

**BOARD BILL NUMBER 115 INTRODUCED BY ALDERMAN SAMUEL MOORE**

1           An ordinance recommended by the Board of Public Service to conditionally vacate above  
2 surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the northern  
3 120 feet of the 15 foot wide north-south alley in City Block 1880 as bounded by Cote Brilliante,  
4 Grand, Aldine and Spring in the City of St. Louis, Missouri, as hereinafter described, in accordance  
5 with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and  
6 imposing certain conditions on such vacation.

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

8 **SECTION ONE:**

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

11           A tract of land being part of a 15 foot wide alley in City Block 1880, City of St. Louis,  
12 Missouri, and being more particularly described as follows:

13           Beginning at the northwest corner of Lot 10 of D.D. Page Second  
14 Western Addition in City Block 1880, City of St. Louis, Missouri, said  
15 being on the south line of Cote Brilliante Avenue (60 feet wide) 120.00  
16 feet West of the intersection of the west line of North Grand Boulevard  
17 (80 feet wide) and the south line of said Cote Brilliante Avenue;  
18 thence South 28 degrees 57 minutes 09 seconds West, a distance of  
19 120.00 feet to a point on the west line of Lot 6 of said D.D. Page's  
20 Western Addition; thence leaving said west line North 60 degrees 40  
21 minutes 23 seconds West, a distance of 15.00 feet to the southeast  
22 corner of Lot 11 of said D.D. Page's Western Addition; thence along  
23 the east line of said Lot 11 North 28 degrees 57 minutes 09 seconds  
24 East, a distance of 120.00 feet to the northeast corner of said Lot 11  
25 and being on the south line of the aforementioned Cote Brilliant Ave;  
26 thence along said south line South 60 degrees 40 minutes 23 seconds  
27 East, a distance of 15.00 feet to the Point of Beginning, containing  
28 1,349 square feet or 0.03 acres, more or less.

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

1    **SECTION TWO:**

2    True Grace Baptist Church proposes to vacate alley to consolidate property for building  
3    construction.

4    **SECTION THREE:**

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

9    **SECTION FOUR:**

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

13   **SECTION FIVE:**

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

18   **SECTION SIX:**

19   The owner(s) shall not place any improvement upon, over or in the area(s) vacated without:

- 20           1. Lawful permit from the Building Division or Authorized City agency as governed  
21                 by the Board of Public Service.

1           2. Obtaining written consent of the utilities, governmental service entities and franchise  
2           holders, present or future. The written consent with the terms and conditions thereof  
3           shall be filed in writing with the Board of Public Service by each of the above  
4           agencies as needed and approved by such Board prior to construction.

5   **SECTION SEVEN:**

6   The owners may secure the removal of all or any part of the facilities of a utility, governmental  
7   service entity or franchise holder by agreement in writing with such utilities, governmental entity or  
8   franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

9   **SECTION EIGHT:**

10   In the event that granite curbing or cobblestones are removed within the vacated area, the  
11   Department of Streets of the City of St. Louis must be notified. Owner(s) must have curbing  
12   cobblestones returned to the Department of Streets in good condition.

13   **SECTION NINE:**

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

20       1. CITY WATER DIVISION so as to cover the full expenses of removal and/or relocation of  
21       Water facilities, if any.

1        2. CITY TRAFFIC AND TRANSPORTATION DIVISION so as to cover the full expenses of  
2            removal, relocation and/or purchase of all lighting facilities, if any. All street signs must be  
3            returned.

4        3. CITY STREET DEPARTMENT so as to cover the full expenses required for the  
5            adjustments of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s)  
6            as specified in Sections Two and Eight of the Ordinance.

7        **SECTION TEN:**

8        An affidavit stating that all of the conditions be submitted to the Director of Streets for review of  
9        compliance with conditions 365 days (1 year) from the date of the signing and approval of this  
10       ordinance. Once the Director of Streets has verified compliance, the affidavit will be forwarded to  
11       the Board of Public Service for acceptance. If this affidavit is not submitted within the prescribed  
12       time the ordinance will be null and void.