

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-service rights for vehicle, equestrian and pedestrian travel in two irregular portions of Shaw
3 between Kingshighway by Vandeventer abutting City Block 4095 and the northern 63.15 foot wide
4 north/south alley in City Block 4095 as bounded by Shaw, Vandeventer and Kingshighway in the
5 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
6 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
7 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 A tract of land being part of Shaw Boulevard in the City of St. Louis, Missouri and
13 being more particularly described as:

14
15 Commencing at the Southwest corner of property conveyed to J.
16 Parker Enterprises, LTD by deed recorded on Book M83, Page 2139
17 of the St. Louis City Records, being on the east line of S.
18 Kingshighway Blvd., 100 feet wide; thence North 08 degrees 57
19 minutes 01 second East 6.85 feet along the East line of S.
20 Kingshighway to a point; thence North 11 degrees 48 minutes 46
21 seconds East 41.98 feet along the East line of S. Kingshighway Blvd.
22 to a point of curvature thence on a curve to the right and having a
23 radius of 22.00 feet and an arc distance of 18.24 feet to a point;
24 thence on a curve to the right and having a radius of 199.00 feet and
25 an arch distance of 13.28 feet to a point, to the actual point of
26 beginning; thence North 83 degrees 19 minutes 23 seconds West
27 11.16 feet to a point; thence North 06 degrees 40 minutes 37 seconds
28 East 25.00 feet to a point; thence South 83 degrees 19 minutes 23
29 seconds East 14.00 feet to a point; thence North 06 degrees 40
30 minutes 37 seconds East 19.00 feet to a point; thence South 83
31 degrees 19 minutes 23 seconds East 60.00 feet to a point; thence
32 South 06 degrees 40 minutes 37 seconds West 17.97 feet to a point;
33 thence North 82 degrees 26 minutes 49 seconds West 6.86 feet to a
34 point of curvature, thence on a curve to the left and having a radius of

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1 199.00 feet and an arc distance of 61.84 feet to the point of beginning
2 and containing 1,996 square feet.
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4 A tract of land being part of Shaw Boulevard, 60 feet wide, in the City of St. Louis,
5 Missouri and being more particularly described as:
6

7 Beginning at a point on the South line of said Shaw Boulevard being
8 distant South 83 degrees 19 minutes 23 seconds East 18.10 feet from
9 the East line of a north-south alley, 15 feet wide in Block 4095 of the
10 City of St. Louis; thence leaving said South line of Shaw Boulevard
11 South 88 degrees 29 minutes 01 second East 45.33 feet to a point;
12 thence along a curve to the left whose radius point bears North 00
13 degrees 48 minutes 53 seconds East 692.00 feet from the last
14 mentioned point, and arc distance of 42.41 feet to a point; thence
15 South 02 degrees 34 minutes 21 seconds East 9.93 feet to said South
16 line of Shaw Boulevard; thence North 83 degrees 19 minutes 23
17 seconds West 88.75 feet along said South line of Shaw Boulevard to
18 the point of beginning and containing 380 square feet
19

20 A tract of land being part of a north-south alley, 15 feet wide, in Block 4095 of the
21 City of St. Louis, Missouri, and being more particularly described as:
22

23 Beginning at the intersection of the South line of said Shaw
24 Boulevard with the East line of said north-south alley being also the
25 Northwest corner of Lot 2 of "Banner's Subdivision" as recorded in
26 Plat Book 69, Page 14 of the St. Louis City Records; thence South 06
27 degrees 42 minutes 01 second West 63.15 feet along said East line of
28 the north-south alley and the West line of said Lot 2 to a point; thence
29 North 83 degrees 17 minutes 59 seconds West 15.00 feet to the West
30 line of said north-south alley; thence North 06 degrees 42 minutes 01
31 second East 63.15 feet along said West line of the north-south alley to
32 the aforesaid South line of Shaw Boulevard; thence South 83 degrees
33 19 minutes 33 seconds East 15.00 feet to the point of beginning and
34 containing 947 square feet.
35

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

37 **SECTION TWO:** J. Parker Enterprises, LTD will be using the proposed vacated areas to
38 consolidate property.

39 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

1 the foregoing conditionally vacated alley and streets, are reserved to the City of St. Louis for the
2 public including present and future uses of utilities, governmental service entities and franchise
3 holders, except such rights as are specifically abandoned or released herein.

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

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

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

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

23 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within
24 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must

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1 have curbing cobblestones returned to the Department of Streets in good condition.

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

8 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
9 Water facilities, if any.

10 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
11 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
12 be returned.

13 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
14 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
15 specified in Sections Two and Eight of the Ordinance.

16 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
17 of Streets for review of compliance with conditions one year (365 days) from the date of the signing
18 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
19 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
20 within the prescribed time the ordinance will be null and void.