

ORDINANCE #65658
Board Bill No. 234

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on Evans Avenue from Dr. Martin Luther King Drive to Spring Avenue and the 15 foot wide "T"-shaped alley in City Block 1862 as bounded by Evans, Grand, Page and Spring 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 part of Evans Avenue, 60 feet wide, bounded by Dr. Martin Luther King Drive, 80 feet wide, on the east, Spring Avenue, 56 feet wide, on the west, City Block 1864 to the north and City Block 1862 to the south, said city blocks also being Blocks 4 and 5 of Daniel D. Page's Western Addition as shown on the plat thereof recorded in Plat Book 4, page 32 of the City of St. Louis Records, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at an iron pipe marking the northeasterly corner of Lot 45 in Block 4 of Daniel D. Page's Western Addition as shown on the plat thereof recorded in Plat Book 4, page 32 of the City of St. Louis Records; thence north 60 degrees 56 minutes 40 seconds west, along the northerly line of said Block 4 of said subdivision, a distance of 584.42 feet, to the northwesterly corner of Lot 1 in said Block 4 of said subdivision; thence north 29 degrees 00 minutes 14 seconds east, a distance of 60.00 feet to the southwesterly corner of Lot 1 in Block 5 of said subdivision; thence south 60 degrees 56 minutes 40 seconds east, along the southerly line of said Block 5 of said subdivision, a distance of 458.32 feet to a point in the southerly line of Lot 13 in said Block 5 of said subdivision; thence north 29 degrees 42 minutes 02 seconds east, a distance of 10.18 feet to a point in the northerly line of said Lot 13 in said Block 5 of said subdivision; thence south 35 degrees 00 minutes 51 seconds east, along the southeasterly prolongation of the northerly line of said Lot 13 in said Block 5 of said subdivision, a distance of 139.19 feet to a point; thence south 23 degrees 46 minutes 58 seconds west, along the northeasterly prolongation of the easterly line of said Lot 45 in said Block 4 of said subdivision, a distance of 9.35 feet, to the point of beginning; containing 0.75 acres more or less.

A tract of land being a 15 feet wide alley located in City Block 1862, said city block also being Block 4 of Daniel D. Page's Western Addition as shown on the plat thereof recorded in Plat Book 4, page 32 of the City of St. Louis Records, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the southwesterly corner of Lot 1 in said Block 4 of said subdivision; thence south 60 degrees 55 minutes 07 seconds east, along the northerly line of said alley, a distance of 449.81 feet to a point; thence north 71 degrees 26 minutes 13 seconds east, a distance of 13.47 feet to a point in the easterly line of Lot 18 in said Block 4 of said subdivision; thence south 23 degrees 47 minutes 33 seconds west, a distance of 35.06 feet to a point in the easterly line of Lot 19 in said Block 4 of said subdivision, thence north 18 degrees 33 minutes 47 seconds west, a distance of 14.78 feet to a point; thence north 60 degrees 55 minutes 07 seconds west, along the southerly line of said alley, a distance of 451.18 feet to a point in the westerly line of Lot 36 in said Block 4 of said subdivision; thence north 29 degrees 00 minutes 14 seconds east, a distance of 15.00 feet to the point of beginning; containing 0.16 acres more or less.

A tract of land being a 15 feet wide alley located in City Block 1862, said city block also being Block 4 of Daniel D. Page's Western Addition as shown on the plat thereof recorded in Plat Book 4, page 32 of the City of St. Louis Records, of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the northwesterly corner of Lot 45 in said Block 4 of said subdivision; thence south 23 degrees 47 minutes 33 seconds west, along the westerly line of Lots 37 through 45

in said Block 4 of said subdivision, a distance of 242.24 feet to the southwesterly corner of said Lot 37 in said Block 4 of said subdivision; thence north 60 degrees 53 minutes 33 seconds west, along the southerly line of said Block 4 of said subdivision, a distance of 15.06 feet to the southeasterly corner of said Lot 19 in said Block 4 of said subdivision; thence north 23 degrees 47 minutes 33 seconds east, along the easterly line of Lots 18 and 19 in said Block 4 of said subdivision, a distance of 242.23 feet to the northeasterly corner of said Lot 18 in said Block 4 of said subdivision; thence south 60 degrees 56 minutes 40 seconds east, along the northerly line of said Block 4 of said subdivision, a distance of 15.06 feet to the point of beginning; containing 0.08 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Page Partners, L.L.C. plans to consolidate/re-develop vacated areas into retail/parking.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated street and alleys, 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 street and alleys 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: October 18, 2002