

ORDINANCE 71380

BOARD BILL NUMBER 56 INTRODUCED BY: ALDERWOMAN LISA MIDDLEBROOK

1 An ordinance recommended by the Board of Public Service to conditionally vacate above
2 surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the
3 westernmost 170.44' ± 0.80' of the 20 foot wide east/west alley in City Block 4233 as bounded by
4 Fordey, Thatcher, East Railroad and Antelope in the City of St. Louis, Missouri, as hereinafter de-
5 scribed, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of
6 the Charter and imposing certain conditions on such vacation.

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

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

10 A tract of land being part of City Block 4233, City of St. Louis, Missouri, and being
11 more particularly described as follows:

12 Beginning at a point in the East line of East Railroad Avenue, 40 feet
13 wide at its intersection with the North line of an alley, 20 feet wide;
14 thence along said North line of said alley, North 55 degrees 15 minutes
15 22 seconds East a distance of 171.24 feet to a point; thence South 35
16 degrees 02 minutes 46 seconds East a distance of 20.00 feet to a point
17 in the South line of said alley; thence along the said South line, South
18 55 degrees 15 minutes 22 seconds West a distance of 169.24 feet to a
19 point in the said East line of East Railroad Avenue; thence along the
20 said East line, North 39 degrees 37 minutes 18 seconds West a distance
21 of 20.07 feet to the Point of Beginning and containing 3,409 square
22 feet, 0.08 acres more or less.

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

2 **SECTION TWO.** Solutions Concepts, LLC proposes to use vacated area to improve security
3 as well as consolidate property for future

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

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

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

15 **SECTION SIX.** The owner(s) shall not place any improvement upon, over or in the area(s)
16 vacated without:

- 17 1. Lawful permit from the Building Division or Authorized City agency as governed by
18 the Board of Public Service.
- 19 2. Obtaining written consent of the utilities, governmental service entities and franchise
20 holders, present or future. The written consent with the terms and conditions thereof
21 shall be filed in writing with the Board of Public Service by each of the above agencies
22 as needed and approved by such Board prior to construction.

23 **SECTION SEVEN.** The owners may secure the removal of all or any part of the facilities
24 of a utility, governmental service entity or franchise holder by agreement in writing with such utilities,

1 governmental entity or franchise holder, filed with the Board of Public Service prior to the
2 undertaking of such removal.

3 **SECTION EIGHT.** In the event that granite curbing or cobblestones are removed within the
4 vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must have
5 curbing cobblestones returned to the Department of Streets in good condition.

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

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

20 **SECTION TEN.** An affidavit stating that all of the conditions be submitted to the Director
21 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and
22 approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be
23 forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the
24 prescribed time the ordinance will be null and void.

Board Bill Number 56

PETITION FOR VACATION AND WAIVER OF DAMAGES

Honorable Board of Public Service
The City of Saint Louis

We, the undersigned, legal owners of property in city block(s) 4233
between 7734 E. RAILROAD AVE. (1808/267)
and 7730 E. RAILROAD AVE. (1808/263)

hereby petition the City of St. Louis to vacate and abolish THE ALLEY BETWEEN 7734 E. RAILROAD AVE. (1808/267) AND 7730 E. RAILROAD AVE. (1808/263).

and we hereby waive all claims for damages sustained as the result of the vacation and abolition of the aforesaid area.

IN WITNESS WHEREOF we have hereunto set our hands this 31
day of OCTOBER, 2018.

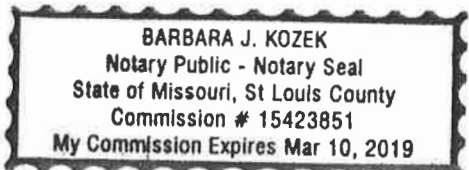
NAME	ADDRESS	PHONE NO.
SOLUTIONS CONCEPTS, LLC - <u>Daniel M. Schmidt</u>	<u>7734 E. RAILROAD AVE.</u>	
SOLUTIONS CONCEPTS, LLC - <u>Daniel M. Schmidt</u>	<u>7730 E. RAILROAD AVE.</u>	

STATE OF MISSOURI }
CITY OF ST. LOUIS } ^{ss} On this 31 day of OCTOBER, 2018,
before me appeared DANIEL M. SCHMIDT

to me personally known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my notarial seal in The ~~City of~~ ^{COUNTY} St. Louis, State of Missouri, the day and year first above written.

My Commission expires 3/10/2019. [Signature]
NOTARY PUBLIC



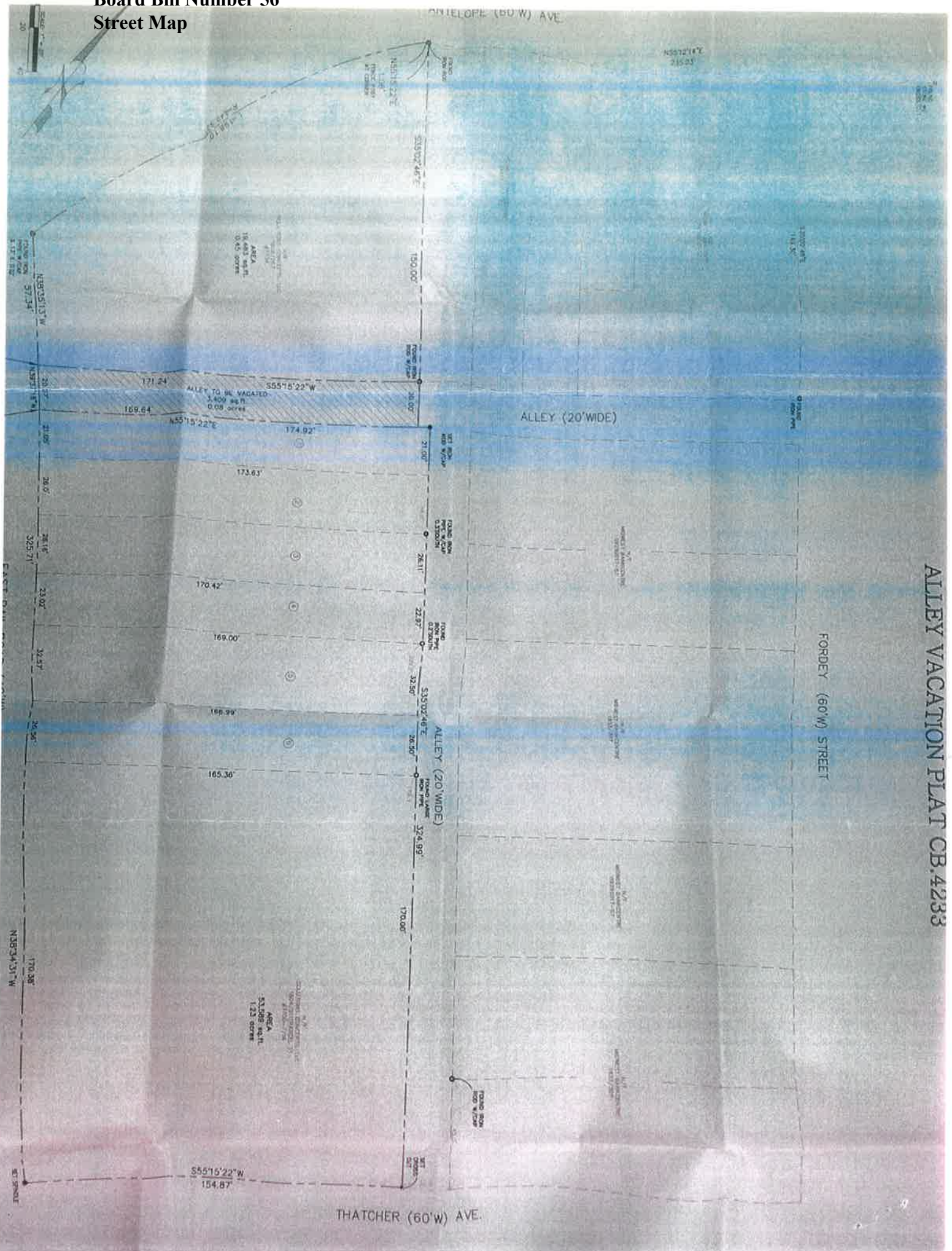
Board Bill Number 56

Street Map

CB: 4233.00



Board Bill Number 56
Street Map



ALLEY VACATION PLAT CB.4233

FORDEY (60' W) STREET

ALLEY (20' WIDE)

ALLEY (20' WIDE)

THATCHER (60' W) AVE.

ANTELOPE (60' W) AVE.

S55°16'22\" W
154.87'



NSB 34° 31' W

NSB 34° 31' W

ET 390' 0\"/>