

St. Louis City Ordinance 62311

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 44

INTRODUCED BY ALDERMAN NANCY WEBER

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in a strip of land being a portion of Calvary Avenue extending southwestwardly from the Mississippi River approximately 378 feet plus or minus 4.5. feet.

SECTION ONE:

The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being a portion of Calvary Avenue, located between City Blocks 4216 and 4222E, in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at a point where the Southerly line of Calvary Avenue (30 feet wide) intersects with the Easterly Flood Control Project Line by Cause #17834E of the St. Louis City Circuit Court; thence North 16 degrees 49 minutes 22 seconds West 31.48 feet, more or less, to the Northerly right-of-way line of Calvary Avenue; thence North 55 degrees 31 minutes 11 seconds East 382.49 feet, more or less, along the North line of said Calvary Avenue (which is also the South line of City Block 4216) to the meandering water line of the West line of the Mississippi River; thence South 03 degrees 12 minutes East 35.10 feet, more or less, along said meandering West water line of the Mississippi River to the Southerly line of said Calvary Avenue; thence South 55 degrees 31 minutes 11 seconds West 373.81 feet, more or less, along the South line of said Calvary Avenue (which is also the North line of City Block 4222E) to the point of beginning.

SECTION TWO:

Petitioners are Charles K. Tubbs, Thomas R. Tubbs and the City of St. Louis.

SECTION THREE:

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, and for the construction, operation, use and maintenance of a recreational trail 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 street provided however, all utilities within the rights-of-way shall not be disturbed or impaired nor shall the owners disturb any construction operation, use or maintenance of a recreational trail 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 associated with the maintenance, construction or planning of existing or future municipal 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 or driveways, roadway drainage connection and inlets, grading, paving sidewalks and roadways and road signing; providing further the said owners, shall. Under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expenses, but in the event said owners fail to accomplish such within the time and 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 complied with must be submitted to the Board of Public Service for acceptance

One Hundred Twenty (120) days 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.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/03/91	05/03/91	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
05/24/91			05/31/91	06/07/91
ORDINANCE	VETOED		VETO OVR	
62311				