

AN ORDINANCE VACATING PROPERTY IN THE CITY OF RICHMOND HEIGHTS, MISSOURI, DESCRIBED GENERALLY AS A 50' WIDE TRACT OF LAND BEING PART OF WOODLAND DRIVE, ADJACENT TO PROPERTY AT 7532 WARNER DRIVE.

WHEREAS, the City of Richmond Heights has received Petition 2011-08 from Laurence and Maureen Kane, owner of 7532 Warner Avenue, a corner lot, seeking vacation and waiver of damages of a tract of land generally described as a fifty-foot (50') portion of Woodland Drive, adjacent to their property, which area was formerly was a through street accessing Harter Avenue which was removed by the reconstruction of I-64.

WHEREAS, said petition was referred to the Plan and Zoning Commission which, at its meeting on July 21, 2011, 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 August 15, 2011, 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 §88.777 RSMo (2010), as amended; that portion of a certain tract of land, generally described below, is hereby vacated.

LEGAL DESCRIPTION

50" wide portion of Woodland Avenue
(TO BE VACATED)

A parcel of ground being part of Woodland Drive, 50 feet wide, in the City of Richmond Heights, St. Louis County, Missouri more particularly described as follows; commencing at the western line of said Woodland Drive, with the southern line of Warner drive, 50 feet wide; thence south 9 degrees 44 minutes 34 seconds west 37.44, along the western line of said Woodland drive, to the point of beginning; thence south 80 degrees 15 minutes 26 seconds east 50.00 feet, to the eastern line of said Woodland Drive, also being

the southwest corner of lot 24, block 13 of Westmoor Park Subdivision no. 2, recorded in plat book 18 page 1, St. Louis County Recorder's Office; thence south 9 degrees 44 minutes 34 seconds west 96.25, along the eastern line of said Woodland drive, to a point in a line produced eastwardly from the southern line of lot 1, block 16 of said Westmoor Park Subdivision no. 2; thence north 89 degrees 32 minutes 20 seconds west 50.66 feet, to the western line of said Woodland Drive, also being the southeast corner of said lot 1; thence north 9 degrees 44 minutes 34 seconds east 104.42, along the western line of said Woodland Drive, to the point of beginning and containing 5,017 square feet, as prepared by Pitzman's Company.

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 6th day of September, 2011.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: August 15, 2011
Second reading: September 6, 2011