

St. Louis City Ordinance 62310

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 40

INTRODUCED BY ALDERMAN VELMA BAILY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in a strip of land being a portion of the 20 foot wide east/west alley from Jefferson Avenue to a point 150 feet westwardly plus or minus 4 feet bounded by Dr. Martin Luther King Drive/Jefferson Avenue, Delmar Boulevard, and Beaumont Street in City Block 932.

SECTION ONE:

The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being in City Block 932 of the City of St. Louis, Mo., being within the Eastern portion of an Alley as established by Ordinance 4726 (Confirm. Ord. 7512) and being more particularly described as follows:

Beginning at the intersection of the Northern line of aforesaid Alley (20 feet wide) with the Western line of Jefferson Ave. (100 feet wide) said point being the TRUE POINT OF BEGINNING of the tract of land herein described: thence in a Westerly direction along the North line of said Alley, 148.17 feet to a point, said point being distant in an easterly direction 20.0 feet from the SouthWest corner of the East 1/2 of Lot 2 of Block 1 of "ADAM L. MILL'S 1st ADDITION" subdivision; thence Southerly along a line parallel to the Western line of said Lot 2, 20.0 feet to a point on the Southern line of said Alley, thence Easterly 153.77 feet to a point on said Western line of Jefferson Ave., thence Northerly along the said Western line of Jefferson Ave., thence Northerly along the said Western line of Jefferson Ave., 20.74 feet to the point of beginning and containing 3,019 sq. ft., more or less.

Are upon the conditions hereinafter set out vacated.

SECTION TWO:

Petitioner is Ernest O. and Lou Lee Halbert purpose is to consolidate property to accommodate a drive-thru facility for Crown Restaurant.

SECTION THREE:

The petitioners are to dedicate and construct in concrete a 20' wide north/south alley from the northern line of the 20' wide east/west alley to the southern line of Dr. Martin Luther King Drive.

SECTION FOUR:

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

SECTION FIVE:

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

SECTION SIX:

The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes PAGE 2 OF 5 associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SEVEN:

The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION EIGHT:

The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing

with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION NINE:

In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION TEN:

This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded. Further, such owner or owners shall within said time. Deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks or driveways, roadway drainage connection and inlets, grading, paving sidewalks and roadways and road signing; providing further the said owners, shall. Under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expenses, but in the event said owners fail to accomplish such within the time and according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION ELEVEN:

An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance One Year (365) days from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

| Legislative History | | | | |
|----------------------------|------------------------|------------------|---------------------|-----------------------|
| 1ST READING | REF TO COMM | COMMITTEE | COMM SUB | COMM AMEND |
| 04/26/91 | 04/26/91 | STR | 05/21/91 | |
| 2ND READING | FLOOR AMEND | FLOOR SUB | PERFECTN | PASSAGE |
| 05/24/91 | | | 05/31/91 | 06/07/91 |
| ORDINANCE | VETOED | | VETO OVR | |
| 62310 | | | | |