

AN ORDINANCE APPROVING THE FINAL PLAT FOR A MINOR SUBDIVISION DIVIDING TWO TRACTS OF LAND INTO THREE SEPARATE PARCELS AT PARTS OF LOTS 16 AND 17, OF BLOCK 5 IN THE CITY OF RICHMOND HEIGHTS, MISSOURI AT 7483-7479 HIAWATHA AVENUE.

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WHEREAS, by Petition #2007-20, Benjamin Foley, property owner, petitioned for a minor subdivision of his property, parts of Lots 16 and 17, at 7479-7483 Avenue of Block 5 of the City of Richmond Heights, Missouri to re-subdivide the two existing lots to create a third, buildable lot located between the two existing homes.; and

WHEREAS, said Petition was referred to the Plan and Zoning Commission which considered the matter at its meeting held November 15, 2007, and recommended approval of said plan with the following condition:

Approval of the Final Plat by the City Council shall be by ordinance and shall be certified on the document to be filed for record over the signature of the mayor, the city clerk, and the seal of the City of Richmond Heights. The Final Plat, endorsed with the approval of the City Council, together with a certified copy of the ordinance granting such approval shall be filed for record in the office of the St. Louis County Recorder of Deeds at the expense of the subdivider, the exact terminology to be determined by the County Recorder. Within ten (10) days after the recording of the Final Plat, the subdivider shall file with the zoning administrator a copy of such recorded Final Plat and ordinance, or the book and page number thereof, for the City's file; and

WHEREAS, the City Council hereby deems Petitioners= application, the material furnished, and the Final Plat, as presented as in Exhibit AA@, to be sufficient to applicable sections of the Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. The Boundary Adjustment Plat submitted by Benjamin Foley, property owner, being a parcel of real property in Richmond Heights, Missouri, as described and shown on the plat attached hereto as Exhibit AA@, is hereby approved subject to the following conditions:

1. The wood deck on the west side of the home located on the new Lot 3, 7479 Hiawatha Ave., must be reduced in size to provide for a maximum encroachment of five feet into the side yard.
2. The new lot may only be used for a single-family dwelling.
3. Petitioner will cause the new legal description of the lots to be on the final Plat prior to City Council hearing.

4. Approval of the Final Plat by the City Council shall be by ordinance and shall be certified on the document to be filed for record over the signature of the mayor, the city clerk and the seal of the City of Richmond Heights. The final plat, together with a certified copy of the ordinance granting such approval shall be filed for record in the office of the St. Louis County Recorder of Deeds at the Petitioner's expense. The exact format and terminology to be determined by the County Recorder, at the expense of the subdivider. Within ten (10) days after the recording of the Final Plat, the subdivider shall file with the Zoning Administrator, a copy of such recorded Final Plat and ordinance, and the book and page number thereof for the City's file.

SECTION 2. The Mayor and the City Clerk are authorized to endorse on the Final Plat described above in Section 1 the approval of the City Council and to affix thereto the seal of the City of Richmond Heights, Missouri.

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 7<sup>th</sup> day of January, 2008.

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BETTY J. HUMPHREY  
MAYOR

ATTEST:

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PATRICIA S. VILLMER  
DEPUTY CITY CLERK

APPROVED AS TO FORM:

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KENNETH J. HEINZ,  
CITY ATTORNEY

First reading: December 3, 2007  
Second reading: January 7, 2008

**Exhibit A-7483-7479 HIAWATHA AVENUE**

**METES AND BOUNDS SURVEYED DESCRIPTION  
PROPOSED LOT 1 OF  
7483-79 HIAWATHA RESUBDIVISION PLAT**

A tract of land being parts of Lots 16 and 17 in Block 5 of Richmond Heights, a subdivision recorded in Plat Book 3 Page 52 in the Office of the Recorder of Deeds for St. Louis County, Missouri, and said tract being more particularly described as follows:

Beginning at the southwesterly corner of a parcel described in deed to Benjamin P. Foley recorded in Book 16698 Page 2712 of said County Records, on the northerly line of Hiawatha Avenue, 50 feet wide; thence along the northerly line of said Hiawatha Avenue, South 90 degrees 00 minutes 00 seconds East 59.09 feet; thence along a line parallel with the westerly line of said Foley parcel, North 01 degree 58 minutes 00 seconds East 126.03 feet to the northerly line of said Foley parcel; thence along said northerly line, North 88 degrees 05 minutes 23 seconds West 59.06 feet to the westerly line of said Foley parcel; thence along said westerly line, South 01 degree 58 minutes 00 seconds West 128.00 feet to the point of beginning, and containing 7501 square feet, more or less, according to calculations for Survey No. 196268 executed by James Engineering & Surveying Co., Inc., in November, 2007.

**METES AND BOUNDS SURVEYED DESCRIPTION  
PROPOSED LOT 2 OF  
7483-79 HIAWATHA RESUBDIVISION PLAT**

A tract of land being part of Lot 16 in Block 5 of Richmond Heights, a subdivision recorded in Plat Book 3 Page 52 in the Office of the Recorder of Deeds for St. Louis County, Missouri, and said tract being more particularly described as follows:

Commencing at the southwesterly corner of a parcel described in deed to Benjamin P. Foley recorded in Book 16698 Page 2712 of said County Records, on the northerly line of Hiawatha Avenue, 50 feet wide; thence along the northerly line of said Hiawatha Avenue, South 90 degrees 00 minutes 00 seconds East 59.09 feet to the true point of beginning of the tract of land herein described; thence along a line parallel with the westerly line of said Foley parcel, North 01 degree 58 minutes 00 seconds East 126.03 feet to the northerly line of said Foley parcel; thence along said northerly line, South 88 degrees 05 minutes 23 seconds East 15.90 feet to the northeasterly corner of said Foley parcel, on the westerly line of a parcel described in deed to Spectrum Residential Holdings, LLC, recorded in Book 16860 Page 994; thence along said westerly line, North 01 degree 58 minutes 00 seconds East 54.50 feet to the northerly line of said Spectrum Residential Holdings, LLC parcel; thence along said northerly line, South 90 degrees 00 minutes 00 seconds East 31.00 feet; thence leaving said northerly line, South 02 degrees 41 minutes 28 seconds West 100.00 feet and South 00 degrees 14 minutes 26 seconds West 80.00 feet to the northerly line of said Hiawatha Avenue; thence along said northerly line, North 90 degrees 00 minutes 00 seconds West 48.06 feet to the true point of beginning, and containing

7509 square feet, more or less, according to calculations for Survey No. 196268 executed by James Engineering & Surveying Co., Inc., in November, 2007.

METES AND BOUNDS SURVEYED DESCRIPTION  
PROPOSED LOT 3 OF  
7483-79 HIAWATHA RESUBDIVISION PLAT

A tract of land being the easterly part of Lot 16 in Block 5 of Richmond Heights, a subdivision recorded in Plat Book 3 Page 52 in the Office of the Recorder of Deeds for St. Louis County, Missouri, and said tract being more particularly described as follows:

Beginning at the southeasterly corner of said Lot 16 on the northerly line of Hiawatha Avenue, 50 feet wide; thence along the northerly line of said Hiawatha Avenue, North 90 degrees 00 minutes 00 seconds West 42.85 feet; thence leaving the northerly line of said Hiawatha Avenue, North 00 degrees 14 minutes 26 seconds East 80.00 feet and North 02 degrees 41 minutes 28 seconds East 100.00 feet to the northerly line of a parcel described in deed to Spectrum Residential Holdings, LLC, recorded in Book 16860 Page 994; thence along said northerly line, South 90 degrees 00 minutes 00 seconds East 44.00 feet to the easterly line of said Lot 16; thence along said easterly line, South 01 degree 58 minutes 00 seconds West 180.00 feet to the true point of beginning, and containing 7983 square feet, more or less, according to calculations for Survey No. 196268 executed by James Engineering & Surveying Co., Inc., in November, 2007.