

ORDINANCE #67487
Board Bill No. 41

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the 20 foot wide north/south alley and the 15 foot wide "L" shaped alley in City Block 504 as bounded by Olive, Tucker, Pine and 13th 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 a 15 foot wide alley as dedicated by instrument recorded in Plat Book 23, Page 22 and a 20 foot wide alley as dedicated by instrument recorded in Plat Book 2, Page 93 located in City Block No.504, St. Louis, Missouri; and being more particularly described as follows:

Beginning at a point of intersection of the east line of said 20 foot wide alley with the north line of Pine Street (60 feet wide), said beginning point being west 100.20 feet from the point of intersection of said north line of Pine Street with the west line of Tucker Blvd. (150 feet wide); thence along the north line of Pine Street, north 75 degrees 05 minutes 00 seconds west, a distance of 20.00 feet to its intersection with the west line of said 20 foot wide alley; thence along the west line of said 20 foot wide alley north 14 degrees 57 minutes 39 seconds east, a distance of 109.22 feet to its intersection with the south line of a 15 foot wide alley; thence with the south line of said 15 foot wide alley, north 75 degrees 06 minutes 29 seconds west, a distance of 71.13 feet to an angle point, thence southerly, along the east line of said 15 foot wide alley, south 15 degrees 00 minutes 16 seconds west, a distance of 109.19 feet to its intersection with said north line of Pine Street; thence westerly, along said north line, north 75 degrees 05 minutes 00 seconds west, a distance of 15.00 feet to the west line of said 15 foot wide alley; thence northerly, along the west line of the said 15 foot wide alley, as follows: north 15 degrees 00 minutes 16 seconds east, a distance of 99.18 feet to a point; thence north 30 degrees 03 minutes 07 seconds west, a distance of 7.06 feet to a point; thence north 15 degrees 00 minutes 16 seconds east a distance of 5.00 feet to a point; thence south 75 degrees 06 minutes 29 seconds east, a distance of 5.00 feet to a point; thence north 15 degrees 00 minutes 16 seconds east, a distance of 15.00 feet to an angle point; thence easterly along the north line of said alley, south 75 degrees 06 minutes 29 seconds east, a distance of 86.12 feet to its intersection with the west line of aforesaid 20 foot wide alley; thence northerly, along the west line of said 20 foot wide alley, north 14 degrees 57 minutes 39 seconds east, a distance of 69.15 feet to its intersection with the south line of Olive Blvd (100 feet wide); thence easterly, along the south line of said Olive Blvd., south 75 degrees 03 minutes 01 seconds east, a distance of 20.00 feet to its intersection with the east line of said 20 foot wide alley; thence southerly, along said east line of said 20 foot wide alley, south 14 degrees 57 minutes 39 seconds west a distance of 193.36 feet to the point of beginning containing 6,834 square feet (0.1568 acres) more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioned by Parkside Tower LLC. Parkside Tower LLC is in the process of acquiring Trails Development Corporation properties. The vacated areas will be consolidated for use as landscaping and a parking garage.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys, 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 alleys 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.

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SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys 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

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.

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