ORDINANCE #66468
Board Bill No.246

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Sullivan from 23rd St. to 25th St. and the 15 foot wide east/west alley in City Block 1087-N as bounded by Sullivan, 23rd, Dodier and 25th 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 all of City Block 1087-N and the south part of City Block 1088 of the City of St. Louis and all of vacated Sullivan Street, 60 feet wide and all of a vacated alley, 15 feet wide contained within City Block 1087-N of the City of St. Louis, Missouri, and being more particularly described as follows:

> Beginning at the southeast corner of City Block 1087-N, said point is also at the intersection of the west line of 23rd Street, 60 feet wide with the north line of Dodier Street, 50 feet; thence along the south line of City Block 1087-N and along the north line of said Dodier Street north 75 degrees 05 minutes 35 seconds west a distance of 500.67 by survey, to the southwest corner of City Block 1087-N and to the intersection of the east line of 25th Street, 60 feet wide, with the north line of Dodier Street, 50 feet wide; thence along the west line of City Block 1087-N and City Block 1088 and their north prolongation north 15 degrees 08 minutes 55 seconds east a distance of 436.76 by survey, to the south line of an alley, 20 feet wide and to the northwest corner of Lot 1 in Block 23 of Union Addition in City Block 1088; thence along the north line of Lots 1 through 10 and along the south line of said alley, 20 feet wide, south 75 degrees 12 minutes 12 seconds east a distance of 500.16 by survey, to the northeast corner of Lot 10 and also to the west line of 23rd Street, 60 feet wide; thence along the east line of said Lot 10 and along the east line of City Block 1088 south 15 degrees 06 minutes 00 seconds west a distance of 144.95 feet by survey, to the southeast corner of said Lot 10; thence continuing along the north prolongation of City Block 1087-N south 15 degrees 04 minutes 18 seconds west a distance of 292.77 feet by survey, to the southeast corner of City Block 1087-N and also to the intersection of the west line 23rd Street, 60 feet wide, with the north line of Dodier Street, 50 feet wide and also to the point of beginning containing 5.02 acres, more or less, according to a survey performed by T.L. Consultants in March 2004.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated areas will be used to accommodate the construction of an elderly multi-family residential apartment community.

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