

ORDINANCE #68989
Board Bill No. 139
Committee Substitute

An ordinance recommended by the Board of Public Service to vacate above surface, surface and sub-service rights for vehicle, equestrian and pedestrian travel in 1) A portion of Catalan Street beginning at the west right-of-way line of Railroad Street and continuing eastwardly approximately 708.795 feet ± 6.265 feet to a point, 2) Railroad Street from the south right-of-way line of Espensheid Street to Marceau Street, 3) A 100-110 foot portion of Marceau Street beginning 10.40 feet west of Railroad Street to a point 47.22 feet east of Railroad Street, 4) East Railroad Street from Marceau Street to Davis Street, 5) Hurck Street from East Railroad Street to West Railroad Street, 6) A portion of Davis beginning approximately 577.64 feet east of Polk and continuing eastwardly approximately 268.01 feet ± .673 feet to a point 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 above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of Catalan (50.00 feet wide) Street, located between City Block 3244 and City Block 3266 of the City of St. Louis and being more particularly described as follows:

Beginning at the intersection of the northwesterly line of Railroad (60.00 feet wide) Street with the northeasterly line of Catalan (950.00 feet wide) Street; thence south 50 degrees 04 minutes 09 seconds east along said northeasterly line for a distance of 702.53 feet; thence south 27 degrees 18 minutes 23 seconds west for a distance of 51.17 feet; thence north 50 degrees 04 minutes 09 seconds west along the southwesterly line of said Catalan (50.00 feet wide) Street for a distance of 715.06 feet; thence north 41 degrees 28 minutes 09 seconds east for a distance of 49.85 feet to the point of beginning encompassing an area of 0.81 acres more or less.

A tract of land being part of Marceau (60.00 feet wide) Street, Hurck (40.00 feet wide) Street, East Railroad (25.00 feet wide) Street, and Railroad (50.00 feet wide) Street located between City Block 3192, City Block 3193, City Block 3242 and City Block 3244 of the City of St. Louis, and being more particularly described as follows:

Beginning at the intersection of the southwesterly line of Davis (60.00 feet wide) Street with the southeasterly line of said East Railroad Street; thence south 29 degrees 09 minutes 52 seconds west along said southeasterly line for a distance of 291.65 feet to the northeasterly line of said Hurck Street; thence south 36 degrees 06 minutes 38 seconds west for a distance of 40.09 feet to the southwesterly line of said Hurck Street; thence south 37 degrees 10 minutes 12 seconds west along said southeasterly line of East Railroad Street for a distance of 154.50; thence south 42 degrees 36 minutes 47 seconds west for a distance of 132.68 feet to the northeasterly line of said Marceau Street; thence south 50 degrees 01 minutes 11 seconds east along said northeasterly line for a distance of 24.76 feet; thence south 31 degrees 29 minutes 20 seconds west for a distance of 60.66 feet to the southwesterly line of said Marceau Street; thence north 50 degrees 01 minutes 11 seconds west along said southwesterly line for a distance of 47.22 feet to the southeasterly line of said Railroad street; thence south 40 degrees 56 minutes 29 seconds west along said southeasterly line for a distance of 327.99 feet; thence north 50 degrees 04 minutes 45 seconds west for a distance of 50.00 feet to the northwesterly line of said Railroad Street; thence north 40 degrees 56 minutes 29 seconds east along said northwesterly line for a distance of 328.04 feet to the southwesterly line of said Marceau Street; thence north 50 degrees 01 minutes 11 seconds west along said southwesterly line for a distance of 10.40; thence north 38 degrees 55 minutes 53 seconds east for a distance of 60.01 feet to the northeasterly line of said Marceau Street; thence south 50 degrees 01 minutes 11 seconds east along said northeasterly line for a distance of 50.00 feet to the northwesterly line of said east Railroad Street; thence north 42 degrees 36 minutes 47 seconds east along said northwesterly line for a distance of 132.64

feet; thence north 37 degrees 10 minutes 12 seconds east for a distance of 154.43 feet to the southwesterly line of said Hurck Street; thence north 50 degrees 01 minutes 11 seconds west along said southwesterly line for a distance of 53.75 feet; thence north 43 degrees 46 minutes 39 seconds east for a distance of 40.18 feet to the northeasterly line of said Hurck Street; thence south 50 degrees 01 minutes 11 seconds east along said northeasterly line for a distance of 50.00 feet to the northwesterly line of said East Railroad Street; thence north 28 degrees 51 minutes 27 seconds east along said northwesterly line for a distance of 291.95 feet to the southwesterly line of said Davis Street; thence south 50 degrees 02 minutes 27 seconds east along said southwesterly line for a distance of 25.00 feet to the point of beginning, encompassing an area of 0.91 acres.

A tract of land being part of Davis (60.00 feet wide) Street, located between City Block 3153 and City Block 3193 of the City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the point of intersection of the northeasterly line of said Davis Street with the southeasterly line of Polk (60.00 feet wide) Street; thence south 50 degrees 02 minutes 40 seconds east along said northeasterly line of Davis Street for a distance of 577.64 feet to the point of beginning of the herein described Davis Street vacation; thence south 50 degrees 02 minutes 40 seconds east along said northeasterly line for a distance of 216.28 feet; thence south 27 degrees 18 minutes 23 seconds west for a distance of 61.46 feet to the southwesterly line of said Davis Street; thence north 50 degrees 02 minutes 40 seconds west along said southwesterly line for a distance of 274.74 feet; thence north 39 degrees 57 minutes 24 seconds east for a distance of 59.97 feet to the point of beginning, encompassing an area of 0.37 acres.

are, upon the conditions hereafter set out, vacated.

SECTION TWO: Vacated area will be used to consolidate property in conjunction with Italgrani USA, Inc.'s rail yard expansion. The Water Division has a 12'/8" main and facilities in Catalan St. in the area of the proposed vacation and as shown on the accompanying drawings. The Water Division will require easements for these facilities which will require uninhibited access to these facilities both by the Water Division (for inspection, maintenance and repair) and Fire Department for fire protection. No construction of any kind can occur on or over these facilities without the prior review and approval of the Water Commissioner.

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 owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

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. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

Approved: October 20, 2011