

BOARD BILL NO. 194 INTRODUCED BY: ALDERMAN MATT VILLA

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in Schirmer St. from Idaho Ave. eastwardly 140 feet to the
3 15 foot wide north/south alley in City Blocks 3102 and 3136 (formerly 3109) in the City of St.
4 Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity
5 with Section 14 of 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 a portion of Schirmer (50 feet wide) Street, adjoining blocks
11 3136 and 3102 of the City of St. Louis, Missouri, and more particularly described as
12 follows:

13
14 Beginning at a set iron pipe with cap at the intersection of the
15 northeast corner of property as described by deed in Book 08042006
16 Page 286 to B & B Properties of St. Louis, LLC, as recorded in the
17 City of St. Louis, Missouri Records, said northeast corner also being
18 on the southeast right-of-way line of Idaho (60 feet wide) Avenue;
19 thence along said southeast right-of-way line of Idaho Avenue, north
20 41 degrees 42 minutes 27 seconds east, 50.24 feet to a found iron
21 pipe with cap at the northwest corner of property as described by
22 deed in Book 07202006 Page 115 to LIP Investments, LLC, as
23 recorded in City of St. Louis, Missouri Records; thence departing the
24 southeast right-of-way line of Idaho Avenue and along the west line
25 of said LIP Investments, LLC property, said west line also being the
26 east right-of-way line of said Schirmer Street, south 53 degrees 56
27 minutes 23 seconds east, 140.00 feet to the southwest corner of said
28 LIP Investments, LLC property and where a cut "+" cross bears, 0.19
29 feet south and 0.16 feet west; thence through the right-of-way of said
30 Schirmer Street, south 41 degrees 42 minutes 28 seconds west, 50.24
31 feet to a set iron pipe with cap on the west right-of-way line of
32 Schirmer Street, said west right-of-way line also being on the east
33 line of said B & B Properties of St. Louis, LLC; thence along said
34 east line, north 53 degrees 56 minutes 23 seconds west, 140.00 feet to
35 the point of beginning. The above described tract contains 7,000

Date: June 29, 2007

Page 1 of 4

Board Bill # 194

Sponsor: Alderman Matt Villa

1 square feet and is subject to all easements, restrictions, reservations
2 and conditions of record, if any.

3
4 are, upon the conditions hereinafter set out, vacated.
5

6 **SECTION TWO:** Petitioners are LIP Investments, American Eagle Waste Inc. and Union
7 Pacific Railroad Co. Vacated area will be used to provide secured parking for Schirmer Place
8 Apartments. The Water Division has a 6” main with appurtenances in the area of the proposed
9 vacation. The Water Division will require an easement to allow for uninhibited access to the water
10 main and its appurtenances for the purposes of maintenance and repair, access by both the Water
11 Division and the Fire Department to the fire hydrant for maintenance, repair, flushing and fire
12 protection. No construction of any kind can occur on or over the easement without the prior review
13 and approval of the Water Commissioner.

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

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

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

26 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)

Date: June 29, 2007

Page 2 of 4

Board Bill #194

Sponsor: Alderman Matt Villa

1 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
2 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
3 service entities and franchise holders, present or future. The written consent with the terms and
4 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
5 agencies as needed and approved by such Board prior to construction.

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

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

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

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

Date: June 29, 2007

Page 3 of 4

Board Bill #194

Sponsor: Alderman Matt Villa

1 of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as
2 specified in Sections Two and Eight of the Ordinance.

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