

BOARD BILL NO. 287 INTRODUCED BY: ALDERWOMAN JENNIFER FLORIDA

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 the easternmost 80.41
3 ± .02 feet of the 15 foot wide east/west alley in City Block 2102 as bounded by Arsenal, Grand,
4 Hartford and Spring in the City of St. Louis, Missouri, as hereinafter described, in accordance with
5 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
6 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 A tract of land being part of a 15’ wide East-West alley located in City Block 2102
11 of the City of St. Louis, Missouri, and more particularly described as follows:
12

13 Beginning at the Northeast corner of City Block 2102, said point is
14 also the Northeast corner of Lot 55 of Tower Grove Heights amended
15 Subdivision, as recorded in Plat Book 16 page 134 of the City of St.
16 Louis Records, and is at the intersection of the South line of Arsenal
17 Street, as widened by Ordinance No. 37862 of the City of St. Louis,
18 with the West line of Grand Boulevard, 80’ wide; thence along the
19 West line of said Grand Boulevard, S 6 degrees 35’ 47” W a distance
20 of 115.00’ by record and survey, to the Southeast corner of said Lt 55
21 and to the North line of a 15’ wide alley, and to the point of
22 beginning of the vacated alley herein described; thence along the
23 North line of said alley, N 83 degrees 15’ 50” W a distance of 80.39’
24 to a point; thence leaving said line, S 6 degrees 44’ 10” W a distance
25 of 15.00’ to the south line of said alley, 15’ wide; thence along the
26 South line of said alley, S 83 degrees 15’ 50” E a distance of 80.43’
27 to the West line of Grand Boulevard, 80’ wide; thence along the West
28 line of said Grand Boulevard, N 6 degrees 35’ 47” E a distance of
29 15.00’ to the North line of said alley, 15’ wide, and to the Southeast
30 corner of said Lot 55 of Tower Grove Heights Amended Subdivision,
31 and to the point of beginning of the Vacated Alley herein described,
32 containing 0.03 acre or 1206 square feet, according to a boundary
33 survey performed by T.L. Consultants in August, 2013.
34
35

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

2 **SECTION TWO:** Petitioners are GST Properties LLC and G & A of STL, Inc. Vacated
3 area will be used to construct pedestrian walkway and permit tenants to load and unload.

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

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

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

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

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

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

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

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

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

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