

**BOARD BILL NO. 128**

**INTRODUCED BY: ALDERMAN FREEMAN BOSLEY, SR.**

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 Bissell from N.  
3 Florissant eastwardly  $\cong$  276 feet  $\pm$  10 feet to the west right-of-way line of the alley in City Block  
4 2433 as bounded by Bissell, Strodtman, Ferry and N. Florissant in the City of St. Louis, Missouri, as  
5 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of  
6 Article XXI of the 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 Bissell Street (50' wide) and bounded by City Blocks 1820 and  
12 2433 in the City of St. Louis, Missouri and described to wit:

13  
14 Beginning at the intersection of the south line of Bissell (50' wide)  
15 Street and the western line of a 15' wide alley in City Block 2433,  
16 said point being south 55 degrees 44 minutes west a distance of  
17 137.58' of the western line of Strodtman (60' wide) Place; thence  
18 from said point of beginning north 38 degrees 24 minutes 05 seconds  
19 west a distance of 50.14' to the southwest corner of Lot 2 of Bissell  
20 Point Subdivision; thence along the said north line of Bissell Street,  
21 south 55 degrees 54 minutes west a distance of 176.51' to a point of  
22 curvature; thence along a curve to the left having a radius of 737.30'  
23 an arc distance of 107.00' (chord south 51 degrees 44 minutes 41  
24 seconds west 106.91') to the northeast line of North Florissant (60'  
25 wide) Avenue; thence along said northeast line south 46 degrees 32  
26 minutes 39 seconds east a distance of 50.15' to the aforesaid southern  
27 line of Bissell Street; thence easterly, along said southern line, along  
28 a curve to the right which radius bears south 42 degrees 06 minutes  
29 50 seconds east 687.29' an arc distance of 96.12' to a point of  
30 tangency; chord bearing north 51 degrees 53 minutes 29 seconds east  
31 a distance of 96.05'; thence north 55 degrees 54 minutes east a  
32 distance of 180.27' to the point of beginning and containing 0.321  
33 acres or 13.498 sq. ft.

34  
35 are, upon the conditions hereinafter set out, vacated.

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1           **SECTION TWO:** Grace Hill Neighborhood Health Centers, Inc. will use consolidated area  
2 to construct a neighborhood health center and facilities for Headstart programs, etc.

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

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

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

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

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

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

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

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

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

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