

ORDINANCE #68446
Board Bill No. 40

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the 15 foot wide north/south alley and the easternmost 80 feet ± 4 feet of the 20 foot wide east/west alley in City Block 3742 as bounded by Cook, Vandeventer, Finney and Sarah 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 and imposing certain conditions on such vacation.

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

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

A tract of land being part of City Block 3742 of the City of St. Louis, Missouri being more particularly described as follows:

Beginning at the intersection of the southwest line of Cook Avenue, 80 feet wide, with the northwest line of a tract of land conveyed to Guardian Angels Settlement Association according to Document Number 01152008-0034 of the City of St. Louis Records, said point being on the southeast line of an alley, 15 feet wide, and being north 60 degrees 55 minutes 21 seconds west, 115.00 feet from the northwest line of Vandeventer Avenue, 75 feet wide; thence along said southeast line, south 29 degrees 00 minutes 27 seconds west, 306.91 feet to the northeast line of Finney Avenue, 70 feet wide, said point being the southwest corner of a tract of land conveyed to Guardian Angel Settlement Association according to Document Number 02282008-0141 of the City of St. Louis Records; thence along said northeast line, north 60 degrees 53 minutes 51 seconds west, 15.00 feet to the southeast line of tract of land conveyed to the Land Reutilization Authority of the City of St. Louis, Missouri, according to Deed Book 46M Page 45, Parcel 3742-00-4900 of the City of St. Louis Records, also being the northwest line of said alley; thence along said northwest line, north 29 degrees 00 minutes 27 seconds east, 136.91 feet; thence north 15 degrees 57 minutes 27 seconds west, 14.15 feet to the northeast line of said tract, also being the southwest line of an alley, 20 feet wide; thence along said southwest line, north 60 degrees 55 minutes 21 seconds west, 72.50 feet; thence departing said southwest line, north 29 degrees 00 minutes 27 seconds east, 20.00 feet to the southwest line of a tract of land conveyed Milton Frazier and Jetaun C. Massey according to Deed Book 1419M Page 2128 of the City of St. Louis Records, also being the northeast line of said alley; thence along said northeast line, south 60 degrees 55 minutes 21 seconds east, 72.50 feet; thence north 74 degrees 02 minutes 33 seconds east, 14.13 feet to the southeast line of a tract of land conveyed to the Land Reutilization Authority according to Document Number 12022008-0071 of the City of St. Louis Records, also being a point on the northwest line of an alley, 15 feet wide, as aforementioned; thence along said northwest line, north 29 degrees 00 minutes 27 seconds east, 130.00 feet to the southwest line of Cook Ave., as aforementioned; thence along said southwest line, south 60 degrees, 55 minutes, 21 seconds east, 15.00 feet to the point of beginning. The above described tract of land containing 6,354 square feet is based on a boundary survey completed by Cole and Associates, Inc. during the month of August, 2008 and is subject to all easements, restrictions, reservations and conditions of record if any.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Guardian Angel Settlement Association (aka GASA) will use vacated area to consolidate property to construct a day care facility. A new north/south alley has been constructed as approved by the Board of Public Service. The same alley is to be dedicated also.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys, are reserved to the City of St. Louis for the public including 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 owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

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. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

Approved: October 5, 2009