

St. Louis City Ordinance 65034

FLOOR SUBSTITUTE
BOARD BILL NO. [00] 94

INTRODUCED BY ALDERMAN PHYLLIS YOUNG

An ordinance recommended by the Board of Public Service providing for the vacation and abolition of a public right-of-way and subsurface rights in a triangular portion of Lafayette west of Tucker Boulevard abutting City Block 410 as bounded by Park, Tucker, Lafayette and 14th Street in the City of St. Louis, Missouri, as hereinafter described, under certain terms and conditions.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The following public rights-of-way and public subsurface rights are upon the condition set out herein vacated and abolished, without any reservations of rights therein.

The public surface rights of vehicle, equestrian and pedestrian travel and public subsurface rights between the rights-of-way of: a triangular portion of Lafayette west of Tucker Boulevard abutting City Block 410 as bounded by Park, Tucker, Lafayette and 14th Street in the City of St. Louis, Missouri, and further described as follows:

A tract of land being part of Lafayette Avenue adjoining City Block 410 on the South, vacated, in the City of St. Louis, Missouri and being more particularly described as follows: Beginning at the Southeast corner of City Block 410, being the intersection of the Northern line of said Lafayette Avenue with the Western line of Tucker Boulevard, 100 feet wide; thence along prolongation Southwardly of the Western line of said Tucker Boulevard, South 36 degrees 03 minutes 43 seconds West, 60.00 feet to a point of curve; thence along a curve concave to the North, the chord of which bears South 80 degrees 48 minutes 43 seconds West, 53.51 feet, having a radius of 38.00 feet, an arc distance of 59.36 feet to a point of tangency; thence along a line being tangent to the last described curve, North 54 degrees 26 minutes 17 seconds

West, 157.77 feet to a point in the Northern line of said Lafayette Avenue, said point being North 80 degrees 53 minutes 27 seconds West, 219.25 feet from the intersection of the Northern line of said Lafayette Avenue with the Western line of said Tucker Boulevard, as measured along the Northern line of said Lafayette Avenue; thence along the Northern line of said Lafayette Avenue, South 80 degrees 53 minutes 27 seconds East, 219.25 feet to the point of beginning, and containing 9,240 square feet, more or less or 0.212 acres, more or less, according to a survey by James Engineering & Surveying Company, Inc. during the Month of October, 1999.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO. Area will be consolidated to accommodate redevelopment of "Darst-Webbe/Old Frenchtown" housing site.

SECTION THREE. The owners of the land may, at their election and expense, remove the surface pavement of said vacated street provided, however, that all cobblestones and granite curbing within the rights-of-way to be vacated that are removed shall be conveyed to a location to be designated by the Director of Streets of the City of St. Louis.

SECTION FOUR. 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 owner's interest more than is reasonably required.

SECTION FIVE. 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 SIX: 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 SEVEN: This ordinance shall be ineffective unless within sixty days (60 days) after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred and twenty days (120) 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 EIGHT. 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 three hundred and sixty-five days (365) (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
06/16/00	06/16/00	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
07/14/00			07/21/00	07/21/00
ORDINANCE	VETOED	VETO OVR	SIGNED BY MAYOR	
65034			08/09/00	