

Introduced by: City Manager Debra Irvin

AN ORDINANCE PROVIDING FOR THE VACATION OF CERTAIN SIDEWALK AND SEWER EASEMENTS LOCATED WITHIN LOT A OF NORTHPARK PLAT THIRTEEN, PER PLAT BOOK 369, PAGES 17 & 18 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN U.S. SURVEYS 2476 & 3082, TOWNSHIP 46 NORTH, RANGE 6 EAST OF THE 5TH PRINCIPAL MERIDIAN OF THE CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

WHEREAS, Ordinance 4646 enacted November 16, 2020, approved the Record Plat for a tract of land being Lot A of NorthPark Plat Thirteen, per Plat Book 369, Pages 17 & 18 of the St. Louis County Records, located in U.S. Surveys 2476 & 3082, Township 46 North, Range 6 East of the 5th Principal Meridian of the City of Berkeley, St. Louis County, Missouri; and

WHEREAS, certain five (5) feet wide easements granted to the City of Berkeley for paved walkway purposes by instruments recorded in Deed Book 3665, Page 448 and Deed Book 3665, Page 449 of the St. Louis County Records, are located within Lot A of NorthPark Thirteen; and

WHEREAS, a portion of certain ten (10) feet wide easements granted to the City of Berkeley for sanitary sewer purposes by instruments recorded in Deed Book 2863, Page 50 and Deed Book 2916, Page 613 of the St. Louis County Records, are located within Lot A of NorthPark Plat Thirteen; and

WHEREAS, a certain five (5) feet wide easement granted to the City of Berkeley for sewer purposes by instrument recorded in Deed Book 3890, Page 197 of the St. Louis County Records, is located within Lot A of NorthPark Plat Thirteen; and

WHEREAS, vacating said easements located within Lot A of NorthPark Plat Thirteen was considered by the Berkeley Planning and Zoning Commission at its meeting of October 14, 2020, and the Commission recommended that the City vacate same; and

WHEREAS, the City Council accepts the recommendation of the Planning and Zoning Commission to vacate said easements located within Lot A of NorthPark Plat Thirteen.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. That all easement rights and interests acquired by the City of Berkeley pursuant to certain easements recorded in Deed Book 3665, Page 448, Deed Book 3665, Page 449, Deed Book 2863, Page 50, Deed Book 2916, Page 613, and Deed Book 3890, Page 197 of the St. Louis County Records, located within Lot A of NorthPark Plat Thirteen, and shown hachured on Exhibit “A” attached hereto and incorporated herein by reference and fully set forth herein, are hereby vacated and released by the City of Berkeley.

Section 2. Savings Clause

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section 3. Severability Clause

If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the Event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section 4. That the City Clerk is hereby directed to record a certified copy of this Ordinance in the St. Louis County Records as evidence of the vacation of said easements recorded in Deed Book 3665, Page 448, Deed Book 3665, Page 449, Deed Book 2863, Page 50, Deed Book 2916, Page 613, and Deed Book 3890, Page 197 of the St. Louis County Records, located within Lot A of NorthPark Plat Thirteen, and shown hachured on Exhibit "A" attached hereto, by the City of Berkeley.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

1st Reading this 17th day of May 2021

2nd Reading this _____ day of _____ 2021

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2021**

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as To Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___

Parcel Line Table		
Line #	Length	Direction
L1	138.25	N31° 45' 38"W
L2	26.05	N05° 25' 48"W
L3	51.54	N75° 13' 59"W
L4	36.04	N81° 35' 21"W
L5	79.17	N80° 07' 51"W
L6	27.98	N76° 23' 53"W
L7	97.25	S89° 38' 54"W
L8	50.00	S05° 50' 23"W
L9	23.01	N89° 55' 27"W
L10	54.72	N00° 00' 46"E
L11	123.80	N41° 30' 46"W
L12	167.12	S77° 32' 32"W

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	174.57	130.50	N70° 05' 00"W	161.84
C2	25.51	55.50	N18° 35' 43"W	25.28
C3	115.13	94.50	N40° 19' 51"W	108.14
C4	29.38	26.00	N43° 24' 00"W	27.84
C5	741.59	770.00	N50° 14' 05"E	713.26
C6	168.05	305.00	N62° 02' 28"E	165.93
C7	138.46	94.00	N88° 27' 11"E	126.27
C8	138.46	12.25	N88° 27' 11"E	126.27
C9	138.46	64.47	N88° 27' 11"E	126.27
C10	87.17	912.93	S46° 36' 54"E	87.14
C11	82.39	950.76	S44° 11' 44"E	82.37
C12	55.74	918.00	S38° 25' 55"E	55.73
C13	37.69	727.44	S33° 04' 43"E	37.68
C14	201.30	727.44	S16° 03' 10"E	200.66
C15	132.50	77.00	S41° 08' 00"W	116.75
C16	104.48	750.00	N85° 34' 48"W	104.40
C17	249.62	1025.00	N83° 22' 30"W	249.01
C18	51.33	475.00	N87° 15' 22"W	51.30
C19	29.38	20.00	S42° 04' 49"E	26.81

EXHIBIT "A"
SHEET 2 OF 2

EASEMENT VACATION EXHIBIT

A TRACT OF LAND BEING LOT A OF NORTH PARK PLAT 13
PER PLAT BOOK 369, PAGES 17 & 18, LOCATED IN U.S. SURVEYS
2476 & 3082, TOWNSHIP 46 NORTH, RANGE 6 EAST OF THE 5TH P.M.
CITY OF BERKELEY, ST. LOUIS COUNTY, MISSOURI

DATE 3/11/21

6833\SURVEY\VAC-EXHIBITS\SIDEWALK ESMNT VAC EXHIBIT.DWG