

Bill No. 13885

Ordinance No. 24-117

Sponsor: Michael Galba

AN ORDINANCE VACATING 3,608 SQUARE FEET OF RIGHT-OF-WAY ADJACENT TO THE ELM POINT DRIVE AND WALSH COURT INTERSECTION.

Whereas, Al Droste & Sons Construction has petitioned the City for the vacation of 3,608 square feet of right-of-way (hereinafter "Right-of-Way") adjacent to its property located at the Elm Point Industrial Drive and Walsh Court intersection; and

Whereas, the City has determined the Right-of-Way is no longer needed for right-of-way purposes, but desires to retain permanent utility and drainage easements as recorded in the Right-of-Way.

Now, Therefore, Be It Ordained by the Council of the City of St. Charles, Missouri, as Follows:

SECTION 1. The Council finds that the Right-of-Way that is described in the attached Exhibit A, which is incorporated by this reference, is no longer needed as right-of-way and is hereby vacated as right-of-way, but the City shall retain permanent utility and drainage easements over, under and upon the Right-of-Way.

SECTION 2. The Mayor is authorized to execute all documents and perform all acts necessary to vacate and relinquish the City's interest in the right-of-way described in Exhibit A and shown on Exhibit B, while retaining the utility and drainage easements rights to the Right-of-Way.

SECTION 3. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Sept. 3, 2024
Date Passed

Michael Galba
Michael Galba, Presiding Officer

9-4-24
Date Approved by Mayor

Daniel J. Borgmeyer
Daniel J. Borgmeyer, Mayor

Approved as to Form:

Michael P. Cullen 8/5/24
Michael P. Cullen, City Attorney Date

Kimberly Hudson
Kimberly Hudson, City Clerk



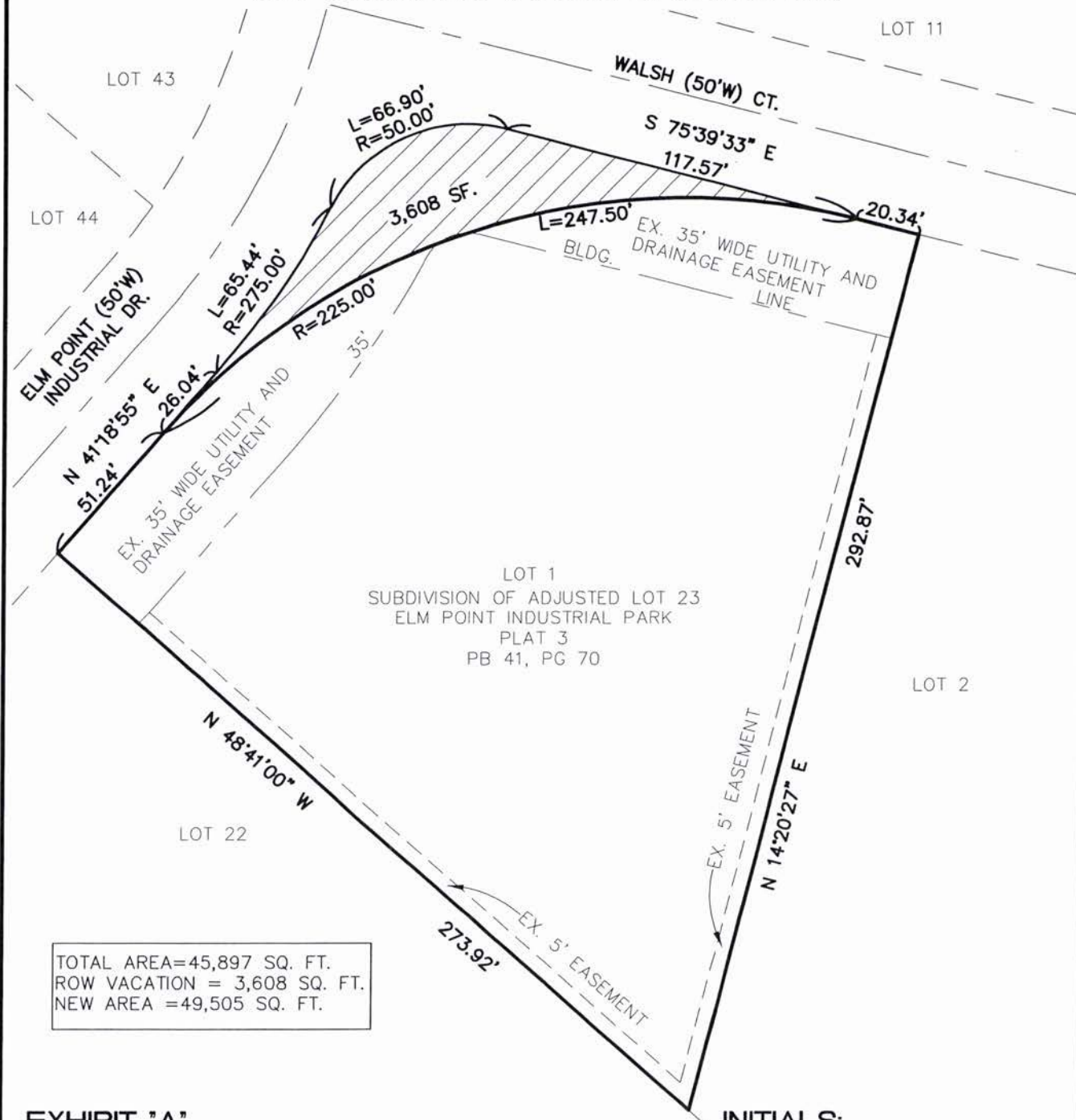
A tract of land being formerly, part of Lot 1, Subdivision of Adjusted Lot 23, Elm Point Industrial Park Plat 3, Township 47 North, Range 5 East of the Fifth Principal Meridian, St. Charles County, Missouri, being more particularly described as follows:

Commencing at the intersection of the southwestern line of Lot 1, Subdivision of Adjusted Lot 23, Elm Point Industrial Park, a subdivision recorded in Plat Book 41 Page 70 of the St. Charles County records, and the southeastern right of way line of Elm Point Industrial Drive (50' wide) thence along said right of way line, North 41 degrees 18 minutes 55 seconds East, 51.24 feet to the POINT OF BEGINNING of the tract herein described; thence North 41 degrees 18 minutes 55 seconds East, 26.04 feet to a point of curve to the left whose chord bears North 34 degrees 29 minutes 57 seconds East a distance of 65.28 feet, and whose radius point bears North 48 degrees 41 minutes 05 seconds West, 275.00 feet; thence northeasterly along the arc a distance of 65.44 feet to a point of reverse curve to the right whose chord bears North 66 degrees 00 minutes 43 seconds East, 62.02 feet, and whose radius point bears South 62 degrees 19 minutes 00 seconds East, 50.00 feet; thence northeasterly along the arc, a distance of 66.90 feet; thence South 75 degrees 39 minutes 33 seconds East, 117.57 feet to a point on the southern line of Walsh Ct. (50' wide) said point being the point of curve of a non-tangent curve to the left, whose chord bears South 72 degrees 49 minutes 41 seconds West, a distance of 235.21 feet, and whose radius point bears South 14 degrees 20 minutes 27 seconds West, 225.00 feet, thence westerly along the arc along said southern line and the southeastern line of Elm Point Industrial Dr. a distance of 247.50 feet to the POINT OF BEGINNING containing 3,608 square feet, more or less, according to calculations by St. Charles Engineering and Surveying, Inc. during the month of April, 2024.

ROW VACATION EXHIBIT

LOT 1

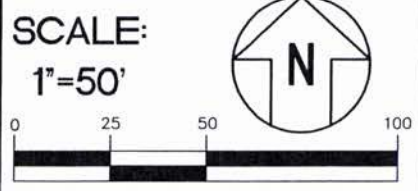
T. 47 N., R. 5 E.
ST. CHARLES COUNTY, MISSOURI



TOTAL AREA=45,897 SQ. FT.
ROW VACATION = 3,608 SQ. FT.
NEW AREA =49,505 SQ. FT.

EXHIBIT "A"

INITIALS:



REVISED: -	SHEET 1 OF 1
	ST. CHARLES ENGINEERING & SURV., INC. 801 S. FIFTH STREET, SUITE 202 ST. CHARLES, MO 63301 TEL: (636) 947-0607 FAX: (636) 947-2448
	ORDER NO. 2023088 DATE 4/17/24

RCA FORM (OFFICE USE ONLY)

Bill # 13885

MEETING/DATE: 8/20/2024

Regular Special Work Session

ATTACHMENT: YES NO

Report Resolution Ordinance

Request for Council Action

Ward(s): WARD 8

Sponsor(s): GALBA

Description:

An Ordinance to vacate right-of-way adjacent to Elm Point Industrial Drive and Walsh Court Intersection. Excess Right of Way of 3,608 square feet. Shown on Exhibit A.

Contract Extension/Renewal: Yes No

Information Paper Attached: Yes No

Staff Recommendation: Approve Disapprove

Board/Committee/Commission Recommendation: Approve Disapprove

Summary:

Al Droste & Sons Construction has petitioned the City to vacate the right of way at Elm Point Industrial Park, Plat 3, as recorded in Plat Book 34, page 346 of the Recorder of Deeds records.

Utility and drainage easements from the subdivision will be re-instated through the Ordinance.

Staff recommends approval of the vacation of the right of way.

Budget Impact: (revenue generated, estimated cost, CIP item, etc.)

Fiscal Impact: \$ 0.00 N/A

Account #: N/A

Project #: N/A

RCA prepared by: JG/GCS Dept. Dir. DM Finance Dir. Gao Dir. of Admin. Prato

Petition for Vacation or Acceptance of Right-of-Way/Easement
Within the City of St. Charles, Missouri

We, the owners of the tracts of land adjacent to Elm Point Industrial Drive and Walsh Court Intersection Excess Right of Way of 3,608 square feet adjacent to Elm Point Industrial Drive and Walsh Court each lying-in a 50 feet wide ROW (ROW/Easement) within the City limits of the City of St. Charles, do hereby petition the Mayor and City Council to:

- Accept said streets as Provisional Streets according to City Code 505.330.
- Accept said streets as Public Streets according to City Code 505.340.
- Vacate said right-of-way [easement]

We the undersigned owners also understand and affirm that if public property rights do not currently exist, we shall donate and execute said donations at our expense, all land rights determined by the City as being necessary for said acceptance of streets or for vacation of right-of-way [easement] through the appropriate legal means which may include, but not necessarily be limited to resubdivision plats, deeds, easements, etc. The exact limits of the right-of-way or easements being petitioned are as follows:

A tract of land being formerly, part of Lot 1, Subdivision of Adjusted Lot 23, Elm Point Industrial Park Plat 3, Township 47 North, Range 5 East of the Fifth Principal Meridian, St. Charles County, Missouri, being more particularly described as follows:

Commencing at the intersection of the southwestern line of Lot 1, Subdivision of Adjusted Lot 23, Elm Point Industrial Park, a subdivision recorded in Plat Book 41 Page 70 of the St. Charles County records, and the southeastern right of way line of Elm Point Industrial Drive (50' wide) thence along said right of way line, North 41 degrees 18 minutes 55 seconds East, 51.24 feet to the POINT OF BEGINNING of the tract herein described; thence North 41 degrees 18 minutes 55 seconds East, 26.04 feet to a point of curve to the left whose chord bears North 34 degrees 29 minutes 57 seconds East a distance of 65.28 feet, and whose radius point bears North 48 degrees 41 minutes 05 seconds West, 275.00 feet; thence northeasterly along the arc a distance of 65.44 feet to a point of reverse curve to the right whose chord bears North 66 degrees 00 minutes 43 seconds East, 62.02 feet, and whose radius point bears South 62 degrees 19 minutes 00 seconds East, 50.00 feet; thence northeasterly along the arc, a distance of 66.90 feet; thence South 75 degrees 39 minutes 33 seconds East, 117.57 feet to a point on the southern line of Walsh Ct. (50' wide) said point being the point of curve of a non-tangent curve to the left, whose chord bears South 72 degrees 49 minutes 41 seconds West, a distance of 235.21 feet, and whose radius point bears South 14 degrees 20 minutes 27 seconds West, 225.00 feet, thence westerly along the arc along said southern line and the southeastern line of Elm Point Industrial Dr. a distance of 247.50 feet to the POINT OF BEGINNING containing 3,608 square feet, more or less, according to calculations by St. Charles Engineering and Surveying, Inc. during the month of April, 2024.

Signatures of all adjoining property owners:


Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Address: 1517 N. 3RD (LOT 1A - ELM PT)
Print Name: NATHAN DROSTE

Address: _____
Print Name: _____

Address: _____
Print Name: _____

Address: _____
Print Name: _____

Address: _____
Print Name: _____

Address: _____
Print Name: _____

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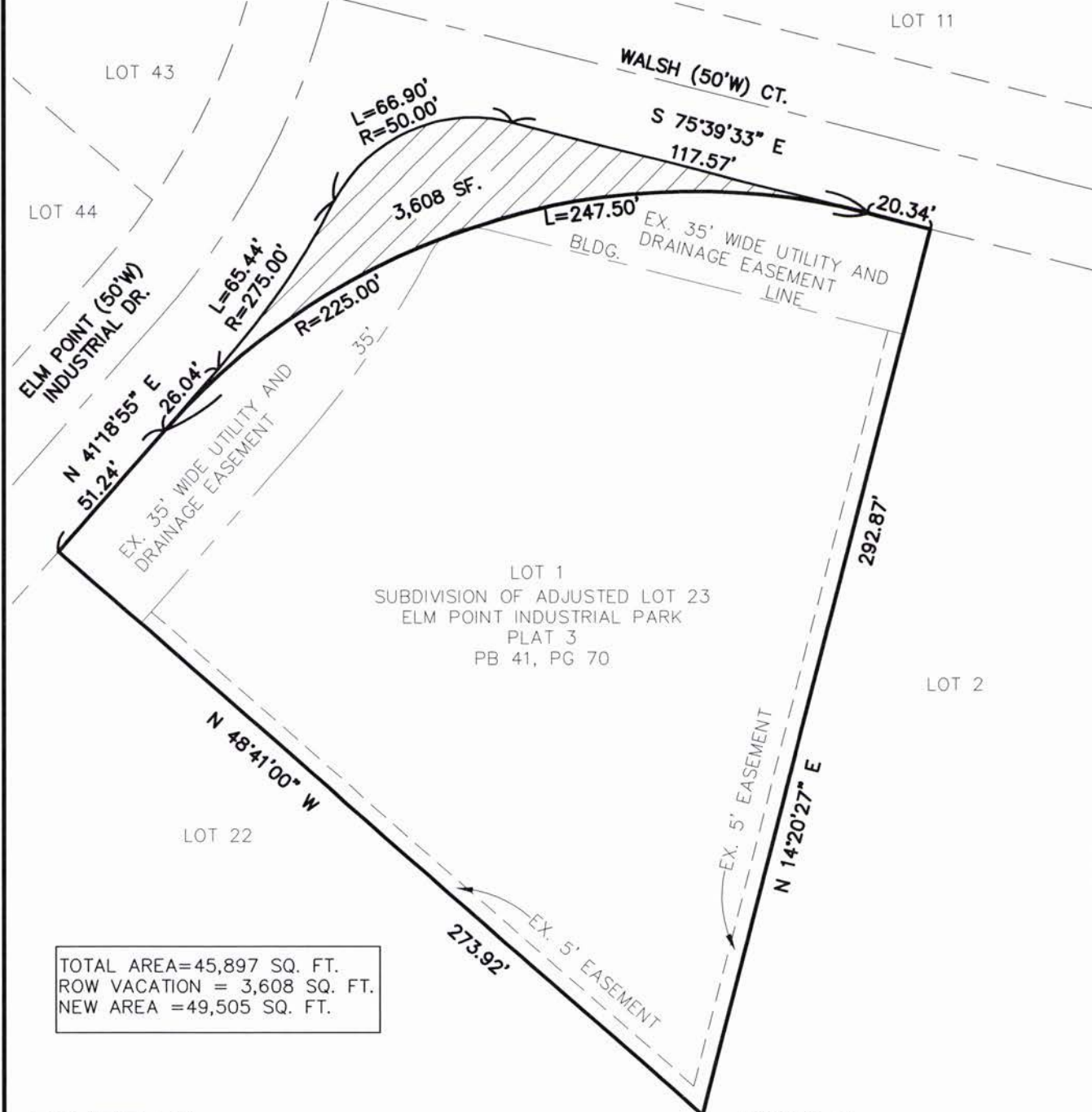
Address: _____
Print Name: _____

Address: _____

ROW VACATION EXHIBIT

LOT 1

T. 47 N., R. 5 E.
ST. CHARLES COUNTY, MISSOURI



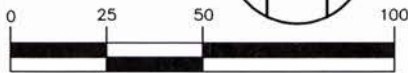
TOTAL AREA=45,897 SQ. FT.
ROW VACATION = 3,608 SQ. FT.
NEW AREA =49,505 SQ. FT.

EXHIBIT "A"

INITIALS:

SCALE:

1"=50'



REVISED: -

SHEET 1 OF 1



ST. CHARLES ENGINEERING & SURV., INC.
801 S. FIFTH STREET, SUITE 202
ST. CHARLES, MO 63301
TEL: (636) 947-0607 FAX: (636) 947-2448

ORDER NO.
2023088

DATE
4/17/24

ELM POINT INDUSTRIAL PARK PLAT 3
 PART OF SURVEYS 187 & 188 OF THE ST. CHARLES COMMONFIELDS IN
 TOWNSHIP 47 NORTH, RANGE 5 EAST AND
 PART OF U.S. SURVEY 1667 IN TOWNSHIP 47 NORTH, RANGES 4 & 5 EAST
 CITY OF ST. CHARLES, ST. CHARLES COUNTY, MISSOURI

Book 34 Page 346

NF
 ANNA KALASECH
 DB 257, PG 560

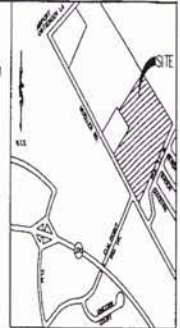
72022

STATE OF MISSOURI
 COUNTY OF ST. CHARLES
 RECORDS & DEEDS
 FILED FOR RECORD

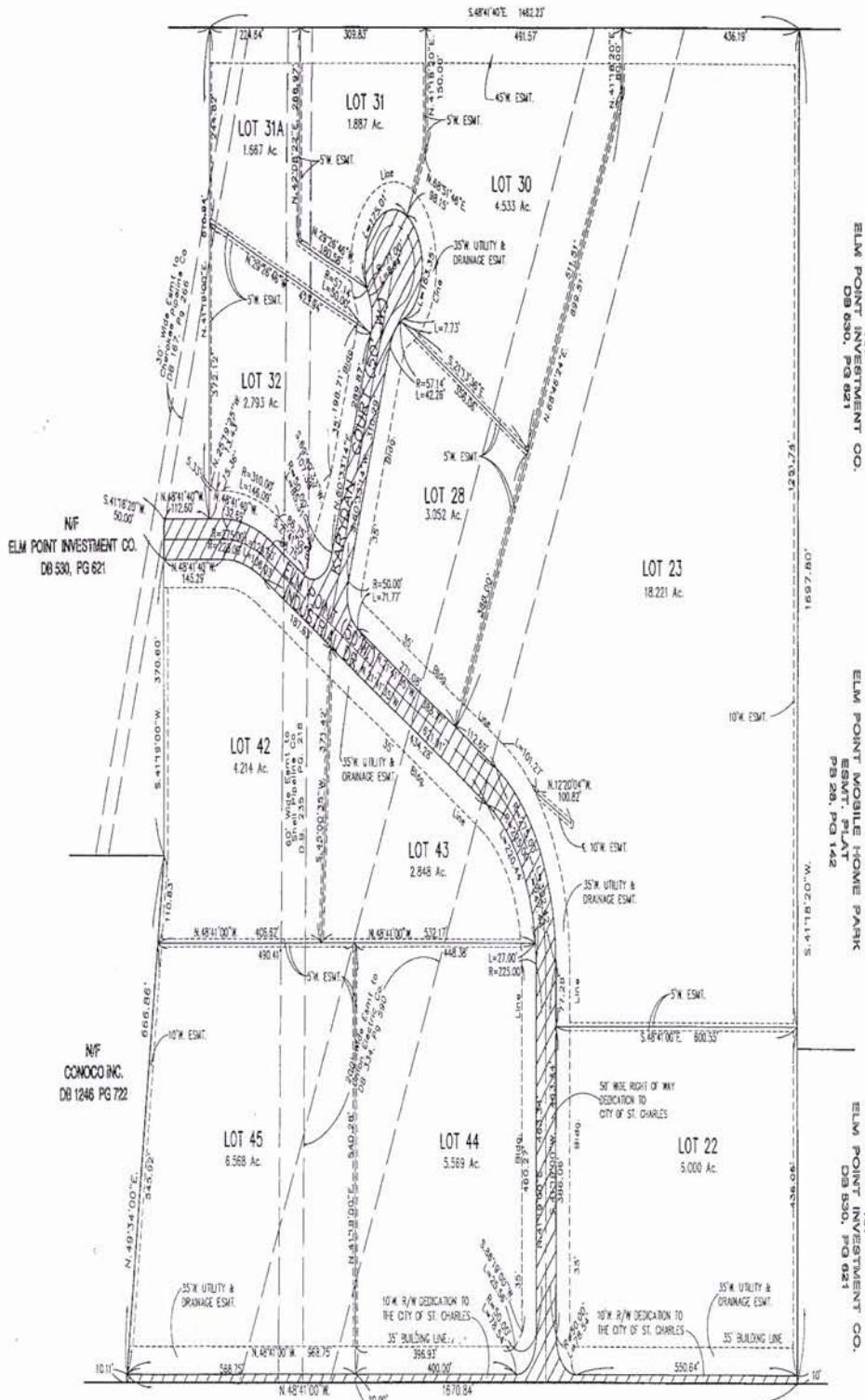
DEC 18 1997

By *[Signature]*
 4:35 PM

SCALE IN FEET
 0 100 200



LOCATION MAP



NF
 ELM POINT INVESTMENT CO.
 DB 530, PG 621

NF
 COMOCO INC.
 DB 1246 PG 722

NF
 ELM POINT INVESTMENT CO.
 DB 530, PG 621

NF
 ELM POINT MOBILE HOME PARK
 ESMAT. PLAT
 PB 28, PG 142

NF
 ELM POINT INVESTMENT CO.
 DB 530, PG 621

MUELLER ROAD 50' WIDE

OWNER:
 ELM POINT INVESTMENT COMPANY
 7800 FOSYTH BLVD.
 ST. LOUIS, MISSOURI 63105

ENGINEER:
 THE CLAYTON ENGINEERING COMPANY
 12755 OLIVE BOULEVARD
 ST. LOUIS, MISSOURI 63141
 SEPT. 8, 1997

[Signature]
 12/21/97
[Signature]
 4-12-97

ELM POINT INDUSTRIAL PARK PLAT 3
 PART OF SURVEYS 187 & 188 OF THE ST. CHARLES COMMONFIELDS IN
 TOWNSHIP 47 NORTH, RANGE 5 EAST AND
 PART OF U.S. SURVEY 1667 IN TOWNSHIP 47 NORTH, RANGES 4 & 5 EAST
 CITY OF ST. CHARLES, ST. CHARLES COUNTY, MISSOURI

Book 34 Page 347

THE CLAYTON ENGINEERING COMPANY
 12755 OLIVE BOULEVARD SUITE 100
 ST. LOUIS, MISSOURI 63141-8000
 (314) 542-0089

This is to certify that we have during the Month of September, 1987, by order of Elm Point Investment Company L.L.C., made a Survey and Subdivision of a tract of land being part of Surveys 187, 188, 191, 192, 193, 194, 195, 196 & 197 of the St. Charles Commonfields in Township 47 North, Ranges 4 & 5 East, City of St. Charles, St. Charles County, Missouri, and being further described as follows:

Beginning at a point on the Northeast line of said Survey 187, said point being the most Northern corner of Elm Point Mobile Home Park' Easement Plat according to the Plat thereof recorded in Plat Book 26, page 142 of the St. Charles County Records; thence along the Northeastern line of said 'Elm Point Mobile Home Park South 41 degrees 43 minutes 20 seconds West, 1,887.86 feet to a point being 20.00 feet perpendicular distant Northwest the center line of Marker Road 48 feet wide; thence along a line 20.00 feet Northwest of and parallel to said center line, North 48 degrees 41 minutes 20 seconds West, 1,670.84 feet to a point on the Southeast line of a tract of land conveyed to Conoco, Inc. per Deed Book 1745, page 772 of the St. Charles County Records; thence along the Southeastern line of said Conoco tract North 49 degrees 24 minutes 00 seconds East, 955.88 feet to the most Eastern corner thereof, thence North 41 degrees 19 minutes 00 seconds East, 378.80 feet to a point, thence North 41 degrees 19 minutes 20 seconds East, 50.00 feet, thence South 48 degrees 41 minutes 40 seconds East, 117.28 feet to a point, thence North 41 degrees 19 minutes 00 seconds East, 818.04 feet to a point on the Northeastern line of said Survey 187; thence along the Northeastern line of said Survey 187, South 48 degrees 41 minute 40 seconds East, 1,452.23 feet to the point of beginning and containing 65.11 acres, and the result of said Survey and Subdivision are shown on this plat. This survey and plat have been executed in accordance with the requirements for Class A Property as defined by the Missouri Standards For Property Boundary Surveys, (MOR 30-8-02) established by the Missouri Board for Architects, Professional Engineers and Land Surveyors. Survey and Bearings based on Deed Book 530, page 521 of the St. Charles County Records.

Survey by Asley M. Hoover
 Asley M. Hoover
 Mo. Reg. L.S. #2188

Subdivision by Paul M. Hoover
 Paul M. Hoover
 Mo. Reg. L.S. #1188

We, the undersigned owners of the tract of land herein platted and further described in the foregoing Surveyor's certificate hereby certify that we have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereinafter be known as 'Elm Point Industrial Park Plat 3'.
 Elm Point Industrial Drive and Keston Court, 50 feet wide, together with the roadways and the sidewalks, which for better identification is shown (|||||) on this plat is hereby dedicated to the City of St. Charles for public use forever.
 All other easements shown on this plat, unless stated otherwise, are hereby dedicated to the City of St. Charles, St. Charles Gas Company, Southwestern Bell Telephone Company, Union Electric Company and T.C. Cable Company, their successors or assignees as their interests may appear for the purpose of constructing, maintaining and repairing of public utilities and sewer and drainage facilities, with the right of temporary use of adjoining ground not occupied by improvements for the excavation and storage of materials during the construction, repair or replacement of said utilities, sewers and drainage facilities.
 The 35 foot wide drainage easement as shown on the attached plat is hereby dedicated to the Trustees of Elm Point Industrial Park for construction, maintenance and repair of the detention facilities. The trustees shall be responsible for said maintenance and repair, including mowing of grass, to insure continued proper functioning of said facility.

IN WITNESS WHEREOF, we have hereunto set our hand this 14th day of October, 1987.

Conco Corporation Owner of Lot 22	Elm Point Investment Company L.L.C. Edward L. Baker, III, Manager Owner of All Other Property	Transportation Investments L.L.C. Owner of Lot 30
--------------------------------------	---	--

Philip Hoffman
Philip Hoffman and Wife
J. Phillip Hoffman - Mo. Reg. L.S. #23,354

Edward L. Baker, III
Edward L. Baker, III, Vice President

Steven L. Nash
Steven L. Nash
Administrative Member

STATE OF MISSOURI)
 COUNTY OF ST. LOUIS) SS.

On this 14th day of October, 1987, before me appeared Edward L. Baker, III, to me personally known, who being by me duly sworn, did say that he is Vice President of Conco Corporation, the manager of Elm Point Investment Company L.L.C., and that said instrument was signed on behalf of said Company, and he further acknowledged said instrument to be the free act and deed of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission expires SEPTEMBER 20, 1990

Paul M. Hoover
PAUL M. HOVER
NOTARY PUBLIC STATE OF MISSOURI
My Commission Expires 9/20/1990

Paul M. Hoover
Paul M. Hoover
Notary Public

STATE OF MISSOURI)
 COUNTY OF ST. LOUIS) SS.

On this 17th day of October, 1987, before me appeared J. Phillip Hoffman, to me personally known, who being by me duly sworn, did say that he is Vice President of Conco Corporation, and that said instrument was signed on behalf of said Company, and he further acknowledged said instrument to be the free act and deed of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission expires SEPTEMBER 20, 1990

Teresa M. Jones
TERESA M. JONES
NOTARY PUBLIC STATE OF MISSOURI
My Commission Expires 9/20/1990

Teresa M. Jones
Teresa M. Jones
Notary Public

STATE OF MISSOURI)
 COUNTY OF ST. LOUIS) SS.

On this 15th day of October, 1987, before me appeared Steven L. Nash, to me personally known, who being by me duly sworn, did say that he is Administrative Member of Transportation Investments L.L.C., and that said instrument was signed on behalf of said Company, and he further acknowledged said instrument to be the free act and deed of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission expires October 20, 1990

Susan L. Lineaman
SUSAN L. LINEAMAN
NOTARY PUBLIC

Susan L. Lineaman
SUSAN L. LINEAMAN
Printed Name of Notary Public

We the undersigned legal owners and holder of notes for Southwest Bank secured by Deed of Trust recorded in Deed Book 1992, Page 362 of the St. Louis County Records, do hereby join in and approve in every detail the foregoing Reassignment, as shown on this Plat.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed our corporate seal, this 15th day of October, 1987.

SOUTHWEST BANK

John E. Huff
John E. Huff
(Corporate Officer)

Andrew S. Herford
Andrew S. Herford, Vice President
(Printed Name of Corporate Officer, 1986)

STATE OF MISSOURI)
 COUNTY OF ST. LOUIS) SS.

On this 15th day of October, 1987, before me appeared Andrew S. Herford, to me personally known, who being by me duly sworn, did say that he is Vice President of Southwest Bank, and that said instrument was signed on behalf of said Company, and he further acknowledged said instrument to be the free act and deed of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission expires December 20, 2000

Susan L. Lineaman
SUSAN L. LINEAMAN
NOTARY PUBLIC

Susan L. Lineaman
SUSAN L. LINEAMAN
Printed Name of Notary Public

Laura E. Melrose City Clerk in and for the City of St. Charles, Missouri, do hereby certify that Ordinance No. 147 approved the attached plat of Elm Point Industrial Park Plat 3 and directing me to endorse same under my hand and City Seal, by the City Council of the City of St. Charles, Missouri, duly passed and approved, and the same duly approved by the Mayor of said City on the 19th day of November, 1987, and as by said Ordinance directed, I hereby endorse said plat by my hand and the Seal of the City of St. Charles, Missouri, on this 17th day of December, 1987.

David G. Mellich
David G. Mellich
City Clerk

Laura E. Melrose
Laura E. Melrose
Printed Name City Clerk

Said Permanent Monument to be set at all Lot corners upon completion of grading or in any event within 1 year after recording of this plat.



P 34
 1/18/87

