ORDINANCE #67485
Board Bill No. 39

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in O'Fallon Street from Lewis Street to Wharf 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 part of O'Fallon Street, 40' wide, adjacent to City Block 225 and City Block 226 of the City of St. Louis, Missouri, and more particularly described as follows:

> Beginning at the southwest corner of City Block 225, said point is at the intersection of the east line of Lewis Street, 50' wide, with the north line of O'Fallon Street, 40' wide, said point is a set cross; thence along the south line of City Block 225 and also along the north line of said O'Fallon Street, north 72 degrees 59 minutes 21 seconds east, a distance of 81.83' by record and survey to a set capped iron pipe at the southeast corner of City Block 225, said point is also at the intersection of the west line of the City of St. Louis Wharf; thence along the west line of said Wharf, south 4 degrees 19 minutes 49 seconds east, a distance of 40.00' by record, to the northeast corner of City Block 226; thence leaving said line and along the north line of City Block 226 and also along the south line of said O'Fallon Street, south 72 degrees 59 minutes 21 seconds west, a distance of 81.83' by record, to the northwest corner of City Block 226, said point is also at the intersection of the east line of Lewis Street, 50' wide, with the south line of O'Fallon Street, 40' wide; thence along the east line of said Lewis Street, north 4 degrees 25 minutes 18 seconds west, a distance of 40.00' by record, to the southwest corner of City Block 225 and to the point of beginning containing 0.073 acres, more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Trailnet, Inc. plans to use vacated area to consolidate property by becoming part of an entrance into the Laclede Power Building, which will be landscaped and may provide temporary parking.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated 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 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: May 30, 2007