

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 1) the southernmost
3 159.355' ± 3.755' of the 15 foot wide north/south alley in City Block 576 as bounded by Cass, 10th,
4 O'Fallon and Tucker/13th and 2) the excess portion of 13th/Tucker abutting City Block 576 in the
5 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
6 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
7 vacation.

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

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

11
12 A tract of land being part of 13th Street, Tucker Boulevard and an alley located in
13 City Block 576 of the City of St. Louis, Missouri, and more particularly described as
14 follows:

15
16 Commencing at the intersection of the east right of way line of 13th
17 (98 foot wide) Street with the south line of land now or formerly of
18 Mariano A Costello, as recorded by Deed in Book 1148, Page 1664
19 of the St. Louis City Recorder's Office; thence along said South line,
20 South 75 degrees 08 minutes 24 seconds East, a distance of 5.00 feet
21 to the true point of beginning of the hereinafter described street
22 vacation; thence continuing along said South line, South 75 degrees
23 08 minutes 24 seconds East, a distance of 109.50 feet to the West
24 right of way line of North-South alley in City Block 576; thence
25 along said West right of way line, the following courses and
26 distances; North 74 degrees 53 minutes 28 seconds East, a distance of
27 15.01 feet; and North 14 degrees 54 minutes 42 seconds East, a
28 distance of 155.60 feet to the North line of land now or formerly of
29 Northside Regeneration, LLC as recorded by Deed in Book
30 12312012, Page 97 of said Recorder's Office; thence along the
31 eastern prolongation of said North line, South 75 degrees 11 minutes
32 50 seconds East, a distance of 15.00 feet to the East right of way line
33 of the aforementioned alley; thence along said East right of way line,
34 South 14 degrees 54 minutes 42 seconds West, a distance of 163.11

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1 feet to the South line of land now or formerly of Northside
2 Regeneration, LLC as recorded by Deed in Book 12152009, Page 81
3 of said Recorder's Office; thence along said south line and West line
4 of said of Northside Regeneration, LLC, the following courses and
5 distances: South 75 degrees 08 minutes 24 seconds East, a distance
6 of 127.50 feet; South 14 degrees 59 minutes 07 seconds West, a
7 distance of 6.00 feet; and South 41 degrees 44 minutes 24 seconds
8 West, a distance of 112.85 feet to the East line of the hereinafter
9 described street vacation; thence along said street vacation the
10 following courses and distance: along a curve to the left, having a
11 radius of 609.50 feet, with a central angle of 10 degrees 01 minutes
12 58 seconds (which chord bears South 42 degrees 32 minutes 03
13 seconds West, a chord distance of 106.59 feet) through an arc
14 distance of 106.73 feet; along a reverse curve to the right, having a
15 radius of 35.00 feet, with a central angle of 98 degrees 58 minutes 51
16 seconds (which chord bears South 87 degrees 00 minutes 29 seconds
17 West, a chord distance of 53.22 feet) through an arc distance of 60.46
18 feet; along a compound curve to the right, having a radius of 110.00
19 feet, with a central angle of 31 degrees 56 minutes 00 seconds (which
20 chord bears North 27 degrees 32 minutes 06 seconds West, a chord
21 distance of 60.52 feet) through an arc distance of 61.31 feet; North 11
22 degrees 34 minutes 06 seconds West, a distance of 49.55 feet; North
23 01 degrees 52 minutes 35 seconds East, a distance of 25.81 feet;
24 North 11 degrees 34 minutes 06 seconds West, a distance of 92.42
25 feet; North 78 degrees 25 minutes 54 seconds East, a distance of 3.00
26 feet ; North 11 degrees 34 minutes 06 seconds West, a distance of
27 15.06 feet; and North 14 degrees 54 minutes 42 seconds East, a
28 distance of 5.57 feet to the true Point of Beginning; The above
29 described street vacation contains 38,560 square feet and is based
30 upon an actual boundary survey executed by Cole and Associates,
31 Inc. during the month of August, 2013 and is subject to all easements,
32 restrictions, reservations and conditions of record, in any.
33 are, upon the conditions hereinafter set out, vacated.
34

35 **SECTION TWO:** 1312 LLC proposes to use vacated areas to consolidate property for
36 redevelopment.

37 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
38 the foregoing conditionally vacated alley and street, are reserved to the City of St. Louis for the

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1 public including present and future uses of utilities, governmental service entities and franchise
2 holders, except such rights as are specifically abandoned or released herein.

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

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

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

18 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
19 of a utility, governmental service entity or franchise holder by agreement in writing with such
20 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
21 undertaking of such removal.

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

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

7 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
8 Water facilities, if any.

9 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
10 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
11 be returned.

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

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

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