



RESOLUTION NO. 2013-009

**A Resolution
Authorizing a Petition for an Extension of the Project Completion Deadline
Regarding Illinois Commerce Commission Stipulated Agreement 1640
(Improvements to Light Road Crossing of BNSF Railroad)
by the Village of Montgomery, Kane and Kendall Counties, Illinois**

WHEREAS, the Village of Montgomery desires to expand and grow in an orderly and planned fashion; and

WHEREAS, certain public improvements are necessary for the provision of the services; and

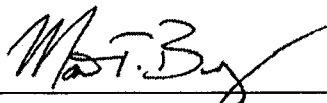
WHEREAS, the Illinois Commerce Commission (ICC) has entered into an agreement with the Village to provide funding for the Village to complete improvements of a certain highway rail grade crossing identified as AAR/DOT #079 574L; railroad milepost 42.39-LS1 located in and/or near the Village of Montgomery; and

WHEREAS, the Village, seeks to submit a petition to the ICC requesting an extension of 6 months to complete the procurement of Right-of-Way and the reconstruction of the Light Road approaches on either side of the Burlington Northern Santa Fe Right-Of-Way which are currently not dedicated;

NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Montgomery as follows:

1. The Village President, Clerk and Staff are hereby authorized to petition the ICC for a project completion extension of 6 months regarding Stipulated Agreement 1640 to be used for the acquisition of Light Road R.O.W. and the construction of the railroad crossing approaches;

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 13th day of May, 2013.



Matthew T. Brolley, President of the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois

AYES: 6

NAYS: 0

ABSENT: 0

ATTEST: 
Clerk, Village of Montgomery



**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

IN RE PETITION OF THE VILLAGE OF MONTGOMERY)
FOR SUPPLEMENTAL ORDER FOR REALLOCATION)
OF COSTS FOR LIGHT ROAD GRADE CROSSING PROJECT)

PETITION FOR SUPPLEMENTAL ORDER

NOW COMES the Village of Montgomery ("Village"), an Illinois municipal corporation located in the counties of Kane and Kendall, Illinois, and petitions the Illinois Commerce Commission ("Commission") for an order giving the Village additional funding for a Project involving safety improvements at the Light Road highway-rail grade crossing of the BNSF Railway Company's track in Kendall County (next to and just outside the Village boundaries) designated as crossing AAR/DOT #079 574L ("Grade Crossing").

In support thereof, the Village states as follows:

1. A Stipulated Agreement was entered into between the Commission, the Illinois Department of Transportation ("IDOT"), BNSF Railway Company, Oswego Township Roadway District and the Village for certain improvements to be made to improve the public safety at the Grade Crossing.
2. On June 6th, 2012, the Commission entered an Order accepting the Stipulated Agreement and directing work to proceed on the project.
3. The increase in time needed to complete construction is based on many factors, including:
 - A) In August 2012, the fact that Light Road did not have dedicated right-of-way on either side of the BNSF railway was brought to the Village's attention. The Village notified IDOT and all partners to this project immediately.
 - B) On February 27, 2013 the Village filed a Supplemental Petition requesting additional assistance for acquisition of the necessary Right-of-Way which was passed by an Order of the Commission on March 20, 2013.
 - C) The Village's engineering consultant, Engineering Enterprises, Inc., is currently in the process of having the potential Right-of-Way appraised prior to beginning acquisition negotiations.
 - D) Once the Right-of-Way has been obtained, the project will then need to be bid and constructed.
4. The Village anticipates that a 6 month extension would be adequate to obtain the necessary Right-of-Way, bid the project, and complete the construction the project.

WHEREFORE, the Village of Montgomery prays that the Illinois Commerce Commission enter a supplemental order for an extension of 6 months to complete the necessary Right-of-Way acquisition and construction of the project.

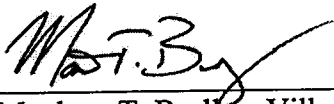
Respectfully submitted,
VILLAGE OF MONTGOMERY



Steven A. Andersson
Village Attorney

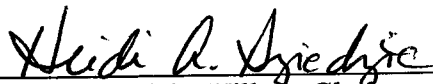
Dated: 5/3/13

APPROVED BY THE VILLAGE BOARD ON MAY 13, 2013



Matthew T. Brolley, Village President

Attest:



Heidi Dziedzic, Village Clerk

