

III. E.



OK'd
JWS
3/13/13

DATE: March 13, 2013

TO: Michael G. Herring, ICMA-CM
City Administrator

FROM: James A. Eckrich, P.E. *JAE*
Public Works Director / City Engineer

RE: Old Wilson Road Right of Way Vacation

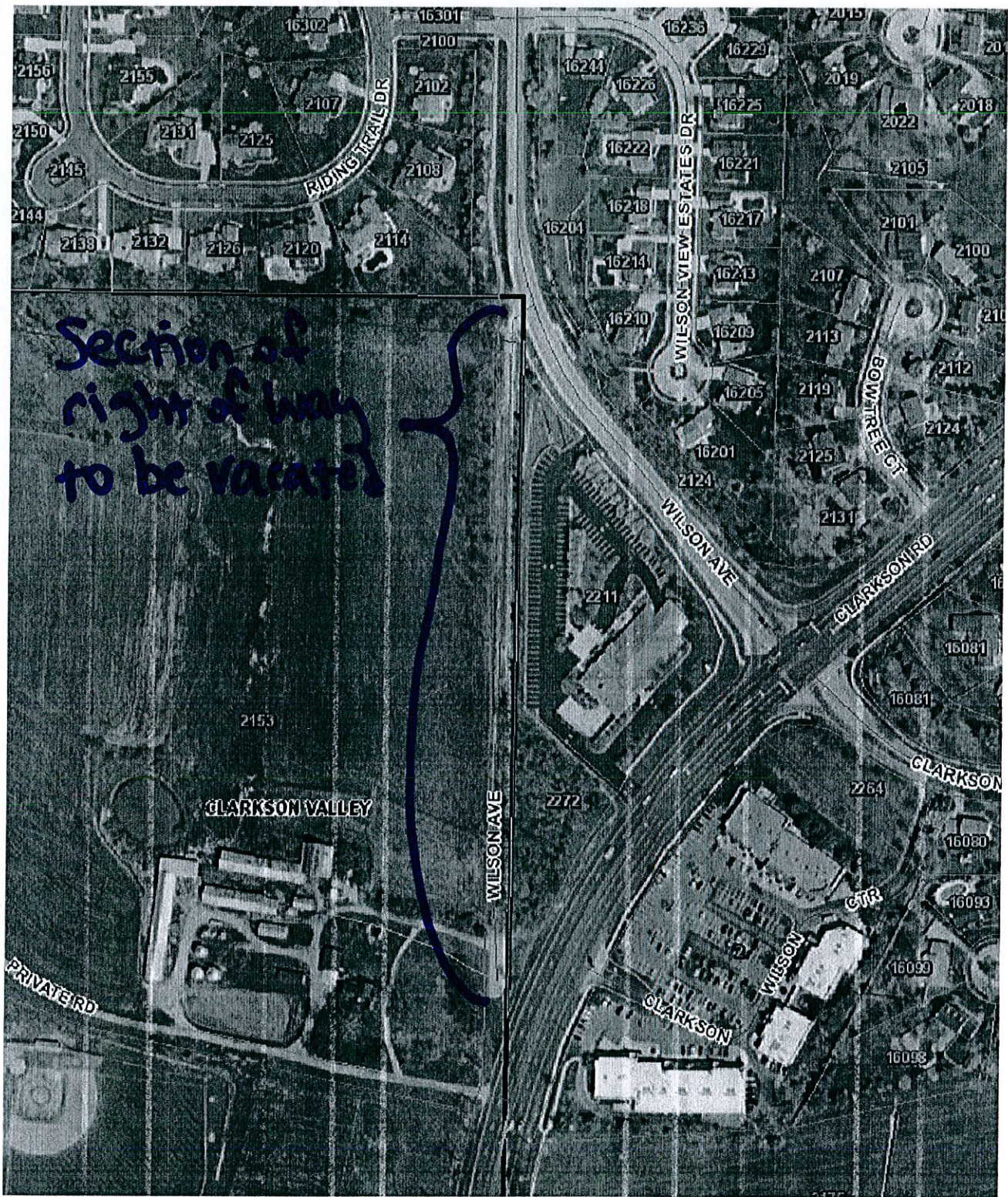
As you may recall, in the early 1990s the City of Chesterfield rerouted Wilson Road to a new, signalized intersection at Clarkson Road. This resulted in an approximately 400 foot stub of "Old" Wilson Road, which dead ends just north of Clarkson Avenue. It is my understanding that it was the City of Chesterfield's intention to abandon this stub section of "Old" Wilson Road after the project. Unfortunately, Staff has recently discovered that the formal vacation of this section of right of way never occurred. This is somewhat problematic because an area resident still utilizes this section of pavement to access Wilson Road, yet the City has not maintained or plowed this section of roadway since the Wilson Road Reconstruction Project.

City Staff believes the proper course of action at this time is to formally vacate this section of roadway. The process was initiated with letters (attached) being sent to the three properties which abut the right of way. Two of those property owners did not respond. The third indicated that he was not necessarily against the vacation of the right of way, but that he did desire to maintain the right to use the vacated roadway as an access to Wilson Avenue. This resident, Mr. Clarence Graeler, has access to Clarkson Avenue, but indicates that it is difficult to make a left turn onto Clarkson Avenue at certain times of the day and would prefer to keep access to Wilson Road from his property. Staff believes these access right could be assigned to Mr. Graeler as part of any right of way vacation.

Volz Incorporated, who performed the survey work in conjunction with the above-referenced roadway relocation project, has provided the City with a proposal to prepare a Right of Way Vacation Exhibit in accordance with the City's Vacation of Right of Way Checklist, at a cost of \$2,145, including the required title searches. If the Planning and Public Works Committee is in favor of considering the right of way vacation, City Staff would hire Volz to complete the Right of Way Vacation Exhibit. Then City Staff would notify the area utility companies and contact the three adjacent property owners again in an effort to obtain formal consent to the right of way vacation. Once this work was completed, the potential right of way vacation would be publicly advertised and forwarded to City Council for consideration after a fifteen day waiting period.

Action Recommended

This matter should be forwarded to the Planning and Public Works Committee for its consideration of approval of the further pursuit of the vacation of the "Old" Wilson Road right of way. If the Committee votes in favor of pursuing this matter further, City Staff will contract with Volz Engineering to prepare the Right of Way Vacation Exhibit.



St. Louis County Property Viewer



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March 01, 2013

Mr. Jim Eckrich, P.E.
City of Chesterfield, Missouri
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760
Email: JEckrich@chesterfield.mo.us

RE: Wilson Road Right-of-Way Vacation Exhibit
Volz Project No. 11336-0

Mr. Eckrich

Thank you for the request for a proposal for the above referenced project. It is assumed under this proposal, that we will be provided with a completed title commitment as well as any plats, deeds, or other documents that may be referenced in said commitment, that may be pertinent to our work on this project. Our work shall conform to your request, which we understand to include:

Right-of-Way Vacation Exhibit

1. We will prepare a Right-of-Way Vacation Exhibit in accordance with Vacation of Right-of-Way (Removal) Checklist received from the City of Chesterfield. Exhibit we be prepared from record information and no field survey work will be done. We will arrange to have title policies for the 3 tracts adjacent to the proposed vacation and plot the existing easements, adjacent to the right-of-way, on the exhibits.
2. We will prepare a meets and bounds description of the area show on the vacation exhibit.

Cost: \$1320

We have received a quote from St. Louis Title LLC to perform the title searches for \$275/per commitment for the 3 tracts. We will coordinate the work and have the invoices sent directly to the City of Chesterfield.

We appreciate the opportunity to be of service and look forward to working with you on this project. Please review the **Terms and Conditions for Professional Services** attached hereto and incorporated herein. If you have any questions, please, feel free to call me at 314-890-1219.



690 Chesterfield Pkwy W • Chesterfield MO 63017-0760
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

January 17, 2013

William H. Erker Jr. Trustee Etal
7420 Bland Drive
St. Louis, MO 63015

Re: Old Wilson Road Right of Way Vacation
2272 Clarkson Road

Dear Property Owner:

As you may recall, in the early 1990s the City of Chesterfield rerouted Wilson Avenue to a new, signalized intersection at Clarkson Road. This resulted in an approximately 400 foot stub of "Old" Wilson Road which dead ends just north of Clarkson Avenue. It was the City of Chesterfield's intention to abandon the stub section of "Old" Wilson Road after the project. Unfortunately, we have recently discovered that the formal vacation of this section of public right of way never occurred. The City of Chesterfield is beginning the process of vacating this stub section of "Old" Wilson Road. When a governmental agency vacates public right of way, it cannot assign the property to any party it chooses. Typically, the right of way reverts back to the underlying property owner. This will be determined during the creation of the Vacation Plat for this section of roadway. As part of any vacation, public utilities located within the right of way are provided easement rights and allowed to remain in their current location.

Prior to commencing the vacation process, we wanted to notify you, as an adjacent property owner, of the City of Chesterfield's intent to vacate this section of public right of way. If you have questions or need additional information regarding this matter, please contact me at (636) 537-4764 or jeckrich@chesterfield.mo.us. If I do not hear from you by February 8, 2013 I will assume that there are no concerns and the City will take the next step in this process.

Sincerely,

James A. Eckrich, P.E.
Director of Public Works/City Engineer

Cc: Michael G. Herring, City Administrator
Michael O. Geisel, Director of Public Services



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January 17, 2013

Buchholz Mortuaries Incorporated
P.O. Box 38067
St. Louis, MO 63138

Re: Old Wilson Road Right of Way Vacation
2211 Clarkson Road

Dear Property Owner:

As you may recall, in the early 1990s the City of Chesterfield rerouted Wilson Avenue to a new, signalized intersection at Clarkson Road. This resulted in an approximately 400 foot stub of "Old" Wilson Road which dead ends just north of Clarkson Avenue. It was the City of Chesterfield's intention to abandon the stub section of "Old" Wilson Road after the project. Unfortunately, we have recently discovered that the formal vacation of this section of public right of way never occurred. The City of Chesterfield is beginning the process of vacating this stub section of "Old" Wilson Road. When a governmental agency vacates public right of way, it cannot assign the property to any party it chooses. Typically, the right of way reverts back to the underlying property owner. This will be determined during the creation of the Vacation Plat for this section of roadway. As part of any vacation, public utilities located within the right of way are provided easement rights and allowed to remain in their current location.

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January 17, 2013

Clarkson Property Company Missouri Partnership
2153 Wilson Avenue
Chesterfield, MO 63017

Re: Old Wilson Road Right of Way Vacation
2153 Wilson Avenue

Dear Property Owner:

As you may recall, in the early 1990s the City of Chesterfield rerouted Wilson Avenue to a new, signalized intersection at Clarkson Road. This resulted in an approximately 400 foot stub of "Old" Wilson Road which dead ends just north of Clarkson Avenue. It was the City of Chesterfield's intention to abandon the stub section of "Old" Wilson Road after the project. Unfortunately, we have recently discovered that the formal vacation of this section of public right of way never occurred. The City of Chesterfield is beginning the process of vacating this stub section of "Old" Wilson Road. When a governmental agency vacates public right of way, it cannot assign the property to any party it chooses. Typically, the right of way reverts back to the underlying property owner. This will be determined during the creation of the Vacation Plat for this section of roadway. As part of any vacation, public utilities located within the right of way are provided easement rights and allowed to remain in their current location.

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Sincerely,

James A. Eckrich, P.E.
Director of Public Works/City Engineer

Cc: Michael G. Herring, City Administrator
Michael O. Geisel, Director of Public Services



VACATION OF RIGHT-OF-WAY (REMOVAL) CHECKLIST

Date _____

- _____ a. Vacation of Right-of-way petition completed by the petitioner (interested party) with original signatures and notary seals; and, filing fees¹ paid.
- _____ b. Attached is an “exhibit plat” showing (hatched) the area to be vacated with:
- _____ 1. Surrounding property owners with deed book and page
 - _____ 2. Legal description of area to be vacated in relationship with adjoining parcels
 - _____ 3. Other setbacks and easements (which will remain unaffected)
 - _____ 4. Square footage of the area to be vacated to hundredths
 - _____ 5. Subdivision or other legally recorded “Official” name of the right-of-way to be vacated
- _____ c. A full metes and bound legal description of the area to be vacated;
- _____ d. Utility letters with the “exhibit plat” attached. However, while the utility companies do NOT have to give their approval, they do have to be aware that the vacation will take place. The letters from the following companies need to be submitted to the Department of Planning before it is scheduled to City Council:
- _____ 1. Union Electric
 - _____ 2. Laclede Gas
 - _____ 3. Southwestern Bell
 - _____ 4. MSD
 - _____ 5. St. Louis County Water
 - _____ 6. Charter Cablevision

1. Filing fee is \$200.00

- ___ e. Memo to PW regarding Comments.
 - ___ 1. Received comments from PW Date: _____
 - ___ 2. Comments were addressed by applicant Date: _____
- ___ f. Consent of all property owners adjacent to the right-of-way. This includes any property – commercial, residential, or industrial – which lies adjacent to the right-of-way. Comment letters from adjacent property owners need to be signed and notarized.

BASIC PROCEDURE:

1. Once the petition has been received with the check, the petitioner is responsible for furnishing the documentation and contacting the utility companies.
2. After the Department of Planning has received all the letters from the utility companies, the legal description needs to be advertised in the St. Louis Countian Newspaper via Memorandum to the City Clerk.
3. There is a fifteen (15) day period where comments or complaints can be filed with the City. If no complaints or comments have been received, a memo is sent from the City Clerk indicating that there are no objections to the vacation by the general public.
4. Once the fifteen (15) day period has expired, the Vacation of Right-of-Way petition can then be forwarded directly to City Council for action.
5. When approved by City Council, the petitioner is responsible for acquiring a certified copy of the ordinance authorizing the vacation. This ordinance is to be recorded with the St. Louis County Recorder of Deeds office. Keep on mind, for this vacation to be official, it needs to be recorded and two copies sent to the City of Chesterfield – one for the Vacation of Right-of-Way file drawer and one for the placement in the PW file.

GENERAL RULES:

1. If a right-of-way is to be vacated in conjunction with an associated utility easement, only one fee is necessary. If the right-of-way and easement are not associated with one another, more than one fee may be charged.