

ORDINANCE NO. 70786

BOARD BILL NO. 49 INTRODUCED BY: ALDERMAN JOSEPH RODDY

1 An ordinance recommended by the Board of Public Service to conditionally vacate a
2 portion of the right-of-way on the north side of Forest Park Ave. abutting City Block 3919-E
3 bounded by Laclede, Spring, Forest Park and Vandeventer, and adjacent to 3763 (3745-3801)
4 Forest Park.

5
6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS:**

7 **SECTION ONE:**

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

10 A tract of land being part of Forest Park Avenue, 150 feet wide, lying south of
11 and adjacent to Lots 18-24 HENRY KORTJOHN SUBDIVISION, and it City
12 Block 3919-E of the City of St. Louis, Missouri, and being more particularly
13 described as follows:

14 Commencing at a found iron rod being on the northern right of
15 way line of Forest Park Avenue and being the Southeast corner of
16 Lot 24 of Forest Park Boulevard Subdivision by Henry Kortjohn
17 as recorded on Plat Book 12, Page 34; thence North 70 degrees 59
18 minutes 35 seconds West a distance of 6.52 feet to a point being
19 the true point of beginning of the herein portion of Forest Park
20 Avenue to be vacated: thence continuing North 70 degrees 59
21 minutes 35 seconds West a distance of 288.68 feet to a point.;
22 thence South 19 degrees 00 minutes 25 seconds West a distance
23 of 7.00 feet to a point; thence South 70 degrees 59 minutes 35
24 seconds East a distance of 288.68 feet to a point;; thence North 19
25 degrees 00 minutes 25 seconds East a distance of 7.00 feet to the
26 point of beginning and containing 2,020.76 square feet more or
27 less.

28 are, upon the conditions hereinafter set out, vacated.

29 **SECTION TWO:**

1 Midas Forest Park LLC plans to use proposed vacated area to consolidate area for building
2 construction of proposed hotel.

3 **SECTION THREE:**

4 All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally
5 vacated sidewalk, are reserved to the City of St. Louis for the public including present and future
6 uses of utilities, governmental service entities and franchise holders, except such rights as are
7 specifically abandoned or released herein.

8 **SECTION FOUR:**

9 The owners of the land may, at their election and expense remove the surface pavement of said
10 so vacated sidewalk provided however, all utilities within the rights-of-way shall not be
11 disturbed or impaired and such work shall be accomplished upon proper City permits.

12 **SECTION FIVE:**

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

17 **SECTION SIX:**

18 The owner(s) shall not place any improvement upon, over or in the area(s) vacated without:

- 19 1. Lawful permit from the Building Division or Authorized City agency as
20 governed by the Board of Public Service.
- 21 2. Obtaining written consent of the utilities, governmental service entities and
22 franchise holders, present or future. The written consent with the terms and

1 conditions thereof shall be filed in writing with the Board of Public Service by
2 each of the above agencies as needed and approved by such Board prior to
3 construction.

4 **SECTION SEVEN:**

5 The owners may secure the removal of all or any part of the facilities of a utility, governmental
6 service entity or franchise holder by agreement in writing with such utilities, governmental entity
7 or franchise holder, filed with the Board of Public Service prior to the undertaking of such
8 removal.

9 **SECTION EIGHT:**

10 In the event that granite curbing or cobblestones are removed within the vacated area, the
11 Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing
12 cobblestones returned to the Department of Streets in good condition.

13 **SECTION NINE:**

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

- 20 1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation
21 of Water facilities, if any.

1 2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses
2 of removal, relocation and/or purchase of all lighting facilities, if any. All street signs
3 must be returned.

4 3. CITY STREET DEPARTMENT so as to cover the full expenses required for the
5 adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated
6 area(s) as specified in Sections Two and Eight of the Ordinance.

7 **SECTION TEN:**

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