

AN ORDINANCE VACATING PROPERTY IN THE CITY OF RICHMOND HEIGHTS, MISSOURI, DESCRIBED GENERALLY AS PARTIAL TRACTS OF LAND BEING PART OF PORTIONS OF CITY RIGHT-OF-WAYS WHICH WERE USED TO RECONSTRUCT AREAS IN CONNECTION WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION PROJECT - THE NEW I-64 HIGHWAY.

WHEREAS, Petition 2010-08 from the City of Richmond Heights, Missouri seeks various partial street vacations of portions of City Right-of-Ways in accordance with the agreement between the City of Richmond Heights, Missouri and the Missouri Department of Transportation (MODOT) regarding the project to improve and reconstruct Highway I-64.

WHEREAS, said petition was referred to the Plan and Zoning Commission which, at its meeting on June 17, 2010, recommended approval of the petition with the conditions as set out in Section 1.

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 July 19, 2010, 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 Section 88.777 RSMo (2009), as amended, that portions of partial tracts of land, generally described in **Exhibits B & C & D** as attached, are hereby vacated:

EXHIBIT B: Vacation of portions of Red Bud Avenue, McMorrow Avenue, Linden Avenue, Everett Avenue Harter Avenue, Woodlawn Drive, Hawthorne Place, Hawthorne Alley, Sunset Avenue, as exhibited on "Exhibit B", Sheets Nos. 6, 7, 8, 10, 11 and 12 respectively)

EXHIBIT C: Vacation of two triangular portions of Francis Place and Red Bud Avenue; Tract 1 of Exhibit "C" will be vacated to MODOT as part of their newly constructed I-64 right-of-way and Tract 2 of Exhibit "C" will be vacated to the adjacent property owner, Abrams-Rothman.

EXHIBIT D: Vacation of all of Red Bud Avenue bounded by MODOT right-of-way on the east side of Brentwood Boulevard to the center line of Francis Place, plus a small portion of Francis Place from the center line of Red Bud Avenue northerly 110.85 feet.

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

- 1) The requested vacation shall not be effective until the Zoning Administrator has received a copy of the recorded vacations containing the book and page number, as recorded by St. Louis County Recorder of Deeds.
- 2) Upon vacation, the City shall reserve, for the benefit of affected utility companies, if applicable, the right to operate and maintain utility easements, pursuant to existing easements, licenses or franchises.

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 2nd day of August, 2010.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First Reading: July 19, 2010
Second Reading: August 2, 2010