

ORDINANCE 71050

**BOARD BILL NUMBER #110 INTRODUCED BY
ALDERWOMAN LISA MIDDLEBROOK**

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
3 westernmost 170.44' ± 0.80' of the 20 foot wide east/west alley in City Block 4233 as bounded by
4 Fordey, Thatcher, East Railroad and Antelope in the City of St. Louis, Missouri, as hereinafter de-
5 scribed, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of
6 the Charter and 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 City Block 4233, City of St. Louis, Missouri, and being
12 more particularly described as follows:

13 Beginning at a point in the East line of East Railroad Avenue, 40 feet
14 wide at its intersection with the North line of an alley, 20 feet wide;
15 thence along said North line of said alley, North 55 degrees 15 minutes
16 22 seconds East a distance of 171.24 feet to a point; thence South 35
17 degrees 02 minutes 46 seconds East a distance of 20.00 feet to a point
18 in the South line of said alley; thence along the said South line, South
19 55 degrees 15 minutes 22 seconds West a distance of 169.64 feet to a
20 point in the said East line of East Railroad Avenue; thence along the
21 said East line, North 39 degrees 37 minutes 18 seconds West a distance
22 of 20.07 feet to the Point of Beginning and containing 3,409 square
23 feet, 0.08 acres more or less.

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

25 **SECTION TWO:**

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1 Solutions Concepts, LLC proposes to use vacated area to improve security as well as consolidate
2 property for future development.

3 **SECTION THREE:**

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

8 **SECTION FOUR:**

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

12 **SECTION FIVE:**

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

17 **SECTION SIX:**

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

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

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- 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.

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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.