

Summary
Board Bill Number 220
Sponsored by Alderwoman Shameem Clark-Hubbard
February 14, 2020

The overall purpose for this bill is to conditionally vacate the following public alley.

The 15 foot wide north/south alley in C.B.3874-W beginning at Pershing and extending northwardly 176 ± 6 feet to a point bordering the 20 foot wide east/west alley in C.B. 3874-W as bounded by Waterman, Clara, Pershing and DeBaliviere.

The Petitioners are Kilimanjara V LLC and Mills Pershing LLC.

The vacated areas will be used to consolidate property for commercial/residential development.

BOARD BILL NUMBER 220 INTRODUCED BY ALDERWOMAN SHAMEEM CLARK HUBBARD

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 15 foot
3 wide north/south alley in City Block 3874-W beginning at Pershing and extending northwardly
4 176 ± 6 feet to a point bordering the 20 foot wide east/west alley in City Block 3874-W as
5 bounded by Waterman, Clara, Pershing and DeBaliviere in the City of St. Louis, Missouri, as
6 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
7 Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

11 A tract of land being part of a public alley, 15 feet wide, in City Block 3874-W,
12 dedicated in City Plat Book 18 Page 62 of the City of St. Louis Recorder's Office,
13 situated in the City of St. Louis, Missouri, and being more particularly described as
14 follows:

15 Commencing at the Southwest corner of said City Block 3874-W,
16 said point being located at the intersection of the North line of
17 Pershing Avenue, 80 feet wide, with the East line of DeBaliviere
18 Avenue, 100 feet wide; thence South 83 degrees 00 minutes 47
19 seconds East, along the North line of said Pershing Avenue, a
20 distance of 150.00 feet to the Southeast corner of a tract of land
21 conveyed to Kilimanjaro V, LLC, by instrument recorded on 10-09-
22 2019 Daily#263, said point also being the Southwest corner of said
23 alley, 15 feet wide and being the True Point of Beginning of the tract
24 described herein; thence departing said Pershing Avenue North 07
25 degrees 14 minutes 06 seconds East along the West line of said alley,
26 a distance of 180.00 feet to the Northeast corner of said tract to
27 Kilimanjaro V, LLC; thence departing said West line of alley South
28 56 degrees 23 minutes 54 seconds East, a distance of 22.32 feet to a
29 point on the South line of an alley, 20.00 feet wide; thence South 52

1 degrees 06 minutes 40 seconds West, along alley line 7.09 feet to a
2 point; thence South 07 degrees 14 minutes 06 seconds West, along
3 the East line of said alley, a distance of 165.00 feet to a point on said
4 North line of Pershing Avenue, said Point also being the Southwest
5 corner of a tract of land conveyed to Mills Pershing, LLC, by
6 instrument recorded on 06-11-2007 Daily#186 of the City of St.
7 Louis Records; thence North 83 degrees 00 minutes 47 seconds
8 West, along the North line of Pershing Avenue, a distance of 15.00
9 feet to the Point of Beginning, containing 2,663 square feet.

10 The above described tract is subject to all easements, restrictions,
11 reservations and conditions of record, if any.

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

13 **SECTION TWO:**

14 Petitioners are Kilamanjaro V LLC and Mills Pershing LLC. Vacated area will be used to
15 consolidate property for commercial./residential development..

16 **SECTION THREE:**

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

21 **SECTION FOUR:**

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

25 **SECTION FIVE:**

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

5 **SECTION SIX:**

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

7 1. Lawful permit from the Building Division or Authorized City agency as governed
8 by the Board of Public Service.

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

13 **SECTION SEVEN:**

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

17 **SECTION EIGHT:**

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

21 **SECTION NINE:**

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

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

15 **SECTION TEN:**

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