

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 the westernmost
3 206.51 ± .90' of the 15 foot wide east/west alley in City Block 4493-B beginning at Kingshighway
4 and extending to a point same being bounded by St. Louis Ave., Euclid Ave., Terry Ave. and
5 Kingshighway in the City of St. Louis, Missouri, as hereinafter described, in accordance with
6 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
7 certain conditions on such vacation.

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

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

11
12 Portion of alley to be vacated located in City Block 4493-B, of City of St. Louis, and
13 being part of Lot 37 of suburb Cote Brilliante as recorded in Book "Q", Page 82,
14 City of St. Louis, Missouri and further described in the following description:

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16 Commencing at a found iron rod at the intersection of the
17 southwesterly line of St. Louis Avenue (60 feet wide) and the
18 southeasterly line of Kingshighway Boulevard (150 feet wide), said
19 corner being the northernmost corner of City Block 4493-B; thence
20 along said southeasterly line south 28 degrees 45 minutes 16 seconds
21 west 127.94 feet to the northeasterly line of a 15 foot wide alley and
22 the Point of Beginning of this description; thence along said
23 northeasterly line and defining the portion of alley to be vacated
24 south 61 degrees 00 minutes 12 seconds east 206.60 feet; thence
25 leaving said northeasterly line south 29 degrees 26 minutes 33
26 seconds west 15.00 feet to the southwesterly line of said alley; thence
27 along said southwesterly line north 61 degrees 00 minutes 12 seconds
28 west 206.42 feet to the aforesaid southeasterly line of Kingshighway
29 Boulevard; thence along said southeasterly line north 28 degrees 45
30 minutes 16 seconds east, 15.00 feet to the Point of Beginning of this
31 description and containing 3,098 square feet or 0.071 acres, more of
32 less. Subject to all easements, conditions and restriction of record, if
33 any.

1 are, upon the conditions hereinafter set out, vacated.

2 **SECTION TWO:** Vacation petitioned by Nada #1, Inc. Vacated area will be used to
3 consolidate property for construction of gas and convenience store. A new north/south alley is
4 proposed that will exit on Terry Ave. The construction and dedication of new alley must be
5 approved by the Board of Public Service.

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

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

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

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

24 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities
25 of a utility, governmental service entity or franchise holder by agreement in writing with such

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1 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
2 undertaking of such removal.

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

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

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

20 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
21 of Streets for review of compliance with conditions two (2) years from the date of the signing and
22 approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will
23 be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within
24 the prescribed time the ordinance will be null and void.

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