

ORDINANCE #68500
Board Bill No. 127

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 South Trudeau from Second St. to the east right-of-way line of DeKalb and DeKalb from the north right-of-way line of South Trudeau south \approx 176 feet to the center line of the alleys in City Blocks 733 and 735 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 a portion of South Trudeau Street (40 feet wide) and DeKalb Street (60 feet wide) bounded on the east by City Block 6501, the south by City Block 735, the west by City Block 733 and the north by Second Street, situated in the City of St. Louis, Missouri, and being more particularly described as:

Beginning at the intersection of the south line of South Trudeau Street, 40 feet wide, with the east line of Second Street. 65 feet wide; thence along said east line of Second Street north 22 degrees 48 minutes 53 seconds east 40.00 feet to the north line of South Trudeau Street; thence along the north line of South Trudeau Street south 67 Degrees 05 minutes 23 seconds east 375.57 feet to the east line of DeKalb Street, 60 feet wide; thence along the east line of DeKalb Street south 23 degrees 23 minutes 25 seconds west 176.26 feet to a point; thence departing said east line, north 67 degrees 05 minutes 23 seconds west 60.00 feet to the west line of said DeKalb Street, 60 feet wide; thence along the west line of DeKalb Street north 23 degrees 23 minutes 25 seconds east 136.26 feet to the intersection of the said west line of DeKalb Street and the south line of aforesaid South Trudeau Street; thence with the south line of South Trudeau Street, north 67 degrees 05 minutes 23 seconds west 315.17 feet to the point of beginning and containing 23,190 square feet (0.5323 acres), more or less, according to a survey by the Sterling Company during the months of April and May 2008 under order Number 08-03-050.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: SWH Investments II, LLC will use area to consolidate property for commercial development.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street, 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 street 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: November 19, 2009