

AN ORDINANCE APPROVING AND ABOLISHING A TEN FOOT (10') STRIP OF PUBLIC EASEMENT LAND ENCROACHING UNDER #3 RIDGETOP DRIVE, PROPERTY IN THE CITY OF RICHMOND HEIGHTS, MISSOURI, DESCRIBED GENERALLY AS OF LAND BEING PART OF LOT C OF RIDGETOP SECOND RESUBDIVISION, OF ST. LOUIS COUNTY, PLAT BOOK 33, PAGE 19 EXCEPT THE NORTH 5 FEET THEREOF TAKEN FOR THE WIDENING OF CLAYTON ROAD IN THE CITY OF RICHMOND HEIGHTS, MISSOURI.

WHEREAS, the City of Richmond Heights has received a Petition from David and Ellen Sullivan, owners of #3 Ridgetop Drive asking for a vacation of a 10' public easement strip of land that exists under their property, toward the front of the property at #3 Ridgetop Drive, Lot C, of Ridgetop Second Resubdivision, of St. Louis County, Plat Book 33, Page 19, Except the North 5 (5') Feet thereof taken for the widening of Clayton Road ; 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 Section 88.777 RSMo (2016), as amended; that portion of a certain tract of land, generally described below and as Exhibit A as attached, is hereby vacated.

LEGAL DESCRIPTION

**10" wide portion of land under #3 Ridgetop Drive, Lot C of Ridgetop Second Resubdivision
(TO BE VACATED)**

A 10' parcel of public easement ground under property at #3 Ridgetop Drive, being part of Lot C of Ridgetop Second Resubdivision, of St. Louis County, Plat Book 33, Page 19, Except the North Five (5') Feet thereof taken for the widening of Clayton Road in the City of Richmond Heights, Missouri.

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 indemnity and hold harmless clause, 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 plan and legal description prepared incorporating

the vacated right-on-ways into the parcel description. Boundary plan and description shall also incorporate the various parcels into a single legal description. The boundary plat shall be approved by the City Council.

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 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 18th day of June, 2018.

JIM THOMSON
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: June 4, 2018
Second reading: June 18, 2018

