

BOARD BILL #211

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 remaining 50.35 feet of
3 the 15 foot wide north/south alley in City Block 74 as bounded by Lombard, 3rd, Chouteau and 4th
4 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and
5 in 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 parcel of ground in City Block 74, in the City of St. Louis, Missouri, more
12 particularly described as follows:

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14 Beginning at the Southern line of Lombard Street, 32.08 feet wide,
15 with the Northeastern corner of a north/south alley, 15 feet wide;
16 thence South 29 degrees 36 minutes 34 seconds West 50.44, along
17 the Eastern line of said north/south alley, to Southeastern corner of
18 said east/west alley, to a point; thence North 59 degrees 11 minutes
19 00 seconds West 15.00 feet, along the Southern line of said
20 north/south alley, to the Southwestern corner of said north/south
21 alley, to a point; thence North 29 degrees 36 minutes 34 seconds
22 East 50.44 feet, along the western line of said north/south alley to the
23 Southern line of said Lombard Street, to a point; thence South 59
24 degrees 11 minutes 00 seconds East 15.00 feet , along the Southern
25 line of said Lombard Street, to the northeastern corner of said
26 north/south alley to a point of beginning and containing 7,566 square
27 feet or 0.17 acres as prepared by Pitzman's Copmpany.

28
29 are, upon the conditions hereinafter set out, vacated.

30 **SECTION TWO:** Midtown Locust Properties, LLC proposes to use vacated area to
31 consolidate property for parking lot expansion.

32 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

1 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
2 including present and future uses of utilities, governmental service entities and franchise holders,
3 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

Date: December 16, 2016

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Sponsor: Alderman Jack Coatar

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

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

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

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

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