

BOARD BILL NO. 148 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 an irregular portion of the east side of Third street from
3 Martin Luther King Drive to Carr Street adjacent to City Block 70 in the City of St. Louis, Missouri,
4 as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
5 Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

9
10 A tract of land being part of 3rd Street situated between City Block 70 and City Block
11 142 of the City of St. Louis, Missouri, being more particularly described as follows:

12
13 Commencing at the northwest corner of City Block 70 being a point
14 on then former southern right-of-way line of Carr Street 50 feet wide;
15 thence south 01 degrees 07 minutes 27 seconds east, 120.02 feet to
16 southwest corner of the property conveyed to the Missouri Highway
17 and Transportation Commission, for the widening of Carr Street, by
18 deed recorded in Deed Book 1258M, Page 848, and re-recorded in
19 Deed Book 1507M, Page 27, of the St. Louis City Records and the
20 point of beginning; thence along the west line of City Block 70 south
21 1 degree 07 minutes 27 seconds east, 732.14 feet to a point on a
22 curve; thence leaving the west line of City Block 70 northwesterly,
23 168.18 feet along a curve to the right, having a radius of 211.01 feet
24 and a chord of north 24 degrees 23 minutes 52 seconds west 163.76
25 feet to a point; thence leaving said curve north 6 degrees 18 minutes
26 15 seconds east, 33.33 feet to a point; thence north 10 degrees 22
27 minutes 22 seconds east, 191.03 feet to a point; thence north 0
28 degrees 45 minutes 51 seconds west, 321.88 feet to point; thence
29 north 88 degrees 52 minutes 33 seconds east, 6.08 feet to a point;
30 thence northeasterly 42.32 feet along a curve to the right, having a
31 radius of 109.50 feet and a chord of north 18 degrees 38 minutes 27
32 seconds east 42.06 feet to the point of beginning and containing
33 0.544 acres (23693.618 sq. ft.) more or less.

34
35 are, upon the conditions hereinafter set out, vacated.
36

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1 **SECTION TWO:** Petitioners are St. Louis Casino Corp. and Casino Magic Corp.
2 Missouri Department of Transportation is aware of the vacation request and will submit its formal
3 petition to vacate soon. Vacated area will be used as a service road to an entrance at the St. Louis
4 Casino Corp. and Casino Magic proposed gaming and multiuse facility to be constructed.

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

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

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

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

23 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
24 of a utility, governmental service entity or franchise holder by agreement in writing with such

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1 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
2 undertaking of such removal.

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

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

- 12 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
13 Water facilities, if any.
- 14 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
15 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
16 be returned.
- 17 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
18 of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as
19 specified in Sections Two and Eight of the Ordinance.

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

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