

BOARD BILL NO. 257 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and
2 sub-surface rights for vehicle, equestrian and pedestrian travel in a portion of the 15 foot wide north-
3 south alley beginning approximately 66 feet south of Mullanphy and extending southwardly
4 approximately 149.50 feet in City Block 606 bounded by Mullanphy, Broadway, Cass and Seventh
5 in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and
6 in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such
7 vacation.

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

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

11
12 A tract of land being part of a 15 foot wide alley within City Block 606, City of St.
13 Louis, Missouri and being more particularly described as follows:

14
15 Commencing at the intersection point of the north line of Cass
16 Avenue with the eastern line of Missouri interstate Highway 70, said
17 point being the southwest corner of property conveyed to BDS &
18 Company, Inc. as parcel 2 by deed recorded in Book M1361 Page 4
19 of the St. Louis City Records; thence along said north line of Cass
20 Avenue south 73 degrees 18 minutes 02 seconds east 34.33 feet to a
21 point on the east line of a 20.00 foot wide alley; thence along said east
22 line of 20.00 foot wide alley north 06 degrees 07 minutes 50 seconds
23 east 205.25 feet to a point; thence south 85 degrees 10 minutes 31
24 seconds west 2.55 feet to a point on the east line of a 15.00 foot wide
25 alley; thence along said east line of a 15.00 foot wide alley, north 06
26 degrees 07 minutes 26 seconds east 77.41 feet to the actual point of
27 beginning of the tract herein described; thence leaving said east line
28 of a 15.00 foot wide alley, south 85 degrees 10 minutes 31 seconds
29 west 15.28 feet to a point in the west line of said 15 foot wide alley;
30 thence along said west line, north 06 degrees 07 minutes 26 seconds
31 east 149.44 feet; thence leaving said west line, north 84 degrees 38
32 minutes 56 seconds east 15.31 feet to a point in the aforesaid east
33 line of a 15.00 foot wide alley; thence along said east line, south 06
34 degrees 07 minutes 26 seconds west 149.58 feet to the point of

Date: October 31, 2008

Page 1 of 3

Board Bill #257

Sponsor: Alderwoman Phyllis Young

1 beginning and containing 2.243 square feet.

2
3 are, upon the conditions hereinafter set out, vacated.
4

5 **SECTION TWO:** BDS & Company will use vacated area to increase security.

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

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

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

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

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

Date: October 31, 2008

Page 2 of 3

Board Bill #257

Sponsor: Alderwoman Phyllis Young

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 affected 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 one year (365 days) 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.

Date: October 31, 2008

Page 3 of 3

Board Bill #257

Sponsor: Alderwoman Phyllis Young