ORDINANCE #67467
Board Bill No. 395

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in The southern 123.50' of the 12 foot wide north/south alley in City Block 2111 as bounded by Shenandoah, Grand, Botanical and Spring 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 the southerly part of a north-south alley, 12 feet wide, in City Block 2111 in the City of St. Louis, Missouri, and said strip being more particularly described as follows:

> Commencing at the intersection of the westerly line of Grand Blvd., as widened, and the northerly line of Botanical Avenue, 60 feet wide; thence along said northerly line, north 83 degrees 40 minutes 10 seconds west 160 feet to the point of intersection with the easterly line of a north-south alley, 12 feet wide and said point being the true point of beginning of the tract of land herein described; thence along the easterly line of said north-south alley, north 05 degrees 43 minutes 50 seconds east 123.50 feet to the easterly prolongation of the southerly line of an east-west alley, 15 feet wide; thence along the easterly prolongation of said southerly line, north 83 degrees 40 minutes 10 seconds west 12.01 feet to the westerly line of said north-south alley; thence along said westerly line, south 08 degrees 43 minutes 50 seconds west 123.50 feet to the northerly line of said Botanical Avenue; thence along said northerly line, south 83 degrees 40 minutes 10 seconds east 12.01 feet to the true point of beginning, according to calculations for Order No. 0306-0439 executed by Topos Surveying & Engineering Corp. in June 2006. Bearings based on astronomic observations and converted to Grid North, Missouri East Zone.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are Grand City 3, LLC and Southwestern Bell Telephone (d/b/a AT&T of Missouri). Vacated area will be used to expand existing parking and landscaping.

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 affected 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: February 26, 2007