

St. Louis City Ordinance 64807

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 184

INTRODUCED BY ALDERMAN MICHAEL MC MILLAN

An ordinance recommended by the Board of Public Service to amend the legal description from an irregular portion of Theresa Avenue to include the 160 foot portion of the alley in City Block 1059 immediately adjacent to Theresa Avenue as bounded by Olive Street, Theresa Avenue, Lindell Boulevard, and Grand Avenue.

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 Theresa Avenue, 60 feet wide, situated between City Blocks 1058 and 1059 and part of an alley in City Block 1059 located in the City of St. Louis, Missouri and further described as follows:

Beginning at the intersection of the southern right-of-way line of Olive Street, 60 feet wide, and the eastern right-of-way line of Theresa Avenue, 60 feet wide, said point being the northwestern corner of a tract of land conveyed to Saint Louis University by Deed recorded in Book M1236, page 1254 of the St. Louis City Records; thence along said eastern right-of-way line, south 14 degrees 58 minutes 48 seconds west, 71.02 feet to a point on the northern right-of-way line of Lindell Boulevard, 100 feet wide, thence along said northern right-of-way line, north 74 degrees 03 minutes 53 seconds west, 48.50 feet to a point; thence north 75 degrees 14 minutes 42 seconds west, 186.03 feet to a point on the western line of that portion of Theresa Avenue established by City Ordinance Number 39980; thence along said western line, north 79 degrees 56 minutes 00 seconds east, 34.49 feet to a point; thence north 16 degrees 01 minutes 30 seconds east, 20.21 feet to a point on the southern line of the ten foot wide alley in City Block 1059; thence along said southern line, north 68 degrees 25 minutes 15 seconds west, 150.63 feet to a point on the eastern line of that portion of the alley vacated by City Ordinance Number 58135; thence along said eastern line, north 16 degrees 07 minutes 00 seconds east, 10.05 feet to a point on the northern line of the ten foot wide alley; thence along said northern line, south 68 degrees 25 minutes 15 seconds east, 165.24 feet to a point on the southern line of a tract of land conveyed to Saint Louis University by Deed recorded in Book M1447, page 1565 of the St. Louis City Records;

thence along said southern line, south 16 degrees 12 minutes 47 seconds east, 13.92 feet to a point; thence south 68 degrees 25 minutes 12 seconds east, 10.69 feet to a point; thence north 87 degrees 38 minutes 51 seconds east, 73.55 feet to a point; thence north 48 degrees 23 minutes 44 seconds east, 45.42 feet to a point on the southern right-of-way line of Olive Street, as aforementioned; thence along said southern right-of-way line, south 60 degrees 53 minutes 16 seconds east, 77.49 feet to the point of beginning, containing 13,594 square feet (0.312 acres, more or less).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Saint Louis University will consolidate the vacated area to accommodate the main entrance of the Biomedical Engineering Facility.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street and 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 street and 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/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
10/01/99	10/01/99	STR	11/09/99	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
11/19/99			12/03/99	12/10/99
ORDINANCE	VETOED		VETO OVR	
64807				