ORDINANCE #67171
Board Bill No. 127

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the western 160 feet of the southernmost 20 foot wide north/south alley in City Block 1253 as bounded by Carroll, Grattan (now known as Truman Parkway), Lafayette and Dolman (in conjunction with Near Southside Redevelopment) 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 twenty (20) foot wide alley in Block 5 of the Fourth City Commons Subdivision being also in Block #1253 of the City of St. Louis Records, City of St. Louis, Missouri, said alley is described as follows:

> Beginning at the southeastern corner of Lot 11, in Block 5 of the Fourth City Commons Subdivision where said corner intersects the eastern line of Dolman Street (60 feet wide), and also being the northern line of a 20 foot wide alley; thence around the alley the following courses and distances, south 54 degrees 26 minutes 36 seconds east, 125.00 along the line common to the aforesaid alley and Lot 11 to the southeastern corner of Lot 11; thence north 35 degrees 42 minutes 14 seconds east, 51.00 feet along said alley to a point in the western line of Lot 12; thence south 54 degrees 26 minutes 36 seconds east, 20.00 feet crossing over said alley to a point in the western line of Lot 29, said point being 9.00 feet southwestwardly along the eastern line of said alley from the northwestern corner of said Lot 29; thence south 35 degrees 42 minutes 14 seconds west, 51.00 feet along the alley to the southwestern corner of Lot 30; thence south 54 degrees 26 minutes 36 degrees east, 15.18 feet along said alley and also being the southern line of Lot 30; thence south 35 degrees 42 minutes 14 seconds west, 20.00 feet crossing over said alley to a point in the northern line of Lot 4; thence north 54 degrees 26 minutes 36 seconds west, 160.13 feet along the southern line of said alley, and also being the northern line of Lots 4 through 10 inclusive to the western line of Dolman Street, and also being the northwestern corner of Lot 10; thence north 35 degrees 33 minutes 24 seconds east, 20.00 feet along the western line of Dolman Street to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioner is Zumwalt Corp. (Note: petitions not obtained for the portion of Truman Parkway that is on private property that abuts the alley). Vacated area will be used to provide a private drive and increase security for Zumwalt Corp. located at 1617 Lafayette.

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 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: July 18, 2006