right of way line of the Springfield Subdivision of said Railroad Company (formerly the Southern Pacific Chicago St. Louis Corporation) at M.P. 89.26 of said subdivision, said right of way line being 50.00 feet distant northwesterly, as measured at right angles, from the centerline of the original main track of said Springfield Subdivision, to the northeasterly right of way line of the Chicago and Illinois Midland Railroad (successor to Chicago, Peoria and St. Louis Railway Company) at M.P. 51.39 of said subdivision, in and over and across the following legal subdivisions:

<u>Macoupin County Subdivision</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
W ½ NE ¼ NE ¼	7	11 N.	6 W.	3 <sup>RD</sup> Principal
W ½ E ½ E ½	6	"	"	"
E ½ E ½ SW ¼ SE ¼	"	"	"	"
E ½ E ½	31	12 N.	6 W.	3 <sup>RD</sup> Principal
E ½ E ½	30	"	"	"
E ½ E ½	19	"	"	"
E ½ E ½ E ½	18	"	"	"
NW ¼ NW ¼ NW ¼	17	"	"	"
E ½ E ½ E ½	7	"	"	"
E ½ E ½ E ½	6	"	"	"
NW ¼ NW ¼ SW ¼	5	"	"	"
W ½ W ½ NW ¼	"	"	"	"

Including all right, title and interest in and to the right of way and appurtenances in the SE ¼ NE ¼ of Section 7, Township 11 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian lying between the northwesterly right of way line of the Springfield Subdivision, being 50.00 feet distant northwesterly, as measured at right angles, from the centerline of the original main track of said Springfield Subdivision, and the north line of said SE ¼ NE ¼.

Excepting therefrom all that certain strip or parcel of land situate in the NE ¼ NE ¼ of Section 7, Township 11 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by Chicago and North Western Railway Company (C&NW) to Cecil E. Rutherford by Quitclaim Deed dated December 23, 1919, said deed being further identified in the records of Union Pacific Railroad Company (UPRR) as Deed Audit No. 56675.

Also, excepting therefrom all that certain strip or parcel of land situate in the NE ¼ NE ¼ of Section 7, Township 11 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian and the E ½ SE ¼

of Section 31, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to H. R. Leasman and R. H. Rutherford by Quitclaim Deed dated April 4, 1966, said deed being further identified in the records of UPRR as Deed Audit No. 72801.

Also, excepting therefrom all that certain strip or parcel of land situate in the W ½ E ½ NE ¼ of Section 6, Township 11 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Edward Steward, et ux by Quitclaim Deed dated December 6, 1967, said deed being further identified in the records of UPRR as Deed Audit No. 74370.

Also, excepting therefrom all that certain strip or parcel of land situate in the E ½ SE ¼ of Section 31, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to J. E. Collins, et ux by Quitclaim Deed dated June 26, 1964, said deed being further identified in the records of UPRR as Deed Audit No. 71245.

Also, excepting therefrom all that certain strip or parcel of land situate in the SE ¼ NE ¼ of Section 31, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Oak Leaf Country Club by Quitclaim Deed dated February 18, 1948, said deed being further identified in the records of UPRR as Deed Audit No. 66125.

Also, excepting therefrom all that certain strip or parcel of land situate in the NE ¼ NE ¼ of Section 31, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NWT to William G. Henkel by Quitclaim Deed dated November 1, 1977, said deed being further identified in the records of UPRR as Deed Audit No. 80639.

Also, excepting therefrom all rights situate in the E ½ E ½ NE ¼ of Section 31, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as covered by agreement dated March 30, 1942 between C&NW and the City of Girard.

Also, excepting therefrom all that certain strip or parcel of land situate in the S ½ E ½ SE ¼ NE ¼ of Section 7, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Virden, Illinois as heretofore conveyed by Chicago and North Western Transportation Company (C&NW T) to Macoupin Service Company by Quitclaim Deed dated September 13, 1971, said deed being further identified in the records of UPRR as Deed Audit No. 76824.

Also, excepting therefrom all that certain strip or parcel of land situate in the E ½ E ½ NE ¼ of Section 7 and the W ½ W ½ SW ¼ SW ¼ of Section 6, both in Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Virden, Illinois as heretofore conveyed by C&NWT to Wayne Molen, et al by Quitclaim Deed dated July 16, 1975, said deed being further identified in the records of UPRR as Deed Audit No. 79279.

Also, excepting therefrom all that certain strip or parcel of land situate in the E ½ E ½ NE ¼ of Section 7, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Virden, Illinois as heretofore conveyed by C&NWT to Macoupin Service Company by Quitclaim Deed dated July 2, 1975, said deed being further identified in the records of UPRR as Deed Audit No. 79281.

Also, excepting therefrom all that certain parcel of land situate in the NE ¼ SE ¼ SE ¼ of Section 6, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Virden, Illinois as heretofore conveyed by C&NW to Walter Wiseman by Quitclaim Deed dated August 25, 1994, said deed being further identified in the records of UPRR as Deed Audit No. 87438.

Also, excepting therefrom all that certain parcel of land situate in the W ½ SW ¼ NW ¼ of Section 5, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Samuel J. Harris by Quitclaim Deed dated December 1, 1937, said deed

being further identified in the records of UPRR as Deed Audit No. 63186.

Also, excepting therefrom all that certain parcel of land situate in the W ½ W ½ NW ¼ of Section 5, Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Robert Wood, et ux by Quitclaim Deed dated November 19, 1945, said deed being further identified in the records of UPRR as Deed Audit No. 65482.

Also, excepting therefrom all that portions of the Burlington Northern Santa Fe (successor to Chicago, Burlington and Quincy Railway) right of way situate in the E ½ E ½ SE ¼ NE ¼ of Section 6 and the W ½ W ½ SW ¼ NW ¼ of Section 5, both in Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian.

<u>Sangamon County Subdivision</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
W ½ W ½	32	13 N.	6 W.	3 <sup>rd</sup> Principal
E ½ W ½ SW ¼	29	"	"	"
W ½ W ½ NE ¼ SW ¼	"	"	"	"
E ½ NW ¼	"	"	"	"
E ½ W ½	20	"	"	"
NW ¼ NW ¼ NW ¼ NE ¼	"	"	"	"
E ½ E ½ SE ¼ SW ¼	17	"	"	"
W ½ E ½	"	"	"	"
E ½ W ½ SE ¼	8	"	"	"
E ½ E ½	5	"	"	"
W ½ W ½	33	14 N.	6 W.	3 <sup>rd</sup> Principal
E ½ W ½ SW ½	28	"	"	"
W ½ W ½ NE ¼ SW ¼	"	"	"	"
W ½ E ½ NW ¼	"	"	"	"
E ½ W ½	21	"	"	"
W ½ W ½ NW ¼ NE ¼	"	"	"	"
SE ¼ SE ¼ SE ¼ SW ¼	16	"	"	"
W ½ E ½	"	"	"	"
E ½ W ½ SE ¼	9	"	"	"
NW ¼ NE ¼ SE ¼	"	"	"	"
E ½ SE ¼ SW ¼ NE ¼	"	"	"	"
W ½ E ½ NE ¼	"	"	"	"
E ½ E ½	4	"	"	"
W ½ W ½	34	15 N.	6 W.	3 <sup>rd</sup> Principal
W ½ W ½	27	"	"	"
W ½ W ½	22	"	"	"
W ½ W ½ SW ¼	15	"	"	"
W ½ SW ¼	10	"	"	"
NE ¼ SW ¼	"	"	"	"
SE ¼ SE ¼ NW ¼	"	"	"	"
W ½ NE ¼	"	"	"	"
NW ¼ NE ¼ NE ¼	"	"	"	"
SE ¼ SE ¼	3	"	"	"
NW ¼ NW ¼ SW ¼ SW ¼	2	"	"	"
NW ¼ SW ¼	"	"	"	"
SE ¼ SE ¼ NW ¼	"	"	"	"
SW ¼ NW ¼	"	"	"	"
S ½ NE ¼ NW ¼	"	"	"	"
NW ¼ NE ¼	"	"	"	"
SE ¼ SE ¼ SE ¼	35	16 N.	6 W.	3 <sup>rd</sup> Principal

<u>Sangamon County Subdivision</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
SW ¼ SW ¼	36	"	"	"
N ½ SW ¼	"	"	"	"
W ½ SE ¼ NW ¼	"	"	"	"
W ½ NE ¼	"	"	"	"
SE ¼ SW ¼ SE ¼	25	"	"	"
E ½ E ½	25	16N.	6W.	3 <sup>rd</sup> Principal
E ½ SE ¼ SE ¼ SE ¼	24	"	"	"
W ½ W ½ NW ¼ NW ¼	30	16 N.	5 W.	3 <sup>rd</sup> Principal
W ½ W ½	19	"	"	"
W ½ W ½	18	"	"	"
E ½ E ½ NE ¼	13	16 N.	6 W.	3 <sup>rd</sup> Principal
E ½ E ½ E ½	12	"	"	"
E ½ E ½ SE ¼	1	"	"	"
W ½ W ½	6	16 N.	5 W.	3 <sup>rd</sup> Principal
W ½ W ½	31	17 N.	5 W.	"
N ½ E ½ NW ¼ SW ¼	30	"	"	"
NW ¼	"	"	"	"
W ½ E ½ W ½	19	"	"	"
W ½ W ½ NW ¼ SE ¼	7	"	"	"

Excepting therefrom all that certain parcel of land situate in the SW ¼ SW ¼ of Section 32, Township 13 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Charles L. Patton, et ux by Quitclaim Deed dated December 17, 1945, said deed being further identified in the records of UPRR as Deed Audit No. 65506.

Also, excepting therefrom all that certain strip or parcel of land situate in the NW ¼ SW ¼ of Section 32, Township 13 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Lemmon, Illinois as covered by agreement dated March 6, 1912 between St. Louis, Peoria and North Western Railway Company (predecessor to C&NW) and Cathrine Wilson, et al.

Also, excepting therefrom all that certain strip or parcel of land situate in the W ½ NW ¼ of Section 32, Township 13 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Lemmon, Illinois as heretofore conveyed by C&NW to Mike Machine, et ux by Quitclaim Deed dated October 5, 1945, said deed being further identified in the records of UPRR as Deed Audit No. 66483.

Also, excepting therefrom all that certain parcel of land situate in the E ½ E ½ NE ¼ NW ¼ of Section 21, Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Glen H. Alexander by Quitclaim Deed dated November 13, 1951, said deed being further identified in the records of UPRR as Deed Audit No. 66974.

Also, excepting therefrom all those certain parcels of land situate in the W ½ NE ¼ NE ¼ of Section 9 and the SE ¼ SE ¼ of Section 4, both in Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Fred W. Dodd, et ux by Quitclaim Deed dated April 8, 1952, said deed being further identified in the records of UPRR as Deed Audit No. 67087.

Also, excepting therefrom all that certain parcel of land situate in the N ½ NE ¼ NE ¼ of Section 9, Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Chatham Elevator Company by Quitclaim Deed dated July 17, 1952, said deed being further identified in the records of UPRR as Deed Audit No. 67158.

Also, excepting therefrom all those certain strips or parcels of land situate in the W ½ NE ¼ NE ¼ of Section 9, Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Whalen and Sons Grain Company, Inc. by Quitclaim Deed dated October 8, 1979, said deed being further identified in the records of UPRR as Deed Audit No. 81566.

Also, excepting therefrom all that certain parcel of land situate in the W ½ E ½ SE ¼ SE ¼ of Section 4, Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Charles A. Kramer by Quitclaim Deed dated October 30, 1942, said deed being further identified in the records of UPRR as Deed Audit No. 64497.

Also, excepting therefrom all that certain parcel of land situate in the E ½ NW ¼ SE ¼ SE ¼ of Section 4, Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Charles A. Kramer by Quitclaim Deed dated April 7, 1952, said deed being further identified in the records of UPRR as Deed Audit No. 67086.

Also, excepting therefrom all those certain parcels of land situate in the E ½ E ½ NE ¼ NE ¼ of Section 4, Township 14 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian and the SW ¼ SW ¼ of Section 34, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Norval D. McCord by Quitclaim Deed dated March 17, 1949, said deed being further identified in the records of UPRR as Deed Audit No. 66352.

Also, excepting therefrom all those certain parcels of land situate in the NW ¼ SW ¼ SW ¼ of Section 34, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Virgil Neuman, et ux by Quitclaim Deed dated July 29, 1949, said deed being further identified in the records of UPRR as Deed Audit No. 66443.

Also, excepting therefrom all those certain strips or parcels of land situate in the W ½ NW ¼ of Section 27 and the S ½ SW ¼ SW ¼ of Section 22, both in Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to John J. Workman by Quitclaim Deed dated May 7, 1948, said deed being further identified in the records of UPRR as Deed Audit No. 66385.

Also, excepting therefrom all that portions of the Gate Western Railway (successor to Chicago and Alton Railway) right of way situate in the W ½ NW ¼ SW ¼ of Section 22, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian.

Also, excepting therefrom all that portions of the Norfolk Southern Railway (successor to Wabash Railway) right of way situate in the W ½ SW ¼ SW ¼ of Section 15, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian.

Also, excepting therefrom all that portions of the Chicago, Peoria and St. Louis Railroad right of way situate in the W ½ NW ¼ SW ¼ of Section 15, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian.

Also, excepting therefrom all that portion of that certain strip or parcel of land situate in the NW ¼ SW ¼ of Section 15, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to State of Illinois by Quitclaim Deed dated May 7, 1925, said deed being further identified in the records of UPRR as Deed Audit No. 58255.

Also, excepting therefrom all that portion of that certain parcel of land situate in the NW ¼ SW ¼ SW ¼ and the W ½ NW ¼ SW ¼ of Section 15, Township 15 North, Range 6 West of

the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Henry G Poos, et ux by Quitclaim Deed dated June 10, 1943, said deed being further identified in the records of UPRR as Deed Audit No. 64764.

Also, excepting therefrom all that certain strip or parcel of land situate in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 2, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Archer, Illinois as heretofore conveyed by C&NW to W. H. Droede, et ux by Quitclaim Deed dated December 17, 1947, said deed being further identified in the records of UPRR as Deed Audit No. 66087.

Also, excepting therefrom all that certain parcel of land situate in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 2, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Archer, Illinois as heretofore conveyed by C&NW to The Archer Farmers Coop Association by Quitclaim Deed dated July 24, 1950, said deed being further identified in the records of UPRR as Deed Audit No. 66602.

Also, excepting therefrom all that certain strip or parcel of land situate in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 2, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Archer, Illinois as heretofore conveyed by C&NW to John A. Maurer, et ux by Quitclaim Deed dated May 15, 1950, said deed being further identified in the records of UPRR as Deed Audit No. 66573.

Also, excepting therefrom all that certain strip or parcel of land situate in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the W  $\frac{1}{2}$  W  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 2, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Archer Illinois as heretofore conveyed by C&NW to Alfred J. LaBarre, et ux by Quitclaim Deed dated November 5, 1948, said deed being further identified in the records of UPRR as Deed Audit No. 66303.

Also, excepting therefrom all that certain parcel of land situate in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 2, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Archer, Illinois as heretofore conveyed by C&NW to Roy N. Etter. et ux by Quitclaim Deed dated August 19, 1964, said deed being further identified in the records of UPRR as Deed Audit No. 71477.

Also, excepting therefrom all that certain parcel of land situate in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 2, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Archer, Illinois as heretofore conveyed by C&NW to Scheib and Riess, Inc. by Quitclaim Deed dated June 15, 1966, said deed being further identified in the records of UPRR as Deed Audit No. 73031.

Also, excepting therefrom all that portions of the Springfield and Jacksonville Interurban right of way situate in the S  $\frac{1}{2}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 35, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian.

Also, excepting therefrom all that certain parcel of land situate in the E  $\frac{1}{2}$  E  $\frac{1}{2}$  of Section 25, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Carl William Wiest by Quitclaim Deed dated November 22, 1948, said deed being further identified in the records of UPRR as Deed Audit No. 66297.

Also, excepting therefrom all that certain parcel of land situate in the E  $\frac{1}{2}$  E  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 25, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NWT to John W. Klemm, et ux by Quitclaim Deed dated February 23, 1989, said deed being further identified in the records of UPRR as Deed Audit No. 85920.

Also, excepting therefrom all that portions of the Highway No. 97 right of way situate in the W ½ SW ¼ SW ¼ of Section 19, Township 16 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian.

Also, excepting therefrom all that portions of the Baltimore and Ohio Railway Company right of way situate in the N ½ NW ¼ NW ¼ SW ¼ and the S ½ SW ¼ SW ¼ NW ¼ of Section 19, Township 16 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian.

Also, excepting therefrom all that certain parcel of land situate in the W ½ W ½ NW ¼ of Section 19 and the W ½ SW ¼ SW ¼ of Section 18, both in Township 16 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Frank Brunner, et ux by Quitclaim Deed dated November 21, 1945, said deed being further identified in the records of UPRR as Deed Audit No. 65498.

Also, excepting therefrom all that certain parcel of land situate in the E ½ E ½ SE ¼ SE ¼ of Section 12, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NWT to Frank E. Strang, et ux by Quitclaim Deed dated August 26, 1975, said deed being further identified in the records of UPRR as Deed Audit No. 79339.

Also, excepting therefrom all that certain parcel of land situate in the NE ¼ NE ¼ NE ¼ of Section 12, the SE ¼ SE ¼ SE ¼ of Section 1, both in Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian and the W ½ W ½ SW ¼ SW ¼ of Section 6, Township 16 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to Mildred M. Graham by Quitclaim Deed dated April 12, 1949, said deed being further identified in the records of UPRR as Deed Audit No. 66376.

Also, excepting therefrom all that certain parcel of land situate in the E ½ SE ¼ SE ¼ of Section 1, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to George F. Barr by Quitclaim Deed dated November 22, 1917, said deed being further identified in the records of UPRR as Deed Audit No. 54903.

Also, excepting therefrom all that certain parcel of land situate in the E ½ E ½ SE ¼ of Section 1, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NWT to William F. Duffy, et al by Quitclaim Deed dated June 9, 1980, said deed being further identified in the records of UPRR as Deed Audit No. 81889.

Also, excepting therefrom all that certain parcel of land situate in the N ½ E ½ NW ¼ SW ¼ of Section 30, Township 17 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian as heretofore acquired by St. Louis, Peoria and Northwestern Railway (predecessor to Union Pacific Railroad Company) from Ella Noonam, et al by Condemnation of December 22, 1911.

<u>Menard County Subdivision</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Meridian</u>
E ½ W ½	18	17 N.	5 W.	3 <sup>rd</sup> Principal
E ½ E ½ SW ¼	7	"	"	"
W ½ NE ¼	"	"	"	"

Including all right, title and interest in and to the right of way and appurtenances in the SW ¼ SE ¼ of Section 6, Township 17 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian lying between the northeasterly right of way line of the Chicago and Illinois Midland Railroad (successor to Chicago, Peoria and St. Louis Railway Company) and the south line of said SW ¼ SE ¼.

Excepting therefrom all that certain parcel of land situate in the SE ¼ SW ¼ of Section 7, Township 17 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian as heretofore conveyed by C&NW to JK. Harold Canterbury by Quitclaim Deed dated March 30, 1950, said deed being further identified in the records of UPRR as Deed Audit No. 66558.

Also, excepting therefrom all that portions of the right of way of the Chicago and Illinois Midland Railroad situate in the SW ¼ SE ¼ of Section 6, Township 17 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian.



UNION PACIFIC RAILROAD COMPANY  
Macoupin, Sangamon and Menard Counties, Illinois

**EXHIBIT "A-1" Donated Property**

All right, title and interest in and to portions of the right of way and appurtenances of the abandoned portion of the Madison Subdivision of Union Pacific Railroad Company (formerly the Chicago and North Western Transportation Company) as line extends in a northerly direction from the northwesterly right of way line of the Springfield Subdivision of said Railroad Company (formerly the Southern Pacific Chicago St. Louis Corporation) at M.P. 89.26 of said subdivision, said right of way line being 50.00 feet distant northwesterly, as measured at right angles, from the centerline of the original main track of said Springfield Subdivision, to the northeasterly right of way line of the Chicago and Illinois Midland Railroad (successor to Chicago, Peoria and St. Louis Railway Company) at M.P. 51.39 of said subdivision, said portions being situate in and over and across the legal subdivisions as follows:

All that portion of the Burlington Northern Santa Fe (successor to Chicago, Burlington and Quincy Railway) right of way situate in the E  $\frac{1}{2}$  E  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 6 and the W  $\frac{1}{2}$  W  $\frac{1}{2}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 5, both in Township 12 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian, Macoupin County, Illinois.

All that certain strip or parcel of land situate in the E  $\frac{1}{2}$  E  $\frac{1}{2}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and the W  $\frac{1}{2}$  E  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 8, Township 13 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian within Compro, Sangamon County, Illinois as heretofore acquired by St. Louis, Peoria and Northwestern Railway (predecessor to Union Pacific Railroad Company), St.LP&NW, from Lelia G. Organ, et al by Condemnation of June 12,1912; excepting therefrom all those certain strips of land as heretofore conveyed by Chicago and North Western Railway Company (C&NW) to Lelia Grace Organ, et al by Quitclaim Deed dated April 15, 1948, said deed being further identified in the records of Union Pacific Railroad Company (UPRR) as Deed Audit No. 66156; also, excepting therefrom all that certain strip of land as heretofore conveyed by C&NW to Kenneth Beatty by Quitclaim Deed dated January 2, 1970, said deed being further identified in the records of UPRR as Deed Audit No. 75705 and also, excepting therefrom all that certain parcel of land as heretofore conveyed by Chicago and North Western Railway Company Transportation Company(C&NWT) to Auburn Grain Company, Inc. by Quitclaim Deed dated January 27, 1975, said deed being further identified in the records of UPRR as Deed Audit No. 79058.

All that portion of the Gate Western Railway (successor to Chicago and Alton Railway) right of way situate in the W  $\frac{1}{2}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 22, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois.

All that portion of the Norfolk Southern Railway (successor to Wabash Railway) right of way situate in the W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 15, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois.

All that portion of the Chicago, Peoria and St. Louis Railroad right of way situate in the W  $\frac{1}{2}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 15, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois.

All that certain strip or parcel of land situate in the W  $\frac{1}{2}$  W  $\frac{1}{2}$  NW  $\frac{1}{4}$  of Section 15, Township 15 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois as heretofore acquired by St.LP&NW from Nicholas Dreelan, et al by Condemnation of April 22,1912.

All that portion of the Springfield and Jacksonville Interurban right of way situate in the S

½ SE ¼ SE ¼ SE ¼ of Section 35, Township 16 North, Range 6 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois.

All that certain strip or parcel of land situate in the W ½ W ½ SW ¼ SW ¼ of Section 19, Township 16 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois as heretofore acquired by St.LP&NW from William Bosa by Easement Deed of August 16, 1912 and from Commissioner of Highways of the State of Illinois by Resolution of September 24, 1912.

All that portion of the Baltimore and Ohio Railway Company right of way situate in the N ½ NW ¼ NW ¼ SW ¼ and the S ½ SW ¼ SW ¼ NW ¼ of Section 19, Township 16 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois.

All that certain parcel of land situate in the E ½ W ½ SW ¼ of Section 30, Township 17 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian, Sangamon County, Illinois as heretofore acquired by St.LP&NW from Ella Noonam, et al by Condemnation of December 22, 1911.

All that portion of the right of way of the Chicago and Illinois Midland Railroad situate in the SW ¼ SE ¼ of Section 6, Township 17 North, Range 5 West of the 3<sup>rd</sup> Principal Meridian, Menard County, Illinois.

239/100

Original

2000R28589

07-27-2000 11:20 AM

SANGAMON COUNTY  
ILLINOIS

239.00  
228 BRENDA

MARY ANN LAMM  
SANGAMON COUNTY RECORDER

[Sangamon County]

[C.D. No. 56731-A]

PERPETUAL EASEMENT DEED

THIS EASEMENT DEED, made as of the 21<sup>st</sup> day of July, 2000, by UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, having an office at 1416 Dodge Street, Omaha, Nebraska 68719, Grantor, to LEVEL 3 COMMUNICATIONS, LLC, Grantee, a Delaware limited liability corporation, having an office at 3555 Farnam Street, Suite 200, Omaha, Nebraska 68131.

WITNESSETH, that Grantor and Grantee have entered into a Fiber Optic Survey Agreement dated as of March 31, 1998, and a Fiber Optic Agreement dated as of August 25, 1998 (hereinafter collectively "Agreements") whereby Grantor has granted to Grantee the right to construct, operate, maintain and replace a telecommunications transmission system on the property of the Grantor under the terms, provisions, and conditions contained in said Agreements, one of which is that Grantor shall grant to Grantee a perpetual easement in the form of this deed.

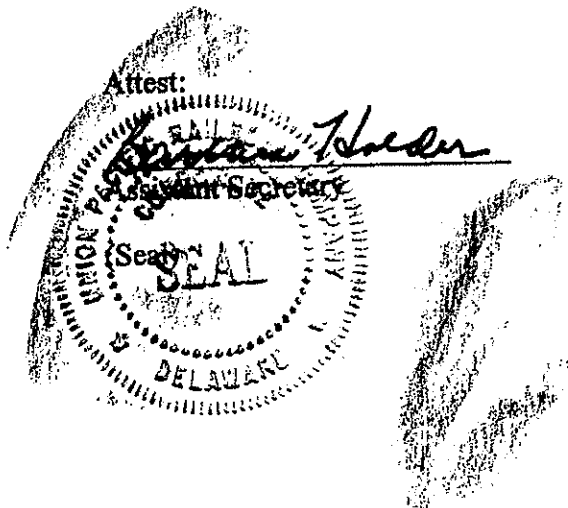
NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, Grantor, under and subject to the terms, provisions and conditions contained in said Agreements, does hereby grant to Grantee a PERPETUAL EASEMENT in the locations situated in the County of Sangamon, State of Illinois, as more particularly described in pages 3,8,9,14 - 124, attached hereto and marked Exhibit "A", and by this reference made a part hereof; which PERPETUAL EASEMENT shall include a space two and one-half feet on each side of and around the centerline of the cable locations shown on Exhibit "A".

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IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its Vice President - Law and attested by its Assistant Secretary and its corporate seal to be hereunto affixed as of the day and year first herein written.

UNION PACIFIC RAILROAD COMPANY,

By James V. Dden  
Title: Vice President - Law



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ACKNOWLEDGMENT

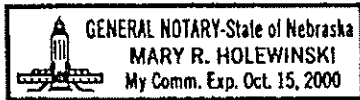
STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

On July 21, 2000, before me, a Notary Public in and for said County and State, personally appeared J. V. Dolan and Barbara Holder who are the Vice President - Law 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.

Mary R. Holewinski  
Notary Public

(Seal)



RTD - James Hawkins  
LEVEL 3 NETWORK PROJECT  
9706 MOCKINGBIRD DR  
OMAHA, NE 68127

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