DATE: February 9, 2021

TO: Steve Ehlmann, County Executive
    Joann Leykam, Director of Administration

CC: Rory O'Sullivan, Acting County Counselor
    Kelley Gibbs, Executive Assistant
    Donna Vogt, County Council
    Michael Hurlbert, Director of Community Development

FROM: Robert Myers, Planning and Zoning Division Director

RE: Item for the February 22, 2021 County Council Consent Agenda

The Community Development Department is submitting the following item for your review. If it is acceptable, the Department requests that this item be forwarded to the County Council's Office in order to be placed on the February 22, 2021 County Council's Consent Agenda.

ITEM FOR CONSENT AGENDA:

An application to vacate a tract of land being Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two, being located in U.S. Survey 1807 and Fractional Sections 13 and 24, Township 46 North, Range 1 East, as recorded in Document No. 2020R - Page 100415, St. Charles County, Missouri records.

Under Section 410.240.A of the County Code, the owner of a lot may petition the County Council to vacate any subdivision lot or part thereof.

The property owners are requesting to vacate this parcel from the New Melle Farms Subdivision in order to split the parcel (66.98 acres) into two lots without having to plat as a subdivision and conform to subdivision street standards. If this request is approved, the owners would instead apply for a minor subdivision plat which has a simplified platting process and no minimum street standards.

The Community Development Department recommends that the County Council approve this application.
APPLICATION VAC20-05

An application to vacate a tract of land being described as Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two and located in U.S. Survey 1807 and Fractional Sections 13 and 24, Township 46 North, Range 1 East, as recorded in Document No. 2020R - Page 100415, St. Charles County, Missouri Recorder of Deeds records.

Property Address: 3800 New Melle Farm Drive, Wentzville, Missouri

Applicant: Ryan R. and Andrea Smith

Council District: 2

Contents:

➢ Synopsis
➢ Petition for Vacation
➢ Property Exhibit and Legal Description of Area to be Vacated
➢ Warranty Deed
➢ Notice of Application to Vacate
➢ Certified Copy of Order to Vacate
Date: February 9, 2021

To: St. Charles County Council Members

From: Robert Myers, AICP, Planning & Zoning Division Director

Re: An application to vacate a tract of land being Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two, as recorded in Document No. 2020R - Page 100415, St. Charles County, Missouri records.

The attached application to remove this parcel of land from the New Melle Farm Estates Subdivision has been submitted to the County, pursuant to Section 410.240 of the County Code. The owner intends to vacate Lot 1 (66.98 acres) in order to divide the parcel into two lots without having to plat as a subdivision. If this request is approved, the owners will be required to submit a minor subdivision plat application which has a simplified platting process and no street standards. The County Council may approve this petition to vacate by Consent Agenda.

In conformance with Section 410.240.A of the County Code, the owners of property within 500 feet were notified by mail on January 29, 2021. If the County Registrar receives no written opposition at least seven days before the February 22, 2021 County Council meeting, the County Council may approve the request on its consent agenda "...with such restriction as they may deem for the public good." If written opposition should be timely filed, the County Council must hold a public hearing before taking action on this request.

No utility or other easements would be released with this request.

As the Director of the Planning & Zoning Division, I advise that the application complies with the requirements of Section 410.240 of the County Code, and that the Council may act to grant the attached petition.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning
STATE OF MISSOURI

COUNTY OF ST. CHARLES

BEFORE THE COUNTY COUNCIL OF ST. CHARLES COUNTY
STATE OF MISSOURI

IN THE MATTER OF:
A PETITION FOR THE VACATION OF A TRACT OF LAND BEING PARCEL 1 OF A BOUNDARY ADJUSTMENT PLAT FOR NEW MELLE FARM ESTATES PLATS ONE AND TWO, IN ST. CHARLES COUNTY, MISSOURI

1. Petitioner(s) state they are the legal owners of Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two.

2. Petitioner(s) state that notice of this Petition as required by law and more particularly required by the Unified Development Ordinance of St. Charles County Missouri, Section 410.240: Vacation of Subdivisions.

3. Petitioners further state that the legal description of the property to be vacated is a tract of land being described as Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two, as recorded in Document No. 2020R - Page 100415, St. Charles County, Missouri records, and being more particularly described in Exhibit A.

Therefore, the Petitioners request that the County Council of St. Charles County, Missouri conduct a hearing pursuant to this Petition, and that the requested tract of land being described as Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two, and that said vacation be ordered by the County Council of St. Charles County, Missouri.
STATE OF MISSOURI  
COUNTY OF ST. CHARLES, ss.

On the 6th day of January, 2021, before me personally appeared RYAN R. SMITH, known to me to be the person/persons described in and who executed the foregoing instrument, and acknowledged that he executed the same as his 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.

My term expires: 04/25/2022

(NOTARY SEAL)

(Notary Public)
PETITIONERS

Andrea Smith

Signature

1/10/2021

Date

Andrea Smith

Print Name

STATE OF Missouri

COUNTY OF St. Charles ss.

On the 1st day of January, 2021, before me personally appeared Andrea Smith

who is known to be the person/persons described in and who executed the foregoing instrument, and acknowledged that she executed the same as 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.

My term expires: 01/25/2022

Lauren Lavista

Notary Public

Notary Seal

NOTARY SEAL
DENOTES LAND TO BE VACATED

NOTE: DRAWING FOR OVERALL REFERENCE ONLY. SEE FOLLOWING SHEETS FOR DIMENSION INFORMATION.

SHEET 1 OF 4  OWNER: SMITH, RYAN ETAL.  EXHIBIT A  INITIAL:

SUBDIVISION VACATION EXHIBIT
PARCEL 1 OF A BOUNDARY ADJUSTMENT PLAT FOR NEW MELLE FARMS ESTATES
PLATS ONE AND TWO
A TRACT OF LAND IN U.S. SURVEY 1807, AND FRACTIONAL SECTIONS 13 AND 24,
T 48 N, R 1 E,
DOCUMENT NO. 2020R-PAGE 100415
ST. CHARLES COUNTY, MISSOURI

DRAWN: MLP, BJF
CHECKED: BJF
DATE: 12-24-2020, 01-22-2021
PROJECT NO: 20-2501-02
LAND DESCRIPTION (ADJUSTED HOLFIELD TRACT) PARCEL 1:

A tract of land being Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two, being located in U.S. Survey 1807 and Fractional Sections 13 and 24, Township 46 North, Range 1 East, as recorded in Document No. 2020R–Page 100415, St. Charles County, Missouri records.

Said tract contains 66.98 acres or 2,917,846 square feet, more or less, as surveyed and calculated by THD Design Group, Inc. during December 2020.
GENERAL WARRANTY DEED
(Trust) 20-273801-SRH

THIS DEED, Made and entered into this 31st day of December, 2020, by and between

JAMES L. HOLIFIELD, AS TRUSTEE OF JAMES L. HOLIFIELD TRUST DATED OCTOBER 1, 1996
AND JAMES L. HOLIFIELD, SUCCESSOR TRUSTEE OF THE FRED M. HOLIFIELD TRUST DATED
1 OCTOBER, 1996 each as to an undivided 1/2 interest

Address: 3641 New Melle Farms Drive, Wentzville, MO 63385

of the County of St Charles, State of Missouri, parties of the first part, GRANTOR, and

RYAN R. SMITH AND ANDREA L. SMITH, HUSBAND AND WIFE
Address: 600 Bittersweet Dr., O'Fallon, MO 63366

of the County of Saint Charles, State of Missouri, parties of the second part, GRANTEE.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said parties of the second part, the receipt of which is hereby acknowledged, do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said parties of the second part, the following described Real Estate, situated in the County of Saint Charles, State of Missouri, to wit:

A tract of land being part of Lots 4 and 5 of "New Melle Farm Estates", a subdivision according to the plat thereof recorded in Plat Book 28, Page 8 of the St. Charles County Records, and part of New Melle Farm Court, 50 feet wide, private, including a portion of land unsubdivided in Fractional Section 24, in U.S. Survey 1807 and Fractional Sections 13 and 24, Township 46 North Range 1 East, St. Charles County, Missouri and being more particularly described as:

Beginning at the intersection of the Northerly line of a tract of land now or formerly of Ryan D. and Shannon R. Casey Trust, as recorded in Deed Book 7381, Page 2159 of the St. Charles County, Missouri records with the Easterly line of a tract of land now or formerly of Lonsway Family Limited Partnership, as recorded in Deed Book 4688, Page 1776 of the St. Charles County, Missouri Records;

thence North 01 degrees 20 minutes 56 seconds West, along the Easterly line of said Lonsway Family Limited Partnership tract, and its prolongation Northerly, a distance of 1623.90 feet to a point on the called center of Dardenne Creek, as per Plat Book 28, Page 8 of the St. Charles County, Missouri records;

thence along the meanders of Dardenne Creek as called the following:

Title Partners Agency, LLC
2507 HWY K
O'FALLON, MO 63368

File No: 20-273801-SRH

FOR COMMENT/DEVELOPMENT USE ONLY
South 77 degrees 51 minutes 31 seconds East, a distance of 80.95 feet to a point;
North 70 degrees 21 minutes 29 seconds East, a distance of 132.57 feet to a point;
North 55 degrees 06 minutes 49 seconds East, a distance of 248.32 feet to a point;
North 11 degrees 22 minutes 24 seconds East, a distance of 96.06 feet to a point;
North 22 degrees 59 minutes 10 seconds East, a distance of 192.55 feet to a point;

thence North 36 degrees 40 minutes 10 seconds East, a distance of 599.12 feet to a point on the Southerly line of a tract of land now or formerly of Charles W. and Audrie J. Massmann, as recorded in Deed Book 756, Page 802 of the St. Charles County, Missouri records;

thence South 18 degrees 49 minutes 50 seconds East, along said Southerly line of said Massmann tract and the Westerly line of a tract of land now or formerly of Bernard A. Rains Trust, as referenced as Parcel 4-0064-1807-00-0015.20000000 on the Assessor's records of St. Charles County, Missouri, and the Westerly line of a tract of land now or formerly of Coreen H. Eaton, as recorded in Deed Book 2000, Page 349 of the St. Charles County, Missouri records, a distance of 1854.68 feet to a point;

thence North 89 degrees 40 minutes 02 seconds East, along the Southerly line of said Coreen H. Eaton tract, a distance of 352.64 feet to a point;

thence South 04 degrees 48 seconds West, along the Westerly line of a tract of land now or formerly of James H. and Margaret H. Petersen Trust, as recorded in Deed Book 5562, Page 2292 of the St. Charles County, Missouri records, a distance of 873.80 feet to a set iron rod with cap;

thence South 74 degrees 10 minutes 56 seconds West, along the projected north line of a tract of land now or formerly of Karen D. Wigger, as recorded in Deed Book 1560, Page 1780 of the St. Charles County, Missouri records, and said north line, a distance of 842.35 feet to a set iron rod with cap on the Westerly line of said Holfield tract;

thence North 03 degrees 07 minutes 35 seconds West, along the Westerly line of the aforementioned James L. and Freda M. Holfield Trust tract, a distance of 305.78 feet a found iron rod with cap;

thence North 89 degrees 17 minutes 54 seconds West, along the Southerly line of said Hollfield tract, a distance of 654.14 feet to the point of beginning.

Said tract contains 66.98 acres or 2,917,846 square feet, more or less, as surveyed and calculated by THD Design Group, Inc. during December 2020.

Now known as:
Adjusted Parcel 1 of A Boundary Adjustment Plat for New Melle Farms Estates Plat's One and Two, according to the plat thereof recorded in Plat Document No. 2020R-100415 of the St. St. Charles County Records.

Subject to Easements, Conditions, Restrictions, Building Lines, and Zoning Ordinances, if any.

Grantor represents and warrants:
a) The Trustee(s) is/are the duly acting and qualified Trustee(s) under said Trust;
b) The Trust has not been amended, revoked, or canceled, and is in full force and effect; and
c) The Trustee(s) have the full and complete powers and authority to sell and convey the subject property.

File No: 20-273801-SRH
TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said parties of the second part, and to the heirs and assigns of such parties forever.

The said parties of the first part hereby covenants that she and her successors shall and will WARRANT AND DEFEND the title to the premises unto the said parties of the second part, and to the heirs and assigns of such parties forever, against the lawful claims of all persons whomsoever; excepting, however, the general taxes for the calendar year 2020 and thereafter and special taxes becoming a lien after the date of this deed.

IN WITNESS WHEREOF, the party of the first part have hereunto set their hands the day and year above written.

GRANTORS:

James L. Holifield Trust dated October 1, 1996

BY: James L. Holifield
     Trustee

Freda M. Holifield Trust dated October 1, 1996

BY: James L. Holifield
     Successor Trustee

File No: 20-273801-SRH
STATE OF MISSOURI

COUNTY OF ST. CHARLES

On this 31st day of December, 2020, before me personally appeared James L. Hollifield, Trustee(s) of James L. Hollifield Trust dated October 1, 1996 and Successor Trustee of Freda M. Hollifield Trust dated 1 October, 1996 to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed, as the parties of the first part.

James L. Hollifield, Trustee and Successor Trustee further declared that they are the duly acting and qualified Trustee(s) of the Trust; and that the Trust has not been amended, revoked, or canceled and is in full force and effect, and that James L. Hollifield, Trustee has the full and complete power and authority to execute the foregoing instrument.

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.

[Signature]

Notary Public

[Notary Seal]

David M. Korum
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Nov. 25, 2021
Commission # 1355135

File No: 20-273801-SRH
NOTICE OF APPLICATION TO VACATE A PORTION OF A TRACT OF LAND

NOTICE IS HEREBY GIVEN THAT THE ST. CHARLES COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, WILL HOLD A MEETING IN THE ST. CHARLES COUNTY EXECUTIVE OFFICE BUILDING (HISTORIC COURT HOUSE), 100 NORTH THIRD STREET, THIRD FLOOR COUNCIL CHAMBERS, ST. CHARLES, MISSOURI ON MONDAY, FEBRUARY 22, 2021, AT 7:00 P.M. FOR THE PURPOSE OF:


PROPERTY OWNERS: RYAN R. SMITH AND ANDREA L. SMITH

LOCATION: 3800 NEW MELLE FARM DRIVE

COUNTY COUNCIL DISTRICT: 2

LEGAL DESCRIPTION OF PROPERTY TO BE VACATED:

A TRACT OF LAND BEING PART OF LOTS 4 AND 5 OF "NEW MELLE FARM ESTATES", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGE 8 OF THE ST. CHARLES COUNTY RECORDS, AND PART OF NEW MELLE FARM COURT, 50 FEET WIDE, PRIVATE, INCLUDING A PORTION OF LAND UNSUBDIVIDED IN FRACTIONAL SECTION 24, IN U.S. SURVEY 1807 AND FRACTIONAL SECTIONS 13 AND 24, TOWNSHIP 46 NORTH RANGE 1 EAST, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS:


ST CHARLES COUNTY COUNCIL CHAIR
MIKE ELAM
CERTIFIED COPY OF ORDER

IN THE MATTER OF:
A PETITION FOR THE VACATION OF A  )
TRACT OF LAND BEING PARCEL 1 OF )
A BOUNDARY ADJUSTMENT PLAT FOR )
NEW MELLE FARM ESTATES PLATS  )
ONE AND TWO, IN ST. CHARLES )
COUNTY, MISSOURI RECORDS  )

The St. Charles County Council as part of their meeting on February 22, 2021, vacated a tract of land being described as Parcel 1 of a Boundary Adjustment Plat for New Melle Farms Estates Plats One and Two, as recorded in Document No. 2020R - Page 100415 in the St. Charles County Recorder of Deeds Office. The request was granted to the property owner(s), Ryan R. Smith and Andrea Smith.

________________________________________
Mike Elam, Council Chair
St. Charles County Council

STATE OF MISSOURI
COUNTY OF ST. CHARLES

I, Brenda Hinton, St. Charles County Registrar, in and for said County, hereby certify the above and foregoing to be a true copy of the proceedings of our said County Council, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Council, at office in St. Charles this _____, day of __________________, 20__

________________________________________
Brenda Hinton, St. Charles County Registrar