

**BOARD BILL NO. 67**

**INTRODUCED BY: ALDERMAN FREEMAN BOSLEY, SR.**

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 a portion of  
3 Mallinckrodt St. beginning 9.76 feet west of 23<sup>rd</sup> Street and continuing westwardly 124.50 feet to a  
4 point and abutting City Blocks 1743 and 1748 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:** The above surface, surface and sub-surface rights of vehicle, equestrian  
9 and pedestrian travel, between the rights-of-way of:

10  
11 A tract of land being a portion of Mallinckrodt (60'W) Street located in Township 45  
12 North, Range 7 east, City of St. Louis, Missouri, between City Blocks 1748 and 1743  
13 and being more particularly described as follows:

14  
15 Commencing at the intersection of the north right-of-way line of  
16 Mallinckrodt (60' W.) Street and the west right-of-way line of 23<sup>rd</sup>  
17 (60'W.) Street; thence along the north right-of-way line on  
18 Mallinckrodt (60'W.) Street south 68 degrees 35 minutes 49 seconds  
19 west a distance of 9.76 feet to the point of beginning of the following  
20 described tract of land; thence south 21 degrees 24 minutes 11  
21 seconds east a distance of 60.00 feet to a point on the south right-of-  
22 way line of Mallinckrodt (60' W.) Street, said point also being 40 feet  
23 west of the northwest corner of a 10 foot wide alley; thence south 68  
24 degrees 35 minutes 49 seconds west a distance of 124.50 feet to a  
25 point being a found iron rod and also being the southeast corner of  
26 that portion of Mallinckrodt Street, previously vacated; thence  
27 continuing along east side of the previously vacated street north 2`1  
28 degrees 24 minutes 11 seconds west a distance of 60.00 feet to a  
29 point being a found iron rod in the north right-of-way line of  
30 Mallinckrodt (60'W.) Street; thence along said north right-of-way  
31 line of Mallinckrodt (60'W.) Street north 68 degrees 35 minutes 49  
32 seconds east a distance of 124.50 feet to the point of beginning and  
33 containing 7,470 square feet, or 0.171 acres, and being subject to  
34 deeds, easements, and restrictions of record.  
35

Date: May 17, 2013

Page 1 of 4

Board Bill #67

Sponsor: Alderman Freeman Bosley, Sr.

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

2       **SECTION TWO:** Bremen Homes, LP and Better Living Communities will use vacated  
3 area to consolidate property for residential development. The Water Division has an 8” main with  
4 appurtenances in the area of the proposed conditional vacation. The Water Division will require an  
5 easement for the water main and appurtenances that allows for uninhibited access for the purposes of  
6 maintenance, replacement and repair of the water main and appurtenances. The fire hydrant must  
7 remain readily accessible to both the Water Division and the Fire Department. Nor construction of  
8 any kind can occur on or above the water main and appurtenances without the prior review and  
9 approval of the Water Commissioner.

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

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

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

22       **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
23 vacated without: 1) lawful permit from the Building Division or Authorized City agency as  
24 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
25 service entities and franchise holders, present or future. The written consent with the terms and

Date: May 17, 2013

Page 2 of 4

Board Bill #67

Sponsor: Alderman Freeman Bosley, Sr.

1 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
2 agencies as needed and approved by such Board prior to construction.

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

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

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

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

24 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director

Date: May 17, 2013

Page 3 of 4

Board Bill #67

Sponsor: Alderman Freeman Bosley, Sr.

1 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
2 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
3 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
4 within the prescribed time the ordinance will be null and void.

Date: May 17, 2013

Page 4 of 4

Board Bill #67

Sponsor: Alderman Freeman Bosley, Sr.