

Recommended Vacation Procedures for Public Streets, Alleys or Easements in Unincorporated St. Louis County

St. Louis County Department of Highways and Traffic

- 1) Research the establishment of the street, alley or easement proposed for vacation and determine if it is currently located within unincorporated St. Louis County or within a municipality, if it is public or private, and to whom it is dedicated. Determine the limits or boundaries of the requested vacation. If the proposed vacation is public and is located within unincorporated St. Louis County, proceed to #2. If the proposed vacation is located within a municipality (3rd Class, 4th Class or Home Rule City), the vacation should be initiated through the municipality. Vacations located within Villages or Towns should be initiated through St. Louis County. If the street, alley or easement is private and not dedicated to St. Louis County, contact your title company or attorney to determine the proper procedure to follow for the vacation of said street, alley or easement and/or contact the appropriate utility company or companies.
- 2) Prepare a drawing of the street, alley or easement proposed for vacation and label Exhibit "A" (see sample Exhibit "A"). Prepare a legal description of the street, alley or easement proposed for vacation and label Exhibit "B" (see sample Exhibit "B").
- 3) Submit Exhibit "A" and Exhibit "B" to the Department of Highways and Traffic, the Department of Planning, etc., for preliminary review and recommendation prior to formal submittal of vacation petition to the Office of the County Clerk. (Optional, but recommended.)
- 4) Contact all utility companies providing service in the area of the proposed vacation (use the utility company contact list provided). Provide the utility companies with a copy of the Exhibit "A" and Exhibit "B", soliciting the comments from each regarding the proposed vacation. The utility companies (including the appropriate cable television company), will provide a utility release or a letter which either states that they have no objection to the proposed vacation, that they require an easement be reserved in the vacation ordinance or that an easement will need to be recorded to cover their existing and future facilities. If an easement is requested for reservation in the vacation ordinance, provide a legal description approved by the utility company requesting said easement.
- 5) Contact all abutting property owners and interested parties regarding the proposed vacation, providing them with a copy of Exhibit "A", Exhibit "B" and a vacation consent form, which should be executed by all owners having a current interest in the abutting property. If a property is under contract for sale, provide a copy of same to the future owners under contract. Notify the abutting property owners and interested parties in person or by certified mail (return receipt requested).

- 6) Prepare a vacation petition in letter size (8.5"x11"), which should include all information necessary for the vacation request. Use the sample vacation petition provided, however verbiage should be modified appropriately for the type of vacation and situation.
- 7) Submit the vacation petition; Exhibit "A"; Exhibit "B"; letters and/or releases from all utility companies; consent or objection, proof of proper notice or waiver of notice from all abutting property owners (file an affidavit of notification if the abutting property owners or interested parties were notified but did not respond after a reasonable length of time); any additional or special documents required for vacation approval (i.e., letters from Missouri Highway and Transportation Department, municipality, etc.); and a \$200.00 filing fee (check made payable to "St. Louis County Clerk"), shall be submitted to the office of the St. Louis County Clerk. The aforementioned documents should be placed on the St. Louis County Council agenda. Subsequently, it may be ordered by the County Council that the vacation petition and attachments be received, filed and referred to the Department of Highways and Traffic, Department of Planning and the County Counselor for review and comment. The Administrative Director of the St. Louis County Council shall publish notice of the proposed vacation in a public newspaper (the "St. Louis Countian"). The County Council cannot act upon the vacation request until at least 30 days after publication of the vacation notice.
- 8) The vacation petition and attachments will be reviewed by the Department of Highways and Traffic, Department of Planning and the Office of the County Counselor. Reports from the aforementioned departments are submitted to the County Council after departmental requirements are satisfied.
- 9) Along with the report of the County Counselor, a bill is introduced before the County Council. Normally in subsequent weeks, the bill is perfected and submitted for final passage. Once the bill is adopted by the County Council, it is sent to the County Executive for approval. If approved by the County Executive, the bill becomes an ordinance effective 15 days after signature.
- 10) A certified copy of the ordinance shall be picked up at the Office of the County Clerk by the petitioner or their representative, and recorded at the Recorder of Deeds Office. A copy of the recorded ordinance should be submitted by the petitioner or their representative to the Office of the County Clerk.

(Note: Special or unusual circumstances may require deviation from or additions to the suggested procedures described above.)

(Sample Vacation Petition)

(NOTE: This Sample Petition for Vacation May be Used for Both Right-of-Way and Easement Vacations, and Should be Modified Where Appropriate)

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

**TO THE COUNTY COUNCIL OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI**

**PETITION FOR VACATION
UNDER CHAPTER 1105.120 SLCRO 1974**

Petitioners, John H. Doe and Mary A. Doe, respectfully state to the County Council of the County of St. Louis, State of Missouri that:

- 1) They are the owners in fee simple of the following described parcel of real estate situated in the County of St. Louis, State of Missouri, containing approximately 0.46 acres of ground, shown on the attached plat, designated as Exhibit "A", and incorporated herein by reference, which parcel is identified on said plat, being more particularly described as:

A tract of land being part of Block 112 of Carondelet Commons South of the River Des Peres in St. Louis County, State of Missouri, being more particularly described as follows:

Beginning at a point in the northeast right-of-way line of Forder Road, forty (40) feet wide, 435.32 feet northwest of the intersection of said northeast right-of-way line of Forder Road, forty (40) feet wide and with the western right-of-way line of Ringer Road, forty (40) feet wide; thence North 24 degrees 17 minutes 00 seconds East, 198.40 feet to a point; thence North 54 degrees 02 minutes 00 seconds West, 70.00 feet to a point; thence South 43 degrees 53 minutes 00 seconds West, 195.71 feet to a point on the northeast right-of-way line of Forder Road, forty (40) feet wide; thence along the northeast right-of-way line of Forder Road, forty (40) feet wide, 137.00 feet to the point of beginning and containing 0.46 acres more or less, subject to easements and restrictions now of record.

(NOTE: Petitioners Property May Also be Identified by Subdivision Names and Lot Numbers, and/or Current Saint Louis County Locator Numbers)

- 2) Petitioners desire to have a portion of Forder Road, a public road right-of-way or easement situated in St. Louis County, Missouri, vacated. The portion of Forder Road right-of-way proposed for vacation is labeled and shown hatched on the attached drawing, designated as Exhibit "A".

- 3) The portion of Forder Road right-of-way proposed for vacation, as shown on the attached Exhibit "A", is legally described on both the attached Exhibit "B" and as follows:

A tract of land being part of the Forder Road right-of-way, forty (40) feet wide, being adjacent to Block 112 of Carondelet Commons South of the River Des Peres and portion of the Forder Road right-of-way recorded in Deed Book 7280, Pages 2223 through 2228 of the St. Louis County Records, acquired in conjunction with the Forder Road, 1977 Bond Issue Project No. 7, all being located in St. Louis County, Missouri, and being more particularly described as follows:

Starting at the point of intersection of the northeastern right-of-way line of Forder Road, forty (40) feet wide, with the southeastern line of property conveyed to John H. Doe and Mary A. Doe, his wife, by deed recorded in Deed Book 6449, Pages 2084 and 2085 of the St. Louis County Records, said point being the actual point of beginning of this description; thence perpendicular to said northeastern right-of-way line of Forder Road, forty (40) feet wide, South 37 degrees 01 minute 17 seconds West, 76.92 feet to a point on a curve (not a point of tangency), said point being the back of a six (6) foot wide sidewalk and the northern right-of-way line of Forder Road, seventy-five (75) feet wide, as relocated by 1977 Bond Issue Project No. 7; thence northwestwardly following said back of sidewalk along a curve to the left having a radius of 1469.89 feet, an arc distance of 302.67 feet (the chord of which bears North 38 degrees 13 minutes 48 seconds West, a distance of 302.15 feet) to a point (not a point of tangency), said point being on the northeastern right-of-way line of Forder Road, forty (40) feet wide; thence along the northeastern right-of-way line of Forder Road, forty (40) feet wide, South 52 degrees 58 minutes 43 seconds East, 292.19 feet to the actual point of beginning of this description and containing 0.222 acres more or less.

(NOTE: In lieu of or in addition to including a legal description of the proposed vacation area in Section 3, the legal descriptions may appear on a separate exhibit, which should be attached to the vacation petition and designated as Exhibit "B". The addition of Exhibit "B" should be noted in Section 3)

- 4) Petitioners are the owners in fee simple of property which abuts the portion of Forder Road right-of-way proposed for vacation. The remaining abutting property owners, Robert G. Smith and Nancy L. Smith have been notified of this proposed vacation pursuant to the requirements of Chapter 1105.120, St. Louis County Revised Ordinances, 1974, and have consented to the vacation of said portion of Forder Road right-of-way as shown on the attached Exhibit "A" and legally described in Section 3 of this vacation petition and on the attached Exhibit "B". The response form from said abutting property owners is attached to this vacation petition and is labeled as Exhibit "C".

(NOTE: If petitioners are the only abutting property owners, Section 4 must be modified. The following is an example of Section 4 when the petitioners are the only abutting property owners.)

(4) Petitioners state that they are the owners in fee simple of all of the property which abuts the portion of Forder Road right-of-way proposed for vacation as shown on the attached Exhibit "A" and legally described in Section 3 of this vacation petition and on the attached Exhibit "B". None of the property abutting the portion of Forder Road right-of-way proposed for vacation is owned by anyone other than the petitioners.)

- 5) The various utility companies have commented on this proposed vacation and/or have given a release of easement for the right-of-way or easement proposed for vacation, as previously described. The comments and/or releases from Laclede Gas Company, Southwestern Bell Telephone Company, St. Louis County Water Company, Union Electric Company, Metropolitan St. Louis Sewer District and the appropriate cable television company, are submitted with this petition.
- 6) The portion of Forder Road right-of-way proposed for vacation, is located north of a section of Forder Road relocated by St. Louis County, 1977 Bond Issue Project No. 7. Petitioners further state that the portion of Forder Road right-of-way proposed for vacation, as previously described, is located beyond the right-of-way required for the construction and maintenance of said Forder Road relocation, as shown on the attached Exhibit "A". The petitioners have requested the vacation of said Forder Road right-of-way in order to add a portion of the vacated right-of-way to their existing property and utilize said area for an addition to their existing residence.

(NOTE: The petitioners should include a statement in Section 6, which gives the reason for the vacation request and states any future plans for utilization of the vacated area, if know at the time.)

- 7) The vacation herein petitioned for will be in the interest of the public necessity, convenience and general welfare.

WHEREFORE, Petitioners pray that the County Council of St. Louis County, Missouri, vacate the portion of Forder Road, a public road right-of-way or easement, as set forth in detail and previously described in this petition, and petitioners further pray that the portion of Forder Road right-of-way, as herein described, shall revert to the petitioners, who are the owners in fee simple of property adjoining or abutting this proposed vacation, as well as all those holding any reversionary interest, and ordain such further orders as may be proper to accomplish the vacation prayed.

John H. Doe

John H. Doe

Mary A. Doe

Mary A. Doe

Petitioners Address: 1234 Forder Road
St. Louis, Missouri 63129

Telephone Numbers: (314) 789-4321 (Home)
(314) 987-1234 (Business)

(NOTE: In addition to the signatures of the petitioners, if the petitioners are represented by an attorney, add the attorney's signature block as shown below.)

JONES, BROWN & TAYLOR

By: Fred L. Jones

Fred L. Jones, Attorney-at-Law
123 South Meramec Avenue
Clayton, Missouri 63105
(314) 432-4321

(Individual Notary)

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

On this 1st day of November, 2004, before me personally appeared John H. Doe and Mary A. Doe, to me known to be the persons described in and who executed the forgoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

John Q. Public

John Q. Public - Notary Public

My Term Expires: September 30, 2007

(NOTE: If the vacation petition is submitted by a corporation, use the following example of signature and corporate notary in place of individual signature and notary shown above.)

THE DOE CORPORATION, INC.

John H. Doe

John H. Doe, President

ATTEST:

Mary A. Doe

Mary A. Doe, Vice-President

**Address: 1234 Forder Road
St. Louis, Missouri 63129**

Telephone: (314) 789-4321 (Business)

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

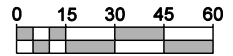
On this 1st day of November, 2005, before me appeared John H. Doe, to me personally known, who, being by me duly sworn, did say that he is the President of The Doe Corporation, Inc., a Corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said John H. Doe acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

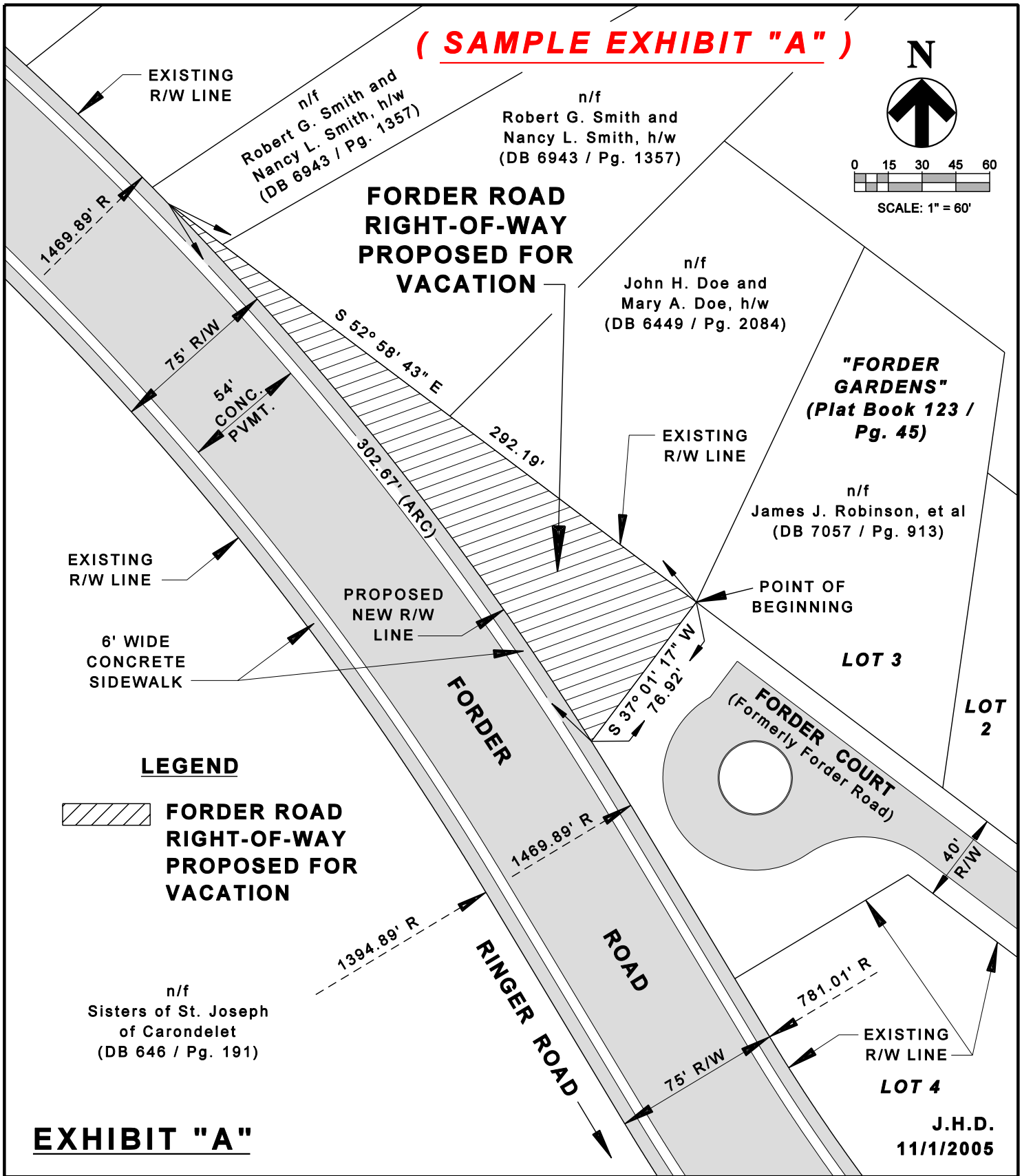
John Q. Public
John Q. Public - Notary Public

My Term Expires: September 30, 2007

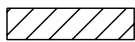
(SAMPLE EXHIBIT "A")



SCALE: 1" = 60'



LEGEND



**FORDER ROAD
RIGHT-OF-WAY
PROPOSED FOR
VACATION**

EXHIBIT "A"

J.H.D.
11/1/2005

**VACATION OF A PORTION OF FORDER ROAD RIGHT-OF-WAY
Block 111 and Block 112 of Carondelet Commons
South of the River Des Peres - Township 43 North, Range 6 East
Saint Louis County, Missouri**

(Sample Exhibit "B")

Legal Description
Forder Road Right-of-Way Proposed for Vacation

A tract of land being part of the Forder Road right-of-way, forty (40) feet wide, being adjacent to Block 112 of Carondelet Commons South of the River Des Peres and portion of the Forder Road right-of-way recorded in Deed Book 7280, Pages 2223 through 2228 of the St. Louis County Records, acquired in conjunction with the Forder Road, 1977 Bond Issue Project No. 7, all being located in St. Louis County, Missouri, and being more particularly described as follows:

Starting at the point of intersection of the northeastern right-of-way line of Forder Road, forty (40) feet wide, with the southeastern line of property conveyed to John H. Doe and Mary A. Doe, his wife, by deed recorded in Deed Book 6449, Pages 2084 and 2085 of the St. Louis County Records, said point being the actual point of beginning of this description; thence perpendicular to said northeastern right-of-way line of Forder Road, forty (40) feet wide, South 37 degrees 01 minute 17 seconds West, 76.92 feet to a point on a curve (not a point of tangency), said point being the back of a six (6) foot wide sidewalk and the northern right-of-way line of Forder Road, seventy-five (75) feet wide, as relocated by 1977 Bond Issue Project No. 7; thence northwestwardly following said back of sidewalk along a curve to the left having a radius of 1469.89 feet, an arc distance of 302.67 feet (the chord of which bears North 38 degrees 13 minutes 48 seconds West, a distance of 302.15 feet) to a point (not a point of tangency), said point being on the northeastern right-of-way line of Forder Road, forty (40) feet wide; thence along the northeastern right-of-way line of Forder Road, forty (40) feet wide, South 52 degrees 58 minutes 43 seconds East, 292.19 feet to the actual point of beginning of this description and containing 0.222 acres more or less.

November 1, 2005
GLL

Exhibit "B"

Vacation Contacts - St. Louis County Government

St. Louis County Clerk

41 South Central Avenue, 1st Floor
Clayton, Missouri 63105

Attention: Ms. Jeanette Hook
Deputy County Clerk

Phone: (314) 615-7171
Fax: (314) 615-7890

E-mail: Jhook@stlouisco.com

St. Louis County Department of Highways & Traffic

121 South Meramec Avenue, 8th Floor
Clayton, Missouri 63105

Attention: Ms. Swan Fields
Review Engineer

Phone: (314) 615-8587
Fax: (314) 615-8156

E-mail: Sfields@stlouisco.com

St. Louis County Department of Planning

41 South Central Avenue, 5th Floor
Clayton, Missouri 63105

Attention: Mr. Loyd Spurgeon
Planner

Phone: (314) 615-7859
Fax: (314) 615-3729

E-mail: LSpurgeon@stlouisco.com

St. Louis County Office of the County Counselor

41 South Central Avenue, 9th Floor
Clayton, Missouri 63105

Attention: Mr. Michael Shuman
Associate County Counselor

Phone: (314) 615-7031
Fax: (314) 615-3732

E-mail: MShuman@stlouisco.com

Vacation Contacts - Utility Companies

Laclede Gas Company

3950 Forest Park Avenue
St. Louis, Missouri 63108

Attention: Mr. Jeffery A. Vaughn
Superintendent of Engineering

Phone: (314) 658-5400

AT&T Missouri

12930 Olive Boulevard – Floor 2
Creve Coeur, Missouri 63141

Attention: AT&T Missouri Right-of-Way

Phone: (314) 275-0023

Missouri-American Water Company

535 North New Ballas Road
St. Louis, Missouri 63141-6875

Attention: Mr. Terrance Green
Operations Specialist
New Business & Right-of-Way

Phone: (314) 996-2324

Ameren UE

1901 Chouteau Avenue
P.O. Box 66149
St. Louis, Missouri 63166-6149

Attention: Mr. Doug Brown
Real Estate Supervisor

Phone: (314) 554-2951

Metropolitan St. Louis Sewer District

2350 Market Street
St. Louis, Missouri 63103-2555

Attention: Mr. Francis X. Kaiser
Manager of Plan Review

Phone: (314) 768-6315

Charter Communications

9140 Charter Commons
Chesterfield, Missouri 63017

Attention: Mr. Larry Saafir
Engineering Manager

Phone: (636) 220-2174

Additional Contact: Ms. Katie Knapp,
Attorney-at-Law
(314) 288-3141

(Sample Letter to Utility Companies)

**John H. Doe
1234 Forder Road
St. Louis, Missouri 63129**

November 1, 2005

(Name and Address of Utility Company)

Attention: ***(Name of Contact Person)***

Subject: Proposed Vacation of Forder Road Right-of-Way Located Northeast of Forder Road Relocated by St. Louis County Bond Issue Project No. 7

Dear ***(Name of Contact Person):***

This letter is to advise you that John H. Doe and Mary A. Doe will be petitioning the St. Louis County Council for the vacation of a portion of the Forder Road right-of-way located northeast of Forder Road relocated by St. Louis County 1977 Bond Issue Project No. 7. Forder Road (formerly Forder Avenue) was established as a public road by the County Court on March 9, 1868. Additional right-of-way was acquired along Forder Road by General Warranty Deed recorded in Deed Book 7280, Pages 2223 through 2228 of the St. Louis County Records.

For your convenience in reviewing this matter, we have attached a drawing, designated as Exhibit "A", which is hatched and labeled to identify the portion of Forder Road right-of-way proposed for vacation. Also attached is a legal description of said Forder Road right-of-way proposed for vacation, which is labeled as Exhibit "B".

Please advise the undersigned if your company has any objections to this proposed vacation, have any existing facilities located within the proposed vacation area or have any future facilities planned for the vacation area which would require an easement reservation. If an easement is required, please provide a description of the easement to be reserved.

If you have any questions regarding this proposed vacation, please contact the undersigned at (314) 789-1234. Thank you for your cooperation and consideration in this matter.

Sincerely yours,

John H. Doe

John H. Doe

Attachments: Exhibit "A"
Exhibit "B"

(Sample of Executed Vacation Response Form)

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

**BEFORE THE COUNTY COUNCIL OF ST. LOUIS COUNTY,
STATE OF MISSOURI**

In the matter of the vacation of a portion of Forder Road right-of-way, described as:

A tract of land being part of the Forder Road right-of-way, forty (40) feet wide, being adjacent to Block 112 of Carondelet Commons South of the River Des Peres and portion of the Forder Road right-of-way recorded in Deed Book 7280, Pages 2223 through 2228 of the St. Louis County Records, acquired in conjunction with the Forder Road, 1977 Bond Issue Project No. 7, all being located in St. Louis County, Missouri, and being more particularly described as follows:

Starting at the point of intersection of the northeastern right-of-way line of Forder Road, forty (40) feet wide, with the southeastern line of property conveyed to John H. Doe and Mary A. Doe, his wife, by deed recorded in Deed Book 6449, Pages 2084 and 2085 of the St. Louis County Records, said point being the actual point of beginning of this description; thence perpendicular to said northeastern right-of-way line of Forder Road, forty (40) feet wide, South 37 degrees 01 minute 17 seconds West, 76.92 feet to a point on a curve (not a point of tangency), said point being the back of a six (6) foot wide sidewalk and the northern right-of-way line of Forder Road, seventy-five (75) feet wide, as relocated by 1977 Bond Issue Project No. 7; thence northwestwardly following said back of sidewalk along a curve to the left having a radius of 1469.89 feet, an arc distance of 302.67 feet (the chord of which bears North 38 degrees 13 minutes 48 seconds West, a distance of 302.15 feet) to a point (not a point of tangency), said point being on the northeastern right-of-way line of Forder Road, forty (40) feet wide; thence along the northeastern right-of-way line of Forder Road, forty (40) feet wide, South 52 degrees 58 minutes 43 seconds East, 292.19 feet to the actual point of beginning of this description and containing 0.222 acres more or less.

VACATION CONSENT FORM

- 1) The undersigned state that they are the owners of 1236 Forder Road, St. Louis, Missouri 63129, property adjacent to the portion of Forder Road right-of-way proposed for vacation by this proceeding, as described in the legal description shown above.

- 2) By marking the appropriate line below, the undersigned do hereby indicate their preference in the vacation of the portion of Forder Road right-of-way proposed for vacation by this proceeding, as described in the legal description shown above.

Exhibit "C"

X **DOES CONSENT** to This Proposed Vacation

 DOES NOT CONSENT to This Proposed Vacation

Dated this 1st day of November, 2005.

Robert G. Smith

Robert G. Smith

Address: 1236 Forder Road
St. Louis, Missouri 63123

Nancy L. Smith

Nancy L. Smith

Telephone: (314) 789-1234 (Home)
(314) 963-2468 (Work)

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

On this 1st day of November, 2005, before me personally appeared Robert G. Smith and Nancy L. Smith, to me known to be the persons described in and who executed the forgoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

John Q. Public

John Q. Public - Notary Public

My term expires: September 30, 2007

Exhibit "C"

(Sample Vacation Response Form With Instructions)

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

**BEFORE THE COUNTY COUNCIL OF ST. LOUIS COUNTY,
STATE OF MISSOURI**

In the matter of the vacation of a portion of ***(Street Name or Easement)***, described as:

(Insert legal description here)

VACATION CONSENT FORM

- 1) The undersigned state(s) that they are / he is / she is the owners of ***(Insert address of abutting property owners here)***, property adjacent to ***(Insert name and/or location of street or easement here)***, proposed for vacation by this proceeding, as described in the legal description shown above.
- 2) By marking the appropriate line below, the undersigned do / does hereby indicate their / his / her preference in the vacation of ***(Insert name and/or location of street or easement here)***, proposed for vacation by this proceeding, as described in the legal description shown above.

_____ **DOES** Consent to This Proposed Vacation

_____ **DOES NOT** Consent to This Proposed Vacation

Dated this _____ day of _____, 200__.

(Signature)

(Signature)

(Type or print names since signatures may not be legible)

(Type or print here, address and telephone numbers of abutting property owners)

Exhibit "C"

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

On this _____ day of _____, 200 ____, before me personally appeared ***(Insert name or names of individuals signing this document)***, to me known to be the person***(s)*** described in and who executed the forgoing instrument, and acknowledged that they / he / she executed the same as their / his / her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

(NOTARY SIGNATURE)

(Type or print name) - Notary Public

My term expires: ***(Notary expiration date)***

Exhibit "C"

(Sample Letter to Abutting Property Owners)

**John H. Doe
1234 Forder Road
St. Louis, Missouri 63129**

November 1, 2005

(Names and Address of Abutting Property Owners)

Subject: Proposed Vacation of Forder Road Right-of-Way Located Northeast of Forder Road Relocated by St. Louis County Bond Issue Project No. 7

Dear ***(Names)*** :

This letter is to advise you that John H. Doe and Mary A. Doe will be petitioning the St. Louis County Council for the vacation of a portion of the Forder Road right-of-way located northeast of Forder Road relocated by St. Louis County 1977 Bond Issue Project No. 7. Forder Road (formerly Forder Avenue) was established as a public road by the County Court on March 9, 1868. Additional right-of-way was acquired along Forder Road by General Warranty Deed recorded in Deed Book 7280, Pages 2223 through 2228 of the St. Louis County Records.

For your convenience in reviewing this matter, we have attached a drawing, designated as Exhibit "A", which is hatched and labeled to identify the portion of Forder Road right-of-way proposed for vacation. Also attached is a legal description of said Forder Road right-of-way proposed for vacation, which is labeled as Exhibit "B".

As owners of property abutting this proposed vacation, we ask that you respond to this proposed vacation request by completing the enclosed vacation response form. When vacated, said right-of-way shall revert to the petitioners and/or those, who, in law or in equity, are properly entitled, with easements being reserved for the various utility companies to cover any existing or future facilities located within said right-of-way. Please return the executed vacation response form to the undersigned at your earliest convenience.

If you have any questions regarding this proposed vacation, please contact the undersigned at (314) 789-1234. Thank you for your cooperation and consideration in this matter.

Sincerely,

John H. Doe

John H. Doe

Attachments: Exhibit "A"
Exhibit "B"
Response Form (Exhibit "C")

BILL NO. 127, 1977

ORDINANCE NO. 8231, 1977

Introduced by Councilman Butler

AN ORDINANCE

AMENDING TITLE XI, CHAPTER 1105, ENTITLED “DEPARTMENT OF HIGHWAYS AND TRAFFIC”, BY REPEALING THEREFROM SECTION SECTION 1105.060, RELATING TO FEES, AND BY ENACTING A NEW SECTION 1105.060 RELATING TO THE SAME SUBJECT MATTER AND BY ENACTING AND ADDING THERETO A NEW SECTION TO BE NUMBERED 1105.120 RELATING TO THE PROCEDURE FOR VACATION OF PUBLIC STREETS, ROADS AND EASEMENTS.

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

SECTION 1. Title XI, Chapter 1105 SLCRO 1974, as amended, entitled “Department of Highways and Traffic”, is hereby amended by repealing therefrom Section 1105.060, relating to fees, and the enacting one new Section 1105.060 pertaining to the same subject matter, which new section shall read as follows:

1105.060 Fees - 1. The following fees are established for the filing of vacation petitions, special use permits and inspection fees for special use permits:

- a. Vacation Petition \$ 200.00
- b. Special Use Permit 15.00
- c. Inspection fees for Special Use Permits – Direct Cost to St. Louis County for furnishing required inspectors.

2. Half of the vacation petition fee shall be credited to the Special Road and Bridge Fund with the balance credited to the General Revenue Fund.

3. Special use permit and inspection fees shall be credited to the Special Road and Bridge Fund.

SECTION 2. Title XI, Chapter 1105 SLCRO 1974, as amended, entitled “Department of Highways and Traffic”, is hereby amended by enacting and adding thereto a new Section 1105.120, relating to the procedure for the vacation of public streets, roads and easements, which new section shall read as follows:

- 1105.120 Vacation Procedure** 1. Whenever the public necessity, convenience and general welfare require, the County Council may, subject to the procedure provided in this section, vacate all or any part of any public easement, right-of-way, street, alley, public road or highway dedicated or conveyed to St. Louis County, or title to which or authority over which is vested in St. Louis County by operation of law. A vacation may be initiated by a resolution of intent by the County Council, by the verified petition of an interested party, or by recommendation of the Department of Highways and Traffic.
2. **Definition** For the purpose of this section, an “interested party” includes any owner of property abutting or touching on the proposed vacation and any owner of property that would be denied reasonable access to the general system of public roads and streets by the proposed vacation of a street, alley, public road or highway. “Owner” shall include the owner or owners of record indicated upon the records of the St. Louis County Assessor’s Office on the date of the petition for vacation with the County Clerk.
3. **Petition for Vacation** A petition for vacation shall be on forms approved by the County Counselor and shall be addressed to the County Council and filed, together with a filing fee of two hundred dollars (\$ 200), with the County Clerk. Each petition shall include an accurate description of the public easement, right-of-way, street, alley, public road or highway sought to be vacated, its location and the names of all interested parties.
4. **Notice to Interested Parties** Notice of the proposed vacation shall be given to all interested parties at least 30 days before the County Council shall act upon the petition or resolution. Notice shall be in accord with R.S.Mo. 506.150-506.170, except that it may be made by any person authorized to make service under R.S.Mo. 491.110. Any interested party may in writing waive notice or affirmatively consent to the proposed vacation. Proof of proper notice, waiver of notice, or consent shall be filed with the County Clerk before the council shall act upon the proposed vacation. Interested parties not knowable after reasonable inquiry may be considered to have been given notice by the Public Notice of paragraph 5, if the Council finds the same to be the best practicable notice under the circumstances.

5. **Public Notice** At least 30 days before the County Council shall act upon the proposed vacation, the Administrative Director shall give notice of pendency in a public newspaper in the same manor as set forth in Section 1003.300-3 (1) SLCRO 1974, as amended.
6. Before the County Council shall act upon the proposed vacation, comments of each concerned utility as to whether each objects to or approves of the proposed vacation shall be filed with the County Clerk.
7. After receiving reports on the proposed from the Department of Planning, the Department of Highways and Traffic, and the County Counselor, the County Council may by ordinance vacate the concerned public easement, right-of-way, street, alley, public road or highway with such conditions and restrictions as it may deem for the public good.
8. All vacation proceedings under the authority of State Statute or County Ordinance pending on the effective date of this ordinance shall continue to be processed in accordance with such statute or ordinance. All future vacation proceedings within the purview of this section shall be in accord with the provisions hereof.

ADOPTED May 19, 1977

JAMES R. BUTLER
CHAIRMAN, COUNTY COUNCIL

APPROVED May 23, 1977

GENE MCNARY
COUNTY SUPERVISOR

ATTEST: LELA APPERSON
DEPUTY ADMINISTRATIVE DIRECTOR