

ORDINANCE #66265
Board Bill No. 442

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel on 1) the southern 21.5 feet of St. Charles between 4th and Broadway; 2) Locust between 4th and Broadway; 3) eastern 24.75 feet of Broadway from 21.5 feet north of the right-of-way line of St. Charles southwardly 473.28 feet to a point and 4) western 24.25 feet of 4th from 21.5 feet north of the right-of-way line of St. Charles southwardly 358.17 feet to a point 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, amending Ordinance 66034, approved October 22, 2003 by repealing Sections ONE, THREE, FOUR, FIVE SIX, SEVEN and NINE and enacting in lieu thereof new sections relating to the same subject matter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Sections One, Three, Four, Five, Six, Seven and Nine of Ordinance 66034 are hereby repealed and enacted in lieu thereof are the following Sections.

SECTION TWO. Section One. The public surface rights of vehicle, equestrian and pedestrian travel, and all subsurface rights, between the rights-of-way of:

A tract of land being the eastern part of Broadway, 80 feet wide, the southern part of St. Charles Street, 50 feet wide, the western part of 4th Street, 80 feet wide, and Locust Street, 60 feet wide, adjoining Block 98 and 99 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning southwestern corner of Block 98, being the point of intersection of the northern line of Locust Street, 60 feet wide, and the eastern line of Broadway, 80 feet wide; thence along the eastern line of Broadway, also being the western line of said Block 98 north 17 degrees 36 minutes 13 seconds east 292.71 feet to the southern line of St. Charles Street, 50 feet wide; thence along last said southern line, also being the northern line of the above said Block 98, south 75 degrees 14 minutes 29 seconds east 270.30 feet to the western line of 4th Street, 80 feet wide; thence along last said western line, also being the eastern line of the above said Block 98, south 17 degrees 39 minutes 28 seconds west 306.90 feet to a point on the northern line of Locust Street, 60 feet wide; thence along last said northern line, also being the southern line of the above said Block 98, north 72 degrees 13 minutes 56 seconds west 269.68 feet to the eastern line of Broadway; thence along the prolongation southwardly of the eastern line of Broadway south 17 degrees 36 minutes 13 seconds west 60.00 feet to the northwestern corner of Block 99; thence along the western line of said Block 99, also being the eastern line of Broadway, 80 feet wide, south 17 degrees 42 minutes 14 seconds west 114.58 feet to the southwestern corner of a tract of land conveyed to The Federal Reserve Bank of St. Louis; thence leaving last said western line north 72 degrees 17 minutes 46 seconds west 24.55 feet to a point in Broadway; thence north 17 degrees 36 minutes 13 seconds east and parallel to the western line of said Block 98 a distance of 473.28 feet to a point of curvature; thence northeastwardly along a curve to the right whose radius point bears south 72 degrees 23 minutes 47 seconds east 15.00 feet an arc length of 22.82 feet to a point in St. Charles Street, 50 feet wide; thence south 75 degrees 14 minutes 29 seconds east 273.44 feet to a point of curvature; thence southeastwardly along a curve to the right whose radius point bears south 14 degrees 45 minutes 31 seconds west 30.00 feet an arc length of 48.62 feet to a point on 4th Street, 80 feet wide; thence south 17 degrees 36 minutes 35 seconds west 358.17 feet to a point on the direct prolongation eastwardly of the north line of said Block 99; thence along last said prolongation line, and along the northern line of Block 99, also being the southern line of Locust Street, 60 feet wide, north 72 degrees 13 minutes 56 seconds west 294.07 feet to the northwest corner of said Block 99; thence north 17 degrees 36 minutes 13 seconds east along the prolongation southwardly of the eastern line of Broadway, a distance of 60.00 feet to the southwestern corner of said Block 98 and the point of beginning, containing 124,143 square feet or 0.993 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION THREE. Section Three. All rights of the public in the land bearing rights-of-way traversed by the foregoing vacated streets are abandoned and released by the City of St. Louis on behalf of the public, including all uses of the utilities, governmental service entities and franchise holders, except such rights as are specifically reserved herein.

SECTION FOUR. Section Four. The owners of the land may, at their election and expense remove the surface pavement of said so vacated streets provided however, all utilities within the rights-of-way shall not be disturbed or impaired, except as may be agreed in writing between the utility and the owner.

SECTION FIVE. Section Five. The City, utilities, governmental service entities 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 of existing facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required, and having the obligation to restore the owner's interests and improvements to their condition at the time such maintenance was begun.

SECTION SIX. Section Six. The owner shall not place any improvement upon, over or in the land traversed by the rights-of-way that are inconsistent with the nature of the business and operations of the Owner, except with the prior written approval of the Board of Public Service.

SECTION SEVEN. 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.

Approved: May 6, 2004