

BOARD BILL 370

INTRODUCED BY: ALDERWOMAN KACIE STARR TRIPLETT

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the easternmost 206.30' of the 20 foot wide east/west
3 alley in City Block 935 as bounded by Delmar, 22nd, Lucas and 23rd in the City of St. Louis,
4 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with
5 Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

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

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

9
10 A tract of land in City Block 935 of the City of St. Louis, Missouri, being more
11 particularly described as follows:

12
13 Beginning at the intersection of the western right-of-way line of 22nd
14 Street (60 feet wide) and the northern line of an alley (20 feet wide);
15 thence along the west right-of-way line of 22nd Street, south 14
16 degrees 55 minutes 52 seconds west, 20.00 feet; thence along the
17 south right-of-way line of an alley (20 feet wide), north 75 degrees 04
18 minutes 08 seconds west, 206.30 feet; thence north 14 degrees 55
19 minutes 52 seconds east, 20.00 feet to the north right-of-way line of
20 said alley; thence along said north line, south 75 degrees 04 minutes
21 08 seconds east, 206.30 feet to the point of beginning, containing
22 4,126 square feet or 0.095 acre, more or less.

23
24 are, upon the conditions hereinafter set out, vacated.
25

26 **SECTION TWO:** Petitioners are KN & LLC and Commercial Redevelopment Corp.
27 Vacated area will be used to provide secured access to parking garage.

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

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

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

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

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

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

22 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty
23 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to
24 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this

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1 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if
2 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be
3 deposited by these agencies with the Comptroller of the City of St. Louis.

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

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

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