

ORDINANCE #65273
Board Bill No. 12
Committee Substitute

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on 1) the 15 foot wide east/west and north/south alleys in City Block 3750 as bounded by Enright Avenue, Spring Avenue, Delmar Boulevard, and Vandeventer Avenue; 2) Delmar Boulevard from Vandeventer Avenue to Spring Avenue; 3) an irregular portion of Enright Avenue at Spring Avenue (a.k.a. Enright Avenue Cut-off); 4) Carpenter Place from Enright Avenue south 155 feet to alley, and 5) the 15 foot wide east/west alley in City Block 3751 as bounded by Delmar Boulevard, Spring Avenue, Washington Boulevard and Vandeventer Avenue in the City of St. 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 tract of land in Block 3750 and adjoining Block 3751, said parcel being Delmar Boulevard, 75 feet wide, Carpenter Place, 50 feet wide, the north/south alley, 15 feet wide, the east/west alley, 15 feet wide, together with the Delmar Boulevard Cut-off and the Enright Avenue Cut-off of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the eastern line of Vandeventer Avenue, 75 feet wide, with the southern line of said Delmar Boulevard; thence north 2degrees 26 minutes east 75.00 feet along the eastern line of said Vandeventer Avenue, to the northern line of said Delmar Boulevard; thence south 60 degrees 30 minutes east 790.63 feet along the northern line of said Delmar Boulevard, to a triangular cutoff; thence north 74 degrees 15 minutes 49 seconds east 155.14 feet and north 29 degrees 26 minutes east 40.00 feet along said cutoff to the southern line of said east/west alley, 15 feet wide, in said Block 3750, thence north 60 degrees 30 minutes west 900.00 feet along the southern line of said alley, to the eastern line of said Vandeventer Avenue; thence north 29 degrees 26 minutes east 15.00 feet along the eastern line of said Vandeventer Avenue, to the northern line of said east/west alley; thence south 60 degrees 30 minutes east 255.00 feet along the northern line of said east/west alley, to the western line of said Carpenter Place; thence north 29 degrees 26 minutes east 155.15 feet along the western line of said Carpenter Place, to the southern line of said Enright Avenue; thence south 60 degrees 30 minutes east 50.00 feet along the southern line of said Enright Avenue, to the eastern line of said Carpenter Place; thence south 29 degrees 26 minutes west 155.15 feet along the eastern line of said Carpenter Place, to the northern line of said east/west alley; thence south 60 degrees 30 minutes east 120.00 feet along the northern line of said east/west alley, to the western line of said north/south alley 15 feet wide in said Block 3750; thence north 29 degrees 26 minutes east 155.15 feet along the western line of said north/south alley, to the southern line of said Enright Avenue; thence south 60 degrees 30 minutes east 15.00 feet along the southern line of said Enright Avenue, to the eastern line of said north/south alley; thence south 29 degrees 26 minutes west 155.15 feet along the eastern line of said north/south alley; to the northern line of said east/west alley; thence south 60 degrees 30 minutes east 500.76 feet along the northern line of said east/west alley, to a triangular cutoff; thence north 29 degrees 28 minutes 45 seconds east 55.00 feet and north 13 degrees 59 minutes 58 seconds west 138.06 feet along said triangular cutoff to the southern line of said Enright Avenue; thence south 60 degrees 30 minutes east 155.00 feet along the eastern prolongation of the southern line of said Enright Avenue, to a line distant 80.00 feet west of and parallel with the eastern line of Spring Avenue, measured at right angles thereto; thence south 29 degrees 28 minutes 45 seconds west 395.30 feet along said line parallel with the eastern line of Spring Avenue, to the southern line of said Delmar Boulevard; thence north 60 degrees 30 minutes west 1000.57 feet along the southern line of said Delmar Boulevard, to the eastern line of Vandeventer Avenue, and the point of beginning, and containing 135,349 square feet, or 3.1072 acres.

A tract of land in Block 3751, being the east/west alley, 17.50 feet wide, in said block of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the eastern line of Vandeventer Avenue, 75 feet wide, with the southern line of said east/west alley; thence north 29 degrees 26 minutes east 17.50 feet along the eastern line of said Vandeventer Avenue, to the northern line of said east/west alley; thence south 60 degrees 30 minutes east 1000.45 feet along the northern line of said east/west alley, to the western line of Spring Avenue, 80 feet wide; thence south 29 degrees 28 minutes 45 seconds west 17.50 feet along the western line of said Spring Avenue, to the southern line of said east/west alley; thence north 60 degrees 30 minutes west 1000.44 feet along the southern line of said east/west alley, to the eastern line of said Vandeventer Avenue and the point of beginning, and containing 17,508 square feet or 0.4019 acre.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Cardinal Ritter College Prep. will use vacated area to construct a new school and track.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets and alleys, 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 streets and alleys 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 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 TEN: As a condition of this ordinance, the owners shall dedicate to the City of St. Louis an appropriate portion of property near the intersection of Vandeventer and Enright Avenues, to be determined by the Director of Streets for the City of St. Louis, for the purpose of constructing a new street to allow for the continuous flow of traffic along Delmar Boulevard.

SECTION ELEVEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) 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.

Approved: July 30, 2001