



RESOLUTION NO. 2014-013

A Resolution

**Authorizing the execution of agreements with 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 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 for additional funds for the higher than anticipated cost for procurement of Right-of-Way by the Village of Montgomery for the portions of Light Road on either side of the Burlington Northern Santa Fe Right-Of-Way which are currently not dedicated, for additional funds to cover higher than anticipated construction costs in 2014 than originally estimated in 2012 and requesting an extension of 4 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;

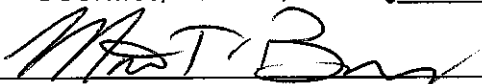
NOW, THEREFORE, BE IT RESOLVED by the Village President and the Board of Trustees of the Village of Montgomery as follows:

1. The Village President, Clerk and Staff are hereby authorized to petition the ICC for additional funds regarding Stipulated Agreement 1640 to be used for

the acquisition of Light Road R.O.W. as appropriate and for the construction of the proposed approach improvements;

2. The petition will be in the amount of \$34,444 which is a total of the following expected changes:
 - a. The Engineer's Opinion of Probable R.O.W. Acquisition Cost created by Engineering Enterprises, Inc. on September 27, 2012 estimated the proposed Right-of-Way Acquisition cost at \$46,937. Increased appraisal and acquisition costs are portrayed in the attached cost estimate dated July 17, 2014 showing an amount of \$61,562.
 - b. The cost of construction is anticipated to increase \$19,819 based on a difference from the original detailed in the attached Engineer's Opinion of Probable Construction Cost created by Engineering Enterprises, Inc. on September 27, 2012 and a subsequent estimate which was updated on April 28, 2014. These changes are a result of increased construction costs and additional design details added as a result of the required plan review and approval by the Illinois Department of Transportation.
3. The Village hereby certifies that it is financially unable to contribute any funds to this petition.
4. The Village President, Clerk and Staff are hereby authorized to petition the ICC for a project completion extension of 1 year 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 28th day of July, 2014.

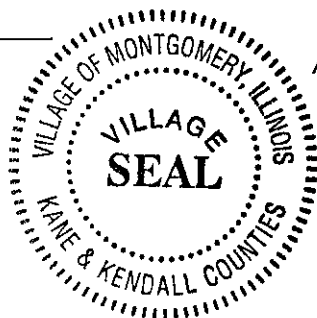


President of the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois

AYES: 4

NAYS: 0

ABSENT: 2



ATTEST: 

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) On November 25, 2013 the Village filed a Supplemental Petition requesting an 8 month completion deadline extension from December 6, 2013 to August 6, 2014 which was passed by an Order of the Commission on January 23, 2014.

F) The Village's engineering consultant, Engineering Enterprises, Inc., is currently in the process of completing the R.O.W acquisition and verbally agreed to settlements with the three property owners.

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

4. The Village anticipates that a 1 year 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 1 year and additional funds in the amount of \$34,444 to complete the necessary Right-of-Way acquisition and construction of the project.

Respectfully submitted,
VILLAGE OF MONTGOMERY



Steven A. Andersson
Village Attorney

Dated: 7/28/14

APPROVED BY THE VILLAGE BOARD ON JULY 28, 2014



Matthew T. Brolley, Village President

Attest:



Heidi Dziedzic, Village Clerk

