

BOARD BILL NO. 164 INTRODUCED BY: ALDERMAN WILLIAM WATERHOUSE

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in a 32' ± 2' portion of the 15' wide north/south alley in
3 City Block 5473 as bounded by Wilson, Sulphur, Elizabeth and Esther beginning south of the
4 northern 105' ± 2' of the 15 foot wide north/south alley in the same City Block previously vacated
5 by Ordinance 66261 in the City of St. Louis, Missouri, as hereinafter described, in accordance with
6 Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing
7 certain conditions on such vacation.

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

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

11
12 The 15 feet wide alley adjacent to Lots 6 and 21 in Block 3 of Clifton Dale
13 Subdivision in U. S. Survey 2037, City Block 5473, St. Louis City, Missouri.

14
15 Beginning at the southwest corner of Lot 20 of Block 3 of Clifton
16 Dale Subdivision, said point also being the southeast corner of a
17 portion of the 15' wide alley vacated by prior ordinance, thence south
18 15 degrees 08 minutes 39 seconds west 30.09 feet to a point, thence
19 north 75 degrees 38 minutes 09 seconds west 15.00 feet to a point;
20 thence north 15 degrees 08 minutes 39 seconds east 34.08 feet to a
21 point on the south line of said vacated alley, thence south 60 degrees
22 41 minutes 01 seconds west 15.47 feet along said south line to the
23 point of beginning.

24
25 are, upon the conditions hereinafter set out, vacated.

26
27 **SECTION TWO:** Drury Development corp. will use the vacated area to correct property
28 description for the new Drury Hotel and parking lot at 2111 Sulphur.

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

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1 including present and future uses of utilities, governmental service entities and franchise holders,
2 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

24 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty

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

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

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

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

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