

BOARD BILL NO. 104

**INTRODUCED BY: ALDERMAN KENNETH ORTMANN
ALDERMAN THOMAS VILLA**

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 an irregular portion of
3 the eastern part of River Bluff Place approximately 120' ± 5' in length between Broadway and the
4 previous section of River Bluff Place vacated by Ordinance 67234 in the City of St. Louis, Missouri,
5 as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
6 Article XXI of the Charter 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
11 A parcel of ground in City Block 2755 and 2790, in the City of St. Louis, Missouri,
12 more particularly described as follows:

13
14 Beginning at the Northern line of River Bluff Place, 30 feet wide with
15 the Southwestern corner of Lot 7 of River Bluff Place recorded in
16 Plat Book 20 Page 59, City of St. Louis Recorder's Office; thence
17 South 88 degrees 56 minutes 00 seconds East 69.92 feet, along the
18 Northern line of said River Bluff Place, to a point; thence 46.37 feet,
19 along a curve to the right, having a radius of 25.00 feet and a chord
20 which bears South 88 degrees 56 minutes 00 seconds East 40.00 feet,
21 along the Northern line of said River Bluff Place, to the Northwestern
22 corner of former River Bluff Place, vacated by Ordinance 67234, to a
23 point; thence South 01 degrees 04 minutes 00 seconds West 30.00
24 feet, along the Eastern line of said River Bluff Place, also being the
25 Western line of said former River Bluff Place, to the Southwestern
26 corner of said former River Bluff Place, to a point; thence 46.37 feet,
27 along a curve to the right, having a radius of 25.00 feet and a chord
28 which bears North 88 degrees 56 minutes 00 seconds West 40.00
29 feet, along the Southern line of said River Bluff Place, to a point;
30 thence North 88 degrees 56 minutes 00 seconds West 69.92 feet,
31 along the Southern line of said River Bluff Place to the Western line
32 of said Lot 7 produced to a point; thence 01 degrees 04 minutes 00
33 seconds East 30 feet, along the Western line of said Lot 7 produced,

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1 to the Northern line of said River Bluff Place to the Point of
2 Beginning and containing 3,857 square feet as prepared by Pitzman's
3 Company.
4

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

6 **SECTION TWO:** The petitioners are Thomas Restoff, Gregory Launius and Four River
7 Bluff Place, LLC.

8 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
9 the foregoing conditionally vacated street, 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 street 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.

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

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

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

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

22 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
23 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing

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1 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
2 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
3 within the prescribed time the ordinance will be null and void.

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