

RESOLUTION NO. 2023-51

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR RAILROAD CONSTRUCTION SERVICES BY AND BETWEEN THE CITY OF MONTICELLO AND NORFOLK AND WESTERN RAIL COMPANY (NORFOLK SOUTHERN RAILWAY COMPANY, SUCCESSOR)

WHEREAS, the City of Monticello (“City”) is an Illinois municipal corporation operating pursuant to and in accordance with the Constitution of the State of Illinois and the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

WHEREAS, the City desires to obtain from Norfolk and Western Rail Company (“Railway”) the right to maintain, use, and remove a railway crossing pursuant to the terms of the agreement (“Agreement”), attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the City finds it to be in the best interests of the City and its residents to approve and authorize the execution of the Agreement substantially in the form of Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Monticello, Piatt County, Illinois, as follows:

Section 1: The above-stated recitals are incorporated herein by reference.

Section 2: The City of Monticello approves the Agreement substantially in the form of Exhibit A.

Section 3: The Mayor, City Administrator, and City Clerk are authorized to take all necessary actions to effectuate the intention of this Resolution, including to sign and attest to the Agreement and any and all other necessary documents.

Section 4: This Resolution shall become effective immediately upon passage and approval in the manner provided by law.

Passed and Approved this 11th day of September, 2023.

AYES:

NAYS:

ABSENT:

ABSTAIN:

Mayor Larry Stoner

ATTEST:

Jill Potts, City Clerk

EXHIBIT A

Agreement

(attached on following pages)