

ORDINANCE #68908
Board Bill No 38

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 1) 20 foot wide east/west alley in City Block 3459 as bounded by Pope, Prescott, Clarence and Ouida, 2) 20 foot wide east/west alley in City Block 3462 as bounded by Carrie, Prescott, Pope and Ouida, 3) 20 foot wide east/west alley in City Block 3463 as bounded by Carrie, Bulwer, Pope and Prescott, 4) Ouida from Carrie to Pope, 5) Pope from Ouida to Bulwer, 6) Prescott from Carrie to Clarence 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 all of a Twenty (20) feet wide alley located in City Block 3459, being part of Block 55 of the Subdivision of O'Fallon Estate, per the plat thereof as recorded in SRB 6, pages 198 and 199 of the St. Louis City records, located in Township 46 North, Range 5 East of the Fifth Principal Meridian, City of St. Louis, Missouri being more particularly described as follows:

Beginning at the intersection of the northeastern right-of-way line of Ouida Avenue, 50 feet wide, also being the southwestern line of above said City Block 3459, with the northwestern right-of-way line of said Twenty (20) feet wide alley; thence along said northwestern right-of-way line north 55 degrees 43 minutes 43 seconds east, 300.00 feet to the northeastern line of said City Block 3459, said point also being located on the southwestern right-of-way line of Prescott Avenue, 80 feet wide, (platted as Fifth Street); thence along the direct southeasterly prolongation of said southwestern right-of-way line south 37 degrees 14 minutes 23 seconds east, 20.03 feet to the southeastern right-of-way line of above said Twenty (20) feet wide alley; thence along said southeastern right-of-way line south 55 degrees 43 minutes 43 seconds west, 300.00 feet to the southwestern line of said City Block 3459, said point also being located on the northeastern right-of-way line of above said Ouida Avenue; thence on a direct northwesterly prolongation of said northeastern right-of-way line north 37 degrees 14 minutes 23 seconds west, 20.03 feet to the Point of Beginning and containing 6,000 square feet or 0.137 acres more or less.

A tract of land being all of a Twenty (20) feet wide alley located in City Block 3462, being part of Block 56 of the subdivision of O'Fallon Estate, per the plat thereof as recorded in SRB 6, pages 198 and 199 of the St. Louis City records, located in Township 46 North, Range 5 East of the Fifth Principal Meridian, City of St. Louis, Missouri being more particularly described as follows:

Beginning at the intersection of the northeastern right-of-way line of Ouida Avenue, 50 feet wide, (platted as Sixth Street) also being the southwestern line of above said City Block 3462, with the northwestern right-of-way line of said Twenty (20) feet wide alley; thence along said northwestern right-of-way line north 55 degrees 43 minutes 43 seconds east, 300.00 feet to the northeastern line of said City Block 3462, said point also being located on the southwestern right-of-way line of Prescott Avenue, 80 feet wide, (platted as Fifth Street); thence along the direct southeasterly prolongation of said southwestern right-of-way line south 37 degrees 09 minutes 37 seconds east, 20.03 feet to the southeastern right-of-way line of above said Twenty (20) feet wide alley; thence along said southeastern right-of-way line south 55 degrees 43 minutes 43 seconds west, 300.00 feet to the southwestern line of said City Block 3462, said point also being located on the northeastern right-of-way line of above said Ouida Avenue thence on a direct northwesterly prolongation of said northeastern right-of-way line north 37 degrees 09 minutes 28 seconds west, 20.03 feet to the Point of Beginning and containing 6,000 square feet or 0.137 acres more or less.

A tract of land being all of a Twenty (20) feet wide alley located in City Block 3463, being part of Block 75 of the Subdivision of O'Fallon Estate, per the plat thereof as recorded in SRB 6, pages 198 and 199 of the St. Louis City records, located in Township 46 North, Range 5 East of the Fifth Principal Meridian, City of St. Louis, Missouri, being more particularly described as follows:

Beginning at the intersection of the northeastern right-of-way line of Prescott Avenue, 80 feet wide, (platted as Fifth Street) also being the southwestern line of above said City Block 3463, with the northwestern right-of-way line of said Twenty (20) feet wide alley; thence along said northwestern right-of-way line north 55 degrees 43 minutes 43 seconds east, 530.00 feet to the northeastern line of said City Block 3463, said point also being located on the southwestern right-of-way line of Bulwer Avenue, 80 feet wide (platted as Fourth Street) thence along the direct southeasterly prolongation of said southwestern right-of-way line south 37 degrees 09 minutes 37 seconds east, 20.03 feet to the southeastern right-of-way line of above said Twenty (20) feet wide alley; thence along said southeastern right-of-way line south 55 degrees 43 minutes 43 seconds west, 530.00 feet to the southwestern line of said City Block 3463, said point also being located on the northeastern right-of-way line of above said Prescott Avenue; thence on the direct northwesterly prolongation of said northeastern right-of-way line north 37 degrees 09 minutes 37 seconds west, 20.03 feet to the Point of Beginning and containing 10,600 square feet or 0.243 acres more or less.

All of that portion of Ouida Avenue, fifty (50) feet wide (platted as Sixth Street) located between Carrie Avenue, eighty (80) feet wide and Pope Avenue, sixty (60) feet wide as established by the Subdivision of O'Fallon Estate, per the plat thereof as recorded in SRB 6, pages 198 and 199 of the St. Louis City records, located in Township 46 North, Range 5 East of the Fifth Principal Meridian, City of St. Louis, Missouri, being more particularly described as follows:

Beginning at the northernmost corner of City Block 3461, also being Block 56W of above said the Subdivision of O'Fallon Estate, said point also being located on the southeastern right-of-way line of above said Carrie Avenue; thence on a direct northeasterly prolongation of said southeastern right-of-way line north 55 degrees 43 minutes 43 seconds east, 50.06 feet to the westernmost corner of City Block 3462, said point also being located on the northeastern right-of-way line of above said Ouida Avenue; thence along said northeastern right-of-way line south 37 degrees 09 minutes 28 seconds east, 310.42 feet to its intersection with the northwestern right-of-way line of Pope Avenue, 60 feet wide; thence on the direct southwesterly prolongation of said northwestern right-of-way line south 55 degrees 27 minutes 39 seconds west, 50.05 feet to the southwestern right-of-way line of above said Ouida Avenue; thence along said southwestern right-of-way line north 37 degrees 09 minutes 28 seconds west, 310.65 feet to the Point of Beginning and containing 15, 526 square feet or 0.356 acres more or less.

All of that portion of Pope Avenue, sixty (60) feet wide between Ouida Avenue (platted as Sixth Street) and Bulwer Avenue eighty (80) feet wide (platted as Fourth Street) and Prescott Avenue, eighty (80) feet wide (platted as Fifth Street), between Carrie Avenue, eighty (80) feet wide and Clarence Avenue, sixty (60) feet wide, as established by the Subdivision of O'Fallon Estate, per the plat thereof as recorded in SRB 6, pages 198 and 199 of the St. Louis City records, located in Township 46 North Range 5 East of the Fifth Principal Meridian, City of St. Louis, Missouri, being more particularly described as follows:

Beginning at the northernmost corner of City Block 3462, said point also being located at the intersection of the southeast right-of-way line of above said Carrie Avenue with the southwestern right-of-way line of above said Prescott Avenue; thence on the direct northeasterly prolongation of said southeastern right-of-way line north 55 degrees 43 minutes 43 seconds east 80.10 feet to the northeastern right-of-way line of said Prescott Avenue; thence along said northeastern right-of-way line south 37 degrees 09 minutes 37 seconds east, 310.42 feet to its intersection with the northwestern right-of-way line of above said Pope Avenue; thence along said northwestern right-of-way line north 55 degrees 43 minutes 43 seconds east, 530.00 feet to its intersection with the southwestern right-of-way line of above said Bulwer Avenue; thence on a direct southeasterly prolongation of said southwestern right-of-way line south 37 degrees 09 minutes 37 seconds east, 60.08 feet to the southeastern right-of-way line of above said Pope Avenue; thence along said southeastern right-of-way line south 55 degrees 43 minutes 43 seconds west, 530.00 feet to its intersection with the northeastern right-of-way line of above said Prescott Avenue; thence along said northeastern right-of-way line south 37 degrees 14 minutes 23 seconds east,

310.42 feet to its intersection with the northwestern right-of-way line of above said Clarence Avenue; thence on the direct southwesterly prolongation of said northwestern right-of-way line south 55 degrees 43 minutes 43 seconds west 80.10 feet to the southwestern right-of-way line of said Prescott Avenue; thence along said southwestern right-of-way line north 37 degrees 14 minutes 23 seconds west, 310.42 feet to its intersection with the southeastern right-of-way line of said Pope Avenue; thence along said southeastern right-of-way line south 55 degrees 43 minutes 43 seconds west 300.00 feet to the northeastern right-of-way line of above said Ouida Avenue; thence on the direct northwesterly prolongation of said northeastern right-of-way line north 37 degrees 09 minutes 40 seconds west, 60.08 feet to the northwestern right-of-way line of said Pope Avenue; thence along said northwestern right-of-way line north 55 degrees 43 minutes 43 seconds east, 300.00 feet to its intersection with the southwestern right-of-way line of said Prescott Avenue; thence along said southwestern right-of-way line north 37 degrees 09 minutes 37 seconds west, 310.42 feet to the Point of Beginning and containing 104,274 square feet or 2.393 acres more or less.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioned by Planned Industrial Expansion Authority, Land Clearance for Redevelopment Authority, Land Reutilization Authority, DRK Properties LLC, Pizzazz Bars & Restaurant and Crown Castle GT Co. LLC. Vacated areas will be used to consolidate property for commercial development.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys and 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 alleys and 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 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 2 years 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 16, 2011