

BOARD BILL NO. 47

INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the easternmost 16'
3 wide north/south alley beginning at Papin and extending south to 16' wide east/west alley, the 16'
4 wide east/west alley beginning at Pacific and extending west to the westernmost 16' wide
5 north/south alley and the westernmost 16' wide north/south alley beginning at Chouteau and
6 extending north to 16' wide east/west alley, all located in City Block 3946 and bounded by Papin,
7 Pacific, Chouteau and Vandeventer in the City of St. Louis, Missouri, as hereinafter described, in
8 accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter
9 and imposing certain conditions on such vacation.

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

11 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
12 and pedestrian travel, between the rights-of-way of:

13
14 A tract of land being part all of the sixteen foot wide alley located in City Block 3946
15 of the City of St. Louis, Missouri, and being described as follows:

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17 Commencing at the eastern most corner of said City Block 3946, said
18 point being the eastern most corner of Lot "A" and the point where
19 the western line of Pacific Avenue (50 feet wide) intersects the
20 southern line of Papin Street (50 feet wide); thence south 15 degrees
21 45 minutes 23 seconds west along the western line of Pacific Avenue
22 a distance of 120.01 feet to the southern corner of Lot "A" being the
23 point of beginning of the tract being described; thence continuing
24 south 14 degrees 45 minutes 23 seconds west along the western line
25 of Pacific Avenue a distance of 16.00 feet to the eastern corner of Lot
26 "B"; thence leaving said Pacific Avenue north 74 degrees 51 minutes
27 12 seconds west along the southern line of a sixteen foot alley a
28 distance of 343.51 feet a point, said point being the northern corner of
29 Lot 41 of said City Block 3946; thence south 14 degrees 45 minutes
30 23 seconds west along the western line of Lot 41 and being the
31 eastern line of said sixteen foot alley as previously mentioned a
32 distance of 120.52 feet to the northern line of Chouteau Avenue
33 (width varies); thence leaving said Lot 41 north 74 degrees 51

1 minutes 12 seconds west along said Chouteau Avenue a distance of
2 16.00 feet to the southern corner of Lot 16; thence leaving said
3 Chouteau Avenue north 14 degrees 45 minutes 23 seconds east along
4 the eastern line of Lots 16 through 11 a distance of 136.51 feet to a
5 point in the common line of Lot 11 and 10; thence south 74 degrees
6 51 minutes 12 seconds east along said common line a distance of
7 83.71 feet to a point being the southern corner of Lot 10; thence
8 leaving said common line north 14 degrees 45 minutes 13 seconds
9 east along the eastern line of Lots 10 through 6 a distance of 118.06
10 feet to the eastern corner of Lot 6 being on the southern line of Papin
11 Street (50 feet wide); thence south 75 degrees 15 minutes 32 seconds
12 east along the southern line of said Papin Street a distance of 16.00
13 feet to the northern corner of Lot 32; thence leaving said Papin Street
14 south 14 degrees 45 minutes 13 seconds west along the western line
15 of said Lot 32 a distance of 118.17 feet to a point, said point being the
16 western corner of said Lot 32; thence south 74 degrees 51 minutes
17 12 seconds east along Lots 32 through 40 and Lot "A" as previously
18 mentioned 259.79 feet to the point of beginning and containing 9,570
19 square feet more or less.

20
21 are, upon the conditions hereinafter set out, vacated.

22 **SECTION TWO:** Petitioners are Bellon Holding Company and Sterling Lacquer
23 Manufacturing Company. Vacated areas will be used to consolidate property for commercial
24 development.

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

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

32 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
33 shall have the right and access to go upon the land and occupation hereof within the rights-of-way

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1 for purposes associated with the maintenance, construction or planning of existing or future
2 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
3 required.

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

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

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

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

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

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

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