

**Summary**  
**Board Bill Number 65**  
**Introduced by: by Alderman Jeffrey Boyd**  
**June 25, 2021**

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

Semple Avenue from Ashland Avenue southwardly 372.995 ± .005 feet to a point.

The Petitioner is Metropolitan St. Louis Sewer District

The vacated area will be used to consolidate property for a storm water detention basin.

**BOARD BILL NUMBER 65 INTRODUCED BY: ALDERMAN JEFFREY BOYD**

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 Semple  
3 Avenue from Ashland Avenue southwardly 372.995 ± .005 feet to a point in the City of St.  
4 Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on  
6 such vacation.

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

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 Semple Avenue, 60 feet wide, between Blocks 4822 and  
11 4823 of the City of St. Louis, Missouri, and being more particularly described as:

12 Beginning at the intersection of the Southwest line of Ashland  
13 Avenue, 60 feet wide, with the Southeast line of said Semple  
14 Avenue; thence South 29 degrees 13 minutes 03 seconds West  
15 372.99 feet along said Southeast line of Semple Avenue to a point;  
16 thence North 60 degrees 46 minutes 57 seconds West 60.00 feet to  
17 the Northwest line of said Semple Avenue; thence North 29 degrees  
18 13 minutes 03 seconds East 373.00 feet along said Northwest line of  
19 Semple Avenue to said Southwest line of Ashland Avenue; thence  
20 South 60 degrees 46 minutes 35 seconds East 60.00 feet along said  
21 Southwest line of Ashland Avenue to the Point of Beginning and  
22 containing 22,380 square feet.

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

1           **SECTION TWO.** The petitioner is Metropolitan St. Louis Sewer District. The proposed  
2 vacated area will be used to consolidate property for a storm water detention basin.

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

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

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

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

- 17           1. Lawful permit from the Building Division or Authorized City agency as governed  
18           by the Board of Public Service.
- 19           2. Obtaining written consent of the utilities, governmental service entities and franchise  
20           holders, present or future. The written consent with the terms and conditions thereof  
21           shall be filed in writing with the Board of Public Service by each of the above  
22           agencies as needed and approved by such Board prior to construction.

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

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

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

- 15       1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of  
16       Water facilities, if any.
- 17       2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of  
18       removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be  
19       returned.
- 20       3. CITY STREET DEPARTMENT so as to cover the full expenses required for the  
21       adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s)  
22       as specified in Sections Two and Eight of the Ordinance.

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

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) 4822 and 4823  
between Belt Ave., Ashland Ave., Arlington Ave.  
and a 14'W Alley  
hereby petition the City of St. Louis to vacate and abolish Semple Ave. between Ashland Ave.,  
and a 14'W City Alley

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 9<sup>th</sup>

day of June, 2020.

Metropolitan St. Louis Sewer District Co.

By Brian Heuler  
Title EXECUTIVE DIRECTOR



Secretary

On this 9th day of June, 2020,

before me appeared Brian Hoelscher

to me personally known, who being duly sworn, did say that he is the Executive Director of  
Metropolitan St. Louis Sewer District, 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

Executive Director 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 5-27-2023

Laura A. Duffin  
NOTARY PUBLIC

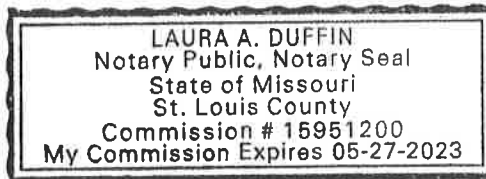
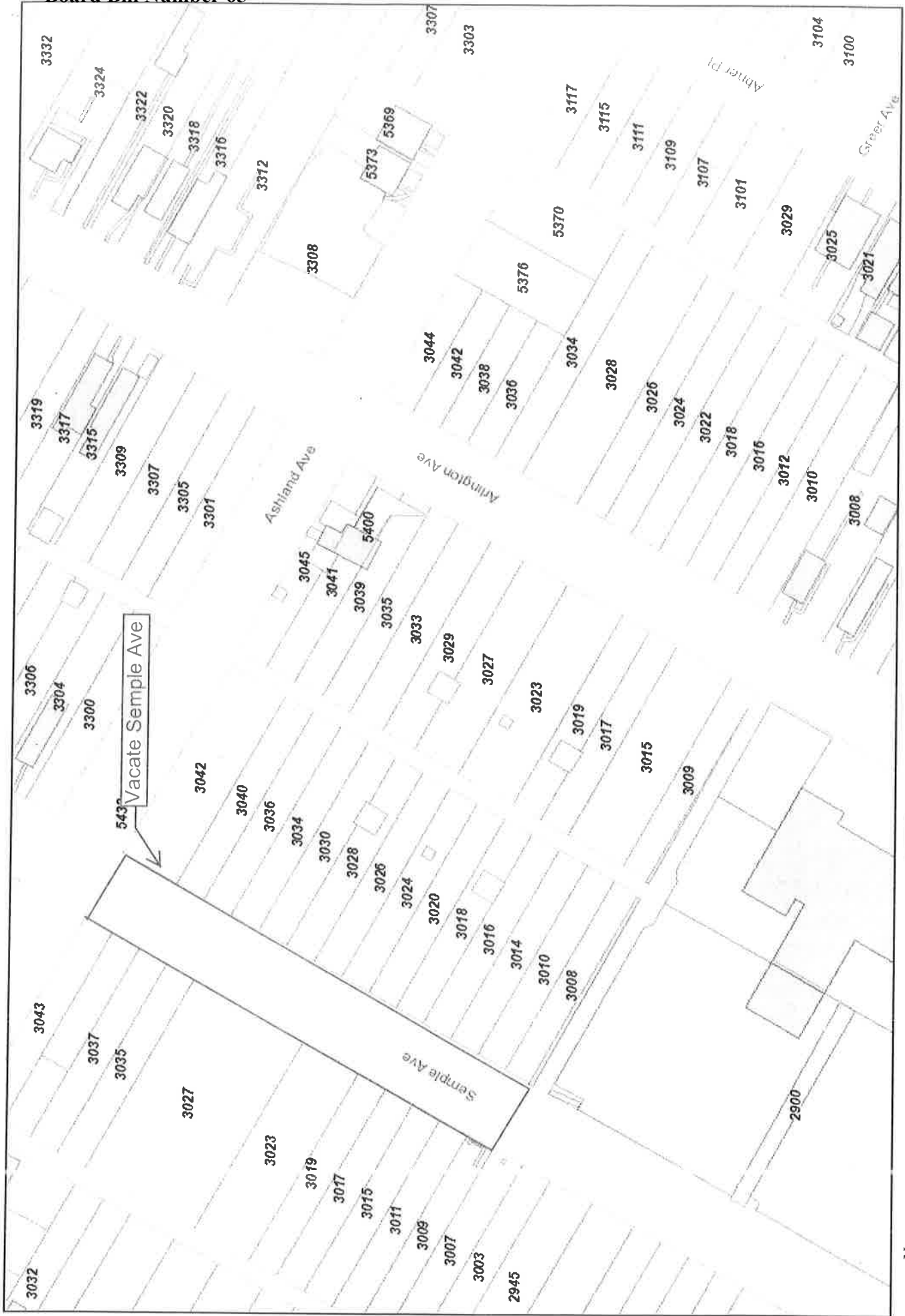


Exhibit "A"



Disclaimer: This map was prepared by MSD from available information and for its exclusive use. It is not intended to be used or relied upon by others. MSD makes no representation of either the accuracy or the completeness of its contents. Flood data source: Q3 (FEMA). Determination in regard to locations within or near the Special Flood Hazard Area must be confirmed by referencing the printed copy.

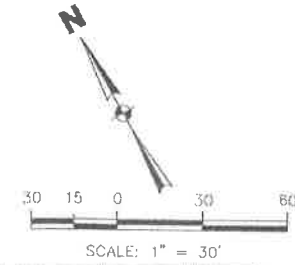


6/5/2020 2:37:24 PM  
RIVER 4.0



1 inch = 100 feet

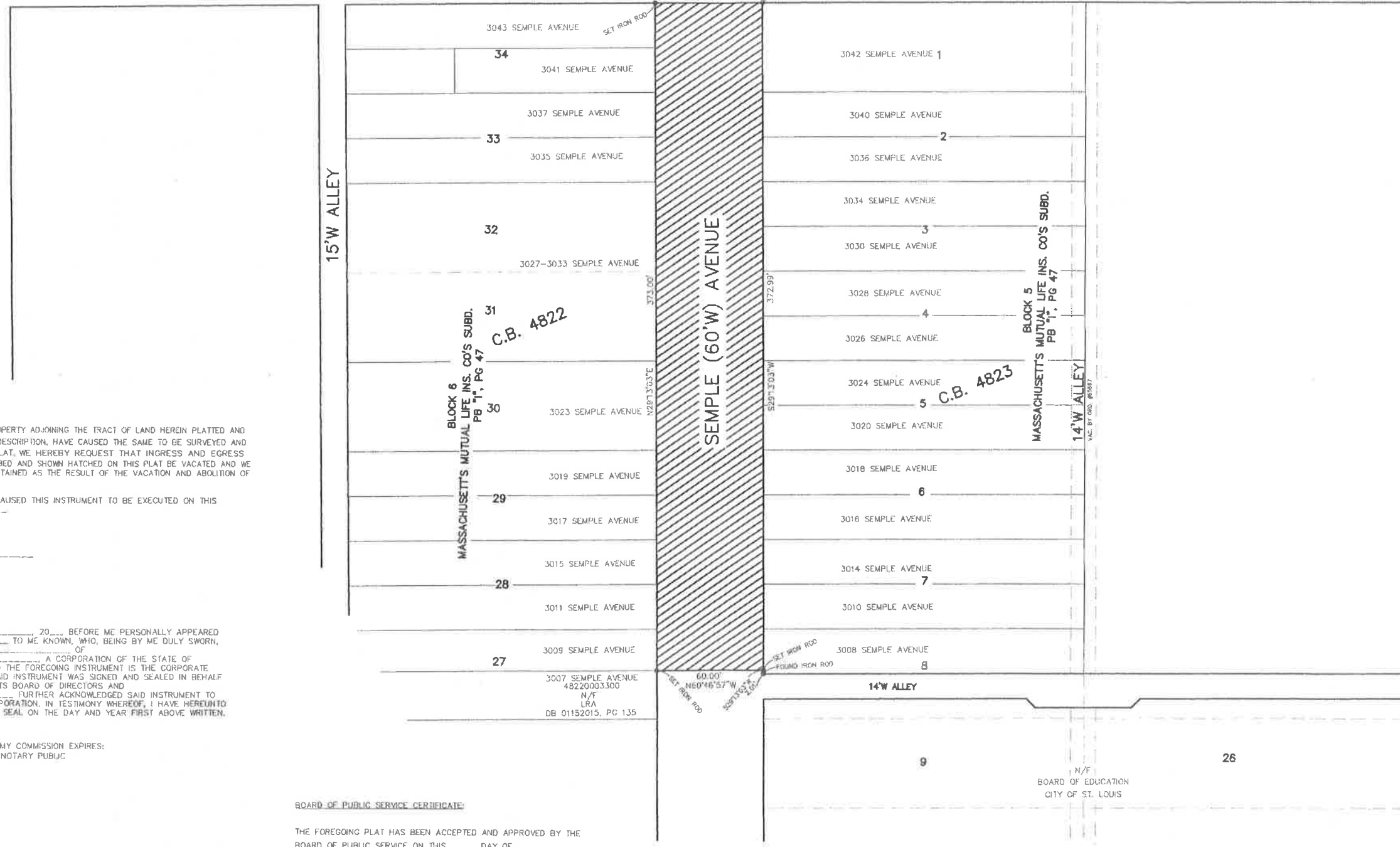
# VACATION PLAT SEMPLA AVENUE IN BLOCKS 4822 & 4823 CITY OF ST. LOUIS, MISSOURI



ASHLAND (60'W) AVENUE

BELT (60'W) AVENUE

ARLINGTON (60'W) AVENUE



**OWNER'S CERTIFICATION:**

WE, THE UNDERSIGNED, LEGAL OWNERS OF PROPERTY ADJOINING THE TRACT OF LAND HEREIN PLATTED AND FURTHER DESCRIBED THE FOREGOING LEGAL DESCRIPTION, HAVE CAUSED THE SAME TO BE SURVEYED AND PLOTTED IN THE MANNER SHOWN ON THIS PLAT. WE HEREBY REQUEST THAT INGRESS AND EGRESS RIGHTS OF THE PUBLIC FOR THE AREA DESCRIBED AND SHOWN HATCHED ON THIS PLAT BE VACATED AND WE HEREBY WAIVE ALL CLAIMS FOR DAMAGES SUSTAINED AS THE RESULT OF THE VACATION AND ABOLITION OF THE AFORESAID AREA.

IN WITNESS WHEREOF, SAID OWNERS HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

METROPOLITAN ST. LOUIS SEWER DISTRICT

ACTING REPRESENTATIVE \_\_\_\_\_

STATE OF MISSOURI )  
) SS.  
CITY OF ST. LOUIS)

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME PERSONALLY APPEARED \_\_\_\_\_ TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT HE IS THE \_\_\_\_\_ OF \_\_\_\_\_

A CORPORATION OF THE STATE OF MISSOURI, AND 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 \_\_\_\_\_

FURTHER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES:  
NOTARY PUBLIC \_\_\_\_\_

**SEMPLA AVENUE VACATION**

A TRACT OF LAND BEING PART OF SEMPLA AVENUE, 60 FEET WIDE, BETWEEN BLOCKS 4822 AND 4823 OF THE CITY OF ST. LOUIS, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWEST LINE OF ASHLAND AVENUE, 60 FEET WIDE, WITH THE SOUTHEAST LINE OF SAID SEMPLA AVENUE; THENCE SOUTH 29 DEGREES 13 MINUTES 03 SECONDS WEST 372.99 FEET ALONG SAID SOUTHEAST LINE OF SEMPLA AVENUE TO A POINT; THENCE NORTH 60 DEGREES 46 MINUTES 57 SECONDS WEST 60.00 FEET TO THE NORTHWEST LINE OF SAID SEMPLA AVENUE; THENCE NORTH 28 DEGREES 13 MINUTES 03 SECONDS EAST 373.00 FEET ALONG SAID NORTHWEST LINE OF SEMPLA AVENUE TO SAID SOUTHWEST LINE OF ASHLAND AVENUE; THENCE SOUTH 60 DEGREES 46 MINUTES 35 SECONDS EAST 60.00 FEET ALONG SAID SOUTHWEST LINE OF ASHLAND AVENUE TO THE POINT OF BEGINNING AND CONTAINING 22,380 SQUARE FEET.

**BOARD OF PUBLIC SERVICE CERTIFICATE:**

THE FOREGOING PLAT HAS BEEN ACCEPTED AND APPROVED BY THE BOARD OF PUBLIC SERVICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

(SECRETARY) \_\_\_\_\_

(PRESIDENT) \_\_\_\_\_

BOARD OF PUBLIC SERVICE, BOARD DOCUMENT No. \_\_\_\_\_

**NOTES:**

1. THE BEARINGS ARE BASED ON GRID NORTH USING "TOPCON HYPER" GPS EQUIPMENT; USING THE MODOT CONTINUOUSLY OPERATING MIDWEST RTK NETWORK. HORIZONTAL CONTROL IS REPORTED IN NAD-83 AND VERTICAL CONTROL IS REPORTED IN NAVD-88 FIELD WORK WAS REPERFORMED DURING THE MONTH OF FEBRUARY, 2018.
2. A TITLE CERTIFICATE WAS NOT PROVIDED. PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD, IF ANY.

WE, KOWELMAN ENGINEERING, INC. HAVE DURING MARCH 2020 BY ORDER OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT MADE A PROPERTY BOUNDARY SURVEY AND A VACATION PLAT OF SEMPLA AVENUE BETWEEN BLOCKS 4822 & 4823 OF THE CITY OF ST. LOUIS, MISSOURI AND THE RESULTS ARE SHOWN HEREON. THIS SURVEY WAS EXECUTED IN COMPLIANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS AND THE MISSOURI DEPARTMENT OF NATURAL RESOURCES, AND MEETS THE ACCURACY REQUIREMENTS SET FORTH FOR URBAN PROPERTY.

TERRY W. ORTMAN, R.L.S. 2103 DATE \_\_\_\_\_

VACATION PLAT OF  
SEMPLA AVENUE  
IN BLOCKS 4822 & 4823  
CITY OF ST. LOUIS

**KOWELMAN ENGINEERING, INC.**  
710 NORTH SERVICE ST., SUITE 120, ST. LOUIS, MO 63102 TEL: 314-241-2800

DESIGN BY:

DRAWN BY: TWO

CHECK BY: TWO

DATE: 8/05/20

KEI PROJECT NO.

K1609 G.1

DRAWING NO.

1 OF 1