

**BOARD BILL NO. 212**

**INTRODUCED BY: ALDERMAN JOSEPH VOLLMER**

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,  
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in Kemper from Hereford  
3 westwardly 82.34 feet to a point previously vacated by Ordinance 69720 in the City of St. Louis,  
4 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with  
5 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

7 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian  
8 and pedestrian travel, between the rights-of-way of:

9  
10 A tract of land being part of Kemper Avenue (60 feet wide) adjacent to City Blocks  
11 4733-WB and 4735 of the City of St. Louis, Missouri and being more particularly  
12 described as follows:

13  
14 Beginning at the southeast corner of above said City Block 4733-  
15 WB, said corner being the intersection of the north right-of-way line  
16 of Kemper Avenue (60 feet wide) and the west right-of-way line of  
17 Hereford Street (60 feet wide); thence south 07 degrees 30 minutes  
18 00 seconds West, 60.00 feet to a point on the South right-of-way line  
19 of said Kemper Avenue; thence along said South right-of-way line of  
20 Kemper Avenue, North 82 degrees 30 minutes 00 seconds West,  
21 82.34 feet to a point being the Northeast corner of a tract of Land  
22 conveyed to Kemper-Themis, LLC by instrument recorded in Deed  
23 Book 04152014 Page 141 of the City of St. Louis, Missouri records,  
24 said point also being the Southeast corner of a portion of Kemper  
25 Avenue vacated by Ordinance No. 69720 of said City; thence leaving  
26 last said South line and along the East line of said vacated portion,  
27 North 07 degrees 30 minutes 00 seconds East, 60.00 feet to a point on  
28 the North right-of-way line of said Kemper Avenue, said Point being  
29 the Northeast corner of said vacated portion; thence leaving last said  
30 East line and along said North right-of-way line, South 82 degrees 30  
31 minutes 00 seconds East, 82.34 feet to the point of beginning and  
32 contains 4,941 square feet, or 0.113 acres, more of less according to a  
33 survey by the Sterling Company during the month of September,  
34 2016.

35  
36 are, upon the conditions hereinafter set out, vacated.

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1           **SECTION TWO:** Kemper-Themis LLC proposes to use vacated street to improve security.

2  
3           **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the  
4           foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including  
5           present and future uses of utilities, governmental service entities and franchise holders, except such  
6           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: 1) lawful permit from the Building Division or Authorized City agency as  
17          governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
18          service entities and franchise holders, present or future. The written consent with the terms and  
19          conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
20          agencies as needed and approved by such Board prior to construction.

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

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1           **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within  
2 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
3 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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