

**BOARD BILL NO. 193 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 Cole Street from First Street to Commercial St. in the  
3 City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in  
4 conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such  
5 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 tract of land being a portion of Cole Street (50 feet wide), being in City Blocks 17  
11 and 18 in the City of St. Louis, Missouri, and more particularly described as follows:

12  
13 Beginning at a corner of a tract conveyed to PNK (St. Louis RE),  
14 LLC by instrument recorded in Deed Book 09092005, Page 248, said  
15 corner also being the intersection of the south right-of-way line of  
16 Cole Street (50 feet wide) and the west right-of-way line of  
17 Commercial Street (40 feet wide); thence along said south right-of-  
18 way line of Cole Street, north 82 degrees 18 minutes 56 seconds west  
19 a distance of 117.16 feet to a point on the east right-of-way line of  
20 north 1<sup>st</sup> Street (38.5 feet wide); thence departing said south right-of-  
21 way line of Cole Street, along said east right-of-way line of north 1<sup>st</sup>  
22 Street, north 08 degrees 16 minutes 14 seconds east a distance of  
23 50.00 feet to a point on the north right-of-way of said Cole Street;  
24 thence departing said east right-of-way line of north 1<sup>st</sup> Street, along  
25 said north right-of-way line of Cole Street, south 82 degrees 18  
26 minutes 56 seconds east a distance of 126.67 feet to a point on the  
27 west right-of-way line of an alley (20 feet wide); thence along said  
28 west right-of-way line of said alley, south 19 degrees 01 minutes 02  
29 seconds west a distance of 50.99 feet to the point of beginning,  
30 containing 6,096 square feet or 0.14 acres of land.

31  
32 are, upon the conditions hereinafter set out, vacated.

33  
34 **SECTION TWO:** The petitioner is PNK(St. Louis RE), LLC. Vacated area will be part of

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1 a commercial/residential/retail/parking area being developed by Pinnacle Entertainment, Inc. and its  
2 related companies.

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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