

BOARD BILL 191 INTRODUCED BY: ALDERMAN JOSPEH RODDY

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in 1) The remaining 118.75' ± 3.50' portion of the 15 foot
3 wide north/south alley in City Block 3955 as bounded by Sarpy, Vandeventer, St. Bernard Lane and
4 Gratiot. 2) An irregular section of right-of-way adjacent to City Block 3956 which is bounded by
5 Gratiot, Vandeventer and I-64 in the City of St. Louis, Missouri, as hereinafter described, in accor-
6 dance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and
7 imposing certain conditions on such vacation.

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

9 **SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel,
10 between the rights-of-way of:

11
12 A portion of U.S. Highway 40 (Interstate 64) formerly known as the Oakland
13 Express Highway, variable width, as dedicated in Plat Book 25, Page 28, a portion of
14 Hawk Avenue, 60 feet wide, and a 2.50 foot wide strip of Gratiot Street, 60 feet
15 wide, located in Lots 8 through 16 of Perry's Subdivision in City Block 3956 and in
16 Lots 1 through 4 of St. Bernard Subdivision in City Block 3958 of the City of St.
17 Louis, Missouri, and adjacent to and southwesterly of Lots 1 and 2 of Weber
18 Subdivision, according to the plat thereof recorded in Plat Book 59, Page 50, of the
19 Recorder's Office of the City of St. Louis, Missouri, more particularly described as
20 follows:

21
22 Beginning at the intersection of the southeasterly right-of-way line of
23 Hawk Avenue and the northeasterly right-of-way line of U.S.
24 Highway 40 on the northwesterly line of said Lot 16 of Perry's
25 Subdivision; thence along said northeasterly highway right-of-way
26 line and along a curve to the right with a radius of 635.00 feet, having
27 a chord bearing south 52 degrees 43 minutes 29 seconds east for a
28 distance of 341.78 feet and an arc distance of 346.05 feet to a point
29 on the southwest line of said Lot 2 of Weber Subdivision; thence
30 departing said northeasterly highway right-of-way line south 52
31 degrees 53 minutes 14 seconds west a distance of 6.06 feet to a point;
32 thence north 45 degrees 08 minutes 50 seconds west a distance of
33 88.21 feet to a point of curvature; thence along a curve to the left
34 with a radius of 760.17 feet, having a chord bearing north 49 degrees

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1 59 minutes 17 seconds west for a distance of 128.30 feet and an arc
2 distance of 128.46 feet to a point of compound curvature; thence
3 along a curve to the left with a radius of 585.45 feet, having a chord
4 bearing north 64 degrees 58 minutes 55 seconds west for a distance
5 of 206.40 feet, and an arc distance of 207.49 feet to a point of
6 tangency; thence north 75 degrees 08 minutes 06 seconds west a
7 distance of 91.52 feet to a point on the northwesterly line of said Lot
8 4 of St. Bernard Subdivision; thence north 14 degrees 51 minutes 54
9 seconds east, along said northwesterly line of Lot 4 and the northerly
10 projection thereof a distance of 34.95 feet to a point 2.50 feet
11 northeasterly of the southwesterly right-of-way line of Gratiot Street;
12 thence south 75 degrees 08 minutes 06 seconds east, along a line
13 2.50 feet northeasterly of and parallel with said southwesterly right-
14 of-way line, a distance of 350.00 feet to a point; thence south 14
15 degrees 51 minutes 54 seconds west a distance of 2.50 feet to a point
16 on said southwesterly right-of-way line of Gratiot Street, also being
17 the northeast line of said Lot 1 of Weber Subdivision; thence north
18 75 degrees 08 minutes 06 seconds west, along said southwesterly
19 right-of-way line of Gratiot Street, a distance of 135.00 feet to the
20 most easterly corner of a triangular tract of land also dedicated as
21 right-of-way of the Oakland Express Highway in Plat Book 25, Page
22 28; thence north 89 degrees, 10 minutes 16 seconds west along the
23 south line of said triangular right-of-way, a distance of 41.23 feet to a
24 point on the southeasterly right-of-way line of said Hawk Avenue,
25 also being the northwesterly line of said Lot 16 of Perry's
26 Subdivision; thence south 14 degrees 51 minutes 54 seconds west
27 along said southeasterly right-of-way line, a distance of 22.37 feet to
28 the point of beginning. Said tract containing 10,268 square feet or
29 0.24 acres of land, more or less.
30

31 A portion of a 15.00 foot wide alley located in Perry's Subdivision in City Block
32 3955 in the City of St. Louis, Missouri, more particularly described as follows:
33

34 Commencing at the intersection of the southeasterly right-of-way line
35 of St. Bernard Lane, 50 feet wide, and the northeasterly right-of-way
36 line of Gratiot Street, 60 feet wide, also being the southwesterly
37 corner of City Block 3955; thence along said northeasterly right-of-
38 way line of Gratiot Street, south 75 degrees 08 minutes 06 seconds
39 east for a distance of 341.37 feet to the southeast corner of Lot 9 of
40 said Perry's Subdivision on the northwesterly line of said 15.00 foot
41 wide alley and the point of beginning of the herein described tract;
42 thence departing said northeasterly right-of-way line of Gratiot Street

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1 along the northwesterly line of said alley, also being the southeasterly
2 line of said Lot 9, north 39 degrees 37 minutes 18 seconds east a
3 distance of 122.26 feet to the northeast corner of a tract of land
4 conveyed to Donald Duncan , et al by deed recorded in Deed Book
5 05192006, Page 184 of the Recorder's Office of the City of St. Louis;
6 thence departing the northwesterly line of said alley, south 50
7 degrees 22 minutes 42 seconds east a distance of 15.00 feet to a point
8 on the southeasterly line of said alley, also being the northwesterly
9 line of Lot 5 of said Perry's Subdivision in City Block 3955; thence
10 south 39 degrees 37 minutes 18 seconds west, along the southeasterly
11 line of said alley, also being the northwesterly line of Lots 1 through
12 5 of said Perry's Subdivision, a distance of 115.35 feet to the
13 southwest corner of said Lot 1 on said northeasterly right-of-way line
14 of Gratiot Street; thence north 75 degrees 08 minutes 06 seconds
15 west along said northeasterly right-of-way line of Gratiot Street, a
16 distance of 16.52 feet to the point of beginning. Said tract containing
17 1,782 square feet or 0.04 acres of land, more or less.

18
19 are, upon the conditions hereinafter set out, vacated.
20

21 **SECTION TWO:** Petitioners are Bissinger's Inc., Energy Marketing 245, LLC, Outdoor
22 Systems, Inc. and M & H Development Group, LLC. Vacated areas will be used to provide parking.

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

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

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

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 effected 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.