

BOARD BILL NO. 92 INTRODUCED BY: ALDERWOMAN APRIL FORD GRIFFIN

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the 15 foot wide north/south alley in City Block 1863 as
3 bounded by Cozens, Grand, Martin Luther King Dr. in the City of St. Louis, Missouri, as hereinafter
4 described, 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:

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10 A 15 foot wide alley being part of Block 3 of D.D. Page's western addition in City
11 Block 1863, City of St. Louis, Missouri, and being more particularly described as
12 follows:

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14 Commencing at the intersection of the west line of Grand Avenue (80
15 feet wide) and the south line of Cozens Avenue (40 feet wide); thence
16 along said south line of Cozens Avenue North 60 degrees 56 minutes
17 37 seconds west 120.00 feet to the east line of a 15 foot wide alley
18 being the point of beginning; thence leaving said south line and along
19 said east line, south 23 degrees 58 minutes 24 seconds west 140.60
20 feet to a point in the north line of Dr. Martin Luther King Drive;
21 thence leaving said west line and along said north line, north 34
22 degrees 57 minutes 05 seconds west 17.51 feet to a point in the west
23 line of said 15 foot wide alley; thence leaving said north line and
24 along said west line north 23 degrees 58 minutes 24 seconds east
25 132.89 feet to a point in said south line of Cozens Avenue; thence
26 leaving said west line and along said south line, south 60 degrees 56
27 minutes 37 seconds east 15.06 feet to the point of beginning.

28
29 are, upon the conditions hereinafter set out, vacated.

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31 **SECTION TWO:** The petitioner is Page Partners, II, LLC. Vacated area will be used to
32 consolidate property for commercial development known as Grand Market Place.

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

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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.

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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.