

St. Louis City Ordinance 64242

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 140

INTRODUCED BY ALDERMAN JAMES SONDERMANN , STEPHEN GREGALI

An ordinance pertaining to alleys; establishing a cash match concrete alley improvement program, containing and providing for a procedure for said program, with definitions and containing an emergency clause.

Whereas, some funds are available to assist in the improvement of some alleys; and

Whereas, some owners of property have indicated an interest in participating in an incentive program with the City dedicated to the improvement of alleys.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby established a cash match concrete alley improvement program for the purpose of providing for an incentive to property owners to participate with the city in the cost of the improvement of alleys. The provisions of this ordinance shall not be applicable to alleys which abut any lot in a **J**, **K** or **L** zoning district.

SECTION TWO. For the purpose of this ordinance, the following definitions shall apply:

Alley means improved alleys that are within public right-of-way which have been previously improved, unimproved alleys within public right-of-ways or private alleys upon dedication to the city.

"Cost" means all costs incurred in connection with an alley improvement under this ordinance, including, but not limited to costs incurred for the preparation of preliminary reports, the preparation of preliminary reports, the preparation of plans and specifications, fees and expenses of consultants, the cost of materials, labor and other lawful expenses incurred in planning and doing any improvement, including the acquisition of right of way and easement, reasonable construction contingencies, and work performed.

◆Improvement◆ means removal of pavement, new pavement, reconstruction of existing pavement, necessary drainage measures, grading, fence removal and replacement and utility adjustment.

◆Non-owner funds◆ means matching funds appropriated from the Citywide Account of the Capital appropriation for the City of St. Louis and the aldermanic ward improvement account of the Capital appropriation for the ward in which the alley to be improved is located.

"Owner" means every person designated as grantee or party of the second part on a deed recorded with the recorder of deeds.

SECTION THREE. Procedure to determine participation in cash match program.

A. In order to become eligible for funding for an alley improvement under this program, a petition supporting the improvement and any cost associated with the improvement must be presented to the Board of Public Service signed by sixty seven percent (67%) of the owners of property that abut the alley to be improved. The petition forms will be available in the Board of Public Service and shall contain a statement disclosing the estimated cost per lineal foot of the alley improvement. The petition must contain the name, address and signature of the required number of property owners; the city block number in which the alley is located; the names of all streets bounding the designated city block; and the approximate width and length of the alley. A separate petition is necessary for every city block.

B. Upon receipt of the petition, the Board of Public Service shall determine within fourteen calendar days whether there are non-owner funds available for the project. If the Board of Public Service determines that there are insufficient non-owner funds available for the alley improvement the petition representative shall be notified , and the petition shall become null and void ninety days after such notification. If the Board of Public Service determines that there are non-owner funds available for the improvement of the alley the petition representative and the street department shall be notified.

C. Except for good cause, the Board of Public Service shall within thirty calendar days of receipt of the petition make a determination as to the probable cost of the alley improvement. Said determination shall for one-third of the probable cost to be paid by the property owners, one-third to be paid from the alderman◆s ward capital improvement account and one-third to be paid from the Citywide account of the Capital appropriation. The cost determination shall

be forwarded to the alderman and to the petition representative within seven calendar days of said determination. The Board of Public Service shall also advise the alderman and the petition representative of the approximate commencement date and completion date for the project.

D. Once the petition representative is notified of the cost determination said representative shall notify all of the owners whose property abuts the alley to be improved of the total cost of the project to the owners. The cost to each owner shall be determined by dividing one-third of the total cost of the project ratably by the linear footage of each parcel abutting the alley, except as herein provided. If more than one side of a parcel abuts the alley to be improved the cost to the property owner shall not be more than the cost attributable to the narrowest side of the parcel abutting the alley. The balance of the total cost shall be paid from funds set aside for this project by the alderman from the ward allocation.

E. After the notification required in section D the owners shall have forty-five calendar days to submit one hundred percent (100%) of the owner's share of the probable total cost to the Comptroller who shall establish a special account for each improvement hereunder. The owner's funds shall be deposited into the special account which shall be interest bearing.

G. Once the owners' funds are deposited with the comptroller, the street department shall commence the project. Except for good cause, the improvement shall be completed within one year of the owners' funds being deposited with the comptroller. If for any reason the improvement cannot be commenced within six months of the deposit, the petition representative shall be notified. Within thirty days of such notification, a majority of the owners may cancel the improvement by notifying the President of the Board of Public Service in writing. If the improvement is canceled because of this provision the owners shall be refunded their money, in full, with interest within thirty days of notice of cancellation. Upon such occurrence, there shall be no obligation on any person or party to commence or complete the improvement.

H. Upon completion of construction, the total actual cost for the project will be determined. The actual cost for each owner shall be determined as set forth herein. Any additional cost shall be paid from the aldermanic ward allocation account. If there are residual funds in the owner's account after the actual cost has been determined each owner will receive a refund determined by the formula used to calculate each owner's cost.

SECTION FOUR. This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

| Legislative History | | | | |
|----------------------------|------------------------|------------------|---------------------|-----------------------|
| 1ST READING | REF TO COMM | COMMITTEE | COMM SUB | COMM AMEND |
| 06/20/97 | 06/20/97 | W&M | | |
| 2ND READING | FLOOR AMEND | FLOOR SUB | PERFECTN | PASSAGE |
| 12/19/97 | | | 01/16/98 | 01/16/98 |
| ORDINANCE | VETOED | | VETO OVR | |
| 64242 | | | | |