

BOARD BILL NO. 332 INTRODUCED BY: ALDERMAN FRED HEITERT

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in an irregular width
3 portion of 15 foot wide east-west alley and the northern 95 feet of the 15 foot wide north/south alley
4 in City Block 5245 as bounded by Gravois, Austria, Stolle and Germania in the City of St. Louis,
5 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
6 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

7 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10
11 A tract of land being all of a 15' wide alley adjacent to the south line of Lots 1
12 through 8 and part of a 15' wide alley adjacent to the northeast line of Lots 33 and 34
13 in Helena Place, a subdivision as recorded in Plat Book 16, Page 110, in City Block
14 5245, City of St. Louis, Missouri and being more particularly described as follows:

15
16 Commencing at a point marking the intersection of the northwestern
17 right-of-way line of Helvetia Street (25' wide) with the southwestern
18 right-of-way line of Austria Street (40' wide); thence leaving the
19 northwestern right-of-way line of said Helvetia Street along the
20 southwestern right-of-way line of said Austria Street north 37 degrees
21 38 minutes 23 seconds west a distance of 510.00 feet to a point
22 marking the easternmost corner of Lot 11 of said Helena Place;
23 thence leaving the southwestern right-of-way line of said Austria
24 Street along the southeastern line of said Lot 11 south 52 degrees 21
25 minutes 37 seconds west a distance of 114.50 feet to a point marking
26 the southernmost corner of said Lot 11 and being a point on the
27 northeastern line of a 15' wide alley; thence leaving said corner along
28 the northeastern line of said 15' wide alley north 37 degrees 38
29 minutes 23 seconds west a distance of 50.00 feet to a point marking
30 the westernmost corner of said Lot 11 and being the southernmost
31 corner of Lot 10 of said Helena Place and being the Point Of
32 Beginning of the herein described tract of land; thence leaving said
33 corner through said alley south 52 degrees 21 minutes 37 seconds
34 west a distance of 15.00 feet to a point on the southwestern line of

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1 said 15' wide alley and also being the southeastern corner of Lot 33
 2 of said Helena Place; thence leaving said corner along the
 3 southwestern line of said 15' wide alley and the northeastern line of
 4 said Lot 33 and the northeastern line of Lot 34 of said Helena place
 5 north 37 degrees 38 minutes 23 seconds west a distance of 95.00 feet
 6 to an angle point; thence north 82 degrees 38 minutes 23 seconds
 7 west a distance of 7.07 feet to a point on the northwestern line of said
 8 Lot 34 and being a point on the southeastern line of a 15' wide alley
 9 to be vacated; thence along the northwestern line of said Lot 34 and
 10 the southeastern line of said 15' wide alley south 52 degrees 21
 11 minutes 37 seconds west a distance of 109.50 feet to a point on the
 12 northeastern right-of-way line of Germania Street (100' wide) also
 13 being the westernmost corner of said Lot 34; thence leaving said
 14 corner along the northeastern right-of-way line of said Germania
 15 Street north 37 degrees 38 minutes 23 seconds west a distance of
 16 15.00 feet to a point marking the southwest corner of Lot 1 of said
 17 Helena Place; thence leaving the northeastern right-of-way line of
 18 said Germania Street along the southeastern line of Lots 1, 2, 3, 4, 5,
 19 6, 7 and 8 of said Helena Place also being the northwestern line of
 20 said 15' wide alley to be vacated north 52 degrees 21 minutes 37
 21 seconds east a distance of 244.00 feet to a point on the southwestern
 22 right-of-way line of the aforementioned Austria Street; thence along
 23 the southwestern right-of-way line of said Austria Street south 37
 24 degrees 38 minutes 23 seconds east a distance of 15.00 feet to a point
 25 marking the northeast corner of Lot 9 of said Helena Place, said point
 26 also being a point on the southeastern line of said 15' wide alley to be
 27 vacated; thence leaving the southwestern right-of-way line of said
 28 Austria Street along the northwestern line of said Lot 9 and
 29 southeastern line of said 15 ' wide alley to be vacated south 52
 30 degrees 21 minutes 37 seconds west a distance of 109.50 feet to an
 31 angle point; thence south 07 degrees 21 minutes 37 seconds west a
 32 distance of 7.07 feet to a point on the southwestern line of said Lot 9
 33 and also being the northeastern line of a 15' wide alley to be vacated;
 34 thence along the southwestern line of said Lot 9 and the southwestern
 35 line of said Lot 10 and the northeastern line of said 15 ' wide alley to
 36 be vacated south 37 degrees 38 minutes 23 seconds east a distance of
 37 95.00 feet back to the Point Of Beginning and containing 5,85 square
 38 feet.

39
 40 are, upon the conditions hereinafter set out, vacated.

41 **SECTION TWO:** Petitioners are Cedarwood Development (has contract to purchase

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1 property owned by Buck's, Inc.), William Henry, Debra A. Palmer, James B. Tucker, Raymond M.
2 & Theresa C. Izo, Besim & Lumnije Rexhepi, Kristohper Hunt and Thomas Favazza. Vacated area
3 will be used to consolidate for the purpose of constructing a CVS Pharmacy. A 25 foot wide
4 concrete east/west alley is proposed to maintain ingress and egress to the remaining north/south
5 alley. The Board of Public Service must approve the design of the new alley to be constructed prior
6 to any work beginning. Once constructed, an application must be made to the Board of Public
7 Service to accept the alley for dedication.

8 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
9 the foregoing conditionally vacated alleys, are reserved to the City of St. Louis for the public
10 including present and future uses of utilities, governmental service entities and franchise holders,
11 except such rights as are specifically abandoned or released herein.

12 **SECTION FOUR:** The owners of the land may, at their election and expense remove the
13 surface pavement of said so vacated alleys provided however, all utilities within the rights-of-way
14 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

15 **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders
16 shall have the right and access to go upon the land and occupation hereof within the rights-of-way
17 for purposes associated with the maintenance, construction or planning of existing or future
18 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably
19 required.

20 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
21 vacated without: 1) lawful permit from the Building Division or Authorized City agency as
22 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
23 service entities and franchise holders, present or future. The written consent with the terms and
24 conditions thereof shall be filed in writing with the Board of Public Service by each of the above

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1 agencies as needed and approved by such Board prior to construction.

2 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
3 of a utility, governmental service entity or franchise holder by agreement in writing with such
4 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
5 undertaking of such removal.

6 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
7 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
8 have curbing cobblestones returned to the Department of Streets in good condition.

9 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
10 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
11 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
12 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
13 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
14 deposited by these agencies with the Comptroller of the City of St. Louis.

- 15 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
16 Water facilities, if any.
- 17 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
18 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
19 be returned.
- 20 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
21 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
22 specified in Sections Two and Eight of the Ordinance.

23 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
24 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing

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1 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
2 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
3 within the prescribed time the ordinance will be null and void.

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