

BOARD BILL #251

INTRODUCED BY: ALDERWOMAN CAROL HOWARD

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 the western 15' wide
3 north/south alley in City Block 5653 beginning at Delor and continuing 227.895 ± 2.525' to the
4 northern 15' wide east/west alley in same City Block and both bounded by Delor, Adkins, Walsh and
5 Morganford in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter
6 authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain
7 conditions on such vacation.

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

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

11
12 A tract of land being a north/south alley, 15 feet wide, in City Block 5653 of the City
13 of St. Louis Records in the City of St. Louis, Missouri and being more particularly
14 described as follows:

15
16 Commencing at the Northwesterly corner of said City Block 5653,
17 said point being the intersection of the Easterly line of Gravois
18 Avenue, 80 feet wide, with the Southerly line of Delor Street, 60 feet
19 wide; thence along the Southerly line of said Delor Street, South 56
20 degrees 01 minutes 42 seconds East, 112.05 feet to the intersection
21 with the Westerly line of said North/South alley, and being the True
22 Point of Beginning of the tract of land herein described; thence
23 continuing along the Southerly line of said Delor Street, South 56
24 degrees 01 minutes 42 seconds East, 15.00 feet to the Easterly line of
25 said North/South alley; thence along the Easterly line of said
26 North/South alley, South 34 degrees 03 minutes 01 second West,
27 225.37 feet to an angle point of a 5.00 foot chamfer with the
28 Northerly line of and East/West alley, 15 feet wide; thence along the
29 said chamfer line, South 11 degrees 04 minutes 43 seconds East, 7.06
30 feet to the Northerly line of said East/West alley; thence along the
31 Westwardly prolongation of the Northerly line of said East/West
32 alley, North 56 degrees 12 minutes 27 seconds West, 20.00 feet to the
33 Westerly line of said North/South alley; thence along the Westerly
34 line of said North/South alley, North 34 degrees 03 minutes 01
35 seconds East, 230.42 feet to the True Point of Beginning, according

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1 to Survey Number 204328, executed by James Surveying Company,
2 during the month of October, 2014, and containing 3,468 square feet,
3 more or less.

4
5 are, upon the conditions hereinafter set out, vacated.

6 **SECTION TWO:** Southern Commercial Bank will use vacated area to consolidate
7 property and improve security.

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

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

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

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

26 **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities

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1 of a utility, governmental service entity or franchise holder by agreement in writing with such
2 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the
3 undertaking of such removal.

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

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

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

21 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
22 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing
23 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
24 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted

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1 within the prescribed time the ordinance will be null and void.

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