

**ORDINANCE #65343**  
**Board Bill No. 163**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on a 10 foot wide alley that begins at Primm and continues 915 feet in a northwestwardly direction through City Blocks 3138, 3107 and 3106 and terminates at I-55 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 10 feet wide, as directed by Plat Book 39, page 27, in Out Lot 2, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the northernmost corner of Lot 1 of "Parque Carondelet," according to the plat thereof recorded in Surveyors Record Book 14, page 23, being also a point in the southwest line of said alley, 10 feet wide; thence eastwardly along the north line of said alley, 10 feet wide, being also the eastward prolongation of the north line of said Lot 1, north 80 degrees 48 minutes 10 seconds east 11.47 feet to a point in the northeast line of said alley, 10 feet wide; thence southeastwardly and southwardly along the northeast and east lines of said alley, 10 feet wide, the following courses and distances: south 38 degrees 31 minutes 50 seconds east 60.91 feet, south 34 degrees 42 minutes 50 seconds east 150.77 feet, south 39 degrees 20 minutes 50 seconds east 20.22 feet, south 21 degrees 38 minutes 50 seconds east 163.71 feet, south 14 degrees 51 minutes 50 seconds east 71.62 feet, south 09 degrees 33 minutes 50 seconds east 85.57 feet, degrees 42 minutes 50 seconds east 150.77 feet, south 39 degrees 20 minutes 50 seconds east 20.22 feet, south 21 degrees 38 minutes 50 seconds east 163.71 feet, south 14 degrees 51 minutes 50 seconds east 71.62 feet, south 09 degrees 33 minutes 50 seconds east 85.57 feet, south 02 degrees 58 minutes 10 seconds west 59.12 feet, south 00 degrees 30 minutes 10 seconds west 63.06 feet, south 11 degrees 31 minutes 10 seconds west 83.25 feet, and south 21 degrees 08 minutes 10 seconds west 181.01 feet to a point in the northeast right-of-way line of Primm Street, 46.48 feet wide; thence northwestwardly along the northeast right-of-way line of said Primm Street, 46.48 feet wide, north 53 degrees 30 minutes 00 seconds west 10.37 feet to a point in the west line of said alley, 10 feet wide; thence northwardly and northwestwardly along the west and southwest lines of said alley, 10 feet wide, the following courses and distances: north 21 degrees 08 minutes 10 seconds east 177.42 feet, north 11 degrees 31 minutes 10 seconds east 81.44 feet, north 00 degrees 30 minutes 10 seconds east 62.31 feet, north 02 degrees 58 minutes 10 seconds east 58.24 feet, north 09 degrees 33 minutes 50 seconds west 84.01 feet, north 14 degrees 51 minutes 50 seconds west 70.57 feet, north 21 degrees 38 minutes 50 seconds west 161.56 feet, north 39 degrees 20 minutes 50 seconds west 19.07 feet, north 34 degrees 42 minutes 50 seconds west 150.84 feet, and north 38 degrees 31 minutes 50 seconds west 66.19 feet to the point of beginning and containing 9,354 square feet.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Vacated area will be used to consolidate property for Parque Carondelet Apartments.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, 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 alley 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 owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, govern-mental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

**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 and it in turn will remove said curbing or cobblestones at the current removal price.

**SECTION NINE:** This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

**SECTION TEN:** An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

**Approved: November 28, 2001**