

AN ORDINANCE VACATING PROPERTY IN THE CITY OF RICHMOND HEIGHTS DESCRIBED GENERALLY AS A TRACT OF LAND BEING PART OF A 15' WIDE ALLEY OF BLOCK 2, RUNNING NORTH AND SOUTH APPROXIMATELY 600 FEET (600') BETWEEN ANTLER DRIVE TO A SOUTHERLY POINT OF LOT 2 OF PROPERTY GENERALLY KNOWN AS THE BOULEVARD-ST. LOUIS; ALSO A TRACT OF LAND BEING PART OF FRANCIS PLACE, APPROXIMATELY 350 FEET IN LENGTH, ALL OF DARSTMOOR SUBDIVISION, ALL EAST OF BRENTWOOD BOULEVARD.

WHEREAS, the City of Richmond Heights has received Petition 2007-21 from The Boulevard-St. Louis, LLC, Denise Chomicki, Chief Financial Officer, for vacation and waiver of damages of a tract of land generally described as part of a 15' wide alley of Block 2, running north and South approximately 600' between Antler Drive to a southerly point of Lot 2 of property generally known as "The Boulevard-St. Louis"; and a tract of land being part of Francis Place, approximately 350' in length, all of Darstmoor Subdivision, all east of Brentwood Boulevard; and

WHEREAS, said petition was referred to the Plan and Zoning Commission which, at its meeting on December 20, 2007, recommended approval of the petition with the conditions as set out in Section 2.

WHEREAS, due notice of a public hearing before the City Council upon said petition was published according to law and ordinance, and

WHEREAS, a public hearing was held before the Council of the City of Richmond Heights on January 7, 2008, upon said petition, and

WHEREAS, the Council of the City of Richmond Heights finds and deems it in the best interest of the city to vacate the requested portions of the above described tract of land,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. In the accordance with the provisions of ' 88.777 RSMo (2000), as amended, that portion of two tracts of land, generally described below, are hereby vacated.

LEGAL DESCRIPTION
15' WIDE NORTH-SOUTH ALLEY
(TO BE VACATED)

A tract of land being a North-South Alley (15 feet wide) as established by "Darstmoor", a subdivision recorded in Plat Book 17, Page 18 of the Recorder of Deeds Office in St. Louis County and being located in U.S. Survey 2485, Township 45 North, Range 6 East of the 5th Principal Meridian, City of Richmond Heights, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at the intersection of the Northerly line of Antler Drive (40 feet wide) with the Westerly line of the above said North-South alley (15' wide), thence along last said Westerly line North 02 degrees 48 minutes 17 seconds East 600.00 feet to the Southerly line of Lot 2 of "Boundary Adjustment Plat of Lots 24, 25, 26 & 27, Block 2, of Darstmoor" as recorded in Plat Book 352 Page 865 of the Recorder of Deeds Office in St. Louis County, Missouri, thence along last said Southerly line South 87 degrees 10 minutes 43 seconds East 15.00 feet to the Easterly line of above said North-South alley, thence along last said Easterly line South 02 degrees 48 minutes 17 seconds West 600.00 feet to the Northerly line of above said Antler Drive, thence along last said Northerly line North 87 degrees 10 minutes 43 seconds West 15.00 feet to the Point of Beginning and containing 9,000 square feet or 0.207 acres, more or less, according to calculations by Stock and Associates Consulting Engineers, Inc. on July 15, 2006.

LEGAL DESCRIPTION
FRANCIS PLACE
(TO BE VACATED)

A tract of land being part of Francis Place (50 feet wide) as established by "Darstmoor", a subdivision recorded in Plat Book 17, Page 18 of the Recorder of Deeds Office in St. Louis County, Missouri and being located in U.S. Survey 2485, Township 45 North, Range 6 East of the 5th Principal Meridian, City of Richmond Heights, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at the intersection of the Easterly line of Francis Place (50 feet wide) with the Northerly line of Antler Drive (40 feet wide), thence along the Northerly line of Antler Drive North 87 degrees 10 minutes 43 seconds West 50.00 feet to the Westerly line of above said Francis Place, thence along last said Westerly line North 02 degrees 48 minutes 17 seconds East 350.00 feet to a point of curvature to the left, thence along said curve to the left for which the radius point bears North 87 degrees 11 minutes 43 seconds West 1340.00 feet an arc distance of 50.01 feet to the Southerly line of Lot 2 of "Boundary Adjustment Plat of Lots 24, 25, 26 & 27, Block 2, of Darstmoor" as recorded in Plat Book 352 Page 865 of the Recorder of Deeds Office in St. Louis County, Missouri, thence along last said Southerly line South 87 degrees 10 minutes 43 seconds East 52.77 feet to the Westerly line of Missouri Interstate I-170, same being the Easterly line of above said Francis Place and a point on a curve to the left, thence along last said curve to the left for which the radius point bears South 82 degrees 59 minutes 20 seconds East 681.67 feet, thence along the common line between above said Francis Place and said Missouri Interstate I-170 the following courses and distances: thence along last said curve an arc distance of 50.05 feet to a point of tangency; and South 02 degrees 48 minutes 17 seconds West 350.00 feet to the Point of Beginning and containing 20,046 square feet or 0.460 acres, more or less, according to calculations by Stock and Associates Consulting Engineers, Inc. on July 15, 2006.

SECTION 2. The vacation provided for in Section 1 above shall be effective immediately upon the occurrence of all the following conditions:

1) The right-of-way vacations shall become effective as the developer acquires the property adjacent to the street or alley to be vacated.

2) The City Attorney must approve as to form the indemnity and hold harmless clause, holding the City and its appointed and elected officials, harmless from any claims for damages resulting from said vacation.

3) Upon vacation, the City shall reserve, for the benefit of affected utility companies, and Metropolitan Sewer District, if applicable, the right to operate and maintain utility easements, pursuant to existing easements, licenses or franchises.

4) Petitioner shall have a new boundary plat and legal description prepared incorporating the vacated right-of-ways into the parcel description. Boundary plat and description shall also incorporate the various parcels into a single legal description. The boundary plat shall be approved by the City Council.

5) The requested vacation shall not be effective until the Zoning Administrator has received from Petitioner, a copy of the approved Site Plan, boundary plat and vacation ordinance containing the book and page number, as recorded by St. Louis County Recorder of Deeds.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in full force on the thirty-first day following its passage and being signed as provided by law.

PASSED and SIGNED this 22nd day of January, 2008.

BETTY J. HUMPHREY
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First Reading: January 7, 2008
Second Reading: January 22, 2008