

BOARD BILL NO. 40 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in 1) Mason from Hickory southwardly 221.5' ± 13.5' to a
3 point 2) 15' wide east/west alley in City Block 152 bounded by Hickory, 6th, I-44 and Mason 3)
4 Sixth from Hickory southwardly 115' to a point in the City of St. Louis, Missouri, as hereinafter de-
5 scribed, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of
6 the Charter and imposing certain conditions on such vacation.

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

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

10
11 Vacation of part of South Sixth Street, Mason Street (20'W. & 24' W.) and an alley
12 (15'W.) adjacent to property in E.R. Mason's Addition in City Block 153-N in the
13 City of St. Louis, Missouri, and being more particularly described as follows:

14
15 Beginning at the intersection of the easterly line of land now or
16 formerly of Disper Schmitt Properties, LLC as recorded in Deed
17 Book 10282004, Page 259 City of St. Louis Recorder of Deeds, also
18 being the easterly line of Mason Street (20'W.) with the southerly
19 line of Hickory (50'W.) Street; thence along said southerly line,
20 south 72 degrees 20 minutes 20 seconds east, a distance of 20.00 feet
21 to the easterly line of said Mason Street (20' W.); thence along said
22 easterly line, south 17 degrees 38 minutes 59 seconds west, a distance
23 of 100.00 feet to the northerly line of an alley (15'W.); thence along
24 said northerly line, south 72 degrees 20minutes 20 seconds east, a
25 distance of 124.81 feet to the westerly line of South Sixth (50'W.)
26 Street; thence along said westerly line, north 17 degrees 38 minutes
27 59 seconds east, a distance of 100.00 feet to the aforementioned
28 southerly line of Hickory Street; thence along said southerly line,
29 south 72 degrees 20 minutes 20 seconds east, a distance of 50.00 feet
30 to the easterly line of the aforementioned South Sixth Street; thence
31 along said easterly line and its southerly prolongation, south 17
32 degrees 38 minutes 59 seconds west, a distance of 89.10 feet to the
33 northerly line of the right-of-way for the southbound Interstate 44 off
34 ramp; thence along said northerly line, south 59 degrees 51 minutes

Date: April 27, 2007

Page 1 of 4

Board Bill # 40

Sponsor: Alderwoman Phyllis Young

1 23 seconds west, a distance of 34.96 feet; thence continuing along
2 said northerly line and the southerly line of the aforementioned alley
3 (15'W.), north 72 degrees 20 minutes 20 seconds west, a distance of
4 147.33 feet to the easterly line of Mason Street(24'W.); thence along
5 said easterly line, south 17 degrees 38 minutes 59 seconds west, a
6 distance of 93.00 feet to the aforementioned northerly line of the
7 right-of-way for the southbound Interstate 44 off ramp; thence along
8 said northerly line, south 59 degrees 51 minutes 23 seconds west, a
9 distance of 35.72 feet to the westerly line of said Mason Street
10 (24'W.); thence along said westerly line and the westerly line of the
11 aforementioned Mason Street (20'W.), north 17 degrees 38 minutes
12 59 seconds east, a distance of 234.47 feet to the point of beginning
13 and containing 12,168 square feet or 0.28 acres.

14
15 are, upon the conditions hereinafter set out, vacated.
16

17 **SECTION TWO:** Disper Schmitt Properties LLC will use vacated to consolidate property
18 in order to develop 1200 S. Seventh to include a parking lot and beer garden.

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

23 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
24 surface pavement of said so vacated streets and alley provided however, all utilities within the rights-
25 of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City
26 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: April 27, 2007

Page 2 of 4

Board Bill # 40

Sponsor: Alderwoman Phyllis Young

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: April 27, 2007

Page 3 of 4

Board Bill # 40

Sponsor: Alderwoman Phyllis Young

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.