ORDINANCE #66457
Board Bill No. 224

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 15 foot wide north/south alley and the westernmost 60 foot of the 15 foot wide east/west alley in City Block 5266 as bounded by Fairview, Maury, Potomac and Kingshighway in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section l4 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 15 foot wide north-south alley and part of a 15 foot wide east-west alley in Block 3 of "Subdivision of Part of Lots 1, 2, and 3 and Lots 9 and 10 in Block B and Lots 22, 23, and 24 in Block F of James Russell's Estate" according to the plat thereof recorded in Plat Book 16, Page 145 of the St. Louis City Records, situated in City Block 5266 of the City of St. Louis, Missouri, being more particularly described as follows:

Commencing at a point on the eastern line of South Kingshighway Boulevard, 100 feet wide, at its intersection with a point on the southern line of Fairview Avenue, 60 feet wide; thence southeasterly along the southern line of said Fairview Avenue south 82 degrees 12 minutes 55 seconds east 124.89 feet to the western line of a north-south alley, 15 feet wide, being the point of beginning of the tract of land hereon described; thence southeasterly, continuing along the southern line of said Fairview Avenue south 82 degrees 12 minutes 55 seconds east 15.00 feet the the northeastern corner of the aforementioned north-south alley, 15 feet wide; thence southwesterly, along the eastern line of said north-south alley south 08 degrees 54 minutes 50 seconds west 129.87 feet to a point; thence south 36 degrees 39 minutes 03 seconds east 7.00 feet to a point on the northern line of as east-west alley 15 feet wide; thence southeasterly along the northern line of said east-west alley south 82 degrees 12 minutes 55 seconds east 54.95 feet to its intersection with the northerly prolongation of the western line of property conveyed to Binney E. Adams and Marilyn Adams, husband and wife, by deed recorded in Deed Book 142M, Page 1230, of the St. Louis City Records; thence southwesterly along the northerly prolongation thereof, south 08 degrees 54 minutes 35 seconds west 15.00 feet to the northwestern corner of property conveyed to Binney E. Adams and Marilyn Adams, husband and wife, as aforementioned; thence northwesterly along the southern line of said east-west alley, 15 feet wide, north 82 degrees 12 minutes 55 seconds west 54.95 feet to a point; thence south 53 degrees 20 minutes 57 seconds west 7.14 feet to a point; thence southwesterly, along the eastern line of the aforementioned north-south alley, 15 feet wide, south 08 degrees 54 minutes 50 seconds west 129.87 feet to its intersection with a point on the northern line of Potomac Street, 60 feet wide; thence northwesterly along the northern line thereof north 82 degrees 12 minutes 55 seconds west 15.00 feet to a point; thence northeasterly along the western line of said north-south alley north 08 degrees 54 minutes 50 seconds east 284.74 feet to the point of beginning containing 5,195 square feet (0.119 acres, more or less).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: QuikTrip Corporation will use vacated area to construct a new QuikTrip. A new north/south alley will be constructed as approved by Board of Public Service with access to Fairview. Once construction is completed, petitioner will submit request to the Board of Public Service to dedicate same.

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 owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental service entities and franchise holders, present or future. The written consent with the terms and conditions thereof shall be filed in writing with the Board of Public Service by each of the above agencies as needed and approved by such Board prior to construction.

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. Owner(s) must have curbing cobblestones returned to the Department of Streets in good condition.

SECTION NINE: This ordinance shall be ineffective unless within three hundred sixty (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed three (3) days prior to the affidavit submittal date as specified in the last section of this ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be deposited by these agencies with the Comptroller of the City of St. Louis.

1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of Water facilities, if any.

2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be returned.

3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments of the City's alley(s), sidewalk(s) and street(s) as effected by the vacated area(s) as specified in Sections Two and Eight of the Ordinance.

SECTION TEN: An affidavit stating that all of the conditions be submitted to the Director of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Approved: November 5, 2004