

St. Louis City Ordinance 63189

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 88

INTRODUCED BY ALDERMAN STEPHEN J. CONWAY , JOSEPH D. RODDY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Park Avenue from Grand to Spring; Folsom Avenue from Grand westwardly 170' +/- 20' to vacated Folsom; Folsom Avenue from Spring eastwardly 250' +/- 15' to vacated Folsom; Cardinal Glennon Way from Folsom southwardly 160'; 15' wide north/south alley in C.B. 2124 bounded by Blaine on the south, Grand on the east, Folsom on the north and Spring on the west beginning at Folsom and continuing southwardly 110' to a point; 15' wide "L" shaped alley in C.B. 2125 bounded by Park on the north, Grand on the east, Folsom on the south, and Spring on the west beginning at Folsom and continuing to Spring in the City of 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; and containing an emergency clause.

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:

PARK AVENUE

All of Park Avenue, 60 feet wide, between Grand Boulevard and Spring Avenue, being more particularly described as follows:

Beginning at the intersection of the north line of Park Avenue, 60 feet wide, with the west line of Grand Boulevard, 100 feet wide; thence along the west line of Grand Boulevard south 14 degrees 25 minutes 32 seconds west a distance of 15.26 feet to an angle point; thence continuing along said west line south 09 degrees 05 minutes 05 seconds west a distance of 44.80 feet to the south line of Park Avenue; thence along the south line of Park Avenue north 80 degrees 44 minutes 03 seconds west a distance of 850.31 feet to the east line of Spring Avenue, 50 feet wide; thence along the east line of Spring Avenue north 06 degrees 27 minutes 57 seconds west a distance of 60.07 feet to its intersection with the north line of Park Avenue; thence along the north line of Park Avenue south 80 degrees 44 minutes 03 seconds east a distance of 854.48 feet to the point of beginning containing 51,110 square feet more or less.

FOLSOM AVENUE, WEST OF GRAND

Part of Folsom Avenue, 60 feet wide, west of Grand Boulevard to the east line of Cardinal Glennon Way, as shown on the Plat of Dedication recorded in Plat Book 47 page 9 of the City of St. Louis Records and being more particularly described as follows:

Beginning at the intersection of the west line of Grand Boulevard with the north line of Folsom Avenue, 60 feet wide; thence along the west line of Grand Boulevard south 09 degrees 05 minutes 05 seconds west a distance of 60.06 feet to the south line of Folsom Avenue; thence along the south line of Folsom Avenue north 83 degrees 32 minutes 53 seconds west a distance of 170.02 feet to its intersection with the east line of Cardinal Glennon Way; thence along the east line of said Cardinal Glennon Way north 09 degrees 05 minutes 05 seconds east a distance of 60.06 feet to its intersection with the north line of Folsom Avenue; thence along the north line of Folsom Avenue south 83 degrees 32 minutes 53 seconds east a distance of 170.02 feet to the point of beginning, containing 10,199 square feet more or less.

FOLSOM AVENUE EAST OF SPRING

Part of Folsom Avenue, 60 feet wide, east of Spring Avenue, between Block 2124 and Block 2125 of the City of St. Louis and being more particularly described as follows:

Beginning at the intersection of the east line of Spring Avenue, 50 feet wide, with the south line of Folsom Avenue, 60 feet wide; thence along the east line of Spring Avenue, north 06 degrees 27 minutes 57 seconds east a distance of 60.00 feet to the north line of said Folsom Avenue; thence along the north line of Folsom Avenue, south 83 degrees 32 minutes 53 seconds east a distance of 265.11 feet to a point in the east line of a 15.00 feet wide north-south alley; thence along the east line of said north-south alley and the west line of vacated Folsom Avenue, 60.00 feet wide, vacating Ordinance 58184, as Daily Number 81, dated December 18, 1980, south 06 degrees 27 minutes 57 seconds west a distance of 60.00 feet to a point in the south line of said Folsom Avenue; thence along the south line of said Folsom Avenue, north 83 degrees 32 minutes 53 seconds west a distance of 265.11 feet to the point of beginning, containing 15,907 square feet more or less.

CARDINAL GLENNON WAY

Part of Cardinal Glennon Way, irregular width, as shown on Plat of Dedication recorded in Plat Book 47 page 9 of the City of St. Louis and being more particularly described as follows:

Beginning at the intersection of the north line of Folsom Avenue, 60 feet wide, with the east line of Cardinal Glennon Way, irregular width as shown on the Plat of Dedication recorded in Plat Book 47 page 9 of the City of St. Louis Records; thence along the east line of said Cardinal Glennon Way, south 09 degrees 05 minutes 05 seconds west 164.15 feet to a point; thence along a line parallel with the north line of said Folsom Avenue, north 83 degrees 32 minutes 53 seconds west a distance of 18.00 feet to a point on the west line of Cardinal Glennon Way; thence along said west line of Cardinal Glennon Way north 09 degrees 05 minutes 05 seconds east a distance of 92.09 feet to an angle point in said west line; thence continuing along said west line north 83 degrees 32 minutes 53 seconds west a distance of 2.00 feet to an angle point; thence continuing along said west line north 09 degrees 05 minutes 05 seconds east a distance of 72.06 feet to its intersection with the north line of Folsom Avenue; thence along the north line of Folsom Avenue south 83 degrees 32 minutes 53 seconds east a distance of 20.00 feet to the point of beginning, containing 3,096 square feet more or less.

NORTH-SOUTH ALLEY, C.B. 2124

Part of a 15 feet wide north-south alley in Block 2124 of the City of St. Louis and being more particularly described as follows:

Beginning at the intersection of south line of Folsom Avenue, 60 feet wide, with the east line of Cardinal Glennon Way, as shown on the Plat of Dedication recorded in Plat Book 47 page 9 of the City of St. Louis Records said point being north 83 degrees 32 minutes 53 seconds west a distance of 170.02 feet from the west line of Grand Boulevard, 100 feet wide, as measured along the south line of said Folsom Avenue; thence along the east line of said Cardinal Glennon Way and along the west line of said 15 feet wide north-south alley south 09 degrees 05 minutes 05 seconds west a distance of 104.09 feet; thence leaving said east line and running along a line parallel to the south line of Folsom Avenue south 83 degrees 32 minutes 53 seconds east a distance of 15.02 feet to a point on the east line of said 15 feet wide north-south alley; thence along the east line of said 15 feet wide north-south alley north 09 degrees 05 minutes 05 seconds east a distance of 104.09 feet to its intersection with the south line of Folsom Avenue; thence along the north line of Folsom Avenue north 83 degrees 32 minutes 53 seconds west a distance of 15.02 feet to the point of beginning, containing 1,562 square feet more or less.

EAST-WEST/NORTH-SOUTH ALLEY, C.B. 2125

Part of a 15 feet wide east-west/north-south alley in Block 2125 of the City of St. Louis and being more particularly described as follows:

Beginning at the intersection of the east line of Spring Avenue, 50 feet wide, with the south line of a 15.00 feet wide east-west alley, said point being north 06 degrees 27 minutes 57 seconds east a distance of 128.06 feet from the north line of Folsom Avenue, 60 feet wide; thence along the east line of Spring Avenue north 06 degrees 27 minutes 57 seconds east a distance of 15.00 feet to the north line of said east-west alley; thence along the north line of said east-west alley, north 83 degrees 32 minutes 18 seconds east a distance of 265.11 feet to an angle point in said alley; thence along the east line of a 15.00 feet wide north-south alley, south 06 degrees 27 minutes 57 seconds west a distance of 143.01 feet to the north line of said Folsom Avenue; thence along the north line of said Folsom Avenue, north 83 degrees 32 minutes 53 seconds west a distance of 15.00 feet to the west line of said north-south alley; thence along the west line of said north-south alley, north 06 degrees 27 minutes 57 seconds east a distance of 123.02 feet to an angle point; thence along a line connecting the west line of said north-south alley with the south line of said east-west alley, north 38 degrees 32 minutes 10 seconds west a distance of 7.07 feet to the south line of said east-west alley; thence along the south line of said east-west alley, north 83 degrees 32 minutes 18 seconds west a distance of 245.11 feet to the point of beginning, containing 9,733 square feet more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners is Cardinal Glennon Children's Hospital. Vacation will allow for consolidation of a property for hospital and relocation of Park Avenue.

Petitioner is to construct/dedicate a new Park Avenue south of the existing Park Avenue. All design plans must be approved by the Street Department prior to construction. All signalization at old Park and Grand and new Park and Grand are to be approved by Traffic Division prior to installation.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys/streets, 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 alleys/streets 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 750 days (two years) 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.

SECTION ELEVEN: The passage of this Ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency Ordinance as provided for by Article IV, Section 20 of the Charter of the City of St. Louis and shall be effective immediately upon approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/20/94	05/20/94	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE

06/10/94			06/24/94	06/24/94
ORDINANCE	VETOED		VETO OVR	
63189				

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