

St. Louis City Ordinance 63664

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 253

INTRODUCED BY ALDERMAN DANIEL GRUEN

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) Virginia from the north right-of-way line of Espenschied southwardly 245.44 feet +/- 20.74 feet to its terminus; 2) Espenschied from the west right-of-way line of Michigan westwardly 356.36 feet to the east right-of-way line of Virginia; 3) 20 foot wide north/south alley beginning at Espenschied and extending southwardly 75 feet to terminus and being in City Block 3224 same being bounded by Espenschied on the north, Michigan on the east, Catalan (vacated) on the south, and Virginia on the west in the City of Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

A parcel of land being part of Virginia Ave., part of Espenschied Ave. and part of the 20 foot wide alley within City Block 3224, being part of the Blow and Ewing's Subdivision recorded in Plat Book 9 Page 17, of the City of St. Louis, Missouri; said being more particularly described as follows: Beginning at the northeast corner of said City Block 3224 also being the southwest corner of Espenschied and Michigan Avenues; thence north 49 degrees 55 minutes 11 seconds west along the south right-of-way of said Espenschied Ave. being the north line of lot 12 of said City Block 3224 a distance of 138.12 feet to the intersection of the east right-of-way of said 20 foot alley; thence south 41 degrees 49 minutes 35 seconds west along the east right-of-way of said alley being the west line of lots 12, 13 and 14 of said city block a distance of 75.00 feet; thence leaving said right-of-way north 49 degrees 55 minutes 11 seconds west a distance of 20.00 feet to the intersection of the west right-of-way of said 20 foot alley; thence north 41 degrees 49 minutes 35 seconds east along the west right-of-way of said alley being the east line of lots 9, 10 and 11 of said city block a distance of 75.00 feet to the intersection of the south right-of-way of said Espenschied Ave.; thence north 49 degrees 55 minutes 11 seconds west

along the south right-of-way of said Espenschied Ave. being the north line of Lot 11 of said city block a distance of 138.12 feet to the intersection of the east right-of-way of Virginia Ave.; thence south 41 degrees 46 minutes 36 seconds west along the east right-of-way of said Virginia Ave. being the west line of said City Block 3224 a distance of 216.18 feet to the intersection of the north right-of-way of the River Des Peres drainage channel; thence along the north right-of-way of said channel on a curve to the left having a chord of north 14 degrees 44 minutes 19 seconds west a distance of 71.96 feet with a radius of 1777.28 feet and an arc distance of 71.97 feet to the intersection of the west right-of-way of Virginia Ave.; thence north 41 degrees 46 minutes 36 seconds east along the west right-of-way of said Virginia Avenue being the east line of surveyed lots as recorded in Book 11 Page 29 a distance of 224.70 feet to the intersection of the westerly prolongation of the north right-of-way of said Espenschied Ave.; thence south 49 degrees 55 minutes 11 seconds east along the north right-of-way of said Espenschied Ave. and its prolongation being the south line of City Block 3223 a distance of 356.36 feet to the intersection of the west right-of-way of said Michigan Ave.; thence south 41 degrees 52 minutes 31 seconds west along the west right-of-way of said Michigan Ave. a distance of 50.02 feet to the point of beginning. are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are Metropolitan Sewer District, Bennett, Morrison, and the City of St. Louis. Vacation will allow for gated security entrances into the pump station site at Virginia.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley/streets, 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 FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley/streets 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 FIVE: 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 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 SIX: 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 SEVEN: 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 EIGHT: 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 NINE: 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, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall

cause the same to be performed and upon his certification of expenses, the Comptrol- ler 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 TEN: 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 1 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
12/01/95	12/01/95	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
02/02/96			02/16/96	02/23/96
ORDINANCE	VETOED		VETO OVR	
63664				