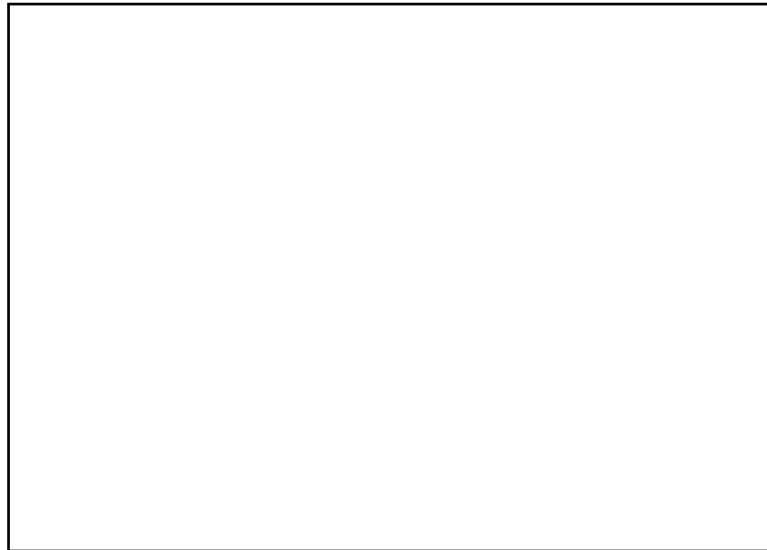


RECORDING INFORMATION

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



**ORDINANCE NO. 2058**

**AN ORDINANCE VACATING A PORTION OF MULBERRY STREET AND A PART OF WABASH AVENUE 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 part thereof, within an incorporated area, they may vacate the street, 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 streets 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 a portion of Mulberry Street and part of Wabash Avenue in the City of Mt. Carmel, Wabash County, Illinois, being described as follows:

Beginning at an iron pin at the intersection of the Southwesterly right-of-way line of Mulberry Street and the Southeasterly right-of-way line of McDowell Street said point being the Northerly corner of Block F in what is known as a subdivision of the Commons, according to a plat recorded in Plat Record 1, at pages 54 and 55, in the Office of the Recorder of Wabash County, Illinois; thence North 64°53'29" East (all bearings referenced to NAD 1983 Illinois State Plane Coordinate System, East Zone (97)) along said Southeasterly right-of-way line of McDowell Street, 30.00 feet; thence South 24°56'51" East parallel with said Southwesterly right-of-way line of Mulberry Street, 300.00 feet; thence South 58°23'37" East, 117.93 feet to the Northeasterly right-of-way line of Mulberry Street; thence South 24°56'51" East along said Northeasterly right-of-way line of Mulberry Street, 110.00 feet to the Northwesterly right-of-way line of Wabash Avenue; thence North 40°13'24" East along said Northwesterly right-of-way line of Wabash Avenue, 68.58 feet; thence South 49°46'36" East perpendicular to said Northwesterly right-of-way line of Wabash Avenue, 40.00 feet to the intersection of the Southeasterly right-of-way line of Wabash Avenue and the Southwesterly right-of-way line of Seitz Avenue; thence South 39°55'33" West along said Southeasterly right-of-way line of Wabash Avenue, 198.00 feet to a railroad spike; thence continuing along said Southeasterly right-of-way line of Wabash Avenue, South 49°50'27" East, 21.30 feet to an iron pin; thence continuing along said Southeasterly right-of-way line of Wabash Avenue, South 42°40'05" West, 120.23 feet to an iron pin at the intersection of the Southwesterly right-of-way line of Wabash Avenue and the Northeasterly right-of-way line of the Southern Railroad; thence North 48°33'22" West along said Southwesterly right-of-way line of Wabash Avenue, 40.00 feet to an iron pin at the intersection of the Northwesterly right-of-way line of Wabash Avenue and said Northeasterly right-of-way line of the Southern Railroad; thence North 42°39'48" East along said Northwesterly right-of-way line of Wabash Avenue, 133.52 feet to a railroad spike at the intersection of said Northwesterly right-of-way line of Wabash Avenue and said Southwesterly right-of-way line of Mulberry Street; thence North 24°56'51" West along said Southwesterly line of Mulberry Street, 577.50 feet to the point of beginning, said tract containing 0.92 acres, more or less.

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 Mt. Carmel Public Utility Co., the adjoining landowner.

**Section 4.** Utility Easement from Mt. Carmel Public Utility Co. to The City of Mt. Carmel. A variable width general utility easement being over, under, and across a part of Mulberry Street, and a part of Wabash Avenue, and a part of Block F of the Commons all in the City of Mount Carmel, Wabash County, Illinois, being described as follows:

Beginning at an iron pin at the intersection of the Southwesterly right-of-way line of Mulberry Street and the Southeasterly right-of-way line of McDowell Street said point being the Northerly corner of Block F in what is known as a subdivision of the Commons, according to a plat recorded in Plat Record 1, at pages 54 and 55, in the Office of the Recorder of Wabash County, Illinois; thence North 64°53'29" East (all bearings referenced to NAD 1983 Illinois State Plane Coordinate System, East Zone (97)) along said Southeasterly right-of-way line of McDowell Street, 30.00 feet; thence South 24°56'51" East parallel with said Southwesterly right-of-way line of Mulberry Street, 300.00 feet; thence South 58°23'37" East, 117.93 feet to the Northeasterly right-of-way line of Mulberry Street; thence South 24°56'51" East along said Northeasterly right-of-way line of Mulberry Street, 110.00 feet to the Northwesterly right-of-way line of Wabash Avenue; thence North 40°13'24" East along said Northwesterly right-of-way line of Wabash Avenue, 68.58 feet; thence South 49°46'36" East perpendicular to said Northwesterly right-of-way line of Wabash Avenue, 40.00 feet to the intersection of the Southeasterly right-of-way line of Wabash Avenue and the Southwesterly right-of-way line of Seitz Avenue; thence South 39°55'33" West along said Southeasterly right-of-way line of Wabash Avenue, 198.00 feet to a railroad spike; thence continuing along said Southeasterly right-of-way line of Wabash Avenue, South 49°50'27" East, 21.30 feet to an iron pin; thence continuing along said Southeasterly right-of-way line of Wabash Avenue, South 42°40'05" West, 120.23 feet to an iron pin at the intersection of the Southwesterly right-of-way line of Wabash Avenue and the Northeasterly right-of-way line of the Southern Railroad; thence North 48°33'22" West along said Southwesterly right-of-way line of Wabash Avenue, 40.00 feet to an iron pin at the intersection of the Northwesterly right-of-way line of Wabash Avenue and said Northeasterly right-of-way line of the Southern Railroad; thence North 31°58'23" East, 75.00 feet; thence North 24°43'35" East, 79.50 feet to said Southwesterly right-of-way line of Mulberry Street; thence North 24°56'51" West along said Southwesterly line of Mulberry Street, 535.97 feet to the point of beginning.

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 \_\_\_\_\_ day of October, 2021.

CITY OF MT. CARMEL, ILLINOIS

\_\_\_\_\_  
JOE JUDGE, MAYOR

ATTEST: \_\_\_\_\_

RYAN TURNER, CITY CLERK

Vote: Commissioner Dulgar \_\_\_\_\_

Commissioner Ikemire \_\_\_\_\_

Commissioner Meeks \_\_\_\_\_

Commissioner Zimmerman \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passed and Approved: \_\_\_\_\_

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 2058 passed and approved by the City Council of the City of Mount Carmel at its regular meeting held October \_\_\_\_, 2021.

In testimony whereof, I have hereunto set my hand and affixed the seal of the City of Mount Carmel at my office this \_\_\_\_ day of October, 2021.

**(SEAL)**

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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 \_\_\_, 2021, the Corporate Authorities of such municipality passed and approved Ordinance Number 2050, entitled **AN ORDINANCE VACATING A PORTION OF MULBERRY STREET AND A PART OF WABASH AVENUE 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. 2058 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 \_\_\_, 2021 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 \_\_\_ day of October, 2021.

(SEAL)

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CITY CLERK