

**BOARD BILL NO. 329 INTRODUCED BY: ALDERMAN LEWIS REED**

1 An ordinance recommended by the Board of Public Service to vacate public surface rights for  
2 vehicle, equestrian and pedestrian travel in the eastern 188 feet of the 20 foot wide east/west alley in  
3 City Block 940 as bounded by Martin Luther King Dr, 20<sup>th</sup> St., Delmar Blvd., and 21<sup>st</sup> Street 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 public surface rights of vehicle, equestrian and pedestrian travel,  
9 between the rights-of-way of:

10  
11 A tract of land being part of a 20.00 foot wide alley located between 20<sup>th</sup> Street and  
12 21<sup>st</sup> Street located in Block 940 of the City of St. Louis and being more particularly  
13 described as follows:

14  
15 Beginning at the intersection of the west line of 20<sup>th</sup> (60.00 feet wide)  
16 Street and the south line of said alley; thence north 74 degrees 53  
17 minutes 28 seconds west for a distance of 188.00 feet to a point;  
18 thence leaving said south line north 15 degrees 09 minutes 27  
19 seconds east for a distance of 20.00 feet to the north line of said alley;  
20 thence south 74 degrees 53 minutes 28 seconds east for a distance of  
21 188.00 feet to the west line of said 20<sup>th</sup> Street; thence south 15  
22 degrees 09 minutes 27 seconds west for a distance of 20.00 feet to the  
23 point of beginning and encompass an area of 3,760 square feet.

24  
25 are, upon the conditions hereinafter set out, vacated.  
26

27 **SECTION TWO:** The petitioners are Delmar Acquisition, LLC and St. Louis Gateway  
28 Classic Sports Foundation. The proposed use of the vacated area will be to consolidate property to  
29 construct a parking lot.

30 **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
31 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public

1 including present and future uses of utilities, governmental service entities and franchise holders,  
2 except such rights as are specifically abandoned or released herein.

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

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

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

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

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

24 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty

Date: December 15, 2006

Page 2 of 3

Board Bill # 329

Sponsor: Alderman Lewis Reed

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

6 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
7 Water facilities, if any.

8 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
9 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
10 be returned.

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

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