

BOARD BILL 330 INTRODUCED BY: ALDERMAN WILLIAM WATERHOUSE

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in a 10 foot strip of Wise beginning at Tamm and extending
3 westwardly 173 feet to a point, same being adjacent to City Block 5074 presently used as sidewalk
4 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and
5 in 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 public surface rights of vehicle, equestrian and pedestrian travel,
9 between the rights-of-way of:

10
11 A tract of land in Block 5074 of the City of St. Louis, Missouri and being more
12 particularly described as follows:

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14 Beginning at the northeast corner of City Block 5074, being also the
15 northeast corner of Lot 13 and the intersection of the south line of
16 Wise (60'W) Ave. with the west line of Tamm (60'W) Ave.; thence
17 along the south line of said Wise Ave. south 87 degrees 02 minutes
18 45 seconds west, 173.00 feet; thence leaving said south line of Wise
19 Ave., north 02 degrees 57 minutes 15 seconds west, 10.00 feet;
20 thence north 87 degrees 02 minutes 45 seconds east, 173.00 feet;
21 thence south 02 degrees 57 minutes 15 seconds east, 10.00 feet to the
22 point of beginning containing 1,730 square feet or 0.0397 acres.

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

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26 **SECTION TWO:** Lehman Properties, LLC will use the vacated area for building
27 construction.

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

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

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

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

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

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

23 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
24 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to

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1 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
2 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
3 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
4 deposited by these agencies with the Comptroller of the City of St. Louis.

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

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