



PLANNING COMMISSION STAFF REPORT

MEETING DATE:	September 30, 2019
TITLE:	Old Highway 9 (Vacation Plat, Right of Way Easement)
DEPARTMENT:	Community Development
PROJECT MANAGER:	Christie Hull-Bettale, Community Development Engineer
REQUESTED ACTION:	Review and Recommendation of Approval to City Council
ATTACHMENTS:	(1) Location Map (2) Letter of Request (3) Plat (4) Utility Exhibits

EXECUTIVE SUMMARY:

Grimes Consulting on behalf of St. Johns Evangelical Lutheran Church is requesting release of an existing right of way easement for a previously abandoned road known as Old Highway 9. Attached is a location map.

REVIEW & ANALYSIS:

A right of way easement is located along the western side of 3590 St Johns Church Rd, formerly known as “The Keller Farm Property”. To the east of the easement centerline, the easement encumbers St John’s Lutheran Cemetery and 3590 St John Church Rd. To the west of the centerline, the easement encumbers Richardson Square Plat 18-Outlot A-2, Richardson Square Plat 9-Lot 1A (1905 Richardson Rd) and Lot 2A (1895 Richardson Rd). Staff has investigated the request. The City does not have infrastructure located within the easement and there no plans for public improvements in the future at this location.

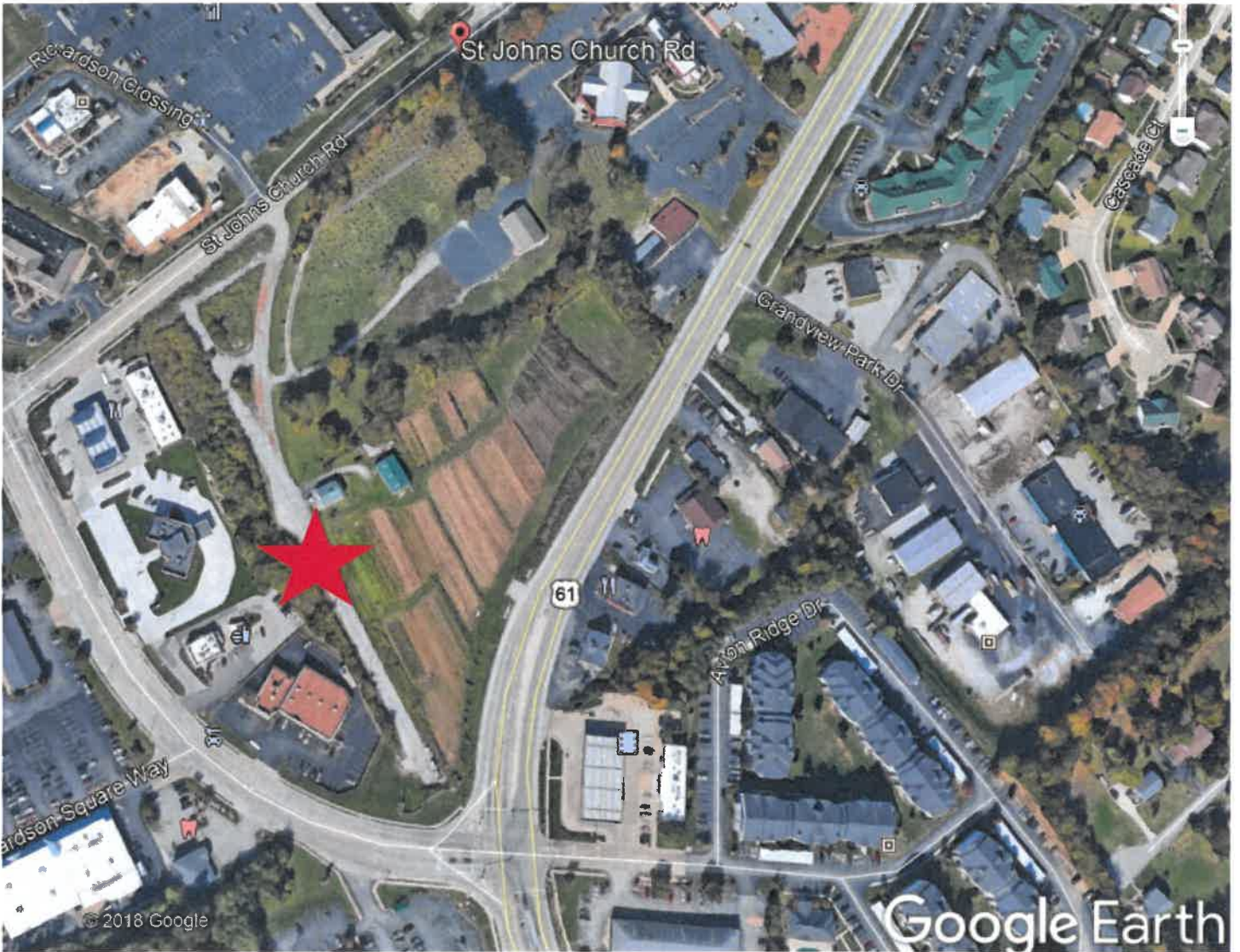
As part of staff review, plat applications are distributed to local utilities. The Ameren, AT&T and Spire utilities all commented that associated utilities are contained in the easement. Staff wants to clarify, that the City Vacation does not disband the utility rights to the easement. The vacation ONLY removes the City of Arnold’s rights to the easement. Additionally, the applicant will be making application for a consolidation plat. At that time, further easements will be granted, if desired, to meet the needs of any expansions outside the current easement limits. Attached for review and recommendation are the vacation plat and exhibits. Exhibits include follow up letter from the applicant and utility comments.

The Staff brings forth the request; it is a ministerial act for Planning Commission review and make recommendation to Council. Per the Subdivision Ordinance-Section 410.160 Vacation; whereas, a petition for the vacation of a plat has been filed, such instrument shall be approved by the City Council, and such instrument should be executed, acknowledged or approved and recorded to vacate and divest all public rights to the grounds as described on the plat.

RECOMMENDATION:

Staff recommends approval of easement vacation request subject to conditions identified below:

- Label the property line in-between 1905 and 1895 Richardson Rd.
- After City Approval, it is the responsibility of the applicant to record the exhibit with Jefferson County recorder of Deeds and provide 2 copies to the City of Arnold.
- Future easements may be granted via separate plat to meet the needs of City or Utilities.



Old Hwy 9 -Location Map

September 3, 2019

City of Arnold Public Works Department
Attn: Tom Palasky
2900 Arnold Tenbrook Road
Arnold, MO 63010

RE: Old Highway 9
ROW Vacation
Grimes Consulting Project No. 0808B

Dear Mr. Palasky,

This letter is submitted to you on behalf of St. John's Evangelical Lutheran Church for the vacation of right-of-way being Old Highway 9 located between St. Johns Church Road, width varies, and Missouri State Route 61-67, a.k.a. Jeffco Boulevard, 80 feet wide.

For your convenience in reviewing this matter, we have attached a vacation plat which is hatched and labeled to identify the proposed vacation.

Please advise the undersigned if The City of Arnold has any objections to the proposed vacation. If you have any questions regarding the proposed vacation, please contact the undersigned at (314) 849-6100. Your expedience in review and process of this request is greatly appreciated. Thank you for your cooperation and consideration in this matter.

Sincerely,



R. Cory Spence
Grimes Consulting, Inc.

September 25, 2019

City of Arnold Public Works Department
Attn: Tom Palasky
2900 Arnold Tenbrook Road
Arnold, MO 63010

RE: Old Highway 9
ROW Vacation
Grimes Consulting Project No. 0808B

Dear Mr. Palasky,

This letter is submitted to you on behalf of St. John's Evangelical Lutheran Church in response to comments regarding the vacation of right-of-way being Old Highway 9 located between St. Johns Church Road, width varies, and Missouri State Route 61-67, a.k.a. Jeffco Boulevard, 80 feet wide.

For your convenience in reviewing this matter, we have attached the revised vacation plat per City of Arnold comments, which is hatched and labeled to identify the proposed vacation.

Utility concerns brought about during the review process will be taken care of in subsequent submittals to the City of Arnold, Missouri, including the proposed consolidation plat, which will include new easements for said utility companies. If you have any questions regarding the proposed vacation, please contact our office at (314) 849-6100. Your expedience in review and process of this request is greatly appreciated. Thank you for your cooperation and consideration in this matter.

Sincerely,



R. Cory Spence
Grimes Consulting, Inc.

Christie Hull-Bettale

From: Wolf, Michael J <MWolf@ameren.com>
Sent: Monday, September 16, 2019 4:22 PM
To: Christie Hull-Bettale
Cc: Galik, Robert G; Fox, Craig M
Subject: Vacation Plat on Old Hy 9, Arnold

Hi Christie,

Ameren is in receipt of a proposed vacation plat for the above location near the intersection of Richardson and St. Johns Church Rd. Please note that Ameren has multiple distribution and sub-transmission circuits in and/or adjacent to this ROW. These circuits provide service to thousands of customers in the area, including the City of Arnold. The plans we received do not show utilities or easements. Therefore, we are not sure whether our facilities are in utility easements, within the ROW, or a combination of both. Could you have the Developer's engineer provide a site plan showing existing utilities and easements?

If any of our facilities are located within the ROW, we would request that any vacation of this ROW be contingent upon the granting of sufficient easement to cover these existing Ameren facilities.

Thanks for your consideration. If you have any questions, please let me know.

Mike

Mike Wolf
Energy Services Consultant
Ameren Missouri
Meramec Valley Division
6450 Highway MM
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mwolf@ameren.com

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Christie Hull-Bettale

From: DIEDRICH, DENISE A <dd1635@att.com>
Sent: Wednesday, September 18, 2019 8:27 AM
To: Christie Hull-Bettale
Subject: HWY 9 VACATION REQUEST @ ST.JOHNS CHURCH RD: 2019-36

Christie,

AT&T will not agree to vacate the right of way along Old Hwy 9, as requested from Grimes Consulting, unless utility rights and/or easements are maintained. We currently have existing buried facilities in this area of request. Any relocation of our facilities in this area be at the requesting customers expense.

Any questions or concerns, please let me know. Thank you and have a great day!

Denise A. Diedrich

AT&T
Manager OSP Planning & Eng Design
12851 MANCHESTER RD. 2-E-306
ST. LOUIS, MO. 63131
636-402-7074 (Office)
636-541-4879 (Cell)

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Christie Hull-Bettale

From: Langenbacher, Brian <Brian.Langenbacher@spireenergy.com>
Sent: Friday, September 20, 2019 10:24 AM
To: Christie Hull-Bettale
Cc: Lair, John
Subject: Old Highway 9 ROW Vacation
Attachments: SR 5145615 - OLD HWY 9 VACATION.doc; 20190920111142.pdf

Christie – See attached conflict review letter. Please note, we have an existing 6” steel gas main in this ROW and a savings clause or something similar will need to be coordinated with Spire ROW prior to this going forward. I have cc’d our ROW rep (John Lair) for this area.

Thanks,

Brian Langenbacher
Area Manager, Construction Engineering

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Shrewsbury, MO 63119
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314.713.6572 Mobile

SpireEnergy.com