

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 irregular portion of
3 Clayton Avenue abutting City Block 5429-D and 7036 Clayton Avenue between Skinker Avenue
4 and Clayton Road in the City of St. Louis, Missouri, as hereinafter described, in accordance with
5 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
6 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 part of Clayton Avenue, 70 feet wide, between Clayton Road,
12 100 feet wide and Skinker Avenue, 100 feet wide, located in the City of St. Louis,
13 Missouri, being more particularly described as follows:

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15 Beginning at the northwestern corner of a tract of land as conveyed to
16 Flow Partnership, by instrument recorded as Document No.
17 20070221, Daily No. 559 of the St. Louis City records, said point
18 also being located on the southwestern right-of-way line of above
19 said Clayton Avenue,; thence along said southwestern right-of-way
20 line North 55 degrees 15 minutes 28 seconds West, 73.52 feet to the
21 beginning of a curve to the left having a radius of 597.00 feet; thence
22 along said curve with an arc length of 231.18 feet and a chord which
23 bears North 66 degrees 21 minutes 06 seconds West, 220.73 feet to
24 the Corporate limits line of the City of St. Louis; thence along said
25 limit line North 45 degrees 25 minutes 42 seconds East, 4.66 feet to
26 its intersection with the direct southeasterly prolongation of the
27 southern right-of-way line of above said Clayton Road; thence along
28 said prolongation line South 83 degrees 45 minutes 00 seconds East,
29 153.46 feet; thence departing last said prolongation line the following
30 courses and distances: South 82 degrees 28 minutes 30 seconds East,
31 36.87 feet to a point of curvature to the right, having a radius of 24.00
32 feet; along said curve with an arc length of 30.81 feet, and a chord
33 which bears South 45 degrees 42 minutes 11 seconds East, 28.73 feet
34 to a point of reverse curvature to the left, having a radius of 55.50
35 feet; along said curve with an arc length of 44.87 feet, and a chord

1 which bears South 32 degrees 05 minutes 40 seconds East, 43.66
2 feet; South 55 degrees 15 minutes 28 seconds East, 61.95 feet and
3 South 34 degrees 44 minutes 32 seconds West, 28.50 feet to the Point
4 of Beginning and containing 8,783 square feet or 0.202 acres more or
5 less.

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

8 **SECTION TWO:** CI, LLC will use the vacated area to consolidate property for
9 commercial development.

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

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

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

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

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

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

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

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

22 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
23 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
24 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit

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- 1 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
- 2 within the prescribed time the ordinance will be null and void.

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