



**RESOLUTION NO. 2013-029**

**Authorizing the Execution of a Petition for Supplemental Order to the Illinois Commerce Commission 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 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 8 months to complete the procurement of Right-of-Way and the reconstruction of the Light Road approaches on either side of the Burlington Northern Sante 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 8 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 25<sup>th</sup> day of Nov., 2013.

\_\_\_\_\_  
President of the Board of Trustees of the Village of  
Montgomery, Kane and Kendall Counties, Illinois

AYES: 6

NAYS: 0

ABSENT: 0



ATTEST: *Hildi A. Sledge*  
Clerk, Village of Montgomery

BNSF Railway Company, Oswego Township Road District, :  
Village of Montgomery, and the State of Illinois, Department :  
of Transportation. :

Stipulated Agreement regarding improving public safety at : T12-0082  
the Light Road highway-rail grade crossing of BNSF Railway :  
Company's track in Montgomery, Kendall County, :  
designated as crossing AAR/DOT #079 574L, railroad :  
milepost 42.39-LS1. :

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

IN RE PETITION OF THE VILLAGE OF MONTGOMERY )  
FOR SUPPLEMENTAL ORDER FOR COMPLETION DEADLINE )  
EXTENSION 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 extension on the completion deadline 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) On May 21, 2013 the Village filed a Supplemental Petition requesting a 6 month completion deadline extension from June 6, 2013 to December 6, 2013 which was passed by an Order of the Commission on June 5, 2013.

D) The Right-of-Way acquisition appraisals were completed on August 12, 2013 and the appraisal review certifications were completed on September 25, 2013 .

E) The Village's engineering consultant, Engineering Enterprises, Inc., is currently in the process of initiating the acquisition negotiations with the three property owners.

F) Once the Right-of-Way has been obtained, the project will then need to be bid and constructed next summer.

4. The Village anticipates that an 8 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 8 months to complete the necessary Right-of-Way acquisition and construction of the project.

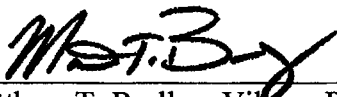
Respectfully submitted,  
VILLAGE OF MONTGOMERY



Steven A. Andersson  
Village Attorney


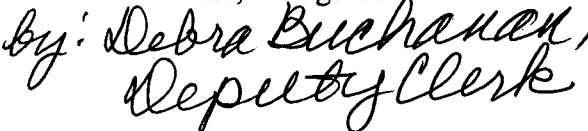
Dated: 11/25/13

APPROVED BY THE VILLAGE BOARD ON NOVEMBER 25, 2013



Matthew T. Brolley, Village President

Attest:

  
Heidi Dziedzic, Village Clerk  
by:   
Deputy Clerk

