

ORDINANCE #68393
Board Bill No. 41

An ordinance recommended by the Board of Public Service to vacate above surface, surface and sub-service rights for vehicle, equestrian and pedestrian travel in the 20 foot wide east-west alley and the easternmost 355.66 feet of the 15 foot wide east-west alley of City Block 1858 as bounded by Cass, Webster, Evans and Francis 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 above surface, surface and sub-surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land situated in the City of St. Louis, and the State of Missouri, lying in part of City Block 1858 and being all of an East-West alley 20 feet wide and being more particularly described as follows:

Commencing at the intersection of the eastern right-of-way of said Francis Street, 60 feet wide and the southern right-of-way line of Cass Avenue, 80 feet wide said intersection being the northernmost corner of said City Block 1858; thence along said eastern right-of-way line, south 29 degrees 01 minutes 46 seconds west, a distance of 123.89 feet to the intersection of said eastern right-of-way line and the northern right-of-way line of said east-west alley 20 feet wide, said intersection being the southwest corner of Lot 1 of the "Subdivision of the Residence Grounds and Adjacent Property of Wm. Glasgow, Jr.", a subdivision filed for record in Plat Book 0 page 24 of the land records of said City of St. Louis, Missouri, said intersection also being the TRUE POINT OF BEGINNING; thence leaving said eastern right-of-way line of Francis Street, along the northern right-of-way line of said east-west alley 20 feet wide and along the southern line of said Lot 1 and Lots 2 through 14 of said "Subdivision of the Residence Grounds and Adjacent Property of Wm. Glasgow, Jr.", south 75 degrees 21 minutes 41 seconds east, a distance of 374.96 feet to the northernmost corner of a north-south alley 15 feet wide; thence leaving said northern right-of-way line, and along the western right-of-way line of said north-south alley, south 14 degrees 38 minutes 19 seconds west, a distance of 21.33 feet; thence continuing along said western right-of-way line south 00 degrees 26 minutes 00 seconds east, a distance of 3.85 feet to the northeast corner of Lot 19 of said "Subdivision of the Residence Grounds and Adjacent Property of Wm. Glasgow, Jr.", thence leaving said western right-of-way of said north-south alley, along the southern line of said east-west alley, also being the northern line of lot 19 through 25 of said "Subdivision of the Residence Grounds and Adjacent Property of Wm. Glasgow, Jr." the following bearings and distances, north 45 degrees 05 minutes 42 seconds west, a distance of 10.02 feet; thence north 75 degrees 21 minutes 41 seconds west, a distance of 372.44 feet to the intersection of said southern right-of-way line of east-west alley and said eastern right-of-way line of Francis Street, said intersection being the northernmost corner of said Lot 25; thence along said eastern right-of-way line of Francis Street, said intersection being the northernmost corner of said Lot 25; thence along said eastern right-of-way of Francis Street, north 29 degrees 01 minutes 46 seconds east, a distance of 20.65 feet to the point of beginning.

A tract of land situated in the City of St. Louis and the State of Missouri, lying part of City Block 1858 and being all of an east-west alley 15 feet wide and being more particularly described as follows:

Commencing at the intersection of the eastern right-of-way of said Francis Street, 60 feet wide and the southern right-of-way line of Cass Avenue, 80 feet wide, said intersection being the northernmost corner of said City Block 1858; thence along said eastern right-of-way line, south 29 degrees 01 minutes 46 seconds west, a distance of 273.69 feet to the intersection of said eastern right-of-way line and the northern right-of-way line of said east-west alley 15 feet wide, said intersection being the southwest corner of Lot 25 of the "Subdivision of the Residence Grounds and Adjacent Property of Wm. Glasgow, Jr.", a subdivision filed for record in Plat Book 0 page 24 of the land records of said City of St. Louis, Missouri; thence leaving said eastern right-of-way and along said northern

right-of-way line of east-west alley, north 89 degrees 34 minutes 00 seconds east, a distance 74.54 feet to the TRUE POINT OF BEGINNING; thence along said northern right-of-way line, also being the southern line of Lots 19 through 24 and said Lot 25 all of said "Subdivision of the Residence Grounds and Adjacent Property of Wm. Glasgow, Jr.", north 89 degrees 34 minutes 00 seconds, a distance of 355.66 feet to the southeast corner of said Lot 19; thence leaving said northern right-of-way line and along the western right-of-way line of a north-south alley 15 feet wide, south 00 degrees 26 minutes 00 seconds east, a distance of 15 feet to the northeast corner of Lot 15 of "East Easton's Subdivision", a subdivision filed for record in Plat Book 7 page 55 of the land records of said City of St. Louis, Missouri; thence leaving said western right-of-way line and along the southern right-of-way line of said east-west alley, also being the northern line of Lots 4 and 5 and Lots 9 through 12 of "Easton's Addition", a subdivision filed for record in Plat Book 6 page 87, Lots 22 through 24 of "Commissioner's Report", a subdivision filed for record in Plat Book 357 page 261 and Lots 13 through said Lot 15 of said "East Easton's Subdivision", a subdivision filed for record in Plat Book 7 page 55, all of the land records of said City of St. Louis, Missouri, south 89 degrees 34 minutes 00 seconds west a distance of 355.66 feet to the northwest corner of said Lot 4; thence leaving said southern right-of-way, north 00 degrees 26 minutes 00 seconds west, a distance of 15 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: The Junior College District of the City of St. Louis, Missouri will consolidate the property to construct a new St. Louis Community College Education Center.

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.

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: June 30, 2009