

BOARD BILL 335 INTRODUCED BY: ALDERWOMAN APRIL FORD GRIFFIN

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in Benton from Broadway eastwardly
3 150 feet to a point in the City of St. Louis, Missouri, as hereinafter described, in accordance with
4 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
5 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 Part of Benton Street, 60 feet wide, between Blocks 315 and 316 of the City of St.
11 Louis, being also between Blocks 34 and 35 of North St. Louis and being more
12 particularly described as follows:

13
14 Beginning at the intersection of the northern line of Benton Street, 60
15 feet wide, with the eastern line of Broadway, 80 feet wide, said point
16 of beginning being also the southwestern corner of Lot 130 in Block
17 35 of North St. Louis; thence along the northern line of said Benton
18 Street north 69 degrees 01 minutes 00 seconds east a distance of
19 150.00 feet to its intersection with the western line of property
20 conveyed to Norfolk Southern Railway Company, December 5,
21 1991, daily No. 98; thence along said Western line south 20 degrees
22 57 minutes 30 seconds east a distance of 60.00 feet to its intersection
23 with the southern line of said Benton Street; thence along the
24 southern line of said Benton Street south 69 degrees 01 minutes 00
25 seconds west a distance of 150.00 to the eastern line of said
26 Broadway and to the northwestern corner of Lot 129 in Block 34 of
27 North St. Louis; thence along the eastern line of Broadway north 20
28 degrees 57 minutes 30 seconds west a distance of 60.00 feet to the
29 point of beginning, containing 9,000 square feet more or less.

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31 are, upon the conditions hereinafter set out, vacated.
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33 **SECTION TWO:** 2509 N. Broadway, LLC and 2516 N. Broadway, LLC will use vacated
34 area to consolidate property for expansion of United Bags, Inc. facilities and increase security.

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1 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
2 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
3 including present and future uses of utilities, governmental service entities and franchise holders,
4 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

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1 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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

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