

**ORDINANCE #69367**  
**Board Bill No. 250**

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in 1. Mallinckrodt from 25th Street eastwardly  $\approx 138.25' \pm .25'$  to a point. 2. The southernmost  $35.955' \pm .045'$  of the 20 foot wide north/south alley in City Block 1748 as bounded by Salisbury, 23rd, Mallinckrodt and 25th 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; containing an emergency clause.

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

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

A tract of land being a portion of Mallinckrodt (60'W) Street located in township 45 North, Range 7 east, City of St. Louis, Missouri, City Blocks 1748 and 1743 and being more particularly described as follows:

Beginning at the intersection of the south right-of-way line of Mallinckrodt (60'W) Street and the east right-of-way line of 25th (60'W) Street; thence along the east right-of-way line of 25th (60'W) Street north 21 degrees, 50 minutes, 54 seconds west a distance of 60.00 feet to a point in the north right-of-way line of Mallinckrodt (60'W) Street; thence leaving the east right-of-way line of 25th (60'W) Street and along the north right-of-way line of Mallinckrodt (60'W) Street north 68 degrees, 35 minutes, 40 seconds east a distance of 138.47 feet to a point; thence leaving said north right-of-way line Mallinckrodt (60'W) Street south 21 degrees, 24 minutes, 11 seconds east a distance of 60.00 feet to a point in the south right-of-way line of Mallinckrodt (60'W) Street; thence along said south right-of-way of Mallinckrodt (60'W) Street south 68 degrees, 35 minutes, 49 seconds west a distance of 138.00 feet to the point of beginning and containing 8,294 square feet, or 0.190 acres and being subject to deeds, easements and restrictions of record.

A tract of land being a portion of an alley (20'W) located in Township 45 North, Range 7 east, City of St. Louis, Missouri, City Block 1748, and being more particularly described as follows:

Commencing at the intersection of the east right-of-way line of 25th (60'W) Street and the north right-of-way line of Mallinckrodt (60'W) Street; thence along the north right-of-way line of Mallinckrodt (60'W) Street north 68 degrees, 35 minutes, 49 seconds east a distance of 127.73 feet to a point in the west line of an alley (20'W), said point being the Point of Beginning of the herein described tract; thence along the west right-of-way line of said alley (20'W) north 21 degrees, 08 minutes, 55 seconds west a distance of 36.00 feet to a point; thence leaving said west line of alley (20'W) north 68 degrees, 51 minutes, 05 seconds east a distance of 20.00 feet to a point in the east line of said Alley (20'W); thence along said east right-of-way line of alley (20'W) south 21 degrees 08 minutes, 55 seconds east a distance of 35.91 feet to a point in the north right-of-way line of Mallinckrodt (60'W) Street; thence along the north right-of-way line of said Mallinckrodt (60'W) Street south 68 degrees, 35 minutes, 49 seconds west a distance of 20.00 feet to the point of beginning and containing 719 square feet or 0.02 acres, and being subject to deeds, easements, and restrictions of record.

are, upon the conditions hereinafter set out, vacated.

**SECTION TWO:** Petitioners are Better Living Communities of St. Louis, MO will use vacated areas to consolidate property for an ongoing residential redevelopment plan.

**SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley and street 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 and street 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 effected 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.

**SECTION ELEVEN.** Emergency Clause. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

**Approved: December 28, 2012**