

ORDINANCE #65662
Board Bill No. 228
Committee Substitute

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on the westernmost 359 feet \pm 1.5 feet of the 20 foot wide east/west alley and the 20 foot wide north/south alley in City Block 6260 as bounded by Lindenwood, Sulphur, Chippewa, and Hampton in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter, imposing certain conditions on such vacation and containing an emergency clause.

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

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

A tract of land being a 20 foot wide north/south alley and part of a 20 foot wide east/west alley in City Block 6260, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point on the eastern right-of-way line of Hampton Avenue, 80 feet wide, at its intersection with the northern line of an east/west alley, 20 feet wide; thence southeasterly, along the northern line thereof, south 82 degrees 59 minutes 10 seconds east 116.93 feet to a point; thence north 57 degrees 20 minutes 50 seconds east 7.70 feet to a point on the western line of a 20 foot wide north/south alley; thence northeasterly, along the western line of said north/south alley, north 17 degrees 40 minutes 50 seconds east 117.11 feet to a point on the southern right-of-way line of Lindenwood Avenue, 50 feet wide; thence southeasterly, along the southern right-of-way line thereof, south 82 degrees 59 minutes 10 seconds east 20.35 feet to a point; thence southwesterly, along the eastern line of said north/south alley, south 17 degrees 40 minutes 50 seconds west 117.11 feet to a point; thence south 32 degrees 39 minutes 10 seconds east 6.38 feet to a point on the northern line of said east/west alley; thence southeasterly, along the northern line thereof, south 82 degrees 59 minutes 10 seconds east 209.90 feet to the southwestern corner of property conveyed to Lindenwood Properties, L.L.C., by deed recorded in Deed Book M1491, page 1168, of the City of St. Louis Records; thence southwesterly, along the southwesterly prolongation of the western line of property conveyed to Lindenwood Properties, L.L.C. as aforementioned, south 07 degrees 00 minutes 50 seconds west 20.00 feet to a point on the southern line of said east/west alley; thence northwesterly, along the southern line of said east/west alley, north 82 degrees 59 minutes 10 seconds west 360.45 feet to its intersection with a point on the eastern right-of-way line of Hampton Avenue, as aforementioned; thence northeasterly, along a curve to the right having a radius of 3064.00 feet, an arc distance of 20.26 feet (north 16 degrees 16 minutes 55 seconds east 20.26 feet on its chord) to the point of beginning, containing 9,643 square feet (0.221 acres, more or less).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Pace Properties will use vacated area to construct a new Walgreen's store at the northeast corner of Chippewa and Hampton to replace present store located in Hampton Village.

Charter Communications, Metropolitan Sewer District, Southwestern Bell and AmerenUE have facilities and are requesting easements be reserved. Street Lighting's needs must be satisfied. It is understood that the owner will provide uninhibited access for a vehicular turn-a-round on its property for motorists in the newly created dead-end ally.

SECTION THREE: Until such time as all of the existing easements in favor of utilities, governmental service entities and franchise holders within the area described in Section One of this ordinance are relocated and/or vacated, all rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys and streets, are reserved to the City of St. Louis for present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so

vacated alleys 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.

SECTION FIVE: 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 owners interests more than is reasonably required.

SECTION SIX: 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 SEVEN: 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 EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days 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 TEN: 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 365 days (1 year) 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 ELEVEN: Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: October 22, 2002