

BOARD BILL NO 248

INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG

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 14 foot wide
3 north/south alley in City Block 802 as bounded by Shenandoah, 13th, Lami and Interstate 55 in the
4 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
6 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 tract of land being a 14’ wide alley that runs north and south in Block 42 of
12 Thomas Allen’s Addition per Plat Book X Page 93 and Plat Book D Page 85,
13 bounded on the north by the south line of a 16’ wide alley, on the east by the west
14 line of Lot 15, on the south by the north line of Lami Street and on the west by the
15 east line of Lots 16 thru 19 being located in City Block 802, City of St. Louis, State
16 of Missouri and being more particularly described as follows:

17
18 Beginning at the intersection of the southwest corner of Lot 15 of
19 Thomas Allen’s Addition as per the plat thereof recorded in Plat
20 Book X Page 93 of the St. Louis City Records and the north line of
21 Lami (60’ wide) Street; thence with the north line of said Lami Street,
22 north 70 degrees 15 minutes 00 seconds west 14.00 to the southeast
23 corner of Lot 16 of said Thomas Allen’s addition; thence with the
24 east line of said Lot 15 and its direct prolongation, north 19 degrees
25 46 minutes 00 seconds east 142.00 feet to a point on the south line of
26 a 16’ wide alley; thence with the said south line, south 70 degrees 15
27 minutes 00 seconds east 14.00 feet to the northwest corner of
28 aforesaid Lot 15; thence departing said 16’ wide alley with the west
29 line of Lot 15, south 19 degrees 46 minutes 00 seconds west 142.00
30 feet to the point of beginning and containing 1,988 square feet
31 (0.0456 acres), more or less, as calculated by the Sterling Company
32 during the month of November, 2009.

33
34 are, upon the conditions hereinafter set out, vacated.

35 **SECTION TWO:** Petitioners are James L. Mitchell and Michael L. Garland. Vacated area

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1 will be used to consolidate property.

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

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