



**CITY COUNCIL AGENDA SUBMISSION
MAY 6, 2021**

Agenda Item:

Bill #XXXX – An ordinance authorizing the vacation of 137 square feet of Old Bonhomme Road right-of-way at the southwest corner of the property addressed as 9411 Old Bonhomme Road. First Reading.

Description:

This item is being forwarded to the City Council ("Council") for a first reading, by title only.

The request is for the vacation of 137 square of public right-of-way along Old Bonhomme Road. The vacation is a pocket of excess right-of-way at the southwest corner of the lot currently addressed as 9411 Old Bonhomme Road (Property). The Property is part of a proposed 4.394 acre residential subdivision to be known as Birdie Lane.

Old Bonhomme Road is classified as a Residential Collector Street. Per Chapter 405 Subdivision Regulations of the Olivette Municipal Code, a Residential Collector Street should maintain a minimum 50-foot wide right-of-way. The right-of-way along Old Bonhomme Road at the southwest corner of the Property currently exceeds the 50-foot minimum.

A condition of approval for the preliminary subdivision plat included a request that the excess right-of-way be vacated. Following City Staff review, including the Director of Public Works, the pocket of excess right-of-way is beyond the required minimum width and does not serve a public purpose to continue to maintain.

In accordance with the vacation procedures outlined under Section 405.470 Vacations, being part of Chapter 405 Subdivision Regulations, the Planning and Community Design Commission ("Commission") held a public hearing on April 15, 2021, and following said public hearing unanimously voted to recommend the vacation as submitted.

Recommended Action:

This item is before the Council for a first reading, by title only.

Attachments:

1. Bill #XXXX, including Exhibit A Legal Description.
2. Petition for Land Subdivision, Adjustments, & Vacations, including attachments.

3. Department Memorandum dated March 18, 2021.

Funding Request: None.

Submitted by:

Carlos Trejo, AICP
DEPARTMENT HEAD

AN ORDINANCE AUTHORIZING THE VACATION OF 137 SQUARE FEET OF OLD BONHOMME ROAD RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF THE PROPERTY ADDRESSED AS 9411 OLD BONHOMME ROAD

WHEREAS, Section 405.470 Vacations, being part of Chapter 405 Subdivision Regulations of the Olivette Municipal Code, establishes the required review and approval procedures for vacation of any plat, part of a plat, street, alley, utility easement or public reservation; and

WHEREAS, the City of Olivette Planning and Community Design Commission (Commission) approved a preliminary subdivision plat entitled Birdie Lane on December 7, 2020; and

WHEREAS, the Birdie Lane subdivision consisted of a replating of two single family lots zoned SR Single Family Residential District, encompassing a combined land area of 4.394 acres addressed as 9411 Old Bonhomme Road and 9415 Old Bonhomme Road, and

WHEREAS, the Birdie Lane preliminary subdivision plan illustrated the platting of 8-new single family lots with two common ground areas fronting a new street to be known as Lone Acres Drive; and

WHEREAS, under Chapter 405 Subdivision Regulations, Old Bonhomme Road is defined as a Residential Collector Street and per section 405.330 Streets the minimum right-of-way width for a Residential Collector Street is 50-feet; and

WHEREAS, along the intersection of the proposed Lone Acres Drive and Old Bonhomme Road there is a pocket of excess right-of-way extending beyond the boundaries of the minimum 50-foot width of right-of-way along Old Bonhomme Road totaling 137 square feet located at the southwest corner of the property currently addressed as 9411 Old Bonhomme Road; and

WHEREAS, following review by City staff, including the Director of Public Works, the pocket of excess right-of-way is beyond the required width and does not serve a public purpose to continue to maintain; and

WHEREAS, part of the condition of approval of the preliminary subdivision plat for Birdie Lane included a request for the Petitioner to pursue vacation of the excess right-of-way in accordance with the procedures outlined under Section 405.470; and

WHEREAS, on February 25, 2021, a petition for the vacation of the excess right-of-way was submitted by The Sterling Company; and

WHEREAS, the Commission, in accordance with Section 405.470 Vacations, sub-paragraph (D) Notice of Public Hearing, held a public hearing on April 15, 2021, and

WHEREAS, due and lawful notice of a public hearing on the proposed right-of-way vacation, to be held by the Commission on April 15, 2021, at 7:00 PM via a ZOOM live stream, was published in the St. Louis Countian, a newspaper of general circulation in the City of Olivette, on March 31, 2021; and

WHEREAS, a public hearing was duly and properly held by the Commission at the time and place provided for in the notice and all comments, statements, objections, and suggestions concerning the adoption of the proposed amendments regarding the right-of-way vacation were duly heard and considered by the Commission; and

WHEREAS, following the public hearing, the Commission by unanimous vote, recommended to the Olivette City Council ("Council") to vacate the 137 square feet located at the southwest corner of the property currently addressed as 9411 Old Bonhomme Road; and

WHEREAS, the Council, after careful and due deliberation, has determined that the vacation of the 137 square feet located at the southwest corner of the property currently addressed as 9411 Old Bonhomme Road, is consistent with the zoning and subdivision regulations of the City and is in the best interest of the public health, safety, welfare, and morals.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLIVETTE, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS

Section One.

Per Section 405.470 Vacations, being part of Chapter 405 Subdivision Regulations of the Olivette Municipal Code, an area of approximately 137 square feet of Old Bonhomme Road right-of-way located at the southwest corner of property addressed as 9411 Old Bonhomme Road, legally described under the attached Exhibit A, is hereby vacated.

Section Two.

It is hereby declared to be the intention of the Council that each and every part, section and subsection of this Ordinance shall be separated and severable from each and every other part, section and subsection hereof and that the Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section Three.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2021.

MAYOR

ATTEST:

DENISE M. MANDLE
ACTING CITY CLERK
CITY OF OLIVETTE

EXHIBIT A

Legal Description

THE **STERLING** CO

ENGINEERS & SURVEYORS

5055 New Baumgartner Road St. Louis, Missouri 63129
(314) 487-0440 fax: (314) 487-8944

LEGAL DESCRIPTION

RIGHT-OF-WAY VACATION – OLD BONHOMME ROAD

A TRACT OF LAND BEING PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 45 NORTH, RANGE 6 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF OLIVETTE, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERN CORNER OF A TRACT OF LAND CONVEYED TO STEPHEN & DIANA ESTEP, BY INSTRUMENT RECORDED IN DEED BOOK 7547, PAGE 2073 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, SAID CORNER BEING LOCATED ON THE NORTHERN RIGHT-OF-WAY OF OLD BONHOMME ROAD, (VARIABLE WIDTH), THENCE PROCEEDING ALONG THE EASTERN LINE OF SAID ESTEP TRACT AND THE NORTHERN LINE OF SAID RIGHT-OF-WAY, NORTH $00^{\circ}26'58''$ EAST, 8.76 FEET TO THE SOUTHWESTERN CORNER OF A TRACT OF LAND CONVEYED TO 9411 OLD BONHOMME TRUST, BY INSTRUMENT RECORDED IN DEED BOOK 14176 PAGE 184 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS; THENCE PROCEEDING ALONG THE SOUTHERN LINE OF SAID OLD BONHOMME TRUST TRACT AND THE NORTHERN LINE OF SAID RIGHT-OF-WAY THE FOLLOWING COURSES, DISTANCES, AND CURVES: THENCE ALONG A NON-RADIAL ARC TO THE RIGHT, AN ARC LENGTH OF 14.68 FEET, A RADIUS OF 17.00 FEET, THE CHORD OF WHICH BEARS SOUTH $74^{\circ}38'28''$ EAST, 14.23 FEET TO A POINT OF TANGENCY; THENCE SOUTH $49^{\circ}54'12''$ EAST, 5.49 FEET TO A POINT OF CURVATURE; THENCE ALONG AN ARC TO THE LEFT, AN ARC LENGTH OF 7.81, A RADIUS OF 12.00, THE CHORD OF WHICH BEARS SOUTH $68^{\circ}32'54''$ EAST, 7.67 FEET TO A POINT OF INVERSE TANGENCY; THENCE LEAVING THE SOUTHERN LINE OF SAID 9411 OLD BONHOMME TRUST TRACT AND SAID NORTHERN RIGHT-OF-WAY OF OLD BONHOMME ROAD, NORTH $87^{\circ}11'35''$ WEST, 7.77 FEET TO A POINT; THENCE NORTH $86^{\circ}48'19''$ WEST, 17.40 FEET TO THE POINT OF BEGINNING, AND CONTAINING 137 SQUARE FEET (0.003 ACRES MORE OR LESS), ACCORDING TO A SURVEY PERFORMED BY THE STERLING COMPANY DURING THE MONTH OF OCTOBER, 2020, UNDER ORDER NUMBER 20-05-162.

Virginia Winters Humiston
1/28/2021

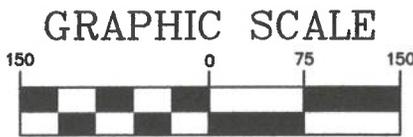


EXHIBIT "A"

N/F
EDWARD M. KOSLIN &
FRANCES M. WEINTRAUB H/W
D.B. 12350 PG. 323
LOC.# 17L230376
595 DIELMAN RD

| LINE TABLE | | |
|------------|--------|-------------|
| # | LENGTH | DIRECTION |
| L1 | 71.79' | N87°11'35"W |
| L2 | 5.49' | N49°54'12"W |

| CURVE TABLE | | | | |
|-------------|--------|--------|-------------|--------|
| # | LENGTH | RADIUS | ChB. | ChD. |
| C1 | 7.81' | 12.00' | N68°32'54"W | 7.67' |
| C2 | 14.68' | 17.00' | N74°38'28"W | 14.23' |



(IN FEET)
1 inch = 150 ft.

N/F
STEPHEN K. ESTEP &
DIANA C. ESTEP
D.B. 7547 PG. 2073
LOC.# 17L230178
9415 OLD BONHOMME RD

S89°29'59"E
96.865'

LOT 2

LOT 1

N/F
GARY BOLLMAN &
MAYUMI BOLLMAN H/W
D.B. 18173 PG. 664
LOC.# 17L230189
555 DIELMAN RD.

LOT 2

LOT 1

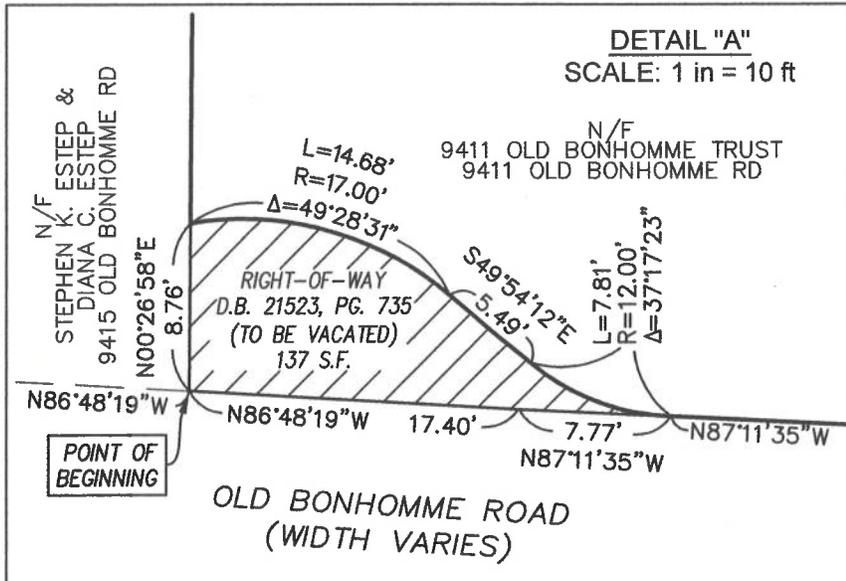
LOT B

LOT A

WHITENER SUBD.
P.B. 345 PG. 414

BEAMAN SUBD.
P.B. 209 PG. 37

OLD BONHOMME OAKS
P.B. 318 PG. 72



N00°26'58"E 980.07'

N/F
9411 OLD BONHOMME TRUST
D.B. 14176 PG. 184
LOC.# 17L230521
9411 OLD BONHOMME RD

S00°26'58"W 992.86'

SEE
DETAIL "A"

OLD BONHOMME ROAD (WIDTH VARIES)

EXHIBIT "B"

SHEET 1 of 1

INITIAL:

RIGHT-OF-WAY VACATION EXHIBIT

A TRACT OF LAND BEING PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 45 NORTH, RANGE 6 EAST, CITY OF OLIVETTE, ST. LOUIS COUNTY, MISSOURI

THE **STERLING** CO.
5055 NEW BAUMGARTNER ROAD
ST. LOUIS, MISSOURI 63129
(314)-487-0440 FAX 487-8944
Sterling@sterling-eng-sur.com

Virginia W. Humiston 1/28/2021
Virginia W. Humiston
MO. REG. P.L.S. # 2006016645





City of Olivette
 Department of Planning and Community Development
 1140 Dielman Road
 Olivette, MO 63132
 (314) 993-0252 (Office)
 www.olivettemo.com

**PETITION FOR LAND
 SUBDIVISION, ADJUSTMENTS, & VACATIONS**

APPLICANT INFORMATION:

| | | |
|---|-----------|-------------------------------------|
| Name: Geoffrey Semon | | |
| Company: The Sterling Company | | |
| Street Address: 5055 New Baumgartner Rd | | |
| City: St. Louis | State: MO | Zip Code: 63044 |
| E-mail: gsemon@sterling-eng-sur.com | | Phone Number: 314-484-0440 Ext 1306 |

The petition is for which of the following: (Check all that apply under this petition request.)

- Preliminary Subdivision (\$250 filing fee, plus \$50 per lot or unit)
Date of Pre-Application Conference: ____/____/____
- Final Subdivision (\$200 filing fee)
Date of Approved Preliminary Plat: ____/____/____
- Boundary Adjustment (\$200 filing fee)
- Vacation (\$200 filing fee)

All correspondence, appointments and communications shall be conducted through the applicant. It is the applicant's responsibility to provide all information to property owners, clients, etc.

Please note all the properties to be involved in the proposed subdivision: (If additional space is necessary, please prepare a separate table including information on each property as shown below)

| Saint Louis County Locator Nos. | Property Address | Legal Description of Property | Name of Owner(s) | Owner Mailing Address |
|---------------------------------|---|---|------------------------------------|--------------------------|
| 17L230521 | 9411 Old Bonhomme Rd St. Louis, MO 63132 | NE 1/4 of the SE 1/4, Sec 6, T 45 N, R6E | Don Sider, Trustee | Same as Property Address |
| 17L230178 | 9415 Old Bonhomme Rd St. Louis, MO 63132 | NE 1/4 of the SE 1/4, Sec 6, T 45 N, R6E | Stephen K. Estep Diana C. Estep | Same as Property Address |
| | | | | |

Please attach proof of ownership and/or authorization to act as an agent of the owner of each of the properties.

Provide a letter of intent describing the proposed subdivision, including subdivision name, number of lots and proposed use.

On a separate sheet, provide a complete meets and bounds description of the property(ies) to be subdivided, including the approximate area of the property(ies) stated to the nearest tenth (1/10) of an acre.

Provide a copy of the most recent instrument conveying title to the land proposed to be subdivided from the office of the St. Louis County Recorder. Such instrument shall include the name of the grantor and the grantee, and the date and type of conveyance.

Provide a County Tax Receipt of all taxes being paid and up to date.

The petition application, three (3) sets of plans containing all the attached submission standards, PDF files of all the documents submitted, and the associated filing fee(s) must be submitted thirty (30) days before a scheduled meeting.

An incomplete petition shall be returned to the applicant. The applicant may resubmit for the next scheduled meeting.

To insure that the applicant has read and understands the Petition and submission standards, described herein, please sign the following:



 Applicant Signature

 Date

02/25/2021

THE **STERLING** CO.
ENGINEERS & SURVEYORS

January 28, 2021

City of Olivette
Planning and Community Development Department
1140 Dielman Road
Olivette, Missouri 63132
Attn: Jonathan Roper

**RE: Birdie Lane – Right-of-Way Vacation
Sterling Co. Project # 20-05-162**

Dear Mr. Roper,

We are submitting this letter on behalf of Freeman Homes, LLC, to petition for the vacation of a portion of the right-of-way of Old Bonhomme Road located on the north side of Old Bonhomme Road adjacent to 9411 and 9415 Old Bonhomme Road. The right-of-way was granted by Deed Book 21253, Page 735 of the St. Louis County, Missouri Records. We are subdividing both parcels of land into a new residential development and the right-of-way proposed for vacation will be incorporated into the new development, and will no longer be necessary. We are only petitioning for the release of the right-of-way and are not requesting a release of any public utility easement rights.

For your convenience in reviewing this matter, we have attached a right-of-way vacation exhibit designated as Exhibit "B" which is shown "hatched" and labeled to identify the location of the proposed right-of-way vacation, as well as a legal description of the area to be vacated (Exhibit "A"), and a list of adjoining properties affected by the proposed vacation (Exhibit "C")

If you have any questions regarding the proposed vacation, please contact the undersigned at (314) 487-0440. Thank you for your cooperation and consideration in this matter.

Sincerely,

The Sterling Company



Geoffrey F. Semon, LSIT

Attachments: Exhibit "A", Exhibit "B", Exhibit "C"

THE **STERLING** CO

ENGINEERS & SURVEYORS

5055 New Baumgartner Road St. Louis, Missouri 63129
(314) 487-0440 fax: (314) 487-8944

LIST OF ADJOINING PROPERTIES

RIGHT-OF-WAY VACATION – OLD BONHOMME ROAD

1. 9411 Old Bonhomme Road, St. Louis, Missouri 63132
St. Louis County Locator Number 17L230521
Owner: 9411 Old Bonhomme Trust,
Ripley A. Rasmus a/k/a Ripley A. Rasmin – Trustee & Elizabeth K. Trueblood – Trustee
Adjacent to the north of the proposed right-of-way vacation.
2. 9415 Old Bonhomme Road, St. Louis, Missouri 63132
St. Louis County Locator Number 17L230178
Owners: Stephen K. Estep & Diana C. Estep
Adjacent to the west of the proposed right-of-way vacation.

EXHIBIT “C”



City of Olivette
Planning and Community Development
Department
1140 Dielman Road
Olivette, MO 63132

(314) 993-0252 (Office)
www.olivettemo.com

DEPARTMENT MEMORANDUM

DATE: MARCH 18, 2021
TO: PLANNING AND COMMUNITY DESIGN COMMISSION
FROM: CARLOS TREJO, AICP
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
ADDRESS: PROPOSED BIRDIE LAND SUBDIVISION
(9411 AND 9415 OLD BONHOMME ROAD)
RE: OLD BONHOMME ROAD RIGHT-OF-VACATION
REVIEW VACATION PLAT

PETITIONER
Geoffrey Semon
The Sterling Company

PROPERTY OWNER
City of Olivette

Item introduced: March 18, 2021. Public Hearing date tentatively April 15, 2021. Commission has sixty (60) days following public hearing to forward recommendation to City Council. No later than June 14, 2021.

STAFF SUMMARY

- 1. **DESCRIPTION:** Vacation of portion of Old Bonhomme Road right-of-way located at the southwest corner of the lot addressed as 9411 Old Bonhomme Road.
- 2. **ZONING:** Zoning SR Single Family Residential District.
- 3. **REVIEW.** Per Section 405.470 of Chapter 405 Subdivision Regulations, this section sets out the required review and approval procedures for vacation of any plat, part of a plat, street, alley, utility easement or public reservation.

Director shall review the vacation application for conformance with the Comprehensive Plan, the general requirements of this Chapter and zoning ordinance and the applicable review criteria. Within forty-five (45) days from receipt of a complete vacation application, the Director shall schedule a duly noticed public hearing before the Commission and submit a report to the Commission for consideration. The report shall include comments of the Director, as well as comments of all agencies and City departments to whom the vacation application was referred for review.

- 4. **PUBLIC HEARING.** A public hearing before the Planning and Community Design Commission will be scheduled on April 15, 2021. Within sixty (60) days of the public hearing, receipt of a complete vacation application and after receipt of the Director's report, the Commission shall take action.
- 5. **COMMISSION ACTION.** Once acted upon by the Commission, a recommendation shall be forwarded to the City Council. The City Council shall consider the vacation application request at a regular meeting.

ATTACHMENTS:

- Staff Report
- Petition Application
- Right-of-way description

MOTION:

No motion shall be considered until after the Public Hearing is scheduled.

VISUAL AERIAL OF AREA TO BE VACATED



RECOMMENDED CONDITIONS FOR APPROVAL:

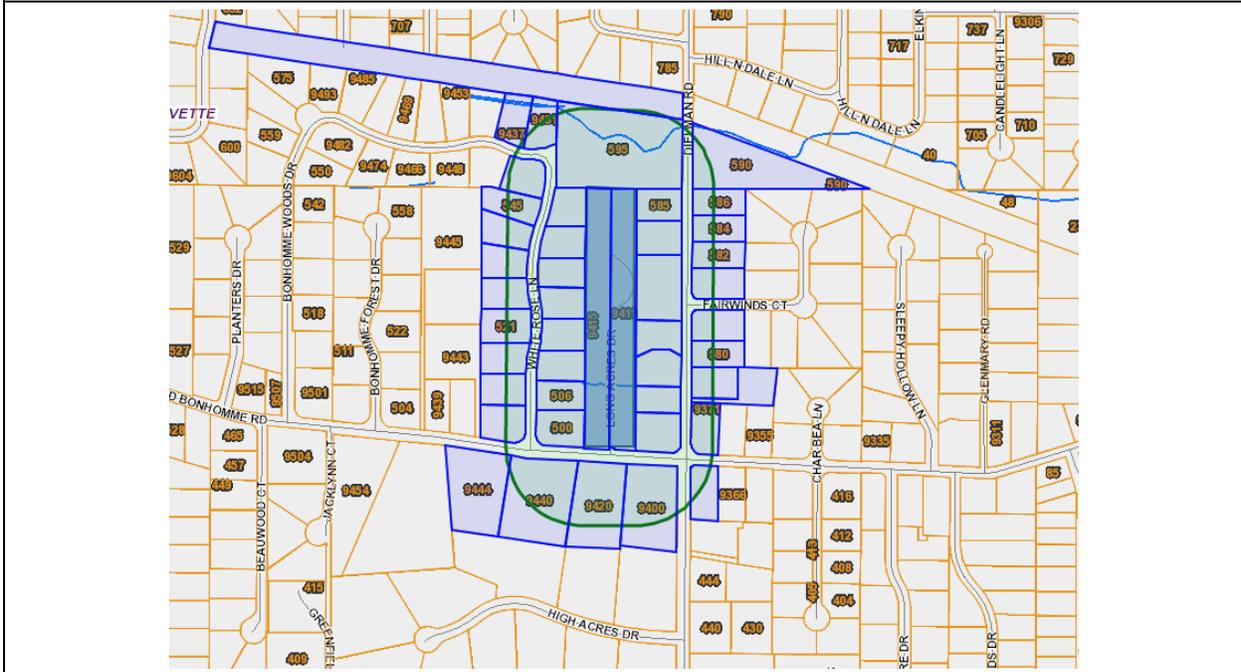
Should the Commission consider approving the petition as submitted, the following conditions are recommended as part of any action:

1. At this time, staff has no conditions.

Only a simple majority of the Commission is necessary to approve the Petition for Community Design, Site Plan and Concept Stormwater Management Plan Review.

REFERENCES

LOCATION MAP



AERIAL

