

BOARD BILL NO. 223 INTRODUCED BY: ALDERWOMAN MARLENE DAVIS

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 alleys in City Block
3 1033 as bounded by Martin Luther King Drive, Cardinal Ave., School St. and Compton Ave. in the
4 City of 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 above surface, surface and sub-surface rights of vehicle, equestrian
9 and pedestrian travel, between the rights-of-way of:

10
11 A 14 foot wide north-south alley and part of a 15 foot wide east-west alley all in
12 Block 1033 of the City of St. Louis, Missouri and being more particularly described
13 as follows:

14
15 Beginning at a point in the eastern line of Compton Avenue, 60 feet
16 wide, said point being the southwestern corner of the 15 foot wide
17 east-west alley in Block 1033 of the City of St. Louis, said alley
18 being established on the Plat recorded in Book "T" Page 4 of the
19 records of said City of St. Louis; thence northwardly along said
20 eastern line of said Compton Avenue north 00 degrees 23 minutes 00
21 seconds west 18.12 feet to the northwestern corner of said alley;
22 thence eastwardly along the northern line of said alley south 56
23 degrees 16 minutes 21 seconds east 184.41 feet to a point in the
24 eastern line of "Easton's Subdivision of Smith's Tract"; thence
25 continuing eastwardly along said northern line of said alley south 50
26 degrees 51 minutes 16 seconds east 290.10 feet to a point
27 perpendicularly opposite the northwestern corner of a tract now or
28 formerly of Beauregard Horton etal by deed recorded as daily
29 number 44 on October 30, 1957; thence southwardly across said alley
30 south 39 degrees 08 minutes 44 seconds west 15 feet to said
31 northwest corner of said Horton Tract; thence westwardly along the
32 southern line of said alley north 50 degrees 51 minutes 16 seconds
33 west 277.68 feet to a point in the aforementioned eastern line of
34 "Easton's Subdivision of Smith's Tract" and being also the northeast

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1 corner of the 14 foot wide north-south alley herein vacated; thence
2 southwardly along said eastern line of said 14 foot wide alley being
3 also the eastern line of said "Easton's subdivision of Smith's Tract"
4 south 00 degrees 28 minutes 36 seconds east 211.91 feet to a point in
5 the northern line of School Street 40 feet wide; thence westwardly
6 along said northern line of School Street north 75 degrees 06 minutes
7 03 seconds west 14.51 feet to the southwestern corner of said 14 foot
8 wide alley; thence northwardly along the western line of said 14 foot
9 wide alley north 00 degrees 28 minutes 36 seconds west 214.61 feet
10 to a point; thence north 32 degrees 16 minutes 57 seconds west 8.75
11 feet to a point in the southern line of the aforementioned 15 foot wide
12 east-west alley in said Block 1033; thence westwardly along said
13 southern line of said 15 foot wide alley north 56 degrees 16 minutes
14 21 seconds west 161.95 feet to the point of beginning and containing
15 in all 10,057.26 sq. ft. or 0.2309 acre, more or less.

16
17 are, upon the conditions hereinafter set out, vacated.
18

19 **SECTION TWO:** Leonard Missionary Baptist Church will use the vacated area to
20 consolidate property for expansion and security.

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

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

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

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

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

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

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

- 20 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
21 Water facilities, if any.
- 22 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
23 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
24 be returned.

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

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