

Summary

Board Bill Number 177

Primary Sponsor: Alderwoman Lisa Middlebrook

December 4, 2020

The overall purpose for this bill is to conditionally vacate the following public unimproved street.

Second St. from Tyler south 256.045 ± 4.105 feet to terminus

The Petitioner is North Broadway Investors LLC

The vacated area will be used to improve safety and security to abutting properties.

BOARD BILL NUMBER 177 INTRODUCED BY: ALDERWOMAN LISA MIDDLEBROOK

1 An ordinance recommended by the Board of Public Service to conditionally vacate above
2 surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in Second St.
3 from Tyler south 256.045 ± 4.105 feet to terminus in the City of St. Louis, Missouri, as
4 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
5 Article XXI of the Charter and imposing certain conditions on such vacation.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS:**

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

9 Second Street (65 feet wide) between City Blocks 292 and 322, in the City of St.
10 Louis, Missouri, described as follows:

11 Beginning at the Northwest corner of Lot 1 of a Resubdivision Plat
12 of City Blocks 238 and 292 and vacated streets therein as recorder in
13 Plat Book 10242006 Page 1 of the City of St. Louis Records; thence
14 along said Lot 1 and it's extension the following courses and
15 distances: South 21 degrees 35 minutes 57 seconds East a distance of
16 260.15 feet; South 75 degrees 31 minutes 13 seconds West a
17 distance of 65.49 feet to the East line of said City Block 322; thence
18 along said East line of City Block 322 North 21 degrees 35 minutes
19 57 seconds West a distance of 251.94 feet to the South line of Tyler
20 Street (60 feet wide); thence along said South line of Tyler Street(60
21 feet wide) North 68 degrees 19 minutes 33 seconds East a distance of
22 65.00 feet to the Point of Beginning and having an area of 16,641
23 square feet or 0.38 acres, more or less.

1 are, upon the conditions hereinafter set out, vacated.

2 **SECTION TWO.** Petitioners are North Broadway Investors LLC & others. North
3 Broadway Investors LLC proposes to use area to improve safety and security to abutting properties.

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

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

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

17 **SECTION SIX.** The owner(s) shall not place any improvement upon, over or in the area(s)
18 vacated without:

- 19 1. Lawful permit from the Building Division or Authorized City agency as governed
20 by the Board of Public Service.
- 21 2. Obtaining written consent of the utilities, governmental service entities and franchise
22 holders, present or future. The written consent with the terms and conditions thereof

1 shall be filed in writing with the Board of Public Service by each of the above
2 agencies as needed and approved by such Board prior to construction.

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

7 **SECTION EIGHT.** In the event that granite curbing, cobblestones or bricks are removed
8 within the vacated area, the Department of Streets of the City of St. Louis must be notified.
9 Owner(s) must have curbing, cobblestones and bricks returned to the Department of Streets in good
10 condition.

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

- 17 1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of
18 Water facilities, if any.
- 19 2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of
20 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be
21 returned.

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

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

*Street Draft
with Plan Reviewer*



LYDA KREWSON
MAYOR

City of St. Louis

DEPARTMENT OF STREETS OFFICE OF THE DIRECTOR

1900 HAMPTON AVENUE
SAINT LOUIS, MISSOURI 63139
PHONE: (314) 647-3111
FAX: (314) 768-2888



297680 JAMIE WILSON, P.E., PTOE
DIRECTOR
APPROVED BY THE
BOARD OF PUBLIC SERVICE

JAN 07 2020
Theresa Alvey
SECRETARY

January 7, 2020

Honorable Board of Public Service
Room 300 - City Hall
St. Louis, MO 63103

**RE: BOARD DOCUMENT #297077
PETITION #6880**

Honorable Board Members:

Transmitted herewith is draft of an ordinance to conditionally vacate:

Second from Tyler south 256.045 ± 4.105 feet to terminus.

This vacation has been petitioned by North Broadway Investors LLC.

Therefore, it is recommended that the above ordinance be **APPROVED** by your Board and that the Secretary be authorized to forward same to the Board of Aldermen with the recommendation that it be passed.

Sincerely,

Jamie Wilson
Jamie Wilson, P.E., PTOE
Director of Streets

JW/JDW:md

xc: Alderwoman Lisa Middlebrook

PETITION FOR VACATION AND WAIVER OF DAMAGES

Honorable Board of Public Service
The City of St. Louis

We, the undersigned, legal owners of property in city block(s) 322

between Tyler, Second, Labearme (vacated)

and Broadway

hereby petition the City of St. Louis to vacate and abolish

Second from Tyler south to terminus

and we hereby waive all claims for damages sustained as the result of the vacation and abolition of the afore-
said area.

IN WITNESS WHEREOF we have hereunto set our hands this 20TH

day of AUGUST, 2019.

ATTEST

Secretary

By Michael M. Junny
Title MEMBER, NORTH BROADWAY INVESTORS LLC

STATE OF MISSOURI }
COUNTY } ss
CITY OF ST. LOUIS }

On this 20TH day of AUGUST, 2019,

before me appeared MICHAEL M. SCHWARTZ

to me personally known, who being duly sworn, did say that he is the MEMBER of MISSOURI LIMITED LIABILITY COMPANY
NORTH BROADWAY INVESTORS LLC, a corporation; that the seal affixed to the
foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed
in behalf of said corporation by authority of its Board of Directors, and said

NORTH BROADWAY INVESTORS LLC acknowledged said
instrument to be the free act and deed of said COMPANY corporation.

Witness my hand and notarial seal in the City of St. Louis, State of Missouri, the day
and year first above written.

My term expires 9-23-2021 J. M. Henderson
NOTARY PUBLIC



J. M. HENDERSON
My Commission Expires
September 23, 2021
St. Louis County
Commission #13455773

PETITION FOR VACATION AND WAIVER OF DAMAGES

Honorable Board of Public Service
The City of St. Louis

We, the undersigned, legal owners of property in city block(s) 322

between Tyler, Second, LaBeaume (vacated)

and N. Broadway

hereby petition the City of St. Louis to vacate and abolish

Second St. from Tyler, south to terminus

and we hereby waive all claims for damages sustained as the result of the vacation and abolition of the afore-
said area.

IN WITNESS WHEREOF we have hereunto set our hands this

day of May, 2019.

Armin Warehousing LLC Co.

ATTEST Adam Keune
Secretary

By [Signature]
Title Adam Keune, sole member of
Armin Warehousing LLC

STATE OF MISSOURI }
CITY OF ST. LOUIS }^{ss}

On this 7th day of June 2019,

before me appeared Adam A. Keune

to me personally known, who being duly sworn, did say that he is the Secretary of

_____, a corporation; that the seal affixed to the
foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed
in behalf of said corporation by authority of its Board of Directors, and said

he acknowledged said
instrument to be the free act and deed of said corporation.

Witness my hand and notarial seal in the City of St. Louis, State of Missouri, the day
and year first above written.

My term expires 12-12-2019



[Signature]
NOTARY PUBLIC

PETITION FOR VACATION AND WAIVER OF DAMAGES

Honorable Board of Public Service
The City of St. Louis

We, the undersigned, legal owners of property in city block(s) 292

between Tyler, First, Labeaumme

and Second

hereby petition the City of St. Louis to vacate and abolish

Second from Tyler south to terminus

and we hereby waive all claims for damages sustained as the result of the vacation and abolition of the afore-
said area.

IN WITNESS WHEREOF we have hereunto set our hands this 31st

day of July, 2019.

Ambassador Steel Corporation Co.

ATTEST

William Smith

Secretary

By

William Brock

Title

President

STATE OF MISSOURI

CITY OF ST. LOUIS

Massachusetts
Worcester } ss

On this

31

day of

July

2019,

before me appeared

William Brock

to me personally known, who being duly sworn, did say that he is the

President

of

Ambassador Steel Corporation

, a corporation; that the seal affixed to the
foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed
in behalf of said corporation by authority of its Board of Directors, and said

Ambassador Steel Corporation

acknowledged said

instrument to be the free act and deed of said corporation.

Witness my hand and notarial seal in the City of St. Louis, State of Missouri, the day
and year first above written.

My term expires

9/3/2021

Sheila A. Whalen

NOTARY PUBLIC



SHEILA A. WHALEN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
September 3, 2021

Sheila A. Whalen



VICINITY MAP



VACATION PLAT
 SECOND STREET (65' WIDE) BETWEEN CITY BLOCKS 292 AND 322

TYLER STREET



CITY BLOCK 292

SECOND STREET

LAND DESCRIPTION

DESCRIPTION OF THE LAND TO BE VACATED FOR THE PURPOSES OF THE PLAT OF SECOND STREET (65' WIDE) BETWEEN CITY BLOCKS 292 AND 322, CITY OF ST. LOUIS, MISSOURI.

CITY OF ST. LOUIS

THE CITY OF ST. LOUIS, MISSOURI, HAS THE HONOR TO ADOPT AND PUBLISH THE PLAT OF SECOND STREET (65' WIDE) BETWEEN CITY BLOCKS 292 AND 322, CITY OF ST. LOUIS, MISSOURI.

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land herein described, do hereby certify that the same is the property of the City of St. Louis, Missouri, and that the same is being vacated for the purposes of the plat of Second Street (65' wide) between City Blocks 292 and 322, City of St. Louis, Missouri.

WITNESSED BY ME this _____ day of _____, 19____.

 Mayor

NOTARY

I, _____, Notary Public in and for the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

WITNESSED BY ME this _____ day of _____, 19____.

 Notary Public

NOTARY

I, _____, Notary Public in and for the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

WITNESSED BY ME this _____ day of _____, 19____.

 Notary Public

NOTARY

I, _____, Notary Public in and for the State of Missouri, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

WITNESSED BY ME this _____ day of _____, 19____.

 Notary Public

SUBJECT'S STATEMENT

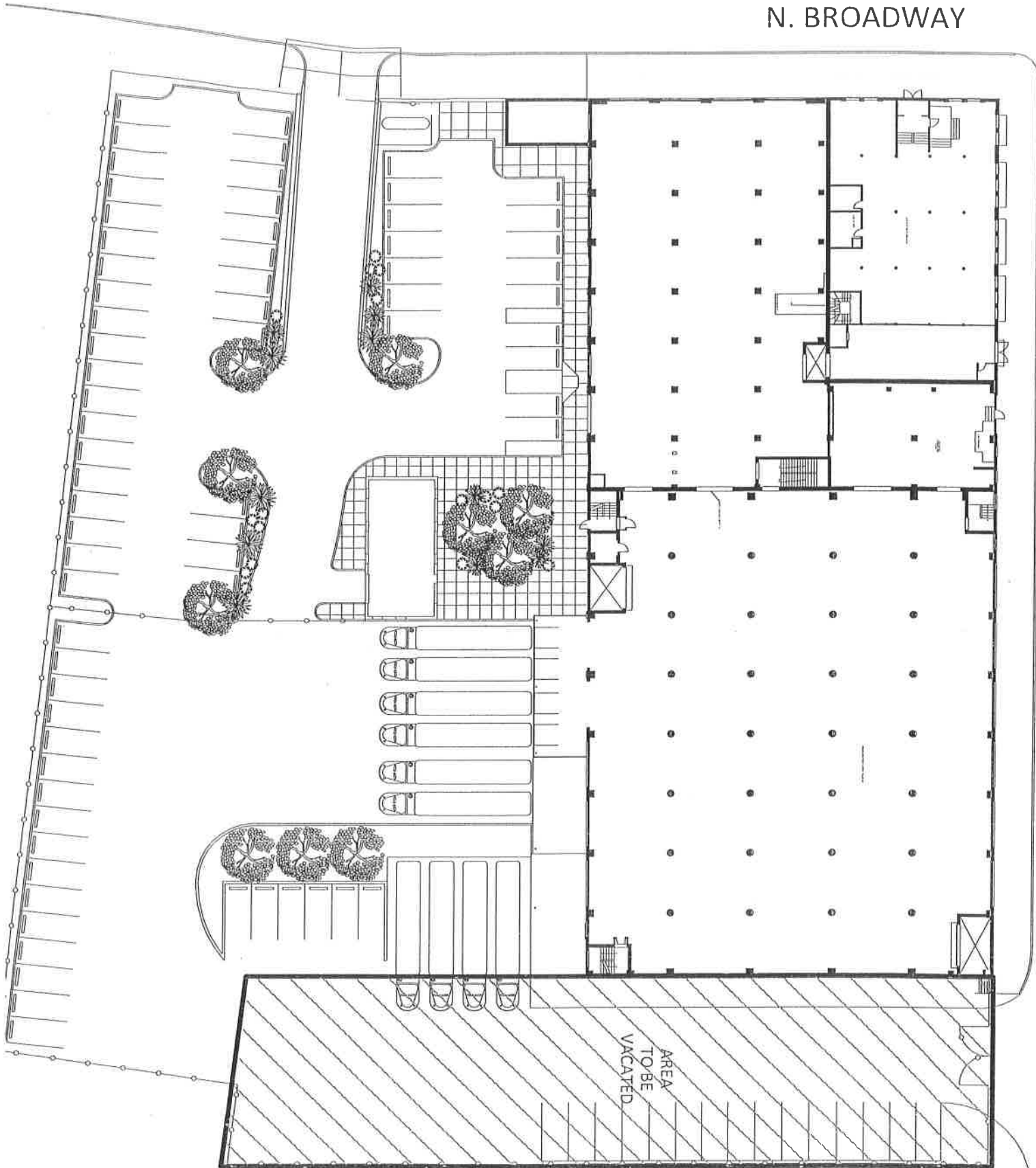
I, _____, do hereby state that the land herein described is the property of the City of St. Louis, Missouri, and that the same is being vacated for the purposes of the plat of Second Street (65' wide) between City Blocks 292 and 322, City of St. Louis, Missouri.

 Subject

MARLERS
 REGISTERED PROFESSIONAL LAND SURVEYORS

N. BROADWAY

TYLER ST.



AREA
TO BE
VACATED

CB: 292.00



