

BOARD BILL NUMBER 136 INTRODUCED BY ALDERMAN RASHEEN ALDRIDGE

1 An ordinance recommended by the Board of Public Service to conditionally vacate above
2 surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in a portion
3 of 1) Elliott Avenue from Saint Louis Avenue to Montgomery Street, 2) Montgomery Street
4 from Jefferson Avenue to Elliott Avenue and 3) The 20 foot wide east/west alley beginning at
5 Elliott Avenue and extending eastwardly 259.99 feet to a point in City Block 2365 as bounded
6 by Saint Louis Avenue, Jefferson Avenue, Montgomery Street and Elliott Avenue in the City of
7 St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
8 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on
9 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-ways of:

13 Beginning at the northwest corner of Lot 13 in Block 2365 of the City of Saint
14 Louis, Missouri, and being more particularly described as follows:

15 Being a point on the south line of St Louis Avenue, (width varies); thence
16 south along the east line of Elliott (60 foot wide) Avenue, south 00 degrees 45
17 minutes 00 seconds east 154.36 feet to the north line of a 20 foot wide alley; thence
18 along the north line of said 20 foot wide alley, north 89 degrees 18 minutes 30
19 seconds east, 259.99 feet to a point; thence leaving said north line of alley, south 00
20 degrees 45 minutes 00 seconds east, 20.00 feet to the south line of said alley; thence
21 along said south line of alley, south 89 degrees 18 minutes 30 seconds west, 259.99
22 feet back to the east line of said Elliott Avenue; thence along said east line of Elliott
23 Avenue, south 00 degrees 45 minutes 00 seconds east, 154.36 feet to a point on the

1 north line of Montgomery (60 foot wide) Street, north 89 degrees 12 minutes 30
2 seconds east, 320.02 feet to a point on the west line of Jefferson (60 foot wide)
3 Avenue; thence along the west line of said Jefferson Avenue, south 00 degrees 45
4 minutes 00 seconds east 60.00 feet to the south line of said Montgomery street;
5 thence along said south line of Montgomery Street, south 89 degrees 12 minutes 30
6 seconds west, 380.42 feet to the western line of Elliott Avenue; thence along the
7 western line of Elliott Avenue north 00 degrees 45 minutes 00 seconds west, 388.41
8 feet back to the south line of St Louis Avenue; thence along the south line of said St
9 Louis Avenue, north 89 degrees 24 minutes 30 seconds east, 61.86 feet back to the
10 point of beginning containing 1.108 acres (48,258 square feet), more or less.

11 are, upon the conditions hereinafter set out, vacated.

12 **SECTION TWO.** Sensient Colors LLC is the petitioner and plans to use the proposed
13 vacated areas to consolidate property to enhance safety and security.

14 Per the request of the Planning & Urban Design Agency's Planning Commission the following
15 condition is being added to the ordinance:

16 Notwithstanding the foregoing vacation, the construction of any impervious vertical barrier
17 including any fence or wall in City Blocks 2365 and 2366 shall generally follow the north edge of
18 the former right-of-way of the east/west alley in City Block 2365, and shall be no closer than 150
19 feet south of the south edge of the Saint Louis Avenue right-of-way between Leffingwell Avenue
20 and Jefferson Avenue.

21 **SECTION THREE.** All rights of the public in the land bearing rights-of-way traversed by
22 the foregoing conditionally vacated portion of the alley and streets, are reserved to the City of St.

1 Louis for the public including present and future uses of utilities, governmental service entities and
2 franchise holders, except such rights as are specifically abandoned or released herein.

3 **SECTION FOUR.** The owners of the land may, at their election and expense remove the
4 surface pavement of said so vacated portion of the alley and streets provided however, all utilities
5 within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished
6 upon proper City permits.

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

12 **SECTION SIX.** The owner(s) shall not place any improvement upon, over or in the area(s)
13 vacated without:

- 14 1. Lawful permit from the Building Division or Authorized City agency as governed
15 by the Board of Public Service.
- 16 2. Obtaining written consent of the utilities, governmental service entities and franchise
17 holders, present or future. The written consent with the terms and conditions thereof
18 shall be filed in writing with the Board of Public Service by each of the above
19 agencies as needed and approved by such Board prior to construction.

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

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,
8 if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will
9 be deposited by these agencies with the Comptroller of the City of St. Louis.

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