

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in 15 foot wide east/west
3 alley in City Block 1814 as bounded by Chouteau, Jefferson, LaSalle and Ohio in the City of St.
4 Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity
5 with 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 tract of land being a fifteen foot wide East and West alley in St. Louis City Block
11 1814 and being part of Block 9, Staniford's Addition a subdivision filed for record in
12 Survey Record Book 6 at page 287 and part of Block 10 Lamonte Addition, a
13 subdivision filed for record in Survey Record Book 5 at Page 41 of the City of St.
14 Louis, Missouri and being more particularly described as follows:

15
16 Commencing at the Northwest corner of Lot 12 of Lamonte Addition,
17 as previously mentioned, said point being the intersection of the
18 South right of way line of Chouteau Avenue (width varies) and the
19 East right of way line of Ohio Avenue (50' W); thence South 14
20 degrees 32 minutes 32 seconds West along the East right of way of
21 Ohio Avenue a distance of 109.98 feet to a point, said point being the
22 Southwest corner of Lot 12 of Lamonte Addition being the North line
23 of as East West alley 15' wide and being the point of beginning of the
24 tract herein described: thence leaving Ohio Avenue South 75 degrees
25 15 minutes 38 seconds East along the North line of said alley a
26 distance of 611.28 feet to a point, said Point being in the Western
27 right of way line of Jefferson Avenue (width varies); thence South 17
28 degrees 24 minutes 35 seconds West along said Jefferson Avenue a
29 distance of 15.02 feet to a point, said point being the South right of
30 way line of said alley and the Northeast corner of Lot 22 in Block 9
31 of the Resurvey of Staniford's Addition, as previously mentioned;
32 thence North 75 degrees 15 minutes 38 seconds West along the South
33 line of said alley a distance of 610.53 feet to a point, said point being
34 in the Eastern right of way line of Ohio Avenue; thence North 14
35 degrees 32 minutes 32 seconds East along said Ohio Avenue a
36 distance of 15.00 feet to the point of beginning and containing 9,164

1 square feet, more or less.

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

4 **SECTION TWO:** Vacation petitioned by Chouteau LaSalle Properties LLC, King Food
5 Phillips Inc., Baisch & Skinner Inc. and Crown 40 Inc. The area will be used to consolidate property
6 on the east end for commercial development and to enhance security & safety on the west end.

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

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

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

19 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
20 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
21 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
22 service entities and franchise holders, present or future. The written consent with the terms and
23 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
24 agencies as needed and approved by such Board prior to construction.

25 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities

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1 of a utility, governmental service entity or franchise holder by agreement in writing with such
2 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
3 undertaking of such removal.

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

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

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

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

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1 within the prescribed time the ordinance will be null and void.

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