ORDINANCE #67657
Board Bill No. 195

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Mound Street from Broadway to 8th street and the 12 foot wide north/south alley in City Block 655 as bounded by Brooklyn, Broadway, Mound and 8th 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 in the City of St. Louis, Missouri, being bounded as follows: west by 8th Street, east by Broadway, north by City Block 655 and south by City Block 654, said tract being more particularly described as follows:

> Beginning at the intersection of the southern line of Mound Street, 40 feet wide, with the eastern line of 8th Street, 60 feet wide, said point being also the northwestern corner of said block 654 of the City of St. Louis; thence northwardly along said eastern line of said 8th Street north 30 degrees 24 minutes 18 seconds west 40.00 feet to a point in the southern line of the aforementioned Block 655 of the City of St. Louis; thence eastwardly along said southern line of said Block 655 north 59 degrees 42 minutes 33 seconds east 70.15 feet to the southeastern corner of Lot 7 of Moore's Addition in said Block 655 being also the southeastern corner of the 12 foot wide alley in said Block 655; thence northwardly along the western line of said alley being also the eastern line of said Lot 7 north 30 degrees 24 minutes 18 seconds west 76.26 feet to the northeastern corner of said Lot 7 being also a point in the southern line of Lot 1 of Charles Collins Western Addition, a subdivision according to the plat thereof recorded in Plat Book 1 Page 38 of the City of St. Louis records; thence eastwardly along said southern line of said Lot 1 north 59 degrees 39 minutes 10 seconds east 12.00 feet to the northeast corner of said alley being also the northwestern corner of Lot 6 of Moore's Addition in said Block 655; thence southwardly along the western line of said Lot 6 and its prolongation being the eastern line of the aforementioned 12 foot wide alley south 30 degrees 24 minutes 18 seconds east 76.27 feet to a point in the aforementioned southern line of said Block 655 of the City of St. Louis; thence eastwardly along said southern line of said Block 655 north 59 degrees 42 minutes 33 seconds east 106.30 feet to the southeastern corner thereof being also a point in the western line of Broadway; thence southwardly along said western line of Broadway south 53 degrees 37 minutes 39 seconds east 43.56 feet to the northeastern corner of the aforementioned Block 654 of the City of St. Louis; thence westwardly along the northern line of said Block 654 south 59 degrees 42 minutes 33 seconds west 205.63 feet to the point of beginning and containing 8,796.83 square feet or 0.2019 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: M & L Frozen Foods, Inc. will use vacated area to consolidate property for commercial expansion. The Water Division has a 6" water main with appurtenances in Mound Street in the area of the proposed vacation. The Water Division will require an easement allowing for uninhibited access to the water main and appurtenances to allow for repair and maintenance of these facilities and access to the fire hydrant for both operational reasons as well as for fire protection use by the Fire Department. No construction of any kind can occur on or above this 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 alley and 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 alley and 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 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