

**ORDINANCE #66037**  
**Board Bill No. 174**

AN ORDINANCE RECOMMENDED BY THE BOARD OF PUBLIC SERVICE TO VACATE PUBLIC SURFACE RIGHTS FOR VEHICLE, EQUESTRIAN AND PEDESTRIAN TRAVEL ON BELMONT STREET, BEING PART OF A 25 FOOT ALLEY BETWEEN 15TH AND 16TH STREETS AND THE 80 FOOT WIDE PORTION OF 15TH STREET LOCATED BETWEEN BELMONT AND SPRUCE STREETS IN CITY BLOCK 220 IN THE CITY OF ST. LOUIS, MISSOURI, AS HEREINAFTER DESCRIBED, IN ACCORDANCE WITH CHARTER AUTHORITY AND IN CONFORMITY WITH SECTION 14 OF ARTICLE XXI OF THE CHARTER AND IMPOSING CERTAIN CONDITIONS ON SUCH VACATION.

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

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

A tract of land lying in the City of St. Louis, Missouri and being part of a 25 foot wide alley in City Block 220 known as Belmont Street and a portion of 15th Street 80 feet wide adjoining said City Block 220 and being more particularly described as follows:

Commencing at a found Railroad Spike at the intersection of the South right-of-way line of Spruce Street, 50 feet wide and the West right-of-way line of 15th Street, 80 feet wide, said point also being the Northeast corner of Lot 39 of Reily's Addition to St. Louis; thence North 17 degrees 29 minutes 19 seconds East, a distance of 50.05 feet to a set iron rod on the intersection of the North right-of-way line of said Spruce and the West right-of-way line of said 15th Streets, said intersection being the TRUE POINT OF BEGINNING for the herein described tract; thence continuing along said West right-of-way line North 17 degrees 16 minutes 03 seconds East, a distance of 150.68 feet to a set iron rod on the South right-of-way line of Belmont Street 25 feet wide; thence along said South right-of-way North 75 degrees 08 minutes 31 seconds West, a distance of 330.03 feet to a set iron rod on the East right-of-way line of 16th Street, 80 feet wide; thence along said East line North 17 degrees 16 minutes 03 seconds East, a distance of 25.02 feet to a set iron rod at the intersection of the said East line of 16th Street and the North right-of-way line of the aforementioned Belmont Street; thence along said North line South 75 degrees 08 minutes 31 seconds East, a distance of 410.10 feet to a set iron rod at the intersection of the said North line of Belmont Street and the East right-of-way line of the aforementioned 15th Street; thence along said East line South 17 degrees 16 minutes 03 seconds West, a distance of 175.70 feet to a set iron rod at the intersection of the North line of said Spruce Street and the East line of said 15th Street; thence along said North line North 75 degrees 08 minutes 31 seconds West, a distance of 80.07 feet to the True Point of Beginning and containing 22,307 square feet (0.51 acres) according to a survey by J. R. Grimes Consulting Engineers, Inc.

shall be and is hereby vacated.

**SECTION TWO:** The Treasurer of the City of St. Louis, Missouri plans to consolidate/re-develop vacated areas into public parking.

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

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

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

**SECTION SIX:** The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

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

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

**SECTION NINE:** This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as s reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, and roadway drainage connections and inlets, grading paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; not claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the forgoing to the City shall return any unexpended part of said deposits to the owner or owners.

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

**Approved: October 22, 2003**