

ORDINANCE NO. 876

AN ORDINANCE OF THE VILLAGE OF COBDEN, ILLINOIS,
PASSED AND ADOPTED BY THE VILLAGE BOARD OF
TRUSTEES, AUTHORIZING THE VACATION OF A PORTION
OF A VILLAGE ALLEY BETWEEN SOUTH WALKER AND
SOUTH APPLEKNOCKER STREETS FOR USE BY THE FIRST
BAPTIST CHURCH OF COBDEN IN CONNECTING ITS EXISTING
BUILDINGS AND A NEW WORSHIP CENTER, AND
AUTHORIZING VILLAGE OFFICIALS TO EXECUTE CERTAIN
DOCUMENTS SO AS TO EFFECTUATE SAID VACATION

THAT WHEREAS, the First Baptist Church of Cobden, Illinois, has continuously operated in and been a vital part of a vibrant religious community within the Village of Cobden for excess of one hundred (100) years; and

WHEREAS, the Church is constructing a new Worship Center on its property in Block "C" of A. J. Buck's Addition to the town of South Pass, now the Village of Cobden; and

WHEREAS, there lies an existing, dedicated, platted and improved 16.5 foot Village alley which runs between Lots 11 and 12, where the current Church buildings are situated, and Lots 13 and 14, where the Church is constructing its new Worship Center, all in Block "C" of A. J. Buck's addition to the town of South Pass, now the Village of Cobden; and

WHEREAS, the Church has petitioned the Village to vacate that portion of said alley which bisects its property so as to construct a connecting hallway/structure between its existing buildings and the new Worship Center; and

WHEREAS, there is located under said alley a natural gas transmission line which is owned, operated and maintained by the Village which services surrounding

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customers/citizens which cannot economically be moved and which must continue in operation and be used by the Village for years to come; and

WHEREAS, the parties have reached agreement to allow the Church to construct said connecting hallway/structure by vacating and conveying to the Church that portion of said alley which bisects Church property, in exchange for a perpetual, exclusive easement to access and repair said gas transmission line, with the Church agreeing to pay for the installation of a new gas transmission line by the Village in an alley running between South Walker and South Appleknocker Streets, a portion of which alley will be vacated and covered by the Church structure (not exceeding \$12,000.00); and

WHEREAS, the parties have agreed to enter a written agreement which embodies and memorializes all of the terms and conditions of their Agreement which is done in the spirit of cooperation between the Village and the Church so as to foster cooperation between the Village and the Church and its members and assist the Church in its construction efforts; and

WHEREAS, on December 3, 2012, the Village held a public hearing as required by its Ordinances and State law, giving the public due notice and opportunity to be heard and object to the vacation of said alley; and

WHEREAS, after due consideration, the Village Board of Trustees believes that neither the Village, its residents or their interests will be substantially harmed in vacating that portion of the public alley which bisects property currently owned by the First Baptist Church of Cobden, and that the Village has taken sufficient action to safeguard

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and protect its interests in maintaining its right to use, repair and operate a natural gas transmission line upon that property.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Section 1. - That the Cobden Village Board of Trustees hereby approves and authorizes the vacation of that portion of a 16.5 foot Village alley, running between South Walker and South Appleknocker Streets, which bisects Lots 11 and 12 to the north, and Lots 13 and 14 to the south, in Block "C" in A. J. Buck's Addition to the town of South Pass, now the Village of Cobden, all of which property is owned, in fee simple title, by the First Baptist Church of Cobden, Illinois, which property is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference thereto.

Section 2. - That the Village President and the Village Clerk are hereby authorized to execute an Agreement between the Village and the First Baptist Church of Cobden, Illinois, as reviewed and agreed to by the Village Trustees, to execute a Quit-Claim Deed to the First Baptist Church of Cobden for that portion of the Village alley to be vacated, and to receive a perpetual Easement on behalf of the Village from the First Baptist Church of Cobden for the repair, maintenance and operation of a certain natural gas transmission line, currently situated upon and which shall remain upon that portion of the alley to be vacated by the Village.

Section 3. - That this Ordinance shall be effective immediately upon its passage.

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PASSED and ADOPTED this 22nd day
of JANUARY, 2013.

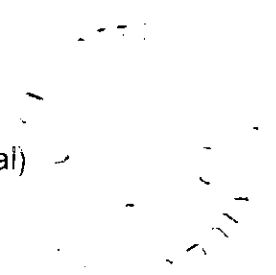

MOLLY BECKLEY, Village President

<u>RECORD OF VOTE:</u>	<u>YEA</u>	<u>NAY</u>
TRUSTEE BRUMLEVE	<u>X</u>	<u> </u>
TRUSTEE EDDINGTON	<u>X</u>	<u> </u>
TRUSTEE GOMEZ	<u>Absent</u>	<u> </u>
TRUSTEE MAZE	<u>X</u>	<u> </u>
TRUSTEE STEWART	<u>X</u>	<u> </u>
TRUSTEE SWEDLUND	<u>X</u>	<u> </u>

ATTEST:


KAREN WINZENBURGER, Village Clerk

(Corporate Seal)



FILED FOR RECORD ON 1-23, 2013.