

St. Louis City Ordinance 63760

FLOOR SUBSTITUTE

BOARD BILL NO. [95] 353

INTRODUCED BY ALDERMAN DANIEL GRUEN

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Ivory Avenue between Germania and Alabama/Davis, Davis from Alabama/Ivory west to terminus and the 15 foot wide east/west alley in City Block 3176 from Davis northwardly approximately 240 linear feet and being bounded by Idaho (vacated), Poepping, Alabama and Davis 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 Ivory Avenue lying between Germania Street and Davis Street and lying between City Blocks 3217 and 3218, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the northwest line of said Ivory Avenue with the southwest line of said Davis Street, being the eastmost corner of City Block 3218; thence south 35 degrees 50 minutes 45 seconds east 40.05 feet to the southeast line of said Ivory Avenue, being the northmost corner of City Block 3217; thence along said southeast line of Ivory Avenue south 57 degrees 00 minutes 00 seconds west 426.49 feet to the northeast line of said Germania Street; thence north 25 degrees 02 minutes 10 seconds west 40.39 feet to said northwest line of Ivory Avenue, being the southmost corner of City Block 3218; thence along said northwest line of Ivory Avenue north 57 degrees 00 minutes 00 seconds east 418.91 feet back to the point of beginning and containing 0.3882 acres more or less.

A tract of land being part of Davis Street lying between the northwestern line of Alabama Avenue, irregular width and the southeastern line of Davis Street vacated by Ordinance No. 57260; and being part of Ivory Avenue lying northwest of said Alabama Avenue; and being part of that 15 foot wide alley in

City Block 3176 lying between Poepping Street and Davis Street, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the easternmost corner of said Davis Street vacation by Ordinance No. 57260; thence north 45 degrees 57 minutes 00 seconds east 241.00 feet along the northwest line of said 15 foot wide alley to the intersection of said northwestern line of the 15 foot wide alley with the northwestern extension of the southwestern line of Lot 23 in Block 42, Survey 4 of Carondelet in said City Block 3176; thence along said northwestern extension south 60 degrees 00 minutes 16 seconds east 15.60 feet to the southeastern line of said alley; thence south 45 degrees 57 minutes 00 seconds west 241.00 feet along said southeastern line of alley to the northeastern line of said Davis Street; thence south 60 degrees 00 minutes 16 seconds east 82.70 feet along said northeastern line of Davis Street to the northwestern line of said Ivory Avenue; thence north 57 degrees 00 minutes 00 seconds east 194.09 feet along said northwestern line of Ivory Avenue to said northwestern line of Alabama Avenue; thence south 40 degrees 19 minutes 10 seconds west 245.26 feet along said northwestern line of Alabama to the easternmost corner of City Block 3217; thence north 56 degrees 09 minutes 20 seconds west 33.06 feet along the northeastern line of said City Block 3217 and the southwestern line of Davis Street to the northernmost corner of said City Block 3217; thence north 35 degrees 50 minutes 45 seconds west 40.05 feet to the easternmost corner of City Block 3218; thence north 60 degrees 00 minutes 16 seconds west 87.17 feet along the northeastern line of City Block 3218 and the southwestern line of said Davis Street to the southernmost corner of Davis Street vacated by Ordinance No. 57260; thence north 45 degrees 57 minutes 00 seconds east 51.74 feet along the southeastern line of said Davis Street vacation back to the point of beginning and containing 0.6194 acres, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Monsanto Company will utilize property for parking, greenspace and plant entrance.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets/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 streets/ 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.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
02/16/96	02/16/96	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
03/15/96			03/22/96	03/22/96
ORDINANCE	VETOED		VETO OVR	
63760				