

BOARD BILL NO. 359 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 a 5 foot strip of excess right-of-way on Geyer Ave. from
3 Serbian Dr. west 84.99 feet ± .46 to a point in City Block 1341 in the City of St. Louis, Missouri, as
4 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
5 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 strip of land being the southern 3.50 feet of the portion of Geyer Avenue, 70 feet
11 wide, adjoining Lots 20 and 21, of Allen’s Lafayette Park Addition, and in Block
12 1341 of the City of St. Louis, Missouri, said strip being more particularly described
13 as follows:

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15 Beginning at the point of intersection of the southern line of said
16 Geyer Avenue with the western line of Serbian Drive, 60 feet wide;
17 thence north 70 degrees 35 minutes 15 seconds west 85.45 feet, along
18 the southern line of said Geyer Avenue, to the western line of said
19 Lot 20; thence north 19 degrees 24 minutes 45 seconds east 3.50 feet
20 along the northern prolongation of the western line of said Lot 20;
21 thence south 70 degrees 35 minutes 15 seconds east 84.81 feet, along
22 a line parallel with the southern line of said Geyer Avenue, to the
23 northern prolongation of the western line of said Serbian Drive;
24 thence south 9 degrees 00 minutes west 3.56 feet along said
25 prolongation to the southern line of said Geyer Avenue and the point
26 of beginning and containing 298 square feet.

27
28 are, upon the conditions hereinafter set out, vacated.

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30 **SECTION TWO:** Janus Building Renovation Company LLC will use vacated area to
31 correct property description.

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

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1 the foregoing conditionally vacated excess right-of-way, are reserved to the City of St. Louis for the
2 public including present and future uses of utilities, governmental service entities and franchise
3 holders, 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 excess right-of-way provided however, all utilities within the
6 rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper
7 City permits.

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

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

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

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

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1 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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

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

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