ORDINANCE #67779
Board Bill No. 350

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1) Benton from the east right-of-way line of Elliott eastwardly 150 feet to the west right-of-way line of the 15 foot wide north/south alley in City Block 1901 (vacated) and City Block 2364 2) Elliott from the north right-of-way line of Benton southwardly ≅ 120 feet to a point 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:

Part of Benton Street, 60 feet wide, adjacent to City Blocks 1901 & 2364; and part of Elliott, 60 feet wide, adjacent to City Blocks 2363 & 2364, in the City of St. Louis, Missouri; and being more particularly described as:

> Beginning at the intersection of the north line of Benton Street, 60 feet wide, with the west line of Elliott Street, 60 feet wide; thence along said north line of Benton Street, north 89 degrees 13 minutes 45 seconds east 210.69 feet to the southward projection of the west line of a 20 foot wide north-south alley; thence south 00 degrees 55 minutes 19 seconds east 60.00 feet to the south line Benton Street; thence south 89 degrees 13 minutes 45 seconds west 150.87 feet to the east line of Elliott; thence along said west line of Elliott Street, south 00 degrees 45 minutes 00 seconds east 62.50 feet; thence south 89 degrees 13 minutes 45 seconds west 60.00 feet to the west line of Elliott Street; thence along the west line of Elliott Street north 00 degrees 45 minutes 00 seconds west 122.50 feet back to the point of beginning and containing 0.376 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Sensient Colors f/k/a Warner-Jenkinson will use vacated areas to enhance security and provide a private drive to existing properties.

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 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: November 19, 2008