

**ORDINANCE #68647**  
**Board Bill No. 35**

An ordinance recommended by the Board of Public Service to conditionally vacate above surface, surface and sub-surface rights for vehicle, equestrian and pedestrian travel in 20 foot wide north/south alley in City Block 4530 bounded by Cote Brilliante, Burd, Dr. Martin Luther King and Clara in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

A tract of land situated in the City of St. Louis and the State of Missouri lying in part of City Block 4530, being the 20 foot wide Northeast-Southwest Alley that was originally part of Lots 9, 10, 27, and 28 of Arlington Grove, a subdivision filed for record in Plat Book "Q" page 76 of the land records of said City of St. Louis, Missouri and being more particularly described as follows:

Commencing at the intersection of the southeastern right-of-way line of Clara Avenue, 60 feet wide and the southwestern right-of-way line of Cote Brilliante Avenue, 60 feet wide, said intersection being the northernmost corner of said City Block 4530; thence along said southwestern right-of-way line of Cote Brilliante Avenue, south 60 degrees 49 minutes 32 seconds east a distance of 138.25 feet to the northernmost corner of said 20 foot wide northeast-southwest alley, said northernmost corner also being the TRUE POINT OF BEGINNING of the tract herein described; thence continuing along said southwestern right-of-way line of Cote Brilliante Avenue, south 60 degrees 49 minutes 32 seconds east a distance of 20.00 feet to the easternmost corner of said 20 foot wide northeast-southwest alley; thence leaving said southwestern right-of-way line of Cote Brilliante Avenue along the southeastern line of said 20 foot wide northeast-southwest alley, south 29 degrees 11 minutes 21 seconds west a distance of 400.40 feet to the southernmost corner of said 20 foot wide northeast-southwest alley, said southernmost corner also being on the northeastern line of a 20 foot wide northwest-southeast alley as shown on said Arlington Grove Subdivision; thence along said northeastern line of a 20 foot wide northwest-southeast alley, north 60 degrees 49 minutes 44 seconds west a distance of 20.00 feet to the westernmost corner of said 20 foot wide northeast-southwest alley; thence along the northwestern line of said 20 foot wide northeast-southwest alley, north 29 degrees 11 minutes 21 seconds east a distance of 400.41 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Petitioners are Board of Education of the City of St. Louis and Land Reutilization Authority (LRA). The proposed use of the vacated area is to consolidate property for the Arlington Grove Development to be owner/operated by St. Louis Housing Authority.

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

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

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

**SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s) vacated without: 1) lawful permit from the Building Division or Authorized City agency as governed by the Board of Public Service; 2) obtaining written

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

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

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

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

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

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

**Approved: June 2, 2010**