



33-243X
#21-2975
DAW

DEPARTMENT OF PUBLIC WORKS
www.cityofdekalb.com

March 14, 2007

Mr. Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, IL 60606

Re: Docket No. AB-33 (Sub-No. 243X)

Dear Mr. Shumate,

Please be advised that on behalf of the City of DeKalb, DeKalb, IL, I would like to share our interest in the proposed abandonment of the Barber-Greene Spur from M.P. 23.5 to M.P. 25.8, in DeKalb County, IL. The City of DeKalb has expressed an interest in this particular piece of property for approximately two years. Our interest is to resolve continuing storm water run off and/or flooding conditions that are directly attributable to the subject property.

After months of telephone contacts and correspondence with Union Pacific Railroad representatives, the City applied to the Union Pacific Railroad for an underground storm water pipeline crossing permit on or around October of 2006. The City was later advised via a telephone conversation with UP officials that the permit application was withdrawn from the permit review process by UP representatives. The reason for withdrawing the permit application was the land area in question did not provide clear title.

To further establish the City of DeKalb's interest in the property, I am enclosing for your scrutiny, copies of excerpts from a report prepared by RHA&A Consulting Engineers, wherein they conclude that the existence of the former railroad spur is one component of the flooding problems plaguing the area.

At this time I ask that you refer to the correspondence under your signature to the STB dated 12-14-06:

- Page 4., Response:, (i), wherein it is stated the "UP is unaware of any adverse effects on local and existing land use plans." As mentioned earlier, UP officials were aware of the City of DeKalb's concerns as far back as October of 2004.
- Page 7., Response:, (i), "The proposed action will have no detrimental effects on public health and safety." I would respectfully submit that this statement is inaccurate. The storm water runoff deficiencies plaguing a large tract of land



December 28, 2004

1835-33

RICK MONAS
CITY OF DEKALB
223 S. 4TH STREET
SUITE B
DEKALB, IL 60115

SUBJECT: Sale of Property in DeKalb, Illinois.

Dear Mr. Monas:

Please refer to your letter of December 16, 2004 regarding the City of DeKalb's efforts to resolve drainage problems near Pleasant Street in DeKalb, Illinois.

Union Pacific has ceased its operations north of Pleasant Street and as you know, we are now trying to sell the property. Because of this, we have no interest in participating in a joint effort to pursue rehabilitation of the area. We would prefer to not allow easements to install or construct storm water runoff facilities as this would further encumber the property and make it more difficult to sell. If the City or one of the adjoining private property owners were to acquire the property, you would be in a better position to plan your park and solve the drainage problems. Due to current business conditions, we are not able to donate the property.

Union Pacific would allow the City access to our property for a Phase I Environmental Study provided that they would sign our standard Right of Entry Agreement. Please call Connie Alvis at (402) 544-8553 for the process of obtaining the right of entry.

We have installed barricades in the past to try to prohibit dumping but to no avail. They either go around or access through adjoining properties. We would be willing to allow access to our property for installation of barriers but do not have the funds to install them or remove the debris.

Please call me on (402) 544-8557 if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in cursive script that reads "G. L. Harrel".

G. L. Harrel
Senior Manager - Real Estate

Real Estate

UNION PACIFIC RAILROAD
1400 Douglas Street, Stop 1690
Omaha, Nebraska 68179-1690
fx. (402) 501-0340

City of DEKALB

Department of Public Works
www.cityofdekalb.com

April 25, 2005

Union Pacific Railroad
Attn. Mr. Jim Harrel, Sr. Mgr – Real Estate
1400 Douglas Street, Stop 1690
Omaha, NE 68179-1690

Re: Request for Authorization to Access Property

Dear Mr. Harrel:

As you know, the City of DeKalb has been investigating the need to correct a number of land drainage issues that have been plaguing the Pleasant Street watershed area for a number of years. In that effort, we have employed the services of Robert H. Anderson & Associates (RHA&A), a professional civil engineering firm to conduct a study to determine possible solutions to the negative drainage issues.

In that regard, we are seeking written permission from the Union Pacific Railroad to allow RHA&A personnel access to and upon your property for the sole purpose of collecting and documenting existing ground elevations and land contour configurations. The data collected will be used to identify possible solutions to remedying the drainage issues we all currently contend with. Absolutely no excavation activities, environmental assessments or any other form of physical land exposure will be conducted.

The City of DeKalb and the folks at RHA&A accept full responsibility for any injury or accident that may occur during the course of collecting the necessary ground elevation information while on your property.

We are asking for a quick response to this request as we would like to gather this data before ground cover becomes too difficult to negotiate as the weather continues to improve. Your cooperation will be genuinely appreciated.

Should you have any questions or require additional information do not hesitate to contact me at (815) 748-2332.

Sincerely,

City of DeKalb



Rick Monas
Director of Public Works

c: Pleasant Street Watershed Project Admin File

Watershed Feasibility Study

City of DeKalb, Illinois

July 1, 2005

Prepared By

**Robert H. Anderson & Associates, Inc.
220 West River Drive
St. Charles, Illinois
60174**



Robert H. Anderson & Associates, Inc.
Consulting Engineers & Surveyors

Timbers Professional Center
220 West River Drive
St. Charles, IL 60174

telephone—630.564.3530
facsimile—630.584.3047
email—rha@rhaengr.com

July 1, 2005

Mr. Rick Monas
Director of Public Works
City of DeKalb
223 South 4th Street
Suite B
DeKalb, Illinois 60115

Re: Watershed Feasibility Study
DeKalb, Illinois

Dear Mr. Monas:

At the request of the City of DeKalb, we have completed a study for the drainage improvements in areas identified as the Northerly and Southerly watersheds. (The Northerly watershed is defined as west of Peace Road, south of Summit Enclave and east of the Kelley Addition properties. The Southerly watershed is defined as east of Alloyd/SCA at 1401 Pleasant Street, approximately 30 acres.)

The City of DeKalb has previously defined goals for the study as follows:

- Find an adequate outlet for the entrapped drainage area of approximately 140 acres tributary in the Northerly watershed.
- Improve overland flow to eliminate truck dock flooding and flooding at nearby industries in the Southerly watershed.

The following summary identifies the source data which was used in the study, describes the existing conditions, provides the results of computer models, and describes the recommended improvements. For the purpose of the initial analysis, we will be treating the Northerly and Southerly watersheds as one because they are clearly connected hydraulically.

between the two sets of Chicago and Northwestern railroad embankments, not on the east side of the embankment adjacent to the wetland as originally assumed. In addition, the east embankment is slightly higher than the west embankment. This finding changes the hydraulics from the Encoat wetland and significantly increases the hydraulic grade line on the east side of the embankment from the findings in the Summit report.

The following are our conclusions based on our investigation of the existing watershed:

1. The 140 acre tributary area is correctly delineated.
2. The stormwater facilities in Summit Enclave and through to the IDOT culvert at Sycamore Road were sized to handle the flow from the full 140 acre tributary area with a calculated peak flow of 100.2 cfs.
3. The 24" culvert and weir flow over the westerly railroad embankment does not function as the outlet for the 140 acre tributary area due to existing site conditions.
4. The full 140 acre tributary area is entrapped and must overtop the easterly embankment in order to discharge at an elevation of 887.6.

At an elevation of 887.6, water moves between the Encoat wetland and the wetland north of the ComEd facility across the CM ST P&P railroad right of way. The weir flow over the Chicago and Northwestern embankment occurs south of Summit due to the elevation of the railroad grade at this location. The overflow point lines up the wetland north of ComEd and with the homes along Vienna Boulevard, whose residents described water flowing like a river in the wooded area behind their homes. Overtopping of the embankment would create a significant volume of water at this location. At the elevation necessary to overtop the railroad embankments, water also backs up along the embankments to the south impacting Breeze's Self Storage and the adjacent woods. The self storage units were constructed at an elevation several feet below adjoining properties. The rim elevations of the drainage structures on the site are well below the elevation of the rims on Pleasant Street which results in the storm sewer backing up onto the Self Storage site during large rain events. Additional runoff from the adjacent woods that are included in the entrapped 140 acres also creates major drainage issues for the site¹².

Upon investigation of the drainage improvements completed by Breeze in an attempt to reduce flooding, we found that a channel had been excavated and a low point created on the north side of their property across the embankment to the west¹¹. The creation of this low point has resulted in an additional overflow location for the 140 acres at an inappropriate location. This manipulation of the drainage in this area has served to move the problem further south and has resulted in the flooding of the truck docks at SCA Alloyd. SCA confirmed that they did not have any drainage problems until May of 2004. This time frame coincides with the time frame in which the low point was created across the embankment. SCA also confirmed that they walked

¹¹Telephone Interview with Rod Kyler of Kyler Excavating

¹²Telephone Interview with Ron Breese

along the railroad embankment during the Memorial Day flooding and noted water running across the embankment from the wetland north of ComEd. As the truck docks and other adjacent storm structures are connected to the Pleasant Street storm sewer, the additional flow would have easily overwhelmed the system. The number and intensity of the storms in May of 2004 would have filled the wetland areas and any potential storage that existed and additional storm events would have easily overtopped the wetland areas and flooded into the neighborhood and industrial area.

MODEL DEVELOPMENT

The previously developed TR-20 model from the *Summit - Series Three* calculations of the unrestricted offsite flow was used for the initial modeling of the storm water run-off in the study area. The model was revised to reflect the correct location, length and elevation of the existing 24" CMP under the railroad embankment, the revised stage-storage data and addition of a 200 foot long overflow weir. For this run, labeled *smmittry.t20* in the Appendix to this Report, the flow remained routed through the Summit development. The revisions decreased the flow rate into Summit from a peak flow of 100.2 cfs at elevation 885.74 during the 2 hour event to 62.18 cfs at an elevation of 887.76 during the 18 hour storm event. The decrease in flow is a result of the greater storage volume available at the higher elevations. The increase in elevation is a result of the increase in elevation of the discharge structure. This computation verifies that the flow from the wetland area can be handled by the Summit Enclave development.

The second model (titled *smmityds.t20* in the Appendix to this Report) routes the discharge from the wetland areas to the rear yards along Vienna Boulevard to determine if the water elevations observed by residents correlate with the model. The model shows a high water elevation of 885.05, which is slightly below the elevation of the resident's patio at 1100 Vienna Boulevard as surveyed in the field. The overflow from the yards occurs just above 885.0 over a broad area. For this reason, most storm events that overtop the railroad embankment and fill the storage in the rear yards will have similar high water elevation due to the length of the overflow from the yards.

The models of the existing conditions confirmed the observations in the field and accounts of the Memorial Day 2004 storms even though the storm that was observed over Memorial Day 2004 could not be reproduced exactly in the model because the overflow flow rate at the railroad embankment is dependant on the water elevation in the wetlands prior to the beginning of the storm.

This exercise to calibrate the model by comparing the results with actual storm events makes it possible to move on to modeling of various alternatives and to developing possible solutions to the flooding problems in the Study Area.

RECOMMENDED IMPROVEMENTS

The initial discussions with city staff members regarding the flooding problems in the 140 acre Study Area suggested detention as a possible solution. The field investigation revealed that the majority of the 140 acre drainage area flows to the existing wetlands east of the railroad embankment, which acts as a detention facility. The wetlands could potentially be increased in size and volume to store more water. The outlet through Summit Enclave is sized to handle the flow from the drainage area, therefore additional detention storage is not required unless it is desirable to decrease the overland flows through Summit Enclave. Our modeling and subsequent analysis of the various alternative improvements to the drainage system leads to the conclusion that the most effective means to reduce flooding in the Study Area is to direct the runoff to the appropriate outlet and away from the homes and businesses. This can be accomplished with strategic grade changes and a properly sized outfall to the Summit development.

The 24" CMP that is not presently functional has an invert of 881.7 on the west side of the railroad embankment. This is several feet below the normal water elevation in the wetlands east of the embankment. By constructing a new outfall to Summit from the wetlands, a discharge from the wetlands can be established that will maintain the water elevation during smaller rain events and allow the wetlands to drain back to normal after larger events, resulting in designed detention in the wetlands. This detention is not effective in certain circumstances now, when all the storage has been filled by a previous rainfall event. That is what occurred during the Memorial Day 2004 storms. Larger rainfall events will still result in flow over the railroad embankment, however the overflow location will be relocated onto the Summit property from the present location east of Vienna Boulevard.

The following is a summary of the recommended changes:

1. Eliminate the low point created at the south end of the railroad embankment by Breeze.
2. Regrade the embankment to raise the segment that runs east of Vienna Boulevard and lower the section that runs adjacent to Summit. As this may be a future bike path, it is suggested that this segment be paved now to withstand overtopping events and maintain the correct elevation for the future.
3. Construct a culvert or culverts between Summit Enclave and the Encoat wetland. The east invert should be as low as possible, while maintaining the wetlands.
4. Construct an overflow weir to handle the larger events across both railroad embankments.
5. Improve the flow across the CM St P&P between the wetland behind Encoat and the wetland north of ComEd by lowering the railroad embankment grade through that area.
6. Catch and transport runoff between the ComEd property and the rear of Breeze with an open channel and direct the flow north to the wetlands. The exact location will need to be determined after a more detailed topographic survey is completed of the area.
7. Strategically place berms to protect businesses along Pleasant Street from design high water in the wetlands and channel. Currently several businesses are too low to utilize the

new channel for their own drainage so runoff from businesses will continue to be directed to Pleasant Street.

We are including the TR-20 run of a potential version of the option described above in the Appendix to this letter report. Two 24" diameter culverts through the railroad embankments have been set at elevation 885.0, which was determined to be the normal water elevation in the wetlands and would likely be required to preserve the wetlands. A 30 foot long weir for high flows is set at elevation 885.5. The model results show a high water elevation of 886.26 and a peak flow rate of 81.23 cfs. This is approximately a foot and a half below the elevation of the existing 100 year peak event.

In order to finalize a preliminary design, a wetland delineation and determination of the normal allowable water level in the wetlands will be required. At that point, further analyses will be required to finalize the water elevation on the east side of the railroad embankment, while not exceeding the 100.2 cfs downstream capacity. The culvert sizes and locations as well as weir elevation may change slightly during final design.

Two year storm and ten year storm models for both the existing and proposed conditions are included in the Appendix of this report for reference.

ADDITIONAL NECESSARY STEPS TO PROCEED

It is necessary to confirm that the tile drain identified by Huddleston-McBride on the south end of Summit Enclave is connected and functioning properly. During the Encoat survey, there was no standing water on the site at the time of the survey. During our site visit, there was a significant volume of standing water on the site. This may be a result of the tile being obstructed or damaged. The repair of this tile in a timely manner could help reduce the standing water elevation in the wetlands and justify the lowering of the new culverts. This may help provide temporary relief for the problem by providing an outlet for the water in the wetland.

A wetland delineation must be performed and a report generated that discusses the impacts of various normal water elevations in the wetlands. An assessment can be made regarding the cost of mitigation verses the decrease in 100-year water elevation. This assessment would be performed in conjunction with revised scenarios of the TR-20 model. A detailed delineation and topographic survey will aid in determining the mitigation area, if any. The delineation should be completed during the growing season, which typically runs from March 15 to October.

A detailed topographic survey of the east and west railroad embankments should be completed to ensure all low areas are raised and the weir location for the overflow is properly located. Additional topographic survey will be necessary north of Breeze's and the adjacent Donald G. Jones and Associates properties to properly grade the swale along the tracks and design any berms necessary to protect these properties from the design high water.



04-ENC-25-00-84

Department of Public Works
www.cityofdekalb.com

September 21, 2005

Mr. J. L. Harrel, Senior Manager
C/o Union Pacific Railroad
1400 Douglas Street
Omaha, Nebraska 68179-1690

Re: Request for Assistance

Dear Mr. Harrel,

As you are aware, the City of DeKalb, DeKalb Illinois is pursuing a permanent resolution to a storm water drainage problem that has plagued the Pleasant Street area for many years now. During our investigation, we have determined that the primary cause of specific flooding issues is as a result of the lack of culvert piping from one watershed to another.

The specific site is the intersection of the former GE railroad spur and the former UP spur (please see attached site plan). The absence of a culvert pipe through this intersection prevents storm water from draining north to the Kishwaukee River conveyance system.

That then has resulted in the growth of plants that give the appearance of a wetland. We have employed the services of a local firm, ENCAP, to assist us in determining if the area in question is truly a wetland or is an area where nuisance plantings have evolved, thus the reason for my request for assistance.

Please find enclosed a two page document titled "Request for a Jurisdictional Determination." In order to determine if the wetlands exists historical information is necessary to accomplish this task. It does not require any expense to UP Railroad and will be used only as a source of information without any additional expense.

In order to proceed with the storm water resolution, the City of DeKalb is dependent upon your assistance with completion of the enclosed forms. Should you have any questions or require additional information do not hesitate to contact me.

City of DEKALB

Department of Public Works
www.cityofdekalb.com

February 15, 2006

Mr. J. L. Harrel, Senior Manager
c/o Union Pacific Railroad
1400 Douglas Street
Omaha, Nebraska 68179-1690

Re: Request for Assistance

Dear Mr. Harrell:

As you are aware, the City of DeKalb, DeKalb, IL, is pursuing a permanent resolution to a stormwater drainage problem that has plagued the Pleasant Street area for many years now. During our investigation, we have determined that the primary cause of specific flooding issues is a result of the lack of culvert piping from one watershed to another. The absence of a culvert pipe through this intersection prevents stormwater from draining north to the Kishwaukee River conveyance system.

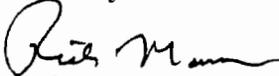
Enclosed, please find a site plan depicting the specific areas where a limited amount of land grading changes and the installation of culvert pipes will eliminate flooding conditions that occur within and upon neighboring residential and industrial properties. The areas highlighted in "green" indicate where land grading changes are planned. Those areas highlighted in "blue" indicate where construction easements will be necessary to allow the City to install culvert piping to direct stormwater flows.

The most important question we are facing at this time is in determining how much of the construction area is actually within or upon railroad property. I am requesting your assistance in determining how to acquire construction easements from the Union Pacific Railroad to authorize these construction activities.

I would welcome the opportunity to explain the construction details with you. Would you please contact me at (815) 748-2332 after you have had an opportunity to review the enclosed site plan? Your cooperation will be genuinely appreciated.

Sincerely,

The City of DeKalb



Rick Monas
Director of Public Works

c: Mark Biernacki, City Manager
Project File

City of
DEKALB

August 18, 2006

Department of Public Works
www.cityofdekalb.com

Union Pacific Railroad
Ms. Constance R. Alvis, Mgr,
Real Estate Department
1400 Douglas Street, Stop 1690
Omaha, NE 68179-8553

Re: Application for License to Construct Stormwater Culvert Piping

Dear Ms. Alvis,

Please accept the attachment provided herein, which are being submitted on behalf of the City of DeKalb, DeKalb, IL. We are seeking a utility pipeline crossing approval to facilitate the elimination of a major stormwater flooding situation negatively impacting the Union Pacific Railroad property and a host of adjoining property owners.

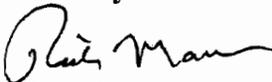
Enclosed, please find an Application for a utility pipeline crossing, an Exhibit "A" Application for a non-flammable pipeline crossing, a copy of the proposed site project, and a copy of the Engineering Consultant report describing the project in three phases.

The stormwater project will eliminate surface water flooding of two major watersheds that drain to the project area. By installing two, 24" culvert pipes under the UP's right-of-way, we will be able to eliminate flooding conditions. I hope that you will find the enclosures in order and approve our applications as submitted.

Should you have any questions or require additional information please do not hesitate to contact me at (815) 748-2332. The citizens of the City of DeKalb will genuinely appreciate your cooperation.

Sincerely,

The City of DeKalb



Rick Monas
Director of Public Works

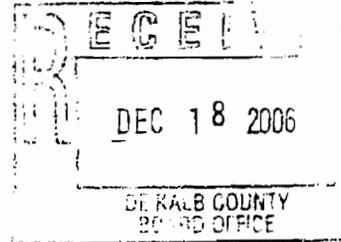
c: Frank Van Buer, Mayor
Mark Biernacki, City Manager
Doug Brenilyn, RHA&A
Mark Espy, ADPW, Street Operations
Pleasant Street Flooding Project File

1-1107



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

December 14, 2006



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

**Re: Proposed Abandonment of the Barber-Greene Spur from
M. P. 23.5 to M.P. 25.8, a distance of 2.3 miles near
DeKalb, in DeKalb County, Illinois;
STB Docket No. AB-33 (Sub-No. 243X)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after January 4, 2007.

Sincerely,

Enclosures

Ruth Anne Tobias,
Chairman
Patricia S. Vary,
Vice Chairman
Fax: 815/895-7284



Legislative Center □ 200 N. Main Street □ Sycamore, Illinois 60178 □ (815) 895-7189

Mack H. Shumate Jr.
Sr. General Attorney
Union Pacific Railroad
101 N. Wacker Dr. Room 1920
Chicago, IL 60606-1718

January 12, 2007

Victoria Rutson
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St. N.W. Room 504
Washington, D.C. 20423-0001
RE: STB Docket No. AB-33 (Sub-No. 243X)

Norma (Kirk)
Please let me
know how this
proceeds mrs

Please be advised that this office has recently been made aware of the proposed abandonment of the Barber-Green Spur in DeKalb County, Illinois. We are in contact with officials from the City of DeKalb and the DeKalb Park District and believe that portions of the property may well be suitable for public purposes.

As the owner of property on either side of this former spur from County Farm Road to Barber Greene Road the County of DeKalb itself is interested in acquiring title to this portion of the abandoned property.

We have provided copies of your letter of December 14, 2006 to City officials and expect that they will contact you directly with regard to their possible public uses as will the DeKalb Park District.

Please advise this office as to what must be done to secure our interests in this matter.

Sincerely,

Ray Bockman
County Administrator
DeKalb County, IL.
815/895.7186

Cc. R. Matekaitis, States Attny; M. Biernacki, City Mgr; C. Capek Park Dist Dir.; W. Lorence, County Engr. R.A. Tobias, Co. Bd. Chmn.

DeKalb County

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DEKALB PARK DISTRICT

1403 Sycamore Road • DeKalb, Illinois 60115
Phone: (815) 758-6663 • Fax: (815) 758-4081

www.dekalbparkdistrict.com



February 8, 2007

Mack H. Shumate Jr.
Sr. General Attorney
Union Pacific Railroad
101 N. Wacker Dr. Room 1920
Chicago, IL 60606-1718

Dear Mr. Shumate,

Please note that the DeKalb Park District has been informed about the petition for abandonment of the Barber-Green Spur in DeKalb County, Illinois. The District is interested in the property because of the opportunity to convert an area from rails to trails to provide linkage to other park sites in the community. Can you please advise me of the possibilities? Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia N. Capek".

Cynthia N. Capek
Executive Director

cc: Victoria Rutson, Surface Transportation Board, M. Biernacki, City Mgr. R. Bockman, County Adm.