

ORDINANCE #68845
Board Bill No. 235

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the remaining portion of Parkview beginning at Taylor and extending westwardly $\approx 209.5' \pm 6.0'$ to a point previously vacated by Ordinance 65475 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 being part of Parkview Place, sixty feet wide, situated between City Blocks 3890 and 4781N of the City of St. Louis, Missouri, being more particularly described as follows:

Beginning at the intersection of the southern line of Parkview Place and the western line of Taylor Avenue, said point being the northeastern corner of Lot B of the "Consolidation Plat Part of Lots 1-10, CB 4781S, Part of Lots 3, 4, 5, 16, 17 & 18 Block 4781N, Shield's Duncan Avenue Subdivision & Part of Children's Place" according to the plat thereof recorded in Book 02242006, Page 97 of the St. Louis City Records, thence along said southern line, north 75 degrees 00 minutes 45 seconds west, 215.58 feet to the southeastern corner of that part of Parkview Place vacated by City Ordinance No. 65475 and shown on the plat recorded in Plat Book 80, Page 13 of the St. Louis City Records; thence along the eastern line of said tract, north 14 degrees 59 minutes 15 seconds east, 59.97 feet to the southwestern corner of Lot 2A of the "Subdivision of Lot 2 of Forest West Subdivision", according to the plat thereof recorded in Book 06232009, Page 192 of the St. Louis City Records; thence along the southern line of Lot 2A, south 75 degrees 00 minutes 45 seconds east, 2053.50 feet to the southeastern corner thereof; thence south 03 degrees 35 minutes 49 seconds west, 61.17 feet to the point of beginning, containing 12,565 square feet (0.288 acres more or less).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Saint Louis College of Pharmacy will use vacated area to consolidate property. The Water Division has a 12" water main with appurtenances in the area of the proposed vacation. The Water Division will require easements for its facilities in the area of the proposed vacation which will allow for uninhibited access to these facilities for the purposes of maintenance, repair and meter reading. No construction of any kind can occur on or over these easements without the prior review and approval of the Water Commissioner. Uninhibited access to the fire hydrant by the Fire Department will also be required.

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 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 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: February 8, 2011