

**BOARD BILL 320**

**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 easternmost  
3 106.45' ± 1.7' of the 15 foot wide east/west alley in City Block 5434 as bounded by Riverview,  
4 Newby, Canaan and Edna in the City of St. Louis, Missouri, as hereinafter described, in accordance  
5 with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing  
6 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 A tract of land being the eastern 106.45 feet ± 1.7 feet of the east and west alley  
11 situated in Block 5434 of the City of St. Louis, Missouri; and being more particularly  
12 described as follows:  
13

14  
15 Beginning at an iron pipe found at the intersection of the west line of  
16 Newby Street, 50 feet wide, with the south line of the east and west  
17 alley, 15 feet wide, in Block 5 of "Hornsby Heights First Addition", a  
18 subdivision recorded in Plat Book 17, Page 114 of the St. Louis City  
19 Recorder's Office; thence south 84 degrees 47 minutes 53 seconds  
20 west, 104.74 feet along the south line of said east and west alley to a  
21 point, from said point a railroad spike bears south 84 degrees 47  
22 minutes 53 seconds west, 26.01 feet, said railroad spike being set at  
23 the intersection of the south line of said east and west alley with the  
24 east line of the north and south alley in said Block: Thence north 05  
25 degrees 12 minutes 07 seconds west, 15.00 feet to a point in the  
26 northern line of said east and west alley, from said point a rebar bears  
27 south 84 degrees 47 minutes 53 seconds west, 22.60 feet; thence  
28 north 84 degrees 47 minutes 53 seconds east, 108.15 feet along the  
29 northern line of said east and west alley to a cross set on the west line  
30 of said Newby Street; thence south 07 degrees 35 minutes 38 seconds  
31 west, 15.38 feet along the west line of said Newby Street to the Point  
32 of Beginning, and containing 1,597 square feet , or 0.037 acres.  
33

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

35 **SECTION TWO:** Petitioned by Olinda Sisson and Dan Baker. Vacated area will be used

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1 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 alley, 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 alley provided however, all utilities within the rights-of-way  
8 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

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

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

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

24           **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within

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1 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
2 have curbing cobblestones returned to the Department of Streets in good condition.

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

- 9 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
10 Water facilities, if any.
- 11 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
12 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
13 be returned.
- 14 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments  
15 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as  
16 specified in Sections Two and Eight of the Ordinance.

17 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
18 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
19 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
20 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
21 within the prescribed time the ordinance will be null and void.