

**BOARD BILL #249**

**INTRODUCED BY: ALDERWOMAN DIONNE FLOWERS**

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 the 8 foot wide  
3 walkway extending from Gast Place to the 20 foot wide north/south alley in City Block 5636 as  
4 bounded by Hornsby, Concord Place, Grape (vacated) and Gast Place in the City of St. Louis,  
5 Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with  
6 Section 14 of 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 the east and west eight foot wide walkway in Block 2 of Gast  
12 Place, a subdivision recorded in Plat Book 19, Page 53 of the St. Louis City  
13 Recorder’s Office, situated in Block 5636 of the City of St. Louis, Missouri and  
14 being more particularly described as follows:

15  
16 Beginning at rebar set in concrete found at the intersection of the east  
17 line of Gast Place with the south line of the east and west eight foot  
18 wide walkway in Block 2 of “Gast Place”, a subdivision recorded in  
19 Plat Book 19, Page 53 of the St. Louis City Recorder’s Office,  
20 situated in Block 5636 of the city of St. Louis, Missouri; thence north  
21 08 degrees 06 minutes 54 seconds east, 8.00 feet along the east line of  
22 said Gast Place to the north line of said east and west eight foot wide  
23 walkway; thence south 82 degrees 47 minutes 06 seconds east,  
24 189.86 feet along the north line of said east and west eight foot wide  
25 walkway to the west line of an alley, 20 feet wide, in said Block 2;  
26 thence south 07 degrees 26 minutes 11 seconds west, 8.00 feet along  
27 the west line of said alley to the south line of said east and west eight  
28 foot wide walkway; thence north 82 degrees 47 minutes 06 seconds  
29 west, 189.95 feet along the south line of said east and west eight foot  
30 wide walkway to the Point of Beginning, and containing 1,519 square  
31 feet, or 0.035 acres.

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

34 **SECTION TWO:** Petitioners are David & Olivia College and Janet & Ronald Packman.

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1 Vacated area will be used to increase security to abutting properties.

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

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