

BOARD BILL NO. 102

INTRODUCED BY: ALDERMAN SAMUEL MOORE

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in the most western 213.53 feet of the
3 20 foot wide alley (aka Cozen Avenue) in City Block 3728 and bonded by Dr. Martin Luther King
4 Drive, Whittier, Evans and Pendleton in the City of St. Louis, Missouri, as hereinafter described, in
5 accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter
6 and imposing certain 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 A tract of land being part of a 20 foot wide alley in City Block 3728 in the City of St.
11 Louis, Missouri and being more particularly described as follows:

12
13
14 Beginning at the point of intersection of the Eastern line of Pendleton
15 Avenue with the Northern line of a 20 foot wide East-West alley in
16 City Block 3728 in the City of St. Louis, Missouri; thence along the
17 Northern line of said alley South 60 degrees 52 minutes 40 seconds
18 East, 213.53 feet to the Southwest corner of a tract of land described
19 in a deed to Kyle Anders and Muneera Nasser as recorded in Book
20 04082005, Page 0179 of the City of St. Louis Records; thence
21 leaving said North line of the alley South 29 degrees 07 minutes 20
22 seconds West, 20.00 feet to a point on the Southern line of said Alley;
23 thence along the Southern line of the 20-foot wide alley North 60
24 degrees 52 minutes 40 seconds West, 213.53 feet to the intersection
25 with the aforesaid Eastern line of Pendleton Avenue; thence along
26 said Eastern right-of-way line North 29 degrees 06 minutes 42
27 seconds East, 20.00 feet to the Point of Beginning and containing
28 4271 square feet or 0.098 acre more or less as per calculations by
29 Stock & Associates Consulting Engineers, Inc during March, 2015.

30
31 are, upon the conditions hereinafter set out, vacated.
32

33 **SECTION TWO:** Vacated area will be used to consolidate for development of a multi-

Date: June 5, 2015

Page 1 of 3

Board Bill No. 102

Sponsor: Alderman Samuel Moore

1 family residence. A new north/south alley will be constructed and dedicated in order to maintain
2 ingress and egress.

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

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

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

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

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

Date: June 5, 2015

Page 2 of 3

Board Bill No. 102

Sponsor: Alderman Samuel Moore

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

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

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

18 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
19 of Streets for review of compliance with conditions two (2) years from the date of the signing and
20 approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit will
21 be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted within
22 the prescribed time the ordinance will be null and void.