

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in May Street from Broadway St. to
3 Second Street in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter
4 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain
5 conditions on such vacation.

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

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

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10 A tract of land being part of May Street, 75.00 feet wide, bounded on the Northwest
11 by the southeast line of Block 2490, on the Southeast by the northwest line of Block
12 2491, on the Southwest by the northeast right-of-way line of North Broadway, 80.00
13 feet wide, and on the Northeast by the southwest right-of-way line of North 2nd
14 Street, 50.00 feet wide in the City of St. Louis, Missouri and being more particularly
15 described as:

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17 Beginning at the most southern corner of said Block 2490, being also
18 on the northwest right-of-way line of said May Street, 75.00 feet
19 wide; thence north 55 degrees 40 minutes 20 seconds east, a distance
20 of 287.51 feet along said northwest right-of-way line and the
21 southeast line of said Block 2490 to the most eastern corner thereof;
22 thence south 32 degrees 23 minutes 40 seconds east, a distance of
23 75.04 feet to the most northern corner of said Block 2491, being also
24 on the southeast right-of-way line of said May Street, 75.00 feet
25 wide; thence south 55 degrees 40 minutes 20 seconds west, a distance
26 of 289.41 feet along said southeast right-of-way line and the
27 northwest line of said Block 2491 to the most western corner thereof;
28 thence north 30 degrees 56 minutes 42 seconds west, a distance of
29 75.13 feet to the point of beginning and containing 21,635 square feet
30 or 0.50 acres more or less.

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

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1 **SECTION TWO:** Vacated area will be used to consolidate property for commercial
2 development.

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

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

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

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

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

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

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

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

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