

BOARD BILL NO. 162 INTRODUCED BY: ALDERMEN KENNETH ORTMANN AND CRAIG SCHMID

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the southernmost 130 feet of the 15 foot wide north/south
3 alley in City Block 2609 as bounded by Broadway, Montana, Missouri and Gasconade in the City of
4 St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in
5 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
6 vacation.

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

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

10 A tract of land being part of a 15 foot wide alley in John Whitnell's Subdivision, and
11 in City Block 2609 of the City of St. Louis, Missouri, and said part of alley being
12 more particularly described as follows:
13

14 Commencing at the intersection of the easterly line of S. Broadway,
15 120 feet wide, with the southerly line of Montana Street, 60 feet
16 wide; thence along said southerly line of Montana Street, south 81
17 degrees 01 minute 26 seconds east 120.00 feet to the point of
18 intersection with the westerly line of an alley, 15 feet wide, and said
19 point being the True Point of Beginning of the tract of land herein
20 described; thence continuing along the southerly line of Montana
21 Street, south 81 degrees 01 minute 26 seconds east 15.00 feet to the
22 easterly line of said 15 feet wide alley; thence along the easterly line
23 south 09 degrees 11 minutes 56 seconds west 125.00 feet ; thence
24 south 35 degrees 54 minutes 45 seconds east 7.06 feet to the north
25 line of an east/west alley, 15 feet wide; thence along said north alley
26 line north 81 degrees 01 minute 26 seconds west 20.00 feet to a point
27 in the westerly line of said alley 15 feet wide thence along said
28 westerly line north 09 degrees 11 minutes 56 seconds east 130.00 feet
29 to the true point of beginning; according to Survey No. 1004-0034
30 executed by Topos Surveying & Engineering in October, 2004.
31 Bearings based on solar observations and converted to Grid North,
32 Missouri East Zone.
33

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1 are, upon the conditions hereinafter set out, vacated.
2

3 **SECTION TWO:** Ryann Spenser Group, Inc. is the petitioner. The vacated area will be
4 used as part of a daycare facility for the Children's Learning Center.

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

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

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

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

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

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1 undertaking of such removal.

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

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

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

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

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