

BOARD BILL NO. 167

INTRODUCED BY: ALDERWOMAN DIONNE FLOWERS

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 a portion of Second
3 Street beginning at Buchanan and extending southwardly approximately 309' ± 1' to a point in the
4 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
6 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 A parcel of ground being a part of Second Street (variable width) between Blocks
11 308-E and 308-W from Buchanan Street (50 feet wide) south to Dock Street (50 feet
12 wide) as recorded in Plat Book 28 Page 78 in the St. Louis City Land Records Office
13 in St. Louis City, Missouri and being more particularly described as follows:
14

15
16 Commencing at the intersection of the northeast corner of a tract of
17 land now or formerly Rutzgroup, LLC as recorded in Deed Book
18 05172005 Page 161 in the St. Louis City Land Records Office and
19 the intersection of the southern line of Buchanan Street and the
20 western line of Second Street 60 feet wide, from which a found ½”
21 iron rod bears north 37 degrees 47 minutes east a distance of 0.28
22 feet; thence along the western line of said Second Street south 20
23 degrees 56 minutes 55 seconds east a distance of 156.58 feet to the
24 southeast corner of the above mentioned Rutzgroup Tract from said
25 corner a found ½” iron rod bears east 0.21 feet; thence along the
26 southern line of said Rutzgroup tract south 68 degrees 43 minutes 52
27 seconds west a distance of 3.33’ to the point of beginning of the
28 herein described tract; thence continuing along the western line of
29 said Second Street the following courses and distances; south 21
30 degrees 00 minutes 00 seconds east a distance of 90.54 feet to a
31 point; thence south 69 degrees 10 minutes 45 seconds west a distance
32 of 10.00 feet to a point; thence south 21 degrees 00 minutes 00
33 seconds east a distance of 59.55 feet to a found iron rod with cap “LS
34 347-D”; thence south 68 degrees 43 minutes 52 seconds west a
35 distance of 40.00 feet to a found iron rod with cap “LS 347-D”, said

1 point being the southeast corner of a tract of land now or formerly
2 Larry and Judy Rutz as recorded in Deed Book 1717 Page 1932 in
3 the St. Louis City Land Records Office; thence leaving the southern
4 line of said tract along the western line of said Second Street north
5 21 degrees 00 minutes 00 seconds west a distance of 150.02 feet to a
6 point on the southern line of the aforementioned Rutzgroup, LLC
7 Tract; thence along the southern line of said Rutzgroup, LLC Tract
8 north 68 degrees 43 minutes 52 seconds east a distance of 50.00 feet
9 to the Point of Beginning and containing 6,905 square feet or 0.16
10 acres more or less.

11
12 A parcel of ground being a part of Second Street (variable width) between Blocks
13 308-E and 308-W from Buchanan Street (50 feet wide) south to Dock Street (50 feet
14 wide) as recorded in Plat Book 28 Page 78 in the St. Louis City Land Records Office
15 in St. Louis City, Missouri and being more particularly described as follows:
16

17 Beginning at the northeast corner of a tract of land now or formerly
18 Rutzgroup, LLC as recorded in Deed Book 05172005 Page 161 in the
19 St. Louis City Land Records Office and the intersection of the
20 southern line of Buchanan Street and the western line of Second
21 Street 60 feet wide, from which a found ½” iron rod bears north 37
22 degrees 47 minutes east a distance of 0.28 feet; thence easterly along
23 the prolongation of the northern line of said Rutzgroup, LLC Tract
24 north 68 degrees 43 minutes 55 seconds east a distance of 30.00 feet
25 to a point; thence southerly along a line parallel with the western line
26 of said Second Street south 20 degrees 56 minutes 55 seconds east a
27 distance of 152.79 feet to a point; thence south 69 degrees 03 minutes
28 05 seconds west a distance of 30.00 feet to a point on the western line
29 of said Second Street, thence along the western line of said Second
30 Street north 20 degrees 56 minutes 55 seconds west a distance of
31 152.63 feet to the Point of Beginning and containing 4,581 square
32 feet or 0.11 acres more or less.
33

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

35 **SECTION TWO:** Petitioned by Norfolk & western Railway d/b/a Norfolk Southern Corp.,
36 Judith Kay Rutz and Rutzgroup LLC d/b/a Hard-E Foods Inc. Vacated area will be used to increase
37 security to adjoining properties.

38 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

1 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public
2 including present and future uses of utilities, governmental service entities and franchise holders,
3 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

Date:

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

7 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
8 Water facilities, if any.

9 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
10 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
11 be returned.

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

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

Date:

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