

BOARD BILL NO. 82

INTRODUCED BY: ALDERWOMAN MARLENE DAVIS

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 15 foot wide east-west
3 alley in City Block 1039 as bounded by Samuel Shepard Dr., Compton Ave., Washington Ave., and
4 Leonard Ave. in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter
5 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain
6 conditions on such vacation.

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

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

10
11 A 15' wide alley being part of the Subdivision of Section 16 as recorded in City
12 Record Book 3 page 101 and part of "West Stoddard Addition" as recorded in Platt
13 Book 6 page 66 of the City of St. Louis Records, in City Block 1039, Township 45
14 North – Range 7 East, City of St. Louis, Missouri and being more particularly
15 described as follows:

16
17 Beginning at the intersection of the West line of Compton Avenue 60
18 feet wide, with the South line of said 15 feet wide alley; thence
19 Westwardly along the South line of said 15 feet wide alley, North 75
20 degrees 12 minutes 03 seconds West 310.84 feet to the East line of
21 Page Avenue, 60 feet wide; thence North 14 degrees 50 minutes 00
22 seconds East 15.00 feet along the East line of Page Avenue, 60 feet
23 wide, to the North line of said 15 feet wide alley; thence Eastwardly
24 along said North line South 75 degrees 12 minutes 03 seconds East
25 310.88 feet to said West line of Compton Avenue, 60 feet wide;
26 thence South 14 degrees 57 minutes 16 seconds East 15.00 feet to the
27 point of beginning and containing 4662 square feet according to
28 survey by Volz Inc. during November 2012.

29
30 are, upon the conditions hereinafter set out, vacated.
31

32 **SECTION TWO:** Vacated area will be used to enhance safety of abutting properties.

33 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

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1 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
2 including present and future uses of utilities, governmental service entities and franchise holders,
3 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

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

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

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