

BOARD BILL #141

INTRODUCED BY: ALDERWOMAN CARA SPENCER

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in Judith Court from
3 Gasconade Avenue to Piedmont Avenue in the City of St. Louis, Missouri, as hereinafter described,
4 in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the
5 Charter and imposing certain conditions on such vacation.

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

7 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
8 and pedestrian travel, between the rights-of-way of:

9
10 A tract of land being all of Judith (48 foot wide) Court as recorded in Judith Court
11 Subdivision, Plat Book 29 Page 78, located in City Block 2617, situated in the City
12 of St. Louis, Missouri and being more particularly described as follows:

13
14 Commencing at the intersection of the East right of way line of
15 Piedmont (80' wide) Avenue and the South right of way line of
16 Gasconade (60' wide) Street; thence along the South right of way line
17 of said Gasconade Street, South 81 degrees 11 minutes 12 seconds
18 East, 135.50' to the Northeast corner of Lot 5 of said Judith Court
19 Subdivision also located at the intersection of the South right of way
20 of said Gasconade Street and the West right of way line of Judith (48'
21 wide) Court, being the Point of Beginning; thence continuing along
22 the South right of way line of Gasconade Street, South 81 degrees 11
23 minutes 12 seconds East 48.00' to the Northwest corner of Lot 1, also
24 being at the intersection of the South right of way line of Gasconade
25 Street and the East right of way line of said Judith Court; thence
26 along right of way line of Judith Court the following course and
27 distances: South 09 degrees 02 minutes 48 seconds West, 140.07';
28 along an arc to the right having a radius of 90.00' an arc length of
29 66.90' and a chord bearing and distance of South 30 degrees 20
30 minutes 30 seconds West, 65.37'; South 51 degrees 38 minutes 12
31 seconds West, 46.44'; along as arc to the right having a radius of
32 124.00' an arc length of 102.05' and a chord bearing and distance of
33 South 75 degrees 12 minutes 45 seconds West, 99.19'; North 81
34 degrees 12 minutes 42 seconds West, 37.60' to the Northwest corner
35 of Lot 4 also located at the intersection of the South right of way line
36 of Judith Court and the East right of way line of Piedmont Avenue;

Date: September 11, 2015

Page 1 of 4

Board Bill #141

Sponsor: Alderwoman Cara Spencer

1 thence along the east line of said Piedmont Avenue, North 09 degrees
2 02 minutes 48 seconds East, 48.00' to the Southwest corner of Lot 5,
3 also being at the intersection of the East line of Piedmont Avenue and
4 the North line of Judith Court; thence along the right of way of Judith
5 Avenue the following courses and distances; south 81 degrees 12
6 minutes 42 seconds East, 37.38'; along an arc to the left having a
7 radius of 76.00' an arc length of 62.54' and a chord bearing and
8 distance of North 75 degrees 12 minutes 45 seconds East, 60.79';
9 North 51 degrees 38 minutes 12 seconds East, 46.44'; along an arc to
10 the left having a radius of 42.00' an arc length of 31.22' and a chord
11 bearing and distance of North 30 degrees 20 minutes 30 seconds East,
12 30.51'; North 09 degrees 02 minutes 48 seconds East, 139.87' and
13 containing 17,052 square feet, or 0.391 acres, more or less, according
14 to a survey by the Sterling Company during May, 2015, under order
15 number 15-04-120.

16
17 are, upon the conditions hereinafter set out, vacated.

18 **SECTION TWO:** S & P Land Trust will use vacated area to enhance security to abutting
19 properties.

20 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
21 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
22 including present and future uses of utilities, governmental service entities and franchise holders,
23 except such rights as are specifically abandoned or released herein.

24 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
25 surface pavement of said so vacated street provided however, all utilities within the rights-of-way
26 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

27 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
28 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
29 for purposes associated with the maintenance, construction or planning of existing or future
30 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
31 required.

Date: September 11, 2015

Page 2 of 4

Board Bill # 141

Sponsor: Alderwoman Cara Spencer

1 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
2 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
3 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
4 service entities and franchise holders, present or future. The written consent with the terms and
5 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
6 agencies as needed and approved by such Board prior to construction.

7 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
8 of a utility, governmental service entity or franchise holder by agreement in writing with such
9 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
10 undertaking of such removal.

11 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
12 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
13 have curbing cobblestones returned to the Department of Streets in good condition.

14 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
15 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
16 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
17 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
18 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
19 deposited by these agencies with the Comptroller of the City of St. Louis.

- 20 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
21 Water facilities, if any.
- 22 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
23 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
24 be returned.

Date: September 11, 2015

Page 3 of 4

Board Bill # 141

Sponsor: Alderwoman Cara Spencer

1 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
2 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
3 specified in Sections Two and Eight of the Ordinance.

4 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
5 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
6 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
7 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
8 within the prescribed time the ordinance will be null and void.