

BOARD BILL NO. 313

INTRODUCED BY: ALDERMAN JOSEPH VOLLMER

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in a portion of Kemper
3 beginning 82.34'west of Hereford and continuing 157.66 feet to a point previously vacated by
4 Ordinance 68544 in the City of St. Louis, Missouri, as hereinafter described, in accordance with
5 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
6 certain conditions on such vacation.

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

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10 A tract of land being part of Kemper Avenue (60 feet wide) adjacent to City blocks
11 4733-WB and 4735 of the City of St. Louis, Missouri and being more particularly
12 described as follows:
13

14
15 Commencing at the southeast corner of above said City Block 4733-
16 WB, said corner being the intersection of the north right-of-way line
17 of Kemper Avenue (60 feet wide) and the west right-of-way line of
18 Hereford Street (60 feet wide); thence along said north right-of-way
19 line of Kemper Avenue, north 82 degrees 30 minutes 00 seconds
20 west, 82.34 feet to the actual point of beginning of the herein
21 described tract; thence leaving last said north line, south 07 degrees
22 30 minutes 00 seconds west, 60.00 feet to a point on the south right-
23 of-way line of said Kemper Avenue, said point being the northeast
24 corner of a tract of land conveyed to Kemper Avenue Associates
25 (now Kemper-Themis, LLC) by instrument recorded in deed Book
26 314 Page 134 of the City of St. Louis, Missouri records; thence along
27 said south right-of-way line of Kemper Avenue, said line also being
28 the north line of above said City Block 4735, north 82 degrees 30
29 minutes 00 seconds west, 157.66 feet to a point being the southeast
30 corner of a tract of land being a portion of Kemper Road vacated by
31 Ordinance No. 68544 of said City; thence leaving last said south line
32 and along the east line of said vacated portion, north 07 degrees 30
33 minutes 00 seconds east, 60.00 feet to a point on the north right-of-
34 way line of said Kemper Road, said point being the northeast corner
35 of said vacated portion; thence leaving last said east line and along

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1 said north right-of-way line, south 82 degrees 30 minutes 00 seconds
2 east, 157.66 feet to the point of beginning and contains 9459 square
3 feet, or 0.217 acres, more or less according to a survey by the Sterling
4 Company during the month of November, 2013.

5
6 are, upon the conditions hereinafter set out, vacated.

7 **SECTION TWO:** Kemper-Themis LLC will use vacated area to increase security. The
8 Water Division has an 8” water main with appurtenances in the area of the proposed vacation. The
9 Water Division will require an easement allowing for uninhibited access to the water main and
10 facilities and service connections both in the proposed vacation and west of the proposed vacation
11 for the purposes of maintenance and repair. No structures of any kind, including fencing, can be
12 built on or above the easement without the prior review and approval of the Water Commissioner. If
13 in the event fencing or other structures are intended to be built as part of the security noted in the
14 request, then the Water Division can convert this portion of water main into a private water service
15 connection for the applicant since all existing service connections impacted are to the applicant’s
16 property. If this option is proceeded with, all cost related to the conversion of the water main to a
17 service line will be the responsibility of the applicant.

18 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
19 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
20 including present and future uses of utilities, governmental service entities and franchise holders,
21 except such rights as are specifically abandoned or released herein.

22 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
23 surface pavement of said so vacated street provided however, all utilities within the rights-of-way
24 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

25 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
26 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
27 for purposes associated with the maintenance, construction or planning of existing or future

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1 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
2 required.

3 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
4 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
5 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
6 service entities and franchise holders, present or future. The written consent with the terms and
7 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
8 agencies as needed and approved by such Board prior to construction.

9 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
10 of a utility, governmental service entity or franchise holder by agreement in writing with such
11 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
12 undertaking of such removal.

13 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
14 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
15 have curbing cobblestones returned to the Department of Streets in good condition.

16 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
17 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
18 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
19 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
20 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
21 deposited by these agencies with the Comptroller of the City of St. Louis.

- 22 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
23 Water facilities, if any.
- 24 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of

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1 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
2 be returned.

3 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
4 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
5 specified in Sections Two and Eight of the Ordinance.

6 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
7 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
8 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
9 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
10 within the prescribed time the ordinance will be null and void.