

**ORDINANCE NO. 919**

**AN ORDINANCE VACATE EAST ELM STREET IN THE VILLAGE OF COBDEN,  
UNION COUNTY, ILLINOIS**

Adopted by the  
Village Board of Trustees  
of the  
Village of Cobden  
on this 4<sup>TH</sup> day of May, 2015

Published in pamphlet form by the authority of the Village Board of Trustees of the  
Village of Cobden, Union County, Illinois, on this 5<sup>th</sup> day of May, 2015.

## Ordinance No. 919

### Ordinance to Vacate East Elm Street in the Village of Cobden, Union County, Illinois

**WHEREAS**, Section 11-91-1 of the Illinois Municipal Code (65 ILCS 5/11-91-1) provides that the corporate authorities of a municipality may by ordinance vacate any street or alley, or part thereof, within their jurisdiction after determining that the public interest will be subserved by said vacation; and

**WHEREAS**, the requirements of the Illinois Municipal Code require a public hearing and for public notice of such hearing at least fifteen days prior to said passage of any ordinance vacating any street or alley; and

**WHEREAS**, Osage Enterprises, Inc. of Missouri, has requested that the Village of Cobden ("Village") vacate Elm Street ("Street") located between Old U.S. Route 51 and East Street; and

**WHEREAS**, the Village of Cobden is the abutting owner of properties on the north side of the Street (Property Index No. 14-00-09-985) and (Property Index No. 14-00-09-997) along with Gerald and Addie Scott (Property Index No. 04-30-02-755) and Gary Wright (Property Index No. 04-30-02-756 and the Village of Cobden (Property Index No. 04-30-02-753) are the abutting properties on the south side of the Street; and

**WHEREAS**, said vacation will not materially impair access to any property owner; and

**WHEREAS**, the Village Board finds that the Street is of no further use to the Village except as hereinafter provided; and

**WHEREAS**, the Village Board finds that Osage Enterprises, Inc. shall be responsible for all recording and legal fees and those shall be paid to the Village and are just and adequate; and

**WHEREAS**, certain public service facilities are situated in the Street; and

**WHEREAS**, the Village Board further finds that the public interest is best served by the Village's retention of a permanent easement in the Street for the maintenance, renewal, and reconstruction of those facilities; and

**WHEREAS**, the Village Board has determined that the nature and extent of the public use or public interest to be subserved is such as to warrant the vacation of the Street, particularly when considering the relief to the public from further burden and responsibility of maintaining the Street herein vacated.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Board of the Village of Cobden, Illinois, as follows:

### Section 1.

The Village Board of the Village of Cobden, Illinois, hereby vacates, subject to the terms set forth in this Ordinance, the following-described street:

The Permanent Identification Numbers of the properties abutting the street are:

04-30-02-753; 04-30-02-756; 04-30-02-755; 14-00-09-985; and 14-00-09-997

### Section 2.

Upon vacation of the above described street, title thereto shall vest in abutting property owners (in an amount of one-half the street width) stated above subject to the following conditions:

- a) A perpetual easement upon said vacated alley is hereby reserved for and granted to the Village of Cobden, Illinois, or others or any public utilities, their successors or assigns, to operate, maintain, renew, and reconstruct their facilities as now existing on, over, or under that part of the alley; and
- b) Osage Properties shall be responsible for all recording and legal fees associated with the vacating of the Street.

### Section 3.

The Mayor of the Village of Cobden, Illinois, be and the same is hereby authorized to execute and deliver and the Village Clerk of the Village of Cobden, Illinois, be and the same is hereby authorized to attest to said execution of a Plat of the Vacated Street, in substantially the form of the copy of said Plat attached hereto and hereby incorporated by reference, which specifically includes the easement language contained in Section 2 of this Ordinance, as so authorized and approved for and on behalf of the Village of Cobden, Illinois.

### Section 4.

The Village Clerk is directed to record a certified copy of this Ordinance with the Union County Office of the Recorder of Deeds after the Treasurer advises the Clerk that the sum set forth in Section 2 of this Ordinance has been received by the Village. The recording of this Ordinance in the Office of the Recorder of Deeds shall be proof that such payment has been made.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of three-fourths of the members of the Village Board of the Village of Cobden, Illinois, at a meeting of said Board.





(OLD U.S. HWY 5)

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