

ORDINANCE #67307
Board Bill No. 247

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) Biddle: 7th to Broadway, 2) Carr: 7th to Broadway, 3) Sixth: O'Fallon to Cole, 4) O'Fallon: 7th to 6th, 5) 20 feet wide north/south alley in City Block 557 as bounded by O'Fallon, 6th, Biddle and 7th 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 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 part of 6th Street (60 feet wide) adjoining Blocks 556W, 557, 140, 141, 144 and 145; Biddle Street (50 feet wide) adjoining Blocks 556W, 557, 144 and 145; Carr Street (60 feet wide) adjoining Blocks 140, 141, 144 and 145; O'Fallon Street (60 feet wide) adjoining Blocks 557 and 581; and a 20 feet wide alley in Block 557, all in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the southwesterly corner of above said Block 581, said corner also being the point of intersection of the southeasterly line of 7th Street (60 feet wide) and the northeasterly line of above said O'Fallon Street; thence along last said northeasterly line and the southwesterly line of said Block 581, south 75 degrees 16 minutes 38 seconds east 270.90 feet; thence departing last said northeasterly and southwesterly lines and across said O'Fallon Street south 14 degrees 37 minutes 34 seconds west 60.00 feet to the northeasterly corner of above said Block 557, said corner also being the point of intersection of the northwesterly line of above said 6th Street and the southwesterly line of said O'Fallon Street; thence along last said southwesterly line and the northeasterly line of said Block 557, north 75 degrees 16 minutes 38 seconds west 125.45 feet to a point on the southeasterly line of above said 20 feet wide alley; thence along last said southeasterly line south 14 degrees 38 minutes 48 seconds west 381.16 feet to a point on the northeasterly line of above said Biddle Street, said point also being located on the southwesterly line of said Block 557; thence along last said northeasterly and southwesterly lines south 75 degrees 16 minutes 38 seconds east 125.23 feet to the southeasterly corner of said Block 557, said corner also being located a point on the northwesterly line of said 6th Street; thence along last said northwesterly line and the southeasterly line of said Block 557, north 14 degrees 40 minutes 43 seconds east 381.16 feet to the northeasterly corner of said Block 557; thence departing last said northwesterly and southeasterly lines and across said 6th Street, south 74 degrees 36 minutes 46 seconds east 60.00 feet to the northwesterly corner of above said Block 556W, said corner also being a point on the southeasterly line of said 6th Street; thence along last said southeasterly line and the northwesterly line of said Block 556W, south 14 degrees 40 minutes 43 seconds west 380.46 feet to the southwesterly corner of said Block 556W, said corner also being a point on the northeasterly line of above said Biddle Street; thence along last said northeasterly line and the southwesterly line of said Block 556W, south 75 degrees 16 minutes 38 seconds east 224.20 feet to a point on the northwesterly line of interstate Route 70 (variable width) (locally known as Mark Twain Expressway); thence along last said northwesterly line and across said Biddle Street south 01 degrees 35 minutes 12 seconds east 58.96 feet to a point on the southwesterly line of said Biddle Street, said point also being located on the northeasterly line of above said Block 144 and on a curve to the left for which the radius point bears south 84 degrees 45 minutes 16 seconds west 10.00 feet; thence along last said southwesterly and northeasterly lines the following courses and distances; thence northwesterly along last said curve, with a chord which bears north 40 degrees 15 minutes 41 seconds west 11.48 feet, an arc distance of 12.22 feet to a point of tangency; thence north 75 degrees 16 minutes 38 seconds west 219.43 feet to the beginning of a curve to the left for which the radius point bears south 14 degrees 43 minutes 22 seconds west 12.00 feet; thence southwesterly along last said curve, with a chord which bears south 59 degrees 44 minutes 59 seconds west 16.96 feet, an arc distance of 18.84 feet to a point of tangency on the southeasterly line of said 6th Street, said point also being located on the northwesterly line of said Block 144; thence along last said southeasterly and northwesterly lines south 14 degrees 46 minutes 37 seconds west 347.54 feet to the

southwesterly corner of said Block 144, said corner also being a point on the northeasterly line of a above said Carr Street; thence along last said northeasterly line and the southwesterly line of said Block 144 the following courses and distances; thence south 75 degrees 16 minutes 22 seconds east 258.31 feet to the beginning of a curve to the left for which the radius point bears north 14 degrees 43 minutes 38 seconds east 12.00 feet; thence northeasterly along last said curve, with a chord which bears north 59 degrees 45 minutes 07 seconds east 16.96 feet, an arc distance of 18.84 feet to a point on the northwesterly line of Broadway Street (80 feet wide); thence along last said northwesterly line and across said Carr Street, south 13 degrees 49 minutes 37 seconds west 62.00 feet to the northeasterly corner of above said Block 141, said corner also being a point in the southwesterly line of said Carr Street; thence along last said southwesterly line and the northeasterly line of said Block 141, north 75 degrees 16 minutes 22 seconds west 271.33 feet to the northwesterly corner of said Block 141, said corner also being a point in the southeasterly line of said 6th Street; thence along last said southeasterly line and the northwesterly line of said Block 141 the following courses and distances; thence south 14 degrees 34 minutes 52 seconds west 225.59 feet to the beginning of a curve to the left for which the radius point bears south 75 degrees 25 minutes 08 seconds east 15.00 feet; thence southeasterly along last said curve, with a chord which bears south 30 degrees 20 minutes 50 seconds east 21.29 feet, as arc distance of 23.52 feet to a point on the northeasterly line of Cole Street (120 feet wide); thence along last said northeasterly line and across said 6th Street, north 78 degrees 27 minutes 21 seconds west 90.13 feet to a point on a curve to the left for which the radius point bears north 14 degrees 43 minutes 27 seconds east 15.00 feet, said point also being located on the northwesterly line of said 6th Street and on the southeasterly line of above said Block 140; thence along last said northwesterly and southeasterly lines the following courses and distances; thence northeasterly along last said curve, with a chord which bears north 59 degrees 39 minutes 10 seconds east 21.24 feet, an arc distance of 23.60 feet to a point of tangency; thence north 14 degrees 34 minutes 52 seconds east 208.54 feet to the beginning of a curve to the left for which the radius point bears north 75 degrees 25 minutes 08 seconds west 12.00 feet; thence northwesterly along last said curve, with a chord which bears north 30 degrees 20 minutes 45 seconds west 16.95 feet, an arc distance of 18.82 feet to a point of tangency on the northeasterly line of said Block 140, said point also being located on the southwesterly line of said Carr Street; thence along last said southwesterly and northeasterly lines the following courses and distances; thence north 75 degrees 16 minutes 22 seconds west 262.41 feet to the beginning of a curve to the left for which the radius point bears south 14 degrees 43 minutes 38 seconds west 12.00 feet; thence southwesterly along last said curve, with a chord which bears south 59 degrees 45 minutes 14 seconds west 16.96 feet; an arc distance of 18.84 feet to a point on the southeasterly line of said 7th Street; thence along last said southeasterly line and across said Carr Street north 14 degrees 46 minutes 50 seconds east 71.99 feet to the southwesterly corner of above said Block 145, said corner also being a point on the northeasterly line of said Carr Street; thence along last said southeasterly line and the northeasterly line of said Carr Street south 75 degrees 16 minutes 22 seconds east 270.33 feet to the southeasterly corner of said Block 145, said corner also being a point on the northwesterly line of above said 6th Street; thence along last said southeasterly and northwesterly lines north 14 degrees 46 minutes 37 seconds east 359.53 feet to the northeasterly corner of said Block 145, said corner also being a point on the southwesterly line of said Biddle Street; thence along last said southwesterly line and the northeasterly line of said Block 145, north 75 degrees 16 minutes 38 seconds west 270.30 feet to the northwesterly corner on said Block 145, said corner also being a point on the southeasterly line of said 7th Street; thence along last said southeasterly line and across said Biddle Street north 14 degrees 36 minutes 53 seconds east 50.00 feet to the southwesterly corner of above said Block 557, said corner also being a point on the northeasterly line of said Biddle Street; thence along last said northeasterly and southwesterly lines south 75 degrees 16 minutes 38 seconds east 125.23 feet to a point on the northwesterly line of above said 20 feet wide alley; thence along last said northwesterly line north 14 degrees 38 minutes 48 seconds east 381.16 feet to a point on the southwesterly line of above said O'Fallon Street, said point also being located on the northeasterly line of said Block 557; thence along last said southwesterly and northeasterly lines north 75 degrees 16 minutes 38 seconds west

125.45 feet to the northwesterly corner of said Block 557, said corner also being a point on the southeasterly line of said 7th Street; thence along last said southeasterly line and across said O'Fallon Street north 14 degrees 36 minutes 53 seconds east 60.00 feet the Point of Beginning, and containing 143,974 square feet or 3.305 acres, more or less, according to calculation performed by Stock and Associated Consulting Engineers, Inc. on February 23, 2005.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated area will be used to consolidate property for development of entertainment/retail center (a/k/a Bottle District).

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets and 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 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: November 11, 2006