

1 BOARD BILL NO. 323 INTRODUCED BY: Alderman Joseph D. Roddy

2 An ordinance recommended by the Board of Public Service to vacate and abolish
3 the public surface rights for vehicle, equestrian and pedestrian travel on a tract of land
4 being the easternmost 260 feet of a 16 feet wide East-West alley in City Block 3946,
5 same bounded by Papin, Pacific, Chouteau, and Vandeventer in the City of St. Louis,
6 Missouri, as hereinafter described, in accordance with Charter authority, and in
7 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions
8 on such vacation.

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

10 **SECTION ONE.** The public surface rights of vehicle, equestrian and pedestrian travel,
11 between the rights-of-way of:

12 A tract of land being the easternmost 260 feet of a 16 feet wide East-West alley in
13 City Block 3946, of the City of St. Louis; said being more particularly described
14 as follows:

15 Commencing at the intersection of the western line of Pacific Avenue 50
16 feet wide, with the northerly line of Chouteau Avenue 110 feet wide;
17 thence along the western line of Pacific Avenue North 14 degrees 50
18 minutes 18 seconds East 120.42 feet to the intersection of the western line
19 of Pacific Avenue and the southern line of the East-West alley and said
20 point being the true point of beginning: thence North 74 degrees 46
21 minutes 17 seconds West 260.09 feet along the southern line of the alley
22 to the southern prolongation of the eastern line of the 16 feet wide North-
23 South alley, thence North 14 degrees 46 minutes 6 seconds East 16 feet to

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1 the northern line of the East-West alley where it intersects the eastern line
2 of the North-South alley, thence South 74 degrees 46 minutes 17 seconds
3 East 259.98 feet along the northern line of the East-West Alley to a point
4 on the western line of Pacific Avenue; thence South 14 degrees 50 minutes
5 18 seconds West 16 feet along the western line of Pacific Avenue to the
6 point of beginning and containing 4,160 square feet or 0.10 acres, more or
7 less.

8 are, upon the conditions hereinafter set out, vacated and abolished.

9 **SECTION TWO.** Sterling Lacquer Manufacturing Company and Bellon Holding
10 Company, d/b/a Bellon Wrecking and Salvage Company will consolidate and divide the
11 property for commercial/retail use.

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

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

20 **SECTION FIVE.** The City, utilities, governmental service entities and franchise holders
21 shall have the right and access to go upon the land and occupation hereof within the
22 rights-of-way for purposes associated with the maintenance, construction or planning of

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1 existing or future facilities, being careful not to disrupt or disturb the owners' interests
2 more than is reasonably required.

3 **SECTION SIX.** The owners shall not place any improvement upon, over or in the land
4 traversed by the rights-of-way without a lawful permit from the City and written consent
5 of the utilities, governmental service entities and franchise holders, present or future; and
6 such consent together with the terms and conditions thereof shall be filed in writing with
7 the Board of Public Service and approved by such Board prior to the undertaking of any
8 such construction concerning the rights-of-way.

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

13 **SECTION EIGHT.** In the event that granite curbing or cobblestones are removed
14 within the vacated area, the Department of Streets of the City of St. Louis must be
15 notified and it in turn will remove said curbing or cobblestones at the current removal
16 price.

17 **SECTION NINE.** This ordinance shall be ineffective unless within sixty (60) days after
18 its approval, or such longer time as is fixed by the Board of Public Service not to exceed
19 one hundred twenty (120) days from approval or override, the owners of the land
20 subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of
21 the City of St. Louis for the use and benefit of the City Water Division estimated by said
22 Division to be sufficient to cover the full expense of removal and relocation of Water
23 facilities, if any; further, such owners shall within said time deposit an additional sum of

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1 money with the Comptroller of the City of St. Louis for the use and benefit of the City
2 Traffic and Lighting Division of the Street Department estimated by said Division to be
3 sufficient to cover the full expense of removal of all lighting facilities, if any; upon such
4 deposits being made to the benefit of the Water Division and the Traffic and Lighting
5 Division, they shall proceed as is reasonably expedient to accomplish all work required
6 and all useful access and occupation shall be accorded, further, such owners shall within
7 said time deposit an additional sum with the Comptroller of the City of St. Louis
8 estimated by the said Board of Public Service as sufficient to defray the expenses
9 required for the adjustment of the City's streets including curbs, sidewalks, driveways,
10 roadway drainage connections and inlets, grading, paving sidewalks and roadways and
11 road signage; provided further that said owners shall, under the direction of the Director
12 of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own
13 expense, but in the event said owners fail to accomplish such within allowable time,
14 according to the direction of the Director of Streets, said Director shall cause the same to
15 be performed and upon his certification of expenses, the Comptroller shall appropriate
16 said deposit, or so much thereof as required to defray such expenses to the City or others;
17 no claims or demands whatever arising out of such vacation or adjustment shall be made
18 or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after
19 determining the total cost of the foregoing to the City shall return any unexpended part of
20 said deposits to the owners.

21 **SECTION TEN.** An affidavit stating that all of the conditions of this ordinance have
22 been or will be fulfilled and/or complied with must be submitted to the Board of Public
23 Service for acceptance 365 days (1 year) from the day of the signing and approval of this

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- 1 ordinance. If this affidavit is not submitted within the prescribed time the ordinance will
- 2 be null and void.

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