

BOARD BILL # 230

INTRODUCED BY: ALDERMAN JOSEPH VOLLMER

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 an irregular portion of
3 Pattison beginning approximately 190 feet east of Hereford and continuing eastwardly 210 feet to a
4 point in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter
5 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain
6 conditions on such vacation.

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

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

10
11 A tract of land being part of Pattison Avenue, 60 feet wide, lying south a tract of land
12 conveyed to St. Louis Properties, LLC, by Deed recorded in Book 0315012, Page
13 0113 of the City of St. Louis Records, and being shown as the eastern part of Lot 1
14 and western part of Lot 2 of Fairmount, and in City Block 4088 of the City of St.
15 Louis Records, and north of the Sound Barrier Wall along Missouri Interstate 44 in
16 the City of St. Louis, Missouri, and being more particularly described as follows:

17
18 Commencing at the Southwest corner of said City Block 4088, being
19 the intersection of the Easterly line of Hereford Street, 50 feet wide,
20 with the Northerly line of said Pattison Avenue; thence along the
21 Northerly line of said Pattison Avenue, south 82 degrees 34 minutes
22 53 seconds East, 190.00 feet to the Southwestern corner of said St.
23 Louis Properties, LLC property and the true Point of Beginning of the
24 tract of land herein described; thence continuing along the Northerly
25 line of said Pattison Avenue, South 82 degrees 34 minutes 53 seconds
26 East, 210.00 feet to the Southeastern corner of said St. Louis
27 Properties, LLC property; thence along the Southerly projection of
28 the Easterly line of said St. Louis Properties, LLC property, South 08
29 degrees 54 minutes 17 seconds West, 16.16 feet to a point being 3.00
30 feet North of the Northerly edge of the said Sound Barrier Wall along
31 Missouri Interstate 44; thence along a line, parallel with and 3.00 feet
32 North of the Northerly edge of said Sound Barrier Wall, along a
33 curve concave to the North, which radius point bears North 03
34 degrees 41 minutes 07 seconds West and having a radius of 2456.82
35 feet, Westwardly, 94.82 feet to a point of continuous curve; thence

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1 continuing along the line, parallel with the Northerly edge of said
2 Sound Barrier Wall, along a curve concave to the North, which radius
3 point bears North 01 degree 28 minutes 26 seconds West and having
4 a radius of 477.75 feet, Westwardly, 49.86 feet to a point of
5 continuous curve; thence continuing along the line, parallel with the
6 Northerly edge of said Sound Barrier Wall, along a curve concave to
7 the North, which radius point bears North 04 degrees 30 minutes 21
8 seconds East and having a radius of 18173.52 feet, Westwardly,
9 67.75 feet to the Southerly projection of the Westerly line of said St.
10 Louis Properties, LLC property; thence along the Southerly
11 projection of the Westerly line of said St. Louis Properties, LLC
12 property, North 08 degrees 54 minutes 17 seconds East 41.07 feet to
13 the True Point of Beginning, according to Survey Number 201443-A,
14 executed by James Surveying Company, during the month of August,
15 2012, and containing 6,721 square feet, more or less.

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

18 **SECTION TWO:** St. Louis Properties will use proposed vacated area to provide expanded
19 parking lot. The Water Division has a 6” water main with appurtenances in Pattison in the area of
20 the proposed vacation. The Water Division will require an easement for the main and appurtenances
21 allowing for uninhibited access for the purpose of maintenance and repair and clear access to the fire
22 hydrant both by the Water Division and the Fire Department. No construction of any kind can occur
23 on or above the easement without the prior review and approval of the Water Commissioner.

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

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

31 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders

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1 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
2 for purposes associated with the maintenance, construction or planning of existing or future
3 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
4 required.

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

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

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

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

- 24 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of

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- 1 Water facilities, if any.
- 2 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
- 3 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
- 4 be returned.
- 5 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
- 6 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
- 7 specified in Sections Two and Eight of the Ordinance.

8 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director

9 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing

10 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit

11 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted

12 within the prescribed time the ordinance will be null and void.