

## *St. Louis City Ordinance 62450*

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 254

INTRODUCED BY ALDERMAN Martie J. Aboussie

An ordinance to vacate public surface rights in a strip of land being a 15' wide east/west alley bound by Arsenal St. on the north, Arkansas Avenue on the east, Hartford Street on the south, and Grand Boulevard on the west.

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

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

Part of an East-West alley, 15 feet wide, in Block 1462 of the City of St. Louis being more particularly described as follows:

Beginning at the intersection of the East line of Grand Boulevard, 80 feet wide, with the South line of said alley, said point of beginning being also the Northwest corner of Lot 1 of TOWER GROVE HEIGHTS and being distant 120.10 feet North of the North line of Hartford Street, 60 feet wide; thence East along the South line of said alley and along the North line of Lots 1, 2 and 3 of said TOWER GROVE HEIGHTS a distance of 151.25 feet to the Northeast corner of said Lot 3; thence North along a line perpendicular to the South line of said alley a distance of 15.00 feet to the North line of said alley, being also on the South line of Lot "D" of PIEDNOIR'S RESUBDIVISION; thence West along the North line of said alley, along the South line of Lots A, B, C and D of said PIEDNOIR'S RESUBDIVISION a distance of 151.86 feet to its intersection with the East line of Grand Boulevard; thence South along the East line of Grand Boulevard a distance of 15.01 feet to the point of beginning.

are upon conditions hereinafter vacated.

SECTION TWO: Petitioner is Timothy A. Boyle d/b/a City Property Co. The purpose for the vacation is for consolidation of property to use as a parking lot and pedestrian walkway.

SECTION THREE: The owner is to dedicate a 15 foot wide easement from the remaining portion of the 15 foot wide east/west alley to Arsenal St. to allow for continued egress and ingress into the alley. This easement is to be open at all times.

SECTION FOUR: 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 FIVE: 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 SIX: 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 SEVEN: 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 EIGHT: 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 NINE: 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 TEN: 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 Lighting 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 Lighting 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 owners, shall under the direction of the Director of Streets, of the City of St. Louis, accomplish the aforesaid adjustments, at their own expenses, but in the event the owners fail to accomplish said 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 the 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 ELEVEN:** 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>11/08/91</b>	<b>11/08/91</b>	<b>STR</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>11/15/91</b>			<b>11/22/91</b>	<b>11/22/91</b>

<b>ORDINANCE</b>	<b>VETOED</b>	<b>VETO OVR</b>
<b>62450</b>		