

BOARD BILL NO. 422 INTRODUCED BY: ALDERWOMAN DIONNE FLOWERS

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in a 15 foot wide un-named street from Hall St. to
3 Riverview Dr. in the City of St. Louis, Missouri, as hereinafter described, in accordance with
4 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
5 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 a 15 foot wide street, lying between Our Lot 113 and
11 Out Lot 115, from the southeasterly line of Riverview Drive, 30 feet wide, to the
12 northwesterly line of Hall Street, 80 feet wide, in the City of St. Louis, Missouri, and
13 being more particularly described as follows:

14
15 Beginning at the southeastern corner of said Out Lot 115, said point
16 being the intersection of the northerly line of said 15 foot wide street
17 with the northwesterly line of said Hall Street; thence along the
18 southwesterly projection of the northwesterly line of said Hall Street,
19 along a curve, concave to the southeast, the radius point of which
20 bears south 43 degrees 13 minutes 34 seconds east and having a
21 radius of 1495.00 feet, southwesterly, 19.40 feet to its intersection
22 with the southerly line of said 15 foot wide street, said point being the
23 northeastern corner of said Out Lot 113; thence along the southerly
24 line of said Street and the northerly line of said Out Lot 113, north 82
25 degrees 57 minutes 09 seconds west 382.44 feet to the southeasterly
26 line of said Riverview Drive; thence along the northeasterly
27 projection of the southeasterly line of said Riverview Drive north 70
28 degrees 47 minutes 22 seconds east 33.90 feet to its intersection with
29 northerly line of said 15 foot wide Street; thence along the northerly
30 line of said Street, south 82 degrees 57 minutes 09 seconds east,
31 364.33 feet to the point of beginning, according to Survey Number
32 190471, executed by James Engineering & Surveying company, Inc.,
33 during the month of October, 2005 and containing 5,600 square feet,
34 more or less.

35

Date: February 16, 2006

Page 1 of 3

Board Bill #422

Sponsor: Alderwoman Dionne Flowers

1 are, upon the conditions hereinafter set out, vacated.
2

3 **SECTION TWO:** Vacated area will be used to construct commuter parking lot for Metro.

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

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

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

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

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

Date

Page 2 of 3

Board Bill #

Sponsor: Alderwoman Dionne Flowers

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

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

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

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