

ORDINANCE #65392
Board Bill No. 212

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on 1) An irregular portion of Prescott from Pitzman to Morin; 2) 298 foot portion of Morin west of Prescott; 3) 384 foot portion of Campbell west of Prescott; 4) 20 foot wide north/south alley in City Block 3495 as bounded by Campbell, Prescott, Morin, and Broadway; and 5) 20 foot wide north/south alley in City Block 3480 beginning at Morin and extending southwardly 150.15 feet ± feet to a point in 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 a portion of Prescott Avenue, 80 feet wide, Morin Avenue, 60 feet wide, and Campbell Avenue, 60 feet wide, adjoining Blocks 3480, 3481, 3494, 3495, 3496, 3497, 3508 and 3511, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the eastern line of Prescott Avenue, 80 feet wide, with the southern line of Morin Avenue, 60 feet wide; thence south 55 degrees 58 minutes 17 seconds west 380.66 feet, along the southern line of Morin Avenue, to the eastern line of former Ouida Avenue, 60 feet wide, vacated by Ordinance 58147; thence north 34 degrees 01 minutes 43 seconds west 60.00 feet, to the northern line of Morin Avenue; thence south 55 degrees 58 minutes 17 seconds west 297.47 feet, along the northern line of said Morin Street, to the western line of said Prescott Avenue; thence north 36 degrees 58 minutes west 320.00 feet, along the western line of said Prescott Avenue, to the southern line of said Campbell Avenue; thence south 55 degrees 58 minutes 17 seconds west 387.16 feet, along the southern line of said Campbell Avenue; thence north 34 degrees 01 minutes 43 seconds west 60.00 feet, to the northern line of said Campbell Avenue; thence north 55 degrees 58 minutes 17 seconds east 384.08 feet, along the northern line of said Campbell Avenue, to the western line of Prescott Avenue; thence north 36 degrees 58 minutes west 320.66 feet, along the western line of said Prescott Avenue, to the southern line of Sweringen Avenue, 60 feet wide; thence north 55 degrees 54 minutes 28 seconds east 40.05 feet, along the eastern prolongation of the southern line of said Sweringen Avenue, to the centerline of said Prescott Avenue; thence north 36 degrees 58 minutes west 760.08 feet, along the centerline of said Prescott Avenue, to the eastern prolongation of the southern line of Pitzman Avenue, 60 feet wide; thence north 55 degrees 54 minutes east 40.05 feet along the eastern prolongation of the southern line of said Pitzman Avenue, to the eastern line of said Prescott Avenue; thence south 36 degrees 58 minutes east 1520.99 feet, along the eastern line of said Prescott Avenue, to the point of beginning and containing 132,350 square feet.

A tract of land being the north/south alley, 20.00 feet wide (slant), between Morin Avenue, 60 feet wide, and Campbell Avenue, 60 feet wide, in Block 3495, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the eastern line of said north/south alley, in said Block 3495, with the northern line of Morin Avenue, 60 feet wide, thence south 55 degrees 58 minutes 17 seconds west 20.00 feet, along the northern line of said Morin Avenue, to the western line of said alley; thence north 36 degrees 58 minutes west 320.00 feet, along the western line of said alley, to the southern line of said Campbell Avenue; thence north 55 degrees 58 minutes 17 seconds west 20.00 feet, along the southern line of said Campbell Avenue, to the eastern line of said alley; thence south 36 degrees 58 minutes east 320.00 feet, along the eastern line of said alley, to the northern line of said Morin Avenue and the point of beginning and containing 6,397 square feet.

A tract of land being the northern portion of the north/south alley, 20.00 feet wide, in Block 3480, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the point of intersection of the western line of said north/south alley, with the southern line of Morin Avenue, 60 feet wide, thence north 55 degrees 58 minutes 17 seconds east 20.03 feet, along the southern line of said Morin Avenue, to the eastern line of said alley; thence south 36 degrees 58 minutes east 105.31 feet, along the eastern line of said alley; thence westwardly 0.98 feet, along a curve to the left having a radius of 535.00 feet, the chord which bears south 74 degrees 20 minutes 11 seconds west 0.98 feet; thence south 55 degrees 58 minutes 17 seconds west 19.12 feet, to the western line of said alley; thence north 36 degrees 58 minutes west 105.00 feet, along the western line of said alley, to the southern line of said Morin Avenue and to the point of beginning and containing 2,100 square feet.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated areas will be consolidated for commercial development by Terminal Railroad Association and others.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys and streets, 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 alleys and streets 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, governmental 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 benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of 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 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: January 3, 2002