

ORDINANCE #55254
Board Bill No. 142

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on the 20 foot wide north/south alley and \approx 57 feet of the most western part of the 15 foot wide east/west alley in City Block 4699-N as bounded by Loughborough, Salzburger, Quincy and Gravois 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 a 20 foot wide alley and part of a 15 foot wide alley established according to the plat of "Gravois Homesites No. 2," a subdivision recorded in Plat Book 20, page 130, of the City of St. Louis Records, situated in City Block 4669-N of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at a point on the eastern right-of-way line of Gravois Avenue, 80 feet wide, at its intersection with the northeastern right-of-way line of Quincy Street, 50 feet wide; thence southeasterly, along the northeastern right-of-way line thereof, south 37 degrees 39 minutes 40 seconds east 124.96 feet to the point of beginning of the tract of land herein described; thence northeasterly, along the southwestern line of an alley, 20 feet wide, north 39 degrees 48 minutes 50 seconds east 280.11 feet to its intersection with a point on the southwestern right-of-way line of Loughborough Avenue, 60 feet wide; thence southeasterly, along the southwestern right-of-way line thereof, south 54 degrees 57 minutes 40 seconds east 20.07 feet to a point; thence southwesterly, along the northeastern line of said alley, south 39 degrees 48 minutes 50 seconds west 127.68 feet to a point; thence south 03 degrees 09 minutes 20 seconds east 10.98 feet to a point on the northeastern line of an alley, 15 feet wide; thence south-easterly, along the northeastern line thereof, south 46 degrees 07 minutes 30 seconds east 58.03 feet to the southwestern corner of property conveyed to James W. Curtis and Linda M. Curtis, his wife, by deed recorded in Deed Book M1152, page 283, of the St. Louis City Records; thence south 43 degrees 52 minutes 30 seconds west 15.00 feet to its intersection with a point on the southwestern line of said alley, 15 feet wide; thence northwesterly, along the southwestern line of said alley, 15 feet wide, north 46 degrees 07 minutes 30 seconds west 56.97 feet to a point; thence south 86 degrees 50 minutes 40 seconds west 10.22 feet to a point on the northeastern line of the aforementioned alley, 20 feet wide; thence southwesterly, along the northeastern line thereof, south 39 degrees 48 minutes 50 seconds west 128.50 feet to its intersection with a point on the northeastern right-of-way line of Quincy Street, as aforementioned; thence northwesterly, along the northeastern right-of-way line thereof, north 37 degrees 39 minutes 40 seconds west 20.49 feet to the point of beginning, containing 6,694 square feet (0.154 acres, more or less).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Quik Trip will construct a new store and gas facility. A new 20 foot wide north/south alley will be constructed as approved by the Board of Public Service and the same will be approved by the Board of Public Service for dedication and same recorded. This is being done to continue ingress/egress to remaining east/west alley.

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 730 days (2 years) 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: May 6, 2004