

1 **An ordinance recommended by the Board of Public Service to vacate**
2 **public surface rights for vehicle, equestrian and pedestrian travel on**
3 **the remaining 152.69 feet of the 15 foot wide north/south alley and**
4 **westernmost 277.80 feet \pm .27 feet of the 15 foot wide east/west alley in**
5 **City Block 1463 as bounded by Hartford, Arkansas, Juniata and**
6 **Grand in the City of St. Louis, Missouri, as hereinafter described, in**
7 **accordance with Charter authority, and in conformity with Section 14**
8 **of Article XXI of the Charter and imposing certain conditions on such**
9 **vacation.**

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

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

13 A tract of land being part of a 15 feet wide Alley as established by the Tower
14 Grove Park and Grand Avenue Addition, a subdivision according to the plat thereof as
15 recorded in Plat Book 11, Pages 94 and 95, also being part of a 25 feet wide Alley as
16 established by the Plat of Dedication of Alley in City Block 1463, according to the
17 plat there of as recorded in Plat Book 26, Page 6, both of the Recorder of Deeds Office
18 for the City of St. Louis, Missouri also being located in City Block No. 1463 and
19 being more particularly described as follows:

20
21 Beginning at the point of intersection of the North line of Juniata Street,
22 60 feet wide and the Westerly line of above said 15 feet wide Alley; thence
23 along said Westerly line North 02 degrees 18 minutes 52 seconds West 152.92
24 feet to the Southerly line of that Part of above said 25 feet wide Alley as
25 vacated by Ordinance No. 56006 as recorded in above said records; thence
26 departing last said Easterly line over, across, and through said 25 feet wide
27 Alley North 87 degrees 41 minutes 08 seconds East 25.00 feet to the Easterly
28 line of said 25 feet wide Alley; thence along said Easterly line South 02
29 degrees 18 minutes 52 seconds East 13.81 feet to the Northerly line of a 15 feet
30 wide Alley; thence along said Northerly line North 90 degrees 00 minutes 00
31 seconds East 268.08 feet, said point being 130.03 feet West of the Westerly
32 line of Arkansas Street, 60 feet wide; thence departing last said Northerly line
33 over, across and through said 15 feet wide Alley South 00 degrees 00 minutes
34 00 seconds West 15.00 feet to the Southerly line of said Alley; thence along
35 the Southerly and Easterly lines of said Alley South 90 degrees 00 minutes 00
36 seconds West 277.49 feet and South 02 degrees 18 minutes 52 seconds East

1 125.10 feet to the Northerly line of above said Juniata Street; thence along said
2 Northerly line North 90 degrees 00 minutes 00 seconds West 15.01 feet to the
3 Point of Beginning and containing 6,601 square feet or 0.152 acres more or
4 less according to calculations performed by Stock and Associates Consulting
5 Engineers, Inc. on August 24, 2006.

6
7 are, upon the conditions hereinafter set out, vacated.

8 **SECTION TWO:** Vacated area will be used for a new residential and commercial
9 development.

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

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

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

23 **SECTION SIX:** The owners shall not place any improvement upon, over or in the
24 land traversed by the rights-of-way without a lawful permit from the City and written consent
25 of the utilities, governmental service entities and franchise holders, present or future; and
26 such consent together with the terms and conditions thereof shall be filed in writing with the

1 Board of Public Service and approved by such Board prior to the undertaking of any such
2 construction concerning the rights-of-way.

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

7 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed
8 within the vacated area, the Department of Streets of the City of St. Louis must be notified
9 and it in turn will remove said curbing or cobblestone at the current removal price.

10 **SECTION NINE:** This ordinance shall be ineffective unless within sixty (60) days
11 after its approval, or such longer time as is fixed by the Board of Public Service not to exceed
12 one hundred twenty (120) days from approval or override, the owners of the land subservient
13 to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of
14 St. Louis for the use and benefit of the City Water Division estimated by said Division to be
15 sufficient to cover the full expense of removal and relocation of water facilities, if any;
16 further, such owner or owners shall within said time deposit an additional sum of money with
17 the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and
18 Transportation Division estimated by said Division to be sufficient to cover the full expense
19 of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the
20 Water Division and the Traffic and Transportation Division, they shall proceed as is
21 reasonably expedient to accomplish all work required and all useful access and occupation
22 shall be accorded; further, such owner or owners shall, within said time, deposit an additional
23 sum with the Comptroller of the City of St. Louis estimated by said Board as sufficient to

1 defray the expenses required for the adjustment of the City's streets, including curbs,
2 sidewalks, driveways, roadway drainage connections and inlets, grading, paving, sidewalks
3 and roadways and road signage; provided further that said owners shall, under direction of
4 the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their
5 own expense, but in the event said owners fail to accomplish such within allowable time,
6 according to the direction of the Director, the Director shall cause the same to be performed
7 and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so
8 much thereof as required to defray such expenses to the City or others; no claims or demands
9 whatever arising out of such vacation or adjustment shall be made or prosecuted by owners,
10 their heirs, successors or assigns; and the Comptroller after determining the total cost of the
11 foregoing to the City shall return any unexpended part of said deposits to the owner or
12 owners.

13 **SECTION TEN:** An affidavit stating that all of the conditions of this ordinance have
14 been/will be fulfilled and/or complied with must be submitted to the Board of Public Service
15 for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance.
16 If this affidavit is not submitted within the prescribed time, the ordinance will be null and
17 void.

18 **SECTION ELEVEN:** Notwithstanding anything to the contrary which may be
19 contained in this ordinance, should the owner(s) to whom the vacated areas will revert,
20 and/or their successors or assigns, have the utilities, if any, removed from said vacated areas,
21 then the herein reserved rights reserved and/or granted to the specific abandoned utility shall
22 be abandoned upon filing for record in the Office of the Recorder of Deeds of the City of
23 St. Louis a written instrument, executed in behalf of the owner(s) of such utilities, which

1 instrument shall state that arrangements have been made to the satisfaction of the owner(s) of
2 such utilities and that the herein-reserved rights for their benefit have been abandoned by the
3 owner(s) of said utilities. In such event, no further rights shall be reserved pursuant to this
4 ordinance as such rights, including the access rights granted hereunder, shall be deemed
5 abandoned or released herein and no consents and/or approvals as described in Section Six of
6 this Ordinance shall be necessary.

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