ORDINANCE #67627
Board Bill No. 132

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) Second Street from Palm to Branch. 2) Palm Street beginning 130 feet east of Broadway and continuing eastwardly ≅ 368 feet to a point on Palm previously vacated by Ordinance 45289 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 parcel of ground being Second Street, 100 feet wide, and a portion of Palm Street, 60 feet wide, adjoining Blocks 300, 306, 310 & 311 of the City of St. Louis, Missouri; said parcel being more particularly described as follows:

> Beginning at the point of intersection of the southern line Branch Street, 50 feet wide, with the western line of said Second Street in said Block 310; thence north 69 degrees 00 minutes 00 seconds east 100.00 feet, along the southern line of said Branch Street, to the eastern line of said Second Street; thence south 20 degrees 42 seconds 30 minutes 00 seconds east 235.00 feet, along the eastern line of said Second Street, to a point; thence south 24 degrees 43 seconds 45 minutes east 80.17 feet, along the eastern line of said Second Street, to the northern line of said Palm Street, to a point; thence north 69 degrees 00 minutes 00 seconds east 160.00 feet, along the northern line of said Palm Street, to its eastern terminus, being also the western terminus of former Palm Street, vacated by Ordinance 45289, to a point; thence south 21 degrees 00 minutes 00 seconds east 60.00 feet, along the eastern terminus of said Palm Street, to the southern line of said Palm Street, to a point; thence south 69 degrees 00 minutes 00 seconds west 368.39 feet, along the southern line of said Palm Street, to the eastern line of City Block 311, to a point; thence north 22 degrees 51 minutes 58 seconds west 60.03 feet, to the point of intersection of the northern line of said Palm Street, to a point; thence north 69 degrees 00 minutes 00 seconds east 110.34 feet, along the northern line of said Palm Street, to the western line of said Second Street, to a point; thence north 24 degrees 43 minutes 45 seconds west 80.17 feet, along the western line of said Second Street to a point; thence north 20 degrees 42 minutes 30 seconds west 235.00 feet, along the western line of said Second Street, to the southern line of said Branch Street and the point of beginning and containing 53,661 square feet or 1.23 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: St. Louis Produce Market and United Fruit & Produce will use vacated area to consolidate property. Access gates will be provided off of Branch Street for Fire Department. The Water Division will require that the water main be capped out and abandoned at or near the east property line of Broadway at Palm so as to eliminate the water main that is within the proposed vacation area. The cost for this work would be the responsibility of the applicant.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated streets, 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 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 one year (365 days) 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: July 30, 2007