

ORDINANCE #66871
Board Bill No. 284
Committee Substitute

An ordinance recommended by the Board of Public Service declaring the public necessity of acquiring sites in accordance with and pursuant to the terms and conditions of Ordinance No. 66775, which approved an Intergovernmental Agreement, in the City of St. Louis; and authorized the acquisition of real property as hereinafter described, either by purchase or condemnation; and containing an emergency clause.

Whereas, on August 31, 2005, the City of St. Louis and St. Louis County entered into an Intergovernmental Agreement regarding a public improvement project pursuant to the authority of Ordinance 66775; and

Whereas, Section 6 of such Intergovernmental Agreement directs the City of St. Louis to initiate appropriate legal proceedings at the written request of St. Louis County in the event St. Louis County is unable to acquire the necessary property by purchase, donation, option, easement or lease; and

Whereas, the City of St. Louis has been advised, in writing, by St. Louis County that in order to complete the public improvement project authorized by Ordinance 66775 the use of eminent domain may be necessary; and

Whereas, in order to comply with the provisions of Section 6 of the Intergovernmental Agreement in a timely manner in the event requested to do so by St. Louis County, the City of St. Louis hereby enacts the following ordinance, to-wit;

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

Section One. On the recommendation of the Board of Public Service, the acquisition of the following described real property is deemed a necessity in order to fulfill the terms and conditions of the Intergovernmental Agreement authorized by Ordinance No. 66775. The acquisition of all or part of such property by purchase or condemnation is hereby authorized in accordance with the provisions of the Intergovernmental Agreement:

Lot 1 and the Northern 20 feet of Lot 2 in Block 2 of Joseph L. Smith's Subdivision, situated partly in the County of St. Louis, Missouri, and partly in Block 3285 of the City of St. Louis, Missouri, together fronting 50 feet on the East line of Lemay Ferry Road and Alabama Avenue by a depth Eastwardly of 125 feet to an alley, bounded on the North by Weber Road.

Part of Block 3 of Joseph L. Smith's Subdivision of Lot 92 Carondelet Commons South of the River Des Peres and in Block 3286 of the City of St. Louis, and described as: Beginning at the intersection of the East line of Alabama Avenue and the North line of Weber Road; thence Eastwardly along said North line of Weber Road, 125 feet to the West line of the Right of Way of the River Des Peres Drainage Works; thence Northwardly along said last mentioned line, 25.484 feet to the Southwest line of the Right of Way of the River Des Peres Drainage Works; thence Northwestwardly along said last mentioned line, 115.026 feet to the East line of Alabama Avenue, as opened by Ordinance No. 37572; thence Southwardly along said East line of Alabama Avenue, 30.72 feet, more or less, to the South line of Alabama Avenue, opened as aforesaid; thence Westwardly along said last mentioned line, 20.66 feet to the East line of Alabama Avenue; thence Southwardly along the said East line of Alabama Avenue, 45 feet, more or less, to the North line of Weber Road and the point of beginning.

Also part of Lot 18 in Block 5 of Payne's Subdivision of part of Block 130 of Carondelet Commons South of the River Des Peres and in Block 3281 of the City of St. Louis, and described as follows: Bounded West by a line 400 feet 0 inches East of and parallel to the East line of 5th Street, 50 feet wide, North by Lorentz Street, South by an alley 20 feet wide, and East by the former center line of River Des Peres as indicated in said plat of Subdivision.

The East 50 feet of Lot 17 in Block 5 of Payne's Subdivision, according to plat thereof recorded in Plat Book 10 page 4 of the St. Louis, City (former County) Recorder's Office, except that portion lying in the City of St. Louis.

Lot 16 and 17 in Block 5 of the Subdivision of Block 5 of Payne's Subdivision of Block 130 of Carondelet Commons, South of the River Des Peres according to the plat thereof filed with the Report of Commissioners in Partition Suit entitled May A. Gauen, et al against Margaret Payne, et al, being Cause No. 4294 of the Circuit

Court of the County of St. Louis.

Part of Lot 17 in Block 5 of PAYNE'S SUBDIVISION of part of Block 130 of CARONDELET COMMONS South of the River Des Peres and in Block 3281 of the City of St. Louis, described as follows: Bounded West by a line 491 feet 3 inches East of and parallel to the East line of 5th Street, 50 feet wide, South by Fannie Avenue, North by an alley, 20 feet wide and East by the former center line of River Des Peres as indicated in said plat of Subdivision in 1870.

Part of Lot 11 of Kayser Heights, being partly in Block 3280 of the City of St. Louis and partly in the County of St. Louis, according to the plat thereof recorded in Plat Book 27 page 45 of the St. Louis City Recorder's Office and in Plat Book 47 page 49 of the St. Louis County Recorder's Office, being more particularly described as follows: Beginning at a point being the most Northern corner of Lot 11, being also the Northwest corner of parcel conveyed to Beaula Sandlin by deed recorded in Book 7591 page 467 of the St. Louis City Records; thence Southeast along the Southwest line of said Sandlin parcel, 109 feet to the most Southern corner thereof being a point in the Southeast line of said Lot 11; thence Southwest along the Southeast line of Lot 11, 137.88 feet, more or less, to the most Southern corner of Lot 11; thence North 67 degrees 45 minutes along the Southwest line of Lot 11, 61.35 feet to a point; thence continuing along the Southwest line of Lot 11, North 21 degrees 16 minutes West, 58.92 feet to the most Western corner of Lot 11; thence North 47 degrees 20 minutes East, 153.50 feet to the point of beginning.

A parcel of ground lying in Block 3280 of the City of St. Louis, being described as follows: Beginning at a point being the Northwest corner of Lot 11 of Kayser Heights; thence Eastwardly a distance of 110.35 feet to an iron pipe being the Northeast corner of said Lot 11; thence Southwestwardly a distance of 33.54 feet to the center line of road easement; thence Northwardly along the center line of said road easement, a distance of 109 feet, to the point of beginning. Subject, however, to a 15 foot easement for roadway along the Southwestern line of said property, according to survey thereof made by Lyman Surveyors on January 14, 1965.

The Southwestern part of Lot 10 of Kayser Heights, being partly in Block 3280 of the City of St. Louis, and partly in the County of St. Louis, beginning at the intersection of the Southern line of said Lot 10 and the center line of a 30 foot private road, thence Northwardly along the center line of said private road 20.36 feet to a point, thence continuing Northwardly along said center line 78.95 feet to a point, thence Westwardly along said center line 73.26 feet to a point where the center line of said private road intersects West line of said Lot 10, thence Southwardly along Western line of said Lot 10, 137.88 feet to the South line of said Lot 10 and thence Eastwardly 144.48 feet along said Southern line to the point of beginning, according to the plat recorded in Plat Book 27 page 45 of the St. Louis Recorder's Office and Plat Book 47 page 49 of the St. Louis County Recorder's Office.

Beginning at the corner of Fannie Avenue 60 feet wide and Minnesota Avenue 20 feet wide (not open) in the City of St. Louis, State of Missouri; running thence North 54 degrees 21 minutes West 199.75 feet along the Southeasterly line of Fannie Avenue to an iron pipe; thence South 36 degrees 27 minutes West 125 feet to an iron pipe; thence South 54 degrees 21 minutes East 199.75 feet to the Southwesterly line of Minnesota Avenue; thence North 36 degrees 27 minutes East 125 feet along said Southwesterly line of Minnesota Avenue to the place of beginning.

Being part of Block 129 of Carondelet Commons South of the River Des Peres, in Township 44 North, Range 7 East, lying partly within the City of St. Louis, Missouri, said part in the City of St. Louis being part of City Block 3280 therein, and partly within the County of St. Louis, Missouri (commonly known as 146/150 Fannie).

Lot 2 in Block 1 of Alex Kayser's Addition to South St. Louis and in Block 3280 of the City of St. Louis, fronting 40 feet on the West line of Broadway by a depth Westwardly on the North line of 173 feet 5-1/4 inches and on the South line of 170 feet 1-1/4 inches to a street 25 feet wide, according to the St. Louis City Records.

Lot 3 in Block 1 of A. Kayser's Addition to South St. Louis, as designated on plat "C" attached to Commissioner's Report in partition among the heirs of Alexander Kayser and in Block 3280 of the City of St. Louis, fronting 40 feet on the West line of Broadway, by a depth Westwardly of 169 feet 9 inches, more or less, along the South line and of 170 feet 1-1/4 inches, more or less, along the North line to an alley.

Lot 4 in Block 1, according to plat "C" of A. Kayser's Addition to South St. Louis, and being partly in Block 3280 of the City of St. Louis, Missouri and partly in the County of St. Louis, Missouri, fronting 40 feet, more or less, on the West line of Broadway by a depth Westwardly on the South line of 163 feet 4-3/4 inches and on the North line of 166 feet 9 inches to a road 25 feet wide, on which there is a width of 39.755 feet, more or less.

Lot 5 in Block 1 of A. Kayser's Addition to South St. Louis, as designated on plat "C" attached to Commissioner's Report in partition among the heirs of Alexander Kayser

Section Two. If the above described property or any part thereof cannot be obtained by purchase from the owners thereof, the City Counselor is hereby directed to implement such provisions of the Intergovernmental Agreement as are necessary to acquire such property, or interests therein, including condemnation proceedings as provided for in the Charter of the City of St. Louis.

Section Three. This being an ordinance deemed necessary for the immediate preservation of the public health and to provide for a public work and improvement, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Approved: November 15, 2005