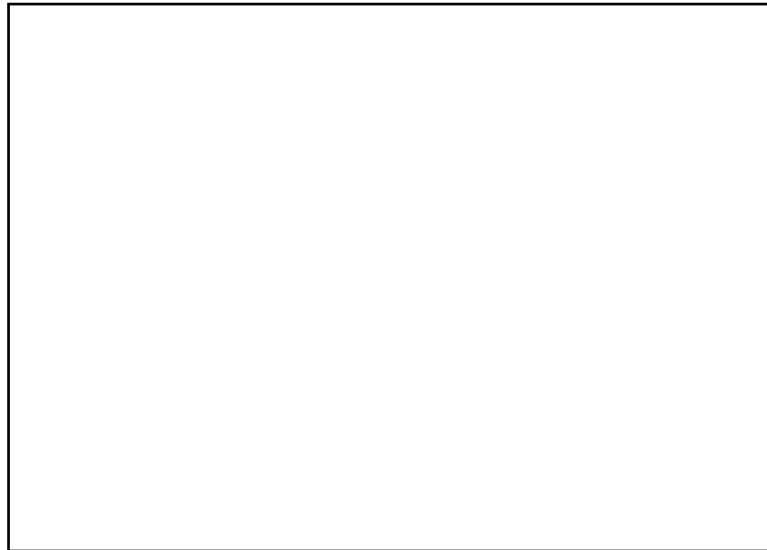


RECORDING INFORMATION

Prepared By:
City of Mt. Carmel
631 N. Market Street
Mt. Carmel, IL 62863
(618) 262-4822



ORDINANCE NO. 2077

**AN ORDINANCE VACATING A PORTION OF AN ALLEYWAY IN THE CITY OF MT. CARMEL,
ILLINOIS**

WHEREAS, Section 5/7-101 of the Roads and Bridges Act of the Illinois Highway Code provides and requires that Illinois municipalities shall have the powers granted and duties imposed by said Act in addition to the powers granted by the Illinois Municipal Code; and, further, provides that Illinois municipalities shall have the power to vacate streets and alleys which are or will become part of the municipal street system provided they are vacated in the manner provided by the Illinois Municipal Code (605 ILCS 5/7-101);

WHEREAS, the Illinois Municipal Code Allows and provides that the corporate authorities of each municipality in Illinois (being the City Council of the City of Mt. Carmel, Illinois in the case of the City of Mt. Carmel) may vacate streets, alleys and avenues (65 ILCS 5/11-62-2);

WHEREAS, Section 11-91-1 of Division 91 ("Vacating of Streets and Alleys", hereinafter referred to as the "Act") of the Illinois Municipal Code requires that whenever the Corporate Authorities determine that it is in the public interest to vacate a street or alley, or part thereof, within an incorporated area, they may vacate the street or alley or part thereof, by an ordinance, (65 ILCS 5/11-91-1);

WHEREAS, the City Council of the City of Mt. Carmel, Illinois has found and determined and does hereby declare that the public interest is subserved by the vacation of the portion of alleys involved in this ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Mt. Carmel, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as is set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Mt. Carmel, Illinois

Section 2. The City hereby vacates an alley in Out lot 217 running East – West between N. Market Street and Chestnut Street in the City of Mt. Carmel, Wabash County, Illinois, being described as follows:

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the southeasterly corner of Lot 2 of said out lot 217; thence S. 24° 00' 00" E., along the westerly line of Market Street, a distance of 8.0 feet to the centerline of an existing 16 foot wide alley; thence S. 65° 50' 00" W. along the centerline of the 16 foot wide alley, a distance of 110.0 feet to the centerline of an existing 20 foot wide alley; thence S. 24° 00' 00" E., along the centerline of the 20 foot wide alley, a distance of 86.33 feet to the centerline of an existing 16 foot wide alley; thence S. 65° 48' 30" W., along the centerline of the 16 foot wide alley, a distance of 130.0 feet to a point; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the southerly line of Lot 1 of Out lot 217; thence N. 65° 48' 30" E., a distance of 120.0 feet to the southeasterly corner of Lot 1 of out lot 217; thence N. 24° 00' 00" E. a distance of 86.33 feet to the southwesterly corner of Lot 2 of out lot 217; thence N. 65° 50' 00" E. a distance of 120.0 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northeasterly corner of Lot 3 of said out lot 217; thence N. 24° 00' 00" W., along the westerly line of Market Street, a distance of 8.0 feet to the centerline of an existing 16 foot wide alley; thence S. 65° 50' 00" W. along the centerline of the 16 foot wide alley, a distance of 110.0 feet to the centerline of an existing 20 foot wide alley; thence S. 24° 00' 00" E., along the centerline of the 20 foot wide alley, a distance of 86.33 feet to the centerline of an existing 16 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16 foot wide alley, a distance of 4.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to a point ; thence N. 65° 48' 30" E., a distance of 6.0 feet to a point on the westerly line of Lot 4 of out lot 217; thence N. 24° 00' 00" E. a distance of 86.33 feet to the northwesterly corner of Lot 3 of out lot 217; thence N. 65° 50' 00" E. a distance of 100.0 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northeasterly corner of Lot 7 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to the centerline of an existing 16 foot wide alley; thence N. 65° 48' 30" E., a distance of 4.0 feet to a point; thence S. 24° 00' 00" W. a distance of 8.0 feet to a point; thence S. 65° 48' 30" W. a distance of 4.0 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the southwesterly corner of Lot 1 of said out lot 217; thence N. 65° 48' 30" E., along the southerly line of Lot 1 of out lot 217, a distance of 156.21 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the centerline of an existing 16.0 foot wide alley; thence S. 65° 48' 30" W., along the centerline of the 16.0 foot wide alley, a distance of 32 feet to a point; thence Southwesterly, along the centerline of the 16.0 foot wide alley, a distance of 27 feet to a point on the easterly line of Chestnut Street; thence N. 23° 59' 10" W., along the easterly line of Chestnut Street, a distance of 9.2 feet to a point on the original southerly right-of-way line of the old CCC & St. Louis Railway; thence Northeasterly, along the original southerly right-of-way line of the old CCC & St. Louis Railway, a distance of 24.49 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 9 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the centerline of an existing 16.0 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16.0 foot wide alley, a distance of 150.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 7 of out lot 217; thence S. 65° 48' 30" W. a distance of 100.0 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 10 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the centerline of an existing 16.0 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16.0 foot wide alley, a distance of 50.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 10 of out lot 217; thence S. 65° 48' 30" W. a distance of 50.0 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 11 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the centerline of an existing 16.0 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16.0 foot wide alley, a distance of 50.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 11 of out lot 217; thence S. 65° 48' 30" W. a distance of 50.0 feet to the point of beginning; and

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 12 of said out lot 217; thence N. 23° 59' 10" W. along the easterly line of Chestnut Street, a distance of 9.2

feet to the centerline of an existing 16.0 foot wide alley; thence northeasterly, along the centerline of the 16.0 foot wide alley, a distance of 27 feet to a point; thence N. 65° 48' 30" E. along the centerline of the 16.0 foot wide alley, a distance of 32 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 12 of out lot 217; thence S. 65° 48' 30" W., along the northerly line of Lot 12 of out lot 217, a distance of 30.1 feet to a point; thence Southwesterly a distance of 29.3 feet to the point of beginning.

Located in the City of Mt. Carmel, County of Wabash, and State of Illinois.

See Exhibit A attached hereto.

Section 3. Ownership of the vacated real estate described in Section 2 is hereby transferred to, the adjoining landowners as described below:

Parcel 11-20-217-001 Lots B & C of out lot 215-216-217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the southeasterly corner of Lot 2 of said out lot 217; thence S. 24° 00' 00" E., along the westerly line of Market Street, a distance of 8.0 feet to the centerline of an existing 16 foot wide alley; thence S. 65° 50' 00" W. along the centerline of the 16 foot wide alley, a distance of 110.0 feet to the centerline of an existing 20 foot wide alley; thence S. 24° 00' 00" E., along the centerline of the 20 foot wide alley, a distance of 86.33 feet to the centerline of an existing 16 foot wide alley; thence S. 65° 48' 30" W., along the centerline of the 16 foot wide alley, a distance of 130.0 feet to a point; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the southerly line of Lot 1 of out lot 217; thence N. 65° 48' 30" E., a distance of 120.0 feet to the southeasterly corner of Lot 1 of out lot 217; thence N. 24° 00' 00" E. a distance of 86.33 feet to the southwesterly corner of Lot 2 of out lot 217; thence N. 65° 50' 00" E. a distance of 120.0 feet to the point of beginning.

Parcel 11-20-217-012 Lots 3 & 4 Blk 217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northeasterly corner of Lot 3 of said out lot 217; thence N. 24° 00' 00" W., along the westerly line of Market Street, a distance of 8.0 feet to the centerline of an existing 16 foot wide alley; thence S. 65° 50' 00" W. along the centerline of the 16 foot wide alley, a distance of 110.0 feet to the centerline of an existing 20 foot wide alley; thence S. 24° 00' 00" E., along the centerline of the 20 foot wide alley, a distance of 86.33 feet to the centerline of an existing 16 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16 foot wide alley, a distance of 4.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to a point ; thence N. 65° 48' 30" E., a distance of 6.0 feet to a point on the westerly line of Lot 4 of out lot 217; thence N. 24° 00' 00" E. a distance of 86.33 feet to the northwesterly corner of Lot 3 of out lot 217; thence N. 65° 50' 00" E. a distance of 100.0 feet to the point of beginning.

Parcel 11-20-217-004 Lots 5 & 6 of Blk 217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northeasterly corner of Lot 7 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to the centerline of an existing 16 foot wide alley; thence N. 65° 48' 30" E., a distance of 4.0 feet to a point; thence S. 24° 00' 00" W. a distance of 8.0 feet to a point; thence S. 65° 48' 30" W. a distance of 4.0 feet to the point of beginning.

11-20-217-015 Lots D & E of Out lots 215-216-217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the southwesterly corner of Lot 1 of said out lot 217; thence N. 65° 48' 30" E., along the southerly line of Lot 1 of out lot 217, a distance of 156.21 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the centerline of an existing 16.0 foot wide alley; thence S. 65° 48' 30" W., along the centerline of the 16.0 foot wide alley, a distance of 32 feet to a point; thence Southwesterly, along the centerline of the 16.0 foot wide alley, a distance of 27 feet to a point on the easterly line of Chestnut Street; thence N. 23° 59' 10" W., along the easterly line of Chestnut Street, a distance of 9.2 feet to a point on the original southerly right-of-way line of the old CCC & St. Louis Railway; thence Northeasterly, along the original southerly right-of-way line of the old CCC & St. Louis Railway, a distance of 24.49 feet to the point of beginning.

Parcels 11-20-217-005, 11-20-217-006, 11-20-217-007 Lots 7, 8 & 9 of Blk 217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 9 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the centerline of an existing 16.0 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16.0 foot wide alley, a distance of 150.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 7 of out lot 217; thence S. 65° 48' 30" W. a distance of 100.0 feet to the point of beginning.

Parcel 11-20-217-008 Lot 10 of Blk 217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 10 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the centerline of an existing 16.0 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16.0 foot wide alley, a distance of 50.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 10 of out lot 217; thence S. 65° 48' 30" W. a distance of 50.0 feet to the point of beginning.

Parcel 11-20-217-009 Lot 11 Blk 217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 11 of said out lot 217; thence N. 24° 00' 00" W. a distance of 8.0 feet to a point on the centerline of an existing

16.0 foot wide alley; thence N. 65° 48' 30" E., along the centerline of the 16.0 foot wide alley, a distance of 50.0 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 11 of out lot 217; thence S. 65° 48' 30" W. a distance of 50.0 feet to the point of beginning.

Parcel 11-20-217-010 Lot 12 of Blk 217

A part of out lot 217 in the City of Mt. Carmel, Wabash County, Illinois and being further described as follows; beginning at the northwesterly corner of Lot 12 of said out lot 217; thence N. 23° 59' 10" W. along the easterly line of Chestnut Street, a distance of 9.2 feet to the centerline of an existing 16.0 foot wide alley; thence northeasterly, along the centerline of the 16.0 foot wide alley, a distance of 27 feet to a point; thence N. 65° 48' 30" E. along the centerline of the 16.0 foot wide alley, a distance of 32 feet to a point; thence S. 24° 00' 00" E. a distance of 8.0 feet to the northeasterly corner of Lot 12 of out lot 217; thence S. 65° 48' 30" W., along the northerly line of Lot 12 of out lot 217, a distance of 30.1 feet to a point; thence Southwesterly a distance of 29.3 feet to the point of beginning.

Section 4. The City of Mt. Carmel does hereby Reserve unto the City of Mt. Carmel a general utility easement and the right to assign all or part of said easement. Further, the City of Mt. Carmel makes this Vacation of alley subject to a general utility easement hereby granted to Mt. Carmel Public Utility Co., its successor and assigns, on, over, above, through and under the said alley which is being vacated in Section 2 above. Said general utility easements for the City of Mt. Carmel and Mt. Carmel Public Utility Co. shall include the right of ingress and egress to and over the Vacated alley. Be it hereby declared and understood that the alley vacated herein and the rights of those in receipt of the vacated alley property, and also their successors and assigns, are and will remain subject to a general utility easement in favor of both the City of Mt. Carmel and Mt. Carmel Public Utility Co. and their successors and assigns.

Moreover, the rights of Mt. Carmel Public Utility Co. given to it by and through the City of Mt. Carmel Ordinance Number 511, dated October 7, 1998, which granted Mt. Carmel Public Utility Co., and their successors and assigns, a Franchise for Electric and Natural Gas and other utility service which it may provide, which includes, but is not limited to the right for installation, maintenance, replacement, repairs, removal, upgrade and overall use on, over, under and across the vacated alley listed in Section 2 of this Ordinance, all in the City of Mt. Carmel, Wabash County, Illinois, are hereby and shall be preserved and continuing and shall run with the land. Be it further resolved that the Vacation of the alley set forth herein shall also be subordinate to any extension, amendment, modification, replacement, continuation, renewal or future franchise agreement which the City of Mt. Carmel may grant and provide for the benefit of Mt. Carmel Public Utility Co. and its successors and assigns by Ordinance, which any such Ordinance is hereby declared to be for the public good and welfare.

For clarity, and so that there is no misunderstanding, the general utility easement granted herein to Mt. Carmel Public Utility Co. is separate to and in addition to the rights of Mt. Carmel

Public Utility Co. which are set forth in Mt. Carmel Ordinance 511 and any extensions, amendments, modifications, replacements, continuations, renewals thereof or of future franchise agreements. The City of Mt. Carmel would not vacate the alley as described in Section 2 above without Mt. Carmel Public Utility Co., its successor and assigns, having and continuing to have full rights and use of the general utility easement and which make the land being vacated subordinate to such general utility easement.

The adjoining landowners of the alley being vacated, and their successors and assigns, who receive possession of the vacated alley shall do nothing to impede, interfere, block, obstruct or otherwise restrict, limit or encumber the use of said general utility easement by Mt. Carmel Public Utility Co. or the City of Mt. Carmel, Illinois, or do anything that is not consistent with the Franchise in City of Mt. Carmel Ordinance Number 511 or any subsequent Franchise Agreements or Ordinances granting a Franchise Agreement to Mt. Carmel Public Utility Co., or its successors and assigns. Further, the adjoining landowners and those receiving possession of the vacated alley, and their successors and assigns, shall do nothing that would interfere with the provision of electric or natural gas or other utility service by Mt. Carmel Public Utility Co., and its successors and assigns, to any customer of Mt. Carmel Public Utility Co. who is entitled to receive any such utility service. The easements provided herein shall run with the land and shall run in perpetuity unless or until such time as both the City of Mt. Carmel and Mt. Carmel Public Utility Co., or their successors and assigns, abandon said easements by written acknowledgment of abandonment filed with the Wabash County of Records, Wabash County, Illinois.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This ordinance shall be in full force and effect upon passage and approval as provided by law.

PASSED and APPROVED this 31 day of October, 2022.

CITY OF MT. CARMEL, ILLINOIS

JOE JUDGE, MAYOR

ATTEST: _____

RYAN TURNER, CITY CLERK

Vote: Commissioner Dulgar _____
Commissioner Ikemire _____
Commissioner Meeks _____
Commissioner Zimmerman _____

First Reading: October 17, 2022
Second Reading: October 31, 2022
Passed and Approved: October 31, 2022

CERTIFICATE

I, Ryan Turner, City Clerk in and for the City of Mount Carmel in the County of Wabash in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of Ordinance 2077 passed and approved by the City Council of the City of Mount Carmel at its regular meeting held October 31, 2022.

In testimony whereof, I have hereunto set my hand and affixed the seal of the City of Mount Carmel at my office this 31 day of October, 2022.

(SEAL)

CITY CLERK

STATE OF ILLINOIS

COUNTY OF WABASH

CERTIFICATE OF PUBLICATION

I, Ryan Turner, certify that I am the duly appointed and acting City Clerk of the City of Mt. Carmel, Wabash County, Illinois.

I further certify that on October 31, 2022, the Corporate Authorities of such municipality passed and approved Ordinance Number 2077, entitled **AN ORDINANCE VACATING A PORTION OF AN ALLEYWAY IN THE CITY OF MT. CARMEL, ILLINOIS**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2077 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on October 31, 2022 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

Dated at Mt. Carmel, Illinois, this 31 day of October, 2022.

(SEAL)

CITY CLERK