

BOARD BILL NO. 306 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in an excess portion of Biddle
3 between First and Lewis adjacent to City Block 20 in the City of St. Louis, Missouri, as hereinafter
4 described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of
5 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 above surface, surface and sub-surface rights of vehicle, equestrian
8 and pedestrian travel, between the rights-of-way of:

9
10 A tract of land being part of the existing right-of-way of Biddle (variable width)
11 Street, as widened per plans and construction conducted by the City of St. Louis,
12 Missouri Board of Public Service, and being adjacent to Lots 5 and 6 in the
13 subdivision of the partition of Peter Lindell’s estate in City Block 20 of the City of
14 St. Louis, Missouri, and being more particularly described as follows:

15
16 Beginning at the intersection of the westerly line of an alley (40 foot
17 wide) running north and south through said City Block 20 and the
18 existing northerly right-of-way line of said Biddle (variable width)
19 Street; thence south 04 degrees 39 minutes 54 seconds east, along
20 said westerly line, a distance of 15.75 feet to a point; thence north 81
21 degrees 38 minutes 44 seconds west, a distance of 122.31 feet to a
22 point; thence north 04 degrees 39 minutes 54 seconds west, a distance
23 of 2.30 feet to the intersection of the northerly right-of-way line of
24 Biddle Street with the easterly right-of-way line of 1st (60 foot wide)
25 Street; thence south 87 degrees 54 minutes 54 seconds east, along
26 said northerly right-of-way line, a distance of 120.00 feet to the point
27 of beginning. The surveyed tract contains 1,075 square feet, more or
28 less, in aggregate, subject to all building lines, easements, conditions,
29 conveyances, covenants, reservations, restrictions, and rights-of-way
30 of record, if any.

31
32 A tract of land being part of the existing right-of-way of Biddle (variable width)
33 Street, as widened per plans and construction conducted by the City of St. Louis,
34 Missouri Board of Public Service, and being adjacent to Lots 7 and 8 in the
35 subdivision of the partition of Peter Lindell’s estate in City Block 20 of the City of

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1 St. Louis, Missouri, and being more particularly described as follows:
2

3 Beginning at the intersection of the easterly line of an alley (40 foot
4 wide) running north and south through said City Block 20 and the
5 existing northerly right-of-way line of said Biddle (variable width)
6 Street; thence south 87 degrees 23 minutes 54 seconds east, along
7 said northerly right-of-way line, a distance of 120.00 feet to a point
8 on the westerly right-of-way line of Lewis (60 foot wide) Street;
9 thence leaving said northerly and westerly right-of-way lines, south
10 04 degrees 39 minutes 54 seconds east, a distance of 9.00 feet to a
11 point; thence south 49 degrees 08 minutes 21 seconds west, a
12 distance of 17.55 feet to a point; thence north 85 degrees 50 minutes
13 55 seconds west, a distance of 106.13 feet to a point; thence north 04
14 degrees 39 minutes 54 seconds west, a distance of 18.28 feet to the
15 point of beginning. The surveyed tract contains 2,282 square feet,
16 more or less, in aggregate, subject to all building lines, easements,
17 conditions, conveyances, covenants, reservations, restrictions, and
18 rights-of-way of record, if any.

19
20 are, upon the conditions hereinafter set out, vacated.

21 **SECTION TWO:** Vacated area will be used to consolidate property for Al's Restaurant.

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

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

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

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1 required.

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

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

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

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

- 21 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
22 Water facilities, if any.
- 23 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
24 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must

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1 be returned.

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

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

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