

ORDINANCE #65770
Board Bill No. 305

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on a 15 foot wide north/south alley and the remaining portion of the 15 foot wide east/west alley in City Block 3990-N same bounded by Kentucky, Vandeventer, Missouri Pacific Railroad and Wittenberg 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 comprised of a north/south alley, 15 feet wide, and a east/west alley, 15 feet wide, located in Wittenberg's Subdivision as recorded in a Plat of Survey recorded August 25, 1920, as Daily No. 144, of the City of St. Louis Records, and also being in City Block 3990-N of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a found 6 inch x 4 inch old stone at the northwest corner of Lot 29 of said Wittenberg's Subdivision, said point is also at the intersection of the south line of Kentucky Avenue, 40 feet wide, with the east line of a north/south alley, 15 feet wide; thence along the west line of said Lot 29 and along the east line of said north/south alley, south 51 degrees 26 minutes 45 seconds west a distance of 123.27 feet by record, a distance of 123.47 feet by survey, to a point on the north line of the east/west alley; thence leaving said line and along the north line of said east/west alley, 15 feet wide, south 6 degrees 26 minutes 29 seconds east a distance of 7.07 feet to an angle point; thence continuing along the north line of said east/west alley and also along the south line of Lots 29, 28, 27, 26, 25, 24 and 23 of Wittenberg's Subdivision, south 38 degrees 33 minutes 48 seconds east a distance of 170.00 feet by record and survey, to the southwest corner of Lot 23 of Wittenberg's Subdivision and also to the west line of an alley, 15 feet wide, vacated by Ordinance No. 38347 of the City of St. Louis; thence leaving said line along the west line of said vacated alley, south 51 degrees 26 minutes 45 seconds west a distance of 15.00 feet to the northeast corner of Lot 17 of Wittenberg's Subdivision and to the south line of said east/west alley; thence along the north line of Lots 17, 16, 15, 14, 13, 12, 11 of Wittenberg's Subdivision and along the south line of said east/west alley, north 38 degrees 33 minutes 48 seconds west a distance of 170.00 feet by record and survey, to an angle point; thence continuing along the south line of said east/west alley, south 83 degrees 33 minutes 32 seconds west a distance of 7.07 feet to the northwest corner of Lot 11 of Wittenberg's Subdivision, and also to the east line of north/south alley, 15 feet wide; thence along the east line of said north/south alley and along the west line of Lot 11, south 51 degrees 26 minutes 45 seconds west a distance of 123.00 feet by record and survey, to the southwest corner of Lot 11 and also to the north line of Wittenberg Avenue, 30 feet wide; thence along the north line of said Wittenberg Avenue, north 38 degrees 33 minutes 48 seconds west a distance of 15.00 feet to the southeast corner of Lot 10 of Wittenberg's Subdivision and also to the west line of said north/south alley; thence along the west line of said north/south alley, north 51 degrees 26 minutes 45 seconds east a distance of 271.23 feet by record, a distance of 271.42 feet by survey, to the northeast corner of Lot A of Wittenberg's Subdivision of Lots 1 thru 4 as re- corded in Survey Record Book 9 page 124 of the City of St. Louis Records, and also to the south line of Kentucky Avenue, 40 feet wide; thence along the south line of said Kentucky Avenue, south 38 degrees 46 minutes 15 seconds east a distance of 15.00 feet to the northwest corner of Lot 29 of Wittenberg's Subdivision and the point of beginning containing 0.154 acre, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: National Recycling Inc. will use these public unimproved alleys to correct property ownership boundaries.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated 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 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: December 24, 2002