

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the eastern 103.00 feet of the 15 foot wide east/west alley
3 in City Block 509 as bounded by Olive, 18th, Pine and 17th in the City of St. Louis, Missouri, as
4 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
5 Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

9
10 A tract of land located in Block 509 of the City of St. Louis, Missouri, more
11 particularly described as follows:

12
13 Beginning at the southeast corner of a tract of land conveyed to the
14 Pyramid Group, LLC, recorded in deed book 1458, Page 177 of City
15 of St. Louis Records, said point also lying along the west right-of-
16 way line of Seventeenth Street (60 feet wide); thence continuing
17 along said line, south 14 degrees 43 minutes 25 seconds west, 15.00
18 feet; thence along the south line of an alley (15 feet wide) north 75
19 degrees 16 minutes 05 seconds west, 103.50 feet; thence north 14
20 degrees 44 minutes 38 seconds east, 15.00 feet; thence along the
21 north line of said alley, south 75 degrees 16 minutes 5 seconds east,
22 103.49 feet to the point of beginning, containing 1,552 square feet or
23 0.036 acre, more or less.

24
25 are, upon the conditions hereinafter set out, vacated.
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27 **SECTION TWO:** The Petitioners are Olive Condominiums-St. Louis, LLC, Derald Gab,
28 LLC, Pyramid Group, LLC. Vacated area will be used as a pedestrian walkway.

29 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
30 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
31 including present and future uses of utilities, governmental service entities and franchise holders,

1 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

23 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
24 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to

Date November 8, 2007

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Sponsor: Alderwoman Phyllis Young

1 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this
2 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
3 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
4 deposited by these agencies with the Comptroller of the City of St. Louis.

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

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