

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
 2 sub-surface rights for vehicle, equestrian and pedestrian travel in Polk from Steins northeastwardly \cong
 3 260.5 feet \pm 29.5 feet to a point and abutting City Blocks 3087 and 3088 in the City of St. Louis,
 4 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
 5 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

9
 10 A strip of land being part of Polk Street, 60 feet wide, adjoining Blocks 3087 and
 11 3088 of the City of St. Louis, Missouri; said strip being more particularly described
 12 as follows:

13
 14 Beginning at the point of intersection of the western line of Polk
 15 Street, 60 feet wide with the northern line of Steins Street, 50 feet
 16 wide; thence north 42 degrees 13 minutes 15 seconds east 290.26
 17 feet, along the western line of said Polk Street, to a point in the
 18 southern line of Missouri Pacific Railroad right of way; thence along
 19 the southern line of said Missouri Pacific Railroad right of way 83.18
 20 feet, along a curve to the left having a radius of 2000.93 feet, the
 21 chord which bears south 3 degrees 44 minutes 11 seconds east 83.18
 22 feet to a point in the eastern line of said Polk Street; thence south 42
 23 degrees 13 minutes 15 seconds west 231.13 feet, along the eastern
 24 line of said Polk Street, to the northern line of said Steins Street;
 25 thence north 49 degrees 14 minutes 45 seconds west 60.02 feet, along
 26 the northern line of said Steins Street, to the point of beginning and
 27 containing 15,618 square feet more or less as prepared by Pitzmans
 28 Company.

29
 30 are, upon the conditions hereinafter set out, vacated.

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 32 **SECTION TWO:** The petitioners are Lawrence "Larry" Ayers and Albert Coleman. The
 33 area will be used to correct property boundaries for both petitioners.

1 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
2 the foregoing conditionally vacated unimproved street, are reserved to the City of St. Louis for the
3 public including present and future uses of utilities, governmental service entities and franchise
4 holders, except such rights as are specifically abandoned or released herein.

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

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

14 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
15 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
16 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
17 service entities and franchise holders, present or future. The written consent with the terms and
18 conditions thereof 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.

24 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within

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Sponsor: Alderman Matt Villa

1 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
2 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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