

**ORDINANCE #65861**  
**Board Bill No. 440**  
**Committee Substitute**

An ordinance recommended by the Board of Public Service providing for the vacation and abolition of the public right-of-way and subsurface rights in Spruce Street generally between BROADWAY AVENUE and Seventh Street, the public right-of-way and subsurface rights in Seventh Street generally between spruce Street and Poplar Street, the public right-of-way and subsurface rights in poplar street generally FROM BROADWAY AVENUE ON THE EAST THROUGH a certain SECTION of popular STREET west of south seventh street, and the public right-of-way and subsurface rights in a portion of the WESTERN LINE of BROADWAY AVENUE at the north-WESTERN intersection of spruce street and BROADWAY AVENUE, all as legally described in exhibit a attached hereto and incorporated herein by this reference, under certain terms and conditions; providing that this ordinance shall become effective upon certain notice by the Mayor or his designee; and providing a severability clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:**

**SECTION ONE.** The following public rights-of-way and public subsurface rights are hereby vacated and abolished, without any reservations of rights therein.

The public right-of-way and surface rights of vehicle, equestrian and pedestrian travel and public subsurface rights in and between the rights-of-way of (i) Spruce Street generally between Broadway Avenue and Seventh Street; (ii) Seventh Street generally between Spruce Street and Poplar Street; (iii) Poplar Street generally between Broadway Avenue on the east through a certain section of Poplar Street west of South Seventh Street; and (iv) a portion of the western line of Broadway Avenue at the north-western intersection of Spruce Street and Broadway Avenue, all of which are located in the City of St. Louis, Missouri, and as are legally described on Exhibit A attached hereto and incorporated herein by this reference, are, upon the conditions hereinafter setout, vacated.

**SECTION TWO.** Gateway Stadium, L.L.C. and Gateway Parking, L.L.C. plan to consolidate/redevelop the vacated right-of-ways and surrounding areas into a new ballpark pursuant to the Blighting and Insanitary Study and Redevelopment Plan for the South Downtown Redevelopment Project Area approved by Ordinance No. 65668 (the "Ballpark Project").

**SECTION THREE.** The owners of the land may, at their election and expense, remove the surface pavement of said vacated street provided, however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits, and provided further, that any cobblestones or granite curbing within the rights-of-way to be vacated that are removed shall be conveyed to a location to be designated by the Director of Streets of the City.

**SECTION FOUR.** The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owner's interest more than is reasonably required.

**SECTION FIVE.** The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

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

**SECTION SEVEN.** This ordinance shall be ineffective unless within three hundred and sixty-five days (1 year) after its approval, or such longer time as is fixed by the Board of Public Service not to exceed seven hundred and thirty days (730) (2 years) from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board

as sufficient to defray; the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

**SECTION EIGHT.** An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance seven hundred and thirty days (730) (2 years) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**SECTION NINE.** This ordinance shall become effective immediately upon notice by the Mayor or his designee to the Register that all financing for the Ballpark Project has been secured; provided, however, that the effective date of this Ordinance shall not be less than thirty (30) days from the date of approval of the same by the Mayor.

**SECTION TEN.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

#### **EXHIBIT A**

##### **Street Vacation Part of Broadway, Spruce Street, Seventh Street, and Poplar Street**

A tract of land in Block 147, 162, 417, 418, 6466, and 6469 of the City of St. Louis, Missouri, being part of Broadway - 98 feet wide, Spruce Street - 82 feet wide, 7th Street - variable width, and Poplar Street - variable width, and being more particularly described as follows:

Beginning at the Southwestern corner of Block 6469 of the City of St. Louis, also being the Southwestern corner of Tract 7 of "Civic Center Subdivision Plat Three", a subdivision according to the plat thereof recorded in Plat Book 37 Pages 28 thru 31 of the records of the Recorder of Deeds Office in the City of St. Louis, Missouri; thence along the Southern line of said Block 6469, also being the Northern line of a tract of land conveyed to the State of Missouri by deed recorded in Book 8579 Page 614 of the above said records, South 62 degrees 54 minutes 12 seconds East 279.66 feet to a point on the Northern line of Poplar Street, 50 feet wide; thence along last said Northern line South 72 degrees 20 minutes 11 seconds East 310.37 feet to a point of curvature; thence Northeastwardly along a curve to the left whose radius point bears North 17 degrees 39 minutes 49 seconds East 20.00 feet an arc length of 31.41 feet to a point on the Western line of Broadway, 82 feet wide; thence along last said Western line South 17 degrees 40 minutes 55 seconds West 69.99 feet to a point on the Southern line of Poplar Street, 50 feet wide; also being a point on the Northern line of Block 162 of the City of St. Louis, from which the Northeast corner of said block bears South 72 degrees 20 minutes 11 seconds East 2.00 feet; thence along the Southern line of Poplar Street North 72 degrees 20 minutes 11 seconds West 601.78 feet to the Northwestern corner of Block 147 of the City of St. Louis, being a point on the Eastern line of Seventh Street, 80 feet wide; thence crossing Seventh Street North 72 degrees 17 minutes 08 seconds West 80.00 feet to the Northeastern corner of Block 418 of the City of St. Louis; thence along the Northern line of said Block 418, also being the Southern line of Poplar Street, 50 feet wide, North 72 degrees 23 minutes 16 seconds West 160.90 feet to a point on the Eastern line of proposed Relocated Seventh Street; thence along last said Eastern line North 17 degrees 40 minutes 48 seconds East 50.00 feet to a point on the Northern line of said Poplar Street; thence along last said Northern line South 72 degrees 23 minutes 16 seconds East 159.71 feet to a point on a curve on the Western line of Seventh Street, variable width; thence along last said Western line the following courses and distances: Northeastly along a curve to the left whose radius point bears North 75 degrees 41 minutes 31 seconds West 421.00 feet an arc length of 177.96 feet to the point of tangency, and North 09 degrees 54 minutes 40 seconds West 246.32 feet to a point on the Eastern line of proposed Relocated Seventh Street; thence along last said Eastern line North 14 degrees 35 minutes 01 seconds East 94.27 feet to a point on a curve on the direct

prolongation Westwardly of the Northern line of Spruce Street, 82 feet wide; thence along last said prolongation line, and along the Northern line of Spruce Street, Southeasterly along a curve to the left whose radius point bears North 26 degrees 00 minutes 57 seconds East 2984.99 feet an arc length of 667.35 feet to a point of compound curvature; thence continuing along the Northern line of Spruce Street Northeasterly along a curve to the left whose radius point bears North 13 degrees 12 minutes 23 seconds East 182.00 feet an arc length of 271.98 feet to a point of tangency on the Western line of Broadway, 98 feet wide; thence along last said Western line North 17 degrees 35 minutes 06 seconds East 66.67 feet to a point on a curve on the Southern line of proposed Clark Street; thence along last said curve Southeasterly along a curve to the right whose radius point bears South 32 degrees 48 minutes 35 seconds West 20.00 feet an arc length of 26.13 feet; thence South 17 degrees 40 minutes 48 seconds West 307.67 feet to a point on a curve on the Southern line of Spruce Street, 82 feet wide; thence along last said Southern line Northwesterly along a curve to the left whose radius point bears South 87 degrees 19 minutes 12 seconds West 20.00 feet an arc length of 26.88 feet to a point of reverse curvature; thence continuing along the Southern line of Spruce Street Northwesterly along a curve to the right whose radius point bears North 10 degrees 17 minutes 58 seconds East 3066.99 feet an arc length of 639.56 feet to the point of tangency, and North 67 degrees 45 minutes 08 seconds West 9.61 feet to a point of curvature; thence Southwesterly along a curve to the left whose radius point bears South 22 degrees 14 minutes 52 seconds West 40.00 feet an arc length of 83.03 feet to a point on the Eastern line of Seventh Street, variable width; thence along last said Eastern line South 06 degrees 41 minutes 03 seconds East 155.55 feet to a point of curvature; thence continuing along last said Eastern line Southwesterly along a curve to the right whose radius point bears South 83 degrees 18 minutes 57 seconds West 500.00 feet an arc length of 141.89 feet to the POINT OF BEGINNING and containing 162,003 square feet or 3.765 acres more or less according to calculations performed by Stock and Associates Consulting Engineers, Inc. on January 28, 2003.

STOCK AND ASSOCIATES CONSULTING ENGINEERS, INC.  
LC NO. 222-D

**Approved: February 25, 2003**