

ORDINANCE #68759
Board Bill No. 68

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 westernmost 382.265 feet of the 20 foot wide east/west alley in City Block 2202 as bounded by Laclede, Grand, Forest Park and Spring 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:

Part of an alley being part of Block 2202 of the City of St. Louis, as shown in Hydraulic Press Brick Co.'s Subdivision as recorded in Plat Book 14, Page 106 of the City of St. Louis, Missouri Records, and being more particularly described as follows:

Commencing at a point being the intersection of the north right-of-way line of Forest Park Avenue (150'W) and the east right-of-way line of Spring Avenue (50'W), said point also being the southwest corner of City Block 2202; thence along said Spring Avenue right-of-way line, north 19 degrees 11 minutes 48 seconds east, 182.38 feet to the point of beginning, being the intersection of the said east line of Spring Avenue and the south right-of-way line of an alley (20'W); thence along said south line of an alley along the north lines of Lots 22 thru 27 of Hydraulic Press Brick Co.'s Subdivision as recorded in Plat Book 14 Page 106 of the St. Louis City, Missouri Records, south 71 degrees 00 minutes 00 seconds east, 382.30 feet to the northeast corner of said Lot 27; thence north 19 degrees 00 minutes 00 seconds east, 20.00 feet to a point on the north line of said alley, point being north 71 degrees 00 minutes 00 seconds west, 0.25 feet from the southeast corner of Lot 17 of said Hydraulic Press Brick Co.'s Subdivision; thence along the said north line of an alley, along the south lines of Lot 17 thru 21, north 71 degrees 00 minutes 00 seconds west, 382.23 feet to the intersection of the said east line of Spring Avenue and the said north line of an alley; thence along the said east line of Spring Avenue, south 19 degrees 11 minutes 48 seconds west, 20.00 feet to the point of beginning. Containing 7,645 square feet or 0.18 acre, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are Spring Street Lofts Landlord LLC, Saint Louis University and Amrut and Sita Patel. Vacated area will be used to increase security to abutting properties. An individual lock box and/or capability for AmerenUE and AT&T must be made available on any gate and/or constructed across the alley at or near Spring.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, 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 alley 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 3, 2010