

PAMPHLET

**RESOLUTION NO. 704  
OF CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS**

**RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT OF FAP 825/332 (IL 15/1),  
KNOWN AS STATE SECTION 12Z RS-4 FROM EMPIRE STREET NORTHEAST TO  
INTERSTION OF CHERRY STREET IN MT CARMEL APPROPRIATED \$112,500**

FAP 825/332 (IL 15/1)  
Section: 12Z RS-4  
CITY Section: 24-00080-00-SW  
Wabash County  
Job No.: C-97-036-18  
Agreement No.: JN 724 003  
Contract No.: 74838

#### AGREEMENT

This agreement entered into this 1 day of APRIL, A.D., 2024, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION hereinafter called the STATE, and the CITY OF MT. CARMEL, in the State of Illinois, hereinafter called the CITY.

#### WITNESSETH:

WHEREAS, the STATE, in order, to facilitate the free flow of traffic and ensure safety to the motoring public, is desirous of improving approximately 8,440 feet (1.6 miles) of FAP 825/332 (IL 15/1), State Section 12Z RS-4, CITY Section 24-00080-00-SW from 0.2 miles east of Empire Street northeast to its intersection with Cherry Street in Mt. Carmel, by milling, patching and resurfacing hot-mix asphalt pavement, constructing Americans with Disabilities Act (ADA) compliant curb ramps, modernizing or replacing existing traffic signal systems and by performing all other work necessary to complete the section in accordance with the approved plans and specifications; and

WHEREAS, the improvements to FAP 825/332 (IL 15/1) shall consist of:

1. 1,250 FEET EAST OF EMPIRE STREET TO 1,300 FEET WEST OF OAK STREET ON IL 15 (FAP 825): Patch, mill and resurface the existing 46-foot edge-to-edge pavement width and adjacent asphalt side street approaches, retaining the existing 4-foot wide hot-mix asphalt shoulders and 3-foot wide aggregate shoulders as well as providing for two 12-foot wide through traffic lanes, one in each direction, and a 14-foot wide two-way left-turn lane; improve curb ramps crossing 9th Street (IL 15), as well as side street approaches adjacent to said route, to comply with the Americans with Disabilities Act (ADA).

2. 1,300 FEET WEST OF OAK STREET TO 420 FEET WEST OF WALNUT STREET ON IL 15 (FAP 825): Patch, mill and resurface the existing 38-foot edge-to-edge pavement width and adjacent asphalt side street approaches, retaining the existing combination concrete curb and gutter and providing for two 13-foot wide through traffic lanes, one in each direction, as well as a 12-foot wide two-way left-turn lane; improve curb ramps crossing 9th Street (IL 15), as well as side street approaches adjacent to said route, to comply with the Americans with Disabilities Act (ADA); modernize existing traffic signals at the intersection of 9th Street (IL 15) with Oak Street.
3. 420 FEET WEST OF WALNUT STREET ON IL 15 (FAP 825) TO 250 FEET EAST OF WALNUT STREET ON IL 1 (FAP 332): Patch, mill and resurface the existing 48-foot and variable edge-to-edge pavement width and adjacent side street approaches, retaining the existing combination concrete curb and gutter and providing for two 12-foot wide through traffic lanes, one in each direction, as well as 12-foot wide and variable left and right-turn lanes; improve curb ramps crossing 9th (IL 15/1) and Walnut Streets to comply with the Americans with Disabilities Act (ADA); modernize existing traffic signals at the intersection of 9th Street (IL 15/1) with Walnut Street (IL 15/1).
4. 250 FEET EAST OF WALNUT STREET TO CHERRY STREET ON IL 1 (FAP 332): Patch, mill and resurface the existing 36-foot edge-to-edge pavement width and adjacent asphalt side street approaches, retaining the existing combination concrete curb and gutter and providing for two 12-foot wide through traffic lanes, one in each direction, as well as a 12-foot wide two-way left-turn lane; improve curb ramps crossing 9th Street (IL 1), as well as side street approaches adjacent to said route, to comply with the Americans with Disabilities Act (ADA); modernize existing traffic signals at the intersection of 9th Street (IL 1) with Market Street.

and all other work necessary to complete the improvement in accordance with the approved plans and specifications; and

WHEREAS, the CITY is desirous of said improvement in that same will be of immediate benefit to CITY residents and permanent in nature;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The STATE agrees to make the surveys, obtain all necessary rights of way, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction and cause the improvement to be built in accordance with the plans, specifications and contract.
2. The STATE agrees to pay for all right-of-way, construction and engineering costs, subject to reimbursement by the CITY as hereinafter stipulated.
3. It is mutually agreed by and between the parties hereto that the estimated cost and cost proration for this improvement is as follows:

Type of Work	FEDERAL		STATE		CITY		Total
	Cost	%	Cost	%	Cost	%	
All construction costs excluding the following:	\$3,488,000	80	\$872,000	20	\$ 0	0	\$4,360,000
Asphalt Resurfacing of Side Street Approaches	\$142,400	80	\$ 0	0	\$35,600	20	\$178,000
Side Street ADA Curb Ramp Improvements	\$66,000	80	\$16,500	20	\$ 0	0	\$82,500
Sidewalk Removal for Side Street ADA Curb Ramp Improvements	\$8,800	80	\$ 0	0	\$2,200	20	\$11,000
Traffic Signals at Oak and Market Streets	\$480,000	80	\$60,000	10	\$60,000	10	\$600,000
Traffic Signals at Walnut Street	\$360,000	80	\$90,000	20	\$0	0	\$450,000
<i>Subtotal</i>	<i>\$4,545,200</i>		<i>\$1,038,500</i>		<i>\$97,800</i>		<i>\$5,681,500</i>
P&C Engineering (15%)	\$681,800		\$155,700		\$14,700		\$852,200
<i>Total</i>	<i>\$5,227,000</i>		<i>\$1,194,200</i>		<i>\$112,500</i>		<i>\$6,533,700</i>

Participation and reimbursement shall be predicated by the percentages shown above for the specified work. Cost shall be determined by multiplying the final quantities by the contract unit prices plus 15% for construction and preliminary engineering. Participation toward traffic signals shown above shall not exceed \$86,000 which represents 125% of their estimated construction and engineering cost.

4. The CITY shall pass a resolution appropriating sufficient funds to pay its share of the cost for this improvement, a copy of which shall be attached hereto as "Exhibit A" and made a part hereof.

The CITY further agrees that upon award of the contract for this improvement, the CITY OF MT. CARMEL will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS from any funds allotted to the CITY, an amount equal to 50% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA projects) in a lump sum, upon completion of the project based upon final costs.

The CITY further agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated in "Exhibit A" proves to be insufficient, to cover said cost.

5. The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, requiring that parking be prohibited within the limits of this improvement, a copy of which is attached hereto as "Exhibit B", and will in the future prohibit parking at such locations on or immediately adjacent to this improvement as may be determined necessary by the STATE from traffic capacity studies.
6. The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, prohibiting the discharge of sanitary sewage and industrial waste water into any storm sewers constructed as a part of this improvement, a copy of which is attached hereto as "Exhibit C".

7. Prior to the STATE advertising for the work proposed hereunder, the disposition of encroachments will be cooperatively resolved with representatives from the CITY and the STATE.

The CITY has adopted and will put into effect an appropriate ordinance, prior to the STATE's advertising for the proposed work to be performed hereunder, or shall continue to enforce an existing ordinance, relative to the disposition of encroachments and prohibiting, in the future, any new encroachments within the limits of the improvements, a copy of which is attached as "Exhibit E".

8. The CITY agrees not to permit driveway entrance openings to be made in the curb, as constructed, or the construction of additional entrances, private or commercial, along Route without the consent of the STATE.
9. The CITY shall exercise its franchise rights to cause private utilities to be relocated, if required, at no expense to the STATE.
10. The CITY agrees to cause its utilities installed on right of way after said right of way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted, if required, at no expense to the STATE.
11. All CITY owned utilities, on STATE right of way within the limits of this improvement, which are to be relocated/adjusted under the terms of this Agreement, will be relocated/adjusted in accordance with the applicable portions of the Accommodation of Utilities of Right of Way, 92 Ill. Adm. Code 530. The CITY agrees to obtain from the STATE an approved permit for the facility, and to abide by all conditions set forth therein.
12. Upon final field inspection of the improvement and so long as 9th Street is used as a State Highway, the STATE agrees to maintain or cause to be maintained the two through traffic lanes lying on either side of the centerline and the left-turn, right-turn and two-way left-turn lanes, each lane being 12 or 13 feet and variable in width, and the curb and gutter or

stabilized shoulders and ditches adjacent to those traffic lanes and turn lanes to be maintained by the STATE.

13. Upon final field inspection of the improvement, the CITY agrees to maintain or cause to be maintained those portions of the improvement which are not maintained by the STATE, including sidewalks, parkways, guardrails, crosswalk and stopline markings, CITY owned utilities including appurtenances thereto, highway lighting including furnishing the electrical energy therefore. The CITY shall maintain the storm sewers and appurtenances by performing those functions necessary to keep the sewer in a serviceable condition including cleaning sewer lines, inlets, manholes, and catch basins along with the repair or replacement of inlet, manhole and catch basins' frames, grates or lids. The maintenance, repair and/or reconstruction of storm sewers constructed as part of this improvement beyond the aforescribed responsibilities shall be that of the STATE.

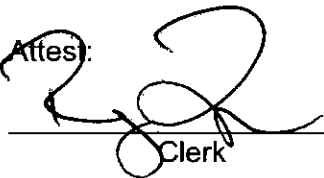
The CITY further agrees to continue its existing maintenance responsibilities on all side road approaches under its jurisdiction, including all left and right turn lanes on said side road approaches, up to the through edge of pavement of FAP 825/332 (IL 15/1). Drainage facilities, if any, at the aforementioned side roads located within the STATE right-of-way shall be the joint maintenance responsibility of the STATE and the CITY unless there is an agreement specifying different responsibilities.

14. Upon acceptance by the STATE of the traffic signal work included herein the responsibility for maintenance and energy shall continue to be as outlined in the Master Agreement executed by the STATE and the CITY on July 1, 2021.
15. Upon acceptance by the STATE of the work proposed herein on existing signals, the responsibility for maintenance and energy shall continue to be as outlined in the aforementioned Master Agreement.
16. The STATE agrees to make arrangements with the local power company to furnish the electrical energy for the operation of the traffic signals. The STATE and CITY agree to pay their proportionate share of this cost as billed by the local power company.

17. The CITY agrees to provide written approval of that portion of the plans and specifications relative to the CITY financial and maintenance obligations described herein, prior to the STATE's advertising for the aforescribed proposed improvement.
18. Obligations of the STATE and CITY will cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.
19. This AGREEMENT and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within the three years subsequent to execution of the agreement.

This agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

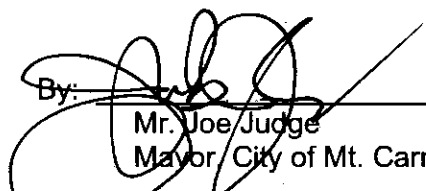
Attest:

  
Clerk

(SEAL)

CITY of MT. CARMEL

By:

  
Mr. Joe Judge  
Mayor, City of Mt. Carmel

Date: 1 April 2024

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

Jeffrey P. Myers, P.E.  
Region Four Engineer

Date:



FAP 825/332 (IL 15/1)  
Section: 12Z RS-4  
CITY Section: 24-00080-00-SW  
Wabash County  
Job No.: C-97-036-18  
Agreement No.: JN 724 003  
Contract No.: 74838

**EXHIBIT A**  
**FUNDING RESOLUTION 704**

WHEREAS, the CITY OF MT. CARMEL has entered into an AGREEMENT with the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, for the improvement of FAP 825/332 (IL 15/1), known as State Section 12Z RS-4 from 0.2 miles east of Empire Street northeast to the intersection with Cherry Street in Mt. Carmel; and

WHEREAS, in compliance with the aforementioned AGREEMENT, it is necessary for the CITY OF MT. CARMEL to appropriate sufficient funds to pay its share of the cost of said improvement.

NOW, THEREFORE, BE IT RESOLVED, that there is hereby appropriated the sum of ONE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$112,500) or so much thereof as may be necessary, from any money now or hereafter allotted to the CITY OF MT. CARMEL to pay its share of the cost of this improvement as provided in the AGREEMENT; and

BE IT FURTHER RESOLVED, that upon award of the contract for this improvement, the CITY OF MT. CARMEL will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the CITY OF MT. CARMEL, an amount equal to 50% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.

BE IT FURTHER RESOLVED that the CITY OF MT. CARMEL agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated herein proves to be insufficient to cover said cost.

STATE OF ILLINOIS                    )  
COUNTY OF WABASH                )

I, Ryan Turner, Clerk in and for the CITY OF MT. CARMEL, hereby certify the foregoing to be a true, perfect and complete copy of the resolution adopted by the CITY OF MT. CARMEL at a meeting on April 1,, 2024.

Ryan Turner  
Clerk

(SEAL)

APPROVED:  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Jeffrey P. Myers, P.E.  
Region Four Engineer

\_\_\_\_\_  
Date

**EXHIBIT B**

ORDINANCE NO. 744

**ORDINANCE AMENDING CHAPTER 15, SECTION 15-104(a)  
PARKING PROHIBITED IN SPECIFIED AREAS**

WHEREAS, the City of Mt. Carmel, Illinois, in order to promote health, safety and the free flow of traffic, has determined that there should not be parking on City streets in certain designated areas in the City of Mt. Carmel, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. CARMEL, ILLINOIS, that Chapter 15, Section 15-104(a), Parking Prohibited in Specified Areas, is hereby altered and amended to include the following, to-wit:

**Section 15-104(a). Parking prohibited in specified areas.**

Parking of all vehicles shall be prohibited and it shall be unlawful to permit any vehicle to stand or park along and upon either side of 9<sup>th</sup> Street from a Willow Swamp Road to Cherry Street within the corporate limits of the City of Mt. Carmel, Illinois.

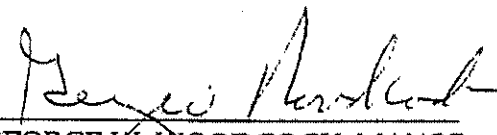
Any person who violates any provision of this Ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$500.00 for each offense as provided in Section 15-2.

Except as herein amended, all other terms and conditions in Chapter 15 of the City Ordinances shall remain unchanged.

This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 21<sup>st</sup> DAY OF August, 2000.

CITY OF MT. CARMEL

BY   
GEORGE W. WOODCOCK, MAYOR

ATTEST:   
MERLE WEEMS, CITY CLERK

EXHIBIT C

ORDINANCE 521

AN ORDINANCE REGULATING THE DISCHARGE OF SANITARY AND INDUSTRIAL  
WASTES WITHIN THE CORPORATE LIMITS OF THE CITY OF  
MT. CARMEL, WABASH COUNTY, ILLINOIS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT.  
CARMEL, WABASH COUNTY, ILLINOIS, as follows:

Section 1. It shall be unlawful for any person, firm or  
corporation to discharge any sanitary or industrial solids or liquids  
into any storm sewer or storm drain within the City limits of the City  
of Mt. Carmel, Wabash County, Illinois.

Section 2. This Ordinance is intended to be, and shall be,  
in addition to all other Ordinances, rules and regulations concerning  
the drainage and shall not be construed as repealing or rescinding any  
other Ordinance or part of any Ordinance unless in direct conflict  
therewith.

Section 3. Any person violating this Ordinance shall be  
fined not less than Twenty-five Dollars (\$25.00), nor more than Two  
Hundred Dollars (\$200.00) for each such offense.

Section 4. The second reading of this Ordinance shall be  
waived in order to expedite the adoption thereof.

Section 5. This Ordinance shall be in full force and effect  
upon its passage, approval and publication, as provided by law.

PASSED AND APPROVED this 1 day of May, 1989.

  
RUDY L. WITSMAN, MAYOR

ATTEST:

  
MARK A. BADER, CITY CLERK

Read First Time: May 1, 1989.

Second Reading Waived: May 1, 1989.

Passed and Approved: May 1, 1989.

Published: May       , 1989.

## EXHIBIT D

### ORDINANCE 523

#### AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY IN THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS

WHEREAS, the City of Mt. Carmel, Wabash County, Illinois, hereinafter knows as the CITY, and the State of Illinois, acting by and through its Department of Transportation, Division of Highways, hereinafter known as the STATE, have entered into various Agreements relative to improvements on Federal-Aid Primary and Federal-Aid Urban Routes, which include the following:

<u>Route</u>	<u>From</u>	<u>To</u>
FA Route 132/ Ill. Rt. 1/Cherry St./ Ninth St./Walnut St./ Third St.	North Corporate Limits	South Corporate Limits
FA Routes 825 & 827/ Ill. Rt. 15/Ninth St./ Walnut St.	West Corporate Limits	East Corporate Limits

WHEREAS, in order to facilitate said improvements, it is necessary for the CITY to adopt an Ordinance regulating encroachments on the right-of-way for said improvements in accordance with the following definitions:

Roadway Right-of-Way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

Project Right-of-Way is defined as those areas within the project right-of-way lines established jointly by the CITY and STATE which will be free of encroachments except as hereinafter defined;

Encroachment is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established;

Permissible Encroachment is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings;

Construction Easement Area is defined as the area lying between the project right-of-way limits and the platted street limits within which the CITY, by concurrence in the establishment of the project right-of-way lines, will permit the STATE to enter to perform all necessary construction operations; and,

WHEREAS, representatives of the CITY and STATE have, by visual inspection cooperatively established project right-of-way lines and have mutually determined the disposition of encroachments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS, as follows:

Section 1. It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or to cause to be retained, any ENCROACHMENT (hereinafter defined), within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

Section 2. This Ordinance is intended to, and shall be, in addition to all other Ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other Ordinance, or part of any Ordinances, unless in direct conflict therewith.

Section 3. Any person, firm or corporation violating this Ordinance shall be fined not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

Section 4. The second reading of this Ordinance shall be waived in order to expedite its passage and approval.

Section 5. This Ordinance shall be published one time within ten days after its passage in a newspaper having a general circulation in the City of Mt. Carmel, Illinois, and shall be in full force and effect after its passage, approval and publication, as provided by law.

PASSED AND APPROVED this 1st day of May, 1989.

  
\_\_\_\_\_  
RUDY L. WITSMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
MARK A. BADER, CITY CLERK

Read First Time: May 1, 1989.

Second Reading Waived: May 1, 1989.

Passed and Approved: May 1, 1989.

Published: May \_\_\_\_\_, 1989.

FAP 825/332 (IL 15/1)  
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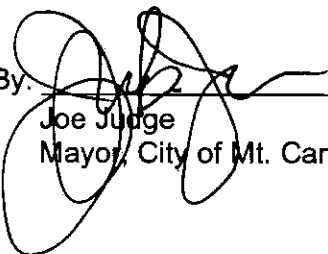
**EXHIBIT E**  
**FINAL PLAN APPROVAL**

WHEREAS, the CITY OF MT. CARMEL hereinafter known as CITY, and the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION have entered into an agreement relative to the improvement of FAP 825/332 (IL 15/1), State Section 12Z RS-4 by milling and hot-mix asphalt resurfacing from 0.2 miles east of Empire Street northeast to Cherry Street in Mt. Carmel; and

WHEREAS, in order to facilitate said improvement and in anticipation of said agreement, the CITY OF MT. CARMEL hereby gives written approval of that portion of the plans and specifications relative to the CITY financial and maintenance obligations:

FINAL PLANS APPROVED this 1 day of April, 2024

For: CITY OF MT. CARMEL

By:   
Joe Judge  
Mayor, City of Mt. Carmel

Date: 1 APRIL 2024