

ORDINANCE #65538
Board Bill No. 122
Committee Substitute

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on 1) the 15 foot wide east/west alley in City Block 1599 as bounded by Potomac, Grace, Gravois, and Giles; 2) an irregular portion of Gravois 5 feet ± 3 feet beginning at the 20 foot wide north/south alley in City Block 1599 and continuing 145 feet eastwardly to a point and adjacent to City Block 1599; 3) Grace from Gravois northwardly 170 feet ± 10 feet to a point; 4) most western 15 foot wide east/west alley in City Block 1594 as bounded by Potomac, Grand, Gravois, and Grace; and 5) the most southern 283 feet ± 5 feet of the 20 foot wide north/south alley in City Block 1594 as bounded by Potomac, Grand, Gravois, and Grace 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; and containing an emergency clause.

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 part of original Gravois Avenue; part of Grace Avenue, 60 feet wide; an east/west alley, 15 feet wide, and part of the north/south alley, 20 feet wide, in Block 1594; and the east/west alley, 15 feet wide, in Block 1599, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point in the east line of a north/south alley, 20 feet wide, being the northwest corner of Lot 8 in Block 1 of Robert W. Hunt's Addition, a subdivision according to the plat thereof recorded in Book G, page 47 of the St. Louis City Records; thence southwardly along the east line of said north/south alley, 20 feet wide, south 6 degrees 55 minutes 32 seconds west 276.71 feet to a point in the north right-of-way line of Gravois Avenue, varying width; thence westwardly along said north right-of-way line of Gravois Avenue, varying width, south 68 degrees 12 minutes 52 seconds west 22.80 feet to a point in the east line of Lot 36 in Block 1 of said Robert W. Hunt's Addition; thence northwardly along the east line of said Lot 36 north 6 degrees 55 minutes 32 seconds east 97.71 feet to the northeast corner thereof, being also a point in the south line of an east/west alley, 15 feet wide; thence westwardly along the south line of said east/west alley, 15 feet wide, north 82 degrees 57 minutes 20 seconds west 140.00 feet to the northwest corner of Lot 39 in Block 1 of said Robert W. Hunt's Addition, being also a point in the east right-of-way line of Grace Avenue, 60 feet wide; thence southwardly along the west line of said Lot 39, being also said east line of Grace Avenue, 60 feet wide, south 6 degrees 55 minutes 32 seconds west 141.13 feet to the southwest corner of said Lot 39; thence eastwardly along the south line of said Lot 39 north 81 degrees 52 minutes 16 seconds east 14.14 feet to a point in the north right-of-way line of Gravois Avenue, 80 feet wide, as established for Ordinance No. 23356 by a survey dated November 1, 1908 to January 31, 1909 by John M. Myers, Engineer; thence westwardly along said north right-of-way line of Gravois Avenue, 80 feet wide, south 79 degrees 50 minutes 32 seconds west 223.52 feet to a point in the east line of a north/south alley, 20 feet wide, being also a point in the southward prolongation of the west line of Lot 4 in Block 6 of said Robert W. Hunt's Addition; thence northwardly along the east line of said north/south alley, 20 feet wide, and the southward prolongation of the west line of said Lot 4 north 6 degrees 55 minutes 32 seconds east 8.20 feet to the southwest corner of said Lot 4; thence eastwardly along the south line of said Lot 4, and the south line of Lots 3, 2 and 1 in Block 6 of said Robert W. Hunt's Addition north 81 degrees 52 minutes 16 seconds east 144.98 feet to the southeast corner of said Lot 1, being also a point in the west right-of-way line of aforesaid Grace Avenue, 60 feet wide; thence northwardly along said west right-of-way of Grace Avenue, 60 feet wide, being also the east line of said Lot 1, north 6 degrees 55 minutes 32 seconds east 132.39 feet to the northeast corner of said Lot 1, being also a point in the south line of an east/west alley, 15 feet wide; thence westwardly along the south line of said east/west alley, 15 feet wide, north 82 degrees 57 minutes 20 seconds west 140.00 feet to the northwest corner of aforesaid Lot 4 in Block 6 of Robert W. Hunt's Addition, being also a point in the east line of aforesaid north/south alley, 20 feet wide; thence northwardly along the east line of said north/south alley, 20 feet wide, north 6 degrees 55 minutes 32 seconds east 15.00 feet to a point being the southwest corner of Lot 5 in Block 6 of said Robert W. Hunt's Addition; thence eastwardly along the south line of said Lot 5 south 82 degrees 57 minutes 20 seconds east 140.00 feet to a point in the aforesaid west right-of-way line of Grace Avenue, 60 feet wide; thence northwardly along said west right-of-way line of Grace Avenue, 60 feet wide, north 6 degrees 55 minutes 32 seconds east 30.00 feet to a point; thence south 82 degrees 57 minutes 20 seconds east 60.00 feet to a point in the east right-of-way line of said Grace Avenue, 60 feet wide; thence southwardly along said east right-of-way line of Grace Avenue, 60 feet wide, south 6 degrees 55 minutes 32 seconds west 5.00 feet to a point being the southwest corner of Lot 35 in Block 1 of said Robert W.

Hunt's Addition, being also a point in the north line of aforesaid east/west alley, 15 feet wide; thence eastwardly along the north line of said east/west alley, 15 feet wide, being also the south line of said Lot 35, south 82 degrees 57 minutes 20 seconds east 140.00 feet to the southeast corner of said Lot 35, being also a point in the west line of aforesaid north/south alley, 20 feet wide; thence northwardly along the west line of said north/south alley, 20 feet wide, north 6 degrees 55 minutes 32 seconds east 175.00 feet to a point being the northeast corner of Lot 29 in Block 1 of said Robert W. Hunt's Addition, thence south 82 degrees 57 minutes 20 seconds east 20.00 feet to the point of beginning and containing 0.479 acres.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated area will be used to construct a Walgreens. The following utility companies have requested easements: Laclede Gas, Southwestern Bell and Charter Communications.

Ameren UE has no objection to the vacation of said alley, once new easements to cover its existing/future facilities have been secured.

All fire hydrant water sources are to remain. Any hydrants that must be moved shall be relocated in a manner suitable to the Fire Division and Water Division.

There will be a \$750 charge to permanently remove one (1) street lighting standard and four (4) alley lighting fixtures.

The Metropolitan St. Louis Sewer District (MSD) has public sewers in Grace Avenue and in the most western 15 feet wide east/west alley in City Block 1594 and the most southern 283 feet of the 20 feet wide north/south alley in City Block 1594. MSD will therefore require that easements with working room be reserved to protect its facilities in these locations. When the Walgreens project has construction approval, the District staff will recommend to the Board of Trustees that the easement reserved in Grace Avenue be vacated except for that portion over new public sewers.

The Water Division has a 6" main in Grace in the area of the proposed vacation. The Water Division will require the developer to pay the costs related to the Water Division capping out and abandoning the water main and relocating the fire hydrant in the portion of Grace proposed to be vacated.

SECTION THREE: Until such time as all of the existing easements in favor of utilities, governmental service entities and franchise holders within the area described in Section One of this ordinance are relocated and/or vacated, 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 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.

SECTION ELEVEN: Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: June 28, 2002