

ORDINANCE #65853
Board Bill No. 424

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on 1) Bancroft Ave. (including the portion formerly known as Melbourne Ave.) From the City Limit line eastwardly to River Des Peres and 2) Sutherland Ave. from the City Limit line eastwardly to River Des Peres 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 being part of Bancroft Avenue, 30 feet wide, (formerly Melbourne) in Section 34, Township 45 North, Range 6 East of the Fifth Principal Meridian, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the center line of Old River Des Peres with the northern line of Block 21 in Shrewsbury Park 4th Subdivision as recorded in Plat Book 13 page 118 of the City of St. Louis, Missouri Records; thence north 82 degrees 43 minutes 41 seconds west, along said northern line, a distance of 367.72 feet to a point on the western City Limits of St. Louis, Missouri; thence north 19 degrees 40 minutes 07 seconds west, along said western City Limits, a distance of 29.91 feet, to City Stone No. 59; thence north 17 degrees 25 minutes 10 seconds east, along said City Limits, a distance of 3.39 feet to a point, on the northern line of said Bancroft Avenue; thence south 82 degrees 43 minutes 41 seconds east, along said northern line, a distance of 346.48 feet to a point, on the said center line; thence south 41 degrees 27 minutes 53 seconds east, along said center line a distance of 45.49 feet to the point of beginning.

A tract of land being part of Bancroft Avenue, 30 feet wide, (formerly Melbourne) in Section 34, Township 45 North, Range 6 East of the Fifth Principal Meridian, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the center line of Old River Des Peres with the northern line of said Bancroft Avenue; thence south 82 degrees 43 minutes 41 seconds east, along said northern line, a distance of 160.82 feet to a point, on the western line of New River Des Peres; thence south 16 degrees 23 minutes 14 seconds east, along said western line of New River Des Peres, a distance of 32.75 feet to a point; thence south 82 degrees 43 minutes 41 seconds west a distance of 145.89 feet to a point, on the said centerline of Old River Des Peres; thence north 35 degrees 50 minutes 14 seconds west, along said centerline of Old River Des Peres, a distance of 41.09 feet to the point of beginning.

A tract of land being part of Sutherland Avenue, 50 feet wide, located between the western line of New River Des Peres and the western line of the City of St. Louis, Missouri limits, in Section 34, Township 45 North, Range 6 East of the Fifth Principal Meridian, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the City of St. Louis, Missouri Stone No. 59, being on the said western City Limits of St. Louis Missouri; thence south 19 degrees 40 minutes 07 seconds east, along said western City Limits, a distance of 357.44 feet to an iron pipe, on the northern line of said Sutherland Avenue, said point also being the point of beginning of the tract of land herein described; thence south 82 degrees 43 minutes 54 seconds east, along said northern line a distance of 461.21 feet, to an iron pipe marking a point of curvature on the said western line of New River Des Peres, as established by City of St. Louis, Missouri Ordinance No. 32986; thence 55.82 feet along a non-tangent curve to the left, having a radius of 2,974.92 feet, a central angle of 01 degrees 04 minutes 31 seconds and a chord bearing of south 19 degrees 08 minutes 07 seconds east, to an iron pipe.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Bi-State Development Agency will consolidate land for Metrolink Expansion.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated 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 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 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: 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: February 25, 2003