

BOARD BILL NO. 245

INTRODUCED BY: ALDERMAN THOMAS A. VILLA

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 excess portion of Holly
3 Hills of an irregular shape at the western line of Grand Ave. adjacent to City Block 5869 in the City
4 of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
6 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 part of Holly Hills Boulevard, 85 feet wide; bounded on the
12 North by City Block 5869, on the West by the prolongation Southeastwardly of the
13 Easterly line of the Missouri-Pacific Railroad Company right-of-way, 100 feet wide,
14 and on the South by a line, 5 feet North of and parallel with a concrete bridge
15 abutment, in the City of St. Louis, Missouri, and being more particularly described as
16 follows:

17
18 Beginning at the Southeasterly corner of said City Block 5869, said
19 point being the intersection of the Westerly line of South Grand
20 Boulevard, 80 feet wide, with the Northerly line of Holly Hills
21 Boulevard, 85 feet wide; thence along the Northerly line of said
22 Holly Hills Boulevard, North 56 degrees 28 minutes 23 seconds
23 West, 106.15 feet to its intersection with the Easterly line of the said
24 Missouri-Pacific Railroad Company right-of-way, 100 feet wide;
25 thence along the Southeastwardly prolongation of the said Missouri-
26 Pacific Railroad Company right-of-way, South 03 degrees, 03
27 minutes 53 seconds East, 85.17 feet; thence along a line 5 feet North
28 of and parallel with a concrete bridge abutment, North 77 degrees 35
29 minutes 22 seconds East, 71.58 feet; and thence North 51 degrees 47
30 minutes 22 seconds East, 17.84 feet to the Point of Beginning
31 according to Survey Number 202912-VAC, executed by James
32 Surveying Company, during the month of September, 2013 and
33 October, 2004 and containing 3,907 square feet, more or less.

34
35 are, upon the conditions hereinafter set out, vacated.

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1 **SECTION TWO:** The petitioner is Georgetown Residential, LLC. Vacated area will be
2 used to correct property lines.

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

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

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

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

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