

## *St. Louis City Ordinance 63110*

FLOOR SUBSTITUTE

BOARD BILL NO. [93] 254

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 on 20.00 foot wide east/west alley extending from East Third Street eastwardly 59.43' +/- 64' to its terminus and bounded by Hall Street on the east, vacated Pope Avenue on the north, vacated Clarence Avenue on the south, and East Third Street on the west in City Block 3456 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.

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 the east-west 20 feet wide public alley in City Block No. 3456 of the City of St. Louis, Missouri, and said tract being more particularly described as follows:

COMMENCING at the southernmost corner of Lot "B" of THE SURVEY AND RESUBDIVISION OF BLOCK 108 OF O'FALLON'S ESTATE, TOGETHER WITH THE EAST AND WEST ALLEY VACATED BY ORDINANCE NO. 49625, TOGETHER WITH PART OF THE SOUTH 1/2 OF POPE AVENUE VACATED BY ORDINANCE NOS. 55371 AND 57019, as per plat thereof recorded in plat book 63 Page 08 of the City of St. Louis Records, said corner being on the northeastern line of East 3rd Street, 31.5 feet wide; thence along said northeastern line northwestwardly 145.37 feet to a point on the southerly line of said alley, said point being the TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; thence continuing along said northeastern line of east 3rd Street northwestwardly 20.05 feet to the northerly line of said alley; thence along said northerly line eastwardly 60.07 feet to the western line of that part of said alley vacated by Ordinance No. 49625; thence along a line perpendicular to said northerly line southwardly 20.00 feet to a point on the southerly line of said alley, said point being the northeastern corner of Lot 1 in Block 108 of O'Fallon's Estate, as per plat thereof recorded in Plat Book 10 Page 19 of said City Records; thence along said southerly line of said alley westwardly 58.79 feet to the TRUE POINT OF BEGINNING and

containing 1,189 square feet, more or less, according to Survey No. 115321 Executed by James Engineering & Surveying Co., Inc. in February, 1993.

are, upon the conditions hereinafter set out, vacated.

#### SECTION TWO:

Petitioner is Midwest Parts and Equipment d/b/a Midwest Systems. Vacation will allow Midwest Systems to consolidate property for the storage of tractor trailers.

#### 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, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, 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 Year (365 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>12/03/93</b>	<b>12/03/93</b>	<b>STR</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>02/04/94</b>			<b>02/11/94</b>	<b>02/18/94</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>63110</b>				