

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in remaining 188.07 feet of the 20 foot wide east/west alley
3 in City Block 940 beginning at 21st Street and extending eastwardly to a point, same bounded by Dr.
4 Martin Luther King Drive, 20th St., Delmar Blvd. and 21st St. in the City of St. Louis, Missouri, as
5 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
6 Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

10 A tract of land being a 20.00 foot wide alley located in Block 940 of the City of St.
11 Louis more being particularly described as follows:

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14 Beginning at the Southwest corner of a previously vacated alley,
15 vacated by an alley vacation plat dated 1-23-2006; thence North 74
16 degrees 58 minutes 53 seconds West a distance of 188.06 feet to the
17 East line of 21st Street, also being the Northwesterly corner of a lot
18 now or formerly owned by Bradley Industrial Technology Company;
19 thence along the East line of 21st Street North 15 degrees 01 minutes
20 07 seconds East a distance of 20.00 feet to the Southwest corner of a
21 parcel now or formerly owned by St. Louis Gateway Classic Sports
22 Foundation; thence leaving said 21st Street, along the South line of
23 said lot South 74 degrees 58 minutes 53 seconds East a distance of
24 188.07 feet to the Northwest corner of said previously vacated alley;
25 thence leaving said South line along the West line of said previously
26 vacated alley, South 15 degrees 03 minutes 48 seconds West a
27 distance of 20.00 feet to the point of beginning and containing 3,761
28 square feet more or less.

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

31 **SECTION TWO:** Petitioned by Bradley Industrial Technology Corp. (dba BRITECH),
32 Midwestern Design & Construction Co., and Betty Jean Kerr People's Health Centers. Vacated area

1 will be used to consolidate property for building expansion and improvements.

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

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

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

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

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

24 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within

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1 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must
2 have curbing cobblestones returned to the Department of Streets in good condition.

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

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

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

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