

ORDINANCE #65396
Board Bill No. 261

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on DeKalb from Cherokee to Potomac; Zepp from DeKalb to Second and the northernmost 70 foot ± 7 feet and the southernmost 44 foot ± 6.5 feet portions of the 15 foot wide north/south alley in City Block 1789 E-W as bounded by Cherokee, DeKalb, Zepp and Second 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 that part of DeKalb Street running southwestwardly from Cherokee Street to Potomac Street and that part of Zepp Street running southeastwardly from Second Street to DeKalb Street, and part of the 15 foot wide alley in City Block 1789W, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point on the southwestern line of Cherokee Street, 60 feet wide, at its intersection with the southeastern line of DeKalb Street, 60 feet wide, said point being the northern corner of City Block 1788, thence along said southeastern line, south 55 degrees 02 minutes 48 seconds west, 325.33 feet to a point on the northeastern line of Zepp Street, 60 feet wide; thence south 55 degrees 38 minutes 36 seconds west, 60.27 to the northern corner of City Block 1783; thence continuing along the southeastern line of DeKalb Street, south 55 degrees 08 minutes 03 seconds west, 324.92 feet to a point on the northeastern line of Potomac Street, 60 feet wide; thence along said northeastern line, north 39 degrees 52 minutes 25 seconds west, 60.23 feet to the southern corner of City Block 1782; thence along the northwestern line of DeKalb Street, north 55 degrees 09 minutes 00 seconds east, 325.17 feet to a point on the southwestern line of Zepp Street, as aforementioned; thence along said southwestern line, north 39 degrees 46 minutes 45 seconds west, 260.02 feet to a point on the southeastern line of Second Street, 60 feet wide; thence along said southeastern line, north 55 degrees 08 minutes 45 seconds east, 60.22 feet to the western corner of City Block 1789W; thence along the northeastern line of Zepp Street, south 39 degrees 46 minutes 45 seconds east, 122.50 feet to a point on the northwestern line of the 15 foot wide alley in said City Block 1789W; thence along said northwestern line, north 55 degrees 08 minutes 45 seconds east, 50.49 feet to a point; thence south 02 degrees 59 minutes 32 seconds west, 19.00 feet to a point on the southeastern line of said 15 foot wide alley; thence along said southeastern line, south 55 degrees 08 minutes 45 seconds west, 37.54 feet to a point on the northeastern line of Zepp Street, as aforementioned; thence along said northeastern line, south 39 degrees 46 minutes 45 seconds east, 122.94 feet to a point on the northwestern line of DeKalb Street, as aforementioned; thence along said northwestern line, north 55 degrees 02 minutes 48 seconds east, 325.19 feet to a point on the southwestern line of Cherokee Street, as aforementioned; thence along said southwestern line, south 39 degrees 46 minutes 45 seconds east, 60.23 feet to the point of beginning, containing 58,902 square feet or 1.352 acres more or less.

A tract of land being part of the 15 foot wide alley in City Block 1789E, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point on the southwestern line of Cherokee Street, 60 feet wide, at its intersection with the southeastern line of said 15 foot alley, said point being the northern corner of Lot 12 of Block 2 of Harney's Subdivision in St. Ange; thence along said southeastern line, south 55 degrees 02 minutes 48 seconds west, 77.19 feet to a point; thence north 05 degrees 10 minutes 24 seconds west, 17.28 feet to a point on the northwestern line of said 15 foot wide alley; thence along said northwestern line, north 55 degrees 02 minutes 48 seconds east, 67.34 feet to a point on the southwestern line of Cherokee Street, as aforementioned; thence along said southwestern line, south 39 degrees 46 minutes 45 seconds east, 15.05 feet to the point of beginning, containing 1,084 square feet or 0.025 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Sigma-Aldrich Corporation will consolidate the vacated areas for expansion of its campus by providing surface parking lots, green space and walking trails to connect its three production sites.

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 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: January 3, 2002