

BOARD BILL NO. 262 INTRODUCED BY: ALDERMAN MICHAEL MCMILLAN

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for
2 vehicle, equestrian and pedestrian travel in the 15 foot wide north/south alley and the westernmost
3 120.75' of the 15 foot wide east/west alley in City Block 1859 in the City of St. Louis, Missouri, as
4 hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of
5 Article XXI of the Charter and imposing certain conditions on such 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 15 foot wide alley being part of Block 6 of D.D. Page's western addition in City
11 Block 1859, St. Louis, Missouri, and being more particularly described as follows:

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13 Commencing at the intersection of the east line of Grand Avenue (80
14 feet wide) and the south line of Cozens Avenue (40 feet wide); thence
15 along said south line of Cozens Avenue south 61 degrees 00 minutes
16 23 seconds east 120.17 feet to the west line of a 15 foot wide alley
17 being the point of beginning; thence continuing along said south line,
18 south 61 degrees 00 minutes 23 seconds east 15.06 feet to a point in
19 the west line of said alley; thence leaving said south line and along
20 said west line, south 23 degrees 54 minutes 00 seconds west 114.08
21 feet to a point; thence along the north line of a 15 foot wide alley,
22 south 61 degrees 00 minutes 42 seconds east 221.58 feet; thence
23 leaving said north line south 28 degrees 59 minutes 18 seconds west
24 15.00 feet to a point in the south line of said alley; thence along said
25 south line, north 61 degrees 00 minutes 42 seconds west 120.09 feet
26 to a point in the east line of a 15 foot wide alley; thence along said
27 east line, south 23 degrees 54 minutes 00 seconds west 114.08 feet to
28 a point in the north line of Cozens Avenue (80 feet wide); thence
29 along said north line, north 61 degrees 01 minutes 02 seconds west
30 15.06 feet to a point in the west line of said alley; thence along said
31 west line, north 23 degrees 54 minutes 00 seconds east 243.22 feet to
32 the point of beginning.

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

35
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1 **SECTION TWO:** Page Partners III, LLC will construct a Walgreens in the vacated areas.
2 There are no plans to construct a new alley or cul-de-sac for the remaining east/west alley.

3 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by
4 the foregoing conditionally vacated alleys, 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 alleys 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 effected 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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