

AN ORDINANCE VACATING PROPERTY IN THE CITY OF RICHMOND HEIGHTS, MISSOURI, DESCRIBED GENERALLY AS A 25' WIDE TRACT OF LAND BEING PART OF A PORTION OF EAGER ROAD RIGHT-OF-WAY (ROW), ADJACENT TO PROPERTY AT 87 CHAFFORD WOODS DRIVE.

WHEREAS, the City of Richmond Heights has received Petition 2011-11 from Kimberly Kay Wendt, owner of property at 87 Chafford Woods, seeking vacation and waiver of damages of a 25' wide by approximately 123' long tract of land generally described as an unimproved portion of Eager Road Right-of-Way (ROW) of which is a portion of the "road" along the south side of her property to allow her present driveway to be part of her owned lot.

WHEREAS, said Petition was referred to the Plan and Zoning Commission which, at its meeting on October 20, 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 November 7, 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 a portion of a certain tract of land, generally described below, is hereby vacated.

LEGAL DESCRIPTION

A 25 foot (25') strip of land, being part of Eager Road in the City of Richmond Heights, Missouri, being more particularly described as follows:

Beginning at the Southwestern corner of Lot 28 of Resubdivision of Chafford Woods, a subdivision according to the plat thereof recorded in Plat Book 37 Page 40 of the St. Louis County, Missouri Records; thence proceeding along the Northern right-of-way of Eager Road (50 feet wide), North 89 degrees 56 minutes 00 seconds East, a

distance of 125.84 feet to the Southeastern corner of said lot 28, said point also being located on the Western right-of-way of Chafford Woods Street (50 feet wide); thence leaving said southeastern corner along a non-radical arc to the right with a radius of 2,774.62 feet, an arc length of 25.16 feet, a central angle of 00 degrees 31 minutes 10 seconds, the chord of which bears South 06 degrees 23 minutes 53 seconds West, a distance of 25.16 feet to a point on the centerline of Eager Road (50 feet wide); thence proceeding along the centerline of said Eager Road, South 89 degrees 56 minutes 00 seconds West, a distance of 123.69 feet to a point; thence leaving said centerline, North 01 degrees 30 minutes 00 Seconds East, a distance of 25.01 feet to the Point of Beginning, containing 3,120 square feet more or less.

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

1. The existing white barricade with the red and yellow reflectors at the end of Eager Road shall remain unaltered in its current position.
2. 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.
3. 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.
4. 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.
5. 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 21st day of November, 2011.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: November 7, 2011
Second reading: November 21, 2011