

**BOARD BILL NO. 7 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG**

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in 20 foot wide north/south alley in City Block 22 as  
3 bounded by First, Carr, Second and Biddle in the City of St. Louis, Missouri, as hereinafter de-  
4 scribed, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of  
5 the Charter and imposing certain conditions on such vacation.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE:** The public surface rights of vehicle, equestrian and pedestrian travel,  
8 between the rights-of-way of:

9  
10 A 20 foot wide strip of land, being the north/south alley, 20 feet wide, in Block 22 of  
11 the City of St. Louis, Missouri, and more particularly described as follows:

12  
13 Beginning at the intersection of the northerly line of Carr Street, 90  
14 feet wide, with the easterly line of said north/south alley in City  
15 Block 22; thence along the northerly line of said Carr Street, north  
16 87 degrees 42 minutes 51 seconds west 20.13 feet to the westerly line  
17 of said alley; thence along said westerly line, north 04 degrees 22  
18 minutes 44 seconds west 404.10 feet to the southerly line of Biddle  
19 Street, irregular width; thence along said southerly line of Biddle  
20 Street, south 83 degrees 54 minutes 06 seconds east 20.34 feet to the  
21 easterly line of said north/south alley, 20 feet wide; thence along said  
22 easterly line, south 04 degrees 22 minutes 44 seconds east 402.74 feet  
23 to the point of beginning, according to Survey No. 202302 executed  
24 by James Surveying Co. in January, 2013.

25  
26 are, upon the conditions hereinafter set out, vacated.

27  
28 **SECTION TWO:** PNK(St. Louis RE), LLC is the petitioner.

29 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
30 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public  
31 including present and future uses of utilities, governmental service entities and franchise holders,

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1 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

23       **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty  
24 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to

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1 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this  
2 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if  
3 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be  
4 deposited by these agencies with the Comptroller of the City of St. Louis.

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

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