

**BOARD BILL 135CS**

**INTRODUCED BY: ALDERWOMAN SHARON TYUS**

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 southernmost 168.50 ±  
3 1.0 feet of the 15 foot wide north/south alley in City Block 5090 as bounded by Lillian, Geraldine,  
4 Bircher and Union in the City of St. Louis, Missouri, as hereinafter described, in accordance with  
5 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 portion of a 15 foot wide alley in Block 11 of Harney Heights Sbudivision , a  
11 subdivision recorded in Plat Book 15, Page 110, City of St. Louis Records, and being  
12 in City Block 5090, City of St. Louis, Missouri, and being more particularly  
13 described as follows:

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15  
16 Beginning at a iron rod set at the intersection of the northwesterly  
17 line of Lot 14 of said Block 11 and the Northeasterly line of Bircher  
18 Boulevard; thence along said Northeasterly line North 35 degrees 15  
19 minutes 26 seconds West 7.50 feet; thence continuing along said  
20 Northeasterly line North 54 degrees 44 minutes 34 seconds East 2.00  
21 feet; thence continuing along said Northeasterly line North 35  
22 degrees 15 minutes 26 seconds West 7.50 feet to the Southeasterly  
23 line of Lot 28 of said Block 11 thence along the Southeasterly line of  
24 Lots 28, 29, 30 and part of Lot 31, North 54 degrees 44minutes 34  
25 seconds East 167.50 feet; thence defining the Northeasterly line of  
26 the portion of the alley to be vacated South 35 degrees 15 minutes 26  
27 seconds East 15.00 feet to the Northwesterly line of Lot 11 of said  
28 Block 11; thence along the Northwesterly line of Lots 11, 12, 13 and  
29 14 of said Block 11, South 54 degrees 44 minutes 34 seconds West  
30 169.50 feet to the Point of Beginning of this description and  
31 containing 2,527 square feet (0.058 acres), more or less. Subject to  
32 all easements, conditions and restrictions of record, if any.

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

35 **SECTION TWO:** Union & 70 LIC proposes to use vacated area to consolidate property for

Date: August 27, 2015

Page 1 of 3

Board Bill #135CS

Sponsor: Alderwoman Sharon Tyus

1 commercial development. A cross access easement is proposed to allow for continued ingress/egress  
2 from remainder of alley.

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

Date: August 27, 2015

Page 2 of 3

Board Bill #135CS

Sponsor: Alderwoman Sharon Tyus

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 affected 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.

Date: August 27, 2015

Page 3 of 3

Board Bill #135CS

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