

**BOARD BILL #91**

**INTRODUCED BY: ALDERMAN JACK COATAR**

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 17 foot wide  
3 north/south alley in City Block 840 as bounded by Barton St., 7th St., Victor St. and 9th St. in the  
4 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such  
6 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 strip of land Block 3 of Taylor and Mason's Addition, and in City Block 840 of the  
12 City of St. Louis, Missouri, and being more particularly described as follows:

13  
14 Beginning at the intersection of the westerly line of a north-south  
15 alley, approximately 17 feet wide, with the southerly line of Barton  
16 Street, 60 feet wide; thence along said southerly line, South 69  
17 degrees 30 minutes 19 seconds East 17.00 feet to the easterly line of  
18 said north-south alley; thence along said easterly line, South 29  
19 degrees 59 minutes 45 seconds West 296.78 feet to the northerly line  
20 of Victor Street, 60 feet wide; thence along said northerly line, North  
21 69 degrees 27 minutes 21 seconds West 17.00 feet to the westerly  
22 line of said north-south alley; thence along said westerly line, North  
23 29 degrees 59 minutes 45 seconds East 296.76 feet to the point of  
24 beginning, according to Survey No. 0316-0013-AVP executed by  
25 Topos Surveying Corp. in April, 2016.

26  
27 are, upon the conditions hereinafter set out, vacated.

28 **SECTION TWO:** Vacation petitioned by Polar ICE LLC and others. Area will be used to  
29 consolidate property for development.

30 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
31 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public

1 including present and future uses of utilities, governmental service entities and franchise holders,  
2 except such rights as are specifically abandoned or released herein.

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

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

11 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
12 vacated without: 1) lawful permit from the Building Division or Authorized City agency as  
13 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
14 service entities and franchise holders, present or future. The written consent with the terms and  
15 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
16 agencies as needed and approved by such Board prior to construction.

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

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

24 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty

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Sponsor: Alderman Jack Coatar

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

6 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
7 Water facilities, if any.

8 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
9 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
10 be returned.

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

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