

BOARD BILL NO. 506 INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in a portion of Kentucky beginning 123.5 feet north of
3 Chouteau and continuing 120.5 feet northwardly to a point (terminus) in the City of St. Louis,
4 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
5 Section 14 of 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 tract of land being part of Kentucky Avenue, 50 feet wide, in City Block 3965 of
11 the City of St. Louis, Missouri, and said tract being more particularly described as
12 follows:

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14 Commencing at the intersection of the northerly line of Chouteau
15 Avenue, 80 feet wide, with the westerly line of Kentucky Avenue, 50
16 feet wide; thence along said westerly line, north 14 degrees 49
17 minutes 06 seconds east 138.42 feet to the point of intersection with
18 the northerly line of a private alley, 15 feet wide, and said point being
19 the true point of beginning of the tract of land herein described;
20 thence continuing along the westerly line of said Kentucky Avenue,
21 north 14 degrees 49 minutes 06 seconds east 120.25 feet to the
22 northerly line of an alley, 10 feet wide; thence along said northerly
23 line, south 74 degrees 50 minutes 54 seconds east 50.00 feet to the
24 easterly line of said Kentucky Avenue; thence along said easterly
25 line, south 14 degrees 49 minutes 06 seconds west 120.25 feet to the
26 northerly line of said 15 feet wide private alley; thence along the
27 westerly prolongation of said northerly line, north 74 degrees 50
28 minutes 54 seconds west 50.00 feet to the true point of beginning'
29 and containing 6,012 square feet, more or less, according to survey
30 No 1007-376 executed by Topos Surveying Corp. in November,
31 2007. Bearings based on astronomic observations and converted to
32 grid north, Missouri east zone.

33
34 are, upon the conditions hereinafter set out, vacated.
35

Date: February 8, 2008

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1 **SECTION TWO:** J.R. Ranch Properties, LLC, the petitioner, will use vacated area to
2 consolidate property to construct a parking lot and improve security to Swiss America facilities. The
3 Fire Marshal’s Office requests to maintain access to hydrant. An easement in the form of a 10 foot
4 wide driving lane is to be left open at all times across 4230 Papin for access to properties that abut
5 the 10’ wide unimproved east/west alley in City Block 3965 adjacent to Kentucky or until said alley
6 is vacated.

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

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

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

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

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

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

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

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

22 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
23 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
24 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit

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- 1 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
- 2 within the prescribed time the ordinance will be null and void.