

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 1) access way from St.
3 Louis Ave. to Montgomery Ave. 2) access way from Montgomery Ave. to Warren St. 3) the
4 westernmost 42 feet of the 15 foot wide east/west alley in City Block 1123 as bounded by St. Louis
5 Ave., 13th, Montgomery and 14th St. 4) the westernmost 21.50 feet of the 15 foot wide east/west
6 alley in City Block 1124 as bounded by Montgomery, 13th, Warren and 14th in the City of St. Louis,
7 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
8 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

12
13 A tract of land being located in City Block 1123 of the City of St. Louis, Missouri
14 and being more particularly described as follows:

15
16 Beginning at the intersection of the west right-of-way line of an
17 accessway (25 foot wide), dedicated per Ordinance 57190 with the
18 south right-of-way line of St. Louis (60 foot wide) Avenue; thence
19 along said south right-of-way line, north 68 degrees 14 minutes 40
20 seconds east, a distance of 25.00 feet to the east right-of-way line of
21 the aforementioned accessway; thence along said east right-of-way
22 line, south 21 degrees 37 minutes 42 seconds east, a distance of
23 112.50 feet to the north right-of-way line of an alley (15 foot wide);
24 thence along said north right-of-way line, north 68 degrees 14
25 minutes 40 seconds east, a distance of 42.00 feet; thence crossing
26 said alley, south 21 degrees 37 minutes 42 seconds east, a distance of
27 15.00 feet to the south right-of-way line of said alley; thence along
28 said south right-of-way line, south 68 degrees 14 minutes 40 seconds
29 west, a distance of 42.00 feet to the east right-of-way line of the
30 aforementioned accessway; thence along said east right-of-way line,
31 south 21 degrees 37 minutes 42 seconds east, a distance of 112.50
32 feet to the north right-of-way line of Montgomery (60 foot wide)
33 Avenue; thence along said north right-of-way line, south 68 degrees
34 14 minutes 40 seconds west, a distance of 25.00 feet to the west right-

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1 of-way line of the aforementioned accessway; thence along said west
2 right-of-way line, north 21 degrees 37 minutes 42 seconds west, a
3 distance of 240.00 feet to the point of beginning. The above
4 described tract of land containing 6,630 square feet is based upon a
5 vacation plat prepared by Cole and Associates, Inc. during the month
6 of November 2008 and is subject to all easement, restrictions,
7 reservations and conditions of record, in any.

8
9 A tract of land being located in City Block 1124 of the City of St. Louis, Missouri
10 and being more particularly described as follows:

11
12 Beginning at the intersection of the west right-of-way line of an
13 accessway (25 foot wide), with the south right-of-way line of
14 Montgomery (60 foot wide) Avenue; thence along said south right-
15 of-way line, north 68 degrees 14 minutes 40 seconds east, a distance
16 of 25.00 feet to the east right-of-way line of the aforementioned
17 accessway; thence along said east right-of-way line, south 21 degrees
18 27 minutes 42 seconds east, a distance of 112.50 feet to the north
19 right-of-way line of an alley (15 foot wide); thence along said north
20 right-of-way line, north 68 degrees 14 minutes 40 seconds east, a
21 distance of 21.50 feet; thence crossing said alley, south 21 degrees 37
22 minutes 42 seconds east, a distance of 15.00 feet to the sought right-
23 of-way line of said alley; thence along said south right-of-way line,
24 south 68 degrees 14 minutes 40 seconds west, a distance of 21.50 feet
25 to the east right-of-way line of the aforementioned accessway; thence
26 along said east right-of-way line, south 21 degrees 37 minutes 42
27 seconds east, a distance of 112.50 feet to the north right-of-way line
28 of Warren (60 feet wide) Street; thence along said north right-of-way
29 line, south 68 degrees 14 minutes 40 seconds west, a distance of
30 25.00 feet to the west right-of-way line of the aforementioned
31 accessway; thence along said west right-of-way line, north 21 degrees
32 37 minutes 42 seconds west, a distance of 240.00 feet to the point of
33 beginning. The above described tract of land containing 6,323 square
34 feet is based upon a vacation plat prepared by Cole and Associates,
35 Inc. during the month of November 2008 and is subject to all
36 easements, restrictions, reservations and conditions of record, if any.

37
38 are, upon the conditions hereinafter set out, vacated.

39 **SECTION TWO:** Crown Village Associates, LLC plans to use vacated areas to
40 consolidate property for commercial/retail development.

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

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

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

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

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

24 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within

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1 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
2 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

17 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
18 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
19 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
20 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
21 within the prescribed time the ordinance will be null and void.

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