

St. Louis City Ordinance 64766

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 162

INTRODUCED BY ALDERMAN CRAIG SCHMID

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on the 2-foot-wide foot path in City Block 1652 as bounded by Jefferson, Broadway, Chippewa, and Winnebago 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 a 2-foot-wide public foot path in City Block 1652 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point marking the eastern line of Jefferson Avenue, 120 feet wide, with the northern line of Chippewa, 60 feet wide; thence along the eastern line of said Jefferson Avenue north 09 degrees 23 minutes 54 seconds east a record distance of 136.16 feet to a point marking the southwest corner of property now or formerly of Morrissey Family Limited Partnership III, as recorded in Book M998, Page 1449 of the City of St. Louis, Missouri Records; thence leaving said corner, continuing along the eastern line of said Jefferson Avenue and the western line of said Morrissey Family Limited Partnership III property north 09 degrees 23 minutes 54 seconds east a distance of 160.00 feet to a point, said point marking the northwest corner of said Morrissey Family Limited Partnership III property and being the southwestern corner of a 2-foot-wide public foot path, and being the point of beginning of the herein described tract of land; thence continuing along the eastern line of said Jefferson Avenue north 09 degrees 23 minutes 54 seconds east a distance of 2.00 feet to a point marking the northwest corner of said 2-foot-wide foot path and being the southwest corner of property now or formerly of David and Elaine Hatfield, as recorded in Book 905, page 1079 of the said City of St. Louis, Missouri Records; thence leaving said right-of-way line, along the northern line of said 2-foot-wide public foot path, and the southern line of said Hatfield property south 80 degrees 36 minutes 06 seconds east a distance of 143.08 feet to a point

on the western right-of-way line of Broadway (irregular width); thence leaving the northern line of said 2-foot-wide public foot path, along said right-of-way line, along a curve to the left having a radius of 840.00 feet, an arc distance of 2.28 feet, a chord of which bears south 38 degrees 15 minutes 04 seconds west a chord distance of 2.28 feet to a point marking the southeast corner of said 2-foot-wide public foot path, and being the northeast corner of said Morrissey Family Limited Partnership III property; thence leaving said right-of-way line, along the southern line of said 2-foot-wide foot path, and the northern line of said Morrissey Family Limited Partnership III property north 80 degrees 36 minutes 06 seconds west a distance of 141.98 feet back to the point of beginning and containing 285 square feet.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Broadway Acquisitions L.L.C. will consolidate vacated area to accommodate construction of retail/parking facility.

SECTION THREE: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 FOUR: The owners may secure the removal or redirection, at the sole cost of such owners, 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 FIVE: 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 SIX: 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 SEVEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) 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
09/17/99	09/17/99	STR	09/29/99	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
10/01/99			10/22/99	10/29/99

ORDINANCE	VETOED	VETO OVR
64766		