

Vacation Procedures for Public Streets, Alleys or Easements in the City of Crestwood

1) Initiation of Vacation Whenever the public necessity, convenience and general welfare require, the Crestwood Board of Aldermen 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 the City of Crestwood, or title to which or authority over which is vested in the City of Crestwood by operation of law. A vacation may be initiated by a resolution of intent by the Board of Aldermen, by the verified petition of an interested party, or by recommendation of the Department of Public Services.

The petitioner shall first determine the limits or boundaries of the proposed vacation. The boundaries of the right-of-way to be vacated should generally be from block to block. Specific limits are to be approved by the Director of Public Services at the time the application is made. Next, the petitioner must research the establishment of the street, alley or easement proposed for vacation and determine to whom it is dedicated. If the street, alley or easement is private and not dedicated to the City of Crestwood, the petitioner should contact a 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) Required Documents The petitioner shall prepare a drawing of the street, alley or easement proposed for vacation and label Exhibit "A". A legal description of the street, alley or easement proposed for vacation shall be prepared by a licensed Land Surveyor and label Exhibit "B".

3) Preliminary Approval At the time of application, and prior to the beginning of the notification process, the petitioner shall request a non-binding preliminary approval from the Crestwood Board of Aldermen. This is to be construed as an agreement in principal that the area to be vacated is not intended for a future use by the City of Crestwood. This does not guarantee acceptance by the Board of Aldermen at the time of final approval. The Board of Aldermen may later deny the proposed vacation if it is determined that the vacation would adversely effect the City of Crestwood or any other interested parties.

The petitioner must submit an Application for Vacation of Public Streets, Alleys or Easements in the City of Crestwood, Exhibit "A" and Exhibit "B" to the Department of Public Services, for preliminary review and recommendation. The Department staff will present the proposed vacation to the Board of Aldermen for preliminary approval to proceed with the application process.

4) Comments from Utility Companies Before the City of Crestwood formally acts upon the proposed vacation, comments from each applicable utility company (as to whether each objects to or approves of the proposed vacation) shall be filed with the Director of Public Services.

The petitioner must contact all utility companies providing service in the area of the proposed vacation and provide the utility companies with a copy of Exhibit "A" and Exhibit "B", soliciting comments regarding the proposed vacation. The utility companies (including but not limited to all water, electric, gas, telecommunications, sewer and cable television companies) must 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, the petitioner must provide a legal description approved by the utility company requesting said easement.

5) Notice to Interested Parties Notice of the proposed vacation shall be given to all interested parties at least 30 days before the Board of Aldermen acts formally upon the petition or resolution for final approval. Notice shall be in accordance 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. This notice shall include a copy of Exhibit "A", Exhibit "B" and a vacation consent form to be executed by the interested party. Any interested party may in writing waive notice or affirmatively consent to the proposed vacation. Proof of proper notice (return receipt requested), waiver of notice, or consent shall be filed with the Director of Public Services before the Board 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 referenced in section 8, if the Board finds the same to be the best practicable notice under the circumstances.

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.

6) Submittal of Documents The petitioner shall submit all required documentation including: 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, St. Louis County, etc.); and a non-refundable \$125.00 filing fee (check made payable to "City of Crestwood").

7) Departmental Review The vacation application and attachments will be reviewed by all necessary departments of the City of Crestwood as is determined by the Director of Public Services. After all departmental requirements are satisfied, an ordinance will be prepared and submitted to the Board of Aldermen for approval. Reports from these departments shall also be submitted to the Board of Aldermen.

8) Public Notice At least 15 days before the Board of Aldermen shall act upon the ordinance approving the proposed vacation, the City Clerk shall give notice of pendency in a public newspaper. After receiving reports on the proposal from the all City Departments, the Board of Aldermen 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.

9) Recording of Documents Upon approval, a certified copy of the ordinance can be picked up at the Office of the Director of Public Services by the petitioner or their representative, and recorded at the St. Louis County Recorder of Deeds Office. A copy of the recorded ordinance should be submitted by the petitioner or his/her representative to the Director of Public Services.

Vacation Contacts - Utility Companies

Laclede Gas Company

700 Market Street
St. Louis, Missouri 63101

Attention: Mr. Rob Shackles
GIS Analyst II
Construction Services

Phone: (314) 713-6573

E-Mail: rob.shackles@thelacledegroup.com

AT&T Missouri

Right-of-Way
909 Chestnut, Rm 9-X-04
St. Louis, Missouri 63101

Attention: Mr John J. Arnold
Manager
OSP Plng. & Engrg. Design

Phone: (636) 479-0058

E-Mail: john.j.arnold@att.com

Missouri-American Water Company

727 Craig Road
Suite 201
St. Louis, Missouri 63141

Attention: Mr. Terrance Green
Engineering Specialist
Right-of-Way & Developer Services

Phone: (314) 996-2324

E-Mail: terrancegreen@mawc.com

Ameren Missouri

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

Attention: Mr. Mark C. Jordan
Manager
Real Estate Department

Phone: (573) 681-7246

E-Mail: mjordan@ameren.com

Metropolitan St. Louis Sewer District

2350 Market Street
St. Louis, Missouri 63103-2555

Attention: Mr. Mike Patel, P.E.
Senior Engineer
Engineering / Design -
Development Review

Phone: (314) 768-6325

E-Mail: mkpatel@stlmsd.com

Charter Communications

815 Charter Commons Street
Chesterfield, Missouri 63017

Attention: Ms. Lisa M. Ward
Technical Clerk Sr.

Phone: (636) 387-6633

E-Mail: lisa.ward@charter.com and copy
mapping-design@charter.com

Example of the Vacation Consent Form

Legal description of property to be vacated:

Denial or Consent:

- 1) The undersigned state that they are the owners of (98765 A Street), Crestwood, Missouri 63126, (property adjacent to the portion of B Street) right-of-way proposed for vacation by this proceeding, as described in the legal description shown above and indicated by the plat attached as exhibit "A".
- 2) By marking the appropriate line below, the undersigned do hereby indicate their preference in the vacation of the (portion of B Street) right-of-way proposed for vacation by this proceeding, as described in the legal description shown above.

_____ Does consent to the proposed vacation

_____ Does not consent to the proposed vacation

Joan Q. Public

John Q. Public

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

On this _____ day of _____ before me personally appeared _____
_____ to me know to be the person(s) described in and who executed the
foregoing instrument, and acknowledged that _____ executed the same as _____
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: _____

Notary Public

Example of the Vacation Consent Form

Legal description of property to be vacated:

Denial or Consent:

- 1) The undersigned state that they are the owners of, _____
Crestwood, Missouri 63126, _____
right-of-way proposed for vacation by this proceeding, as described in the legal description
shown above and indicated by the plat attached as exhibit "A".
- 2) By marking the appropriate line below, the undersigned do hereby indicate their preference
in the vacation of the _____ right-of-way
proposed for vacation by this proceeding, as described in the legal description shown above.

_____ Does consent to the proposed vacation

_____ Does not consent to the proposed vacation

Joan Q. Public

John Q. Public

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

On this _____ day of _____ before me personally appeared _____
_____ to me know to be the person(s) described in and who executed the
foregoing instrument, and acknowledged that _____ executed the same as _____
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: _____

Notary Public



Application for Vacation of Public Streets, Alleys or Easements in
the City of Crestwood

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Evening Phone: _____

E-mail: _____

At the time of application, the petitioner must enclose a plat and legal description of the property to be vacated, which has been prepared by a licensed land surveyor. The petitioner shall also provide a list of interested parties as defined in the attached policy. This will be provided to the Board of Aldermen for a non-binding preliminary approval. All costs and efforts associated with the collection of the necessary approvals of outside agencies is the sole responsibility of the petitioner. All documents supplied to the City of Crestwood will be verified by City staff prior to presentation to the Board of Aldermen for final approval. A non-refundable fee of \$200.00 will be paid to the City of Crestwood at the time the support documentation is provided.

Signature of Applicant:

Date:
