ORDINANCE #67656
Board Bill No. 194

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Schirmer St. from Idaho Ave. eastwardly 140 feet to the 15 foot wide north/south alley in City Blocks 3102 and 3136 (formerly 3109) 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 a portion of Schirmer (50 feet wide) Street, adjoining blocks 3136 and 3102 of the City of St. Louis, Missouri, and more particularly described as follows:

> Beginning at a set iron pipe with cap at the intersection of the northeast corner of property as described by deed in Book 08042006 Page 286 to B & B Properties of St. Louis, LLC, as recorded in the City of St. Louis, Missouri Records, said northeast corner also being on the southeast right-of-way line of Idaho (60 feet wide) Avenue; thence along said southeast right-of-way line of Idaho Avenue, north 41 degrees 42 minutes 27 seconds east, 50.24 feet to a found iron pipe with cap at the northwest corner of property as described by deed in Book 07202006 Page 115 to LIP Investments, LLC, as recorded in City of St. Louis, Missouri Records; thence departing the southeast right-of-way line of Idaho Avenue and along the west line of said LIP Investments, LLC property, said west line also being the east right-of-way line of said Schirmer Street, south 53 degrees 56 minutes 23 seconds east, 140.00 feet to the southwest corner of said LIP Investments, LLC property and where a cut "+" cross bears, 0.19 feet south and 0.16 feet west; thence through the right-of-way of said Schirmer Street, south 41 degrees 42 minutes 28 seconds west, 50.24 feet to a set iron pipe with cap on the west right-of-way line of Schirmer Street, said west right-of-way line also being on the east line of said B & B Properties of St. Louis, LLC; thence along said east line, north 53 degrees 56 minutes 23 seconds west, 140.00 feet to the point of beginning. The above described tract contains 7,000 square feet and is subject to all easements, restrictions, reservations and conditions of record, if any.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioners are LIP Investments, American Eagle Waste Inc. and Union Pacific Railroad Co. Vacated area will be used to provide secured parking for Schirmer Place Apartments. The Water Division has a 6" main with appurtenances in the area of the proposed vacation. The Water Division will require an easement to allow for uninhibited access to the water main and its appurtenances for the purposes of maintenance and repair, access by both the Water Division and the Fire Department to the fire hydrant for maintenance, repair, flushing and fire protection. No construction of any kind can occur on or over the easement without the prior review and approval of the Water Commissioner.

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: July 30, 2007