

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 remaining 149.30  
3 feet of the 20 foot wide north/south alley in City Block 603 as bounded by Mullanphy (vacated by  
4 Ordinance 49626), Ninth, Cass and Tenth in the City of St. Louis, Missouri, as hereinafter described,  
5 in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the  
6 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 part of a twenty foot wide north-south alley between Howard  
12 Street (60'W) and Cass Avenue (60'W) located in City Block 603 of the City of St.  
13 Louis, Missouri, and being described as:

14  
15 Commencing at the southwest corner of City Block 603, said point  
16 being at the intersection of the northern right-of-way line of Cass  
17 Avenue and the eastern right-of-way line of North Tenth Street and  
18 being the southwest corner of a tract conveyed to Transitions Inc. &  
19 Raymond J. Mrozewski by deed recorded on July 19<sup>th</sup>, 2005 at daily  
20 number 514, thence north 14 degrees 48 minutes 12 seconds east  
21 along the east right-of-way line of North Tenth Street (60'W) a  
22 distance of 228.72 feet to a point in the north right-of-way line of the  
23 fifteen foot wide east-west alley, said point being the southwest  
24 corner of a tract conveyed to Inland Realty Enterprises LLC 7 date  
25 and Daily November 3<sup>rd</sup>, 1999 #218; thence leaving said right-of-  
26 way line and along the northern right-of-way line of said fifteen foot  
27 wide east-west alley south 75 degrees 12 minutes 38 seconds east a  
28 distance of 125.08 feet to a point in the west right-of-way line of the  
29 twenty foot wide north-south alley, said point being the point of  
30 beginning of the tract herein described; thence along the west right-  
31 of-way line of said alley north 14 degrees 48 minutes 04 seconds east  
32 a distance of 149.30 feet to a point, said point being the southwest  
33 corner of a twenty foot wide alley vacated by Ordinance No. 49626;  
34 thence along the south line of said vacated alley south 75 degrees 12  
35 minutes 38 seconds east a distance of 20.00 feet to a point, said point

1 being in the east line of said twenty foot wide alley; thence south 14  
2 degrees 48 minutes 04 seconds west along said east line of said north-  
3 south alley a distance of 149.30 feet to a point, said point being in the  
4 northern right-of-way line of the fifteen foot wide east-west alley;  
5 thence north 75 degrees 12 minutes 38 seconds west along said east-  
6 west alley a distance of 20.00 feet to the point of beginning and  
7 containing 2,985 square feet, more or less.  
8

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

10 **SECTION TWO:** Inland Realty Enterprises LLC will use the vacated area to consolidate  
11 property.

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

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

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

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

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1 agencies as needed and approved by such Board prior to construction.

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

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

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

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

23         **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
24 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing

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1 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
2 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
3 within the prescribed time the ordinance will be null and void.

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