ORDINANCE #67231
Board Bill No. 150

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1. A 25‘ wide north/south alley in City block 1740 bounded by Salisbury, N. Florissant, Mallinckrodt and 22nd. 2. Mallinckrodt from N. Florissant west 130.20’ to alley in City Block 1740. 3. Destrehan from 23rd to 22nd. 4. Destrehan from N. Florissant west to alley in City Block 1741. 5. Destrehan from 22nd east to alley in City Block 1741 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 portion of an alley (25’ W.) located in Township 45 North, Range 7 east, City of St. Louis, Missouri, City block 1740 and being more particularly described as follows:

> Commencing at the intersection of the west right-of-way line of N. Florissant (60’W.) Avenue and the north right-of-way line of Mallinckrodt (60’W.) Street; thence along the north right-of-way line of Mallinckrodt (60’W.) Street south 68 degrees, 35 minutes, 49 seconds west a distance of 130.20 feet to a point in the east right-of-way line of an alley (25’W.) said point being the Point of Beginning of the herein described tract; thence continuing along the north right-of-way line of Mallinckrodt (60’W.) Street south 68 degrees, 35 minutes, 49 seconds west a distance of 25.00 feet to a point; thence leaving said north right-of-way line of Mallinckrodt (60’W) Street and along the west line of an alley (25’W.) north 21 degrees, 12 minutes, 04 seconds west a distance of 119.83 feet to a point in the south line of an alley (15’W.); thence along said alley (15’W) north 68 degrees, 36 minutes, 36 seconds east a distance of 25.00 feet to a point in the east line of the aforementioned alley (25’W.); thence leaving said alley (15’W) south 21 degrees, 12 minutes, 04 seconds east a distance of 119.82 feet to a point in the north right-of-way line of Mallinckrodt (60’W.) Street said point being the Point of Beginning with said tract containing 2,995 square feet, or 0.068 acres, and being subject to deeds, easements, and restrictions of record.

A tract of land being a portion of Mallinckrodt (60’W) Street located in Township 45 North, Range 7 east, City of St. Louis, Missouri, City Blocks 1740 and 1741 and being more particularly described as follows:

> Beginning at the intersection of the south right-of-way line of Mallinckrodt (60’W) Street and the west right-of-way line of N. Florissant (60’W) Avenue; thence along the south right-of-way line of Mallinckrodt (60’W) Street, south 68 degrees, 35 minutes, 49 seconds west a distance 130.20 feet to the southwest intersection of Mallinckrodt (60’W) Street and an alley (25’W); thence leaving the south right-of-way line of Mallinckrodt (60’W) Street north 21 degrees, 12 minutes, 04 seconds west a distance of 60.00 feet to a point being in the north right-of-way line of Mallinckrodt (60’W) Street; thence along said north right-of-way line of Mallinckrodt (60’W) Street north 68 degrees, 35 minutes, 49 seconds east a distance of 130.20 feet to a point of being in the west right-of-way line of N. Florissant (60’W) Avenue; thence along the west right-of-way line of N. Florissant (60’W) Avenue south 21 degrees, 12 minutes, 04 seconds east a distance of 60.00 feet to the point of beginning and containing 7,812 square feet, or 0.179 acres, and being subject to deeds, easements and restrictions of record.

A tract of land being a portion of Destrehan (Variable Width) Street located in Township 45 North, Range 7 east, City of St. Louis, Missouri, City Block 1742 and being more particularly described as follows:

> Beginning at the intersection of the east right-of-way line of 23rd (50’W) Street and the north right-of-way line of Palm (100W) Street; thence along the east right-of-way line of said 23rd (50’W) Street north 21 degrees, 02 minutes, 30 seconds west a distance of 45.63 feet to a point; thence leaving said east right-of-way line of 23rd (50’W) Street and along

the north right-of-way line of Destrehan (Variable Width) Street north 68 degrees, 35 minutes, 49 seconds east a distance of 51.35 feet to a point; thence continuing along the north right-of-way line of said Destrehan (Variable Width) Street north 47 degrees, 58 minutes, 34 seconds east a distance of 32.30 feet to a point; thence continuing along said north right-of-way line of Destrehan (Variable Width) Street north 59 degrees, 49 minutes, 43 seconds east a distance of 49.44 feet to a point in the east right-of-way line of 22nd (50'W) Street; thence leaving said north right-of-way line of Destrehan (Variable Width) Street and along the west right-of-way line of said 22nd (50'W.) Street south 21 degrees, 10 minutes, 25 seconds east a distance of 59.85 feet to a point; thence leaving said west right-of-way line of said 22nd (50'W) Street and along the south right-of-way line of Destrehan (Variable Width) Street south 58 degrees, 58 minutes, 06 seconds west a distance of 33.34 feet to a point; thence continuing along said south right-of-way line of Destrehan (Variable Width) Street south 47 degrees, 38 minutes, 23 seconds west a distance of 68.04 feet to a point in the north right-of-way line of Palm (100'W) Street; thence along the north right-of-way line of Palm (100'W) Street north 74 degrees, 54 minutes, 23 seconds west a distance of 42.40 feet to the point of beginning and containing 8,059 square feet, or 0.185 acres and being subject to deeds, easements and restrictions of record.

A tract of land being a portion of Destrehan (Variable Width) Street located in Township 45 North, Range 7 east, City of St. Louis, Missouri, City Block 1741 and being more particularly described as follows:

Commencing at the intersection of the west right-of-way line of N. Florissant and the north right-of-way line of Palm (100'w) Street; thence along the west right-of-way line of N. Florissant (60'W) Avenue north 21 degrees, 12 minutes, 04 seconds west a distance of 362.29 feet to the Point of Beginning of the described tract; thence leaving said west right-of-way line of N. Florissant (60'W) Avenue, and along the south right-of-way line of Destrehan (Variable width) Street along a broken back curve to the left with the following curve elements: a radius of 300.84 feet, an arc length of 16.55 feet, a chord bearing of south 88 degrees, 49 minutes, 26 seconds west and a chord distance of 16.55 feet to point; thence continuing along said south right-of-way line of Destrehan (Variable Width) Street south 68 degrees, 35 minutes, 49 seconds west a distance of 114.65 feet to a point being the intersection of the south right-of-way line of Destrehan (Variable Width) Street and the east line of an alley (25'W); thence along the east line of said alley (25'W) north 21 degrees, 12 minutes, 04 seconds west a distance of 83.79 feet to a point; thence leaving said east right-of-way line of an alley (25'W) and along the north right-of-way line of Destrehan (Variable Width) Street north 68 degrees, 35 minutes, 49 seconds east a distance of 110.00 feet to a point; thence continuing along said north right-of-way line of Destrehan (Variable Width) Street north 42 degrees, 37 minutes, 44 seconds east a distance of 22.51 feet to a point in the west right-of-way line of N. Florissant (60'W) Avenue; thence along the west right-of-way line of N. Florissant (60'W) Avenue south 21 degrees, 12 minutes, 04 seconds east a distance of 99.37 feet to the Point of Beginning and containing 11,054 square feet, or 0.254 acres, and being subject to deeds, easements and restrictions of record.

A tract of land being a portion of Destrehan (Variable Width) Street located in Township 45 North, Range 7 east, City of St. Louis, Missouri, City Block 1741 and being more particularly described as follows:

Commencing at the intersection of the east right-of-way line of 22nd (50'W) Street and the north right-of-way line of Palm (100'W) Street; thence along the east right-of-way line of 22nd (50'W) Street north 21 degrees, 10 minutes, 25 seconds west a distance of 144.18 feet to the Point of Beginning of the herein described tract; thence along the east right-of-way line of said 22nd (50'W) Street north 21 degrees, 10 minutes, 25 seconds west a distance of 81.56 feet to a point; thence leaving the said east right-of-way line of 22nd (50'W) Street and along said north right-of-way line of Destrehan (Variable Width) Street north 68 degrees, 35 minutes, 49 seconds east a distance of 127.43 feet to a point; thence continuing along said north right-of-way line of Destrehan (Variable Width) Street along a curve to the left having the following curve elements: a radius of 360.00 feet, and arc length of 7.82 feet, a chord bearing of north 61 degrees, 02 minutes, 24 seconds east and a chord distance of

7.82 feet to a point being in the west line of an alley (25'W); thence leaving said north right-of-way line of Destrehan (Variable Width) Street and along the west right-of-way line of said alley (25'W) south 21 degrees, 12 minutes, 04 seconds east a distance of 82.59 feet to a point in the south right-of-way line of Destrehan (Variable Width) Street; thence along said south right-of-way line of Destrehan (Variable Width) Street south 68 degrees, 35 minutes, 49 seconds west a distance 135.21 feet to the point of beginning and containing 11,030 square feet, or 0.253 acres, and being subject to deeds, easements and restrictions of record.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are Better Living Communities and Chet Partnership. Vacated areas will be used for residential and commercial development.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets and alley 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 streets and 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: August 3, 2006