

BOARD BILL NO. 352 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 the existing French Market Court from Hickory
3 northwardly approximately 250 feet to a point in the City of St. Louis, Missouri, as hereinafter de-
4 scribed, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of
5 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 French Market Court, 30 feet wide in City Block 155 in
11 the City of St. Louis, Missouri, said tract being more particularly described as
12 follows:

13
14 Beginning at the point of intersection of the northern right-of-way
15 line of Hickory Street, 50 feet wide and the eastern right-of-way line
16 of French Market Court, 30 feet wide, said point also being the
17 southwest corner of a tract of land conveyed to Shamrock National
18 Advertising Carriers, Inc. as per deed recorded in Deed Book 201M
19 Page 1439 of the city of St. Louis Recorder's Office; thence north 72
20 degrees 25 minutes 33 seconds west 30.00 feet to the point of
21 intersection of the western right-of-way line of French Market Court
22 30 feet wide, with the northern right-of-way line of Hickory Street 50
23 feet wide, said point being the southeast corner of a tract or land
24 conveyed to Asset Preservation, Inc. as per deed recorded in Book
25 01932006 Page 227 of the City of St. Louis recorder's Office, thence
26 along the western line of said French Market Court north 17 degrees
27 34 minutes 27 seconds east 248.58 feet; thence leaving said line south
28 72 degrees 25 minutes 41 seconds east 30.00 feet to a point on the
29 aforesaid eastern right-of-way line of French Market Court, being the
30 northwest corner of a tract of land conveyed to Robert L. and Patricia
31 E. McGlynn as per deed recorded in Book 8786 Page 498 of the St.
32 Louis City Recorder's Office; thence along said right-of-way line
33 south 17 degrees 34 minutes 27 seconds west 248.58 feet to the point
34 of beginning and containing 7,458 square feet.
35

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

2 **SECTION TWO:** The petitioners are D.W. Ryckman & Associates d/b/a REACT
3 Environmental Engineers; Asset Preservation, June Rendall; Shamrock National Advertising
4 Carriers, Inc.; and Robert L. & Patricia B. McGlynn. Vacated area will be used to consolidate
5 property to construct a surface parking lot. A new section of French Market Court will be
6 constructed in part on adjacent property currently owned by the petitioner as approved by the Board
7 of Public Service. Construction documents must be submitted to the Board of Public Service within
8 365 days of the ordinance being signed. Once construction is completed, petitioner will submit
9 request to the Board of Public Service to dedicate same. Dedication must be recorded prior to
10 Affidavit being submitted as instructed in Sections 9 and 10 of this ordinance.

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

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

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

23 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
24 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
25 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental

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1 service entities and franchise holders, present or future. The written consent with the terms and
2 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
3 agencies as needed and approved by such Board prior to construction.

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

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

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

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

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1 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
2 of Streets for review of compliance with conditions 730 days (2 years) from the date of the signing
3 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
4 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
5 within the prescribed time the ordinance will be null and void.

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