

ORDINANCE #66003
Board Bill No. 140

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on an irregular width north/south alley and a 435 foot ± 10 foot portion of an irregular shaped east/west alley in City Block 3761 as bounded by McMillan, Taylor, Enright, Walton, and Kensington Place 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 an alley, 15 feet wide, in City Block 3761-N being adjacent to Lewis and Marshall's Subdivision and Belle Avenue Addition of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at intersection of the southeasterly line of land now or formerly of Hopewell Missionary Baptist Church as recorded in Daily Number 128, 10/31/80, with the southwesterly line of McMillan Avenue, 60 feet wide; thence along said southwesterly line south 60 degrees 50 minutes 36 seconds east, 15.00 feet to the northwesterly line of land now or formerly of Hopewell Missionary Baptist Church as recorded in Deed Book M250, page 1048, also being the northwesterly line of an alley vacated by Ordinance 43005; thence along said northwesterly line and the northeasterly line of said Hopewell Missionary Baptist Church property the following courses and distances: south 29 degrees 09 minutes 54 seconds west, 80.00 feet; south 60 degrees 50 minutes 06 seconds east, 3.00 feet; south 29 degrees 09 minutes 54 seconds west, 39.25 feet; south 15 degrees 50 minutes 36 seconds east, 15.20 feet; south 29 degrees 09 minutes 54 seconds west, 15.00 feet and north 60 degrees 50 minutes 36 seconds west, 261.44 feet to the easterly line of land now or formerly of Hopewell Missionary Baptist Church as recorded in Daily Number 128, 10/31/80; thence along said easterly line and the northerly line of said Hopewell Missionary Baptist Church property the following courses and distances: north 06 degrees 34 minutes 03 seconds east, 44.74 feet and north 83 degrees 42 minutes 36 seconds west, 53.75 feet to the northeast corner of land now or formerly of the Land Reutilization Authority as recorded in Daily Number 41, 03/05/76; thence along the northeasterly prolongation of the easterly line of said Land Reutilization Authority property, north 06 degrees 34 minutes 03 seconds east, 15.00 feet to the southerly line of land now or formerly of Hopewell Missionary Baptist Church as recorded in Deed Book M1453, page 2024, St. Louis City Records; thence along said southerly line and the southerly line of Hopewell Missionary Baptist Church as recorded in Deed Book M1727, page 2612, Deed Book M1453, page 2024, Deed Book M407, page 1437 and Daily Number 128, 10/31/80 the following courses and distances: south 83 degrees 42 minutes 36 seconds east, 60.25 feet; south 38 degrees 34 minutes 17 seconds east, 11.99 feet; south 06 degrees 34 minutes 03 seconds west, 32.81 feet; south 27 degrees 08 minutes 17 seconds east, 14.14 feet and south 60 degrees 50 minutes 36 seconds east, 214.19 feet to the aforementioned southeasterly line of Hopewell Missionary Baptist Church; thence north 29 degrees 09 minutes 54 seconds east, 130.00 feet to the point of beginning and containing 7,630 square feet or 0.18 acres.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Hopewell Missionary Baptist Church will construct an apartment building with parking on area to be vacated.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley, 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 alley 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: July 29, 2003