

ORDINANCE NUMBER 70168

BOARD BILL NO 171

INTRODUCED BY: ALDERMAN JOHN COATAR

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  
3 north/south alley in City Block 109 as bounded by Poplar, Fourth, Cerre, and Broadway in the City  
4 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 parcel of ground in City Block 109, in the City of St. Louis, Missouri, more  
12 particularly described as follows:

13  
14 Beginning at the Western line of an alley, 15 feet wide with the  
15 Northern line of Cerre Street, 50 feet wide; thence North 17 degrees  
16 33 minutes 20 seconds East 398.45 feet, along the Western line of  
17 said alley, to the Southern line of Poplar Street, 32.08 feet wide, to a  
18 point; thence South 67 degrees 22 minutes 07 seconds East 15.06  
19 feet, along the Southern line of Poplar Street, to the Eastern line of  
20 said alley, to a point; thence South 17 degrees 33 minutes 20 seconds  
21 West 397.14 feet, along the Eastern line of said alley, to the Northern  
22 line of said Cerre Street, to a point; thence North 72 degrees 22  
23 minutes 40 seconds West 15.00 feet, along the Northern line of said  
24 Cerre Street, to the Western line of alley to the Point of Beginning  
25 and containing 5,967 square fee as prepared by Pitzman's Company.

26  
27 are, upon the conditions hereinafter set out, vacated.

28 **SECTION TWO:** The vacation of the alley will allow for the Eugene Field House  
29 Foundation to consolidate property for expansion of The Eugene Field House and Saint Louis Toy  
30 Museum.

31 **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.