

Bill No. 5049

Ordinance No. _____

Requested by: John Lyons

Sponsored by: Nancy Schneider

AN ORDINANCE VACATING A DRAINAGE
EASEMENT ON SOUTH MAIN STREET

WHEREAS, St. Chart. Charles County previously improved a portion of Main Street, and as part of said improvement project acquired easements for various purposes along the project corridor; and

WHEREAS, one of the easements acquired by St. Charles County for the Main Street project was a permanent drainage easement adjacent to the road that is shown on the plat attached hereto as Exhibit A and described in the legal description attached hereto as Exhibit B; and

WHEREAS, the Main Street project included a permanent drainage easement off the right-of-way within a tract of land now annexed into the City of St. Charles; and

WHEREAS, the consultant for the Riverpointe development, Stock & Associates Consulting Engineers, Inc., has provided documents showing the location of the permanent drainage easement; and

WHEREAS, St. Charles County Charter, Section 2.518 authorizes the County Council to dispose of any real property interest owned by the County under certain conditions; and

WHEREAS, the permanent drainage easement is no longer required due to development of the property which includes re-engineering of the storm water drainage systems; and

WHEREAS, the requested vacation of such permanent drainage easement would be equivalent to a disposal made to an abutting owner, so no public and open competition is required for such disposal; and

WHEREAS, the County Highway Engineer has approved this vacation request; and

WHEREAS, the public will not be injured by the vacation because the site development eliminates the need for a public drainage structure in the area of such drainage easement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to St. Charles County Charter, Section 2.518, the County Council hereby approves the vacation of the drainage easement on Main Street as requested by Stock & Associates Consulting Engineers, Inc.

Section 2. The drainage easement shown on the plat attached hereto as **EXHIBIT A** and described in the legal description attached hereto as **EXHIBIT B** is hereby vacated.

Section 3. The St. Charles County Executive is hereby authorized to execute any documents required to confirm vacation of the drainage easement.

Section 4. The County Registrar is hereby directed to record a certified copy of this Ordinance, with attached exhibits, with the office of the Recorder of Deeds.

Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

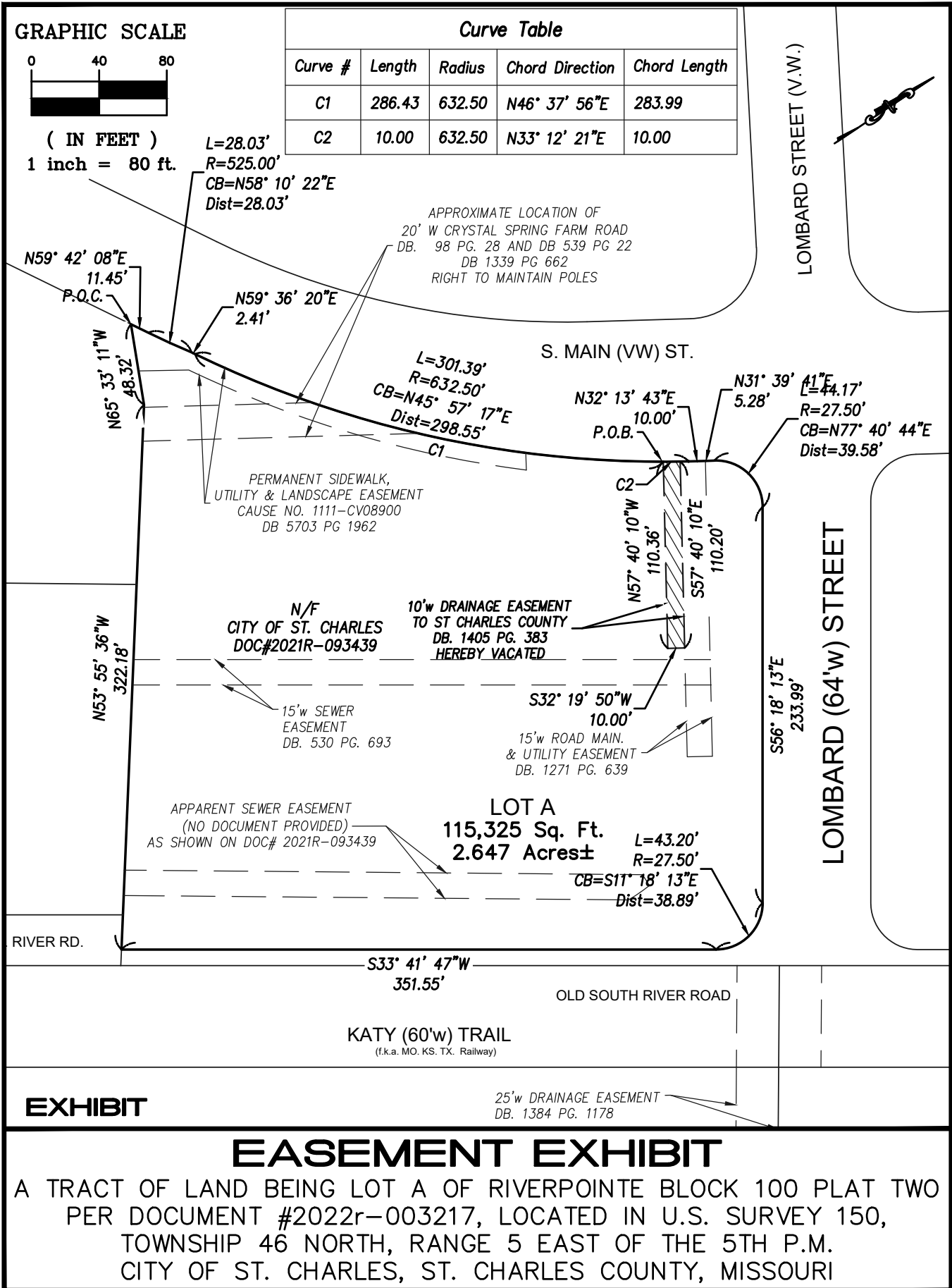
CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR

EXHIBIT A



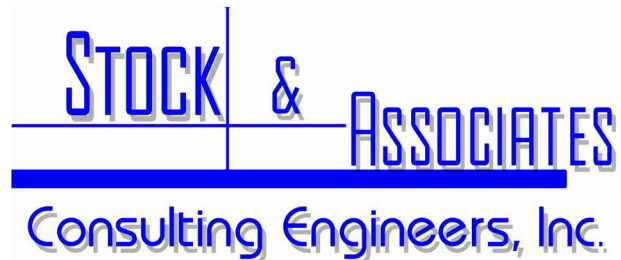
EXHIBIT

EASEMENT EXHIBIT

A TRACT OF LAND BEING LOT A OF RIVERPOINTE BLOCK 100 PLAT TWO PER DOCUMENT #2022r-003217, LOCATED IN U.S. SURVEY 150, TOWNSHIP 46 NORTH, RANGE 5 EAST OF THE 5TH P.M. CITY OF ST. CHARLES, ST. CHARLES COUNTY, MISSOURI

DATE: 2/16/22

7105/vac exhibit/Drainage Esmnt.DWG



Drainage Easement Description

A tract of land being that part of a Drainage Easement as conveyed to the County of St. Charles, by instrument recorded in Book 1405, Page 383 of the St. Charles County records, now located on Lot A of Riverpointe Block 100 Plat Two, recorded as Document #2022R-003217 of said records, being located in U.S. Survey 150, Township 46 North, Range 5 East of the Fifth Principal Meridian, City of St. Charles, St. Charles County, Missouri being more described as follows:

Commencing at the intersection of the south line of said Lot A and the eastern right-of-way line of S, Main Street, variable width; thence along said right-of-way line the following courses and distances: North 59 degrees 42 minutes 08 seconds East, 11.45 feet to the beginning of a curve to the left having a radius of 525.00 feet; along said curve with an arc length of 28.03 feet and a chord which bears North 58 degrees 10 minutes 22 seconds East, 28.03 feet; North 59 degrees 36 minutes 20 seconds East, 2.41 feet to the beginning of a curve to the left having a radius of 632.50 feet and along said curve with an arc length of 286.43 feet and a chord which bears North 46 degrees 37 minutes 56 seconds East, 283.99 feet to the POINT OF BEGINNING of the herein described tract; thence continuing along last said curve with an arc length of 10.00 feet and a chord which bears North 33 degrees 12 minutes 21 seconds East, 10.00 feet to its intersection with the northern line of above said Drainage Easement; thence along the northern, eastern and southern lines of said Drainage Easement the following courses and distances: South 57 degrees 40 minutes 10 seconds East, 110.20 feet; South 32 degrees 19 minutes 50 seconds West, 10.00 feet and North 57 degrees 40 minutes 10 seconds West, 110.36 feet to the Point of Beginning.

MEMORANDUM

TO: John Greifzu, Assistant Director of Administration

FROM: John Lyons, County Engineer

RE: Proposed Council Agenda Item
Vacation of Drainage Easement on South Main Street

DATE: March 4, 2022

The construction of South Main Street many years ago included a permanent drainage easement off the right-of-way within a tract of land now annexed into the City of St. Charles. Development of the tract will change the drainage patterns to where that permanent easement is no longer necessary.

The consultant for the Riverpointe development, Stock & Associates, has provided the attached plat showing the location of the existing permanent drainage easement, as well as the attached legal description of the area. We have reviewed the documents, along with the site plan, and found that there is no longer a public need to retain the permanent easement.

Should you concur with this recommendation for vacation, please forward to the County Counselor's office for drafting of the necessary ordinance authorizing execution of the agreement.

If you have any questions, please advise.