

## *St. Louis City Ordinance 62324*

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 41

INTRODUCED BY ALDERMAN MARTIE ABOUSSIE

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 the 15 foot wide north/south alley bounded by Pestalozzi, Oregon, Gravois, Crittenden, and Nebraska in City Block 1998-N.

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

SECTION ONE: To vacate the public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

An alley 15.00 feet wide, being part of block 17 of Lane's Third Subdivision of the Lami Tract, recorded in plat book 6, page 86 of the St. Louis City Records, in City Block 1988-N, City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the northwesterly corner of Lot 13 of above said Lane's Third Subdivision, said point being on the southerly line of Pestalozzi Street (60.00 feet wide), said point also being on the easterly line of said 15.00 feet wide alley; thence in a southerly direction, making a counter-clockwise angle of 100 degrees 31 minutes 06 minutes from the southerly line of said Pestalozzi street, and along the easterly line of said alley and the westerly line of lots 7 through 13 of said Lane's Third Subdivision a distance of 207.83 feet to the northerly line of Gravois Avenue (100.00 feet wide); thence in a southwesterly direction, making a counter-clockwise angle of 127 degrees 23 minutes 00 seconds from the last described course and along the northwesterly line of said Gravois Avenue a distance of 18.88 feet to a point on the easterly line of said 15.00 feet wide alley, to said point also being on the easterly line of lot 21 of above said Lane's Third Subdivision; thence in a northerly direction, making a counter-clockwise angle of 52 degrees 37 minutes 00 seconds from the last described course and along the westerly line of said 15.00 feet wide alley and the easterly line of Lots 14 through 21 of said Lane's Third Subdivision a distance of 222.08 feet to the southerly line of above said Pestalozzi Street; thence in an easterly direction, making a counter-clockwise angle of 79 degrees 28 minutes 54 seconds from the last described course and along the southerly line of said

Pestalozzi Street a distance of 15.26 feet to the point of beginning and containing 3,225 square feet, or 0.074 acres, more or less.

**SECTION TWO:**

Petitioner is QuikTrip Corporation. The purpose is to consolidate property to construct a QuikTrip Convenience Store and Gas Station.

**SECTION THREE:**

All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, 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 alley 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 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.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>05/03/91</b>	<b>05/03/91</b>	<b>STR</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>06/07/91</b>			<b>06/14/91</b>	<b>06/14/91</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>62324</b>				