

AN ORDINANCE VACATING PARTIAL STREET PROPERTY OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, ST. LOUIS COUNTY, DESCRIBED GENERALLY AS A 50' WIDE TRACT OF LAND BEING WEST 110 FEET MORE OR LESS OF HICKS AVENUE; SAID TRACT BEING PART OF LOTS 68 AND 69 OF RANNELL'S SUBDIVISION OF THE HOME FARM RECORDED IN PLAT BOOK 9 PAGE 30.

WHEREAS, the City of Richmond Heights has received Petition 2013-04 from Daniel Wagner, Manager of RENGAW, LLC, seeking partial street vacation and waiver of damages of a 50 wide by approximately 110' long tract of land generally described as a portion of HICKS AVENUE from Hanley Road extending approximately 110' east; to allow for development of a retail center to be located at 1408 and 1500 S. Hanley Road and;

WHEREAS, said Petition was referred to the Plan and Zoning Commission which, at its meeting on June 20, 2013, 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 July 15, 2013, 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 (2010), as amended; that a portion of a certain tract of land, generally described below, is hereby vacated.

LEGAL DESCRIPTION

The West 110 feet more or less of Hicks Avenue being 50 feet wide, said tract being part of Lots 68 and 69 of Rannell's Subdivision of the Home Farm, recorded in Plat Book 9 page 30 of the St. Louis County records and being more particularly described as follows:

Commencing at the common Northwest corner of said Lot 68 and the Southwest corner of said Lot 69, thence Easterly along the South line of said Lot 69, South 89 degrees 57 minutes 28 seconds East a distance of 15.55 feet to a point on the East line of Hanley Road as Widened, being the true POINT OF BEGINNING of hereon described tract; thence Northerly along said East line, North 04 degrees 54 minutes 52 seconds East a distance of 52.29 feet to a point of

curvature; thence along said curve being a curve to the left, having a Radius of 26.00 feet, an Arc length of 24.53 feet, a Chord Bearing of South 24 degrees 57 minutes 06 seconds East, a Chord Distance of 23.63 feet to a point; thence Easterly along the North line of said Hicks Avenue, South 89 degrees 57 minutes 28 seconds East a distance of 95.00 feet to a point; thence South 00 degrees 12 minutes 32 seconds West a distance of 50.00 feet to a point on the South line of said Hicks Avenue; thence North 89 degrees 57 minutes 28 seconds West a distance of 102.03 feet to a point of curvature; thence along said curve being a curve to the left, having a Radius of 29.00 feet, an Arc Length of 23.66 feet, a Chord Bearing of South 27 degrees 33 minutes 53 seconds West a Chord Distance of 23.01 feet to a point on the East line of said Hanley Road as widened; thence Northerly along said East line, North 04 degrees 54 minutes 52 seconds East a distance of 39.87 feet to the point of beginning, containing 5,578 square feet or 0.128 acres 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 City Attorney must approve as to form, indemnity and hold harmless clause, holding the City and its appointed officials harmless from any claims for damages resulting from said vacation.
2. The vacation of the portion of Hicks Ave. as shown on the plans, shall not take effect until the new extension of Banneker Ave. to Elinor Ave. has been completed, and approved by the City. The Petitioner shall not permit any obstruction to ingress or egress until the construction of the new Banneker extension is complete.
3. Upon vacation, the City shall reserve for the benefit of any affected utility companies, if applicable, the right to operate and maintain utility easements, pursuant to existing easements, licenses or franchises.
4. The Petitioner shall have a new boundary plat and legal description prepared incorporating the vacated right-of-ways into the parcel description. Boundary plat shall be approved by the City Council.
5. The requested vacation shall not be effective until the 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 Deeds.

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 5th day of August, 2013.

JAMES J. BECK
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

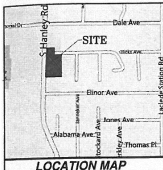
APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First reading: July 15, 2013
Second reading: August 5, 2013

HANLEY RETAIL CENTER

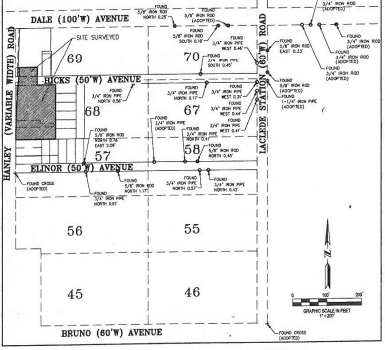
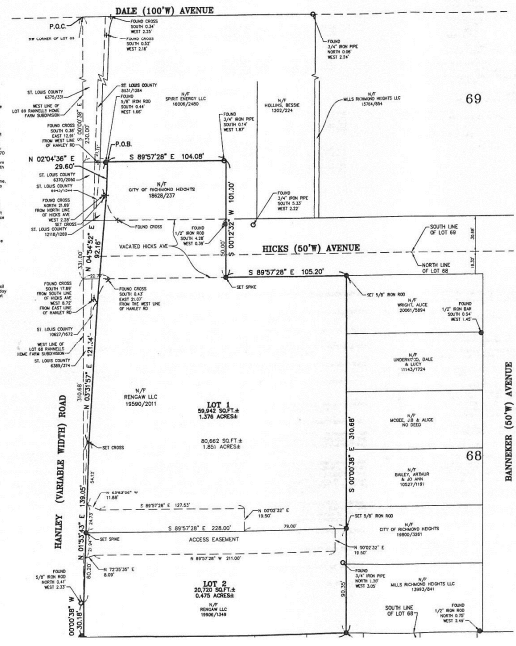
A TRACT OF LAND BEING PART OF LOTS 68 AND 69 OF RANNELL'S SUBDIVISION OF THE HOME FARM, RECORDED IN PLAT BOOK 9 PAGE 30 AND 31 IN THE RECORDS OF CITY (FORMER COUNTY) OF ST. LOUIS, CITY OF RICHMOND HEIGHTS, ST. LOUIS COUNTY, MISSOURI



DESCRIPTION OF THE PROPERTY
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CITY OF RICHMOND HEIGHTS
 This is a plat of the Hanley Retail Center, containing 1.378 acres, more or less, situated in the City of Richmond Heights, St. Louis County, Missouri, and is subject to the provisions of the City Ordinance relating to the subdivision of land.

ABBREVIATIONS
 P.C. PLAT CORNER
 S.P. SURVEY POINT
 S.P.M. SURVEY POINT MARK



OWNER'S CERTIFICATE
 STATE OF MISSOURI
 COUNTY OF ST. LOUIS
 I, the undersigned, being the owner of the land shown on the original plat in the name of Rannel's Home Farm, do hereby certify that the same is the same as shown on the original plat, and that the same is the same as shown on the original plat, and that the same is the same as shown on the original plat.

ACKNOWLEDGMENT
 STATE OF MISSOURI
 COUNTY OF ST. LOUIS
 I, the undersigned, being the owner of the land shown on the original plat in the name of Rannel's Home Farm, do hereby certify that the same is the same as shown on the original plat, and that the same is the same as shown on the original plat.

REMARKS:
 1. The survey was made by me or under my direct supervision.
 2. The survey was made in accordance with the laws of Missouri.
 3. The survey was made in accordance with the laws of Missouri.

GIS SYSTEM
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HANLEY RETAIL CENTER
 A TRACT OF LAND BEING PART OF LOTS 68 AND 69 OF RANNELL'S SUBDIVISION OF THE HOME FARM, RECORDED IN PLAT BOOK 9 PAGE 30 AND 31 IN THE RECORDS OF CITY (FORMER COUNTY) OF ST. LOUIS, CITY OF RICHMOND HEIGHTS, ST. LOUIS COUNTY, MISSOURI