

BOARD BILL #41

INTRODUCED BY: ALDERMAN THOMAS 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 northern 128 foot
3 section of the 20 foot wide north/south alley in City Block 3210 as bounded by Davis, Michigan,
4 Hurck and Virginia 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
11 Part of a North-South alley in Block 3210 of the City of St. Louis adjacent to Lots 7
12 through 16 inclusive of Blow's Subdivision of the northwest quarter of Block 70 of
13 Survey 3 of Carondelet Commons as recorded in Plat Book 11 page 33 of the City of
14 St. Louis, Missouri records, and being more particularly described as follows:

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16 Beginning at the Northeast corner of said Lot 11 also being on the
17 South line of Davis Street, 60 feet wide; thence along the East line of
18 said Lots 7 through 11 South 41 degrees 51 minutes 12 seconds West
19 a distance of 128.05 feet to the Southeast corner of said Lot 7; thence
20 along a line parallel to the North line of Hurck Street South 49
21 degrees 49 minutes 15 seconds East a distance of 20.01 feet to the
22 Southwest corner of said Lot 16; thence along the West line of said
23 Lots 12 through 16 North 41 degrees 51 minutes 12 seconds East a
24 distance of 128.01 feet to the South line of Davis Street; thence
25 along the South line Davis Street North 49 degrees 43 minutes 45
26 seconds West a distance of 20.01 feet to the point of beginning,
27 containing 2,560 square feet more or less.

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

30 **SECTION TWO:** Janice and Karl Cords will use vacated area to improve safety and
31 security as well as discourage dumping.

32 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by

1 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public
2 including present and future uses of utilities, governmental service entities and franchise holders,
3 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

Date: April 29, 2016

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Sponsor: Alderman Thomas Villa

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

7 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
8 Water facilities, if any.

9 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
10 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
11 be returned.

12 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
13 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as
14 specified in Sections Two and Eight of the Ordinance.

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