

ORDINANCE #67082
Board Bill No. 365

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the 15 foot wide north/south alley and the 15 foot wide east/west alley in City Block 194 as bounded by St. Charles, 8th, Locust and 9th 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 public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being an alley located in City Block 194 in the City of St. Louis, Missouri, and being more particularly described as follows:

Commencing at the intersection of the south line of St. Charles (50'W) street with the east line of Ninth (60'W) Street; thence along the south line of St. Charles (50'W) Street, south 75 degrees 07 minutes 03 seconds east a distance of 127.51 feet to the point of beginning of the herein described tract; thence continuing along the south line, south 75 degrees 07 minutes 03 seconds east a distance of 15.02 feet to the point also being the northwest corner of a property now or formerly of Roberts Mayfair Hotel, LLC as recorded in Deed Book 07242003, Page 0355 of the City of St. Louis, Missouri Recorder's Office; thence along the west line of said property, the west line of Talley Properties, III, LLC as recorded in Deed Book 08282033, Page 0218 of said Recorder's Office, and the west line of Downtown Now! as recorded in Deed Book 1734, Page 3502 of said Recorder's Office, south 17 degrees 41 minutes 15 seconds west, a distance of 138.11 feet to a point on the aforementioned north line of said Downtown Now! property; thence along said north property line the following courses and distances: north 72 degrees 13 minutes 07 seconds west, a distance of 15.00 feet; north 17 degrees 41 minutes 15 seconds east, a distance of 7.00 feet to a point; thence along the north line of said property, the north line of Downtown Now! as recorded in Deed Book 1613, Page 0600 of said Recorder's Office, and the north line of Downtown Now! as recorded in Deed Book 1767, Page 0719 of said Recorder's Office, north 72 degrees 13 minutes 07 seconds west, a distance of 127.27 feet to a point on the east line of aforementioned ninth (60'W) Street; thence along said east line, north 17 degrees 38 minutes 52 seconds east, a distance of 15.00 feet to a point being the southwest corner of a property now or formerly of Talley Properties III, LLC as recorded in Deed Book 12242003, Page 0163 of said Recorder's Office; thence along south line of said property, south 72 degrees 13 minutes 07 seconds east, a distance of 127.28 feet to a point; thence along east line of said property, north 17 degrees 41 minutes 15 seconds east, a distance 115.35 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: The petitioners are Downtown Now, Roberts Mayfair Hotel and Talley Properties. The vacated areas will be used 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 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 effected 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: May 2, 2006