

AN ORDINANCE VACATING AND ABOLISHING THE PUBLIC EASEMENT, RIGHT-OF-WAY, STREET OR ALLEY PROPERTY OVER DUMAS STREET FROM HANLEY ROAD TO THE WEST LINE OF BANNEKER AVE. (F.K.A. LINCOLN AVENUE) FROM THE NORTH LINE OF DALE AVENUE TO THE SOUTH LINE OF DUMAS, A PORTION OF LINCOLN AVENUE WHICH LIES WITHIN THE FORMER MODOT RIGHT OF WAY; ALL IN THE CITY OF RICHMOND HEIGHTS, MISSOURI.

WHEREAS, the City of Richmond Heights has received Petition 2016-11 from Summit Development Group LLC, seeking vacation and waiver of damages of a tract of land generally described as Dumas Street from Hanley Road to the West line of Banneker (F.K.A. Lincoln Avenue) from the North line of Dale Avenue to the South line of Dumas, a portion of Lincoln Avenue, which lies within the former MoDOT right-of-way for proposed use of a hotel, restaurant and retail site; and

WHEREAS, said petition was referred to the Plan and Zoning Commission which, at its meeting on July 21, 2016, and 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 November 7, 2016, 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 portion 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 Sec. 88.777 RSMo (2016), as amended; that portion of a certain tract of land, generally described below, is hereby vacated.

LEGAL DESCRIPTION

LINCOLN AVENUE VACATION

A tract of land being Part of Lincoln Avenue, 50 feet wide as established by Zimmermann Subdivision as recorded in Plat Book 15, Page 127 of the St. Louis County Records, located in U.S. Surveys 2484 and 2939, Township 45 North, Range 6 East of the Fifth Principal Meridian

City of Richmond Heights, St. Louis County, Missouri being more particularly described as follows:

Beginning at the northwest corner of a portion of Banneker Avenue, formerly known as Lincoln Avenue, as vacated by City of Richmond Heights Ordinance No. 2991, as recorded in Deed book 6496, page 217 of the St. Louis County Records, said point being on the west right-of-way line of Lincoln Avenue, 50 feet wide, thence along the west right-of-way line North 01 degrees 05 minutes 44 seconds East, 92.20 feet to the northwest corner thereof; thence along the north line of said Lincoln Avenue, North 89 degrees 03 minutes 16 seconds East, 50.00 feet to the northeast corner of said Lincoln Avenue, thence along the east line of said Lincoln Avenue, South 01 degrees 05 minutes 44 seconds East, 92.20 feet to the northeast corner of the aforementioned vacated right-of-way; thence along the north line of said vacated right-of-way, South 89 degrees 03 minutes 16 seconds West, 50.00 feet to the Point of Beginning, containing 4,610 square feet or 0.106 Acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc during November, 2016.

DUMAS STREET AND BANNEKER AVENUE VACATION

A tract of land being Part of Dumas Street, 50 feet wide, and part of Banneker Avenue (a.k.a. Lincoln Avenue), 50 feet wide as established by Zimmermann Subdivision as recorded in Plat Book 15, Page 127 of the St. Louis County Records, located in U.S. Surveys 2484 and 2939, Township 45 North, Range 6 East of the Fifth Principal Meridian City of Richmond Heights, St. Louis County, Missouri being more particularly described as follows:

Beginning at the southeast corner of Adjusted Lot 1 of West Heights Boundary Adjustment Plat as recorded in Plat Book 349, Page 608 of above said records, said point also being located at the intersection of the north right-of-way line of Dale Avenue, 100 feet wide and the west right-of-way line of above said Banneker Avenue; thence along the east and north lines of said Adjusted Lot 1 the following, North 01 degrees 05 minutes 44 seconds West, 232.00 feet and South 89 degrees 03 minutes 16 seconds West, 340.37 feet to the east right-of-way line of South Hanley Road, variable width; thence along said right-of-way line North 57 degrees 21 minutes 46 seconds East, 95.18 feet to the north right-of-way line of said Dumas Street; thence along said north right-of-way line and its direct northeasterly prolongation thereof, North 89 degrees 03 minutes 16 seconds East, 309.26 feet to its intersection with the east right-of-way line of above said Banneker Avenue; thence along said right-of-way line South 01 degrees 05 minutes 44 seconds East, 282.20 feet to the north right-of-way line of above said Dale Avenue; thence crossing said Banneker Avenue, South 89 degrees 03 minutes 16 seconds West, 50.00 feet to the Point of Beginning, containing 29,101 square feet or 0.668 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc on January 28, 2016.

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

1. The City Attorney must approve as to form an indemnity and hold harmless agreement, holding the City and its appointed and elected officials harmless from any claims for damages resulting from said vacation.
2. Upon vacation, the City shall reserve, for the benefit of any affected utility companies, if applicable, the right to operate and maintain utility services and easements, pursuant to existing easements, licenses or franchises.
3. The Petitioner shall have a new boundary plat and legal description prepared incorporating the vacated right-on-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 pursuant to Ordinance No. 5345.
4. The requested vacation shall not be effective until Zoning Administrator has received, from the Petitioner, a copy of the approved Site Plan, boundary plat and this vacation ordinance containing the book and page number as recorded by the St. Louis County Recorder of Deed.

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 21st day of November, 2016.

JIM THOMSON
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: November 7, 2016
Second reading: November 21, 2016

