



RESOLUTION NO. 2016-007

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 requesting an extension of 12 months to complete the procurement of additional Right-of-Way and the re-design and reconstruction of the Light Road approaches on either side of the Burlington Northern Sante Fe Right-Of-Way;

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 12 months regarding Stipulated Agreement 1640 to be used for the acquisition of additional Light Road R.O.W. and the re-design and reconstruction 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 25th day of July, 2016.

M. T. By
President of the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois

AYES: 6

NAYS: 0

ABSENT: 0

ATTEST: Debra Buchanan
Deputy Clerk, Village of Montgomery



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

BNSF Railway Company, Oswego Township Road :
District, Village of Montgomery, and the State of Illinois, :
Department of Transportation. :
Stipulated Agreement regarding improving public safety : T12-0082
at 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. :

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 December 2, 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.

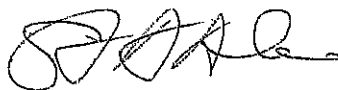
G) On August 18, 2014 the Village filed a Supplemental Petition requesting additional funding and a completion deadline extension to August 6, 2015 which was passed by an Order of the Commission on December 10th, 2014.

H) On August 10, 2015, the Village filed its Fifth Supplemental Petition requesting and Extension of Time to complete the project by August 6, 2016.

I) On April 20, 2016, attempts to come to agreement with one of the three property owners from which right of way was required for this project proved impossible without eminent domain proceedings which the Village is choosing not to exercise. Right of way was acquired from the other 2 affected property owners.

J) On June 22, 2016, one of the property owners from which right of way was acquired agreed to the conveyance of additional property that would forego the need to acquire right of way from the unwilling property owner. This change in right of way also necessitated a change in the plan and profile design of the approach and crossing improvements.

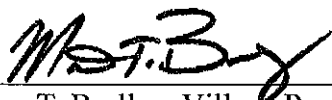
4. The Village anticipates that a 1 year extension would be adequate to obtain the necessary Right-of-Way, bid the project, and complete the construction of the project.



Steven A. Andersson
Village Attorney

Dated: 7/22/16

APPROVED BY THE VILLAGE BOARD ON JULY 25, 2016



Matthew T. Brolley, Village President

Attest:



Debbie Buchanan, Deputy Village Clerk

