

ORDINANCE #65478
Board Bill No. 351
Committee Substitute

An ordinance recommended by the Board of Public Service providing for the vacation and abolition of a public right-of-way and subsurface rights in a street located in City Block 3884, being a part of Buckingham Court in the City of St. Louis, Missouri, as hereinafter described, under certain terms and conditions.

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

SECTION ONE. The following public rights-of-way and public subsurface rights are upon the condition set out herein vacated and abolished, without any reservations of rights therein.

The public surface rights of vehicle, equestrian and pedestrian travel and public subsurface rights in a street located in City Block 3884, being a part of Buckingham Court in the City of St. Louis, Missouri, and further described as follows:

A tract of land lying in City Block 3884 of the City of St. Louis, Missouri and being part of Buckingham Court, 50 feet wide, as shown on Dameron's Subdivision, a subdivision recorded in Plat Book 19, Page 124 of the Recorder's Office of St. Louis City, Missouri and being more particularly described as follows:

Beginning at the intersection of the West right-of-way of Euclid Avenue, 60 feet wide and the South right-of-way of said Buckingham Court, said point also being the Northeast corner of Lot 20 of said Dameron's Subdivision and the TRUE POINT OF BEGINNING for the herein described tract; thence along the North line of said Lot 20, the North line of Lots 18 and 16 of said Dameron's Subdivision, and the North line of South Court, 44 feet wide, as vacated by Ordinance No. 63607, North 82 degrees 00 minutes 00 seconds West, a distance of 251.65 feet; thence leaving said North line of Lot 16, North 08 degrees 00 minutes 00 seconds East, a distance of 50.00 feet to the Southwest corner of Lot 4 of said Dameron's Subdivision; thence along the South line of said Lot 4 and the South line of Lot 2 of said Dameron's Subdivision, South 82 degrees 00 minutes 00 seconds East, a distance of 244.46 feet to the Southwest corner of said Lot 2, said point also being on said West right-of-way of Euclid Avenue; thence South 00 degrees 10 minutes 48 seconds West, a distance of 50.51 feet to the Point of Beginning and containing 0.28 acres (12,400 square feet) according to a survey by J. R. Grimes Consulting Engineers, Inc.

SECTION TWO. Area will be consolidated to accommodate the construction of a public parking structure.

SECTION THREE. The owners of the land may, at their election and expense, remove the surface pavement of said vacated street provided, however, that all cobblestones and granite curbing within the rights-of-way to be vacated that are removed shall be conveyed to a location to be designated by the Director of Streets of the City of St. Louis.

SECTION FOUR. The owners of the land shall design, construct and maintain a permanent pedestrian right of way, which shall measure not less than five (5) feet in width, between North Court and Euclid Avenue for the purpose of providing access to Euclid Avenue. Such pedestrian right of way shall be lighted and open to the public at all times.

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 owner's interest 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: This ordinance shall be ineffective unless within sixty days (60 days) after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred and twenty days (120) 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 NINE. 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 three hundred and sixty-five days (365) (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: March 21, 2002