

VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS

RESOLUTION NUMBER 2

**A RESOLUTION CONCERNING THE DEVELOPMENT, FUNDING AND CONSTRUCTION
OF A GRADE SEPARATION CROSSING STRUCTURE AT THE INTERSECTION OF
COUNTY ROAD 800N UNITED STATES ROUTE 45 IN THE VILLAGE OF TOLONO,
CHAMPAIGN COUNTY, ILLINOIS.**

**ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS
THIS 15TH DAY OF JUNE, 2010**

**PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF
THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS
THIS 15TH DAY OF JUNE, 2010**

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OF A GRADE SEPARATION CROSSING STRUCTURE AT THE INTERSECTION OF
COUNTY ROAD 800N UNITED STATES ROUTE 45 IN THE VILLAGE OF TOLONO,
CHAMPAIGN COUNTY, ILLINOIS.**

WHEREAS, the Village of Tolono, Champaign County, Illinois (the "Village"), has heretofore been duly organized and is now operating as a municipality under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto (the "Code"); and

WHEREAS, the Village has heretofore and does now maintain a network and system of roadways, streets and alleys within the Village (the "Village Streets"); and,

WHEREAS, there exists and operates within the Village various rights of way and tracks of various Railroads including a right of way and track running North and South through the Village which is owned and operated by Canadian National/Illinois Central Gulf Railroad (the "CN Railway"); and,

WHEREAS, The CN Railway travels, in part, parallel to United States Route 45 ("Route 45") which also travels North and South through the Village; and,

WHEREAS, County Route 800N, commonly known as "Rocket Road", travels East and West near the Northern boundary of the Village and intersects with the CN Railway and also intersects at a "T" intersection with Route 45; and,

WHEREAS, on or about January 31, 2001, The Mayor and Board of Trustees received a "Railroad Community Impact Report with Roadway and Pedestrian Grade Analysis" (the "Report") prepared by the Village Engineers at the direction of the Village; and,

WHEREAS, the Report set forth and quantified existing conditions at the various Railroad crossings with Village Streets and recommended, in part, construction of a grade separation structure which crossed the CN Railway and Route 45 as Rocket Road (the "Rocket Road Grade Crossing"); and,

WHEREAS, the Report set forth various "Financing Strategies" for payment of the cost of development, engineering and construction of the recommended improvements, including the Rocket Road Grade Crossing which discussed, in part, application to the Illinois Grade Crossing Protection Fund for partial funding of the cost of the recommended improvements; and,

WHEREAS, the Mayor and Board of Trustees reviewed and considered the Report and its recommendations for construction of the Rocket Road Grade Crossing and the funding thereof; and,

WHEREAS, On or about January 18, 2002, the Village Engineers, with the approval of the Mayor and Board of Trustees, submitted an application to the Illinois Commerce Commission Crossing Safety Improvement Program seeking placement of the Rocket Road Grade Crossing on the listing of Proposed Grade Crossing Protection Fund Projects For Local Roads And Streets; and,

WHEREAS, thereafter, the Illinois Commerce Commission authorized the Rocket Road Grade Crossing Project to be so placed and further identified the Project to be authorized during the period of fiscal year 2007 through fiscal year 2010 (July 1, 2006 through June 30, 2010); and,

WHEREAS, On or about June 18, 2002, the Mayor and Board of Trustees adopted certain ordinances of the Village which: A.) Designated a Redevelopment Project Area; B.) Adopted a Redevelopment Plan which included certain Redevelopment Projects; and, C.) Implemented Tax Increment Financing with the Redevelopment Project Area; and,

WHEREAS, the Redevelopment Plan included the development of residential subdivisions: A.) To the East of the CN Railway and Route 45 and South of the Rocket Road right of way; and, B.) to the West of Route 45 and South of Rocket Road; and,

WHEREAS, the Redevelopment Plan included a project for the development of the intersection of Rocket Road and Route 45 by the construction of a Grade Crossing Separation Structure at that location and the extension of Rocket Road East of the CN Railway and Route 45; and,

WHEREAS, subsequent to the implementation of Tax Increment Financing, the Mayor and Board of Trustees authorized the Village Engineers to conduct preliminary engineering for the Rocket Road Grade Crossing Project;

WHEREAS, development of the Redevelopment Project Area has exceeded the expectations of the Village; said development resulting in construction of numerous new homes within the Village; and,

WHEREAS, adjacent to the Redevelopment Project Area both within and without the corporate limits of the Village there are additional parcels of property which the Village reasonably believes will be developed with additional residential and commercial structures; and,

WHEREAS, the Village Engineers have presented a preliminary cost estimate of the Rocket Road Grade Crossing Project estimating a total project cost of \$ 9 ,949,318.80 and a proposed contribution to the cost of \$ 5 ,032,711 by the Illinois Grade Crossing Protection Fund and \$ 4 ,272,215 by the Village from its Special Tax Allocation Fund; and,

WHEREAS, the Mayor and Board of Trustees have conducted an informational meeting for citizens of the Village on May 11, 2010 and have considered comments made at that meeting; and,

WHEREAS, the Mayor and Board of Trustees have considered the conclusions and findings of the Mayor and Village Board made in 2002 at the time of the application to the Illinois Commerce Commission; and,

WHEREAS, the Mayor and Board of Trustees believe that the traffic conditions described in the Report still exist and have become more prevalent because of the rapid development and growth of new homes in the Village; and,

WHEREAS, the Mayor and Board of Trustees believe that further growth and development of new homes and commercial structures in the area of Rocket Road will create additional traffic and further congestion at the existing railroad crossings within the Village; and,

WHEREAS, the Mayor and Board of Trustees find that the construction of the Rocket Road Grade Crossing Project is in the best interest of the Village, its citizens and those persons travelling through and within the Village by automobile; and,

WHEREAS, the Mayor and Board of Trustees find that construction of the Rocket Road Grade Crossing Project will create a safe crossing across the CN Railway and Route 45 for pedestrians and bicyclists; and,

WHEREAS, the Mayor and Village Board affirm the findings made during the implementation of Tax Increment Financing and the inclusion of the Rocket Road Grade Crossing Project as a Redevelopment Project; and,

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, CHAMPAIGN COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. INCORPORATION OF PREAMBLES.

The Mayor and Board of Trustees hereby find that the recitals contained in the preamble to this Resolution are true and correct and does incorporate them into this resolution by this reference.

SECTION 2. FINDINGS.

The Mayor and Board of Trustees hereby find and declare that:

- A. The traffic conditions which existed at the time of the Report still exist and have become more prevalent because of growth and development within in the Village both inside and outside of the Redevelopment Project Area;
- B. Re-adoption of the recommendations of the Report and continuation of the development of the Rocket Road Grade Crossing Project is in the best interests of the Village, its citizens and the general public travelling through the Village and by this finding do re-adopt the recommendations of the Report;
- C. The application of the Village to the Illinois Commerce Commission Crossing Safety Improvement Program accurately states the traffic conditions and need for the construction of a grade crossing separation structure at the intersection of Rocket Road and Route 45 and the CN Railway;
- D. The funding for the development, engineering and construction of the Rocket Road Grade Crossing Project cannot be completed without the participation of the Illinois Commerce Commission Grade Crossing Protection Fund, the Illinois Department of Transportation and the Canadian national/Illinois Central Gulf Railroad;
- E. The development and redevelopment of real property within the Redevelopment Project Area has increased vehicular and pedestrian traffic in the area of the proposed Rocket Road Grade Crossing Project;
- F. The increased need for development and construction of the Rocket Road Grade Crossing Project is a direct result of development and redevelopment with the Redevelopment Project Area; and,

G. Development and construction of the Rocket Road Grade Crossing Project is consistent with the objectives of the Redevelopment Plan of the Village and is in furtherance of those objectives.

SECTION 3. ACTIONS AUTHORIZED.

The mayor and Board of Trustees hereby authorize the following actions and empower and direct the officers, employees and agents of the Village as follows:

- A. The Village Engineers shall continue preliminary engineering of the Rocket Road Grade Crossing Project and take all necessary actions in connection therewith, except that, all such activities shall be limited by the funds available for such activities by a prior authorization of the Mayor and Board of Trustees for such activities and no activities shall be undertaken in excess of said authorization without additional action of the Mayor and Board of Trustees;
- B. The Special Assistant City Attorney shall take the necessary actions to initiate and prosecute an action before the Illinois Commerce Commission to obtain approval of the design and construction of the Rocket Road Grade Crossing Structure, which actions may include, but are not limited to, the preparation and filing of a petition in the name of the Village for such action;
- C. The Mayor and Village Clerk shall execute, in the name of the Village, such documents prepared by the Village Engineers and Special Assistant City Attorney in connection with their respective activities upon their request without further action by the Mayor and Board of Trustees, except that, any document or agreement providing a final resolution or conclusion of the matter before the Illinois Commerce Commission shall require specific approval by the Mayor and Board of Trustees; and,

D. All other officers, agent or employees of the Village shall take such actions as may be necessary, appropriate or convenient to effectuate the intention of the Mayor and Board of Trustees set forth in this Resolution.

SECTION 4. PERIODIC REPORTS.

The Mayor, Village Engineers and Special Assistant City Attorney shall report on the progress of the development of the Rocket Road Grade Crossing Project from time and time and at such times as the Board of Trustees may request.

SECTION 5. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE.


This Resolution shall be effective upon its passage, signing and recoding in the Village records as required by law.

SECTION 7. REPEALER.

All resolutions, or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED BY THE MAYOR AND THE BOARD OF TRUSTEES ON JUNE 15, 2010.

APPROVED:



KENT PLACKETT, MAYOR
VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

AYES: 5

NAYS: 0

ABSENT: 1

RECORDED IN THE VILLAGE RECORDS ON ^{June}~~MAY~~ _____, 2010

VILLAGE CLERK, VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ATTEST: Dixie L. Phillips
DIXIE PHILLIPS, VILLAGE CLERK

(SEAL)