

BOARD BILL NO. 362 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 westernmost 200.12 feet of the 15 foot wide east/west
3 alley in City Block 931 as bounded by Delmar, Jefferson, Samuel Shepard and Beaumont in the City
4 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 A tract of land located in block 2 of Adam L. Mills Addition, also known as City
11 Block 931 in the City of St. Louis and State of Missouri, being that part of an alley,
12 fifteen (15) feet wide, in said Block adjoining Lots 35 through 42, more particularly
13 described as follows:
14

15
16 Commencing at the intersection of the east line of Beaumont Avenue
17 and the south line of Delmar Boulevard, being also the northwest
18 corner of Lot 38 of said subdivision; thence south 14 degrees 53
19 minutes 53 seconds west a distance of 113.67 feet to the intersection
20 of said east line of Beaumont Avenue and the north line of said alley,
21 being also the southwest corner of said Lot 38, the TRUE POINT OF
22 BEGINNING of the herein described tract; thence along the north
23 line of said alley, being also the south line of Lots 38, 37, 36 and 35,
24 south 73 degrees 05 minutes 05 seconds east, a distance of 200.12
25 feet to the southeast corner of said Lot 35; thence departing said north
26 line of the alley, south 16 degrees 54 minutes 55 seconds west, a
27 distance of 7.50 feet to a set 5/8 inch rebar; thence south 73 degrees
28 05 minutes 05 seconds east, a distance of 0.53 feet to a set 5/8 inch
29 rebar; thence south 16 degrees 54 minutes 55 seconds west, a
30 distance of 7.50 feet to the south line of said alley at the northeast
31 corner of said Lot 42 of said subdivision; thence along said south line
32 of the alley, being also the north line of Lots 42, 41, 40 and 39, north
33 73 degrees 05 minutes 05 seconds west, a distance of 200.12 feet to
34 the intersection of said south line and said east line of Beaumont
35 Avenue; thence along said east line of Beaumont Avenue, north 14

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1 degrees 53 minutes 53 seconds east, a distance of 15.01 feet, to the
2 point of beginning, containing 3000 square feet, more or less,
3 according to survey filed with the Missouri Department of Natural
4 Resources as document #750-27156.
5

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

7 **SECTION TWO:** The Missouri Department of Natural Resources proposes to use the
8 vacated area to consolidate property for the Scott Joplin House State Historic Site. A new
9 north/south alley will be constructed as approved by the Board of Public Service. Construction
10 documents must be submitted to the Board of Public Service within 365 days of the ordinance being
11 signed. Once construction is completed, petitioner will submit request to the Board of Public
12 Service to dedicate same. Dedication must be recorded prior to Affidavit being submitted as
13 instructed in Sections 9 and 10 of this ordinance.

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

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

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

26 **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)
27 vacated without: 1) lawful permit from the Building Division or Authorized City agency as

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1 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental
2 service entities and franchise holders, present or future. The written consent with the terms and
3 conditions thereof shall be filed in writing with the Board of Public Service by each of the above
4 agencies as needed and approved by such Board prior to construction.

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

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

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

- 18 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of
19 Water facilities, if any.
- 20 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of
21 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must
22 be returned.
- 23 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments
24 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as

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1 specified in Sections Two and Eight of the Ordinance.

2 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director
3 of Streets for review of compliance with conditions 730 days (2 years) from the date of the signing
4 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit
5 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted
6 within the prescribed time the ordinance will be null and void.

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