

ORDINANCE NO. 1529

**ORDINANCE VACATING THE ALLEY NEAR PRAIRIE, PLUM, AND RHODEN
STREETS, LOCATED IN CITY OF LEBANON, ILLINOIS**

WHEREAS, the City of Lebanon, St. Clair County, Illinois (hereinafter "City"), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, the Alley being proposed for vacation runs through Block No. 25 of "LEBANON DEPOT", reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Plat "A" on Pages 3 and 4; and

WHEREAS, the Plat of Survey of Block No. 25 of "LEBANON DEPOT" shows an approximately thirty foot (30 ft.) wide alley running North to South between Prairie Street and Rhoden Street, and east of Plum Street (hereinafter "Alley") (see Plat of Survey attached hereto as **Exhibit A**); and

WHEREAS, City owns the Alley shown on the St. Clair County, IL GIS Map attached hereto as **Exhibit B**; and

WHEREAS, City desires to retain control over access to the Alley for purposes of servicing or installing any needed utilities, as well as retain control over access for future easements that may be needed in the Alley; and

WHEREAS, the owners of the property in Block No. 25 of "LEBANON DEPOT" are as follows:

East side of the Alley:

1. (1 and 2)
Parcel Number: 05300209026
Acreage: 0.34
Assessor ID: 05-30.0-209-026
Site Address: VINE ST
site City Zip: LEBANON, IL 62254
Subdivision: LEBANON DEPOT ADD
Owner: CHRISSIE TURNER
Owner Address: 801 PLUM ST

2. (3 and 4)
Parcel Number: 05300209027
Acreage: 0.34
Assessor ID: 05-30.0-209-027
Site Address: VINE ST
site City Zip: LEBANON, IL 62254

Subdivision: LEBANON DEPOT ADD
Owner: CHRISSIE TURNER
Owner Address: 801 PLUM ST

3. (5)

Parcel Number: 05300209012
Acreage: 0.17
Assessor ID: 05-30.0-209-012
Site Address: PLUM ST
site City Zip: LEBANON, IL 62254
Subdivision: LEBANON DEPOT ADD
Owner: PAULETTE BROWN CHATMAN
Owner Address: 230 N MADISON ST APT 5

4. (6)

Parcel Number: 05300209013
Acreage: 0.17
Assessor ID: 05-30.0-209-013
Site Address: PLUM ST
site City Zip: LEBANON, IL 62254
Subdivision: LEBANON DEPOT ADD
Owner: PAULETTE BROWN CHATMAN
Owner Address: 230 N MADISON ST APT 5

5. (7)

Parcel Number: 05300209014
Acreage: 0.17
Assessor ID: 05-30.0-209-014
Site Address: VINE ST
site City Zip: LEBANON, IL 62254
Subdivision: LEBANON DEPOT ADD
Owner: PAULETTE BROWN CHATMAN
Owner Address: 230 N MADISON ST APT 5

West Side of the Alley:

6. (8 and 9)

Parcel Number: 05300209025
Acreage: 0.26
Assessor ID: 05-30.0-209-025
Site Address: 828 S PLUM ST
site City Zip: LEBANON, IL 62254
Subdivision: LEBANON DEPOT ADD
Owner: EDNA GARMON
Owner Address: 828 S PLUM ST

- 7. (10)
 - Parcel Number: 05300209024
 - Acreage: 0.26
 - Assessor ID: 05-30.0-209-024
 - Site Address: 824 S PLUM ST
 - site City Zip: LEBANON, IL 62254
 - Subdivision: LEBANON DEPOT ADD
 - Owner: ELMER L & CHRISSIE L TURNER
 - Owner Address: 824 S PLUM ST

- 8. (11 and 12)
 - Parcel Number: 05300209021
 - Acreage: 0.34
 - Assessor ID: 05-30.0-209-021
 - Site Address: 822 S PLUM ST
 - site City Zip: LEBANON, IL 62254
 - Subdivision: LEBANON DEPOT ADD
 - Owner: CHARLES & BETTY BENNETT
 - Owner Address: 411 URSULA DR

- 9. (13 and 14)
 - Parcel Number: 05300209022
 - Acreage: 0.34
 - Assessor ID: 05-30.0-209-022
 - Site Address: 519 PRAIRIE ST
 - site City Zip: LEBANON, IL 62254
 - Subdivision: LEBANON DEPOT ADD
 - Owner: CHARLES E & BETTY J BENNETT
 - Owner Address: 411 URSULA DR

(hereinafter "Property"); and

WHEREAS, the Alley runs through the Property; and

WHEREAS, Charles & Betty Bennett have requested that City vacate the right-of-way in the Alley, pursuant to Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1); and

WHEREAS, City has determined the public interest will be subserved by vacating the right-of-way in the Alley, and conveying the fee simple interest in the Alley to the owners of the Property, with each Property owner receiving approximately half of the vacated alley abutting the rear of their Property, or approximately fifteen feet (15 ft.) of real property; and

WHEREAS, City has determined the public interest will be subserved by vacating the right-of-way in the Alley and retaining City's perpetual right to:

1. water line easement;
2. sanitary sewer line easement;
3. storm sewer line easement;
4. electric line easement;
5. fiber optic cable easement;
6. all easements known and unknown; and
7. easements for all appurtenances thereto.

Said easements granted to City shall blanket and cover completely the area of the right-of-way in the Alley being vacated; and

WHEREAS, 519 Prairie Street, Parcel Number: 05300209022, owned by Charles and Betty Bennett, currently shows half of a house that extends into half of the Alley. This structure shall be allowed to remain in the Alley after the vacation by the City. This structure shall be deemed to be solely on the Property of Charles and Betty Bennett as it extends approximately fifteen feet (15 ft.) into the Alley. The easements given by the Property Owners shall not extend into this house that is located in half the Alley at the time of the vacation. Any set-back issues shall be dealt with by the City Planning Board; and

WHEREAS, a Plat of Survey of Block No. 25 of "LEBANON DEPOT", of the right-of-way to be vacated in the Alley previously described, shall be recorded with the St. Clair County, Illinois, Recorder ("Recorder") (**Exhibits A, B**); and

WHEREAS, this Ordinance should take effect immediately upon its passage and approval in accordance with Illinois law; and

WHEREAS, City has determined the Mayor is authorized and directed to execute any documents that are required to complete this transaction pursuant to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1. The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

Section 2. The right-of-way in the Alley is vacated by City, and fee simple interest in the Alley is conveyed by City to the Property Owners with each Property Owner receiving approximately half of the vacated alley abutting the rear of their Property, or approximately fifteen feet (15 ft.) of real property.

Section 3. In consideration for vacating the Alley to the Property Owners, City retains the following rights to the Alley:

1. City retains perpetual easements for:
 - a. water line easement;
 - b. sanitary sewer line easement;
 - c. storm sewer line easement;
 - d. electric line easement;
 - e. fiber optic cable easement;
 - f. all easements known and unknown; and
 - g. easements for all appurtenances thereto.

Section 4. The water line easement reserved perpetually to the City of Lebanon, Illinois, shall be for the purposes of erecting, constructing, installing, laying, and thereafter using, operating, inspecting, repairing, maintaining, replacing, and removing water transmission, distribution lines, valves, equipment, manholes and other appurtenances in, on, over, across, under and through the blanket easement area, as described above.

Section 5. The sanitary sewer line easement reserved perpetually to the City of Lebanon, Illinois, shall be for the purposes of erecting, constructing, installing, laying, and thereafter using, operating, inspecting, repairing, maintaining, replacing, and removing sanitary sewer transmission, distribution lines, valves, equipment, manholes and other appurtenances in, on, over, across, under and through the blanket easement area, as described above.

Section 6. The storm sewer line easement reserved perpetually to the City of Lebanon, Illinois, shall be for the purposes of erecting, constructing, installing, laying, and thereafter using, operating, inspecting, repairing, maintaining, replacing, and removing storm sewer lines transmission, distribution lines, valves, equipment, manholes and other appurtenances in, on, over, across, under and through the blanket easement area, as described above.

Section 7. The electric line easement reserved perpetually to the City of Lebanon, Illinois, shall be for the purposes of constructing, operating, maintaining, repairing, inspecting, changing, altering, improving, and removing underground or overhead (or both or each in part at any time and from time to time), electric transmission and distribution systems and all equipment attendant to electric transmission and distribution systems, in, on, over, across, under and through the blanket easement area, as described above.

Section 8. The fiber optic cable easement reserved perpetually to the City of Lebanon, Illinois, shall be for the of erecting, constructing, installing, laying, and thereafter using, operating, inspecting, repairing, maintaining, replacing, and removing fiber optic communication distribution lines, including, but not restricted to, underground cables, conduits, ducts, concrete envelopes, sand bedding, conductors, cabinets, secondary service pedestals, and other appurtenances in, on, over, across, under and through the blanket easement area, as described above.

Section 9. The water line easement, sanitary sewer easement, storm sewer line easement, electric line easement, fiber optic cable easement, any and all easements for known and unknown utilities, and the easement for all appurtenances thereto, reserved perpetually to the City of Lebanon, Illinois, also reserve and secure to the City of Lebanon, Illinois, the following rights: that is, the right to use (for the purposes described in Sections 3, 4, 5, 6, 7, 8 above) the adjacent roads, streets, and alleys and to use reasonable working space adjacent to the easement tract during erection, reconstruction, operation, maintenance, renewal, or removal of the facilities, and the right of ingress to and egress from the easement tract (for the purposes described in Sections 3, 4, 5, 6, 7, 8 above) over existing roadways or over a feasible route designated by the owner (or owners) of the adjoining land in which the fee simple interest of the vacated portion of the right-of-way has been vested (hereinafter referred to as the "Grantee") or its successors and assigns; the right to control the growth of any trees, shrubs, or saplings on the easement tract and to clear the easement tract of any obstacles and obstructions which interfere or threaten to interfere with the safe, proper, and expeditious construction, operation, and maintenance of the lines and systems on the easement tract, or which create hazardous conditions, and to keep the easement tract clear of such obstacles and obstructions for any of these purposes under varying conditions of operation without further payment therefore.

Section 9. The Grantee shall have the right to make any use of the blanket easement area so long as such use shall not interfere with the purpose of the easements described in Sections 3, 4, 5, 6, 7, 8 above, or create a hazardous condition; provided also, that the Grantee shall not make any excavation on the blanket easement area without the prior written consent of the City of Lebanon, Illinois, and then only in such manner as will not disturb or interfere with City of Lebanon's facilities located therein; nor shall the Grantee place buildings or permanent structures on the blanket easement area. (A parking lot – regardless of whether it be covered in gravel, asphalt, concrete, or other material – shall not be deemed to be a "building or permanent structure" within the meaning of this prohibition.) If the Grantee should place any buildings or permanent structures or parking lots on the blanket easement area, which are damaged in any way by the City of Lebanon's maintenance, repair, removal, or installation of facilities on the blanket easement area, the City of Lebanon, Illinois, shall not be liable for such damage, and the Grantee alone shall bear the cost of repairing such damage.

Section 10. 519 Prairie Street, Parcel Number: 05300209022, owned by Charles and Betty Bennett, currently shows half of a house that extends into half of the Alley (**Exhibit A**), and shall be treated as follows:

- a. This structure shall be allowed to remain in the Alley after the vacation by the City.
- b. This structure shall be deemed to be solely on the Property of Charles and Betty Bennett as it extends approximately fifteen feet (15 ft.) into the Alley.
- c. The easements given by the Property Owners shall not extend into this house that is located on half the Alley at the time of the vacation.
- d. Any set-back issues shall be dealt with by the City Planning Board.

Section 11. A Certified Copy of this ordinance, including the Plat of Vacation (**Exhibit A**), shall be recorded in Recorder's Office promptly.

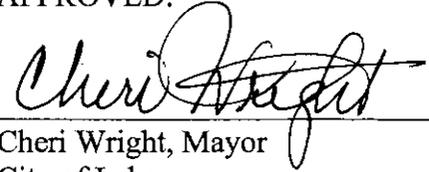
Passed by the City Council and approved by the Mayor of the City of Lebanon, Illinois, and deposited and filed in the office of the City Clerk on the 12th day of September 2022, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: 7 Alderperson Duckworth, Fero, Mack, McPeck, Washington, Wilkens and Witty

NOES: 0

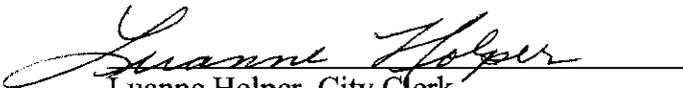
ABSTAIN: 1 Alderperson Bennett

APPROVED:



Cheri Wright, Mayor
City of Lebanon
St. Clair County, Illinois

ATTEST:



Luanne Holper, City Clerk
City of Lebanon
St. Clair County, Illinois

EXHIBIT A

Plat of Survey

PLAT OF SURVEY
LOTS 11, 12, 13 AND 14 OF BLOCK 25 OF THE PLAT OF LEBANON "LEBANON DEPOT"
BEING PART OF THE NORTHEAST QUARTER OF SECTION 30,
TOWNSHIP 2 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN,
CITY OF LEBANON, ST. CLAIR COUNTY, IL
PLAT BOOK A PAGE 3

TWM
 CONSULTING ENGINEERING
 GEOSPATIAL SERVICES

ILLINOIS | SWANSEA
 WATERLOO
 EDWARDSVILLE
 PEORIA

MISSOURI | ST. CHARLES
 ST. LOUIS

TENNESSEE | NASHVILLE

THIS IS TO CERTIFY THAT THOUVENOT, WADE, & MOERCHEN, INC., HAS DURING THE MONTH OF MAY 2022, AT THE REQUEST OF CHARLES BENNETT PERFORMED A BOUNDARY SURVEY OF THE TRACT SHOWN HEREON AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION THEREOF.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 DATE OF PLAT OR MAP: JUNE 3, 2022.

JOSEPH W. MOERCHEN _____ DATE: _____
 LICENSE NUMBER: 035-003639
 EXPIRATION DATE: NOVEMBER 30, 2022

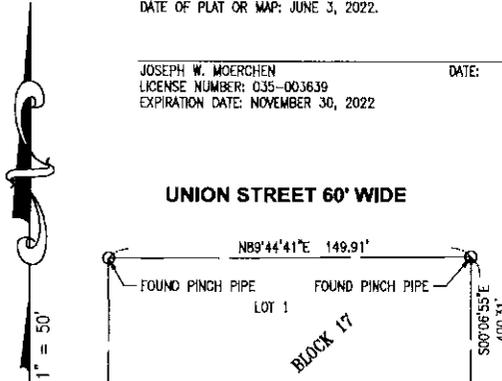
THOUVENOT, WADE & MOERCHEN, INC.
 SWANSEA OFFICE:
 4940 OLD COLLINSVILLE RD.
 SWANSEA, ILLINOIS
 62226-2025
 TEL. (618) 624-4488
 WWW.TWM-INC.COM

LO2-220591

PROJECT: LOTS 11, 12, 13 AND 14
 OF BLK 25 OF THE PLAT OF
 LEBANON "LEBANON DEPOT" BEING
 PT. OF THE NE 1/4 OF SEC. 30, T. 2 N.,
 R. 6 W. OF THE 3RD P.M., CITY OF
 LEBANON, ST. CLAIR COUNTY, IL

TITLE:
 PLAT OF SURVEY

SHEET 1 OF 1



- LEGEND**
- FOUND IRON PIN/PIPE (UNLESS OTHERWISE NOTED)
 - 1/2"x24" IRON PIN SET WITH CAP (UNLESS OTHERWISE NOTED)
 - N/F NOW OR FORMERLY OWNED BY
 - (XXX.XX') RECORD DIMENSION

- BOUNDARY LINE
- RIGHT OF WAY LINE
- DEED LOT LINE
- PLATTED LOT LINE
- ▨ BUILDING



GENERAL NOTES:

- 1.) THIS SURVEY IS ONLY VALID TO THOSE WHO IT IS ORIGINALLY CERTIFIED TO. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS, WITHOUT WRITTEN AUTHORIZATION FROM THOUVENOT, WADE AND MOERCHEN INC.
- 2.) ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
- 3.) BASIS OF BEARINGS AND COORDINATES: ALL DISTANCES AND COORDINATES SHOWN HEREON ARE GROUND (GRID SCALED) VALUES AND REFERENCED TO ILLINOIS STATE PLANE COORDINATE SYSTEM, WEST ZONE.

LINEAR UNIT: US SURVEY FEET (SFT)
 GEODETIC DATUM: NAD 83 (2011)
 VERTICAL DATUM: NAVD 88 (GEOID 18)
 PROJECT LOCATION:

LATITUDE: 38°35'41.75271"N NORTHING: 702320.702 SFT
 LONGITUDE: 89°48'05.96911"W EASTING: 2400904.158 SFT
 HEIGHT: 341.96 FT ELEV: 442.56 FT
 CM SCALE FACTOR: 1.0000627005

FIELD WORK COMPLETED ON MAY 26, 2022.

LEGAL DESCRIPTION

PARCEL 1:

LOTS NO. 13 AND 14 IN BLOCK NO. 25 OF "LEBANON DEPOT"; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF ST. CLAIR COUNTY, ILLINOIS, IN BOOK OF PLATS "A" ON PAGES 3 AND 4.

EXCEPT THE COAL UNDERLYING THE SURFACE OF SAID LAND AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL.

SITUATED IN ST. CLAIR COUNTY, ILLINOIS.

PARCEL 2:

LOTS NO. 11 AND 12 IN BLOCK NO. 25 OF "LEBANON DEPOT"; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF ST. CLAIR COUNTY, ILLINOIS, IN BOOK OF PLATS "A" ON PAGES 3 AND 4.

EXCEPT THE COAL UNDERLYING THE SURFACE OF SAID LAND AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL.

SITUATED IN ST. CLAIR COUNTY, ILLINOIS.

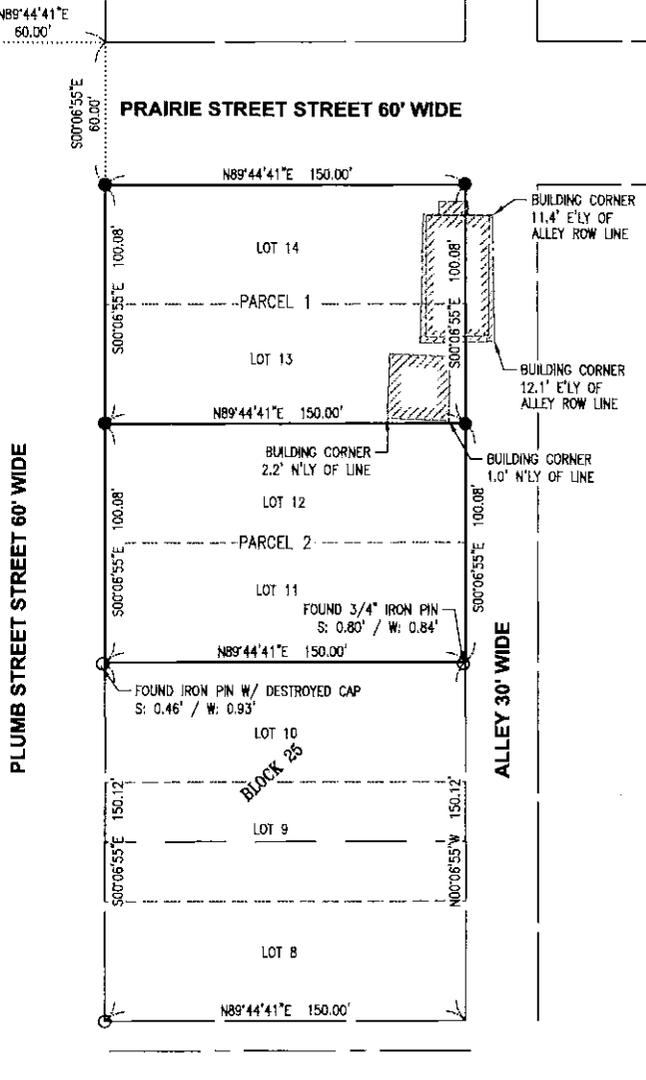
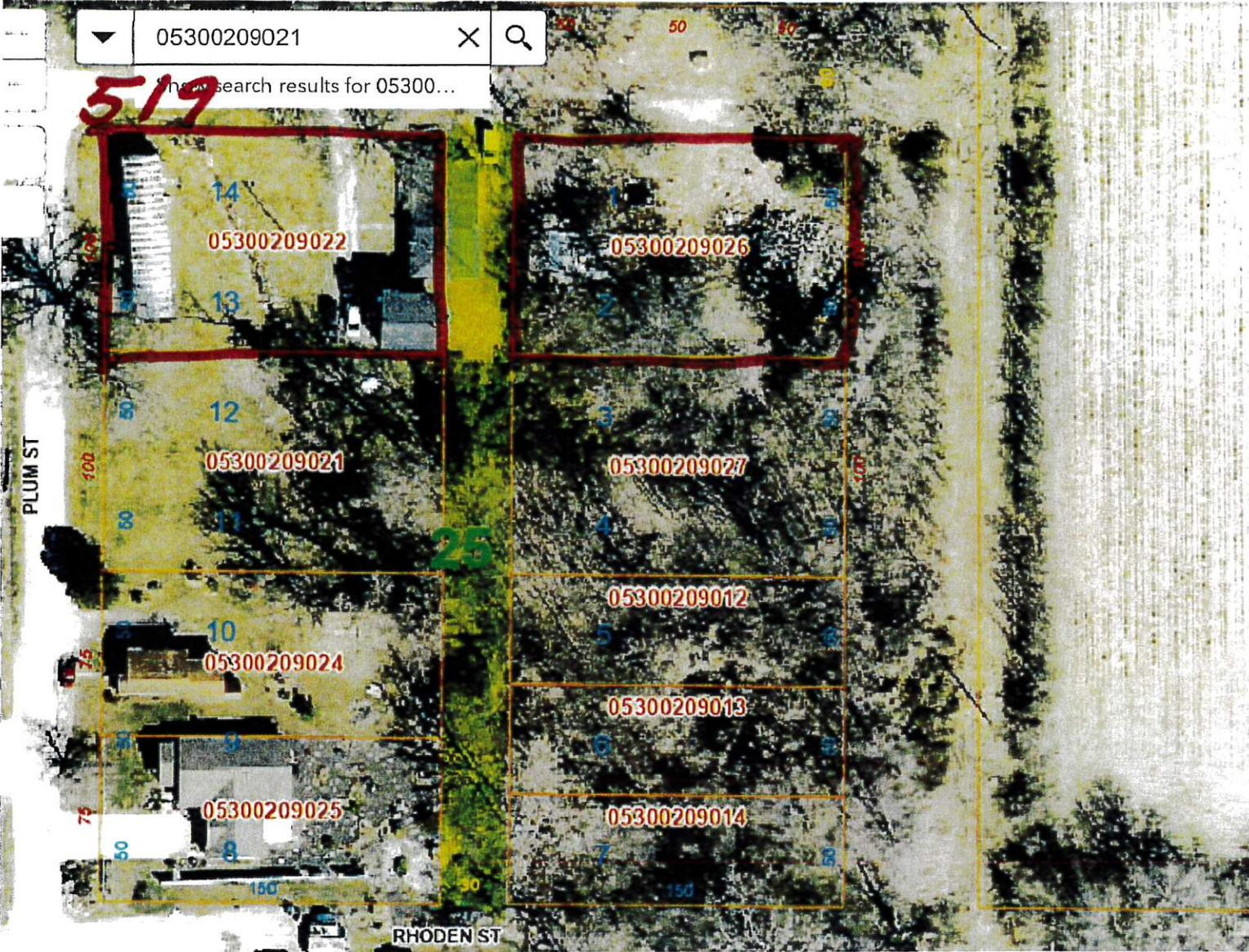


EXHIBIT B

GIS Map of 519 E Prairie St.



C. BENNETT
519. PRAIRIE



▼ 05190103006 X Q

Show search results for 05190...



PRAIRIE ST

519 PRAIRIE

14 C. BENNETT

05300209022

13

1

2