
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING REQUIREMENTS AND
AUTHORIZING EMERGENCY REPAIRS TO THE CARON ROAD RAIL CROSSING BY
MJ TRACK WORKS, INC. IN THE AMOUNT OF \$88,539.45**

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO

City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson and Murray, LLC, City Attorneys
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, the City owns and operates the City of Rochelle Railroad (CIR) which consists of three interchange rail yards, two transloading yards, and a total of twelve miles of railroad track; and

WHEREAS, the rail crossing at the Americold entrance off Caron Road is damaged and the CIR has made several attempts to create a short term solution for the crossing but, unfortunately all attempts have been unsuccessful; and

WHEREAS, due to the inability to temporarily repair the tracks, one hundred (100) feet of crossing needs to be removed and replaced. This repair needs to be done emergently, or the tracks will begin to damage vehicles and trucks crossing the tracks; and

WHEREAS, the Rochelle Municipal Code provides that competitive bidding requirements may be waived for “[c]ontracts for emergency services or repairs when the delay in seeking competitive bids would result in damage or additional cost to the city” § Sec. 2-373(1); and

WHEREAS, CIR has obtained a quote from MJ Track Works, Inc., in the amount of \$88,539.45 for the repair of the tracks; a copy of which is attached herein as Exhibit A; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest to waive competitive bidding and approve the emergency expenditure in the amount of \$88,539.45 for MJ Tracks Works, Inc., to repair the rail crossing.

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
ROCHELLE, ILLINOIS:**

SECTION ONE: That the City hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle waive competitive bidding requirements and authorize the emergency repair of the Caron Road rail crossing in the amount of \$88,539.45 by MJ Tracks Works, Inc.

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form.

SECTION SIX: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED THIS 28th day of October 2024.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

MJ Track Works, Inc.

Railroad Construction & Maintenance

PO Box 236
Streator, IL 61364
Ph. (815) 672-9376
Fax (815) 673-5052

October 10, 2024

Burlington Junction Railway
975 S Caron Rd.
Rochelle, IL 61068

Attn: AJ Martin

MJ Track Works, Inc. would like to thank you for the opportunity to quote the following:

Rochelle, IL

1. Remove existing 36 concrete crossing panels.
2. Remove 100 ft. of track.
3. Grade crossing.
4. Furnish, install, and compact (132) tons of CA6.
5. Furnish and install (63) tons of granite.
6. Mechanically, raise, tamp, align, and dress crossing and approaches 100 ft. each way.
7. Re-install existing panels along with new (290) lag screws.
8. Clean and dress work area.

Material Cost: \$44,948.45

Labor Cost: \$24,816.00

Equipment Mobilization: \$5,000.00

1. Remove top soil from road area.
2. Furnish and install (200) tons of CA6 for road bed.

Material Cost: \$8,000.00

Labor Cost: \$4,775.00

Equipment Mobilization: \$1,000.00

Total Cost Estimated: \$88,539.45

MJ Track Works, Inc. Keeping Satisfaction On Track...

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION WAIVING COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING EMERGENCY REPAIRS TO THE CARON ROAD RAIL CROSSING BY MJ TRACK WORKS, INC. IN THE AMOUNT OF \$88,539.45” which was adopted by the Mayor and City Council of the City of Rochelle on October 28, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28th day of October 2024.

CITY CLERK