

**BOARD BILL NO. 139 CS**

**INTRODUCED BY: ALDERMAN THOMAS VILLA**

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and  
2 sub-service rights for vehicle, equestrian and pedestrian travel in 1) A portion of Catalan Street  
3 beginning at the west right-of-way line of Railroad Street and continuing eastwardly approximately  
4 708.795 feet ± 6.265 feet to a point, 2) Railroad Street from the south right-of-way line of  
5 Espensheid Street to Marceau Street, 3) A 100-110 foot portion of Marceau Street beginning 10.40  
6 feet west of Railroad Street to a point 47.22 feet east of Railroad Street, 4) East Railroad Street from  
7 Marceau Street to Davis Street, 5) Hurck Street from East Railroad Street to West Railroad Street, 6)  
8 A portion of Davis beginning approximately 577.64 feet east of Polk and continuing eastwardly  
9 approximately 268.01 feet ± .673 feet to a point in the City of St. Louis, Missouri, as hereinafter de-  
10 scribed, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of  
11 the Charter and imposing certain conditions on such vacation.

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

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

15  
16 A tract of land being part of Catalan (50.00 feet wide) Street, located between City  
17 Block 3244 and City Block 3266 of the City of St. Louis and being more particularly  
18 described as follows:

19  
20 Beginning at the intersection of the northwesterly line of Railroad  
21 (60.00 feet wide) Street with the northeasterly line of Catalan (950.00  
22 feet wide) Street; thence south 50 degrees 04 minutes 09 seconds  
23 east along said northeasterly line for a distance of 702.53 feet; thence  
24 south 27 degrees 18 minutes 23 seconds west for a distance of 51.17  
25 feet; thence north 50 degrees 04 minutes 09 seconds west along the  
26 southwesterly line of said Catalan (50.00 feet wide) Street for a  
27 distance of 715.06 feet; thence north 41 degrees 28 minutes 09  
28 seconds east for a distance of 49.85 feet to the point of beginning  
29 encompassing an area of 0.81 acres more or less.

30  
31 A tract of land being part of Marceau (60.00 feet wide) Street, Hurck (40.00 feet

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1 wide) Street, East Railroad (25.00 feet wide) Street, and Railroad (50.00 feet wide)  
2 Street located between City Block 3192, City Block 3193, City Block 3242 and City  
3 Block 3244 of the City of St. Louis, and being more particularly described as  
4 follows:  
5

6 Beginning at the intersection of the southwesterly line of Davis  
7 (60.00 feet wide) Street with the southeasterly line of said East  
8 Railroad Street; thence south 29 degrees 09 minutes 52 seconds west  
9 along said southeasterly line for a distance of 291.65 feet to the  
10 northeasterly line of said Hurck Street; thence south 36 degrees 06  
11 minutes 38 seconds west for a distance of 40.09 feet to the  
12 southwesterly line of said Hurck Street; thence south 37 degrees 10  
13 minutes 12 seconds west along said southeasterly line of East  
14 Railroad Street for a distance of 154.50; thence south 42 degrees 36  
15 minutes 47 seconds west for a distance of 132.68 feet to the  
16 northeasterly line of said Marceau Street; thence south 50 degrees 01  
17 minutes 11 seconds east along said northeasterly line for a distance of  
18 24.76 feet; thence south 31 degrees 29 minutes 20 seconds west for a  
19 distance of 60.66 feet to the southwesterly line of said Marceau  
20 Street; thence north 50 degrees 01 minutes 11 seconds west along  
21 said southwesterly line for a distance of 47.22 feet to the  
22 southeasterly line of said Railroad street; thence south 40 degrees 56  
23 minutes 29 seconds west along said southeasterly line for a distance  
24 of 327.99 feet; thence north 50 degrees 04 minutes 45 seconds west  
25 for a distance of 50.00 feet to the northwesterly line of said Railroad  
26 Street; thence north 40 degrees 56 minutes 29 seconds east along  
27 said northwesterly line for a distance of 328.04 feet to the  
28 southwesterly line of said Marceau Street; thence north 50 degrees  
29 01 minutes 11 seconds west along said southwesterly line for a  
30 distance of 10.40; thence north 38 degrees 55 minutes 53 seconds  
31 east for a distance of 60.01 feet to the northeasterly line of said  
32 Marceau Street; thence south 50 degrees 01 minutes 11 seconds east  
33 along said northeasterly line for a distance of 50.00 feet to the  
34 northwesterly line of said east Railroad Street; thence north 42  
35 degrees 36 minutes 47 seconds east along said northwesterly line for  
36 a distance of 132.64 feet; thence north 37 degrees 10 minutes 12  
37 seconds east for a distance of 154.43 feet to the southwesterly line of  
38 said Hurck Street; thence north 50 degrees 01 minutes 11 seconds  
39 west along said southwesterly line for a distance of 53.75 feet;  
40 thence north 43 degrees 46 minutes 39 seconds east for a distance of  
41 40.18 feet to the northeasterly line of said Hurck Street; thence south  
42 50 degrees 01 minutes 11 seconds east along said northeasterly line

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1 for a distance of 50.00 feet to the northwesterly line of said East  
2 Railroad Street; thence north 28 degrees 51 minutes 27 seconds east  
3 along said northwesterly line for a distance of 291.95 feet to the  
4 southwesterly line of said Davis Street; thence south 50 degrees 02  
5 minutes 27 seconds east along said southwesterly line for a distance  
6 of 25.00 feet to the point of beginning, encompassing as area of 0.91  
7 acres.

8  
9 A tract of land being part of Davis (60.00 feet wide) Street, located between City  
10 Block 3153 and City Block 3193 of the City of St. Louis, Missouri, and being more  
11 particularly described as follows:  
12

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

26 **are, upon the conditions hereafter set out, vacated.**  
27

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

35 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

1 the foregoing conditionally vacated streets, are reserved to the City of St. Louis for the public  
2 including present and future uses of utilities, governmental service entities and franchise holders,  
3 except such rights as are specifically abandoned or released herein.

4 **SECTION FOUR:** The owners of the land may, at their election and expense remove the  
5 surface pavement of said so vacated streets provided however, all utilities within the rights-of-way  
6 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

7 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders  
8 shall have the right and access to go upon the land and occupation hereof within the rights-of-way  
9 for purposes associated with the maintenance, construction or planning of existing or future  
10 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably  
11 required.

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

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

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

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

7           1)    CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
8           Water facilities, if any.

9           2)    CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
10           removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
11           be returned.

12           3)    CITY STREET DEPARTMENT to cover the full expenses required for the adjustments  
13           of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as  
14           specified in Sections Two and Eight of the Ordinance.

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