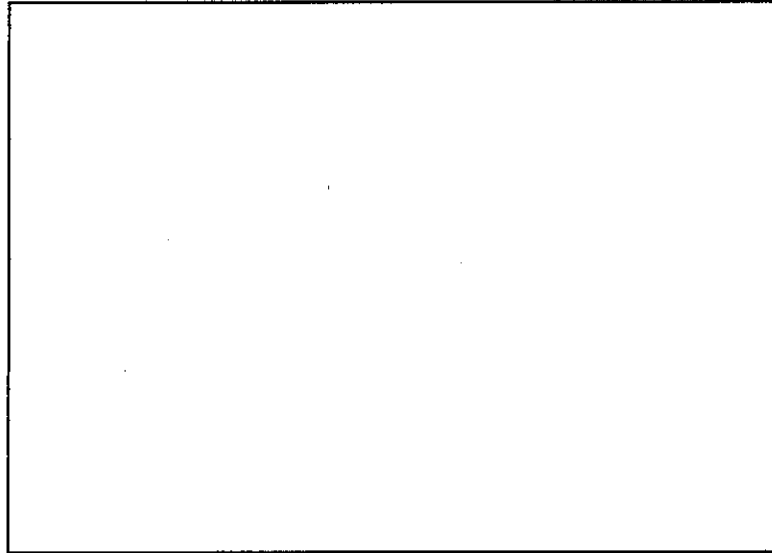


RECORDING INFORMATION

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



**ORDINANCE NO. 2096**

**AN ORDINANCE VACATING A PORTION OF A STREET 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); and

**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); and

**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); and

**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 a street 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 the North Half of Erin Drive being a part of Ashley Brooke Estates Block "A" of part of Lot 4 of Section 8, Township 1 South, Range 12 West of the Second Principal Meridian, Wabash County, Illinois, as recorded in Plat Cabinet 4, Slide 24 in the Wabash County Recorder's Office, in the City of Mt. Carmel, Wabash County, Illinois, being more particularly described as follows:

**Tract 1:**

Commencing at an iron pin at the Northeast corner of Lot 15 of said Ashley Brooke Estates Block "A"; thence North 00°35'59" (all bearings referenced to NAD 1983 Illinois State Plane Coordinate System, East Zone (2011)) along the East line of said Erin Drive, 25.00 feet to the centerline of said Erin Drive and the point of beginning; thence South 89°53'10" West along said centerline, 78.60 feet to the Southerly projection of the East line of Lot 13 of Said Ashley Brook Estates Block "A"; thence North 00°16'41" West along said Southerly projection, 25.00 feet to an iron pin at the Southeast corner of said Lot 13; thence North 89°53'10" East along the North line of said Erin Drive, 78.46 feet to an iron pin at the Northeast corner of said Erin Drive; thence South 00°35'59" East along said East Line, 25.00 feet to the point of beginning.

**See Exhibit A attached hereto.**

**Section 3.** Ownership of the vacated real estate described in Section 2 is hereby transferred to Dennis Baumgart, the adjoining landowner.

**Section 4.** Stanley Baumgart the other adjoining landowner agrees to forego his landowner rights to the vacated portion of Erin Drive.

**Section 5.** The City of Mt. Carmel does hereby Reserve unto the City of Mt. Carmel a general utility easement of said described tract 1.

**Section 6.** The City hereby vacates a portion of the North Half of Erin Drive being a part of Ashley Brooke Estates Block "A" of part of Lot 4 of Section 8, Township 1 South, Range 12 West of the Second Principal Meridian, Wabash County, Illinois, as recorded in Plat Cabinet 4, Slide 24 in the Wabash County Recorder's Office, in the City of Mt. Carmel, Wabash County, Illinois, being more particularly described as follows:

**Tract 2:**

Beginning at an iron pin at the Northeast corner of Lot 15 of said Ashley Brooke Estates Block "A"; thence South 89°53'10" West (all bearings referenced to NAD 1983 Illinois State Plane Coordinate System, East Zone (2011)) along the North line of said Lot 15, 78.74 feet to the Southerly projection of the East line of Lot 13 of said Ashley Brooke Estates Block "A"; thence North 00°16'41" West along said Southerly projection 25.00 feet to the Centerline of said Erin Drive; thence North 89°53'10" East along said centerline, 78.60 feet to the East line of said Erin Drive; thence South 00°35' 59" East along said East line, 25.00 feet to the point of beginning.

See Exhibit A attached hereto.

**Section 7.** Ownership of the vacated real estate described in Section 5 is hereby transferred to Dennis Baumgart, the adjoining landowner.

**Section 8.** Leon Appleby the other adjoining landowner agrees to forego his landowner rights to the vacated portion of Erin Drive.

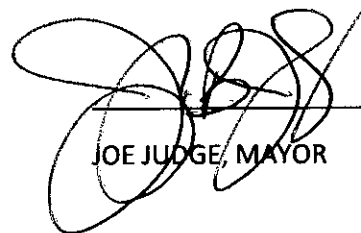
**Section 9.** The City of Mt. Carmel does hereby Reserve unto the City of Mt. Carmel a general utility easement of said described tract 2.

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 16<sup>th</sup> day of October, 2023.

CITY OF MT. CARMEL, ILLINOIS



JOE JUDGE, MAYOR

ATTEST:



RYAN TURNER, CITY CLERK

Vote: Commissioner Meador

Yes

Commissioner Ikemire

Yes

Commissioner Meeks

Yes

Commissioner Zimmerman

Yes

First Reading:

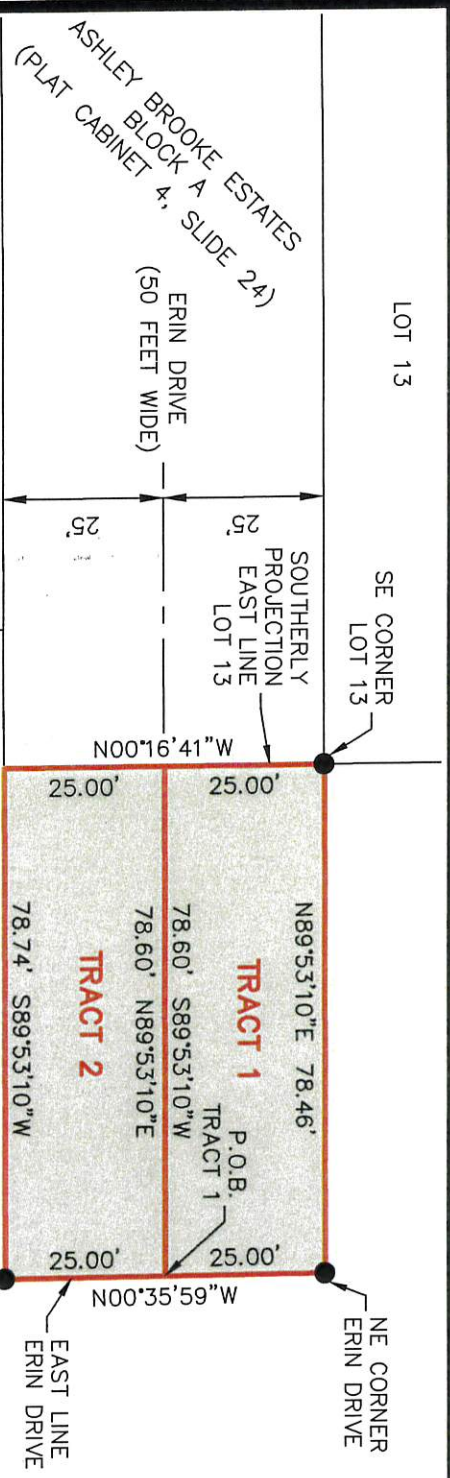
October 2, 2023

Second Reading:

October 16, 2023

Passed and Approved:

yes RZ



PLAT OF SURVEY  
PARTIAL VACATION OF ERIN DRIVE  
A PART OF ASHLEY BROOKE ESTATES BLOCK "A"  
PART OF LOT 4 OF SECTION 8,  
TOWNSHIP 1 SOUTH, RANGE 12 WEST  
OF THE SECOND PRINCIPAL MERIDIAN,  
WABASH COUNTY, ILLINOIS

TRACT 1:  
A part of the North Half of Erin Drive being a part of Ashley Brooke Estates Block "A" of Part of Lot 4 of Section 8, Township 1 South, Range 12 West of the Second Principal Meridian, Wabash County, Illinois, as recorded in Plat Cabinet 4, Slide 24 in the Wabash County Recorder's Office, being more particularly described as follows:

Commencing at an iron pin at the Northeast corner of Lot 15 of said Ashley Brooke Estates Block "A", thence North 00°35'59" West (all bearings referenced to NAD 1983 Illinois State Plane Coordinate System, East Zone (2011)) along the East line of said Erin Drive, 25.00 feet to the centerline of said Erin Drive and the point of beginning; thence South 89°53'10" West along said centerline, 78.60 feet to the Southerly projection of the East line of Lot 13 of said Ashley Brooke Estates Block "A", thence North 00°16'41" West along said Southerly projection, 25.00 feet to an iron pin at the Southeast corner of said Lot 13; thence North 89°53'10" East along the North line of said Erin Drive, 78.46 feet to an iron pin at the Northeast corner of said Erin Drive; thence South 00°35'59" East along said East line, 25.00 feet to the point of beginning.

THE CITY OF MT. CARMEL RESERVES a water line easement, storm sewer easement, and sanitary sewer easement being over, under, and across the entire above described tract.

TRACT 2:  
A part of the South Half of Erin Drive being a part of Ashley Brooke Estates Block "A" of Part of Lot 4 of Section 8, Township 1 South, Range 12 West of the Second Principal Meridian, Wabash County, Illinois, as recorded in Plat Cabinet 4, Slide 24 in the Wabash County Recorder's Office, being more particularly described as follows:

Beginning at an iron pin at the Northeast corner of Lot 15 of said Ashley Brooke Estates Block "A", thence South 89°53'10" West (all bearings referenced to NAD 1983 Illinois State Plane Coordinate System, East Zone (2011)) along the North line of said Lot 15, 78.74 feet to the Southerly projection of the East line of Lot 13 of said Ashley Brooke Estates Block "A", thence North 00°16'41" West along said Southerly projection, 25.00 feet to the centerline of said Erin Drive; thence North 89°53'10" East along said centerline, 78.60 feet to the East line of said Erin Drive; thence South 00°35'59" East along said East line, 25.00 feet to the point of beginning.

THE CITY OF MT. CARMEL RESERVES a water line easement, storm sewer easement, and sanitary sewer easement being over, under, and across the entire above described tract.

APPROVAL

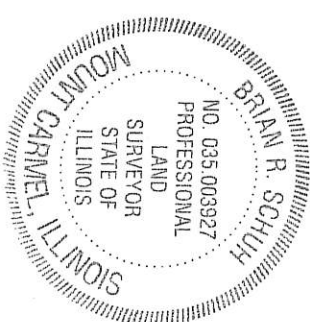
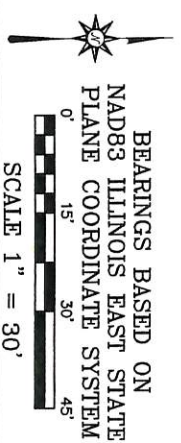
The partial street vacation of Erin Drive as shown on this Plat is hereby approved by the City of Mt. Carmel on October 16, 2023.

Mayor, City of Mt. Carmel  
*[Signature]*

City Clerk, City of Mt. Carmel

LEGEND

- IRON PIN FOUND
- POINT OF BEGINNING
- POINT OF COMMENCEMENT
- AREA TO BE VACATED



This professional service conforms to the current Illinois minimum standards for a boundary survey. This is a plat of survey made by me on September 13, 2023 for the City of Mt. Carmel.

*Brian R. Schuh* 9-13-2023

Brian R. Schuh, PLS ILLINOIS LICENSE NO. 035.003927  
License Expiration Date 11/30/2024

SURVEYOR'S NOTES:

- 1) FIELDWORK FOR THIS PROJECT WAS COMPLETED ON MAY 1, 2023.
- 2) MEASUREMENTS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
- 3) IT IS NOT WARRANTED THAT THIS PLAT CONTAINS COMPLETE INFORMATION PERTAINING TO EASEMENTS OF RECORD, ENCUMBRANCES, RIGHTS OF TITLE, RESTRICTIVE COVENANTS, RESERVATIONS OR RIGHTS-OF-WAY. A TITLE OPINION OR TITLE INSURANCE SHOULD BE OBTAINED FOR COMPLETE INFORMATION.
- 4) I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY.
- 5) THIS PLAT SHALL NOT BE VALID WITHOUT THE SEAL AND SIGNATURE OF THE SURVEYOR NOTED.

Hampton, Lenzini and Renwick, Inc. Civil & Structural Engineers, Land Surveyors, Environmental Services ELGIN - SPRINGFIELD - CRYSTAL LAKE - MT. CARMEL www.hrengr.com	
PROJECT NO. 23.0295.220	MT. CARMEL OFFICE
323 WEST THIRD STREET P.O. BOX 160 MT. CARMEL, ILLINOIS 62863 PHONE: 618.262.9651	
Drawn By: BRS	Checked By: BRS
Date: 8/13/2023	SCALE: 1" = 30'



Stanley Baumgart agrees to forego his landowner rights to the partial road vacation of Erin Drive in the City of Mt. Carmel being a part of Ashley Brooke Estates Block "A" of Part of Lot 4 of Section 8, Township 1 South, Range 12 West of the Second Principal Meridian, Wabash County, Illinois, as recorded in Plat Cabinet 4, Slide 24 in the Wabash County Recorder's Office, of which a detailed description of is shown in Exhibit "A" of this document.

By:

*Stanley Baumgart*  
Signature

Stanley Baumgart

Print Name (Grantor)

in Plat Cabinet

shown in Exhibit

State of Illinois

) SS.

County of Union

This document was acknowledged before me on

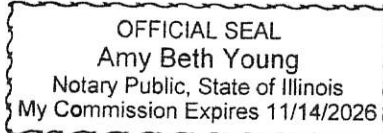
sep 6, 2023

by

Print

Amy Beth Young

State of



(SEAL)

*Amy Beth Young*

Notary Public

My Commission Expires:

11/14/2026

Disclaimer: This document was prepared by Dennis Baumgart and not prepared by an attorney and it is not guaranteed that the language in this document is legally binding, sufficient, or warranted in any form and is not meant for recording purposes. The Exhibit "A" tract descriptions were prepared by Brian R. Schuh PLS 3927.

Leon Applebey agrees to forego his landowner rights to the partial road vacation of Erin Drive in the City of Mt. Carmel being a part of Ashley Brooke Estates Block "A" of Part of Lot 4 of Section 8, Township 1 South, Range 12 West of the Second Principal Meridian, Wabash County, Illinois, as recorded in Plat Cabinet 4, Slide 24 in the Wabash County Recorder's Office, of which a detailed description of is shown in Exhibit "A" of this document.

By:

  
Signature

Leon Applebey

Print Name (Grantor)

State of Illinois

) SS.

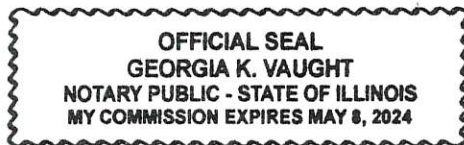
County of Wabash

This document was acknowledged before me on

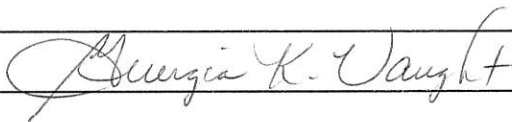
by

Leon Applebey

August 26, 2023



(SEAL)



Notary Public

May 8, 2024

My Commission Expires:

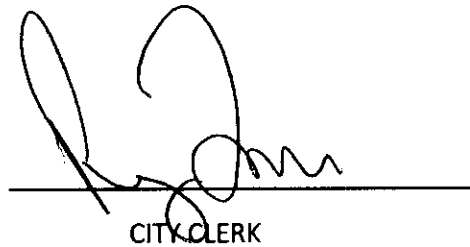
Disclaimer: This document was prepared by Dennis Baumgart and not prepared by an attorney and it is not guaranteed that the language in this document is legally binding, sufficient, or warranted in any form and is not meant for recording purposes. The Exhibit "A" tract descriptions were prepared by Brian R. Schuh PLS 3927.

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 2096 passed and approved by the City Council of the City of Mount Carmel at its regular meeting held October 16, 2023.

In testimony whereof, I have hereunto set my hand and affixed the seal of the City of Mount Carmel at my office this 16<sup>th</sup> day of October, 2023.

(SEAL)



CITY CLERK



STATE OF ILLINOIS

COUNTY OF WABASH

CERTIFICATE OF PUBLICATION

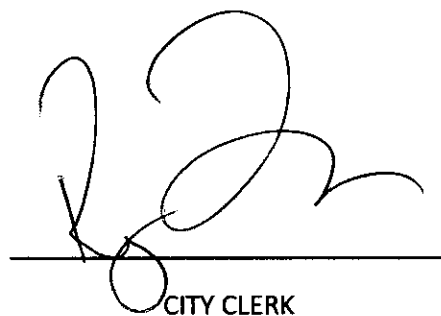
I, Ryan Turner, certify that I am the duly appointed and acting City Clerk of the City of Mt. Carmel, Wabash County, Illinois.

I further certify that on October 16, 2023, the Corporate Authorities of such municipality passed and approved Ordinance Number 2096, entitled **AN ORDINANCE VACATING A PORTION OF A STREET 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. 2096 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 16, 2023 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 16<sup>th</sup> day of October, 2023.

(SEAL)



CITY CLERK