

St. Louis City Ordinance 62528

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 295

INTRODUCED BY ALDERMAN FRED WESSELS, JR.

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 Eiler Street from the west right-of-way line of the Missouri Pacific Railroad Company right-of-way line eastwardly 250.305' +/- 4.155' to a point in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

NOW THEREFORE, 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:

A tract of land being part of Eiler Street, 60.00 feet wide between blocks 5937, 5475 and blocks 6329, 5474, in the City of St. Louis, Missouri and being more particularly described as follows:

Beginning at the intersection of the South line of Eiler Street, 60.00 feet wide, with the West line of Missouri Pacific Railroad Company right-of-way; thence along said West line North 00 degrees 00 minutes 00 seconds East (bearing reference system assumed) 61.20 feet to the North line of said Eiler Street; thence along said North line South 78 degrees 37 minutes 00 seconds East 246.15 feet to the West line of a North-South alley, 15.00 feet wide, in City Block 5937; thence along the Southerly prolongation of the West line of said alley South 11 degrees 21 minutes 15 seconds West 15.00 feet; thence South 23 degrees 23 minutes 24 seconds East 36.53 feet to the Northerly prolongation of the West line of a relocated North-South alley in City Block 5475; thence along said northerly prolongation South 13 degrees 08 minutes 11 seconds West 15.00 feet to the South line of said Eiler Street; thence along said South line North 78 degrees 37 minutes 00 seconds West 254.46 feet to the point of beginning containing 15,028 square feet more or less.

Are upon the conditions hereinafter set out, vacated.

SECTION TWO:

Petitioners are Southside Machine Works, James J. and Virginia L. Jost, and Missouri Pacific Railroad Company. The purpose for the vacation is to consolidate property for use as a parking lot by Southside Machine Works and so that Missouri Pacific Railroad will have sole use of its Right-of-Way.

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, 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 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 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 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 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 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
12/17/91	12/17/91	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/06/92			03/13/92	03/13/92
ORDINANCE	VETOED		VETO OVR	
62528				